ACTS
OF
THE LEGISLATURE
OF
WEST VIRGINIA

REGULAR SESSION 1919

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

REGULAR SESSION 1919

SENATE

President—Dr. C. A. Sinsel, Grafton.
Clerk—John T. Harris, Parkersburg.
Chief Assistant—Homer Gray, Wheeling.
Sergeant-at-Arms—Bonner Hill, Charleston.
Door-keeper—Jack Smith, Huntington.

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<td>Third</td>
<td>M. K. Duty, (R.)</td>
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<td>Fourth</td>
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<td>Williamsport</td>
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<td>Joseph M. Sanders, (R.)</td>
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<td>A. R. Montgomery, (R.)</td>
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<td>G. K. Coban, (R.)</td>
<td>Beckhannon</td>
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<td>Milton Burr, (D.)</td>
<td>Elkins</td>
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(R) .......... Republicans.
(D) .......... Democrats.
(*) .......... Holdover Senators.

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Democrat .......... 7
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PRIVILEGES AND ELECTIONS.

JUDICIARY.

FINANCE.

EDUCATION.

COUNTIES AND MUNICIPAL CORPORATIONS.

ROADS AND NAVIGATION.

BANKS AND CORPORATIONS.
PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.


PENITENTIARY.


RAILROADS.


MILITIA.


FEDERAL RELATIONS.


INSURANCE.


IMMIGRATION AND AGRICULTURE.


MINES AND MINING.


MEDICINE AND SANITATION.

STANDING COMMITTEES OF SENATE

LABOR.


CLAIMS AND GRIEVANCES.


FORFEITED AND UNAPPROPRIATED LANDS.


PUBLIC PRINTING.


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

PUBLIC LIBRARY.


TO EXAMINE THE CLERK'S OFFICE.


PROHIBITION AND TEMPERANCE.


FORESTRY AND CONSERVATION.

VIRGINIA DEBT.


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

## Members of House of Delegates

### House of Delegates

- **Speaker:** J. L. Wolfe, Ripley.
- **Clark:** C. L. Toppin, Charleston
- **Desk Clerk:** M. J. Malamphy, Jr., Morgantown.
- **Assistant Desk Clerk:** J. C. Hamilton, Fayetteville.
- **Bill Editor:** G. A. Bolen, Charleston.
- **Sergeant-at-Arms:** W. H. C. Curtis, Wheeling.
- **Door-Keeper:** J. S. Shriver.

### Postoffice:

- Junior
- Martinsburg
- Martinsburg
- Escrow
- Burnsville
- Frametown
- Weilburg
- Huntington
- Huntington
- Leage
- Guyandotte
- Clay
- Kimberly
- Quinimont
- Edmond
- Thurmond
- Glenville
- Petersburg
- Ronceverte
- Alderson
- Romney
- Holiday's Cove
- Moorefield
- Lumberport
- Mt. Clare
- Clarksburg
- West Milford
- Ravenswood
- Ripley
- Kabletown
- Charleston
- Charleston
- Charleston
- Charleston
- East Bank
- Jane Lew
- Hamlin
- Logan
- Fairmont
- Fairmont
- Manning
- Moundville
- Moundville
- Beech Hill
- Millwood
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<td>William S. John, (R.)</td>
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<td>W. L. McPherson, (R.)</td>
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<td>J. J. Swisher, (R.)</td>
<td>Parkersburg</td>
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(R) ........ Republicans.
(D) ........ Democrats.

Republicans .................................. 70
Democrats .................................. 24
Standing Committees of the House of Delegates

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

JUDICIARY.

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

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

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

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

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

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

FORFEITED AND UNAPPROPRIATED LANDS.

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

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

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FORESTRY AND CONSERVATION.

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

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Messrs. Grove (Chairman), McPherson, Cunningham, Shaw, Taylor, McClaren, John, Byrnes, McClintic, Williams, Cuppett, Lantz, Miller, Rouss and Thomas.
STANDING COMMITTEES OF HOUSE OF DELEGATES

PENITENTIARY.

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

MINES AND MINING.

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

IMMIGRATION AND AGRICULTURE.

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

STATE BOUNDARIES.

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

RAILROADS.

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

LABOR.

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

MEDICINE AND SANITATION.

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

GAME AND FISH.

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

INSURANCE.

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

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

Joint Committee on Passed Bills on Part of the House.

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

Chapter 2, (Senate Bill No. 45.)

Section 33, line 13—After the word "out," insert the word "of."
Section 42, lines 5 and 6—Strike out the whole sentence.
Section 46, line 6—Between lines 6 and 8, supply line 7 as follows: "and may prosecute and maintain any and all suits and proceedings."
Section 49, line 14—After the word "proceedings," strike out the "," (comma).
Section 52, between lines 1 and 3 supply line 2 as follows: "casion shall in all cases require persons entering into contract for."
Section 54, line 11—In the word "addition," strike out final "s."
Section 56—Invert line 54.
Section 65, line 8—To the word "furnish," add "ed."
Section 66, line 45—In the word "papy," strike out the second letter "p."
Section 67, line 8—In the word "established," strike out the syllable "ed."
Line 19—In the word "districts," strike out the final "s."
Section 104, line 15—To the word "subject," add "s."

Line 37—Strike out the word "twenty-four," and insert the word "twenty-six."
Line 41—Strike out the word "twenty-four," and insert the word "twenty-six."
Line 41—Strike out the word "twenty-six," and insert the word "twenty-eight."
Section 150, line 1—Strike out the word "the."
Section 154, line 23—After the word "same," connect up the words "by law," found under next section.
Section 156—Correct spelling of the word "course" in caption.
Section 162—Correct spelling of the word "data," in caption.
Section 173, line 1—After the word "to," insert the word "be."
Section 174—Correct spelling of the word "data," in caption.
Section 186, line 10—Correct spelling of the word "ninety."

Section 50, line 35—The word "fifty" should read "forty-nine."
Section 57, line 5—The word "fifty-six" should read "fifty-five."
Section 67, line 9—The word "fifty-nine" should read "fifty-one."
Section 74, line 4—The word "seventy-four" should read "seventy-two."
Section 78, line 15—The word "eighty-seven" should read "eighty-four."
Section 79, line 11—The word "eighty-seven" should read "eighty-four:" and the same in lines 31-32.
Section 86, line 11—The word "fifty-eight" should read "fifty-seven."
Section 128, line 11—The word "twenty-five" should read "twenty-two."
Section 182, line 4—The word "sixty-three" should read "sixty."
Section 183, line 4—The word "sixty-three" should read "sixty."
Section 168—In lines 6, 7 and 12, the word "sixty-three" in each case should read "sixty."
Section 186, lines 10 and 11—The word "ninety-three" should read "ninety."
Section 189, line 20—The word "ninety-three" should read "ninety."
Section 191, line 3—The word "ninety" should read "eighty-seven."
Line 6—The word "ninety-two" should read "eighty-nine."
Line 7—The word "ninety-three" should read "ninety."
Section 193, line 2—The word "ninety" should read "eighty-seven."
Line 10—The word "ninety-five" should read "ninety-two."

Note by Clerk:—The foregoing inaccuracies and improper references were in bill (S. B. 45) when passed by the Legislature.

Chapter 25, page 154, "House Bill No. 100," should read: "House Bill No. 110."
Chapter 70, (Senate Bill No. 4)—page 272, author of bill should read Mr. "Harmer" instead of Mr. "Harman."
Chapter 127, (Senate Bill No. 238)—page 457, line 8, "the second day of March following," should read: "the second Monday of March following."
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<td>202</td>
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<td>46. Marion county home for indigent children.</td>
<td>203</td>
</tr>
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2. State board of health authorized to register Dr. U. G. Morton as a physician and surgeon
3. Proposing an amendment to the constitution providing for the holding of legislative conventions
4. Requesting information from the governor concerning matters relative to the Virginia debt
5. Providing for the adoption of the joint rules of the two houses
6. Relating to the establishment of a sanatorium for invalid soldiers at Berkeley Springs
7. Ratifying an amendment to the constitution making provision for a system of state roads and highways
8. Providing for the appointment of a legislative committee in case the state roads and highways amendment prevails at the next general election
9. Approving and endorsing the campaign for funds for relief of Armenian, Syrian, Greek and other war sufferers

#### Senate Concurrent Resolutions

110. Raising a joint committee to inform the governor that the legislature is organized
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3. Calling on the "new Virginia debt commission" to make further report of its negotiations with the Virginia commission
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5. Raising a committee to investigate and report upon the subject of primary election laws
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2. Directing the supreme court of appeals to grant to Boyd Adkins and W. R. Meservie licenses to practice law
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<table>
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<tr>
<th>Chapter</th>
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<td>517</td>
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<td>517</td>
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<td>Providing for the printing and distributing of advance copies of the acts of the legislature, 1919.</td>
<td>519</td>
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<td>Relating to the question of state police.</td>
<td>520</td>
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</table>
LEGISLATURE OF WEST VIRGINIA

ACTS OF 1919

REGULAR SESSION

CHAPTER 1.

(Senate Bill No. 113—"Budget Bill.")

AN ACT making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the Constitution of the State of West Virginia, known as the "Budget Amendment."

[Passed February 21, 1919. In effect from passage.]

Sec. 1. Appropriations to pay general charges upon the treasury.

Sec. 2. For years appropriated and payable.

Sec. 3. Relating to appropriations under subsections "A" and "B"; out of what funds payable.

Sec. 4. Salaries of elective and appointive officials.

Sec. 5. Auditor's office.

Sec. 6. Attorney general's office.

Sec. 7. Governor's office.

Sec. 8. Pardon attorney's office.

Sec. 9. Governor's mansion and grounds.

Sec. 10. Civil contingent fund.

Sec. 11. Treasurer's office.

Sec. 12. Secretary of state's office.

Sec. 13. Department of agriculture.


Sec. 15. Criminal charges.

Sec. 16. Support of lunatics in jail.

Sec. 17. State tax commissioner's office.

Sec. 18. Department of mines.

Sec. 19. Commissioner of banking.

Sec. 20. Bureau of labor and department of weights and measures.

Sec. 21. Department of archives and history.

Sec. 22. State health department.

Sec. 23. Capital building and grounds.

Sec. 24. Labor fund, capital building.

Sec. 25. Printing, binding and stationery.


Sec. 27. Circuit courts.

Sect. "R.

Sec. 28. State board of control.

Sec. 29. Huntington state hospital.

Sec. 30. Spencer state hospital.

Sec. 31. Weston state hospital.

Sec. 31-a. State colored hospital for insane.

Sec. 32. Welch hospital No. 1.

Sec. 33. McKendree hospital No. 2.

Sec. 34. Fairmont hospital No. 3.

Sec. 35. State tuberculosis sanitarium.

Sec. 36. State colored tuberculosis sanitarium.

Sec. 37. West Virginia school for deaf blind.


Sec. 38. West Virginia industrial school for boys.

Sec. 39. West Virginia industrial home for girls.

Sec. 40. West Virginia colored orphan's home.

Sec. 41. West Virginia children's home.

Sec. 42. State geological and economic survey.

Sec. 43. Forestry, game and fish.

Sec. 44. Point Pleasant monument.

Sec. 45. Commissioners of pharmacy.

Sec. 46. Rumseyan society.

Sec. 47. Berkeley Springs board.

Sec. 48. Insurance on public buildings.

Sec. 49. West Virginia university.

Sec. 50. Agriculture experimental station.

Sec. 51. West Virginia trades school—Montgomery.

Sec. 52. Preparatory branch West Virginia university—Keyser.

Sec. 53. Marshall college—Huntington.

Sec. 54. Fairmont state normal school.

Sec. 55. Shepherd College State Normal School.

Sec. 56. West Liberty state normal school.

Sec. 57. Glenville state normal school.

Sec. 58. Concord state normal school.

Sec. 59. West Virginia collegiate institute.

Sec. 60. Bluefield colored institute.

Sec. 61. Storer college—Harpers Ferry.

Sec. 62. West Virginia penitentiary.

Sec. 63. West Virginia humane society.

Sec. 63-a. Demonstration community packing house.

Sec. 64. Wheeling hospital—Wheeling.

Sec. 65. Ohio valley general hospital—Wheeling.

Sec. 66. King's daughters hospital—Martinsburg.

Sec. 66-a. City hospital—Martinsburg.
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 thirty, one thousand nine hundred and twenty, and for the fiscal year ending June thirty, one thousand nine hundred and twenty-one, and for the remainder of the fiscal year ending June thirty, one thousand nine hundred and nineteen, the following sums of money for the following-named purposes:

Sec. 2. The amounts appearing in the column headed “1920” are for the fiscal year ending June thirty, one thousand nine hundred and twenty, and the amounts appearing in the column headed “1921” are for the fiscal year ending June thirty, one thousand nine hundred and twenty-one.

Sec. 3. All appropriations appearing under Sub-sections 2 “A” and “B” are payable out of the general revenue of the State unless otherwise provided herein.
### General Appropriations

#### Sub-Section "A."

**Salaries.**

<table>
<thead>
<tr>
<th>Item</th>
<th>1920</th>
<th>1921</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Salary of the Governor</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of the Auditor</td>
<td>4,500.00</td>
</tr>
<tr>
<td>4</td>
<td>Salary of the Treasurer</td>
<td>3,500.00</td>
</tr>
<tr>
<td>5</td>
<td>Salary of the Attorney General</td>
<td>4,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Salary of the Commissioner of Agriculture</td>
<td>4,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Salary of the Secretary of State</td>
<td>4,000.00</td>
</tr>
<tr>
<td>9</td>
<td>Salary of the State Law Librarian</td>
<td>1,800.00</td>
</tr>
<tr>
<td>10</td>
<td>Salary of the Adjutant General</td>
<td>3,600.00</td>
</tr>
<tr>
<td>11</td>
<td>Salary of the State Tax Commissioner</td>
<td>4,000.00</td>
</tr>
<tr>
<td>12</td>
<td>Salary of the Forest, Game and Fish Warden</td>
<td>1,800.00</td>
</tr>
<tr>
<td>14</td>
<td>Salaries of the members of the Public Service Commission</td>
<td>18,000.00</td>
</tr>
<tr>
<td>16</td>
<td>Salary of the State Compensation Commissioner</td>
<td>6,000.00</td>
</tr>
<tr>
<td>17</td>
<td>Salary of the Chief of the Department of Mines</td>
<td>5,000.00</td>
</tr>
<tr>
<td>20</td>
<td>Salary of the Commissioner of Banking</td>
<td>3,500.00</td>
</tr>
<tr>
<td>21</td>
<td>Salary of the Commissioner of Labor</td>
<td>3,600.00</td>
</tr>
<tr>
<td>22</td>
<td>Salary of the State Historian and Archivist</td>
<td>2,700.00</td>
</tr>
<tr>
<td>24</td>
<td>Salary of the State Commissioner of Health (not to exceed the amount fixed by general law)</td>
<td>4,800.00</td>
</tr>
<tr>
<td>27</td>
<td>Salary of the Janitor</td>
<td>1,800.00</td>
</tr>
<tr>
<td>28</td>
<td>Salary of the Keeper of the Rolls</td>
<td>300.00</td>
</tr>
<tr>
<td>29</td>
<td>Salaries of the three members of the Board of Control</td>
<td>15,000.00</td>
</tr>
<tr>
<td>31</td>
<td>Salaries of the Judges of the Supreme Court of Appeals</td>
<td>40,000.00</td>
</tr>
<tr>
<td>33</td>
<td>Salaries of the Judges of the Circuit Courts</td>
<td>79,200.00</td>
</tr>
</tbody>
</table>

#### The Judiciary.
## EXECUTIVE DEPARTMENT.

**Auditor's Office.**

Sec. 5.—

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salary of the chief clerk</td>
<td>$2,400.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>3 Salary of the stenographer</td>
<td>1,320.00</td>
<td>1,320.00</td>
</tr>
<tr>
<td>4 Salary of the corporation clerk</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>5 Salary of the land clerk</td>
<td>2,000.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>6 Salaries of other clerks</td>
<td>19,000.00</td>
<td>19,000.00</td>
</tr>
<tr>
<td>7 Current and contingent expenses</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>8 Expenses of the Insurance Department</td>
<td>11,000.00</td>
<td>11,000.00</td>
</tr>
<tr>
<td>9 Salary of the assistant to the custodian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 of bonds and other securities of the workmen's compensation fund, the school fund, insurance companies and State depositories, and other expenses in connection with said bonds and securities</td>
<td>$2,400.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>16 For refunding monies 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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 For pay of State agents, such amounts are hereby appropriated as may be necessary to pay commissions of State agents, payable out of the fund collected; *provided, that in no case shall the amount so paid exceed ten per centum of the funds collected and paid into the treasury by any such agent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 For refunding to counties, districts and municipal corporations, county, district and municipal taxes paid into the treasury for the redemption of lands, such amount is hereby appropriated as will be necessary to refund to the counties, districts and municipal corporations entitled thereto the taxes so paid into the treasury</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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.

**Attorney General's Office.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Salary of First Assistant Attorney General</td>
<td>$3,800.00</td>
<td>$3,800.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of Second Assistant Attorney General</td>
<td>3,250.00</td>
<td>3,250.00</td>
</tr>
<tr>
<td>4</td>
<td>Salary of Third Assistant Attorney General</td>
<td>3,250.00</td>
<td>3,250.00</td>
</tr>
<tr>
<td>5</td>
<td>Salary of the reading clerk</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>6</td>
<td>Salary of the printing clerk</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>7</td>
<td>Salary of the chief stenographer, bookkeeper and file clerk</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>8</td>
<td>Salaries of two stenographers</td>
<td>2,400.00</td>
<td>2,400.00</td>
</tr>
<tr>
<td>9</td>
<td>Current, contingent and traveling expenses</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
</tbody>
</table>

**Governor's Office.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Salary of private secretary to the Governor</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Salaries of stenographers and clerks</td>
<td>3,500.00</td>
<td>3,500.00</td>
</tr>
</tbody>
</table>

**Pardon Attorney's Office.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Salary of the Pardon Attorney</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of the stenographer</td>
<td>1,200.00</td>
<td>1,200.00</td>
</tr>
<tr>
<td>4</td>
<td>Current and contingent expenses</td>
<td>300.00</td>
<td>300.00</td>
</tr>
</tbody>
</table>
### Governor's Mansion and Grounds.

**Sec. 9.—**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</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>1,380.00</td>
<td>1,380.00</td>
</tr>
<tr>
<td>Repairs and improvements</td>
<td>1,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Furniture, furnishings and other supplies</td>
<td>1,000.00</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

### Civil Contingent Fund.

**Sec. 10.—**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

### Treasurer’s Office.

**Sec. 11.—**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries of clerks, bookkeepers, stenographers and other employees</td>
<td>$12,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Current, contingent and traveling expenses, office equipment and machines</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
</tbody>
</table>

### Secretary of State’s Office.

**Sec. 12.—**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenses of Secretary of State’s office, including compensation of clerks, stenographers and other expenses</td>
<td>$17,000.00</td>
<td>$17,000.00</td>
</tr>
<tr>
<td>Cost of distribution of acts and journals</td>
<td>500.00</td>
<td></td>
</tr>
</tbody>
</table>

### Department of Agriculture.

**Sec. 13.—**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of the Chief of the Bureau of Markets</td>
<td>$2,400.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>Salary of clerks and stenographers</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Traveling expenses of the Commissioner</td>
<td>1,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Traveling expenses of Chief of the Bureau of Markets</td>
<td>1,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Current and contingent expenses</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>
9 For carrying out the provisions of chapter 13, acts of the regular session of the legislature of 1915, relating to diseased animals; for enforcement of Sire registration law; for the promotion of poultry industry and investigating and developing live-stock industry 
17 For enforcement of crop pest law and developing farm, horticultural and trucking industries 
20 For other expenses of the Department of Agriculture, including the enforcement of the pure-seed law and employment of special agents 

**State Law Library.**

Sec. 14.—
2 Current and contingent expenses and clerk hire 
4 Purchase and binding books for the State Law Library (Charleston) 

**Criminal Charges.**

Sec. 15.—
2 To pay criminal charges 
3 For transportation of prisoners and extradition of criminals 
5 For extradition of fugitives 

**Support of Lunatics in Jail.**

Sec. 16.—
2 To pay for support of lunatics in jails 

**State Tax Commissioner’s Office.**

Sec. 17.—
2 Salary of assistant to the State Tax Commissioner 
4 Expenses of the State Tax Commissioner’s office, including compensation of assistants, stenographers and other expenses 

25,000.00  25,000.00

20,000.00  20,000.00

2,400.00  2,250.00

2,500.00  2,500.00

$50,000.00 $50,000.00

3,500.00  3,500.00

3,000.00  3,000.00

$2,000.00 $2,000.00

$3,000.00 $3,000.00

25,000.00  25,000.00
8 Salary of chief clerk in excise tax department ........................................ 3,000.00 3,000.00
9 Expenses of excise tax department, including compensation of assistants and stenographers, filing cases and other expenses .......................... 10,000.00 10,000.00
10 Expenses of office of commissioner of prohibition, including compensation of deputies, assistants, clerks, stenographers and other expenses .......................... 40,000.00 40,000.00
11 Salary of chief accountant ................................................................. 5,000.00 5,000.00
12 Expenses of auditing State departments and compiling financial reports .... 9,000.00 9,000.00
13 Expenses of uniform system of accounting, including compensation of assistants, stenographers, and other expenses ........................................ 7,000.00 7,000.00
14 For services and traveling expenses of deputies to make examinations of the books, records and papers of corporations delinquent in filing of special excise tax returns; to assess and collect the excise tax due the State from delinquent corporations and to do such other things as will insure effectiveness of provisions of law with respect to the filing of said returns and the payment of said tax ........................................ 7,500.00 7,500.00

**Department of Mines.**

Sec. 18.—
2 Salaries of nineteen mine inspectors .................................................. 57,000.00 57,000.00
3 Salary of the chief clerk ................................................................. 2,400.00 2,400.00
4 Salary of statistical clerk ..................................................................... 1,500.00 1,500.00
5 Salaries of three stenographers ............................................................ 3,900.00 3,900.00
6 Traveling expenses of chief and district inspectors .................................. 18,000.00 18,000.00
7 Current and contingent expenses .......................................................... 2,500.00 2,500.00
8 Salary of inspector of sand and limestone mines ..................................... 2,100.00 2,100.00
9 Traveling expenses of inspector of sand and limestone mines, etc. .............. 1,000.00 1,000.00
### General Appropriations.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>For the purchase of mine rescue equipment and the establishment of rescue stations</td>
<td>14,000.00</td>
</tr>
<tr>
<td>14</td>
<td>Salary of director of rescue work</td>
<td>2,400.00</td>
</tr>
<tr>
<td>15</td>
<td>Traveling expenses of director and expenses of maintaining and operating rescue stations</td>
<td>5,300.00</td>
</tr>
</tbody>
</table>

#### Commissioner of Banking.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Salaries of three assistants to Commissioner of Banking</td>
<td>$7,500.00</td>
</tr>
<tr>
<td></td>
<td>Traveling expenses of the Commissioner and assistants</td>
<td>4,000.00</td>
</tr>
<tr>
<td></td>
<td>Current and contingent expenses</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Salaries of stenographers and clerks</td>
<td>1,800.00</td>
</tr>
</tbody>
</table>

#### Bureau of Labor and Department of Weights and Measures.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Salaries of four factory inspectors</td>
<td>$7,200.00</td>
</tr>
<tr>
<td></td>
<td>Salary of chief clerk</td>
<td>2,400.00</td>
</tr>
<tr>
<td></td>
<td>Salary of assistant clerk and stenographer</td>
<td>1,800.00</td>
</tr>
<tr>
<td></td>
<td>Salary of statistical clerk</td>
<td>1,200.00</td>
</tr>
<tr>
<td></td>
<td>Current and contingent expenses of the Department of Weights and Measures</td>
<td>3,000.00</td>
</tr>
<tr>
<td></td>
<td>Current and contingent expenses of the Bureau of Labor</td>
<td>2,500.00</td>
</tr>
<tr>
<td></td>
<td>Traveling expenses of the Commissioner of Labor and factory inspectors</td>
<td>7,500.00</td>
</tr>
<tr>
<td></td>
<td>Salaries of inspectors of weights and measures</td>
<td>3,600.00</td>
</tr>
<tr>
<td></td>
<td>Traveling expenses of inspectors of weights and measures</td>
<td>3,000.00</td>
</tr>
</tbody>
</table>

#### Department of Archives and History.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Salary of the curator of museum</td>
<td>$1,800.00</td>
</tr>
<tr>
<td></td>
<td>Salary of librarian</td>
<td>1,500.00</td>
</tr>
<tr>
<td></td>
<td>Salary of stenographers</td>
<td>1,200.00</td>
</tr>
<tr>
<td></td>
<td>Salary of chief cataloguer</td>
<td>1,200.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>6</td>
<td>Salary of messenger and janitor</td>
<td>900.00</td>
</tr>
<tr>
<td>7</td>
<td>Current and contingent expenses</td>
<td>1,500.00</td>
</tr>
<tr>
<td>8</td>
<td>Purchase of books, State papers and periodicals</td>
<td>1,000.00</td>
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</tbody>
</table>

**State Health Department.**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Sec. 22.—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Current general expenses</td>
<td>31,460.00</td>
</tr>
<tr>
<td>3</td>
<td>Bureau of venereal diseases</td>
<td>7,000.00</td>
</tr>
<tr>
<td>4</td>
<td>For office rent</td>
<td>1,680.00</td>
</tr>
</tbody>
</table>

**Capitol Buildings and Grounds.**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 23.—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>For water, light, heat and current expenses other than repairs and improvements</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and improvements</td>
<td>5,000.00</td>
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</tbody>
</table>

**Labor Fund Capitol Building.**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 24.—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of chief engineer</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of one night engineer</td>
<td>1,200.00</td>
</tr>
<tr>
<td>4</td>
<td>Salaries of two night watchmen</td>
<td>2,400.00</td>
</tr>
<tr>
<td>5</td>
<td>Salary of one day fireman</td>
<td>1,200.00</td>
</tr>
<tr>
<td>6</td>
<td>Salary of caretaker of public grounds</td>
<td>1,200.00</td>
</tr>
<tr>
<td>7</td>
<td>Salary of janitor and messenger at State Board of Control</td>
<td>1,200.00</td>
</tr>
<tr>
<td>9</td>
<td>Salaries of janitors and cleaners</td>
<td>10,800.00</td>
</tr>
<tr>
<td>10</td>
<td>Salaries of two charwomen</td>
<td>960.00</td>
</tr>
<tr>
<td>11</td>
<td>Salaries of two elevator operators</td>
<td>1,440.00</td>
</tr>
</tbody>
</table>

**Printing, Binding and Stationery.**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 25.—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>For printing, binding, stationery, and storage</td>
<td>$80,000.00</td>
</tr>
</tbody>
</table>

**JUDICIARY DEPARTMENT.**

**Supreme Court of Appeals.**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 26.—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of the clerk</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of the stenographer</td>
<td>1,200.00</td>
</tr>
</tbody>
</table>
### GENERAL APPROPRIATIONS.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Salary of the deputy clerk</td>
<td>2,400.00</td>
<td>2,400.00</td>
</tr>
<tr>
<td>5 Salaries of the law clerks</td>
<td>10,500.00</td>
<td>10,500.00</td>
</tr>
<tr>
<td>6 Salary of court librarian and messenger</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>8 Salary of the crier</td>
<td>800.00</td>
<td>800.00</td>
</tr>
<tr>
<td>9 Mileage of the Supreme Court judges</td>
<td>500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>10 Current and contingent expenses of the Supreme Court and expenses of conducting law examinations other than per diem of members of the examining board</td>
<td>1,250.00</td>
<td>1,250.00</td>
</tr>
<tr>
<td>15 Printing and binding Supreme Court reports</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
</tbody>
</table>

### Circuit Courts.

Sec. 27.—

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Compensation of special judges of the circuit courts</td>
<td>$1,500.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>4 Mileage of the judges of the circuit courts</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
</tbody>
</table>

### General School Fund.

7 To supplement the general school fund for the purpose of paying part of state aid to high schools | 50,000.00 | 50,000.00 |

All appropriations appearing under “Sub-Section ‘B’” are payable only on the requisition and approval of the state board of control.

### EXECUTIVE DEPARTMENT.

#### State Board of Control.

Sec. 28—

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salaries of secretary, buyer, superintendent of construction, bookkeepers and other assistants</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>5 Salaries of seven stenographers</td>
<td>8,400.00</td>
<td>8,400.00</td>
</tr>
<tr>
<td>6 Traveling expenses</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>7 Current and contingent expenses</td>
<td>4,250.00</td>
<td>4,250.00</td>
</tr>
</tbody>
</table>
Huntington State Hospital.

Sec. 29.—

2 Current general expenses ................ $120,000.00 $120,000.00
3 Repairs and improvements ................. 7,500.00 7,500.00
4 Buildings and land ........................ 20,000.00 20,000.00

Spencer State Hospital.

Sec. 30.—

2 Current general expenses ................ $120,000.00 $120,000.00
3 Repairs and improvements ................. 7,500.00 7,500.00

Weston State Hospital.

Sec. 31.—

2 Current general expenses ................ $195,000.00 $195,000.00
3 Repairs and improvements ................. 25,000.00 25,000.00
4 Buildings and land ........................ 6,000.00 6,000.00

State Colored Hospital for the Insane.

Sec. 31-a—

2 Buildings and Land ....................... $75,000.00 $75,000.00
3 Current General Expenses ............... 15,000.00

Welch Hospital No. 1.

Sec. 32.—

2 Current general expenses ................ $42,000.00 $42,000.00
3 Repairs and improvements ................. 5,000.00 5,000.00

McKendree Hospital No. 2.

Sec. 33.—

2 Current general expenses ................ $25,000.00 $25,000.00
3 Repairs and improvements ................. 10,000.00 5,000.00

Fairmont Hospital No. 3.

Sec. 34.—

2 Current general expenses ................ $22,000.00 $22,000.00
3 Repairs and improvements ................. 2,500.00 2,500.00

State Tuberculosis Sanitarium.

Sec. 35.—

2 Current general expenses ................ $85,000.00 $85,000.00
3 Repairs and improvements ................. 15,000.00 15,000.00
4 Buildings and land ....................... 7,500.00 7,500.00
State Colored Tuberculosis Sanitarium.

Sec. 36.—
2 Current general expenses $15,000.00 $18,000.00
3 Repairs and improvements 5,000.00 5,000.00

West Virginia School for Deaf and Blind.

Sec. 37.—
2 Salaries of officers, teachers and em-
3 ployees $40,000.00 $40,000.00
4 Current general expenses 45,000.00 45,000.00
5 Repairs and improvements 7,500.00 7,500.00
6 Buildings and land 30,000.00 30,000.00

Colored Deaf and Blind School.

Sec. 37-a—
2 Buildings and land $15,000.00 $15,000.00
3 Current general expenses $10,000.00

West Virginia Industrial School for Boys.

Sec. 38.—
2 Current general expenses $85,000.00 $85,000.00
3 Repairs and improvements 7,500.00 7,500.00

West Virginia Industrial Home for Girls.

Sec. 39.—
2 Current general expenses $25,000.00 $25,000.00
3 Repairs and improvements 8,000.00 8,000.00

West Virginia Colored Orphans’ Home.

Sec. 40.—
2 Current general expenses $12,500.00 $12,500.00
3 Repairs and improvements 3,500.00 3,500.00
4 Buildings and land 2,500.00 2,500.00

West Virginia Children’s Home.

Sec. 41.—
2 Current general expenses $10,000.00 $10,000.00
3 Repairs and improvements 1,000.00 1,000.00


Sec. 42.—
2 Cooperative topographic mapping... $18,750.00 $18,750.00
3 Publication of detailed report on Nich-
4 olas Co. 5,000.00
5 Publication of detailed reports on Tucker and Mineral counties .......... 5,000.00
6 Field and incidental expenses ........................................ 1,900.00 1,600.00
7 Soil studies .................................................................... 600.00 600.00
8 Stream gauging ................................................................ 500.00 500.00
9 Salaries ........................................................................... 10,250.00 10,250.00

**Forestry, Game and Fish.**

Sec. 43.—
2 Salaries of two chief deputies ........................................ 2,400.00 2,400.00
3 Current and contingent expenses of deputies ..................... 500.00 500.00
5 Mileage and traveling expenses of deputies ....................... 750.00 750.00
7 Current and contingent expenses of Warden ....................... 750.00 750.00
9 Mileage and traveling expenses of Warden ......................... 500.00 500.00

For the protection of forests, and the protection and propagation of fish and game, to be expended by and upon the approval of the forest, game and fish warden in the manner and for the purposes provided by the Acts of 1909, as amended, not to exceed $10,000.00 for the year ending June 30, 1920, and $10,000.00 for the year ending June 30, 1921. Said sums are hereby appropriated out of the "Forest, Game and Fish Protective Fund," which was created by Section 31 of Chapter 60 of the Acts of 1909, and acts amendatory thereof.

**Point Pleasant Monument.**

Sec. 44.—
2 For the improvements and maintenance of Tu-En-Die-Wei Park at Point Pleasant .................................................. $1,000.00 $1,000.00
5 Construction of retaining walls river bank ................................ 1,500.00 1,500.00

**Commissioners of Pharmacy.**

Sec. 45.—
2 For salaries and expenses of board ................................... $2,100.00 $2,100.00

**Rumseyan Society.**

Sec. 46.—
2 For improvements and maintenance
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>of grounds and monument at Shepherdstown.</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

**Berkeley Springs Board.**

Sec. 47.—
2 For current, contingent and traveling expenses of board. $500.00 $500.00

**Insurance on Public Buildings.**

Sec. 48.—
2 To pay for insurance on public buildings. $25,000.00 $25,000.00

**West Virginia University.**

Sec. 49.—
2 Salaries of officers, teachers and employees. $200,000.00 $210,000.00
3 Current general expenses. 80,000.00 80,000.00
4 Repairs and improvements. 40,000.00 25,000.00
6 Agricultural, horticultural and home economic extension work. 60,000.00 65,000.00
8 For expenses of Athletic Board. 5,000.00 5,000.00
9 Mining and industrial extension work. 10,000.00 10,000.00
10 Building and land (Law Building). 62,500.00 62,500.00
11 To purchase for the West Virginia university the I. C. White property at Morgantown. $65,000.00 $65,000.00

**Agricultural Experiment Station.**

Sec. 50.—
2 Current general expenses. $45,000.00 $45,000.00
3 Farm buildings and improvements. 15,000.00 15,000.00
5 For buildings on farm known as the Reyman Farm. 7,500.00 7,500.00

**West Virginia Trades School.—Montgomery.**

Sec. 51.—
2 Salaries of officers, teachers and employees. $10,000.00 $10,000.00
4 Current general expenses. 2,500.00 2,500.00
5 Repairs and improvements. 1,500.00 1,500.00
6 For vocational and physical education. 3,000.00 3,000.00
### Preparatory Branch of the West Virginia University.—Keyser.

<table>
<thead>
<tr>
<th>Section</th>
<th>Item Description</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.1</td>
<td>Salaries of officers, teachers and employees</td>
<td>$12,500.00 $12,500.00</td>
</tr>
<tr>
<td>52.2</td>
<td>Current general expenses</td>
<td>7,500.00 7,500.00</td>
</tr>
<tr>
<td>52.3</td>
<td>Repairs and improvements</td>
<td>5,500.00 5,500.00</td>
</tr>
<tr>
<td>52.4</td>
<td>For land and improvements—vocational and physical education</td>
<td>6,000.00 6,000.00</td>
</tr>
<tr>
<td>52.5</td>
<td>Buildings and land</td>
<td>5,000.00 5,000.00</td>
</tr>
</tbody>
</table>

### Marshall College.

<table>
<thead>
<tr>
<th>Section</th>
<th>Item Description</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>53.1</td>
<td>Salaries of officers, teachers and employees</td>
<td>$65,000.00 $70,000.00</td>
</tr>
<tr>
<td>53.2</td>
<td>Current general expenses</td>
<td>12,500.00 12,500.00</td>
</tr>
<tr>
<td>53.3</td>
<td>Repairs and improvements</td>
<td>10,000.00 10,000.00</td>
</tr>
<tr>
<td>53.4</td>
<td>Buildings and land</td>
<td>48,000.00 40,000.00</td>
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</table>

### Fairmont State Normal School.

<table>
<thead>
<tr>
<th>Section</th>
<th>Item Description</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>54.1</td>
<td>Salaries of officers, teachers and employees</td>
<td>$40,000.00 $40,000.00</td>
</tr>
<tr>
<td>54.2</td>
<td>Current general expenses</td>
<td>10,000.00 10,000.00</td>
</tr>
<tr>
<td>54.3</td>
<td>Repairs and improvements</td>
<td>10,000.00 10,000.00</td>
</tr>
<tr>
<td>54.4</td>
<td>Buildings and land</td>
<td>37,500.00 37,500.00</td>
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</table>

### Shepherd College State Normal School.

<table>
<thead>
<tr>
<th>Section</th>
<th>Item Description</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>55.1</td>
<td>Salaries of officers, teachers and employees</td>
<td>$20,000.00 $20,000.00</td>
</tr>
<tr>
<td>55.2</td>
<td>Current general expenses</td>
<td>6,000.00 6,000.00</td>
</tr>
<tr>
<td>55.3</td>
<td>Repairs and improvements</td>
<td>3,000.00 2,000.00</td>
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</tbody>
</table>

### West Liberty State Normal School.

<table>
<thead>
<tr>
<th>Section</th>
<th>Item Description</th>
<th>Amounts</th>
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</thead>
<tbody>
<tr>
<td>56.1</td>
<td>Salaries of officers, teachers and employees</td>
<td>$16,000.00 $16,000.00</td>
</tr>
<tr>
<td>56.2</td>
<td>Current general expenses</td>
<td>5,000.00 5,000.00</td>
</tr>
<tr>
<td>56.3</td>
<td>Repairs and improvements</td>
<td>3,500.00 3,500.00</td>
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</table>

### Glenville State Normal School.

<table>
<thead>
<tr>
<th>Section</th>
<th>Item Description</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>57.1</td>
<td>Salaries of officers, teachers and employees</td>
<td>$21,000.00 $22,000.00</td>
</tr>
</tbody>
</table>
### General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Current general expenses</td>
<td>5,000.00</td>
</tr>
<tr>
<td>5 Repairs and improvements</td>
<td>3,000.00</td>
</tr>
<tr>
<td>6 Buildings and land</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

**Concord State Normal School.**

Sec. 58.-

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salaries of officers, teachers and employees</td>
<td>24,000.00</td>
</tr>
<tr>
<td>4 Current general expenses</td>
<td>6,000.00</td>
</tr>
<tr>
<td>5 Repairs and improvements</td>
<td>5,000.00</td>
</tr>
<tr>
<td>6 Buildings and land</td>
<td>30,000.00</td>
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</tbody>
</table>

**West Virginia Collegiate Institute.**

Sec. 59.-

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salaries of officers, teachers and employees</td>
<td>32,000.00</td>
</tr>
<tr>
<td>4 Current general expenses</td>
<td>14,000.00</td>
</tr>
<tr>
<td>5 Repairs and improvements</td>
<td>12,000.00</td>
</tr>
<tr>
<td>6 Buildings and land</td>
<td>15,000.00</td>
</tr>
</tbody>
</table>

**Bluefield Colored Institute.**

Sec. 60.-

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salaries of officers, teachers and employees</td>
<td>$17,000.00</td>
</tr>
<tr>
<td>4 Current general expenses</td>
<td>4,000.00</td>
</tr>
<tr>
<td>5 Repairs and improvements</td>
<td>5,000.00</td>
</tr>
<tr>
<td>6 Buildings and land</td>
<td>7,500.00</td>
</tr>
</tbody>
</table>

**Storer College.**

Sec. 61.-

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salaries of teachers</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>3 For industrial department</td>
<td>1,500.00</td>
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</tbody>
</table>

**West Virginia Penitentiary.**

Sec. 62.-

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 For emergency current general expenses</td>
<td>$40,000.00</td>
</tr>
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</table>

**West Virginia Humane Society.**

Sec. 63.-

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salaries, traveling expenses, current and contingent expenses</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>
Demonstration Community Packing House.

Sec. 63-a—
2 Buildings, land and equipment........ $25,000.00 $25,000.00
3 Current and general expense........... $4,000.00

Wheeling Hospital—Wheeling.

Sec. 64.—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control............ $10,000.00 $10,000.00

Ohio Valley General Hospital—Wheeling.

Sec. 65.—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control............ $10,000.00 $10,000.00

King’s Daughters Hospital—Martinsburg.

Sec. 66.—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control............ $5,000.00 $5,000.00

City Hospital—Martinsburg.

Sec. 66-a—
2 For treatment of laborers and others
3 who may become public charge, said
4 said amount to be paid upon approval of
5 the state board of control............ $5,000.00 $5,000.00

Barnett Hospital—Huntington.

Sec. 67.—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control............ $1,250.00 $1,250.00
St. Joseph’s Hospital—Parkersburg.

Sec. 68.—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control........... 2,500.00 2,500.00

City Hospital—Parkersburg.
6-a For the treatment of laborers and
7 others who may become public charge,
8 said amount to be paid upon approval
9 of the state board of control........... 2,500.00 2,500.00

Glendale Hospital—Moundsville.

Sec. 69.—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control........... $5,000.00 $5,000.00

Florence Crittenden Home—Wheeling.

Sec. 70.—
2 For Florence Crittenden Home at
3 Wheeling............................. 2,500.00 2,500.00

Harrison Hospital—Kimball.

Sec. 70-a.—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control........... $1,250.00 $1,250.00

Mercer Sanitarium—Bluefield.

Sec. 70-b.—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control........... $1,250.00 $1,250.00

St. Francis Hospital—Charleston.

Sec. 70-c.—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control........... $5,000.00 $5,000.00
Huntington General Hospital—Huntington.
Sec. 70-d—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control
6 $1,500.00 $1,500.00

Mount Hope Hospital—Huntington.
Sec. 70-d2—
2 For treatment 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 con-
6 trol
6 $2,500.00 $2,500.00

Guthrie Hospital—Huntington.
Sec. 70-d3—
2 For treatment 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 con-
6 trol
6 $1,000.00 $1,000.00

Kessler-Hatfield Hospital—Huntington.
Sec. 70-d4—
2 For treatment 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 con-
6 trol
6 $5,000.00 $5,000.00

Mason Hospital—Clarksburg.
Sec. 70-e—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control
6 $2,500.00 $2,500.00

St. Marys Hospital—Clarksburg.
Sec. 70-f—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control
6 $2,500.00 $2,500.00
Grafton City Hospital—Grafton.

Sec. 70-g—
2 For treatment of laborers and others
3 who may become public charge,
4 said amount to be paid upon approval of the state board of control
6 ........................................ $1,250.00 $1,250.00

Roane County Hospital—Spencer.

Sec. 70-h—
2 For treatment of laborers and others
3 who may become public charge,
4 said amount to be paid upon approval of the state board of control
6 ........................................ $3,000.00 $3,000.00

City Hospital—Elkins.

Sec. 70-i—
2 For treatment of laborers and others
3 who may become public charge,
4 said amount to be paid upon approval of the state board of control
6 ........................................ $2,000.00 $2,000.00

Hillcrest Tuberculosis Sanitarium—Charleston.

Sec. 70-j—
2 For treatment of laborers and others
3 who may become public charge,
4 said amount to be paid upon approval of the state board of control
6 ........................................ $5,000.00 $5,000.00

The Lomax Hospital—Bluefield.

Sec. 70-k—
2 For treatment of laborers and others
3 who may become public charge,
4 said amount to be paid upon approval of the state board of control
6 ........................................ $1,250.00 $1,250.00
GENERAL APPROPRIATIONS.

View Point Sanitarium—Elm Grove.
Sec. 70-j—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control $5,000.00 $5,000.00

The Hinton Hospital—Hinton.
Sec. 70-m—
2 For treatment of laborers and others
3 who may become public charge, said
4 amount to be paid upon approval of
5 the state board of control $2,500.00 $2,500.00

Sub-Section “C.”
Sec. 71. All appropriations appearing under Sub-Section
2 “C” are payable out of the General Revenue of the State Fund
3 for the fiscal year ending June 30, 1919.

LEGISLATIVE DEPARTMENT.

Senate.
Sec. 72.—
2 Mileage of members of the Senate $1,123.90

Per Diem of President and Members.
3 President of the Senate, at six dollars per day $270.00
4 Twenty-nine members of Senate, at four dollars per
5 day ........................................ 5,220.00

Per Diem of Other Elective Officers.
6 Clerk of Senate at $15.00 per day 675.00
7 Sergeant-at-Arms of Senate at $7.00 per day 315.00
8 Doorkeeper of the Senate at $6.00 per day 270.00

Presidential Appointees.
9 Secretary and stenographer to President at $8.00
10 per day ........................................ 720.00
11 Clerk and stenographer to Committee on Finance at
12 $8.00 per day ................................... 720.00
13 Clerk and stenographer to Committee on Judiciary
14 at $8.00 per day ................................ 720.00
15 Clerk and stenographer to Virginia Debt Committee
16 at $8.00 per day ................................ 360.00
17 Twenty-two additional clerks at $6.00 per day .... 5,940.00
CH. 1] GENERAL APPROPRIATIONS. 23

18 Eight floor stenographers at $6.00, per day........... 2,160.00
19 Mail and Banking and three journal pages at $4.00 per day ........................................... 720.00
20 Eleven floor pages at $3.00 per day ..................... 1,485.00
21 One assistant sergeant-at-arms at $7.00 per day...... 315.00
22 Two assistant doorkeepers and gallery doorkeepers at $5.00 per day ............................... 675.00
23 One assistant sergeant-at-arms at $7.00 per day .. 720.00
24 Eleven floor pages at $3.00 per day ..................... 1,485.00
25 Librarian at $6.00 per day, watchman and night watchman at $5.00 per day ..................... 900.00
26 Two cloak room keepers, toilet room attendant and one woman attendant at $5.00 per day............ 900.00
27 Three messengers at $5.00 per day ................. 12,960.00
28 Three messengers at $5.00 per day ................. 12,960.00
29 Three messengers at $5.00 per day ................. 12,960.00

Clerk’s Appointees.
30 Chief Assistant Clerk, Minute Clerk and Supervisor of Printing, at $10.00 per day, each........... 1,350.00
31 Assistant supervisor of printing, reading clerk, stenographer to clerk, roll clerk, voucher clerk, bookkeeper, bill editor, assistant bill editor, senate bill abstract clerk, printing clerk, two assistants and three copyholders, in charge of Senate Journal, a printing clerk, two assistants and three copyholders in charge of Senate bills, Senate bill record clerk, House bill record clerk, clerk to Committee on Engrossed Bills, assistant clerk to Committee on Engrossed Bills, clerk to Committee on Enrolled Bills, assistant clerk to Committee on Enrolled Bills, two stenographers for general assignment, and six general assistants at $8.00 per day, each................. 12,960.00
32 Messenger to clerk at $4.00.......................... 180.00
33 Page to clerk at $4.00.............................. 180.00
34 Contingent fund of Senate............................. 15,000.00

HOUSE OF DELEGATES.

Sec. 73.—
2 Mileage of Members of the House .................. 3,407.00

Per Diem of Speakers and Members.
3 Speaker of the House, at six dollars per day........... $270.00
4 Ninety-two members of House, at four dollars per day.................. 16,560.00
Per Diem of Other Elective Officers.

6 Clerk of the House at $15.00 per day .......... 675.00
7 Sergeant-at-Arms of the House at $7.00 per day 315.00
8 Doorkeeper of the House at $6.00 per day...... 270.00

Speaker's Appointees.

9 Four floor stenographers at $6.00 per day ...... 1,080.00
10 Clerk and stenographer to Committee on Finance at $8.00 per day ................ 720.00
11 Secretary and stenographer to Speaker at $8.00 per day .......... 720.00
12 Clerk and stenographer to Committee on the Judiciary at $8.00 per day .. 720.00
13 Fifteen other clerks at $6.00 per day .......... 4,050.00
14 Supervisor of Committee Clerks at $8.00 per day 360.00
15 Assistant Sergeant-at-Arms at $7.00 per day .... 315.00
16 Clerk to Sergeant-at-Arms at $6.00 per day .... 270.00
17 Eleven floor pages at $3.00 per day ........... 1,485.00
18 One mail and banking page at $4.00 per day ... 180.00
19 Five journal pages at $4.00 per day .......... 900.00
20 One night watchman at $5.00 per day .......... 225.00
21 Two day watchmen at $5.00 per day ........... 450.00
22 One assistant doorkeeper at $5.00 per day .... 225.00
23 Two gallery doorkeepers at $5.00 per day .... 450.00
24 Five cloak and toilet room keepers at $5.00 per day 1,125.00
25-a Two gallery doorkeepers at $5.00 per day ... 450.00

Clerk's Appointees.

27 Twenty-four clerks in which is included assistant clerks provided for by section eighteen, chapter twelve of the code and including desk clerks, printing clerks, bill editors, assistant printing clerks, bill receipt clerks, calendar clerks, copy holders, stenographers, and assistant clerk to the Committee on Enrolled Bills, at $8.00 per day, each ......................... 8,640.00
28 Two minute clerks at $10.00 per day, each ... 900.00
29 One supervisor of printing at $10.00 per day ... 450.00
30 One messenger to the clerk at $4.00 per day .... 180.00
31 One page to the clerk at $4.00 per day ...... 180.00
39 To pay R. L. Hamilton, former clerk, for services rendered for this session .................... 100.00
41 Contingent fund of the House of Delegates ........ 23,500.00

Legislative Printing and Stationery.
Sec. 73a.—
2 To pay the cost of legislative printing and stationery,
3 the appropriation to be available for the year ending
4 June 30, 1919, and also for each of the two years
5 ending June 30, 1920, and June 30, 1921 ........  $35,000.00

Sec. 73b.—
2 To pay John T. Harris for editing, compiling and publishing
3 two editions of the West Virginia Legislative Handbook and
4 Manual and Official Register, including all expenses for clerical
5 and stenographic services, for having digests made of the educa-
6 tional, election and other of the more important general laws of
7 the State, and for distributing the handbook to members of the
8 present and the next succeeding legislature in accordance with
9 resolution adopted at the regular session of one thousand nine
10 hundred and seventeen, or any modification of the same, $8,000.00
11 for the year ending June 30, 1920, and $8,000.00 for the year
12 ending June 30, 1921.
13 One-half of the above amounts to be paid by the auditor to
14 the editor and compiler, upon a certificate from the superintendent
15 of public printing that the “copy” for the handbook has been turned
16 over to the public printer, and the other half upon a similar cer-
17 tificate that the completed editions have been delivered.

"Sub-Section "D."
Sec. 74. All appropriations appearing under Sub-Section
2 "D" are payable out of the general revenue of the state fund for
3 the fiscal year ending June thirtieth, one thousand nine hundred
4 and nineteen.

Miscellaneous Appropriations.
Sec. 75.—
2 Deficiency appropriation for salary of extra clerk in
3 Treasurer’s office, August 1, 1918, to June 30, 1919, $1,320.00
5 Deficiency appropriation to reimburse Hal F. Morris,
6 chief clerk, for amount expended for extra help in
7 Treasurer’s office ............................ 335.56
8 Deficiency appropriation for traveling expenses of chief of the Department of Mines and fifteen district inspectors for remainder of year ending June 30, 1919. ......................................................... 2,500.00
12 Deficiency appropriation for current and contingent expenses of the Department of Mines for remainder of the year ending June 30, 1919.............................. 1,000.00
15 Deficiency appropriation to employ additional clerks for statistical work in the Department of Mines for year ending June 30, 1919................................. 900.00
18 Deficiency appropriation to supplement salary of chief clerk in the Department of Mines for year ending June 30, 1919................................. 600.00
20-a-1 To pay additional salary of chief department of mines, March 1 to June 30, 1919........... 666.67
20-a-2 To pay additional salary of 15 mine inspectors, March 1 to June 30, 1919.................. 4,500.00
20-a-5 To pay salary of four additional mine inspectors, March 1 to June 30, 1919.................. 4,000.00
20-a-7 To pay traveling expenses of four additional mine inspectors, March 1 to June 30, 1919... 1,000.00
20-a-11 To pay additional salary of commissioner of labor, May 15 to June 30, 1919........... 150.00
20-a-13 To pay salary of two factory inspectors, department of labor, May 16 to June 30, 1919... 450.00
20-a-15-a To pay additional salary of two factory inspectors, May 15 to June 30.................. 150.00
20-a-16 To pay additional salary of chief clerk, department of labor, May 15 to June 30, 1919... 75.00
20-a-18 To pay additional salary of assistant clerk and stenographer, department of labor, May 15 to June 30, 1919................................. 75.00
20-a-21 To pay salary of statistical clerk, department of labor, May 15 to June 30, 1919........... 150.00
20-a-23 To pay additional salary of inspector of weights and measures, department of labor, May 15 to June 30, 1919................................. 75.00
20-a-26 To pay deficiency and additional traveling expenses of factory inspectors, department of labor.................. 1,200.00
21 Deficiency appropriation to pay expenses of office of
22 Prohibition Commissioner for remainder of fiscal year ending June 30, 1919 ..................... 15,000.00
24 To pay state's proportion for paving Washington street in the city of Charleston, between Capitol and Dickinson streets, being certificate No. 1465 issued by the city of Charleston, for $2,125.45, and interest $63.76 .................... 2,189.21
29 Deficiency appropriation to pay for water, light, heat, current expenses, repairs and improvements, capitol buildings and grounds .................... 10,000.00
32-33 D. Appleton & Co., reimbursement of charter tax .. 440.00
34 A. B. Moore, for attendance at trial at Webster Springs, in case of State vs. Asbury ..................... 74.20
36 Eskew, Smith & Cannon, water cooler, basins, pitchers Walker Dry Goods Co., carpets and floor coverings for legislative chambers and rooms .................... 3,956.64
39 To reimburse purchasers for unused fertilizer tags, same being unused on account of change in the law; claims to be audited by State Board of Control, and paid on requisition of said board to be paid from funds accruing to the state from the operation of the act of the legislature providing for the analysis of commercial fertilizers .................... 4,000.00
60 To pay costs incurred in Escheat case, Taylor county, Armstrong estate:
62 Juror fees ............................ 256.70
63 Witness fees ........................... 29.60
64 Sheriff fees ............................ 9.00
65 Prosecuting attorney fee ...................... 10.00
66 Escheator fee ............................ 10.00
67 To pay John H. Holt, special counsel, Virginia debt case, in full for services rendered to date, Services: 10,000.00
70 Expenses .............................. 300.00
71-72 Total ............................... 10,300.00
73 To pay guards employed in case of State vs. Jack Nolte, Ohio county:
75 Thomas Wier ............................. $110.00
76 N. E. Coulter ............................ 57.00
77 Elmer Tischer ............................ 75.00
78 242.00
To reimburse James Greer & Co., stock brokers, part of license taxes paid for the years 1911 to 1915, as follows:

- 1911: $363.00
- 1912: 112.50
- 1913: 117.50
- 1914: 450.00
- 1915: 450.00

Total: 1,493.00

To reimburse A. E. Masten & Co., stock brokers, part of license taxes paid for the years 1912 to 1917 as follows:

- 1912: 450.00
- 1913: 450.00
- 1914: 450.00
- 1915: 450.00
- 1916: 450.00
- 1917: 450.00

Total: 2,700.00

To reimburse T. C. Townsend, trustee of the estate of Max M. Fisher, doing business as Fisher, May & Co., stockbrokers, part of license taxes paid for the years 1913 to 1916, as follows:

- 1913: 450.00
- 1914: 450.00
- 1915: 450.00
- 1916: 450.00

Total: 1,800.00

To reimburse Terrie, Dabney & Herscher, stock brokers, part of license taxes paid for the year 1917 as follows:

- 1917: 376.02

Total: 376.02

To complete school buildings now under construction at Keyser...

- 6,500.00

For cost mailing journals and bills by the Secretary of State...

- 6,000.00

Woodrum Home Outfitting Co., 2 dozen chairs for senate and house...

- 105.00

To pay Fred O. Blue balance of fee as counsel on behalf of state in equity cause of Baldwin Tool Works et al. vs. Walter S. Hallanan, State Tax Commissioner, involving constitutionality of state excise tax, chapter 3, Acts 1915, second extraordinary ses...
CH. 1] GENERAL APPROPRIATIONS. 29

99  sion. Case in United States district court before Judges Pritchard, Woods and Waddill............ 4,000.00
100  To reimburse Department of Agriculture for, and to complete payment; account repairing and re-
101  modeling basement, capitol building.................. 6,100.00
102  To pay T. J. Lemon, father of Ashbie Lemon, on account of the death of his son while serving in the West Virginia National Guard on Cabin
103  Creek ..................................... 500.00
104  To pay the following named physicians account of expert testimony in case of State vs. Henry Able, Ohio county:

<table>
<thead>
<tr>
<th>Physician</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr. C. A. Wingerter</td>
<td>$200.00</td>
</tr>
<tr>
<td>Dr. E. B. Plant</td>
<td>150.00</td>
</tr>
<tr>
<td>Dr. Randolph Hersey</td>
<td>100.00</td>
</tr>
</tbody>
</table>

105  450.00

106  To pay the following named physicians account of expert testimony in case of State vs. Jack Nolte, Ohio county:

<table>
<thead>
<tr>
<th>Physician</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr. C. A. Wingerter</td>
<td>$250.00</td>
</tr>
<tr>
<td>Dr. E. B. Plant</td>
<td>250.00</td>
</tr>
<tr>
<td>Dr. John C. Marschner</td>
<td>150.00</td>
</tr>
<tr>
<td>Dr. E. S. Bippus</td>
<td>250.00</td>
</tr>
<tr>
<td>Dr. C. W. Ulfert</td>
<td>150.00</td>
</tr>
</tbody>
</table>

107  1,050.00

108  To pay McMillan Hospital and Dr. R. H. Walker for medical services, hospital fees and nurses, treatment of George Gibson and Whittington, Jackson county shooting case.................. 500.00
109  To pay A. C. Blake, employed by the State in the construction of barracks at West Virginia University, for injuries sustained in accident while in said employment, to be paid on approval of State Board of Control at the same rates paid to persons entitled to benefits under Workmen’s Compensa-
110  tion Act, not to exceed.................................. 1,000.00
111  To reimburse the County Court of Taylor County for labor in the construction of the Pruntytown road abutting State property of the Industrial School for Boys, to be paid on approval of the State Board of Control not to exceed.............. 5,000.00
<table>
<thead>
<tr>
<th>Item Number</th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>143</td>
<td>To pay Remington Typewriter Co. for typewriter for House Judiciary Committee</td>
<td>$101.25</td>
</tr>
<tr>
<td>144</td>
<td>for rent of typewriter, Sergeant-at-Arms, State Senate</td>
<td>$16.00</td>
</tr>
<tr>
<td>145</td>
<td>total</td>
<td>$117.25</td>
</tr>
<tr>
<td>146</td>
<td>To pay S. Spencer Moore Co. for typewriter chair and desk, House Judiciary Committee</td>
<td>$72.00</td>
</tr>
<tr>
<td>147</td>
<td>for 22 chairs, 2 desks, 1 table, drinking cups, pencil sharpeners, dictionary and resolution frame for State Senate, $589.60; supplies for House, $72.38; total</td>
<td>$733.98</td>
</tr>
<tr>
<td>148</td>
<td>To pay H. R. Judy for cutting keys, resetting locks on Senate and House desks, etc.</td>
<td>$61.80</td>
</tr>
<tr>
<td>149</td>
<td>To pay P. A. Donovan for lights for Senate and House chambers and anterooms, for electrical supplies and labor</td>
<td>$530.37</td>
</tr>
<tr>
<td>150</td>
<td>To pay Underwood Typewriter Co. for rental of typewriters, use of Senate, $51.50; exchange price on typewriter for Clerk of Senate, $47.64; rental for House, $41.50; total</td>
<td>$140.64</td>
</tr>
<tr>
<td>151</td>
<td>To pay Eskew, Smith &amp; Cannon for cuspidors for legislature, $48.47; six water coolers, $83.20; grate, $12.50; total</td>
<td>$144.17</td>
</tr>
<tr>
<td>152</td>
<td>To pay Pine Rock Water Co. for water furnished Senate and House</td>
<td>$130.00</td>
</tr>
<tr>
<td>153</td>
<td>To pay Woodrum Home Outfitting Co. for chairs and davenports, use of legislature</td>
<td>$143.00</td>
</tr>
<tr>
<td>154</td>
<td>To pay Woodrum Home Outfitting Co. for 12 chairs, use of legislature</td>
<td>$51.00</td>
</tr>
<tr>
<td>155</td>
<td>To pay H. O. Baker Co. for one flat top desk, use of legislature</td>
<td>$30.00</td>
</tr>
<tr>
<td>156</td>
<td>To pay Charleston Sheet Metal Works for 4 galvanized pans for use under water coolers in House and Senate chambers</td>
<td>$10.00</td>
</tr>
<tr>
<td>157</td>
<td>To pay Perry Matthews Plumbing Co. for plumbing supplies, legislative rooms</td>
<td>$410.25</td>
</tr>
<tr>
<td>158</td>
<td>To pay F. W. Hughes for lettering doors, legislative rooms, retouching shield</td>
<td>$19.15</td>
</tr>
</tbody>
</table>
CH. 1] GENERAL APPROPRIATIONS. 31

181 To pay Walker Dry Goods Co. for dry goods and
screens .................................................. 25.05
182 To pay Coyle & Richardson for window shades and
screens and cushions, legislative rooms ............ 141.00
183 To pay Burlew Hardware Co. for supplies furnished
Sergeant-at-Arms of Senate, 1917 session .......... 21.90
187 To pay Clara Gies for making towels ............... 6.00
188 To pay C. Beverly Broun for administering oath and
certificate to 88 members House of Delegates .. 44.00
190 To pay H. S. Rummel for administering oath to
members of legislature, 1917 session ............. 43.00
192 To pay The Chesapeake & Potomac Telephone Co. for
telephones and tolls, 1919 session .................. 82.27
194 To pay Jeffers & Richardson, contractors, for labor
and material, repairs to legislative rooms and fur-
niture .................................................... 635.31
197 To pay Rev. J. M. Knight, Chaplain of the House
of Delegates, for services 1919 session .......... 100.00
200 To pay Charleston Ministerial Association for daily
prayer services, 1919 session ........................ 100.00
201 To pay Mrs. Wm. Brown for washing towels, 1919
session .................................................. 20.00

General Miscellaneous.
1 To reimburse H. S. Mathews, public printer, account
increase in wages paid to employees on state work
during last year of 1917-1918 state contract, said
increase being due to abnormal conditions caused
by war, to be paid on approval of state board of
control, not to exceed ........................................ $4,878.86
7 To reimburse R. P. Andrews Paper Co., state con-
tractor, for printing stationery and paper, account
loss sustained on contract as a whole for furnishing
paper and supplies to the state under the 1915-1916
contract, said loss being due to abnormal conditions
as a result of the war, the amount to be determined
by the state board of control, and paid on approval
of said board, not to exceed ........................... $11,100.13
14 To reimburse R. R. Kitchen & Co., contractor, for con-
struction of agricultural building and woman's hall
at West Virginia University for loss sustained on
17 contract as a whole for said building, said loss being due to abnormal conditions caused by war, the amount to be determined by the state board of control, and paid on the approval of said board, not to exceed. ................................................. 20,028.94

Sub-Section “E.”

Sec. 76. All appropriations appearing under sub-section 2 “E” are payable out of the general school fund of the state.

DEPARTMENT OF SCHOOLS.

Sec. 77.—

<table>
<thead>
<tr>
<th>Item</th>
<th>1920</th>
<th>1921</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of the Superintendant of Free Schools</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Salary of six members of the state board of education or of four members board of regents at $1,000.00 each</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Expenses of members of the State Board of Education or Regents</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>To pay salary and traveling expenses of secretary and field agent, State Board of Education or Regents</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>To pay salary of the chief clerk</td>
<td>2,400.00</td>
<td>2,400.00</td>
</tr>
<tr>
<td>To pay salary (in part) of high school supervisor</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>To pay salary and expenses of supervisor of colored schools, (not to exceed the amount fixed by general law)</td>
<td>2,900.00</td>
<td>2,900.00</td>
</tr>
<tr>
<td>Salary of two advisory members of state board of education, (not to exceed the amount fixed by general law)</td>
<td>2,000.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>Expenses of two advisory members of state board of education</td>
<td>500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>To pay salary of stenographers</td>
<td>2,400.00</td>
<td>2,400.00</td>
</tr>
<tr>
<td>To pay salaries of other clerks</td>
<td>9,500.00</td>
<td>9,500.00</td>
</tr>
<tr>
<td>Current and contingent expenses</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>Printing, binding and stationery</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>Expenses to be incurred by the State Superintendent of Schools under the provisions of article 12, section 2, of the constitution</td>
<td>500.00</td>
<td>500.00</td>
</tr>
</tbody>
</table>
22 Per diem and expenses of the State Board of Education.............. 1,500.00
23 Compensation and expenses of institute instructors ..................... 10,000.00
26 Expense of conducting uniform examinations ..................... 8,000.00
28-30 Salaries of county superintendents 75,000.00 75,000.00
31 State aid for classified high schools in accordance with the provisions of
31-a provided, however, if the aggregate
31-b amount in the general school fund is not sufficient to supplement in full
31-c all elementary schools, together with
31-d aid to high schools, then after supplementing all elementary schools the
31-e balance shall be apportioned to all
31-f high schools.
32 To assist in vocational education projects for which the federal government
34 provides dollar for dollar under the Smith-Hughes law .............. 3,000.00
36 Expenses of School Code Commission. 400.00
37 The Auditor shall credit all delinquent taxes due the state to the fund to
39 which they belong, and the cost of certification and publication of sale shall be paid out of the fund to
41 which they are credited, and there is hereby appropriated so much as may
48 be necessary for the payment of the same, not to exceed.............. 5,000.00
51 And for the publication there is hereby appropriated so much as may be necessary, the cost of publication of each tract not to exceed the sum of seventy-five cents.
54 (This appropriation is payable on requisition of the state auditor.)
56 In addition to the foregoing appropriations the balance of the receipts for each year of said fund is hereby appropriated for supplemental aid to schools in accordance with the provisions of general law.
Sub-Section "F."

Sec. 78. All appropriations appearing under sub-section 2 "F" are payable out of the state road fund of the state.

STATE ROAD COMMISSION.

Sec. 79.—

3 Salary of office engineer and assistant. 1920. 1921. 3,000.00 3,000.00
3-a Salaries of the commissioners ...... $7,000.00 $7,000.00
4 Auto tags and postage for distribution of same ..................... 20,000.00 25,000.00
4-a of same .......................... 20,000.00 25,000.00
5 (The Auditor and Treasurer are hereby authorized to honor requisitions on these appropriations beginning May 1, 1918, and May 1, 1920, respectively.)
10 To pay salaries of clerks and assistants in automobile bureau. 5,000.00 5,000.00
12 To pay salaries of engineers, draftsmen, clerks and stenographers in the engineering bureau 40,000.00 40,000.00
15 Office rent 2,500.00 2,500.00
16 Office furniture, fixtures and instruments 3,000.00
18 Office supplies, postage, telegraph, telephone and current and contingent expenses 5,500.00 5,500.00
21 For collecting, printing and distributing statistics and publications 5,000.00 5,000.00
23 Traveling expenses 12,000.00 12,000.00
24 For testing materials 5,000.00 5,000.00
25 For salary and expenses of field and traffic agent in automobile bureau 4,000.00 4,000.00
27 For complying with and carrying out a provision of section 135, chapter 66, Acts of 1917, and refunding moneys erroneously paid through the commission into the treasury, such sums are hereby appropriated as may be erroneously so paid, and to comply with the requirements of said section, payable out of the same funds into which paid.
Deficiency Appropriations.

37 To pay for services and traveling expenses of field agent to collect delinquent licenses................. $4,000.00
39 (This item is payable during the year ending June 30, 1919.)
41 For the payment of engineering expenses to meet requirements of state and federal government under laws passed in 1917....................... 1,000.00
44 (This item is payable during the year ending June 30, 1919.)
46 To carry out the provisions of House Bill 46 and Bankhead Federal Aid Bill ..................... 8,500.00
48 (This item is payable during the year ending June 30, 1919.)

Sub-Section "G."

Sec. 80. All appropriations appearing under sub-section "G" are payable out of the special license fees authorized by section 15, chapter 8, Acts of 1915 (regular session) and amendments thereto.

PUBLIC SERVICE COMMISSION.

Sec. 81.—

2 Current general expenses.............. $60,000.00 $60,000.00

Sub-Section "H."

Sec. 82. All appropriations appearing under sub-section "H" are payable out of the fund created by the Acts of 1915 (extraordinary session) and amendments thereto.

WORKMEN'S COMPENSATION.

Sec. 83.—

2 Current general expenses.............. $140,000.00 $140,000.00
3 To pay the expenses of an audit of the workmen's compensation department, including a report showing the actual standing of the reserves with reference to paying actual and estimated liabilities, so much as may be necessary not to exceed.............. $12,000.00 $5,000.00
8-a One thousand dollars for each year of the above appropriation shall be paid to the chief accountant of the
8-d state tax commissioner's office (in addition to his compensation otherwise fixed by law) for said special audit.

9 Audit to be made in accordance with the provisions of chapter 33, acts 1908, and the appropriation to be disbursed on the requisition of the chief inspector.

Sub-Section "I."

Sec. 84. All appropriations made by general law payable out of “special revenue” are hereby authorized payable out of the special revenue collected for the specific purposes.

Sub-Section "J."

Sec. 85. For refunding 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. 86. 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
CH. 1] GENERAL APPROPRIATIONS. 37

23 expenses, he shall make up in duplicate and certify to its correct-
24 ness an itemized statement of the number of days spent (giving
25 dates) and of the expenses, which statement shall be filed with
26 the secretary or clerk of the institution, the original whereof the
27 secretary or clerk shall file or preserve in his office, and the
28 duplicate he shall at once forward to the Auditor. If any such
29 member shall willfully make a greater charge for such services
30 or expenses than truth justifies, he shall be guilty of embezzle-
31 ment and punished accordingly.

Sec. 87. All printing, binding, printing paper and stationery
2 for the state superintendent of free schools shall be paid for out
3 of the general school fund. No printing, binding or printing
4 paper or stationery for the following named boards, officers or
5 institutions shall be paid for out of the appropriation for public
6 printing, public binding, or for supplying paper or stationery,
7 but shall be paid for out of the appropriations therefor herein
8 made, or out of the expense fund or contingent expense fund
9 thereof, namely:

10 The public service commission, the state road commission,
11 the workmen's compensation department, the forest, game and
12 fish warden, the board of dental examiners, state vaccine agents,
13 commissioners of pharmacy, state board of examiners, state board
14 of embalmers, Welch hospital No. 1, McKendree hospital No. 2,
15 Fairmont hospital No. 3, West Virginia Humane Society, nor-
16 mal schools, schools for the deaf and blind, the university and
17 all its branches, including the experiment station, Huntington,
18 Weston and Spencer state hospitals, industrial school for boys,
19-a the West Virginia collegiate institute and the industrial home
20 for girls.

21 Such boards, officers and institutions, except the state super-
22 intendent of free schools, that are herein required to pay for their
23 own printing, stationery and printing paper and binding, have
24 authority to procure the same, or have the same done on requisi-
25 tion of the superintendent of public printing, or may buy such
26 printing and stationery, or have such printing and binding done
27 on competitive bids, under such rules as may be made by the
28 commissioners of public printing.

29 When stationery or printing is procured from the superin-
30 tendent of public printing, or printing and binding are done on
31 requisition on his office, by any such board, officers or institu-
tions, the superintendent of public printing as to such printing, 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 appropriations made by this act for public printing, binding, stationery and printing paper. Provided, that the annual or biennial reports required by law to be made to the governor by such boards, officers and institutions shall be printed and paid for out of the appropriation for public printing, public binding and for supplying printing paper and stationery, but all such reports shall be typewritten, or prepared in such a manner that the same shall be legible and suitable for printer's copy, and only so much of any such reports shall be printed as may be ordered by the governor; and 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. 88. No sum of money shall be paid out of the treasury for the years ending June 30, 1920 and 1921, beyond the amounts hereby appropriated, unless the same be provided for by the 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.

Sec. 89. Upon the adjournment of this session of the legislature, the clerk of the house and the clerk of the senate, shall jointly make up and furnish the auditor and treasurer, without delay, a certified copy of this and all other acts carrying appropriations.
AN ACT to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, all relating to education.

(Second Senate Bill No. 43.)

Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 25, 1919.

SEC.
1. Definitions of words used.
2. School year.
3. School districts.
4. State board of education; how constituted; how vacancies; how filled.
5. Meetings; salaries; expenses.
6. Organization of state board.
7. Powers and duties.
8. Training of teachers.
10. Plans for school buildings shall be approved.
11. Shall adopt text books.
15. Shall exercise other authority.
17. State superintendent of schools; election; qualification; salary.
18. General powers and duties.
19. Shall have general supervision of schools.
20. Shall institute proceedings.
22. Shall interpret school law and rules.
23. Publication of state manuals.
25. Employment of assistants.
26. Other powers and duties.
27. Classfication of high schools; how constituted; election; oath; bond.
28. Vacancy; how filled.
29. Compensation of county superintendents.
30. How payment shall be made.
32. Shall visit schools.
33. May hold conferences.
34. Shall be county financial secretary.
35. Making of annual reports.
36. Shall exercise other authority.
37. District board of education: how constituted; election; term.
38. Tlie in the vote for.
39. Vacancies; how filled.
40. Oath of office.
41. Meetings; quorum; compensation.
42. General powers and duties; district board of a corporation.
43. School lands.
44. Sale of school property.
45. Shall provide school sites.
46. Providing buildings, furniture and equipment.
47. May provide buildings jointly.
48. Bond required from contractors.
49. May appoint trustees.
50. Minimum school term; board may extend same.
51. Salaries for teachers; board may increase minimum.
52. May appoint district supervisors.
53. Appointment of teachers.
54. District boards shall have general control.
55. Transfer of pupils; tuition charges.
56. Kindergarten schools in district.
57. Evenin g schools and other extension activities.
58. School libraries.
59. United States flags, display of.
60. Medical inspection; school nurses.
61. Free text books.
62. Teachers' retirement fund.
63. Colored pupils, schools for.
64. Other duties of district boards.
65. Secretary of district board; duties of.
66. Abstract of proceedings of meetings.
67. Secretary administers oaths.
68. Assessor's certificate.
69. Laying of levy; report of rate.
70. Penalty for failure to report, etc.
71. Annual report of the secretary.
72. Salaries of secretaries.
73. Other duties of secretary.
74. District and county high schools; district high schools; how established.
75. Joint district high schools.
76. Normal training in high schools; state aid.
77. High school tuition; payment.
78. Classification of high schools; state aid.
79. Dormitories for high schools.
80. Discontinuance of high schools.
81. Indian high schools.
82. Teachers; contracts with; violation of same.
83. Authority of teachers.
84. Teachers exempt from jury service.
85. Records and reports of teacher, principal, superintendent, etc.
86. Payment of teachers' salaries.
87. School enumeration.
88. How taken and reported.
89. Secretary to have enumeration taken.
90. Record and report of enumeration.
91. Other duties of teachers.
92. Examination and certificates; required of all teachers; minimum age, etc.
93. Time and place of holding examinations.
94. Expenses of examinations.
95. Assistants: appointment of; salary.
96. Fee for examination.
97. Transmitting questions and manuscripts.
98. Grading of manuscripts.
GENERAL SCHOOL LAW.

SEC. 103. Fraud in examinations; penalty therefor.

104. Elementary certificates; examination for, time valid.

105. High school certificates.

106. Supervisors' certificates.

107. Short course certificates.

108. Special certificates.


110. Credits for grades made in school.

111. Renewal of certificates.

112. Revocation of certificates.

113. Teachers' institutes; time and place of holding.

114. Attendance upon institutes required.

115. Filing of teachers' certificates.

116. Institute Instructors.

117. Pays of Instructors.

118. Enrollment fee.

119. Report of institute to be made.

120. District institutes and round tables.

121. Reading circles and coupons of credit.

122. Compulsory attendance; age; time; misdemeanor.

123. Attendance officers; appointment of; duties.

124. Enumeration list to be furnished teachers.

125. Penalty for neglect of duty.

126. Adding violations of compulsory attendance.

127. Fines collected; disposition of.

128. Unemployed children shall attend school.

129. Employed children shall attend evening or part-time day school.

130. Deaf and blind; compulsory education of.

131. Vocational education; acceptance of federal act.

132. Custodian of vocational education funds.

133. State board to carry out provisions of federal act.

134. West Virginia University; name; location; control.

135. President; his powers and duties.

136. President shall make bi-annual report.

137. Colleges, schools, departments may be established and maintained.

138. Admission and graduation of students.

139. Agricultural extension division.

140. Military training at the university.

141. Extension work in general.

142. Endowment for agricultural college.

143. Federal appropriations for university use.

144. Agricultural experiment station.

145. Anatomical board; use of dead bodies.

146. Financial support of the university.

147. State normal school and its branches.

148. Preparatory branch of the university.

149. West Virginia trades school at Montgomery.

Sec. 150. West Virginia collegiate Institute.

151. Bluefield colored Institute.

152. West Virginia school for deaf and blind.

153. Admissions to school for deaf and blind.

154. Clothing for pupils in such institution.

155. Period of attendance; special admissions.

156. Course of instruction.

157. Registration.

158. Compensation for registration.

159. West Virginia Industrial school for boys.

160. Commitments thereto.

161. Convicts may be admitted.

162. Date accompanying commitment.

163. Proceedings for commitment.

164. Commitment fees.

165. Convergence of youths to school; expense incurred.

166. Offenses at the school; penalties.

167. Transfers between school and penitentiary.

168. Payment for cost of detention; reimbursement.

169. Lists of inmates for auditor; application of county funds.

170. Certification of lists and credits; levy; compel payment.

171. Parole to inmates.

172. Industrial home for girls.

173. Admission to the home.

174. Date accompanying commitment; return and sentence.

175. Trial on complaint.

176. Separation of races.

177. Binding out inmates as apprentices.

178. Cruelty to apprentices.

179. Removal of apprentices; escapes.

180. Jurisdiction of apprentices; desertion.

181. Other state educational institutions.

182. Full report of state educational institutions to be made annually.

183. Bonds; voting of; for what purpose.

184. School elections, how held.

185. Collection and disbursement of school funds by sheriffs.

186. Payment of orders of sheriff.

187. Annual settlements with county financial secretaries.

188. Payments in excess; no credits for.

189. Method of settlement by sheriffs.

190. Sheriffs settlement with county court.

191. Corrections in settlement.

192. Failure to account for or to pay orders.

193. Failure to settle, penalty.

194. Provisions of this act in no manner infringe upon powers and privilege granted independent school districts; any independent school district may avail itself of provisions of this act.

195. Inconsistent acts repealed.
Be it enacted by the Legislature of West Virginia:

That chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 1. Definitions. The words used in this chapter and by-laws and in any proceedings pursuant thereto, shall, unless the context clearly indicates a different meaning, be construed as follows:

1. "School" shall mean the pupils and teacher or teachers assembled in one room.
2. "District" shall mean magisterial school district and shall not include any independent school district heretofore established by special act or acts of the legislature.
3. "Teacher" shall mean teacher, supervisor, principal, superintendent, public school librarian, or any other person regularly employed for instructional purposes in a public school of this state.

Sec. 2. School Year. The school year shall begin on the first day of July and end on the thirtieth day of June, and all reports, accounts and settlements respecting the free schools shall be made with reference to the school year.

Sec. 3. School Districts. Every magisterial district in each of the counties of the state shall be a school district, which shall be divided into such number of sub-districts as may be necessary for the convenience of the free schools therein. The present districts and sub-districts shall remain until changed in the manner prescribed by law.

STATE BOARD OF EDUCATION.

Sec. 4. How Constituted—Vacancies—How Filled. There is hereby created a state board of education which shall be a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal.

Said board shall consist of seven members of whom one shall be the state superintendent of schools ex-officio, and the other six members shall be appointed by the governor, as herein provided from the two dominant political parties. On or before the first day of May, one thousand nine hundred and nineteen, the Governor shall, by and with the consent of the senate, appoint six members of the board for the fol-
following terms, to commence on the first day of July next after their appointment: One for one year, one for two years, one for three years, one for four years, one for five years, and one for six years. Thereafter one member of the board shall be appointed by the governor on or before the first day of May in every year for a term of six years.

The members of the state board of education shall be citizens of the state, but not fewer than three appointive members shall be actively engaged in school work, nor shall more than three appointive members be of the same political party. No appointee of the board shall serve on the board, unless such appointment is to fill a vacancy by the board as provided by the next following paragraph of this section. The governor may remove from office any member of the state board of education for incompetency, willful neglect of duty, immorality, malfeasance in office, or for any other good and sufficient reason.

Vacancies on the board shall be filled by the governor for the unexpired term, but if within sixty days after a vacancy has occurred the governor has not filled such vacancy, or if within sixty days after the term of a member of the board has expired, the governor has not appointed a successor to such member, then in either such event the board itself may fill such vacancy or elect such successor. Before exercising any authority or performing any duties as a member of the state board of education each member thereof shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article four of the state constitution, the certificate whereof shall be filed with the records of the board.

A suitable office or offices in the state department of schools at Charleston shall be provided for the use of the state board of education.

Sec. 5. Meetings, Salary, Expenses. The state board of education shall meet in Charleston on the first day of July, one thousand nine hundred and nineteen, and thereafter the board shall hold at least six meetings in every year at such times and places as its by-laws may prescribe. The board may meet at other times as often as may be necessary. Such other meetings shall be by resolution of the board when in session, or at the call of the president of the board or of the state superintendent of schools.

Each appointive member of the state board of education shall be entitled to receive from the general school fund, upon warrants drawn by the state superintendent of schools, the sum of one
12 thousand dollars a year as salary, payable quarterly, and
13 every member of the board shall be reimbursed from said fund for
14 any expenses incident to the performance of his duties, upon pre-
15 sentation of an itemized sworn statement of the same. There is
16 hereby created an advisory council to the state board of educa-
17 tion to assist said board in formulating and carrying out policies
18 with respect to the education of the colored youth of the state.
19 Said council shall consist of the state supervisor of colored schools,
20 herein provided, and two citizens of the Negro race to be ap-
21pointed by the governor on or before the first day of May, one
22 thousand nine hundred and nineteen, by and with the consent
23 of the Senate for the following terms to commence on the first
24 day of July next after their appointment; one for two years and
25 one for four years, and thereafter one member of said council
26 shall be appointed by the governor on or before the first day
27 of May in every second year for a term of four years. Vacan-
28cies in said council shall be filled by the governor for the un-
29 expired term.
30 The two appointive members of said advisory council shall
31 be entitled to receive from the general school fund, upon war-
32 rants drawn by the state superintendent of schools, the sum
33 of one thousand dollars a year as salary, payable quarterly, and
34 each of said appointive members shall be reimbursed from said
35 fund for any necessary expenses incident to the performance of
36 his duties, upon presentation of itemized sworn statement of
37 same. The said advisory council shall have charge of all mat-
38 ters with reference to colored schools, subject to the approval of
39 the state board of education.

Sec. 6. Organization. At its first meeting to be held on the
2 first day of July, one thousand nine hundred and nineteen, and at
3 its first regular meeting in every year thereafter, the state board
4 of education shall elect one of its members as president and one as
5 vice-president of the board. The state superintendent of schools
6 shall be the chief executive officer of the state board of education.
7 Said board shall appoint a secretary and fix his salary, which
8 shall not exceed one thousand eight hundred ($1,800) dollars
9 per year, the same to be paid out of the general school fund upon
10 warrants drawn by the state superintendent of schools.

Sec. 7. Powers and Duties—On and after the first day of
2 July, one thousand nine hundred and nineteen, the state board of
3 education created in section four of this act shall have the general
control and management of the educational affairs of the West Virginia university, the state normal schools, the West Virginia trades school, the West Virginia vocational school, the West Virginia collegiate institute, the Bluefield colored institute, the West Virginia schools for the deaf and the blind, and of any other state educational institution which may hereafter be created by law; and the statutory provisions applicable to the government and maintenance of the schools or institutions named in this section shall continue in full force except as may be provided otherwise by this act or by succeeding acts of the legislature. Said board shall exercise such authority and perform such duties as may have been delegated heretofore to the state board of regents, to the state board of education as now constituted, to the state school book commission, and to the state vocational board, subject however to the provisions of this act and of succeeding acts of the legislature. The state board of education shall employ the president or principal and the professors, teachers and other employees of each of the institutions named in this section, and shall fix the yearly or monthly salary to be paid to each person so employed, to be approved by state board of control according to law.

Sec. 8. Training of Teachers—The training of teachers in the state shall be under the general direction and control of the state board of education, which shall through the state superintendent of school, exercise supervisory control over the state normal school and such other institutions named in section seven of this act as may be charged with the duty of training teachers, and over normal training high schools. Said board shall also exercise supervisory control over the teacher training departments of all private or denominational schools which offer courses for the training of teachers, or which maintain classes or departments therefor. The state board of education shall make rules and regulations for the classification and standardization of all schools in the state, and shall determine the minimum standards for the conferring of degrees and the granting of diplomas. No institution may grant any diploma or confer any degree on any basis of work or merit below the minimum standard prescribed by the state board of education. Any institution doing work equal to the minimum standard shall be authorized to grant such diplomas or degrees as shall be
appropriate to its class, such authorization to continue so long as
the institution maintains the standards set. All educational in-
stitutions whose degrees or diplomas were for the school year
ending in June, one thousand nine hundred and eighteen, recog-
nized by the state board of education in the granting of teachers'
certificates or otherwise, shall be rated as approved institutions
and shall continue to hold that distinction so long as they measure
up to the minimum standard for institutions of their respective
classes.

It is further provided, however, that nothing contained herein
shall infringe upon the rights granted to any such institution by
charter given according to law previous to the passage of this act.
It is provided further, that hereafter no charter or other instru-
ment containing the right to confer degrees or to issue diplomas
can be granted by the state of West Virginia, to any institution,
or other association or organization, either within or without the
state, until the condition of conferring such degrees or of issuing
such diplomas have first been approved in writing by the state
board of education.

Sec. 9. Shall Prescribe Minimum Standards for Courses of
Study—The state board of education shall prescribe minimum
standards of the courses of study to be offered in elementary schools,
high schools, vocational schools, and in all other kinds, grades, and
classes of schools, or departments thereof, which may now or here-
after be maintained in the state in whole or in part from any state
fund or funds; provided, however, that the courses of study in the
state educational institutions shall be prepared by the faculties,
teachers, or other constituted authority thereof, and shall before
going into effect be submitted to the state board of education for
its approval.

It is provided that the basic language of instruction in the
common school branches in all schools, public and private and
parochial, shall be in the English language only.

Section 10. Plans for School Buildings Shall Be Approved—
The state board of education shall have authority to require that
the plans and specifications for any and all school buildings to be
erected in school districts and in independent school districts
having a population of less than five thousand (5,000), shall be
submitted to said board or its agent for approval. It shall be the
duty of the state board of education to see that all such plans and
Sec. 11. Shall Adopt Text-Books—The state board of education shall adopt text-books for uniform and exclusive use in the public schools of the State, except as hereinafter provided, such adoptions to be made subject to the following restrictions and provisions:

(a) By written request or otherwise the state board of education shall ask various publishers of text-books in the United States to submit samples and prices of text-books on all subjects required to be taught in the schools of the state. All bids or proposals shall be under seal, and each bidder shall deposit in the state treasury such sum of money as said state board of education shall designate, such deposit to be not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000); and said deposit shall be forfeited to the general school fund, if such bidder shall fail or refuse to make and execute such contract and bond as are herein required in case of the acceptance of all or a part of his bid, and otherwise shall be returned to said bidders after contracts have been made.

(b) All bids shall be opened by the state board of education in executive session. After considering the subject matter, printing, binding, general suitableness and prices of books submitted, said board shall on or before the first Tuesday in May, one thousand nine hundred and twenty two, and every fifth year thereafter adopt one book, or one series of books, and only one, for uniform and exclusive use in the free schools of this state, except in classified high schools and in towns and cities which have a population of thirty-five hundred or over. All bids submitted at such session shall be made a matter of public record by showing the same by separate items on the record book of the board. No book or books shall be changed at the expiration of any five-year contract except by the unanimous vote of the board. When selections and adoptions of books have been properly made, it shall be the duty of the state board of education to execute contracts therefor with the publishers thereof for a period of five years, beginning July first following, each publisher being required to enter into bond of not less than ten thousand dollars ($10,000) to be approved by the state board of public works. Such contracts shall be prepared by the attorney general in accordance with the terms and provisions of this act, and shall be
executed in duplicate, one copy held by the contractors and one by
the state superintendent of schools. Should any successful bid-
der fail to contract, or, if for any cause any book or books adopted
cannot be secured, the state board shall proceed at once to the se-
lection and adoption of other books in lieu thereof. The state of
West Virginia shall not be liable in any sum on account of any
contract made in pursuance of the provisions of this section. It is
expressly provided, however, that nothing contained herein shall
impair the contracts now in effect between the state school book
commission abolished by section sixteen of this act and the pub-
lishers of uniform text-books now adopted and in use in the public
schools of the state.

(c) If any publisher or contractor furnishes to this state any
book of like binding, material and workmanship at a higher price
than the price at which said publisher or contractor furnishes the
same book to any other state, county, city or other school unit in
the United States, like conditions prevailing, the state board of
education shall require such publisher or contractor to make a like
reduction of such price in this state, under penalty of cancellation
of contract for any such book.

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

(e) It shall be the duty of each contractor at his own ex-
 pense to place with responsible dealers, in no fewer than three
magisterial districts in each county, at least two weeks before
the beginning of school in any district in this county where
such books are used, a sufficient number of books to supply
the demand. He shall also arrange for the exchange of
books at such places, allowing pupils or boards of education an exchange price as liberal as is granted on the same books to any other city, county, or state in the United States, like conditions prevailing. The exchange privilege shall extend through one entire school year, and the dealer making the exchange shall be allowed by the contractors ten per cent of the cash proceeds of the same. Nothing in this act is to be construed as preventing the use of supplementary readers; provided, they do not displace the adopted readers, nor the use of more advanced books in such schools as may be ready for the same.

Sec. 12. Gifts and Bribes—Any member of the state board of education who shall receive, solicit or accept any gift, present or thing of value to influence him in his vote for the adoption of books, or any person who shall either directly or indirectly give or offer to give any such gift, present or thing of value to any member of said state board of education to influence him in voting for the adoption of books shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the penitentiary of this state not less than one year nor more than three years.

Sec. 13. Shall Make Rules Governing Purchase, Distribution, and Care of Text Books—The state board of education shall make rules governing the purchase, distribution, use, and care of all free text-books used in the public schools of this state.

Sec. 14. Shall Make Rules—Subject to and in conformity with the state constitution and the laws of the state, the state board of education shall determine the educational policies of the state and shall make rules for carrying into effect the laws and policies of the state relating to education, including rules relating to the physical welfare of pupils, the education of feebleminded and physically disabled or crippled children of school age, retirement fund for teachers, school attendance, evening and continuation or part-time day schools, school extension work, the classification of schools, the issuing of certificates upon credentials, the purchase, distribution and care of free text-books by the district board of education, the general powers and duties of county and district boards of education, and of school trustees, teachers, principals, supervisors, and superintendents and such other matters pertaining to the public schools in the state as may seem to the board to be necessary and expedient.

The state board of education is hereby authorized and empowered to accept for the state of West Virginia any appropria-
tions of money for the removal of illiteracy, the teaching of im-
migrants, and other educational purposes that may hereafter be
made out of the federal treasury by any act or acts of congress,
and shall be constituted the chief state educational authority for
the expenditure and administration of any such funds. Said
board shall have authority to make rules and regulations for the
expenditure of such funds, such expenditure to be in accordance
with the terms of the acts of congress making such appropriations.
The treasurer of the state is hereby designated as custodian for all
funds received as apportionments under the provisions of any such
act or acts of congress.

Sec. 15. Shall Exercise Other Authority—The state board
of education shall exercise such other authority and perform such
other duties as may be delegated to it by this act and by succeeding
acts of the legislature.

Sec. 16. Boards Abolished—The state board of regents, the
state board of education, the state school book commission, and
the state vocational board as now respectively constituted by
law are hereby abolished, effective at midnight of the thirtieth
day of June, one thousand nine hundred and nineteen.

THE STATE SUPERINTENDENT OF SCHOOLS.

Sec. 17. Election, Qualifications, Salary—There shall be
elected by the qualified voters of the state a state superintendent
of schools, whose term of office shall be the same as that of the
governor. He shall be a person of good moral character, of recog-
nized ability as a school administrator, with academic and profes-
sional training equivalent to graduation from a standard university
or college, and shall have had not less than five years of experience
in public school work. He shall receive an annual salary of five
thousand dollars ($5,000), to be paid monthly out of the state
fund upon warrants of the state auditor, and he shall receive
necessary traveling expenses when away from the capital on of-
official business, not to exceed the sum of five hundred dollars, the
same to be paid out of the general school fund upon warrants of
the state auditor. Said superintendent shall reside and keep his
office at the state capital.

General Powers and Duties.

Sec. 18. Shall Provide Seal—The state superintendent of
schools shall provide a seal for his office and copies of his acts and
Sec. 19. **Shall Have General Supervision of Schools**—The state superintendent of schools shall have general supervision of the free schools of the state, and shall be the chief executive officer of the state board of education. He shall be charged with the general supervision of all county and city superintendents of free schools and of county and district boards of education within the state, except as provided in chapter thirty-three of the acts of one thousand nine hundred and eight. He shall prescribe the forms and cause to be prepared and printed all blanks necessary for carrying out the details of the school system of the state, and of the rules of the state board of education, so as to secure the uniform operation of the same throughout the state. In respect to general school statistics, said forms and blanks shall conform as nearly as may be to the forms and blanks recommended by the United States bureau of education. Said state superintendent shall also cause such forms and blanks to be forwarded to all school officers and other persons whose duty or right it is to use them.

Sec. 20. **Shall Institute Proceedings**—The state superintendent of schools shall cause to be instituted such proceedings or processes as may be necessary properly to enforce and give effect to any provision or provisions of this act and to the provisions of any other general or special laws pertaining to the school-system of the state, or any part thereof, or of any rule or direction of the state board of education, made in conformity with its powers and duties as provided in this or subsequent acts. Said superintendent shall have authority to administer oaths and to examine under oath, in any part of the state, witnesses in any proceeding pertaining to the public schools, and to cause such examination to be reduced to writing. Witnesses, other than employees of the state, shall be entitled to the same fees as in civil cases in the circuit court. The state superintendent of schools shall have power to institute the proper proceedings for the removal of any school official charged with dishonesty, continued neglect of duty, or with failure to comply with the provisions of this act or of the rules of the state board of education.
Sec. 21. *May Hold Conference*—The state superintendent of schools shall have the authority to call conferences of the county, district, and city superintendents of schools of the state, or of any group or groups of such superintendents, for the purpose of considering with them any matters relating to the conditions and needs of the schools and the proper means of improving the schools throughout the state, or any section thereof.

Sec. 22. *Shall Give Interpretation*—At the request in writing of any citizen, teacher, school official, county or state officer, the state superintendent of schools shall give his interpretation of the meaning of any part of the school law or of the rules of the state board of education.

Sec. 23. *State Manuals and Other Publications.*

1. From time to time as may be necessary, the state superintendent of schools shall cause to be prepared and published for distribution to the proper persons to receive them, manuals of the courses of study prescribed by the state board of education, as provided by section nine of this act. It shall be his duty to see that the minimum standards set forth therein shall be maintained in all the several kinds and grades of the public schools throughout the state. It shall also be the duty of the state superintendent of schools to provide for the examination of pupils completing such courses of study and to cause diplomas or certificates to be issued to all persons who satisfactorily complete such courses.

2. Said superintendent shall cause to be printed and distributed from time to time a sufficient number of copies of the school law to supply the needs of school officials and other citizens of the state.

3. Said superintendent shall cause to be prepared and published a list of books suitable for school libraries and shall recommend the proper conditions for the purchase and use of such books. Such list shall be distributed among the teachers, principals, and superintendents throughout the state.

4. The state superintendent of schools shall also have authority to publish and distribute such other reports, circulars of information, and bulletins as in his judgment will promote the best interests of the schools.

The expenses of printing all such publications or other documents shall be paid out of the general school fund on warrants drawn by the state superintendent of schools.
Sec. 24. **Shall Make a Biennial Report**—On or before the 2 first day of November preceding each regular session of the legis-3 lature, the state superintendent of schools shall make and trans-4 mit a report to the governor, to be transmitted by him to the legis-5 lature. Such reports shall contain summaries of the annual re-6 ports of the county superintendents and such other information 7 about the conditions of the public school-system of the state as said 8 superintendent may deem it wise to communicate to the governor 9 and the legislature. Said report shall, however, contain such in-10 formation about the public schools of the state as the governor or 11 the legislature may have previously requested. Said report shall al-12 so include the recommendations of the state superintendent re-13 specting needed legislation on behalf of the schools.

Sec. 25. **Shall Employ Assistants**—For carrying into effect 2 the provisions of this act, the state superintendent of schools shall 3 maintain a department of public schools at his office at the state cap-4 ital and he shall have authority to appoint assistants and such 5 other employees as may be necessary, including a state super-6 visor of colored schools, whose salary shall be $2,400.00 per annum 7 and for any necessary expenses incident to the performance of his 8 duties, upon presentation of itemized sworn statement of the 9 same.

Sec. 26. **Other Powers and Duties**—The state superintend-2 ent of schools shall exercise such other powers and discharge such 3 other duties as are herein assigned to him, or as may from time to 4 time be assigned to him by the legislature and by the state board 5 of education.

**THE COUNTY SUPERINTENDENT OF SCHOOLS.**

Sec. 31. **Election, Qualification, Oath, Bond**—The county 2 superintendent of schools elected at the general election in No-3 vember, one thousand nine hundred and eighteen, shall hold office 4 for the full term of four years for which they were elected, and un-5 til their successors are elected as herein provided and are qualified 6 according to law.

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

In case of a tie in the vote for a county superintendent of free schools, the presidents of the various district boards of education shall at a meeting called for that purpose, at the court house of the county, by the county superintendent of free schools, not less than six nor more than twelve days after the result of such election is ascertained, appoint one of the persons receiving the highest number of votes for said office at the said election as county superintendent of free schools who shall give notice as aforesaid to the state superintendent of his appointment. A notice of such meeting shall be made out by the county superintendent and served upon the president of each district board of education at least three days before the day of such meeting in the manner provided by law for the service of other process.

After this act shall go into effect, no person shall be elected or appointed to the office of county superintendent of schools who does not, at the time of his election, hold a supervisor's certificate or who is not a graduate of a standard normal school or who has not completed courses in other institutions that, in the opinion of the state board of education, are equivalent to such graduation. Provided, however, that anyone who holds a first grade elementary certificate or its equivalent, issued prior to July first, one thousand nine hundred and twenty-two, on which he has taught for a period of ten years, shall be eligible to the office of county superintendent, the same as the ones possessing the qualifications named in this section.

Before assuming any of the duties of his office, or exercising any authority whatsoever, every county superintendent of schools shall qualify before the clerk of the county court, and he shall also execute with said clerk a bond with approved security in the penalty of one thousand dollars ($1,000) conditioned upon the faithful performance of the duties of his office and upon the accounting and paying over to the proper authorities of all money coming into his hands. Said clerk shall within five days after said qualification and execution of bond, certify to the state superintendent of schools the name of such county superintendent and the fact of his qualifying and executing such bond.
Every county superintendent of schools shall devote his entire time during his term of office to the performance of his duties as superintendent.

Sec. 32. Vacancy, How Filled—Upon proper complaint in writing from the state superintendent of schools or from any officer or citizen of the county against any county superintendent of schools for immorality, misconduct in office, incompetency, willful neglect of duty, or other good and sufficient cause, the state board of education may, after careful investigation of such complaint, remove any such county superintendent of schools by making known to him in writing upon not less than ten days' notice, the charges against him and by giving him an opportunity to be heard in his own defense, either in person or by counsel. After this act shall go into effect any vacancy occurring in the office of county superintendent of schools, whether by removal or otherwise, shall be filled by the presidents of the district boards of education until the next general election. In case of a tie in the vote for filling any such vacancy, the state superintendent of schools shall appoint a county superintendent of schools.

Sec. 33. Compensation—County superintendents of schools shall receive for their services from the general school fund annual compensation as follows: In counties having fewer than seventy-five schools, twelve hundred dollars ($1,200); in counties having seventy-five schools but fewer than one hundred schools, thirteen hundred dollars ($1,300); in counties having one hundred schools but fewer than one hundred twenty-five schools, fourteen hundred dollars ($1,400); and in counties having one hundred twenty-five schools or more, the county superintendent shall receive fourteen hundred dollars ($1,400), and in addition thereto three dollars ($3.00) for each school above one hundred twenty-four; provided, however, that the salary of a county superintendent of school payable out of the general school fund shall in no case exceed twenty-one hundred dollars ($2,100) per annum.

Sec. 34. How Payments Shall Be Made—Such compensation of the county superintendent of schools shall be paid monthly out of the general school fund upon orders drawn by the county superintendent of schools on the state superintendent, who shall upon receiving the same issue a requisition upon the auditor therefor, payable to said county superintendent, or to his assignee.
Sec. 35. **Shall be Chief Executive Officer**—As chief executive officer in the county, the county superintendent of schools shall see that the school law and the rules of the state board of education are carried into effect, except in independent school districts. He shall explain the true intent and meaning of the school laws and of the rules of the state board of education; he shall decide all controversies and disputes involving the orders of any district board of education in his county, and his decisions shall be final unless the same are appealed within thirty days to the state superintendent of schools. Said county superintendent shall also have authority to administer oaths and to examine under oath, witnesses in any proceeding pertaining to the public schools of the county and to cause the examination to be reduced to writing.

Sec. 36. **Shall Visit Schools**—The county superintendent of schools shall visit the schools of his county as often as practicable, shall observe the management and instruction therein, and offer suggestions for the improvement of the same. He shall advise with supervisors, principals, and teachers; shall counsel with district boards of education and school trustees, and shall labor in every way to awaken public interest in the schools and to improve educational conditions throughout the county. Subject to the rules of the state board of education the county superintendent of schools shall cause the schools of his county to be graded and standardized and shall see that at least the minimum standards for the courses of study as prescribed by the state board of education are maintained. He shall report to the proper district board of education all cases of incompetency or neglect of duty on the part of any teacher, trustee, or attendance officer and he shall report to the state superintendent of schools all cases of drunkenness, untruthfulness, immorality or continued neglect of duty on the part of teachers, principals and supervisors, with his recommendations for the proper remedy by said state superintendent. The county superintendent of schools shall also have authority to suspend any teacher whose presence in the school he regards as detrimental to the welfare of the pupils, pending an investigation into the conduct or condition of such teacher by the state superintendent of schools or by his representatives. If the physical conditions in or about any schoolhouse are in the judgment of the county superintendent of schools a menace to the health or safety of the pupils of the
Sec. 37. May Hold Conference—The county superintendent of schools shall have authority to call annually, or from time to time as needs may require, conferences of members and secretaries of boards of education or of principals and supervisors of schools in order that he may discuss with them his plans for improving the administration of the school affairs throughout the county. Members of boards and supervisors and principals shall be reimbursed out of the building fund of their respective districts for their actual and necessary traveling expenses incurred in attending one such conference each school year.

Sec. 38. Shall be County Financial Secretary—The county superintendent of schools in each county shall be ex-officio county financial secretary of school affairs, and as such officer he shall have the power and authority to perform the duties herein assigned to him by the legislature.

The county financial secretary shall keep the financial records for all the schools within his county, said records to be kept in the form prescribed by the chief inspector under chapter thirty-three, acts of 1908. He shall countersign all proper orders issued by the several boards of education within his county before said orders are payable by the sheriff or school treasurer, and shall make annual settlements with the sheriff or school treasurer for the several school funds, as provided by law; he shall at the end of each month deliver to each board of education a summarized statement showing the financial condition of their several school funds, said statement to be in the form prescribed by the chief inspector under chapter thirty-three, acts of one thousand nine hundred and eight.

No sheriff or school treasurer shall pay any order drawn on any school fund until said order has been countersigned by the county financial secretary. At the end of each month the sheriff or school treasurer shall make a report to the county financial secretary, showing the date, number and amount of each school bond and interest coupon paid during the month.

The county court of every county shall provide at the county seat a suitable office, in the courthouse, if there be sufficient room, for the county superintendent of schools, and shall keep the same supplied with the necessary furniture, apparatus, fuel, light, record books, stationery, postage, and such other things as shall be
necessary, including janitor service. The county financial secretary shall receive for his services required by this act an annual compensation of seventy-five dollars, except that in counties having more than one hundred teachers employed for at least six months during the year, the annual compensation shall be at the rate of seventy-five cents for each teacher so employed, said compensation to be based on the number of teachers employed during the preceding year, and to be paid monthly on orders issued by the county court drawn on the general county fund.

Sec. 39. **Shall Make Annual Report**—The county superintendent of schools shall receive and revise the reports made to him by the secretaries of the several boards of education of the districts and independent districts, and see that they are complete and in forms prescribed by law or as prepared by the state superintendent of schools; and when deficiencies or errors exist, he shall return such reports to such secretaries and refuse to issue warrants for their salaries until all reports are accurate and complete. From these reports and such other information as he may have the county superintendent of schools shall make a report to the state superintendent of schools on or before the first day of August annually, or as soon thereafter as possible, setting forth in reference to each district and independent district of his county for the year ending on the thirtieth day of June next preceding, the several particulars required in the blank forms to be furnished to him by the state superintendent of schools. If any county superintendent of schools shall fail to make such report to the state superintendent of schools by the first day of August in any year said state superintendent shall have authority to withhold the salary of such county superintendent and may deduct three dollars ($3.00) from the salary of such county superintendent for every day after the first day of August until the receipt of such annual report.

Sec. 40. **Shall Exercise Other Authority**—The county superintendent of schools shall exercise such other authority and perform such other duties as may be prescribed by this act or by succeeding acts of the legislature, or as may be required by the by-laws of the state board of education, and he shall have authority to act at his discretion in any cases of emergency affecting the best interests of the schools.
DISTRICT BOARD OF EDUCATION.

Sec. 41. How Constituted, Election, Term—In each district there shall be a board of education, which shall consist of a president and two school commissioners, elected by the qualified voters of the district. The commissioner who was elected at the general election in one thousand nine hundred and sixteen, and the commissioner and president who were elected at the general election in one thousand nine hundred and eighteen, shall serve the full term of four years for which they were elected, and until their successors are elected or appointed, and have qualified according to law. At the general election to be held on the Tuesday after the first Monday in November, one thousand nine hundred and twenty, and every four years thereafter, one school commissioner shall be elected; and at the general election to be held on the Tuesday after the first Monday in November, one thousand nine hundred and twenty-two, and every four years thereafter, a president and one school commissioner shall be elected. Their terms of office shall commence on the first day of July next after their election, and they shall each continue in office for four years, and until their successors are elected or appointed and have qualified according to law.

Sec. 42. Tie in the Vote—In case of a tie in the vote for school commissioner or president of the board the county superintendent shall appoint one of the contestants as commissioner or president.

Vacancies in the office of school commissioner or president shall be filled by the county superintendent of schools.

Sec. 43. Vacancy, How Filled—Any member of any board of education who shall be employed to teach in his district, or any member who shall move to another district, county or state, shall in either case thereby immediately vacate his office.

Vacancies in the office of school commissioner or president shall be filled by the county superintendent of schools.

Sec. 44. Oath of Office—Every president and commissioner of a board of education elected or appointed within the state shall, before exercising any authority or performing any duties of his office, qualify as such by taking and subscribing to the oath of office prescribed by section five of article four of the state constitution, which oath shall be filed with the secretary of the board of education of his district.

Sec. 45. Meetings, Quorum, Compensation—The district
2 boards of education shall hold their regular meetings on the first
3 Monday in July, the second and fourth Tuesdays in August, and
4 when the schools are in session, on the fourth Saturday of each
5 calendar month, or other regular day in the fourth week of the
6 month to be agreed upon by the board, all such meetings to be
7 held at a place to be designated by the board at its first meeting
8 held on the first Monday in July. Upon the call of the president
9 or of the two school commissioners boards of education may hold
10 other meetings, but no business shall be transacted at any called
11 meeting except such as may be designated in the call therefor, of
12 which all the members have had notice.
13 A majority of all the members of a board of education shall
14 constitute a quorum and such board cannot transact any official
15 business except when assembled as a board.
16 Each member of a board of education shall be entitled to re-
17 ceive, as compensation for his service, three dollars ($3.00) a day
18 for each day spent in the performance of his official duties; pro-
19 vided, however, that no president of a board of education shall re-
20 ceive pay for more than fifteen days, and no commissioner shall re-

GENERAL POWERS AND DUTIES.

Sec. 46. The District Board a Corporation—The board of
2 education of each district shall be a corporation by the name of
3 “The board of education of the district of ________ in the county
4 of ________,” and as such may sue and be sued, plead and be im-
5 pleaded, contract and be contracted with; and shall succeed and be
6 subrogated to all the rights of former district boards of education;
7 now pending or which might have been brought and prosecuted in
8 the name of any such former board of education for the recovery of
9 any money, or property or damage to any property due to or vested
10 in such former board, and shall also be liable in its corporate
11 capacity for all claims legally existing against the board of educa-
12 tion of which it is successor. Said board shall, according to law.
13 hold and dispose of any real estate or personal property belonging
14 to said corporation or its predecessors, or that may hereafter come
15 into its possession. Said board shall receive, hold, and dispose of,
16 according to law, and the intent of the instrument conferring title,
17 any gift, grant, devise, or bequest. All schoolhouses, school sites,
18 and other property belonging to any board of education and used
19 for school purposes shall be exempt from execution or other pro-
cess, and free from lien or distress for taxes or for county or state levies.

Sec. 47. School Land—Any land or school sites which for five years prior to the first day of July, one thousand nine hundred and nineteen, have been in the undisputed possession of any district board of education and which are still in such possession and to which title cannot be shown by any other claimant, shall be the property of the board of education of the district in which any such lands may lie, and the title thereto shall be vested in such board and their successors in office, to be held and used for school purposes, subject to the provisions of section forty-nine of this act.

Sec. 48. School Property May Be Sold—It shall be the duty of every district board of education to ascertain, at the beginning of each school year, the physical condition of all school buildings in its district and the necessity of the same for school purposes and such buildings as, in the judgment of the board, are properly located and are suitable or can with reasonable expense be rendered suitable for school purposes, shall if necessary for carrying on the schools, be retained; all other buildings together with lands held in connection therewith, shall with the consent of the county superintendent of schools be sold at public auction to the highest responsible bidder, by the board of education, on proper legal notice and on such terms of sale as the board may order, and the proceeds of such sale shall be placed to the credit of the building fund of the district; provided, that in rural districts the grantor of such lands, his heirs or assigns, shall have the right, at such sale, to purchase said land, exclusive of mineral rights, and buildings thereon, at the same price for which it was sold, plus legal interest. Said board may also lease for oil or gas or other minerals any lands or school sites owned in fee by it, and not used for school purposes, the rental or other proceeds of any such lease to be placed to the credit of the building fund of the district.

Sec. 49. Shall Provide School Sites—The board of education of every district and independent school district shall provide by purchase, condemnation or otherwise, such lands as may be necessary for school buildings, playgrounds, experiments in agriculture, and other educational purposes, and shall have authority to make the necessary expenditures for the improvement of such lands.

If the owner or owners refuse to sell any land selected by a board of education or a county superintendent as a location for a schoolhouse and other necessary buildings, or for enlarging a
10 schoolhouse lot, or for any other educational purpose, or if such
11 owner demand an unreasonable price therefor, or is "non compos
12 mentis," a "femme couverte," a minor, or a non-resident, the board
13 of education may petition the circuit court to have such land con-
14 demned, and such proceedings, shall thereupon be had in the name
15 of such board for the condemnation thereof, as provided for in
16 chapter forty-two of the code of West Virginia; provided, that the
17 land so taken shall not exceed in quantity five acres.
18 It is provided, however, that except in independent school
19 districts, no lands may be purchased by any board of education,
20 nor condemned by any circuit court, unless such lands
21 have first been approved for the purpose or purposes intended, by
22 the county superintendent of schools, in writing. It is provided,
23 further, that a board of education cannot spend public school
24 funds for the erection of school houses or other buildings for
25 educational purposes, on lands to which the board does not possess
26 legal title or other instrument of possession approved by the
27 county superintendent of schools.

Sec. 50. Shall Provide Buildings, Furniture and Equipment. The board of education of every district and independent
3 school district shall provide by purchase, lease, building, or
4 otherwise a sufficient number of suitable schoolhouses and other
5 buildings to meet the educational needs of its district. Said
6 board shall also provide such furniture, fixtures, and apparatus for
7 said school houses and other buildings as may be necessary for the
8 effectiveness of the schools and for the convenience, health and
9 cleanliness of the pupils thereof, including fuel and other necessary
10 supplies and shall cause the school grounds, school houses, and the
11 furniture, fixtures, and apparatus therein to be kept in good order
12 and repair, and may provide for medical and dental clinics. It is
13 provided, however, that no schoolhouse or other school building
14 shall be constructed by any board of education, except in independent
15 districts, until the location therefor has first been approved by
16 the county superintendent of schools, nor until the plans for such
17 building have first been approved in writing by said superintendent,
18 unless the plans have been indorsed by the state board of
19 education or its agent. In the event said board cannot agree
20 upon the location or plans of any proposed school building said
21 county superintendent shall select the location and the plans for
22 such building.
23 It is further provided, that proposed repairs upon old build-
ings or the remodeling of the same, costing in excess of two
hundred ($200.00) dollars for any building, shall not be made by a
board of education, except in independent districts, without the
written approval of the county superintendent of schools; and that
no purchase of school furniture, fixtures, equipment, library
books, or supplies costing in excess of fifty ($50.00) dollars shall
be made by such board of education without the written approval
of said superintendent.

The county superintendent of schools may as county finan-
cial secretary refuse to countersign any orders which may be
issued by any board of education in violation of the provisions
of this section and of section fifty requiring his approval.

The county superintendent of schools shall also have
authority to require that any district board of education shall
submit for his approval any contract about to be made by such
board involving an expenditure from the building fund of the
district, if the amount of such contract is in excess of three
hundred ($300.00) dollars.

Sec. 51. May Provide Buildings Jointly. District boards
of education in adjoining districts may jointly provide for the
construction of schoolhouses and the teaching of school therein
for the attendance of pupils in adjoining portions of such dis-
tricts, whether in the same or different counties, who may be
better accommodated by such union of schools. The title of
such schoolhouses shall be vested in the board of education of the
district in which such joint schoolhouse is located, and the terms
of the agreement shall be reduced to writing and entered of
record in the minutes of each board concerned. Such school-
houses shall be provided with furniture, fixtures, and such other
apparatus and equipment as are supplied to schoolhouses gener-
ally, and an equitable amount of the cost thereof shall be appor-
tioned to each district affected by such union, and the same shall
be paid by each board in the manner of payment of other school
expenses within its own district.

Sec. 52. Bond Required From Contractors. Boards of edu-
cation shall in all cases require persons entering into contract for
the building or repairing of schoolhouses where the contract price
exceeds one hundred ($100.00) dollars, to execute bond, with ap-
proved security in double the amount of the contract price.

Sec. 53. May Appoint Trustees. Boards of education may,
at their discretion, appoint one school trustee for each of the
3 sub-districts, in their districts, or for any one or more of such
3-a sub-districts, to be custodian of the school properties therein.
4 If any board of education decides to exercise the authority herein
given to it to appoint trustees, it shall at its first regular meeting
in any year commencing with the school year, beginning the first
day of July, one thousand nine hundred and nineteen, ap-
point as trustee for each such sub-district a responsible citizen
thereof, for a term of one year from the date of his appointment.
10 Said district board may at any time for neglect of duty or for
11 other good cause, remove any trustee so appointed by serving
12 notice upon him of his removal, and may appoint his successor
13 for the unexpired term. Provided, however, that nothing herein
14 shall prevent a board of education from appointing three trustees
15 for each sub-district in its district, who, when appointed, shall be
16 the custodians of the school property therein, and who shall have
17 the authority to appoint and contract with teachers in their re-
spective sub-districts, but such appointments shall be made at a
19 meeting to be held on the third Monday in July of each year, or
20 as soon thereafter as practical, and under the conditions provided
21 by law for contracting with teachers.
22 At their meeting on the first Monday in July, one thousand
23 nine hundred and nineteen, the board of education, if it exercise
24 the authority to appoint three trustees, shall appoint one for a
25 term of one year; one for a term of two years; and one for a term
26 of three years, who shall hold their offices until their successors
27 are appointed and qualified. After the expiration of said terms
28 all appointments shall be made for a term of three years; but
29 nothing herein shall prevent a board of education from exercising
30 the right to appoint trustees at their meeting on the first Monday
31 in July of any subsequent year.
32 The trustees so appointed shall exercise the same right and
33 authority over their respective sub-districts as is exercised by the
34 board of education when no trustees are appointed therein, but
35 shall be subject to removal by the board of education at any time
36 for neglect of duty or misconduct in office. The act of removing
37 any trustee by a board of education as aforesaid shall be final. A
35 school trustee shall be under the immediate direction of the board
39 of education of his district, or of its authorized executive officer.
40 He shall receive no salary or other emolument in recognition of
41 his services as school trustee, but if while performing any duty
42 imposed upon him by an order of the board of education of his dis-
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43 district, when such order is in conformity with the orders of the
44 board, he incurs any expense to himself, he shall be reimbursed
45 therefor out of the building fund of the district, and if he is re-
46 quired to perform any labor by orders of the board he shall be
47 allowed a reasonable compensation for the time actually and neces-
48 sarily spent at such labor. Said board shall also have authority
49 to appoint janitors for school buildings and to pay such janitors
50 out of the building fund an amount not to exceed two dollars
51 ($2.00) per week for each class room in use in such building. It
52 is provided, however, that the maximum of two dollars per week
53 for janitor service shall not apply in independent districts or in
54 graded and high schools of more than four rooms.

Sec. 54. Minimum School Term—Board May Extend Same.
2 The board of education of every district and independent dis-
3 trict shall provide in the schools of its district a minimum school
4 term in each year as follows: In the year 1919-1920, one hundred
5 twenty days; in the year 1920-1921, one hundred thirty days; in
6 the year 1921-1922, one hundred forty days; in the year 1922-
7 1923, one hundred fifty days; in the year 1923-1924, and there-
8 after, one hundred sixty days. It is provided, however, that the
9 board of education of any district or independent school district
10 shall have authority to extend such minimum school term in any
11 year for as many days in additions thereto as the board may de-
12 termine. It is provided, further, that if the proceeds of the regu-
13 lar levies authorized by law are insufficient to enable the board
14 of education of any district to extend the term of
15 school for a longer term than the minimum herein pro-
16 vided, such board may at any general election or at a
17 special election submit to the qualified voters of the district the
18 question of laying an additional levy for such extension of the
19 school term, and if petitioned so to do by at least fifty tax-payers
20 in any district, the board of education shall submit the question
21 of such additional levy. If at any such election a majority of
22 the votes cast on the question are in favor of such additional levy,
23 it shall then be the duty of the board of education to make such
24 extension and to lay on all the assessed valuation of property in
25 the district such additional levies as may be necessary to pay the
26 additional cost of the same. The term of school fixed by such
27 election shall continue from year to year so long as a majority of
28 the votes cast at the election at which the question of “school
29 levy” is submitted, be in favor of such “school levy,” or until
Sec. 55. Minimum Salaries for Teachers—Board May Increase. Commencing with the school year, 1919-1920, every teacher employed in the schools throughout the state, who holds a certificate of the first grade, shall receive not less than seventy-five dollars ($75.00) a month; every teacher so employed and holding a certificate of the second grade shall receive not less than sixty dollars ($60.00) a month; and every teacher so employed and holding a certificate of the third grade, shall receive not less than forty-five dollars ($45.00) a month. But the board of education of any district or independent district shall have authority to fix a schedule of salaries for teachers holding the aforesaid grades of certificates at higher rates than the minimum salaries herein provided.

The board of education of any district or independent district may fix a higher rate of salary than the rate fixed for teachers in general, holding certificates of the first, second and third grades, to be paid to teachers in graded schools having two or more rooms in the same building, to teachers who are graduates in the diploma course of state normal schools and other schools of equal or higher grade, and to teachers who attend within the summer vacation period the summer term of the West Virginia university, or of one of the state normal schools or of other schools of equal or higher grade and standing. Boards of education shall have authority to fix schedules of salaries to be paid to superintendents, principals, supervisors, and all other employees under its authority and control.

Sec. 56. May Appoint District Supervisors. The board of education of every district in the state shall have authority to appoint for its district a district supervisor of schools and to fix his salary. The salary of a district supervisor shall be paid monthly out of the teachers' funds of the district. Said board may, subject to the written approval of the county superintendent of schools, appoint one or more assistant district supervisors in districts in which fifty or more principals and teachers are employed.

It is provided, further, that the board of education of any district may employ a district supervisor for as many months longer than the regular school term as may be necessary for him
18 to supervise the construction of new buildings, the repairing of
19 old buildings, the improvement of school grounds, and to do
20 such other work as may be approved by the board. Said board
21 may also cooperate with the extension division of the college of
22 agriculture of West Virginia university in employing the dis-
23 trict supervisor or another person as agricultural club agent for
24 the organization and direction of boys’ and girls’ agricultural
25 clubs in the district; but any district supervisor so appointed
26 shall be under the authority and direction of the board of educa-
27 tion of the district and he shall in no case neglect the work of
28 supervising the schools and of performing his other duties as dis-
29 trict supervisor. It is provided, further, that two or more dis-
30 tricts in the same county or in adjoining counties may appoint a
31 district supervisor jointly, the apportionment of the salary and of
32 the time of such supervisor to be arranged according to the num-
33 ber of schools in each district.
34 Commencing with the year 1920-1921, no person shall be
35 eligible for appointment as district supervisor who does not hold a
36 valid supervisor’s certificate or its equivalent as defined by the
37 state board of education and who is not also a graduate of a
38 standard normal school or who has not had other academic and
39 professional training approved by the state board of education as
40 equivalent in all respects to graduation from a standard normal
41 school; provided, that, prior to the first day of July, 1923 any
42 person holding a first grade teachers’ certificate, who has had
43 successful experience in supervising schools may, upon the recom-
44 mendation of the state board of education, be granted by the state
45 superintendent a provisional license to act as district supervisor.
46 The district supervisor shall be the executive officer of the
47 board of education of his district. He shall attend all the meet-
48 ings of the board, except when his appointment, tenure or salary
49 is the order of business, and he shall have the privilege of the
50 floor, but he shall have no vote. From a list of applicants in the
51 hands of the board of education the district supervisor shall have
52 authority to recommend for appointment by the board a sufficient
53 number of principals and teachers for the schools of the district,
54 except in incorporated towns and cities where superintendents are
55 appointed by the board, and he shall have authority to assign to
56 their respective posts of duty all principals and teachers so ap-
57 pointed. Said supervisor shall visit the schools of his district as
58 often as possible and shall see that the school laws are enforced,
the state board of education are maintained, and that all the
laws and rules of the state board of education relating to the
health of school children are observed. He shall supervise the
methods of instruction in the schools and offer such suggestions
to teachers as he may deem expedient, and he shall have authority
to call meetings of the teachers as often as practicable. He shall
make such reports as the state superintendent of schools may
require.

Sec. 57. Shall Appoint Teachers. The board of education
shall on or before the first Monday in July in each year, if
practicable, appoint the principals and teachers for all the schools
in the district and shall fix their salaries as provided by section
fifty-six of this act. All such appointments shall be in writing
according to the form of contract to be furnished by the state
superintendent of schools and all such contracts, together with
the certificates of the appointees, shall be filed with the secretary
of the board.

The board of education of any district or independent dis-
trict may suspend or dismiss any principal or teacher so appointed,
for immorality, incompetency, cruelty, insubordination, intem-
perance or willful neglect of duty, provided that the charges be
stated in writing and that the teacher be given an opportunity to
be heard by the board upon not less than ten days' notice and
provided that in all cases when the board is not unanimous in
its decisions to suspend or dismiss, the principal or teacher so
suspended or dismissed shall have the right of appeal to the state
superintendent of schools. It is provided, however, that any
teacher who enters into a contract with a board of education to
teach in a public school and who fails to complete the term of such
contract, unless prevented from doing so by personal illness or
other just cause, or unless released from such contract by said
board, shall be disqualified to teach in any other public school in
the state during the term of such contract.

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

In making contracts with teachers or other employees of the
board, it shall be understood that schools are not to be kept in
operation for instruction on any Saturday or on the following
days which are hereby named and designated as school holidays,
namely: The Fourth of July, commonly called Independence
Day; the last Thursday in November, commonly called Thanks-
giving Day; the twenty-fifth day of December, commonly called
Christmas Day; any day on which a general election is held
throughout the state; and any day appointed and set apart by
the president or the governor as a day of special observance by
the people of the state; provided, that no teacher shall count any
such holiday or other day so set apart, as a day taught; but shall
teach twenty full days for each school month specified in his or her
contract; and provided, further, that on Washington's birthday
the schools shall be open and shall devote a portion of the day to
exercises bearing on the life and services of "The Father of Our
Country," and that Arbor Day, Memorial Day, and any other
special days shall be observed at such times and in such manner
as the state board of education may determine.

Sec. 58. Shall Have General Control. In accordance with the
provisions of this act and subject to the rules and regulations of the
state board of education, every district board of education shall
have the general control and management of all the schools and the
school interests of its district; it shall have authority to change the
boundaries of sub-districts and increase or diminish the number
thereof; and it shall, as hereinafter provided, establish high schools.
Said board shall have authority to close any schools which may
be unnecessary and to assign the pupils of such schools to other
schools, and to consolidate two or more small schools into central
graded schools to be known as "consolidated schools," and to pro-
vide a building with all necessary equipment therefor. Said board
shall also have authority to provide at public expense for the trans-
portation of pupils to and from such consolidated schools, or other
schools where transportation of pupils may be necessary; provided,
that such transportation shall be in accordance with the rules and
regulations of the state board of education relating thereto. It is
provided, further, that said district board of education may close
any elementary school whose average daily attendance falls below
ten pupils for two months in succession, and shall thereupon direct
the pupils affected thereby to attend, if possible, another school or
other schools in the same or in adjoining districts or independent
districts, whether in the same or in adjoining counties, and the
24 teacher of any school so closed or abandoned shall receive no fur-
25ther compensation as teacher of such school. It is provided, also,
26 that whenever any child or group of children of school age shall,
27 by reason of the provisions of this act, or for any cause whatsoever,
28 be without opportunity to attend a free school as provided by law,
29 within two miles of their homes by the shortest available road or
30 path, the board of education of the district in which such child or
31 group of children reside, may employ such means as to the board
32 may seem best to provide educational opportunities to such child or
33 group of children, and may expend for such purpose an amount
34 not to exceed the proportion of all the school funds of the district
35 that such child or group of children would be entitled to receive,
36 if all such funds were distributed equally among all the children
37 of school age in the district upon a per capita basis, such expendi-
38ture to be made according to such rules and regulations as the said
39 district board may make therefor.

Sec. 59. Transfer of Pupils—Tuition. The board of educa-
2 tion of every district and independent district shall determine what
3 schools in its district the pupils shall attend. But upon the written
4 request of any parent, guardian or other person legally responsible
5 for any pupil or pupils, the board of education may transfer such
6 pupils to another school in the district, or to a school in an ad-
7 joining district or independent district, if it can be shown that
8 such pupils would be better accommodated at such other school.
9 Any person aggrieved by the action of a district board of education
10 regarding such application for transfer of pupils may appeal to the
11 county superintendent of schools, whose decision shall be final.
12 Transfers of pupils from one district or independent district
13 to another, whether in the same or in adjoining counties shall be
14 made by the board of education of the district in which the pupil
15 or pupils desiring to be transferred reside, and the same shall be
16 subject to the approval of the board of education of the district or
17 independent district in charge of the schools to which such pupil
18 or pupils wish to be transferred. In all cases of transfer of pupils,
19 either to elementary schools or to high schools, the board of educa-
20 tion of the district making such transfer shall pay to the board of
21 education to which such transfers are made, reasonable tuition fees,
22 which for elementary schools shall not exceed two and one-half
23 dollars ($2.50) a month, and which for high schools shall not be
24 less than two and one-half dollars ($2.50) nor more than five
25 dollars ($5.00) a month, the same to be paid out of the teachers’ fund of the one district to the teachers’ fund of the other.

Sec. 60. **May Provide Kindergartens.** The board of education of any district or independent district may establish in connection with the schools of such district, kindergarten classes to which may be admitted children between the ages of four and six years.

Persons employed as teachers in such kindergarten classes shall be required to hold special kindergarten certificates which shall be issued by the state superintendent of schools under regulations prescribed by the state board of education.

Sec. 61. **Evening Schools and Other School Extension Activities.** The board of education of any district or independent district shall have authority to establish and maintain evening classes or night schools, continuation or part-time day schools, and vocational schools wherever practicable to do so, and shall admit thereto adult persons and all other persons, including persons of foreign birth, but excepting children and youth who are required by law to attend day schools. Boards of education shall have the authority to use school funds for the financial support of such schools and to use the school houses and their equipment for such purposes. Any such classes of schools shall be conducted in accordance with the rules and regulations of the state board of education.

The board of education of any district or independent district shall have authority also to provide for the free, comfortable and convenient use of any school property to promote and facilitate frequent meetings and associations of the people in discussion, study, recreation and other community activities, and may require, assemble and house material for use in the study of farm, home and community problems and may provide facilities for the dissemination of information useful on the farm, in the home, or in the community.

Sec. 62. **Shall Provide School Libraries.** The board of education of every district and independent district may provide libraries for their schools and may purchase books, bookcases and other things necessary therefor, and shall pay the costs of such libraries out of the school funds of their districts. Books so purchased, except in independent school districts and in high schools, shall be selected from an approved list to be prepared and published from time to time by the state superintendent of
9 schools. It is provided, however, that books not included in such list may be purchased upon the written approval of said superintendent.

Boards of education of such districts shall have authority to employ during the vacation period, a librarian for any school having fifty volumes or more and to pay such librarian out of the school funds of the district, an amount not to exceed one ($1.00) dollar a day for each day such library is kept open, by order of the board. Any librarian so appointed shall keep the library open at least one day a week, at which time the patrons and pupils of the school may draw books from the library under such rules and regulations for the care and return thereof as the board may make.

Sec. 63. May Display United States Flag. Every board of education shall have authority to purchase, out of the building fund, United States flags of regulation bunting for the school buildings of the district and to require the same to be displayed over such school buildings during the time the schools are in session.

Sec. 64. Medical Inspection and School Nurses—Boards of education of independent school districts shall, and boards of education of districts may, employ proper medical and dental inspection of all pupils attending the schools of their districts. Boards of education of districts and independent districts shall also have authority to employ school nurses and to take any other action necessary to protect the pupils from contagious and infectious diseases, including the authority to require from all teachers employed in their districts, certificates of good health and of physical fitness for the work of instruction in the schools.

Sec. 65. Free Text Books.—The board of education of any district or independent district may purchase the necessary text-books prescribed to be used in the free schools under their control and furnish the same free to the pupils of said schools, or to pupils whose parents, in the judgment of the board, are financially unable to provide such books. If the board of education determines to purchase and furnish such free text-books, they shall enter an order to that effect upon the records and shall cause said books to be purchased and kept in charge by the secretary and furnish to the pupils of free schools of their district as hereinafter provided.

At the commencement of every term of the free schools
in such district the secretary shall deliver to the teachers thereof such books as may be necessary for the use of the several pupils therein for the ensuing term of school and take from them receipts showing the number and kind of books so received. It shall be the duty of such teachers to take charge of such books and to distribute them among the pupils of their schools as needed, and said teachers shall have and exercise general control over said books during such term and at the close thereof and before they receive an order for salary for the last month of such term shall collect and gather together all the books so used during the term and deliver them to the secretary of the board of education: provided, that if any of the books delivered to any pupil of such district shall be unnecessarily injured or destroyed they shall be replaced by the pupil who injured or destroyed them. All such books shall be purchased by the board of education directly from the publisher, contracted with as prescribed by law and at the net wholesale price. Provided, however, that the teacher shall be allowed to pay for a period of two days at the same rate of pay for which he is teaching, and also be furnished means of transportation for going after and returning the text-books for the school, the same to be paid out of the building fund of the district, in which he teaches, on the return of the books to the school board's depository.

Sec. 66. May Establish Teachers' Retirement Fund—Boards of education of districts and independent school districts shall have authority to establish and maintain a Teachers Retirement Fund for the teachers of their districts, the administration of such fund to be in accordance with the rules of the state board of education relating thereto. Any board of education which provides such retirement fund shall have authority to maintain the same out of the teachers' fund in accordance with said rules.

Sec. 67. Shall Provide Schools for Colored Pupils—White and colored pupils shall not be taught in the same school, or in the same building, but it shall be the duty of the board of education to establish one free school, or more if necessary, in any sub-district wherein there are ten or more colored persons of school age and, if practicable, in any district wherein there are fewer than ten. For the purpose of carrying out this section the board of education may establish schools composed of pupils from adjacent districts in the manner provided in section fifty-nine of this chapter for white pupils.

Whenever, in any school district, the benefit of a free school
education is not secured to the colored children of school age residing therein in the manner mentioned in this section, the funds applicable to the support of the free schools in such district shall be divided by the board of education in the proportion which the number of colored children bear to the number of white children therein, according to the last enumeration made for school purposes, and the share of the former shall be set apart for the education of colored persons of school age in such districts, and be applied for the purpose from time to time in such way as the board of education may deem best. Any board of education failing to comply with this section may be compelled to do so by mandamus.

Sec. 68. Other Duties. The district board of education shall exercise such other authority and perform such other duties as may be prescribed by law or by the regulations of the state board of education.

Sec. 69. Secretary of District Board of Education—General Duties. The district board of education at its first meeting to be held on the first Monday in July of each year, shall appoint a secretary who shall not be a member of the board, and who shall, before entering upon the discharge of his duties, take the oath prescribed by law, and shall attend all meetings of the board, and record their official proceedings in a book kept for that purpose, showing the number of each order issued, the name of the payee, the purpose for which issued, and the amount thereof, which record shall be attested by his signature and the signature of the president of the board. He shall have the care and custody of all papers belonging to the board, including evidences of title, contracts and obligations and shall preserve the same in his office properly arranged for reference; and he shall record and keep on file in his office such papers and documents pertaining to the business of the board and keep such accounts and prepare and certify such reports and writings as the law may require or the board direct, all of which records, papers, contracts, documents and other property pertaining to his office shall be immediately delivered in proper condition to his successor in office. Whenever any orders are drawn on the sheriff or school treasurer the secretary shall immediately make up a list of said orders, showing the number of each order, the name of the payee and the amount, which list together with said orders shall be delivered to the county financial secretary for his signature and proper record.
Said orders shall then be delivered by the county financial secretary to the persons entitled to the same.

Sec. 70. Abstract of Proceeding. The secretary of the board of education of each district shall, within three days after each meeting of the board of education, post an abstract of the proceedings thereof at the front door of the place of meeting, and within ten days after the annual settlement with the sheriff the secretary of the board of education of each district and independent district shall post at the same place an itemized statement, duly sworn to by the president and the secretary of the board, showing all disbursements by the board of education by orders drawn on the sheriff, or otherwise, within the school year preceding, from the teachers' fund, and any other fund from which disbursements are made, setting forth the name of the person to whom and the purpose for which each order was issued.

Sec. 71. Administer Oaths. The secretary of a board of education shall have authority to administer oaths to school officers and to teachers or others making reports.

Sec. 72. Assessor's Certificate. The assessor shall make out and deliver to the secretary of the board of education of each district and independent district in his county on or before the second Tuesday in August in each year a certificate showing the aggregate valuation of all personal property and real estate in such district or independent district, and to the county superintendent of free schools a certificate of the aggregate valuations of such property in the county, which certificates shall serve as the basis for the school levies for the ensuing year.

Sec. 73. Report Rate of Levy. Within five days after the district board of education has laid the levy for the building fund and the teachers' fund it shall be the duty of the secretary to report the rate thereof to the county superintendent and the proper assessor, and within five days thereafter it shall be the duty of the county superintendent to report the rate of levy for the various funds to the clerk of the county court and the county assessor and the rate of levy for the various funds to the clerk of the county court and the county assessor and the rate of levy for all funds, and the total valuation of real and personal property in each district and independent district to the state superintendent and the auditor; and it shall thereupon be the duty of the proper county officer to extend on the personal property book and on the land book the amount of taxes levied as aforesaid,
in separate columns, headed respectively, building fund, and
teachers’ fund, which taxes the sheriff shall collect and account
for as required by law.

Sec. 74. Penalty. Any assessor, clerk of the county court,
secretary of a board of education, or county superintendent who
fails to perform the duties required of him by sections seventy-
three and seventy-four of this act shall be guilty of a misde-
meanor and upon conviction thereof shall be fined twenty dollars.

Sec. 75. Report. From the reports of trustees, the teachers’
registers, the annual settlement with the sheriff, and from such
other information as he may be able to obtain, the secretary shall
make a tabular report to the county superintendent on or before
the twentieth day of July annually, showing all the statistics and
other facts required in the blanks furnished by the state super-
intendent and such explanations and remarks as he may deem
pertinent.

Sec. 76. Salaries of Secretaries—Secretaries of district
boards of education shall receive annually as compensation for
their services the following amounts: in districts having fewer
than fifteen schools they shall receive twenty-five dollars;
in districts having as many as fifteen but fewer than twenty-
five schools, they shall receive forty dollars; in districts
having as many as twenty-five but fewer than fifty schools, they
shall receive seventy-five dollars; and in districts having fifty
schools or more they shall receive one hundred dollars and in
addition two dollars for each school over fifty.

Sec. 77. Other Duties—The secretary of the district
board of education shall exercise such other authority and per-
form such other duties as may be prescribed by law.

DISTRICT AND COUNTY HIGH SCHOOLS.

Sec. 78. District High Schools—How Established—If
the board of education of any district, or independent district,
deems it expedient to establish a high school in such district, it shall
submit the question to the voters of the district at a general or
special election in the manner following, that is to say: The board
shall prepare and sign a notice setting forth the kind of school pro-
posed; the estimated expense of establishing the same, including
cost of site, building, furniture, books and apparatus and the esti-
mated annual expense of supporting the school after it is in opera-
tion, with such other information concerning it as the board may
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Sec. 78. Establishment of High Schools.—Every district and independent district high school shall be under the control and management of the board of education of the district or independent district in which such high school is located, and shall be supported by a levy laid for that purpose by such board of education according to law, and by such other revenues as may be in the high school fund of the district.

Sec. 79. Joint District High Schools.—The boards of education of two or more contiguous districts, in the same county, may, if authorized so to do by a vote of the people of each of such districts, establish and maintain jointly a high school in any one of such contiguous districts. The building or buildings for such joint high school, if any are to be erected, and the site therefor, shall be owned jointly in proportion to the amount contributed by the districts so uniting. The boards of education of such districts shall submit the question to the voters of the respective districts at a general or special election in the manner required by section one hundred eighty-seven of this act. The boards of education of the districts proposing to unite shall meet and determine the location of the proposed school, the estimated amount to be contributed toward the establishment and yearly maintenance of said school by each district, the total cost thereof to be apportioned among the districts uniting on the basis of their respective valuations of taxable property, which agree—
18 ment shall be reduced to writing and entered of record in the
19 minute book of the respective boards, and the substance of which
20 shall be made a part of the statement to the voters as hereinbefore
21 provided for.
22 The control and management of said joint high school, after
23 the same is established, is hereby vested in the boards of educa-
24 tion of the several districts so uniting to be exercised in joint
25 session. The county superintendent of schools shall be ex-officio
26 a member and chairman of said joint session, and as such shall
27 be entitled to vote and participate in the control and management
28 of said joint high school. There is hereby conferred upon each
29 board of education full authority for the establishment and main-
30 tenance of such joint high school, the election to be held and the
31 result to be ascertained as provided in section one hundred eighty-
32 seven of this act; and all of the provisions of said section, so far
33 as the same are applicable, are made applicable to the establish-
34 ment and maintenance of such joint high school, except that a
35 majority of the voters of each district shall be sufficient to authoriz-
36 e the establishment of such high school.
37 Said boards of education, in joint session as herein provided,
38 may authorize the teaching of elementary pupils in such high
39 school building, upon such terms for the use of the building as
40 they may determine.
41 Sec. 80. Normal Training in High Schools—State Aid—
42 Whenever in the judgment of any county high school board or
43 of any district or independent district board of education in
44 whose district a high school is maintained, it is advisable to pro-
45 vide for the better training of the teachers in the elementary
46 schools of its county or district, such county high school board,
47 district board of education or independent district board of educa-
48 tion shall have the authority to establish and maintain a normal
49 training department in connection with any high school under
50 its control, to provide necessary rooms, furniture, equipment and
51 supplies, and to employ teachers therefor.
52 It shall be the duty of the state board of education to pre-
53 scribe a course of study for such normal training department, to
54 determine the number and qualifications of teachers to be em-
55 ployed therein, and to establish such other regulations and re-
56 quirements for their conduct as they may deem best; and when
57 a normal training department has been established in any high
18 school in accordance with the regulations and requirements of
19 the state board of education and has been approved by said board,
20 such high school shall be designated and known as a normal training high school. The state board of education shall on or before
21 the first day of October annually, report the number and location
22 of high schools approved by it as normal training high schools,
23 to the state superintendent of schools. Normal training high
24 schools so approved shall be entitled to receive, in addition to the
25 state aid now provided by law for classified high schools, the sum
26 of four hundred dollars ($400.00) annually, the same to be paid
27 out of the appropriation for classified high schools at the time
28 and in the manner prescribed by law for the payment of state aid
29 to classified high schools, and to be used for the maintenance of
30 normal training departments of such high schools and for no
31 other purpose; provided, however, that not more than ten high
32 schools in the state shall receive aid as normal training schools at
33 one time; and provided, further, that such state aid shall not be
34 given in support of any such normal training department of any
35 high school located in any county in which a state normal school
36 or other state school maintaining such normal training course is
37 located.

Sec. 81. Payment of High School Tuition.—It shall be the
duty of the board of education in any district which does not
maintain a high school or assist in the maintenance of a county
high school to pay the tuition fees of all pupils in its district
who have completed the course of study in the elementary schools
and who attend public high schools in other districts or counties, or other schools of high school grade within the state; provided, that boards of education shall not pay less than two dollars and fifty cents ($2.50) nor more than five dollars ($5.00) per month for such tuition for each pupil attending such high school, or other school of high school grade; provided, further, that boards of education shall not be required to pay such tuition fees for any pupil for more than four years.

A board of education maintaining a high school having
courses of study of less than four years shall in like manner pay
for the tuition of pupils who have completed a course in such
school and who desire to complete a four-year course in some
other high school, or other school of high school grade, offering
such course.
Sec. 82. Classification of High Schools—State Aid.

(a) The high schools of this state shall be divided into three classes as follows:

High schools of the first class shall include all high schools offering courses of study covering four years of not less than thirty-six weeks each and employing not fewer than three thoroughly qualified high school teachers who devote all of their time to the teaching of high school subjects.

High schools of the second class shall include all high schools offering courses of study covering three years of not less than thirty-six weeks each and employing not fewer than two thoroughly qualified high school teachers who devote all of their time to the teaching of high school subjects.

High schools of the third class shall include all high schools offering courses of study covering two years of not less than thirty-six weeks each and employing at least one thoroughly qualified high school teacher who devotes all of his time to the teaching of high school subjects.

(b) It shall be the duty of the state superintendent of school to classify all of the high schools of the state in accordance with the provisions of division (a) of this section.

(c) To assist in the maintenance of all such high schools as have been properly classified according to the provisions of division (a) of this section and have complied with all the requirements thereof, the following amounts from appropriations to be made for that purpose shall be paid annually out of the state fund.

To each high school of the first class, $800.00; to each high school of the second class, $600.00; and to each high school of the third class, $400.00.

(d) The state superintendent of schools shall not later than the first day of December, annually, notify the county superintendent of schools of each county as to the amount due under the provisions of this section to each of the classified high schools.
in his county. The county superintendent shall issue his warrants upon the auditor, payable to the order of the sheriff of his county, for the amount due each school which shall be paid in two equal installments, payable on the first day of December and the first day of April.

Sec. 83. District and County Boards May Erect Dormitories for High Schools.—In any district or county maintaining a high school, the board of education may erect, purchase, or lease a building to be used as a dormitory for the accommodation of pupils wishing to attend the high school and of persons employed to teach therein, and may furnish and equip the same from the high school funds of the district or county. Said board shall place a reputable and responsible person or persons in charge of such dormitory to conduct the same and furnish meals and lodging to pupils and teachers resident therein, and shall determine the rate that shall be charged pupils and teachers for such accommodation. The person or persons placed in charge of such dormitory shall be required to give bond in the sum of one thousand dollars ($1,000.00) for the proper care and use of the dormitory and its equipment and supplies.

Sec. 84. High School May Be Discontinued.—Any district high school shall be discontinued at the end of any year upon the petition in writing of at least seventy-five per cent of the taxpayers of the district.

Sec. 85. Junior High Schools.—County boards of education and boards of education of school districts and independent school districts shall have the authority to organize intermediate schools, or junior high schools, in connection with any or all schools under their control. Such schools may be organized as a part of a six-three-three plan of school organization or of any other plan recommended by the state board of education. It shall be the duty of the state board of education to prescribe courses of study for such intermediate or junior high schools, to prescribe requirements for teachers employed in the same, and to establish any other regulations for such schools that may seem to the board advisable.

TEACHERS.

Sec. 86. Contracts.—Before entering upon their duties all teachers, principals, and assistants shall execute a contract with their boards of education, or trustees as the case may be, which
contract shall state the duration of time of such employment and
the salary to be paid, and shall be in the form prescribed by the
state superintendent of schools. Every such contract shall be
signed by the teacher and by the president and the secretary of
the board of education, and when so signed said contract shall be
filed together with the certificate of the teacher, by the secretary
in the office of the board. A violation of such contract shall sub-
ject the teacher to the penalties prescribed in section fifty-eight of
this act.

Sec. 87. Teacher's Authority—The teacher shall stand in
the place of the parent or guardian in exercising authority over
the school and shall have control of all the children enrolled in
the school from the time they reach the school until they have re-
turned to their respective homes, except that where transportation
of pupils by wagon, autobuss, or other conveyance is provided, the
driver in charge of such conveyance shall exercise such authority
and control over the children while they are in transit to and
from the school. Subject to the rules of the state board of
education, the teacher of the school, or the principal of a graded
or high school, shall exclude from the school any pupil or pupils
known to have, or suspected of having, any contagious or infec-
tious disease, or any pupil or pupils who have been exposed to
such disease, and shall immediately notify the proper health offi-
cer, or medical inspector, of such exclusion; and any pupil so ex-
cluded shall not be re-admitted to the school by the teacher or,
principal thereof until such pupil has complied with all the re-
quivalent of said rules governing such cases, or has presented
a certificate of health signed by the medical inspector or other
proper health officer.

The teacher shall also have authority, under the rules and
regulations of the state board of education, to suspend any pupil
guilty of disorderly, refractory, indecent, or immoral conduct, and
the district board of education may expel or exclude any such
pupil if, on investigation, the conduct of such pupil is found to
be detrimental to the progress and the general conduct of the
school.

Sec. 88. Teachers Exempt From Serving on Juries—No
teacher, superintendent, supervisor, principal, or other person act-
ively engaged in school work in this state shall be required to serve
on any jury during the period of his contract with a board of edu-
cation.
Sec. 89. *Records and Reports*—Every teacher, principal, supervisor, or other person employed by a district or independent district board of education shall keep such records and shall make such reports as may be required by the state superintendent of schools and such records shall be kept and such reports shall be made according to the forms and blanks prescribed and furnished by said state superintendent. Teachers shall also keep such other records and make such other reports as may be required by the board of education employing them.

Sec. 90. *Payment of Teachers.*—All teachers and other employees of a board of education, or trustees as the case may be, whose salaries are payable out of the teachers' fund, shall be paid for their services monthly by orders drawn upon the sheriff or treasurer, duly signed by the president and secretary of the board and countersigned by the county financial secretary; *provided,* that if the secretary of the district board of education be a teacher, the order for his salary shall be signed by the president and one of the school commissioners of the board; and *provided, further,* that the board may withhold the monthly salary of any teacher or other employee until he has first made such report or reports as may be required by the state superintendent of schools, and no teacher shall receive his salary for the last month of the term of his contract with the board of education until he has first presented to the secretary of the board in correct form all reports required by law.

Sec. 91. *Enumeration.*—The teacher or teachers in each sub-district shall annually before the close of the school or schools therein, and not later than the first day of April, take and report an enumeration of all the youth residing in the sub-district who will be between the ages of six and twenty-one on the first day of July, following, distinguishing between males and females, and between white and colored.

Sec. 92. *How Enumeration Shall be Taken and Reported.*—The enumeration shall be taken and reported in separate classes as follows:

1. (1) All youth who on the first day of July following will not be less than six nor more than twenty years of age;
2. (2) All youth who on said date will be not less than six nor more than sixteen years of age; and
3. (3) All youth who on said date will not be less than seven nor more than fourteen years of age.
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10 (4) All youth over fourteen and under sixteen years of age.

12 The report of enumeration shall be verified by the affidavit of the person who made it to the effect that he used all means in his power to make it; and that he believes it to be correct. He shall deliver such report to the secretary of the board of education with the term report of the school or not later than the first day of April, and, unless such enumeration be properly taken and reported by the teacher within the time required herein, the secretary shall deduct from the last month's salary of such teacher such amount as may be necessary to defray the expenses of taking said enumeration as hereinafter provided for.

Sec. 93. Secretary to Have Enumeration Taken—When the report of such enumeration for any sub-district is not received by the secretary of the board on or before the first day of April in any year, it shall be his duty forthwith to employ a competent person to take and report the same as aforesaid. The person taking and reporting such enumeration shall receive reasonable compensation for the time actually and necessarily spent in taking and reporting such enumeration, by an order of the board on the sheriff, the same to be paid out of the teachers' fund of the district.

Sec. 94. Record and Report of Enumeration—The secretary of the district board of education shall keep in his office a record of the enumeration of youth so taken, and shall annually, on or before the fifteenth day of April, transmit a summary of such enumeration to the county superintendent of schools, who not later than the first day of May shall forward to the state superintendent of schools a summary by districts and independent districts of the enumeration so taken and reported in his county.

Sec. 95. Other Duties—Teachers shall exercise such other authority and perform such other duties as may be prescribed for them by law or by the rules of the state board of education.

EXAMINATIONS AND CERTIFICATE.

Sec. 96. Certificates Required of all Teachers—Minimum Age—No person shall be employed to teach in the free schools of this state or receive for teaching any part of any free school fund who does not at the time he enters upon his duties hold a valid teacher's certificate, covering the period of his employment; and under no circumstances shall a certificate to teach be granted to
7 any person who is not of good moral character and physically and
8 mentally qualified to perform the duties of a teacher and who shall
9 not have attained the age of eighteen years on or before the first
day of October of the year in which his certificate is issued.

Sec. 97. Time and Place of Holding Examinations—The
to the examination of applicants for teachers' certificates, includ-
ing the preparation of questions, the grading of manuscripts, the
granting and issuing of certificates, and all other powers neces-
sary for the proper examination of applicants for teachers' certi-
ficates shall hereafter be vested in the state superintendent of
free schools, who shall designate the time for holding examina-
tions simultaneously in all the counties of the state, at such places
and in such buildings as the county superintendent shall desig-
nate, subject to the approval of the state superintendent.

Sec. 98. Expenses—For the preparation and printing of
questions, for the grading of manuscripts, for postage and express
charges, for the additional clerical work necessary, the state super-
erintendent of schools shall be allowed annually an amount to be
recommended by him, which amount shall be set apart and ap-
propriated by the legislature from the general school fund for
such purpose.

Sec. 99. Assistants—The county superintendent shall con-
duct all examinations as directed by the state superintendent,
and shall have authority to appoint one or more qualified per-
sons to assist him when necessary to the proper conduct of the
examination, who shall receive four dollars ($4.00) a day for not
more than two days in helping conduct such examination, and
shall be approved in advance of their appointment by the state
superintendent. But nothing herein contained shall prevent the
state superintendent from sending a competent person to super-

Sec. 100. Fees—Each applicant at the time of enrollment
for any examination, or for the renewal of a certificate shall pay
to the county superintendent a fee of one dollar. Out of the ag-
gregate of all fees collected by the county superintendent he shall
pay his assistants and other legitimate expenses of conducting
such examination. Within ten days after each examination, the
county superintendent shall make and transmit to the auditor of
the state a detailed and certified report of the number of appli-
cants for certificates, the amount of fees collected by him, the
amount paid out for expenses, and the balance remaining, which
balance shall be transmitted with the report, to be placed by the
auditor to the credit of the general school fund. At the same time,
he shall transmit to the state superintendent of schools a dupli-
cate of the report made to the auditor, together with receipts
for all money paid for expenses.
All applicants for certificates upon graduation or other cre-
dentials shall pay a fee of one dollar to the state superintendent
of schools, who shall transmit the same to the auditor of the
state to be credited to the general school fund.
Sec. 101. Transmitting Questions and Manuscripts—The
state superintendent of schools shall provide for the preparation
of questions for said examinations and for their transmission in
securely sealed packages, to the county superintendent of each
county. The county superintendent shall open the packages of
questions in the presence of his assistants and the assembled ap-
plicants, and shall conduct such examinations in the manner
prescribed by the state superintendent. At the conclusion of the
examination, the county superintendent shall forward the manu-
scripts in securely sealed packages to the state superintendent, to-
gether with such information, statements or affidavits as the state
superintendent may require. No person who is known to be of
immoral character, or to be addicted to drunkenness, or who sha"
not have attained the age of eighteen years on or before the first
day of October of the year in which said examination is held.
shall be admitted to said examination.
Sec. 102. Grading of Manuscripts—Within a reasonable
time after the receipt of the aforesaid manuscripts, it shall be the
duty of the state superintendent to have them examined and grad-
by competent persons who are actively engaged in school work, such
persons to be appointed by him for this purpose, and to issue cer-
tificates based thereon; provided, that not more than one certifi-
cate of the same kind and grade shall be issued to an applicant in
any school year; but the state superintendent shall forward to
each applicant taking more than one examination in the same year,
a statement of the grades made by him in each examination taken;
and in making up his certificate the applicant shall be given the
benefit of his highest grade in each subject. Such certificate when
so issued shall be forwarded by the state superintendent to the
proper county superintendent, who shall countersign it and de-
liver it to the person entitled thereto; provided, that the state
16 superintendent of schools may refuse to issue a certificate to any
17 applicant whom he believes to have been guilty of giving or re-
18 ceiving assistance in the preparation of any manuscripts or of any
19 other act which would warrant or justify the revocation of such
20 certificate.

21 The state superintendent and each county superintendent
22 shall keep a record of all certificates issued, showing the kind and
23 grade of each certificate and the date of issue thereof; and the
24 state superintendent and each county superintendent, upon vacat-
25 ing his office shall deliver said record to his successor.

Sec. 103. Misdemeanor—If any person intentionally opens
2 or attempts to open a package containing questions for an exami-
3 nation before the time fixed by the state superintendent of schools
4 for the distribution of such questions, or has any of the questions
5 in his possession without authority of law or in any way makes any
6 change, alteration or erasure in any manuscript after it has been
7 submitted to those in charge of the examination, or makes any
8 fraudulent substitution for any manuscript during or after the
9 examination, or passes or attempts to pass any such examination
10 under an assumed name, or intentionally and fraudulently gives
11 or receives aid in passing an examination, he shall be guilty of a
12 misdemeanor and upon conviction thereof shall be fined not less
13 than twenty-five dollars ($25.00) and confined in jail not less than
14 thirty days. If any county superintendent or examination assistant
15 willfully violates any of the official instructions issued by the
16 state superintendent for the conduct of examinations; he shall be
17 guilty of a misdemeanor and upon conviction thereof shall be fined
18 not less than twenty-five dollars ($25.00) and may be confined in
19 jail not less than ten nor more than thirty days, and such convic-
20 tion shall vacate his office.

Sec. 104. Elementary Certificates—Subject to all the condi-
2 tions set forth in this section, first grade elementary certificates
3 valid for a period of five years shall be issued to all applicants
4 who are otherwise qualified and who attain a general average of
5 ninety per cent, with no subject below seventy-five per cent;
6 second grade elementary certificates valid for a period of three
7 years, shall be issued to applicants who are otherwise qualified and
8 who attain a general average of eighty per cent, with no subject
9 below sixty-eight per cent; and third grade elementary certifi-
10 cates valid for one year shall be issued to applicants who are other-
11 wise qualified and who attain a general average of seventy per
cent, with no subject below sixty per cent; provided, that the third
grade certificate shall not be issued more than twice to the same
person.

The subject in which applicants for said certificates shall be
examined, or otherwise qualified according to law, shall be read-
ning, spelling, writing, English grammar and language, arithmetic,
physiology and hygiene, United States and West Virginia history,
general and West Virginia geography, civil government, theory
and art of teaching, elementary agriculture, and such other sub-
jects as the state board of education shall from time to time
prescribe.

It is provided, however, that on and after the first day of
July, one thousand nine hundred and twenty-two, no person shall
receive a first grade elementary certificate, who cannot satisfy, by
certificate of credit or otherwise, the following conditions as to
academic and professional attainments acquired by study in high
schools and in normal schools, or in other schools of the same or
higher grade, for the periods as indicated below; that is to say:

1. From the first day of July, one thousand nine hundred
and twenty-two, to the thirtieth day of June, one thousand nine
hundred and twenty-four, applicants for first grade certificates
shall have had at least one year of high school work and in addition
thereto nine weeks' study of professional subjects.

2. From the first day of July, one thousand nine hundred
and twenty-four, to the thirtieth day of June, one thousand nine
hundred and twenty-six, applicants for the first grade certificates
shall have had at least two years of high school work and in
addition thereto, eighteen weeks' study of professional subjects.

3. From the first day of July, one thousand nine hundred
and twenty-four, to the thirtieth day of June, one thousand nine-
hundred and twenty-six, applicants for the first grade certificates
shall have had at least three years of high school work and in
addition thereto twenty-seven weeks' study of professional sub-
jects.

After the first day of July, one thousand nine hundred and
twenty-six, the state board of education may at its discretion
prescribe additional requirements for the granting of teachers' cer-
tificates.

The state superintendent of schools shall have authority
to issue normal school certificates valid for five years, to graduates
in the diploma course of any state normal school, or other schools
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53 approved for the offering of this course, to graduates in the diploma
54 course of the Bluefield colored institute and of the West Virginia
55 collegiate institute and to persons who have completed a normal
56 course of study in any school of another state, which in the judg-
57 ment of the state board of education, is equivalent in all respects
58 to the diploma course of study in the state normal schools of this
59 state.

60-69 Until the first day of July, one thousand nine hundred and
70 twenty-two, first grade elementary certificates shall be valid in
71 all the schools of the state, and thereafter they shall be valid
72 in elementary schools and junior high schools. Second grade
73 and third grade elementary certificates shall be valid in all the
74 grades of the elementary schools, provided, that no person shall
75 be employed as principal of any school of two or more rooms in
76 the same building who does not hold a first grade certificate or
77 its equivalent.

Sec. 105. High School Certificates—High school certificates
2 valid for a period of five years shall be issued by the state super-
3 intendent of schools to applicants who have passed a satisfactory
4 examination upon ten subjects to be designated by the state board
5 of education.

6 The state superintendent of schools shall have authority to
7 issue the high school certificate valid for five years, upon applica-
8 tion in due form, to graduates of the West Virginia University,
9 and to graduates of other approved colleges and universities, in
10 this and other states; provided, that the collegiate courses of in-
11 struction completed by such graduates have included not less than
12 twenty semester hours in professional subjects and, provided, fur-
13 ther, that each high school certificate issued under the provisions
14 of this act shall show the subject or subjects the holder thereof
15-17 is especially qualified to teach.

18 High school certificates shall be valid in all high schools and
19 elementary schools in the state; and after the first day of July,
20 one thousand nine hundred and twenty-two, they shall be required
21 in all classified high schools.

Sec. 106. Supervisor's Certificates—Supervisor's certificates
2 valid for a period of five years shall be issued by the state superin-
3 tendent of schools to applicants who have taught not less than two
4 years on a first grade certificate, or who have had other experience
5 which the state board of education regards as equivalent to two
6 years of teaching, and who have passed a satisfactory examina-
tion upon such subjects as shall be designated by the state board of education.

The state superintendent of schools shall have authority to issue the supervisor’s certificate valid for five years, upon application in due form, to graduates of the West Virginia university, or other approved universities or colleges and to graduates of the state normal schools or other institutions approved by the state board of education for the offering of the diploma normal course; provided, the course of instruction completed by such graduates shall have included not less than twenty semester hours in professional subjects, five semester hours of which shall have been in the subject of school supervision. Supervisors’ certificates shall be valid in all the schools of the state.

Sec. 107. Short Course Certificate—The state superintendent of schools shall have authority, upon application in due form, to issue without examination the short course certificates, valid for a period of three years, to persons who are otherwise qualified and who have completed the short course in any of the state normal schools or other schools approved by the state board of education for the offering of this course, the short course in the West Virginia collegiate institute and the Bluefield colored institute, the normal training course in high schools that have been approved by the state board of education.

Such short course certificates shall be valid in the elementary and junior high schools in the state, and in the payment of salaries shall be considered as first grade certificates.

Sec. 108. Special Certificates.—The state superintendent of free schools shall have authority, upon the recommendation of the state board of education, to issue special certificates to librarians, kindergarten teachers, primary teachers, and special teachers and supervisors of music, drawing, physical training, home economics, manual training, agriculture and other vocational subjects, and such other subjects as the needs of the schools may require.

Special certificates may be issued upon examination or upon the satisfactory completion by the applicants therefor, of such courses of study as may be approved by the state board of education for the issuance of such certificates.

Special certificates shall be valid throughout the state of the teaching or for the supervising of the special subjects to be designated on such certificates.
Sec. 109. Emergency Certificates.—Emergency certificates may be issued by the state superintendent of schools in accordance with rules and regulations made therefor by the state board of education. Such certificates shall not be issued more than once to the same person, they shall be valid only in the county designated in the certificate, and they shall not be valid after the thirtieth day of June following the date of their issue. The grade of any such certificate shall be determined by the state superintendent of schools and the same shall be indicated on the face of the certificate.

Sec. 110. Credit for Grades Made in School. Nothing herebefore contained shall prevent the state superintendent of schools from accepting in lieu of an examination in any subject or subjects required for the granting of any certificate herein provided for, a satisfactory grade or grades made by the applicant in such subject or subjects in an approved college, normal school, or first class high school; provided, that such grade or grades have been given by such college, normal school or first class high school upon the satisfactory completion of not less than one year's work or the equivalent thereof, in each subject in which such substitution of grade is sought.

All certificates issued for a period of five years or longer, shall be considered first grade certificates as to renewal and payment of salaries.

Sec. 111. Renewal of Certificates. All first grade certificates, normal school certificates, high school certificates, supervisors' certificates and special certificates, issued after July first, one thousand nine hundred and twenty-two, shall upon their expiration or within the year immediately following, be renewable for five year periods; provided, that the holders thereof shall have been actively engaged in educational work for not less than three years of each five year period, and shall pass an examination on two reading circle books for the first renewal, and be recommended for such renewal by the county superintendent of schools of the county where the certificate was issued, or where the teacher holding such certificate has taught, without additional requirements whatever.

At the termination of the first renewal period of all first grade certificates issued after one thousand nine hundred and twenty-two, the holder thereof shall be granted a renewal for the period of five years upon the condition that he has taught three years of the five year period or been actively engaged in school
work, and is recommended for renewal by the county superintendent of the county where he resides or has been teaching.

At the end of the second renewal period, the holder of any certificate of the first grade, issued after one thousand nine hundred and twenty-two, shall receive a similar certificate valid for life, if he has taught or been otherwise actively engaged in school work within the life of the certificate, for a period equal to the period of service required for second renewal, and no other requirements shall be imposed upon him. Provided, however, that the holders of certificates of the first grade which have been issued, or which shall be issued prior, to July first, one thousand nine hundred and twenty-two, shall be renewable as follows:

First renewal on condition that the holder has taught or been actively engaged in school work for three years during the preceding five year period and is recommended for such renewal by the county superintendent where he resides or has been teaching. At the end of the first renewal period it shall be renewed on recommendation of county superintendent and passing an examination on two books of the reading circle course.

At the end of the second renewal period the holder of any certificate of the rank of first grade shall be issued a similar certificate valid for life, if he has taught or been otherwise actively engaged in school work for three years during the life of the certificate, and is recommended for such renewal by the county superintendent of his county. No other conditions of any kind shall be required of the applicant for said renewals.

Sec. 112. Revocation of Certificates.—The state superintendent may, after ten days' notice and upon proper evidence, revoke the certificate of any teacher for drunkenness, untruthfulness, immorality, or for any physical, mental or moral defect which would render him unfit for the proper performance of his duties as a teacher, or for any neglect of duty or refusal to perform the same or for any other cause which would have justified the withholding of a certificate when the same was issued.

Any county superintendent who knows of any immorality or neglect of duty on the part of any teacher shall report the same, together with all the facts and evidence, to the state superintendent for such action as in his judgment may be proper.
TEACHERS' INSTITUTES—COUPONS OF CREDIT.

Sec. 113. Time and Place of Holding Teachers' Institutes—
2 As a means of improving the teachers and fitting them for more
3 effective service in the schools of the state, teachers' county insti-
4 tutes shall be held annually throughout the state, one or more
5 in each county, at such times and at such places as the state
6 superintendent, with the advice of the county superintendent,
7 shall direct, and such institutes shall continue each for one week
8 of five days. It is provided, however, that the state superintend-
9 ent may vary the nature of the instruction in such institutes, and
10 may arrange the time and duration of the same in such way as
11 to promote the best interests of the schools.

Sec. 114. Attendance Upon Institutes.—Every person em-
2 ployed as a teacher in the schools of this state shall be required
3 to attend a county teachers' institute, or such other teachers' meet-
4 ings as the state superintendent of schools shall prescribe for his
5 group of teachers or kind of work, for at least five days in each
6 year, or for the number of days more or less than five as may
7 be prescribed by the said superintendent.
8 The county superintendent of schools may excuse, if requested,
9 from attending the teachers' institute any teacher who has been
10 in attendance for at least six weeks after January first of the
11 year in which such excuse is sought, at a standard college, uni-
12 versity, or state normal school, or other approved school, and who
13 presents to said county superintendent a statement signed by
14 the principal or president of the school showing what branches
15 have been pursued and that the required work has been satis-
16 factorily completed. The state superintendent of schools shall
17 determine what schools shall be recognized and the nature and
18 amount of the work which shall be accepted by said county super-
19 intendent in carrying out the provisions of this section. For
20 such institute attendance the teacher shall be paid two dollars and
21 fifty cents ($2.50) a day for not to exceed five days in any one
22 year, such compensation to be paid out of the teachers' fund of
23 the district at the end of his term of school. Teachers whose
24 schools have been discontinued for any legal cause shall receive
25 such portion of the total per diem as the number of months
26 actually taught bears to the number of months in the school term
27 provided for the district.
28 It shall be the duty of the county superintendent to see that
29 teachers who do not attend institute or who have not been legally
30 excused are not allowed to teach in his county during any year
31 in which such failure occurs.

Sec. 115. Filing of Certificate.—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 his
school, a certificate of institute attendance or an excuse therefrom
signed by the county superintendent of schools.

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.

Sec. 116. Instructors.—The institute shall be conducted by
each teacher to file with the secretary of the board of education of
the district in which he is employed, before the opening of his
school, a certificate of institute attendance or an excuse therefrom
signed by the county superintendent of schools.

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.

Sec. 116. Instructors.—The institute shall be conducted by
experienced and skillful instructors appointed by the state super-
tendent of free school, but it shall be a part of the duty of
the county superintendent under the instructions of the state
superintendent, to make all arrangements for the institutes and

Sec. 117. Pay of Instructors.—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.

Sec. 118. Enrollment Fee.—Every teacher enrolled in a
counties shall, within five days after the close of the institute,
3 forward to the state superintendent of schools a certified list of 4 all persons enrolled at the county institute, giving the exact time 5 each teacher was in attendance. Said county superintendent shall 6 also forward to the state superintendent a certified statement of 7 the receipts and expenditures as approved by the institute as pro­ 8 vided in section one hundred twenty-one of this act, together with 9 the receipts for all money expended.

Sec. 120. District Institutes—As a further means of im­ 2 provement among the teachers, the county superintendent, or the 3 district supervisor, with the consent of the county superintendent, 4 shall arrange for and conduct district or joint district institutes, 5 one or more for each district of the county within the school year. 6 The county superintendent may also approve the attendance of 7 the teachers employed in his county at a teachers' round table. 8 Attendance upon district institutes or teachers' round tables as 9 herein provided may be substituted for an equal amount of teach­ 10 ing at the discretion of the county superintendent, who shall report 11 to the secretary of the board of education the attendance ap­ 12 proved by him.

Sec. 121. Reading Circles — Coupons of Credit — Teachers 2 shall be encouraged to form reading circles for the purpose of 3 pursuing courses of study in professional subjects, and it shall 4 be the duty of the state superintendent to prescribe a course of 5 study in the said subjects, to provide for examining those who 6 complete the said course and to issue certificates of merit to such 7 persons as pass satisfactory examinations thereon.
8 The state superintendent of schools may also outline addi­ 9 tional professional work and projects for teachers and issue cou­ 10 pons of credit, good only for the school year in which they are 11 issued, to such teachers as complete such professional work or 12 project satisfactorily. Such coupons when signed by the state 13 superintendent and by the county superintendent shall entitle the 14 holder thereof to one dollar a month additional salary for each 15 coupon so held, payable by the district or independent district 16 board of education at the expiration of the school term out of the 17 teachers' fund of such district.

COMPULSORY ATTENDANCE.

Sec. 122. Age—Time—Misdemeanor—Every person who 2 has legal or actual charge of a child or children not less than seven
nor more than fourteen years of age shall cause such child or
children each year to attend a free day school for the full school
term of the district or independent district in which such person
resides; provided, however, that such person shall be exempt from
the foregoing requirement for any of the following causes:

(a) Instruction for a time equal to that required by this
act in a private, parochial or other school approved by the dis-
tinct board of education. The principal or other person in con-
trol of such private, parochial or other approved school shall upon
the request of the district board of education, furnish to said
board such information as it may require with regard to the at-
tendance and instruction of pupils between the ages of seven and
fourteen years enrolled therein.

(b) Instruction for a time equal to that required by this act
in the home of such child or children or elsewhere by a person or
persons who are, in the judgment of the district board of educa-
tion, qualified to give instruction in the subjects required to be
taught in the free elementary schools of this state. The person
or persons giving such instruction shall, upon the request of the
district board of education, furnish to said board such informa-
tion as it may require with regard to the attendance and instruc-
tion of pupils between the ages of seven and fourteen years re-
ceiving such instruction.

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

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

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

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

(g) Residence of the pupil at a distance of more than two
miles from the nearest school by the shortest practicable road or
path, unless free transportation to and from school is provided for
such pupil.

(h) Observance of regular church ordinances.

(i) Other causes that are accepted as valid by the county
45 superintendent or by the district supervisor of schools or by the
46 superintendent of schools of an independent district.
47 Any person who, after due notice has been served upon him
48 as hereinafter provided, shall fail to cause a child or children in
49 his legal or actual charge to attend school as hereinbefore pro-
50 vided, shall be guilty of a misdemeanor and shall upon conviction
51 thereof before any justice of the peace be fined not less than three
52 dollars nor more than twenty dollars, together with the costs of
53 prosecution, or confined in jail not less than five days nor more
54 than twenty days. Each day a child is out of school contrary to
55 the provisions of this act shall constitute a separate offense.
56 Whenever a person accused of violating the provisions of this
57 act has been tried and acquitted, the costs of prosecution shall be
58 paid by the district board of education out of the building fund
59 of the district.

Sec. 123. Attendance Officer—Duties—The board of edu-
2 cation of every district or independent district shall, at its first
3 meeting or as soon thereafter as practicable, appoint one or more
4 attendance officers, who shall qualify as such and shall enforce the
5 provisions of this act in the districts or independent districts in
6 which they have been appointed to serve; provided, however, that
7 any school trustee may be appointed to serve as truant officer in
8 his sub-district. Each officer so appointed shall use due diligenc
9 to ascertain any violations of this law, and when from personal
10 knowledge or by report or complaint from any resident or teacher
11 of the district under his supervision, he believes that any child
12 subject to the provisions hereof has been absent from school con-
13 trary to the provisions of this act, he shall immediately give written
14 notice to the parent, guardian, or custodian of such child that
15 the attendance of said child at school is required, and if the parent,
16 guardian or custodian of such child does not comply with the
17 provisions of this act at once, then such attendance officer shall
18 make complaint against such parent, guardian or custodian be-
19 fore a justice of the peace of the county; and provided, that for
20 subsequent offenses in any school year no such notice shall be re-
21 quired. When any doubt exists as to the age of a child absent
22 from school, the attendance officer shall have authority to require
23 a properly attested birth certificate or an affidavit from the parent,
24 guardian, or custodian of such child, stating the age of such
25 child. The attendance officer shall, in the performance of his
duties as such officer, have authority to visit and enter any office, factory, or business house employing children; he shall also have the authority to arrest without warrant any child absent from school in violation of the provisions of this act and to place such child in the school in which such child is or should be enrolled. Said attendance officer shall be paid monthly at such rate per diem for the time actually spent in the performance of his duties as the board shall determine; but in no case shall payment for any month's services be made until the attendance officer has filed with the secretary of the district board of education the statement required by said board of education, together with a sworn statement of the number of truancy cases investigated and the time actually spent in performing such duties. When the attendance officer has faithfully performed his duties and filed the statement required, the district board of education, if satisfied that the same is just and correct, shall issue to him an order on the sheriff for the amount of his account, payable out of the building fund of the district.

Sec. 124. Secretary to Furnish Enumeration List — It shall be the duty of the secretary of the district board of education at the beginning of the school term to furnish to the teacher of each one-room school in the district a copy of the last school enumeration for the sub-district, together with the name and address of the attendance officer of the district. Such teacher shall at the opening of school and at such times as the district board of education may require, compare said enumeration list with the enrollment of the school and report to the attendance officer the names and residences of parents, guardians or custodians of children between the ages of seven and fourteen who are or have been absent from school without a legal excuse; also, the names and residences of parents, guardians, or custodians of children of compulsory school age not included in such enumeration list who are, or have been absent from school without legal excuse. The secretary of the district board of education shall furnish said enumeration list, together with the name and address of the attendance officer, to the superintendents, district supervisors or principals of all town and city schools and to the principals of all district schools of two or more rooms, and said superintendents, district supervisors, and principals shall make reports to the attendance
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Sec. 125. Fine for Neglect of Duty—Any school officer, attendance officer, district supervisor, superintendent, principal, teacher or other person upon whom a duty is imposed by this act who neglects or refuses to perform any duty or duties so imposed upon him shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than three dollars ($3.00) nor more than twenty dollars ($20.00), and may be imprisoned not to exceed twenty-five days.

Sec. 126. Aiding or Abetting Violations of Compulsory Attendance—Any person who induces or attempts to induce any child unlawfully to absent himself from school or who harbors or employs any child of compulsory school age while the school which he is required to attend is in session, or employs such child within the term of said school without the written permission of the county, district or city superintendent of schools shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00), or may be confined in jail not less than five days nor more than thirty days.

Sec. 127. Fines Collected—All fines collected, under the provisions of this act shall be paid over at once by the justice to the sheriff, and by him credited to the building fund of the proper district; and every attendance officer shall make to the secretary of the district board of education and to the sheriff an itemized statement on the last day of each month of all fines imposed as provided herein.

Sec. 128. Unemployed Children over Fourteen and Under sixteen Shall Attend School—Every child over fourteen and under sixteen years of age who is not engaged in some regular employment or business for at least six hours per day or who has not received written permission from the superintendent of schools of the city or county in which he resides, to engage in profitable employment at home, shall attend a public day school or other day school approved by the board of education of his school district or independent school district during the entire time the public schools are in session, subject to such exemptions as are provided for in section one hundred twenty-five of this act, except that no child over fourteen and under sixteen years of age shall be exempt from school attendance as herein required for the reason that he
Sec. 129. **Children Over Fourteen and Under Sixteen Who Are Employed Shall Attend Evening or Part-Time Day Schools**—Every child over fourteen and under sixteen years of age who is engaged in regular employment or business for six or more hours during the day shall attend an evening school, part-time day school or other continuation school for at least five hours per week for a period of twenty weeks, or for such period as such school is in session, if it is in session less than twenty weeks; provided, there is an evening school, part-time day school or other continuation school approved by the board of education of the district in which such child resides, within two miles of such child's home or temporary place of residence. Individuals, firms and corporations employing children over fourteen and under sixteen years of age shall, if necessary to enable such children to attend an evening school, part-time day school or other continuation school as herein required, release such children from work for at least five hours per week for a period of not less than twenty weeks each year.

All children over fourteen and under sixteen years of age shall be included as a separate class in the enumeration list required in section ninety-five of this act. The requirements of this section shall be enforced by the persons and in the manner prescribed for the enforcement of the requirements of sections one hundred twenty-five to one hundred thirty-one, inclusive, of this act.

Sec. 130. **Compulsory Education of the Deaf and the Blind**—Every parent, guardian or other person having control of any mentally normal minor over eight years of age who is defective in sight or hearing to the extent that he can not be benefited by instruction in the public schools, shall be required to send such minor to the West Virginia schools for the deaf and the blind at Romney. Such minor shall continue to attend said schools for a term of at least thirty-six weeks each year until he has completed the course of instruction prescribed for said schools by the state board of education, or until he has been discharged by the superintendent of said schools. It is provided, however, that minors of the negro race who come under the requirements of this section shall be placed in a separate school or schools located at such place or places as may be determined by the state board of control.
Any such deaf or blind minor shall be exempt from attendance at said schools for any of the following reasons:

1. Instruction by a private tutor or in another school approved by the state board of education, for a time equal to that required by the first paragraph of this section.

2. Physical incapacity for school work.

3. Any other reason deemed good and sufficient by the superintendent of said schools, with the approval of the state board of education.

Any parent, guardian or other person in charge of such minor or minors who fails or refuses to comply with the requirements of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars ($10.00) nor more than thirty dollars ($30.00) for each offense.

Failure for the period of one week within the school year to send such minor to school shall constitute an offense; provided, that the time necessary for such minor to travel from his home to Romney shall not be counted as time absent from school.

Any person who induces or attempts to induce such blind or deaf minor to absent himself from school or who employs or harbors such minor unlawfully, while said schools are in session shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty dollars ($20.00) nor more than fifty dollars ($50.00) for each offense.

It shall be the duty of school attendance officers, prosecuting attorneys and any special attendance officers appointed by the said schools for the deaf and the blind to enforce the provisions of this section.

It shall be the duty of the public school teachers of each county to furnish to the county superintendent of schools of their county the names of deaf or blind persons in their sub-districts between the ages of six and twenty-five years together with information as to the age, sex and race of each such deaf or blind person. The county superintendent of schools shall certify the names of all such persons with the names and addresses of their parents or guardians to the superintendent of the schools for the deaf and the blind at Romney.

It shall be the duty of the state superintendent of schools to provide suitable blanks for the enumeration of such deaf and blind persons to each county superintendent for distribution among teachers and others responsible for taking the school enumeration.
The enumeration of such deaf and blind persons shall be taken at the time the regular school enumeration is taken and shall be reported to the superintendent of the schools for the deaf and the blind at the time that the regular school enumeration is reported to the state superintendent of schools.

**VOCATIONAL EDUCATION.**

Sec. 131. *Acceptance of Federal Act.*—The provisions of an act of congress entitled "an act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation 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. 132. *Custodian of Funds.*—The state treasurer is hereby designated as the custodian of funds to be paid into the treasury of this state 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. 133. *State Board.*—The state board of education is hereby designated as the state board to carry out the provisions of said act so far as the same relates to the cooperation of the states and federal government and shall have full power to do all things necessary in the formulation or execution 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.

**STATE EDUCATIONAL INSTITUTIONS.**

Sec. 134. *West Virginia University, Name, Location, Control.*—The West Virginia university, created and established by chapter one hundred twenty-three, sections seventy-six and sev-
enty-seven, of the acts of the legislature of one thousand eight hundred seventy-two and one thousand eight hundred seventy-three, shall hereafter remain where now located and shall continue to be known as the West Virginia university. On and after the first day of July, one thousand nine hundred nineteen, said university shall be under the control and management of the state board of education as provided in section seven of this act, and the state board of control as provided in section four of chapter fifteen-m of Barnes' code of nineteen hundred and sixteen.

Sec. 135. Powers and Duties of the President.—The president of the university shall be president of the general faculty and of the faculties of the several colleges and department thereof, and the executive head of the university in all its departments. Subject to the authority herein vested in the state board of education, he shall give general direction to the administrative affairs and to the scientific investigations of the university and of its several departments. And subject to the orders of the board, he shall have authority, in the recess of the board, to remove any employee or subordinate officer, who is not a member of the faculty, and supply for the time any vacancy that may occur by such removal or otherwise.

Sec. 136. The President Shall Make Biennial Reports.—On or before the end of each biennial period the president of the university shall make a report to the state board of education and the state board of control showing in detail the progress and condition of the university during such biennium, and such other detailed information about the affairs and the control of the university as the said boards may request or as he may deem wise to communicate.

Sec. 137. Colleges, Schools, Department.—In consultation with the president of the university, the state board of education shall have authority to establish and to maintain in the university such colleges, schools, departments, and divisions as from time to time may be expedient, and shall provide for the organization and management of the same.

Sec. 138. Admission and Graduation of Students.—The rules and regulations made by the president and faculties of the university governing the admission of students to the university, the standards of scholarship to be maintained, the conferring of degrees and the granting of diplomas, certificates, and other evidences of work done by students of the university, shall be sub-
mitted to the state board of education for its approval. The rules and regulations made by said president and faculties for the general government of the university shall in like manner be submitted to said board for its approval.

Sec. 139. Agricultural Extension Division—In order to promote the improvement and advancement of agriculture, domestic science, and rural life among the people of the several counties of the state of West Virginia, there is hereby created and established in the college of agriculture, at West Virginia university, an agricultural extension division to be coordinate with the resident instruction division and the agricultural experiment station. The work of the agricultural extension division of the college of agriculture shall be conducted under such rules, regulations and methods as may be approved by the state board of education, but every expenditure under this section shall be approved by the state board of control. Said extension work shall consist of holding extension schools in the various counties of the state, at which instruction shall be given in soil fertility, horticulture, stock raising, crop production, dairying, and other branches of agriculture, domestic science and kindred subjects; of conducting farmers' institutes; of furnishing speakers and exhibits for special agricultural trains; of giving instruction and demonstrations at agricultural fairs, farmers' institutes, clubs, granges, or other organizations that may be useful in extending agricultural knowledge; of conducting in cooperation with school officials and the United States department of agriculture, boys' and girls' agricultural clubs; of appointing county agricultural and home demonstration agents and supervising and assisting them in advancing the agricultural and home interests of their respective counties or districts by encouraging demonstrations in orcharding, soil improvement, crop production, stock raising, and other phases of agriculture, home economics and kindred subjects, as provided for in section twenty-eight, chapter thirty-nine of the code of West Virginia; of giving instruction by mail in agriculture, domestic science, and kindred subjects; of publishing bulletins, circulars, and newspaper articles; and of such other methods as may carry the benefits of the work of the college of agriculture, the agricultural experiment station and the United States department of agriculture to the people of the several counties of the state, as provided for in the Federal Smith-Lever act of May eighth, one thousand nine hundred fourteen, and
Sec. 140. Military Training.—Male students of suitable age in the university shall be required, under such regulations as the state board of education shall prescribe to enroll in the department of military science. Said students shall serve for the time required by said regulations and shall be entitled to such special privileges and immunities as the state board of education may determine. The state board of education shall have authority to accept appropriations, material, and other benefits from the federal government on account of any federal law providing for aid to the West Virginia university for giving instruction in military science and to cooperate as far as practicable with the federal government for such purpose.

Sec. 141. Extension in General.—The state board of education is hereby authorized and empowered to organize and conduct, through the organization of the different colleges, schools, or departments of the university, extension work in the form of schools, classes, lectures, and other forms of instruction, throughout the state, in order that the benefits of the university may reach all parts of the state.

Sec. 142. Endowment for Agricultural College.—The funds derived from the sale of United States land warrants which have been donated to this state for the purpose of endowing an agricultural college shall be invested by the board of the school fund in a loan of public stock of the United States or otherwise, as required by congress, for the use and benefit of the university, and as set forth in the acts of the legislature of one thousand eight hundred seventy-two and seventy-three, one thousand eight hundred eighty-one, one thousand nine hundred eight, and one thousand nine hundred nine.

Sec. 143. Federal Appropriations.—For the uses and purposes of the West Virginia university there is hereby set apart such sum or sums of money as shall accrue from the annual appropriation made by the act of congress, approved August thirtieth, one thousand eight hundred ninety, known as the “Morrill 6 Fund” and all other sums of money that may at any time be
7 appropriated by act of congress for the benefit of the West Vir-
8 ginia university, and the treasurer of this state is hereby design-
9 nated as the proper officer to receive from the secretary of the
10 treasury of the United States the said sum or sums of money
11 to be paid into the treasury of this state under said act or acts of
12 congress and the state board of control shall have general super-
13 vision and control of said sum or sums of money as is now provided
14 by the act creating the said state board of control.

Sec. 144. Agricultural Experiment Station—The state of
2 West Virginia hereby assents to the act of congress approved
3 July second, one thousand eight hundred sixty-two, entitled “An
4 act donating public lands to the several states and territories
5 which may provide colleges for the benefit of agricultural and
6 mechanic arts” and to all other acts passed since that one re-
7 enacting or amending it and accepts from the government of the
8 United States the grants of money authorized by said act of
9 congress, and assents to the purpose of said grants. In the act
10 of West Virginia legislature passed March second, one thousand
11 eight hundred eighty-seven, establishing a department in the West
12 Virginia University, known as the “West Virginia agricultural
13 Experiment Station” is hereby re-enacted for the purposes enumer-
14 ated and the state board of control and the state board of educa-
15 tion are authorized and empowered as is now provided by law
16 to carry out the provisions of these several acts.

Sec. 145. Anatomical Board; Use of Dead Bodies—Chapter
2 thirty-two of the acts of the legislature of one thousand nine
3 hundred one, providing for the disposition of dead human bodies
4 by persons in charge of any almshouse, prison, morgue, hospital,
5 asylum, or other place included in said act shall remain in full
6 force.

Sec. 146. Financial Support—The legislature shall make
2 the necessary appropriations for the financial support of the West
3 Virginia university.

Sec. 147. State Normal School—The provisions of all acts
2 of the legislature relating to the West Virginia state normal
3 school and its branches shall be and remain in full force except
4 so far as the same may be altered by this act.
5 The “West Virginia State Normal School” established under
6 and by virtue of an act passed February twenty-seventh, one
7 thousand eight hundred sixty-seven, entitled “An act for the
8 establishment of a state normal school,” shall be and remain at
9 Huntington in the county of Cabell, as provided in said act. The branch of the state normal school established at Fairmont, under and in pursuance of the act passed March fourth, one thousand eight hundred and sixty-eight, entitled "An act providing for the purchase of the West Virginia normal school at Fairmont"; the branch of the West Virginia state normal school established at West Liberty, under and in pursuance of the act passed March first, one thousand eight hundred and seventy, entitled "An act to establish a branch normal school at West Liberty, in Ohio county"; the branch of the state normal school established at Glenville, under and in pursuance of the act passed the nineteenth day of February, one thousand eight hundred and seventy-two entitled, "An act to establish a branch normal school at Glenville, Gilmer county"; the branch of the state normal school established at Shepherdstown, under and in pursuance of the act passed and approved February fourteenth, one thousand eight hundred and seventy-two, entitled "An act to establish a branch normal school at Shepherdstown, in the county of Jefferson"; and the branch of the state normal school at Athens, in Mercer county, established by the act passed the twenty-eighth day of February, one thousand eight hundred and seventy-two entitled, "An act to locate a branch state normal school at Concord, in the county of Mercer". shall each be and remain at the place where said institution is now located. The state normal school and its branches named in this section, shall be under the control and management of the state board of education, as provided by section seven of this act, and of the state board of control, as provided in section four of chapter fifteen-m of Barnes' code of one thousand nine hundred and sixteen. On and after the first day of July, one thousand nine hundred and nineteen, said normal school and its branches shall each be known as a state normal school, and none shall be known as a branch of the one first established, and shall be designated respectively as "Marshall College", "Fairmont State Normal School", "West Liberty State College", "Glenville State Normal School", "Shepherd College State Normal School", and "Concord State Normal School". The function of said normal schools shall be the preparation of teachers through such courses of study as the faculties may prescribe with the approval of the state board of education. The rules and regulations made by the president or other head and the teachers of each of said normal schools for the
general government of such school and for the admission of students thereto, the standards of scholarship to be maintained therein, and the graduation of students therefrom, shall be submitted to the state board of education for its approval. The president and the teachers of each of said normal schools shall be men and women of broad and liberal education, as evidenced by the possession of a bachelor's degree from a standard college or university, or the equivalent thereof, as a minimum requirement. The legislature shall make the necessary appropriations for the financial support of each of the said normal schools.

Sec. 148. Preparatory Branch of The State University—The preparatory branch of the state university heretofore established at Keyser, in Mineral county, shall remain where now located and on and after the first day of July, one thousand nine hundred and twenty-one, shall be known as the "West Virginia Vocational School", which shall be under the control and management of the state board of education, as provided by section seven of this act, and of the state board of control, as provided by section four of chapter fifteen-m of Barnes' code of one thousand nine hundred and sixteen. The rules and regulations made by the principal and teachers of this institution for its general government shall be submitted to the state board of education for its approval. Said vocational school shall offer instruction in agriculture, home economics, industrial subjects and such other subjects as the state board of education may direct. The legislature shall make the necessary appropriations for the financial support of said institution.

Chapter seventy of the acts of the legislature of one thousand nine hundred and seventeen, regular session, is hereby repealed.

Sec. 149. The West Virginia Trades School—The West Virginia trades school heretofore established at Montgomery shall remain where now located and shall be under the control and management of the state board of education as provided by section seven of this act, and of the state board of control as provided in section four of chapter fifteen-m of Barnes' code of one thousand nine hundred and sixteen. The rules and regulations made by the principal and the teachers of said trade school for its general government shall be submitted to the state board of education for its approval. In addition to academic courses of secondary grade, the state board of education shall have authority to provide for the teaching of other
12 courses of secondary grade consistent with the name of said school
13 and shall do whatever may be necessary to comply with the act of
14 congress passed the ninth day of January, one thousand nine
15-16 hundred and seventeen, granting federal aid to schools in the
17 several states offering instruction in trades and vocations. All
18 students of this state shall receive instruction in any of the
19 vocational courses maintained in said school free of tuition. Said
20 trades school shall be supported in the manner provided for the
21 support of other state educational institutions.

Sec. 150. The West Virginia Collegiate Institute—The
2 institution for the instruction of colored students lo-
3 cated at Institute in the county of Kanawha and designated by an
4 act of the legislature of one thousand eight hundred and ninety-
5 one, regular session, chapter sixty-five, as “The West Virginia Col-
6 legiate Institute,” shall remain where now located, and shall
7 have and hold all the property, funds, rights, powers and privi-
8 leges granted to said institution in said chapter sixty-five of the
9 acts of the legislature of one thousand eight hundred and ninety-
10-95 one, and all subsequent acts relating thereto.
96 Said institute shall be under the control and manage-
97 ment of the state board of education and the state board of
98 control, as provided herein for other state educational institutions.
99 The state board of education shall establish and main-
100 tain in the West Virginia collegiate institute, in addition to the
101 departments already established, such college courses of study
102 as may be expedient and possible and shall prescribe the con-
103 ditions for graduation therein and make rules for the conferring
104 of degrees and for issuing the proper diplomas to those who
105 complete such courses, as in the case of other state educational
106 institutions.
107 The West Virginia collegiate institute shall have power and
108 authority to do extension work in agriculture, home economics,
109 and such other subjects as the state board of education may
110 direct, among the negro population of West Virginia.
111 The treasurer of the state is hereby designated as the
112 officer to receive from the secretary of the treasury of the United
113 States the said several sums of money to be paid into the treas-
114 ury of this state by the federal government for the uses and pur-
115 poses named in any grants for said institute. He shall keep an ex-
116 act account of the moneys so received, and shall place to the credit
117 of each of said beneficiaries thereof its due proportion of the
same. The sums so placed to the credit of the West Virginia collegiate institute shall be paid out by him on the order of the state board of control. And said treasurer shall include in his biennial report to the governor a statement of his receipts and disbursements under the provisions of this act.

The rules and regulations made by the president and faculty of said institute for its general government and for the admission of students thereto, the standards of scholarship to be maintained therein, and the graduation of students therefrom, shall be submitted to the state board of education for its approval.

The legislature of the state of West Virginia hereby accepts for said state, the terms and provisions of the act of congress of the United States approved August thirtieth, one thousand eight hundred and ninety, for the objects and purposes mentioned and declared therein, and designates "The West Virginia University," established in pursuance of the act of congress of the United States passed July two, one thousand eight hundred and sixty-two, and a subsequent act passed by said congress on April nineteen, one thousand eight hundred and sixty-four, at Morgantown, in the county of Monongalia, in this state, as a beneficiary of said appropriation for the instruction of white students, and "The West Virginia Collegiate Institute," for the beneficiary of said appropriation for the instruction of colored students, to be paid to each in the proportion mentioned in chapter sixty-five of the acts of the legislature of one thousand eight hundred and ninety-one and chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight. The said institution by the name of "The West Virginia Collegiate Institute," shall have and hold all the property, funds, rights, powers and privileges herein mentioned.

The legislature shall supplement the funds received from the federal government as aforesaid, by making such appropriations from time to time as may be necessary for the further support of the West Virginia collegiate institute.

Sec. 151. The Bluefield Colored Institute—The Bluefield colored institute shall remain where now located, and shall be known as the "Bluefield Colored Institute." Said institute shall be under the control and management of the state board of education as provided by section seven of this act, and of the state board of control as provided by law for other state educational in-
7 institutions. The rules and regulations made by the principal and
8 faculty of said institute for its general government and for the
9 admission of students thereto, the standards of scholarship to be
10 maintained therein, and the graduation of students therefrom,
11 shall be submitted to the state board of education for its approval.
12 The legislature shall make from time to time such appropriations
13 as may be necessary for the financial support of said institute.

Sec. 152. The West Virginia Schools for the Deaf and the
2 Blind—Name—Location—Management—Purpose—The West Vir-
3 ginia schools for the deaf and the blind heretofore established shall
4 remain at Romney and be known as "The West Virginia Schools
5 for the Deaf and the Blind," and shall be maintained for the
6 care and training of the deaf and the blind of the state as pro-
7 vided by law. The school shall be under the control and manage-
8 ment of the state board of education and the state board of con-
9 trol as provided in this chapter for other state educational in-
10 stitutions.

Sec. 153. Admission—All such deaf and blind youth resi-
2 dent in the state, between the ages of eight and twenty-five years,
3 shall be admitted to the institution on application to the prin-
4 cipal. It shall be the duty of the principal to keep a careful
5 record of the names of all applicants, with the dates of their ad-
6 mission and discharge, their age, post office address, the name
7 of their parents or guardians, and the degree, cause and circum-
8 stances of their deafness or blindness.

Sec. 154. Clothing—All such deaf and blind pupils shall
2 be admitted as above directed without charge for board and tuition;
3 and when not otherwise provided with clothing they shall be fur-
4 nished therewith by the institution while they are pupils therein,
5 and the principal shall make out an account therefor in each case
6 against the respective counties from which said pupils come, in
7 an amount not exceeding forty dollars per annum for every such
8 pupil, which account shall be sworn to by the principal and counter-
9 signed by the secretary, and which shall be transmitted by the
10 principal to the auditor of the state, whose duty it shall be to
11 transmit a copy of the same to the clerk of the county courts of the
12 respective counties in which such pupils live, and the county
13 courts of such counties shall thereupon, at their next session
14 thereafter held for the purpose of making a county levy, include in
15 such levy the amount of said account against their counties, and
16 cause an order to be issued on the sheriff of the county in favor
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17 of the auditor of the state, and cause the same to be transmitted
18 by the clerk of said court to the auditor whose duty it shall be to
collect the same and place it to the credit of the institution, to be
drawn out upon a requisition as a part payment of the current
expenses of said school. If the same is not paid to the auditor
by the respective counties from which they are due in a reason-
able time, it shall be the duty of the auditor to collect the same
by law.

Sec. 155.  Period of Attendance—Special Admissions—
2 The pupils of said school may continue therein five years, and
3 for as much longer as in the discretion of the board and principal
4 their condition and progress would seem to justify. After all the
5 applicants between the prescribed ages of eight and twenty-five
6 years have been admitted, if there are accommodations, the prin-
cipal may admit other deaf and blind persons who may be of
7 suitable age to receive any advantage from the institution, and
9 upon such terms as the board may prescribe; but it shall be dist-
10 tinctly understood that such persons shall withdraw from the
11 institution in the order of their admission to make room for new
12 applicants between the ages prescribed.

Sec. 156.  Court of Instruction—The course of instruc-
tion in the institution shall be prescribed by the state board of edu-
3 cation with the advice of the principal, and shall be as exten-
sive both in the intellectual, musical and mechanical depart-
5 ments as the capacities and interests of the pupils may require.

Sec. 157.  Registration—In addition to their other duties
2 the assessors of the state are hereby required to register in a book
3 to be furnished them by the auditor for the purpose, the names
4 of all the deaf and the blind persons in their respective districts,
5 with the degree and cause of deafness and blindness in each case
6 as far as can be ascertained, from the heads of the families, or
7 from other persons whom the assessors may conveniently consult,
8 their ages, the names of their parents or guardians, their post
9 office addresses and such other facts as may be useful in making
10 the said institution efficient in ameliorating the conditions of the
11 deaf and the blind. They shall complete the registration as early
12 as possible and forward their report to the auditor who shall, if
13 practicable, before the first day of July or as soon thereafter as
14 possible, make an alphabetical abstract of all the facts furnished
15 him by the assessors' reports and shall send the same by mail to
16 the principal of the West Virginia schools for the deaf and the
17 blind, and said principal is hereby further required to put himself
18 into immediate correspondence with all the deaf and dumb persons
19 of suitable age and condition mentioned in the auditor's abstract,
20 with a view to their admission as pupils into said school.

Sec. 158. Compensation for Registration—The assessors
2 shall receive for the extra duties hereby imposed the same com-
3 pensation as now allowed them for the registration of births and
4 deaths, and shall be liable to the same penalties for failure to
5 discharge their duties.

Sec. 159. West Virginia Industrial School for Boys—
2 Name—Location—Purpose—Management—The West Virginia
3 reform school, established by chapter three of the acts of one
4 thousand eight hundred and eighty-nine shall hereafter be known
5 and designated as the "West Virginia Industrial School for Boys"
6 and shall be conducted in the buildings heretofore and hereafter
7 erected for that purpose at Pruntytown in Taylor county. This
8 school shall be exclusively charged with the care and training of
9 male youth of the state, but white and colored shall be kept sepa-
10 rate. It shall be managed, controlled, and governed by the state
11 board of control, as provided in chapter fifty-eight of the acts of
12 one thousand nine hundred and nine and all subsequent acts
13 relating thereto.

Sec. 160. Commitments—Any male youth under the age
2 of eighteen, and not under the age of ten years, may be committed
3 to and received into the West Virginia industrial school for boys
4 for the reasons and in the manner following:
5 1. By a justice of the peace of the county in which he re-
6 sides on complaint under oath and due proof made to him, by the
7 parent, guardian or other person having the custody and control of
8 such youth, that by reason of incorrigible or vicious conduct such
9 youth has rendered his control beyond the power of the parent,
10 or guardian or such other person, and made it manifestly requisite
11 that, from regard for the morals and future welfare of such youth,
12 and the peace and order of society, he shall be placed in said
13 school.
14 2. By the same authority, upon complaint under oath and
15 due proof before the justice that such youth is vagrant, incorrigible
16 or vicious in disposition and conduct, and that his parents, guar-
17 dian, or other person having custody of or authority to control
18 him, are depraved or otherwise unfit, unwilling or unable to ex-
19 ercise care or discipline over such youth.
Sec. 161. Convicts—Whenever any male youth under the age of eighteen years, shall be convicted in any of the courts of this state of felony or a misdemeanor, punishable by imprisonment, the judge of said court in his discretion, and with reference to the character of the industrial school as a place of correction and not of punishment, instead of sentencing said youth to be confined in the penitentiary or county jail, may order him to be removed to and confined in the said industrial school, to remain until he shall have arrived at the age of twenty-one years, unless sooner discharged by the state board of control. Male youth under eighteen years of age, convicted in any of the courts of the United States for the districts of West Virginia, of any offense punishable by imprisonment, may also be received into said industrial school upon such regulations and such terms for their maintenance and support as may be prescribed by the state board of control, and assented to by the proper authorities of the United States.

Sec. 162. Date Accompanying Commitment—It shall be the duty of a justice of the peace when committing a youth to the industrial school under the first and second clauses of section one hundred sixty-three of this act, in addition to the commitment, to annex to said commitment the names and residences of the different witnesses examined before him, and the substance of the testimony given by them respectively, on which the adjudication was found, together with full answers to such interrogatories respecting the history of the case and the mental and physical health of the youth, as shall be prescribed by the board of control, and furnished in printed form, on application, by the superintendent of the industrial school.

Sec. 163. Proceedings for Commitment—In all proceedings before justices of the peace for commitment of youth to the industrial school under the first and second clauses of section one hundred sixty-three, of this act, the justice shall appoint some discreet and disinterested person guardian ad litem of such youth, whose duty it shall be to represent the interests of the youth and to see that no injustice is done him; and the guardian ad litem or the youth shall have the right to demand a jury of twelve men to try the truth of the charges made against the youth, and the jury shall be selected, and the trial shall be conducted in the same manner as is provided by law for the trial of criminal cases before
justices by juries. And the guardian *ad litem* or the youth shall have the same right of appeal from any final decision rendered against the youth in any such proceedings, whether upon a trial by jury or otherwise, as is allowed by law in other criminal cases tried before justices.

Sec. 164. *Commitment Fees—Justices, constables and 2 jurors shall receive the same fees in a proceeding for committing a youth to the industrial school as are allowed by law for similar services in misdemeanor cases, and such fees shall be paid in like manner as fees of such officers and persons are paid in misdemeanor cases.*

Sec. 165. *Conveyances of Youths to School—Expense—* As soon as is practicable after a youth, on any account, is committed to the industrial school the papers in the case shall be mailed to the superintendent, and such youth shall remain in the custody of the court pronouncing such commitment, until he be delivered to an officer of the industrial school, who shall be sent without delay, and duly authorized by the superintendent to conduct such youth by the most direct and convenient route to the said school; but no youth committed to the industrial school shall be lodged in any jail or lockup, if he be under the age of twelve years. The superintendent shall, in so far as is consistent with the safe conveyance of youth to the school, cause as many youths as may be committed from the same or several counties to be conducted to the school at the same time. The expense incurred in conducting a youth to the industrial school, including transportation and other necessary traveling expenses of the youth and of his conductor, shall be paid by the county court out of the treasury of the county from which the youth was committed to the school, and a written statement of such necessary expenditures, fully itemized and sworn to by the officer making such expenditures, and attested by the superintendent of the school, when presented to any county court, shall be a bill against such court, to be paid to the industrial school, and credited to that fund of the school from which the original expenditure was made; but when two or more youths shall be so conducted from more than one county, the necessary expenditure on the personal account of the conductor shall be apportioned among the counties concerned in due proportion to the mileage traveled by the youth from the respective counties.

Sec. 166. *Offenses—If any person shall entice or attempt to entice away from the industrial school any youth legally com—
mitted to the same, or shall aid or abet any youth to escape from
the industrial school, or shall harbor, conceal, or aid or abet in
harboring or concealing, any youth who shall have escaped there-
from, or shall, without the permission of the superintendent, give
or sell, or aid or abet any other person to give or sell, to any youth
in the industrial school, whether on the premises of such institu-
tion or otherwise, any money, firearms, intoxicating drinks, to-
abacco, cigarettes, or other articles whatsoever, or shall in any way
cause or influence, or attempt to cause or influence or aid or abet
therein, any youth in the industrial school to violate any rule of
the institution or to rebel against the government of said school
in any particular, or shall receive by the hands of any such youth
anything of value, whether belonging to the state or otherwise,
such person shall be deemed guilty of a misdemeanor, and upon
conviction thereof shall be fined not less than ten, nor more than
one hundred dollars, or be confined not more than twelve months
in the county jail, or both fined and imprisoned as aforesaid, as
the court may deem proper. And the superintendent, or any of
his assistants or any one authorized in writing by him, or any
sheriff, constable, policeman or other peace officer, shall have
power, and it is hereby made his duty to arrest any youth when
in his power to do so who shall have escaped from said school,
and return him thereto.

Sec. 167. Transfers Between School and Penitentiary—
In any case where a youth is committed to the industrial school
for an offense punishable by confinement in the penitentiary and
it is found by the state board of control that the industrial school
is unable to benefit such youth, and that his presence is a detri-
ment or menace to other youth in the institution, or to the general
good of the school, he may be securely returned to the court
which sent him, and said court shall thereupon pass such sen-
tence upon him as to confinement in the penitentiary as may be
proper in the premises, or as it should have done had it not sen-
tenced him to the industrial school. And the governor shall have
power, when in the judgment of the warden of the penitentiary
and of the superintendent of the industrial school, it is advisable,
to remit the penalty of any offender under the age of eighteen
years confined in the penitentiary, to a commitment to the indus-
trial school.

Sec. 168. Payments by Counties of Cost of Detention—
Reimbursement—The county court of every county shall pay into
the state treasury the sum of fifty dollars a year on account of each youth from the county who shall be received in said school of the first, second or third classes mentioned in section one hundred sixty-three. But in all cases of youth received in said school of the first class mentioned in section one hundred sixty-three, the parent, if of sufficient means, and the guardian where the youth has sufficient estate, shall annually reimburse the county the amount paid into the state treasury, by virtue of this section, on account of such youth mentioned in the first class of section one hundred sixty-three, and the county court of such county shall have a right to recover the same of such parent or guardian in any court of competent jurisdiction.

Sec. 169. Lists of Inmates For Auditor—Application of County Funds—The superintendent of said school shall before the tenth day of January in each year, make out and certify to the auditor and the state board of control each a list by counties of all such youth as are mentioned in the preceding section, who are kept in the school during the preceding year or any part of it, showing as to each youth what part of the year he was so kept in the school, and to which class he belonged. On receiving such list the auditor shall charge to each county fifty dollars on account of each youth who was kept in such school during the preceding year, and a proportionate amount on account of each youth kept in school for any part of such year less than the whole. Any money in the treasury of the state to the credit of any such county from whatever source arising, and not appropriated to pay any other debt of the county to the state, shall be applied, so far as necessary to the payment of the sums so charged; if any sum in the treasury due the county shall not be sufficient to pay the whole amount so charged against it, such sum shall be applied as a credit on the amount charged, and the balance shall remain a charge against the county.

Sec. 170. Certification of List and Credits to County Court—Levy—Compelling Payment—Within ten days after receiving such list the auditor shall certify to the county court of such county a list of the youth from the county in such school, stating the class to which each belongs, the length of the term during the year he was in such school, as shown by the list certified by the superintendent and the amount due from the county on his account and the total amount due on account of all. He shall credit on such statement whatever amount has been applied
as a payment thereon from any funds of the county in the treasury. Such statement shall be a receipt to the county for any amount so credited, and shall be a bill for any amount still appearing to be due from the county. Unless the bill shall have been paid by the application of funds of the county in the state treasury, the county court shall at its next levy term provide for the payment of the same, or such part as may not have been paid, and cause the amount to be paid into the state treasury. If the amount so due from any county be not paid in a reasonable time after such levy term, the auditor may, in the name of the state, apply to the circuit court of the county for a mandamus to require the county court to provide for and to pay the same, or he may proceed in the name of the state by any other appropriate remedy to recover the same.

Sec. 171. Parole—The state board of control shall have authority, under such rules and regulations as they may prescribe, to grant, on recommendation of the superintendent, a parole to any inmate of the industrial school; but while said inmate is on such parole, and until he is discharged according to law, he shall remain in legal custody of the board of control and subject at any time to be returned to the industrial school, if in the judgment of the board the interests of such paroled inmate will best be served thereby. The written order of said board, certified by the superintendent shall be sufficient warrant for any officer named therein to arrest and return to the school said paroled inmate, and it is hereby made the duty of any peace officer, or other person, so named, to make such arrest and return such youth to the industrial school. All actual expenses incurred in returning to the school paroled inmates shall be paid out of funds appropriated for the maintenance of the industrial school.

Sec. 172. Industrial Home for Girls—Name—Location—"The West Virginia Industrial Home" shall remain where now located.

Sec. 173. Admission.—Girls eligible to be received into said home are those who are from seven to eighteen years of age, and who may be committed by any justice of the peace of this state, on complaint and due proof made to him by the parent, guardian, or next friend of such girl, that by reason of incorrigible or vicious conduct, such girl has rendered her control beyond the power of such parent, guardian or next friend, and made it manifestly best that such girl should be placed in said home, or by any
Girls may be committed for vagrancy up to eighteen years of age, or where parents, guardians, or next friends agree and contract with the state board of control for their support and maintenance, or girls up to fifteen years of age, who may be found in houses of ill fame or assignation houses, upon conviction thereof before any justice of the peace, mayor of a town or city; or girls convicted by any of the courts of this state of felony or misdemeanor, punishable by imprisonment, the judge in his discretion, instead of confining such girl in the county jail or sending her to the penitentiary, may transfer such girl so convicted to said home, from any county of this state; provided, there is room for such girl. Every girl committed to said home shall remain there until she is twenty-one years of age, unless sooner discharged by the state board of control.

Sec. 174. *Date Accompanying Commitment—Return and Sentence.*—It shall be the duty of the justice of the peace, mayor or other authority, when committing any girl to said home, in addition to the commitment, to annex the name and residence of the witnesses examined, and the substance of the testimony given on which the adjudication was founded, as well as the name and residence of the girl, the name of her parents, and their residence, if known. Any girl who may be found incorrigible, or pregnant, or otherwise an improper subject for admission to said institution, may be returned by the board of education to the court, justice or other authority by whom she was committed, and thereupon such court, justice or other authority, shall have power to pass sentence as would have been legal in the first instance, as if such girl had not been sent to said home.

Sec. 175. *Trial on Complaint.*—In all cases coming before a justice, mayor or other authority, they shall appoint a guardian *ad litem* for such girl, who shall be some disinterested person, discreet and careful, and who shall see that no injustice is done the girl; and he shall have the right to demand a trial for his ward by a jury of twelve men to ascertain the truth of the charges against the girl, and said jury shall be selected and trial conducted, as other trials are conducted by justices in criminal cases before them. Or, said justice or court may, without a jury, try such girl, if no jury is demanded by her guardian or next friend.

Sec. 176. *Separation of Races.*—The said industrial home
2 shall be exclusively charged with the reformation and care of 3 girls, but white and colored shall be held separate as far as prac- 4 ticable.

Sec. 177. Binding Out Inmates as Apprentices—The 2 board of control shall have power to bind out such girls as 3 committed to their care as apprentices to the time said girls shall 4 arrive at twenty-one years of age, to learn some proper trade, 5 business or calling, on such terms as shall be advantageous to 6 such girls; but such girls so bound out, are to be bound only to 7 those whose characters are above reproach, and within the state. 8 The indentures by which any girl may be so bound shall 9 state for what period she is bound, her age, what trade, art or 10 business she is to follow, and that the master shall see that for 11 at least five months in each year said apprentice shall be sent to 12 the free schools of the state, and shall be bound to furnish school 13 books requisite to learn the usual branches taught; the amount 14 to be paid said child for each year, if anything above the main- 15 tenance of said child, and for what year or years, and the master 16 shall bind himself with good security to pay the amount agreed 17 upon, which sum of money, if any, contracted to be paid, shall 18 be reserved, to be paid said girl or girls so bound, when their 19 apprenticeship shall cease with interest, and said board shall not 20 bind out any girl under the provisions of this act unless the master 21 bind himself to comply with the conditions thereof, and whatever 22 salary said master shall give, shall be paid to the state board of 23 control; and it shall be the duty of said board to collect the same 24 according to the tenor or effect of such contract, and turn the same 25 over to the girl when she arrives at twenty-one years of age, or 26 sooner if she marries, when the same shall be turned over to her.

Sec. 178. Cruelly to Apprentices—For cruelty or inhu- 2 man treatment by such master of such apprentice, the circuit court 3 of the county in which such master or apprentice may reside, or 4 any justice of the peace of any such county shall have jurisdiction 5 to try same, and upon conviction of such master for cruel or in- 6 human treatment of such child, such master shall be fined not 7 less than ten nor more than one hundred dollars, and may in addi- 8 tion thereto be confined in jail not to exceed ninety days.

Sec. 179. Removal of Apprentices—Escapes—No master 2 can remove such child out of the county where she has been bound 3 by such board, except on the written permit of such board; and 4 any person who shall aid or assist any girl who has been committed
Sec. 179. Shall Make Reports—On the first day of October of each year or as soon thereafter as practicable, the state board of education through the state superintendent of schools, shall make to the governor a full report concerning the state educational institutions (a copy whereof shall be filed with the state board of control at the same time) which shall show the number of persons employed about each of the said institutions; the official designation of each of such persons, and the amount and rate of compensation paid to him; and shall report the amount disbursed by them of any funds under their control, stating the purposes for which expended and the amount expended for each purpose, and the number of days actually engaged by the persons employed about each of their said institutions, including teachers and professors. Said report shall also show the number of students actually attending each of said institutions, and the
number of students enrolled in each school or department of each
of said institutions, and the total cost of each of said schools or
departments; and shall make special reports to the governor as he
may request; and may make recommendations respecting legisla-
tion needed to promote the welfare of their institutions.

The state board of control and the state board of education
shall from time to time as may be necessary, make a report to the
auditor, which shall state the names of each person employed by
each of them at any of the institutions named in section seven of
this act, his official designation and the rate of compensation per
month (or by the day or week if employed for less than a month)
and out of what funds or appropriation the same is payable. The
chief officer or head teacher of any such institution, or other person
who may have been appointed for the purpose by the state board
of control, shall make out and certify to the auditor at the end
of each month a list of persons to whom any payments may be
due, stating for what purpose due, the amount due each person
and the fund or appropriation from which payable; one copy
whereof shall be filed in the office of the institution where made,
and one in the office of the state board of control. If the auditor
finds such list correct and in accordance with the reports made
to him by the state board of control, or the state board of educa-
tion, he may pay to the persons entitled thereto the amounts so
certified as due each.

Sec. 183. Voting of Bonds. In any district or independent
district the board of education may borrow money and issue bonds
therefor, for the purpose of purchasing school sites, and erecting,
completing, enlarging, repairing or furnishing school buildings in
such district or independent district; provided, however, that no
such debt shall be contracted under this section unless all questions
connected therewith shall have been first submitted to a vote of the
people of such district or independent district, at a general or
special election, and have received a majority of three-fifths of all
the votes cast for and against the same; and provided further, that
no debt shall be contracted under this section which shall, including
existing indebtedness, in the aggregate, exceed two and one-half
per centum of the value of the taxable property in the district or
independent district, as ascertained by the last assessment thereof
for state and county taxes, nor without at the same time submitting
to the voters of such district at the election held for the purpose of
authorizing bonds, the question of authorizing a special levy suffi-
cient to pay the interest annually on all the outstanding bonds and
to retire annually a proportionate amount of the principal of such
bonds. If a majority of the votes cast at such election be in favor
of such levy, the board of education shall have authority to lay
such levy and may continue to lay the same or such portion thereof
as may be necessary, from year to year, without an additional vote,
until such bonded indebtedness is paid off and discharged; but the
funds arising from such levy shall be used for the purpose design-
nated, and no other.

Such bonds shall not be issued for a longer period than twenty
years, nor shall they be sold for less than their par value, nor bear
interest at a greater rate than six per cent. They shall be
issued serially in equal installments, so that after the first five
years from the date of their issue one of the series will fall due
and be payable in every year of the remaining period of their issue.
Such bonds shall also contain a provision authorizing the board
of education after five years from the date of issue to pay any
or all of the remaining outstanding bonds at any interest period,
by notifying the holders of such bonds by letter, if the names and
postoffice addresses of such holders be known to the board, and by
giving at least sixty days’ notice by publication in one or more
newspapers, said bonds to be retired in the order in which they
fall due.

The issuance of such bonds shall be in accordance with the
provisions of chapter fifty-seven of the acts of the legislature of
one thousand nine hundred and seventeen (regular session).

Sec. 184. School Elections—How Held. Any and all
elections authorized by this act, for school purposes,
may be held separately or in connection with any
general or special election. Notice of such election shall
be given by the publication of the order of the board calling
the same, in two newspapers of different political parties and
having general circulation in the territory in which the election
is to be held, at least once each week for two successive weeks.
If there is only one newspaper in general circulation in the ter-
ritory in which the election is to be held, then the notice of pub-
lication shall be made therein. Printed copies of the aforesaid
order shall be posted at each place of voting at least ten days be-
fore the election. All provisions of the law concerning general
and special elections shall apply in such elections in so far as
is practicable, except that the board calling the election shall
17 appoint necessary election officers and shall canvass the returns, 
18 and the secretary of the board shall procure and furnish to the 
19 election commissioners at each place of voting the tickets, poll 
20 books, tally sheets and other things needed. In calling elections, 
21 district and county boards of education shall follow the forms 
22 to be prescribed by the attorney general.

SHERIFFS—DUTIES AS TO SCHOOL FUNDS.

Sec. 185. Collections and Disbursement of School Money—
2 Bond. The sheriff of the county shall receive, collect and disburse 
3 all school money for the county and the several districts and inde- 
4 pendent districts therein. But before receiving or collecting any 
5 such school money he shall give in addition to his bond as collector 
6 of the state and county taxes, a bond with approved security in a 
7 penalty double the amount of school money which will probably 
8 come into his hands for school purposes during any one year of his 
9 term of office.

Sec. 186. Pay Orders. He shall keep accounts with the 
2 boards of education of the various districts and independent dis- 
3 trict of the money belonging to the several funds, as provided by 
4 law, and shall credit every receipt and charge every disburse- 
5 ment to the fund to which it belongs. He shall pay out no 
6 money except upon orders of the respective boards specifying the 
7 amount to be paid, the purpose for which paid and the fund to 
8 which it is to be charged, signed by the president and secretary 
9 and countersigned by the county financial secretary, or by the 
10 president and one other member, as prescribed in section ninety- 
11 three of this act, and countersigned by the county financial 
12 secretary.

Sec. 187. Annual Settlement with County Financial Secre- 
2 tary. He shall on or immediately before the first day of July in 
3 each. year, settle with the county financial secretary for each dis- 
4 trict and independent district in the county. In this settlement he 
5 shall be charged with the amount of taxes and of general school 
6 fund apportioned to each district or independent district by the 
7 county superintendent and the amount of taxes levied by the board 
8 of education upon the property of each district or independent 
9 district for the teachers’ fund, for the building fund and all other 
10 school funds, and for any other money received by him during the 
11 current year on account of the free schools of such district or inde- 
12 pendent district; and he shall be credited with the amount of de-
12 linquent school tax in such district or independent district that has
13 been duly certified by the clerk of the county court to such board
14 of education.
15 If any county financial secretary fails to make the settlement
16 required by this section, with the sheriff within the proper time as
17 aforesaid, he shall be guilty of a misdemeanor and upon conviction
18 thereof be fined twenty dollars, the proceeds of which fine shall be
19 placed to the credit of the building fund of the district for which
20 said settlement is not made.

Sec. 188. Payments in Excess. He shall be credited in such
2 settlements with all orders paid and produced by him, if found
3 to be correct by the board of education, and he shall receive no
4 other credits except his commission as hereinafter provided. If
5 any sheriff shall pay out in any one year more money on account
6 of the teachers' funds or of the building funds or of any other
7 fund, than shall have been levied and could have been collected by
8 him during said year together with the amount remaining in his
9 hands from any preceding year, he shall in such settlement receive
10 no credits for such excess.

Sec. 189. Method of Settlement. In making said settle-
2 ment it shall be the duty of the sheriff to prepare and present to
3 the said board of education in duplicate separate lists of all the
4 credits claimed by him against each of the several school funds
5 collected by him showing the amount, date and number of each
6 voucher or order, and to whom payable, together with the state-
7 ment of the proper debits to the several funds to which he is
8 chargeable; which lists and statements together with the vouchers
9 claimed as credits by the sheriff shall be endorsed by the secretary
10 of the board on the back of each with the words "Settled by board
11 of education," under which the secretary shall sign his name and
12 enter the date of the settlement, and said statements and lists as
13 corrected shall be signed by said sheriff and by the president and
14 secretary of the said board of education in duplicate, one copy to be
15 retained by said board and the other, together with the vouchers
16 and orders shall be turned over to the sheriff, who shall as soon as
17 may be deliver them to the clerk of the county court, and the same
18 shall serve as a basis for the settlement required by sections seven
19 of article twelve of the constitution, and section one hundred and
20 ninety-three of this act.

Sec. 190. Settlement With County Court. In addition to
2 the settlements required by the sheriff with each board of education,
3 every sheriff shall also make the annual settlements by districts
4 with the county court of his county at the next term after the first
5 day of July in each year, showing an itemized statement of all
6 money disbursed for the preceding year on account of the building
7 fund, the teachers' fund, and any other school funds in his hands,
8 showing the amount, date and number of each credit voucher and
9 to whom payable, and the balance due each district and independent
10 district on each of said funds, which settlement shall be made a
11 matter of record by the clerk of said court in a book kept for that
12 purpose.

Sec. 191. Corrections in Settlement. But the settlement
2 made by the sheriff with the several school districts of the county,
3 as provided in section one hundred and ninety of this act,
4 when found correct and properly signed and turned over
5 to the clerk of said court as required by section one hundred
6 and ninety-two of this act, may be taken and treated as the
7 settlements required to be made and recorded by sec-
7-a tion one hundred and ninety-three of this act; provided, how-
8 ever, that the prosecuting attorney or any taxpayer of the coun-
9 ty may appear before said court for the purpose of making correc-
10 tions in said report, and said court may hear said objections, after
11 reasonable notice to the sheriff and board of education and make
12 such corrections as may be proper, and when corrected said settle-
13 ments shall be recorded; and said settlement and vouchers turned
14 over to the clerk of said court shall be filed by said clerk by dis-
15 tricts.

Sec. 192. Failure to Account for or to Pay Orders. If he
2 shall fail to account for and pay over as required by law any money
3 which may come into his hands or for which he is liable, judgment
4 may be rendered therefor against him and his sureties with inter-
5 est and ten per cent damages; and upon the failure of such sheriff
6 to pay any proper order issued by the said board of education, the
7 person entitled to receive the sum of money specified in such order
8 may require the sheriff to endorse thereon or write across the face
9 thereof the words "presented for payment," with the proper date and
10 sign the same, and judgment upon motion after at least ten days'
11 notice may be obtained against the sheriff before any justice of his
12 county or before the circuit court thereof, with interest from the
13 time said order was presented and ten per cent damages. But a
14 sheriff shall not be required to endorse any school order nor shall
15 suit be brought on any such school order prior to the first day of
16 November of the current school year.

Sec. 193. Failure to Settle. If any sheriff fails to make the
2 settlement required by section one hundred ninety of this act
3 at the time required, without reasonable cause therefor, he shall be
4 charged in said settlement with twelve per cent interest on all
5 school money in his hands for the time he is in default in making
6 the said settlement. If the sheriff fails to make the said settlement
7 at the time required it shall be the duty of the prosecuting attorney
8 to proceed by action against him and his sureties in the circuit
9 court to recover the fine and penalty imposed upon him by this
10 section and by section one hundred ninety-five of this act.
11 Every retiring sheriff shall immediately after he shall have
12 made his final settlement in the manner herein provided, pay and
13 turn over to his successor in office such balance as may be shown to
14 be due from him by said settlement.

Sec. 194. The provisions of this act shall in no manner in-
2 fringe upon the powers and privileges heretofore granted by any
3 special act or acts to any independent school district in the state;
4 and any independent school district may avail itself of any of
5 the provisions of this act as determined by the board of educa-
6 tion of said independent district.

Sec. 195. All acts and parts of acts inconsistent with this act
2 are hereby repealed.

CHAPTER 3.

(House Bill No. 16.

AN ACT to provide for a vote on the school levy in West Union dis-
trict, Doddridge county, and in other districts in said county, or
in the state.

[Passed January 24, 1919. In effect from passage. Approved by the Governor,
February 6, 1919.]

Sec. 1. Board of education of West Union
district, Doddridge county, and
boards of education of other dis-
tricts of said county, and of all
other districts of the state which
failed to vote the school levy at
the general election in Novem-
ber, one thousand nine hundred
eighteen, authorized to hold spe-
cial elections on the question of
school levy; date of such special
election in West Union district,
Doddridge county; method of
holding same.

Be it enacted by the Legislature of West Virginia:

Section 1. That a special election on the question of the
2 school levy shall be held on the third Tuesday in May one thou-
3 and nine hundred and nineteen, in West Union district, Doddridge county, and in other districts in said county, and in all other districts of the state which failed to vote the school levy at the general election in November, one thousand nine hundred and eighteen. The voting at said election shall be by ballot at all the regular voting places, and it shall be the duty of the board of education of each district to give at least ten days' notice of such election by causing written or printed notice thereof to be posted at each place of voting and such other places as they may deem necessary. Books for said election shall be prepared by the board of education of each district for the several places of voting therein, and delivered to the commissioners, or some of them, appointed to superintend the election at each place of voting, before seven o'clock a. m., of the day of which the election is held.

The ballots used at said election shall have written or printed thereon the words "For school levy" and "Against school levy," and if a majority of the ballots cast upon that question in a district have written or printed thereon "For school levy," it shall be the duty of the board of education to make the levies required by section twenty-one of chapter forty-five of the code, and the levy voted for at such election shall continue until the next general election in which a county superintendent is elected, but if a majority of the ballots cast in a district have written or printed thereon "Against school levy," no levy shall be made by said board for the next year succeeding. But in such case it shall be the duty of said board to cause a special election to be held on the same day in the following year, at which the question of levy or no levy shall in like manner again be submitted to the people for their decision, and if a majority of the ballots cast at such special election be "For school levy," such levy shall be made as hereinbefore required.

The poll shall be held, the election conducted, the official records returned and the result ascertained in accordance with the provisions of section one hundred and sixty of chapter forty-five of the code.

CHAPTER 4.

(House Bill No. 35.)

AN ACT authorizing the board of education of Union independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district.
Be it enacted by the Legislature of West Virginia.

Section 1. That the board of education of Union independent school district in the county of Marion, West Virginia, be and it is hereby authorized and empowered to issue the bonds of said school district to an amount sufficient for the purpose of providing a suitable plot of land, and of erecting thereon, and furnishing and equipping, a suitable high school building, within said school district.

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

Sec. 3. But no such bonds shall be issued under this act, unless the question of issuing the same shall have first been submitted to the voters of said school district, at an election to be held for that purpose, and shall have received three-fifths of all the votes cast for and against the same. Such bond election shall be held and conducted under the supervision of said board of education, and the result thereof shall be ascertained and certified by said board, which shall appoint at least three qualified voters to hold said election at each of the following named precincts, to-wit, at the Central school building, and at the East Park school building, one of which said persons so appointed shall act as clerk, and the other two shall act as commissioners of the election. A notice of said election, duly published in two newspapers of general circulation in said district, once a week for two weeks prior to said election, shall be sufficient notice and publication thereof.
CHAPTER 5.
(House Bill No. 38.)

AN ACT to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county.

[Passed January 20, 1910. In effect from passage. Approved by the Governor February 6, 1919.]


SEC. 11. Terms and dates of holding court.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven and section eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county, be amended and re-enacted, so as to read as follows:

Sec. 9. The judge shall receive for his services, $4,800.00 2 per annum, to be paid out of the county treasury.

Sec. 11. There shall be four terms of said court held in 2 each year, commencing on the second Monday in January, the 3 second Monday in April, the second Monday in July, the first 4 Monday in October. Adjourned and special terms of said court 5 may be called and held as provided for special terms of the circuit 6 court.

CHAPTER 6.
(House Bill No. 45.)

AN ACT to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county, under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic.
Be it enacted by the Legislature of West Virginia:

Section 1. The county court of McDowell county, is hereby authorized and empowered to establish and maintain, in said county, as herein provided, a dental clinic, for the benefit of all resident children in said county, under the age of sixteen years, and to prescribe rules and regulations for the government of said clinic.

Sec. 2. Said county court is authorized to appoint for a term of four years, from the first day of July after this act shall take effect, and every four years thereafter, a competent dentist, licensed to practice dentistry in the state of West Virginia, who shall have had at least five years of experience and who is a member in good standing of the West Virginia Dental Society, who shall be known as county director of dental clinic, and fix his salary, and said county director may be removed as provided by section seven of chapter seven of the code of West Virginia.

Sec. 3. Said county court is authorized to purchase and furnish all equipment, supplies and materials that may be necessary to establish and maintain said dental clinic, and pay for the same out of the funds hereinafter provided, and to prescribe rules and regulations for the government and management of said dental clinic.

Sec. 4. Said county court is authorized to lay a levy not to exceed ten cents on every one hundred dollars of valuation of the taxable property in the county, according to the last assessment thereof, for the year one thousand nine hundred and nineteen; to lay a levy not to exceed seven and one-half cents on every one hundred dollars of valuation of the taxable property in the county, according to the last assessment thereof, for the year one thousand nine hundred and twenty; and to lay a levy not to exceed five cents on every one hundred dollars of valuation of the taxable property in the county, according to the last assessment thereof, for the year one thousand nine hundred and twenty-one, and each succeeding year thereafter, to pay the expenses and cost of

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establishing and maintaining said clinic, which shall be known as the dental clinic fund.

Sec. 5. Said county director shall, with the approval of the county court, employ as many dentists as may, in his judgment, be necessary for the successful conduct of said clinic, who shall be in good standing in their profession, and licensed to practice dentistry in the state of West Virginia; said county court shall fix the salaries of said dentists, and they shall be subject to the direction and control of said county director, and may be removed or discharged by him at any time he may deem advisable.

Sec. 6. Said county director shall employ with the approval of the county court, such clerks, assistants and other help as may, in his judgment, be necessary and required for the proper and successful conduct and management of such dental clinic, and he shall have authority to discharge and discontinue the services of said clerks, assistants and other help at any time, but the salaries of such employees shall be fixed by said court.

Sec. 7. Said county court may require said county director to keep books of account, and such other records, and make such reports from time to time, as may be prescribed by the court, and all dentists, clerks, assistants and help employed as herein provided, shall furnish the county director with such reports as he may require.

Sec. 8. All persons employed under this act, shall be paid monthly out of the fund hereinbefore provided for, upon requisition issued by the county director in the manner prescribed by the county court.

Sec. 9. The county superintendent of schools, the boards of education, the district superintendents and teachers, and all other persons employed in said county in connection with school work, shall assist and co-operate with said county director, and all persons employed by him in said clinical work.

Sec. 10. The county court shall not lay the levy herein provided for, until authorized by the voters of the county, at a general or special election, to be held, as provided for in section seven, of chapter twenty-eight-a, of the code of West Virginia.
CHAPTER 7.
(H. B. No. 70.)

AN ACT to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library.

[Passed January 27, 1910. In effect ninety days from passage. Approved by the Governor, February 6, 1910.]

SEC. 1. Authorizing establishment of a county law library; name of same; where located; equipment and how purchased; making rules governing.

SEC. 2. Appointment of librarian; requirements, salary, etc.

SEC. 3. Authority to exchange, sell or trade law books in library.

SEC. 4. Library shall receive reports of supreme court of appeals and bound copies of acts of the legislature of West Virginia.

SEC. 5. Inconsistent acts or parts of acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of commissioners of the county of Ohio be and the said board of commissioners of the county of Ohio are hereby authorized to establish and maintain a law library for the use of the judges of the courts of said county, all attorneys at law practicing in said courts, and all public officers of said county, or any sub-division thereof, or municipality therein. Said library shall be known and designated as "The Ohio County Law Library" and shall be located in the court house in the city of Wheeling. The said board of commissioners of the county of Ohio shall purchase law books, law periodicals, stationery, supplies, furniture and equipment for said library, and for said purposes shall have authority to expend money; provided, however, that no law books shall be purchased for said library except upon the order of the judges of the circuit court of the first judicial district, or the judges thereof in vacation, and said court or judges shall have power to make and enforce all rules and regulations as may be deemed necessary for the government of said library and use thereof.

Sec. 2. For the purpose of caring for and maintaining the said library, a librarian shall be appointed by the board of commissioners of the county of Ohio, and such librarian shall be a resident of Ohio county, who shall hold his office at the will of the board of commissioners and shall be allowed and paid such salary out of the treasury of Ohio county as the board of commissioners may advise, and required to give bond in such an amount as shall be indicated by the board and with such surety or sureties as the said board may require.

Sec. 3. Upon the recommendation or approval of the judges
2 of the circuit court the board of commissioners shall have authority
3 to exchange, sell or trade any law books now in said library.

Sec. 4. As soon as practicable after any new volume of the
2 reports of the supreme court of appeals of West Virginia, as
3 well as the bound volumes of the acts of the legislature have been
4 printed, the officers charged with the distribution of the said re-
5 ports and said acts shall deliver one copy of each to said library.
6 And the said board of commissioners shall have authority to re-
7 ceive for said library any books or other property by loan, gift or
8 bequest.

Sec. 5. All acts and parts of acts inconsistent or in con-
2 flict herewith, insofar as the same may be applicable to said
3 county of Ohio, or said board of commissioners, are hereby repealed.

CHAPTER 8.
(House Bill No. 82.)

AN ACT to authorize the board of education of Kanawha district,
Fayette county, to make a contract for the construction of
a high and graded school building, at Montgomery.

(Passed January 24, 1919. In effect from passage. Approved by the Governor,
February 6, 1919.)

Sec. 1. Authorizing board of education of
Kanawha district, Fayette county,
to contract for construction of
a high and graded school build-

Whereas, it is represented to the legislature on behalf of the board
of education of Kanawha district, Fayette county, that they have
at their disposal $35,000.00, and that they are in need of school
buildings, which will cost at least $100,000.00, in order to accommo-
date the students of the town of Montgomery and Kanawha district.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Kanawha dis-
2 trict, Fayette county, be, and is hereby authorized and empowered
3 to make a contract for the construction of a high and a graded
4 school building in the town of Montgomery. And said board is
5 further authorized to lay a special levy for the years one thousand
6 nine hundred and nineteen and one thousand nine hundred and
7 twenty to raise not to exceed $65,000.00 in addition to the $35,-
8 000.00 now in the treasury of said board.
CHAPTER 9.
(House Bill No. 43.)

AN ACT to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal.

[Passed January 24, 1919. In effect from passage. Became a law without the Governor’s approval.]

SEC. 15. Fixing salary of the state fire marshal and deputy fire marshal; providing for employment of a stenographer or clerk; traveling expenses, etc.

Be it enacted by the Legislature of West Virginia:

That section fifteen of chapter forty-eight-a of the code be, and the same is, hereby amended and re-enacted so as to read as follows:

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

CHAPTER 10.
(House Bill No. 14.)

AN ACT pertaining to the public health.

[Passed February 5, 1919. In effect ninety days from passage. Became a law without the Governor’s approval.]

SEC. 1. Purchase of diphtheria anti-toxine for free distribution to indigent poor of the state; where deposited and who delivered to. SEC. 3. Inconsistent acts and parts of acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the state of West Virginia shall purchase and furnish free of charge to each county within the state, a sufficient supply of diphtheria anti-toxine, to the indigent poor, the amount of which shall be determined by the county health officer of each county, and deposited in such drug-stores or any other store within said county as said county health officer may designate, and such anti-toxine shall be kept at said drug-stores or any
8 other store at all times and in sufficient quantities to be delivered
9 to any licensed physician by said drug-stores or any other store, 10
and by said physicians to be used upon persons infected with
11 diphtheria, or to prevent the same, without cost to the patient
12 so treated.

Sec. 2. The anti-toxine mentioned in the preceding section
2 shall be bought by the state commissioner of health and by him
3 distributed to the various drug-stores or any other store designat-
4 ed by the county health officers of the various counties of this
5 state, and such county health officers shall designate such drug-
6 stores or any other store as they may think proper as depositories
7 for said anti-toxine, and the state commissioner of health shall
8 deliver to the drug-stores or any other store aforesaid, so named
9 as depositories, so much anti-toxine as may be reasonably neces-
10 sary for use in each of said counties for the purposes aforesaid,
11 and take a receipt from the proprietor of such drug-stores or any
12 other store for the same. And the auditor of the state shall pay
13 the actual cost of such anti-toxine and the cost of the delivery
14 of the same to such drug-stores or any other store, upon the
15 presentation of the original invoices thereof, duly verified by af-
16 fidavit, and approved by the state health commissioner, and shall
17 in addition thereto pay to the drug-stores or any other store for
18 delivery of the same to the physicians aforesaid, ten per cent.
19 commission of the original cost of said anti-toxine so delivered
20 to the physicians aforesaid. And the legislature at each session
21 thereof shall make appropriations for the payment of said anti-
22 toxine and the commissions thereon.

Sec. 3. All acts and parts of acts coming within the purview
2 of this act, and inconsistent herewith, are hereby repealed.

CHAPTER 11.

(House Bill No. 15.)

AN ACT to establish a state institution for the deaf and blind persons
of the Negro race, and to provide for the management of such
institution.

[Passed February 8, 1910. In effect ninety days from passage. Approved by the
Governor February 12, 1910.]

Sec. 1. Establishing institution; chief executive officer; requirements.
2. Selection of site for school; by

Sec. 3. Those eligible to and applications for admittance.
Be it enacted by the Legislature of West Virginia: 

Section 1. There is hereby established for the care, treatment and education of the deaf and blind persons of the Negro race a state institution to be known as the colored deaf and blind school. 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 school as if the same were named in said section three of said act. 

The chief executive officer thereof shall be the principal, and shall be a graduate of some reputable college and shall have had at least six years experience as a teacher 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 persons, citizens of West Virginia, appointed by the governor, shall jointly select a suitable site for such school and provide plans for the necessary buildings as soon after July first, one thousand and nine hundred and nineteen, as practicable; and thereafter all the provisions of said chapter fifty-eight of the acts of one thousand and nine hundred and nine and chapter forty-five of Barnes’ nineteen hundred and sixteen West Virginia code shall govern herein as far as applicable.

Sec. 3. All such deaf and blind youths of the Negro race, residents of the state, between the ages of eight and twenty-five years, shall be admitted to the institution on application to the principal, until the institution is filled. Applicants shall be admitted in the order of their application, and it shall be the duty of the principal to keep a careful record of the names of all applicants, with the dates of the admission and discharge, their age, post office address, the name of their parents or guardians and the degree, cause and circumstances of their deafness and blindness.

CHAPTER 12.

(House Bill No. 75.)

AN ACT to amend and to re-enact section four of chapter twenty-seven of the acts of one thousand nine hundred and nine.
HARRISON COUNTY CRIMINAL COURT JUDGE

CH. 12]  [Passed February 5, 1919. In effect from passage. Became a law without the Governor's approval.]

SEC. 4. Salary of judge of the criminal court of Harrison county; by whom paid.

Be it enacted by the Legislature of West Virginia:

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

Section 4. The judge of the said criminal court shall receive for his services a salary of four thousand dollars per year; said amount to be fixed and paid from year to year by the county court of said county out of the funds of said county as provided by statute.

CHAPTER 13.

(House Bill No. 19.)

AN ACT to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the Negro race, and to provide for the management of such institution.

[Passed February 8, 1919. In effect ninety days from passage. Approved by the Governor February 12, 1919.]

Sec. 1. Establishing state colored hospital for insane; chief executive officer; requirement; appointment by the Governor.

Sec. 2. Selection of site and plans for building; by whom; laws for governing.

Sec. 3. Eligibility for and method of admittance.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established for the care and treatment of insane persons, or persons who are mentally afflicted and such other incurable mental defectives of the Negro race as the state board of control shall deem eligible, a state institution to be known as the state colored hospital for the insane. 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 hospital 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 2 colored persons, citizens of West Virginia, appointed by the gov- 3 ernor, shall jointly select a suitable site for such hospital and pro- 4 vide plans for the necessary buildings as soon after July first, one 5 thousand nine hundred and nineteen, as practicable; and there- 6 after all the provisions of said chapter fifty-eight of the acts of one 7 thousand nine hundred and nine and of chapter fifty-one of the 8 acts of one thousand nine hundred and fifteen shall govern herein 9 as far as applicable.

Sec. 3. There shall be admitted to said hospital persons of 2 the Negro race, residents of this state, who may be insane or 3 mentally afflicted and such other incurable mental defectives as the 4 state board of control shall deem eligible; all like persons of said 5 race now confined in any other state institution shall be trans- 6 ferred by the state board of control to said hospital as soon after its 7 completion as practicable.

CHAPTER 14.

(House Bill No. 116.)

AN ACT relating to claims against the state, county courts, boards 1 of education and municipalities, and the allowance and payment thereof.

[Passed February 8, 1910. In effect ninety days from passage. Approved by the Governor February 12, 1910.]

SEC. 1. Itemized account necessary in payment of claims for services rendered or materials furnished; detail of such itemization; verification by affidavit; false swearing; indorsement of claims by presiding officers of courts or other disbursing bodies.

SEC. 2. Unlawful for state officer to issue requisition for payment in absence of itemized account; requirements in filing accounts.

SEC. 3. Repealing all acts as parts of acts inconsistent herewith.

Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for any county court, board 2 of education or the council of a municipal corporation, or other 3 body charged with the administration of the fiscal affairs of any 4 county, school district or independent district or a municipality, 5 to pay any claim for services rendered or materials furnished 6 unless an itemized account therefor is filed by the claimant, cover- 7 ing the claim; said account shall be itemized in detail, and shall 8 show, among other things, the following: If the claim is for serv- 9 ices, it shall show the kind of service and dates when same were 10 performed and the name of the person performing the service; 11 if the claim is for material or supplies furnished the claim shall
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12 show in detail the kind of material or supplies, the quantity, dates of delivery and to whom delivered; if the claim is for road or bridge work or for road or bridge material, the amount of which claim is for material in excess of five dollars and for labor in excess of twenty-five dollars, the claim shall be verified by the affidavit of the person making the claim, and in such affidavit the person making the claim shall be required to state that the services performed or materials furnished, as set forth in said claim, were actually performed or actually furnished, and that the claim as stated is true and correct and that there is justly due to the claimant the sum set forth in the account. If any person shall swear falsely in the making of such affidavit, he shall be deemed guilty of false swearing. The president or presiding officer of the fiscal body allowing claims shall endorse on all accounts allowed the words “allowed and payment authorized,” together with the date of allowance and signature of the president or other presiding officer.

Sec. 2. It shall be unlawful for any state officer to issue his requisition on the state auditor in payment of any claim unless an itemized account is filed in the office of the officer issuing the requisition. If the account is for services it shall show kind of service, dates when performed and name of persons performing the service; if the account is for materials or supplies it shall show in detail the kind of material or supplies, the quantity, dates of delivery and to whom delivered; if the account is for automobile hire or other transportation it shall show date, from where, to where, and the purpose of the expenditure. No account shall contain an item designated “sundry,” “miscellaneous,” or terms of like general nature.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 15.
(House Bill No. 166.)

AN ACT authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and twenty, and if necessary for the purpose for the year one thousand nine hundred and twenty-one on all taxable property of said county for the purpose of erecting a public bridge across the Little Kanawha river at the county-seat thereof, and providing for the receipt and disbursement of all moneys raised by said levy.
Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of constructing a public bridge across the Little Kanawha river, at the county seat of the county of Wirt, the county court of said county is hereby authorized to lay a special levy on all taxable property within the said county for the year one thousand nine hundred and twenty and if necessary for the year one thousand nine hundred and twenty-one, not to exceed in either year ten cents on the one hundred dollar valuation of said property, as assessed for regular state, county and district taxation. Said levy shall be called a “special bridge levy” and the funds derived therefrom shall be used for said purpose and for no other.

Sec. 2. Said bridge shall be constructed according to such plans and specifications as said county court may decide upon and all moneys realized from said special levy shall be kept in a separate fund and a separate account kept of the receipts and disbursements of the same.

CHAPTER 16.

(University Bill No. 61.)

AN ACT to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one, (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

Sec. 1. Appointment of a state librarian; with surety; term of present librarian to continue to July 1, 1921.

Sec. 2. The act to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one be amended and re-enacted so as to read as follows:
Section 1. The supreme court of appeals or the judges thereof in vacation shall appoint a state librarian, who shall hold his office and be removable at the pleasure of said court or judges. His salary shall be the sum of eighteen hundred dollars per annum. He shall give bond in the penalty fixed by the court of not less than two nor more than five thousand dollars with surety thereon to be approved by the court. The state librarian now in office may hold the same until the first day of July, one thousand nine hundred and twenty-one, and until the appointment and qualification of his successor.

CHAPTER 17.

AN ACT to prohibit and regulate the employment of minors.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

Sec. 1. Prohibiting employment of children under 14 years of age; exceptions made; boys of 12 years or hours; special work permit from school authorities necessary; unlawful to permit child under 14 years to work during school hours.

Sec. 2. Regulating employment of children under 16 years of age in place of danger to life, limb, health or morals; who shall determine such occupations and dangers; right of appeal to supreme court of appeals from any determination.

Sec. 3. Person, firm or corporation required to keep on file a work permit for all children employed, between ages of 14 and 16 years; permit to be accessible to officers charged with enforcement of this act; proof necessary to issuance of permit to work by school superintendents or other officials; vacation work permit to children of 14 years or over.

Sec. 4. What work permits shall set forth: printed forms for permits; who prepared by; where filed; commissioner of labor may revoke permit; hearing of evidence in revocation; notification of revocation.

Sec. 5. Age certificate filed in office of employer shall be accepted by officer as evidence of age of child; officer may inquire into true age of child for whom no permit is filed; if under 16 years presence of such child in such establishment a violation of law; issuance of work permits and age certificates under supervision of state superintendent of free schools.

Sec. 6. Days and hours in week and hours in day which children may be permitted to work; posted notice of same on premises required; longer hours than stated on notice a violation of law.

Sec. 7. Officers and agents charged with enforcement of this act.

Sec. 8. Violations of this act and penalties.

Sec. 9. Acts or parts of acts inconsistent with this act repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That no child under fourteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation except agriculture or domestic service; provided that boys twelve years of age or over may be employed in mercantile establishments and business offices outside of school hours provided that they obtain a special work permit from the school authorities as hereinafter provided.
That it shall be unlawful for any person, firm or corporation to employ, permit, or suffer any child under fourteen years of age to work in any business or service whatever during any of the hours when the public schools of the school district in which the child resides are in session.

Sec. 2. That no child under the age of sixteen years shall be employed, permitted, or suffered to work in any occupation dangerous to the life or limb, or injurious to the health or morals of such child. The state commissioner of labor, the state commissioner of health, or the state superintendent of free schools may from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacture, or occupation in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture, or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the supreme court of appeals from any such determination.

Sec. 3. That no child between the ages of fourteen and sixteen years shall be employed, permitted, or suffered to work in any gainful occupation, unless the person, firm or corporation by whom such child is employed, permitted, or suffered to work, obtains and keeps on file and accessible to officers charged with the enforcement of this act, a work permit issued by the superintendent of schools of the city or county in which such child resides, or person authorized by him in writing. The superintendent of
9 schools or person authorized by him in writing shall issue such
10 work permit only upon receipt of the following documents:

Proof of Prospective Employment.
11 A written statement signed by the person for whom the child
12 expects to work, that he intends legally to employ such child and
13 agrees to return the work permit to the issuing officer within two
14 days of the termination of such child’s employment.

Proof of Age.
15 (a) A birth certificate or attested transcript thereof
16 issued by a registrar of vital statistics or other officer charged with
17 the duty of recording births.
18 (b) Or a record of baptism or a certificate or attested tran-
19 script thereof showing the date of birth and place of baptism of
20 the child.
21 (c) Or a bona fide contemporary record of the date and
22 place of the child’s birth kept in the Bible in which the records of
23 the births of the family of the child are preserved, or other docu-
24 mentary evidence approved by the state commissioner of labor,
25 such as a passport showing the age of the child, a certificate of
26 arrival in the United States issued by the United States immigra-
27 tion officers and showing the age of the child, or a life insurance
28 policy; provided, that such other satisfactory documentary evi-
29 dence has been in existence at least one year prior to the time it is
30 offered in evidence; and provided, further, that a school record or
31 parent’s, guardian’s or custodian’s affidavit, certificate, or other
32 written statement of age alone shall not be accepted.
33 (d) A certificate signed by the public health physician or a
34 public school physician specifying what in the opinion of such
35 physician is the physical age of the child; such certificate shall
36 show the height and weight of the child and other facts concern-
37 ing its physical development revealed by examination and upon
38 which the opinion of the physician as to the physical age of the
39 child is based. In determining such physical age the physician
40 shall require that the school record or the school census record
41 showing the child’s age be submitted as supplementary evidence.
42 The issuing officer shall require first the proof specified in
43 sub-division (a) and shall not accept the proof designated in any
44 subsequent sub-division until he shall have been convinced that
45 the proof specified in the preceding sub-division cannot be obtained.
Proof of Schooling.

A certificate signed by the principal of the school last attended showing that the child can read and write correctly simple sentences in the English language and that he has satisfactorily completed the studies covered in the first six yearly grades of the elementary public schools, or their equivalent; in case such certificate cannot be obtained, then the officer issuing the work permit shall examine such child to determine whether he can meet the educational standard specified and shall file in his office a statement setting forth the result of such examination.

Proof of Physical Fitness.

A certificate signed by a medical inspector of schools or public health officer stating that the child has been examined by him and in his opinion has reached the normal development of a child of its age, and is in sound health and physically able to be employed in the occupation in which the child intends to engage.

Provided, that the superintendent of schools, or person authorized by him in writing shall have authority and is hereby empowered to issue a vacation work permit to children fourteen years of age or over without requiring a statement that the child has completed the sixth grade of the elementary course of study, or its equivalent, as hereinbefore provided. Such vacation work permit shall be different in form and color from the regular work permit and shall be valid only during the time when the public schools of the district in which the child resides are not in session. Every vacation work permit shall be null and void on the day the public schools open for regular session. Provided, further, that the superintendent of schools or person authorized by him in writing, shall have authority and is hereby empowered to issue a special work permit to any boy twelve years of age or over to work in business offices and mercantile establishments outside of school hours without requiring a statement that he has completed any school grade whatsoever.

Sec. 4. That the work permit mentioned in the foregoing section shall set forth the full name, the date and place of birth of the child with the name and address of his parent, guardian, or custodian and shall certify that the child has appeared before the officer issuing the permit and submitted the proofs of age, physical fitness, schooling and prospective employment required.
7 in the foregoing section. Printed forms for these permits and 8 certificates shall be prepared and furnished by the state commis- 9 sioner of labor to the superintendent of schools in the cities and 10 counties of the state. A copy of each permit issued shall be for- 11 warded to the state commissioner of labor within four days of its 12 issuance and there shall be kept in the office of the issuing officer 13 a record of all permits granted and of all applications denied as 14 well as all certificates of age, schooling, physical fitness and pros­ 15 pective employment submitted by the applicants for permits. The 16 state commissioner of labor may at any time revoke a permit if in 17 his judgment it was improperly issued and for this purpose he is 18 authorized to investigate into the true age of any child employed 19 to hear evidence and to require the production of relevant books 20 or documents; if the permit be revoked the issuing officer and the 21 person employing the child at the time shall be notified of such 22 action, and the child shall not thereafter be employed or permitted 23 to labor until a new permit has been legally obtained.

Sec. 5. That upon the request of any employer who is de- 2 2 sirous of employing a child who represents his or her age to be 3 sixteen years or over, the local officer charged with the issuance of 4 work permits shall require of such child the proof of age specified 5 in section three of this act and upon receipt thereof if it be found 6 that the child is actually sixteen years of age or over, shall issue 7 to such employer a certificate showing the age and date and place 8 of birth of such child. Such age certificate when filed in the office 9 of the employer shall be accepted by the officer charged with the 10 enforcement of this act as evidence of the age of the child in whose 11 name it was issued. Any officer charged with the enforcement of 12 this act may inquire into the true age of a child apparently under 13 the age of sixteen years who is employed, permitted or suffered 14 to work in any gainful occupation and for whom no work permit 15 or age certificate is on file and if the age of such child be found 16 to be actually under sixteen years the presence of such child in 17 such establishment shall be deemed a violation of the provisions 18 of this act. The state commissioner of labor may at any time re- 19 voke any such age certificate if in his judgment it was improperly 20 issued and for this purpose he is authorized to investigate into the 21 true age of any child employed as in the case of work permits. 22 The issuance of work permits and of age certificates shall be 23 under the supervision of the state superintendent of free schools, 24 who shall seek at all times to standardize this work.
Sec. 6. That no child under the age of sixteen years shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation except agriculture or domestic service for more than six days in any one week, nor more than forty-eight hours in any week, nor more than eight hours in any one day; nor before the hour of six o'clock in the morning, nor after the hour of seven o'clock in the evening of any day. Every employer shall post and keep posted in a conspicuous place in every room where any child between the ages of fourteen and sixteen years is employed, permitted or suffered to work, a printed notice setting forth the maximum number of hours such person may be required or permitted to work each day of the week, the hours beginning and ending work each day and the time allowed for meals; the printed form of such notice shall be furnished by the state commissioner of labor and the employment of such child for a longer time in any day than so stated or at any time other than as stated in said printed notice, shall be deemed a violation of the provisions of this section.

Sec. 7. That it shall be the duty of the state commissioner of labor, his assistants, factory inspectors, school truancy officers and accredited agent of the humane society, to enforce the provisions of this act; provided, however, that the provisions relating to the employment of children in mines shall be enforced by the state department of mines, said department to make complaint against any person, firm or corporation, violating any of the provisions of this act, and to prosecute the same before any magistrate or court of competent jurisdiction.

Sec. 8. That any person or agent or representative of any firm or corporation, who violates any of the provisions of this act, or any parent, guardian, or custodian of any child who permits or suffers such child to work in violation of any of the provisions of this act, or any superintendent of county or city schools who illegally issues a work permit to a child, or any person who furnishes false evidence in reference to the age or birthplace or educational qualifications of a child, shall for a first offense be punished by a fine of not less than twenty dollars or more than fifty dollars; for a second offense by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine or imprisonment; for a third or subsequent offense by a fine of not less than
14 two hundred dollars or by imprisonment for not more than sixty
15 days or by both such fine and imprisonment.

Sec. 9. That sections twenty-four (insofar as it relates to,
2 the employment of children) twenty-five, seventy-one, seventy-
3 two, seventy-three, and seventy-four, chapter fifteen-h and sec-
4 tion sixteen-d (two) chapter one hundred and forty-four, code
5 one thousand nine hundred and sixteen, and all acts or part of
6 acts inconsistent herewith are hereby repealed.

CHAPTER 18.

(House Bill No. 100.)

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) and chapter ninety-
seven of the acts of one thousand nine hundred and seventeen, fix-
ing the time of holding the regular terms of the circuit court in
the twentieth judicial circuit.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the
Governor February 13, 1919.]

Sec. 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 for 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.

4 For the county of Pocahontas on the first Tuesday in April, on
5 the first Tuesday in June, and on the first Tuesday in October, in
6 each year.

Sec. 3. All acts and parts of act inconsistent with this act
are hereby repealed.
CHAPTER 19.

(House Bill No. 151.)

AN ACT to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

SEC. 1. Establishing a demonstration community packing house; location and purpose: creating committee for carrying provisions and purposes of act into effect; duty of state board of control to procure site, erect buildings and equip same: when completed shall be turned over to college of agriculture of West Virginia university for operation.

SEC. 2. Appropriation to be made by state board of control.

SEC. 3. Repealing all acts and parts of acts inconsistent.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established a demonstration community packing house to be located in the principal apple growing section of the state, for the purpose of demonstrating the most approved methods of picking, sorting and packing apples, peaches, and similar fruit, and for the purpose of teaching any citizen of West Virginia approved methods of picking, sorting and packing said fruit in barrels, boxes or other containers, and for the purpose of carrying the provisions and purposes of this act into effect a committee is hereby created consisting of the dean of the college of agriculture of West Virginia university, the commissioner of agriculture, the president of the state horticultural society, the chairman of the horticultural committee of the state federation of farm bureau, and horticulturist of the West Virginia agricultural experiment station. It shall be the duty of the state board of control to procure a site, erect buildings and pre-cooling room, and provide the equipment and necessary space for the aforesaid demonstration. It shall be the duty of the state board of control when said building and school are provided and equipped as above stated to turn it over to the college of agriculture of the West Virginia university for operation and the carrying out of the purposes and intents herein set forth.

Sec. 2. Any appropriation hereafter made to carry out the provisions and purposes of this act shall be expended through the state board of control.

Sec. 3. All acts and parts of acts inconsistent herewith are hereby repealed.
CHAPTER 20.

(House Bill No. 55.)

AN ACT to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]

SEC. 1. Execution on judgment may be issued within ten years after date thereof; other executions ten years from return day last execution; action upon judgment in case of change of parties by death or otherwise; when such action must be had.

Be it enacted by the Legislature of West Virginia:

That section ten of chapter one hundred and thirty-nine of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows:

Section 10. On a judgment, execution may be issued within ten years after the date thereof. Where execution issues within ten years as aforesaid, other executions may be issued on such judgment within ten years from the return day of the last execution issued thereon, on which there is no return by an officer or which has been returned unsatisfied. An action, suit or scire facias may be brought upon a judgment where there has been a change of parties by death or otherwise at any time within ten years next after the date of the judgment; or within ten years from the return day of the last execution issued thereon on which there is no return by an officer or which has been returned unsatisfied. But if such action, suit or scire facias be against the personal representative of a decedent, it shall be brought within five years from the qualification of such representative.

CHAPTER 21.

(House Bill No. 6.)

AN ACT to amend and re-enact section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]

SEC. 4. Method of keeping proceedings of courts; law orders of each day to be read in open court by the clerk; after correction orders shall be signed by judge or presiding officer before transaction of any other business, exception made of last day of term and proceedings therein; chancery proceedings of each day, and signature of judge.
Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen be, and is, hereby amended and re-enacted so as to read as follows:

Records—How Kept.

Section 4. The proceedings of every court shall be entered in a book and the law orders read in open court by the clerk of the court. The law proceedings of each day shall be drawn up at large and read the next succeeding court day immediately after the court is opened and after being read and corrected where it is necessary shall be signed by the judge or presiding officer before the transaction of any other business, except those of the last day of the term and of the day on which the court may adjourn to a future day as prescribed in chapter one hundred and twelve of the code, which shall be drawn up and read and corrected where it is necessary and signed by the said judge or officer on the same day. The chancery proceedings of each day shall be drawn up at large, and signed by the judge, after being corrected where it is necessary.

CHAPTER 22.

(House Bill No. 52.)

AN ACT to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries.

[Passed February 12, 1910. In effect ninety days from passage. Approved by the Governor February 17, 1910.]

Sec. 2. Jury commissioners to select and draw persons for grand juries; preparation of lists of qualified persons; submitting of lists to clerk of court or judge; striking out names of persons not qualified; requirements for grand jury service; method of preserving names and by whom kept; to be opened only by jury commissioners.

Sec. 3. Summoning of jury commissioners for selection of grand jurors; drawing names of jurors from grand jury box; cancellation of names of persons dead or disqualified; transmission of names to clerk and issuing of summons to jurors.

Sec. 4. Fifteen grand jurors a competent grand jury; appointment of qualified persons to serve in failure of sufficient number of drawn jurors to attend; method of selection and compensation for persons making selection.

Sec. 5. Repealing all acts or parts of acts inconsistent.

Be it enacted by the Legislature of West Virginia:

That sections two, three and four of chapter one hundred and fifty-
seven of the code of West Virginia, be amended and re-enacted to read as follows:

Section 2. The jury commissioners appointed under the provisions of section three of chapter one hundred and sixteen of the code, shall select and draw persons for grand juries. Said commissioners shall, at the levy term of the county court each year, and at any other time when required by the court which appointed them, or the judge thereof in vacation, prepare a list of not less than one hundred nor more than two hundred qualified persons of their county, for grand jury service, chosen from the respective magisterial districts thereof, as near as may be in proportion to the population of the districts. The lists so prepared shall be submitted to the clerk of the court, or the judge thereof when required, and the name of any person who is not qualified shall be stricken from the list by the clerk or judge. The persons so listed shall be men of good moral character, and who have never been convicted of a felony or of any scandalous offense; and shall be bona fide citizens of the state and county for at least one year immediately preceding the preparation of the list, and shall not be office holders under the laws of the United States or of this state.

At the time such jury list is made up the jury commissioners shall cause all the names thereon to be written each on a separate ballot, and shall fold, roll or prepare same so as to resemble each other as near as may be, and so that the name written thereon shall not be visible on the outside, and shall enclose the ballots for each magisterial district in a separate envelope endorsed with the name of the magisterial district and the number of ballots enclosed, and shall deposit all the ballots, with the list, in a secure box to be prepared for the purpose, which shall be delivered to and safely kept by the clerk of the circuit court, and shall be opened only by the jury commissioners or by order of the judge of the court having control thereof.

Sec. 3. The clerk of the circuit court or other court requiring a grand jury shall, at least thirty days before the term of court, summon the jury commissioners to attend at his office at a day specified, which shall not be less than twenty days before such term, and select men for the grand jury, but the court, or judge thereof, may require said jury commissioners to appear forthwith, or at any specified time, and select grand jurors for either a regular or special term of court. On the day appointed the said jury commissioners shall appear and draw the names of sixteen persons
from the grand jury box, and the persons so drawn shall constitute
the grand jury. If when drawing the ballots it shall appear to the
commissioners that any person so drawn is dead, or for any reason
disqualified or unable to serve, they shall destroy the ballot and
cancel the name on the list and draw another in his stead. They
shall enter the names of all persons so drawn in a book kept for
that purpose and deliver a list thereof to the clerk who shall issue
a summons for said grand jurors directed to the sheriff of the coun-
try requiring him to summon them to appear on the day required
and serve as grand jurors. The provisions of chapter one hun-
dered and sixteen relating to the drawing and summoning of petit
jurors and drawing ballots and cancellation and making thereof,
so far as applicable and not inconsistent with the provisions of this
act, shall be observed and govern the selections of a grand jury, ex-
cept that the ballots shall be drawn from the several envelopes in
proportion as near as may be to the numbers endorsed thereon, but
so that at least one ballot shall be drawn from each envelope.

Sec. 4. Any fifteen or more of the grand jurors attending
shall be a competent grand jury. If a sufficient number of quali-
fied jurors do not attend, the court shall appoint two *bona fide*
citizens of the county, of opposite politics, having all of the quali-
fications of jury commissioners, who, after taking the oath re-
quired of jury commissioners, shall select the number of qualified
persons necessary to complete the grand jury, for which services
the persons so appointed shall be allowed the sum of two dollars
each to be certified by the court to the county court for pay-
ment.

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

CHAPTER 23.

(House Bill No. 57.)

AN ACT to validate certain proceedings authorizing the issuance of
bonds of Curry district, Putnam county, for the purpose of locat-
ing, grading, draining, paving and permanently improving or re-
pairing the public roads of said district and to validate the sale
of such bonds and authorize the sale thereof, and to provide a
tax to pay the same.

[Passed February 13, 1910. In effect from passage. Approved by the Governor
February 17, 1910.]
Be it enacted by the Legislature of West Virginia:

Section 1. All proceedings authorizing the issuance of the permanent road improvement bonds of Curry district, Putnam county, in the amount of ninety-five thousand dollars, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district, which bonds mature annually covering a period of thirty years from the date thereof and bear interest at the rate of five per cent. per annum, and were authorized by an order of the county court of said county and received the vote of more than three-fifths of all the votes cast for and against the same at an election held on March twenty-fourth, one thousand nine hundred and seventeen, for that purpose, are hereby in all respects validated and confirmed, and a tax sufficient to pay the interest and maturing principal of such bonds shall be levied each year as required by the constitution, anything herein or in any other statute to the contrary notwithstanding. The sale of such bonds is likewise validated and confirmed, and the constituted and acting authorities of such county are hereby authorized to execute and deliver such bonds pursuant to such proceedings and such sale or pursuant to any further sale thereof at not less than par.

CHAPTER 24.

(House Bill No. 104.)

AN ACT to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitutions and laws.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the Governor February 17, 1919.]

Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for any person to speak, print, publish or communicate, by language, sign, picture, or
3 otherwise, any teachings, doctrines or counsels in sympathy or favor of ideals, institutions or forms of government hostile, inimical or antagonistic to those now or hereafter existing under the constitution and laws of this state or the United States, or in sympathy or favor of the propriety, duty or necessity of crime, violence or other unlawful methods of terrorism as a means of accomplishing economic or political reform, or in sympathy or favor of the overthrow of organized society, the unlawful destruction of property or the violation of law.

Sec. 2. It shall be unlawful for any person to have in his possession or to display any red or black flag, or to display any other flag, emblem, device or sign of any nature whatever indicating sympathy or support of ideals, institutions or forms of government, hostile, inimical or antagonistic to the form or spirit of the constitution, laws, ideals and institutions of this state or the United States.

Sec. 3. Any person violating any of the provisions of this act shall, for the first offense, be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not exceeding twelve months, or both, and, for the second offense, shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than one nor more than five years.

CHAPTER 25.

(House Bill No. 100.)

AN ACT to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the Governor February 17, 1919.]

Sec. 2. Persons exempt from jury service.

Be it enacted by the Legislature of West Virginia:

That section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, be, and the same is hereby amended and re-enacted so as to read as follows:

Section 2. The governor of the state, practicing attorneys, physicians and dentists, druggists, postmasters, officers of any court, all telegraph operators actually engaged as such in any
4 office in this state, and all persons mentioned in the eighth sec-
5 tion of chapter nineteen of this code as exempted from military
6 duty (except school commissioners, persons exempted under the
7 eighth section of chapter nineteen of this code by reason of hav-
8 ing relatives dependent upon them for support, or in the military
9 service of the United States or of this state, officers of the militia
10 who resign their commissions after serving seven years succes-
11 sively, and officers and members of a uniformed and armed volun-
12 teer company, who shall have served three years) shall be exempt
13 from serving on juries.

CHAPTER 26.

( House Bill No. 111.)

AN ACT to authorize the board of education of Red Sulphur dis-
trict of Monroe county to lay an additional levy for the comple-
tion of a public high school building in said district, already
begun but not fully completed, and to pay off an existing debt
thereon, and thereby to enable said board to obtain a clear title
therefor.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the
Governor February 17, 1919.]

Sec. 1. Authorizing board of education of Red Sulphur district, Monroe
county, to lay a special building

WHEREAS, The people of Red Sulphur district of Monroe county,
prior to January first, one thousand nine hundred and seventeen,
voted a levy for the purpose of erecting an eight-room brick high school
building therein, which said building was erected, and the funds de-
erved from the levies provided therefor were insufficient to complete
the same, and there is lacking for that purpose the sum of two thou-
sand three hundred dollars, and said board is unable to obtain title
therefor for that reason, and said board 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; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Red Sulphur district
2 of Monroe county is hereby empowered, in addition to all the levies
3 now authorized by law, to lay a special building fund levy not to
4 exceed thirteen cents on the one hundred dollars valuation of tax-
5 able property in said district for the sole purpose of raising suffi-
6 cienf funds to pay off and discharge said debt and for fully com-
7 pleting and equipping said high school building; which special
8 levy shall be laid for one year only.

**CHAPTER 27.**

(House Bill No. 125.)

AN ACT to amend and re-enact sections six, seven, eight, ten, twelve, seventeen, twenty-four, twenty-five, sixty-three, and one hundred and thirty-two-a of chapter twenty-nine, relating to assessments and taxation.

(Passed February 13, 1919. In effect from passage. Became a law without the Governor's approval.)

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

1. That sections six, seven, eight, ten, twelve, seventeen, twenty-four, twenty-five, sixty-three, and one hundred and thirty-two-a of chapter twenty-nine of the code, be amended and re-enacted so as to read as follows:

Section 6. Each county in the state shall constitute one assessment district, and shall elect one assessor, whose term of office
3 shall be four years. The assessors now in office shall serve until the expiration of the term for which they were elected, and their successors shall be elected at the general election of one thousand nine hundred and twenty, and every four years thereafter. No person shall be eligible to the office of assessor who is not a resident of the county and a freeholder therein at the time of his election. The county court shall provide the assessor with an office at the county seat, which shall be kept open during the time the assessor is listing property. With the consent and approval of the county court, the assessor may appoint a stenographer to assist him in the office to serve for the period of not more than six months in each year. The compensation of such stenographer shall be paid out of the county treasury and shall not exceed one hundred dollars per month for the time actually employed.

Sec. 7. In every county whose population, as shown by the next registration of voters last preceding the election of an assessor, on the basis of a population of five for each voter so registered, does not exceed twenty thousand, there shall be appointed two assistant assessors in each county whose population is thus shown to exceed twenty thousand, and not to exceed thirty thousand, there shall be appointed three assistant assessors; in every county whose population is thus shown to exceed thirty thousand and not to exceed sixty thousand, there shall be appointed five assistant assessors; in every county whose population is thus shown to exceed sixty thousand and not to exceed seventy thousand, there shall be appointed seven assistant assessors. Each of said assistant assessors shall be a voter and resident of the county in which he is appointed. The assistant assessors hereinbefore provided shall devote their whole time to the performance of their duties from the first day of the assessment year until the levies are extended on the land and personal property books.

There may be appointed in each county one additional assistant to the number hereinbefore provided, to be known as “the office assistant,” who shall have the same power to assess property as the assessor and other assistants, and shall also stay in the office of the assessor throughout the year and perform the clerical work of the office. The salary of such assistant shall be fixed by the
27 county court and shall not be less than five hundred nor more than
28 eighteen hundred dollars per annum, payable proportionately at
29 the end of each month.

Sec. 8. The assistant assessors shall be appointed by the
2 assessor, with the advice and consent of the county court, of the
3 counties for which they are to be appointed. Not more than two
4 assistants shall be appointed from any magisterial district. It
5 shall be the privilege of any assessor in this state to employ his
6 assistants herein provided for whatever time he and the county court
7 may deem necessary to have such services or if they so desire for the
8 full term for which the assessors were elected. They shall take the
9 same oath of office prescribed for the assessor. Vacancies occurring
10 from any cause in the office of any assistant assessor, shall be filled
11 in the same manner provided for the appointment to full terms of
12 office, and shall be for the unexpired term made vacant.

Sec. 10. The assessor and his assistants in each county shall
2 receive annually the following compensation to be paid out of the
3 county fund: Each assessor shall receive annually thirty dollars
4 for each full one hundred voters voting at the preceding presi-
5 dential election for President of the United States in his county,
6 for the first three thousand voters thereof; twenty-five dollars for
7 each full one hundred additional voters as aforesaid up to three
8 thousand additional voters as aforesaid; twenty dollars for each
9 full one hundred additional voters as aforesaid, up to three thou-
10 sand additional voters as aforesaid; provided, however, that the
11 compensation of any assessor in any county shall in no case be
12 more than twenty-one hundred nor less than one thousand dollars,
13 except in those counties in which the population according to the
14 last preceding census exceeds fifty-five thousand and does not
15 exceed seventy thousand, the assessor shall be paid a salary not
16 exceeding twenty-five hundred dollars, and in counties the popu-
17 lation of which, as aforesaid, exceeds seventy thousand, said as-
18 sessor shall be paid a salary not exceeding three thousand dollars.
19 The salary of the assistant assessors shall be fixed by the county
20 court and shall not be less than one hundred nor more than nine
21 hundred dollars per year.

Sec. 12. All property, both real and personal, in any county,
2 whether it be assessed by the assessor, assistant assessor, or by the
3 board of public works, or any other person or officer or tribunal,
4 after July first, one thousand nine hundred and nineteen, shall
5 be assessed as of the first day of April, at its true and actual
value, (that is to say, at the price for which such property would
sell if voluntarily offered for sale by the owner thereof, upon such
terms as such property, the value of which is sought to be ascer-
tained, is usually sold, and not the price which might be realized,
if such property were sold at a forced sale). It shall be the duty
of the assessor in each county to assess the value of all real estate
annually in said county as well as the value of all personal prop-
erty therein, at the true and actual value.

Sec. 17. There shall be an annual meeting of the assessors
held during the month preceding the beginning of the assessment
year, at which meeting the assessors of the state shall be required
to attend. The date and place of such meeting shall be fixed by
the state tax commissioner and due notice thereof shall be given
to the assessors of the state. The state tax commissioner shall
prepare a program of matters pertaining to assessments and work
of the assessors to be discussed at said meeting and he shall attend
and be ex-officio chairman of the same. The meeting shall con-
tinue for the period of two days. The actual necessary expenses
incurred by any assessor in attendance at such meeting shall be
paid out of the county treasury of the county of the assessor so
attending. Before such payment, however, the assessor shall file
an itemized statement, which shall be sworn to, of his actual and
necessary expenses, with the clerk of the county court.

In addition to the meeting hereinbefore provided for, there
shall be at least two meetings of each assessor and his assistants
between the first day of the assessment year and the twentieth
day of June, of the current year, at such time and place as the
assessor shall appoint, of which meeting all of such assistants shall
have due notice, for the purpose of procuring uniform valuation
of property, both real and personal, throughout the entire county,
according to the true and actual value. The last meeting shall be
held after the work of listing property has been completed, at
which meeting all the lists shall be thoroughly gone over and re-
vised and corrected, and if found to be erroneous, either in the
amount of property, real or personal, assessed to any person, firm,
or corporation, or in the value given to any item of property by
the taxpayer by placing on such list the omitted property and
giving to it, as well as any property that has been listed, but which
has been incorrectly valued, the true and actual value thereof ac-
cording to the rule prescribed in section twelve, of this chapter,
and by omitting property improperly listed. The clerk of the county court shall sit as an advisory member at such last meeting.

Sec. 24. The assessor in making out the land and personal property books, shall correct any and every mistake he shall discover in the original books, or in the land books for any previous year.

Sec. 25. When the assessor shall ascertain that any land or personal property in his county liable to taxation has been omitted from the land or personal property books for a period of less than five years, he shall make an entry thereof in the proper book and of the name of the owner, in the land books of the year in which said omission was discovered, and of personal property book for the current year, and assess the same at its true and actual value according to the rule prescribed in section twelve of this chapter, and shall charge the same with all taxes chargeable against it together with interest thereon at the rate of six per centum per annum for the years the same was omitted from the books. Any assessor failing to make such entry, when discovered by him, or called to his attention by any taxpayer interested therein, shall forfeit twenty dollars.

Sec. 63. All personal property belonging to persons residing in this state, whether such property be in or out of the state, and all personal property in the state, though owned by persons residing out of the state, shall be entered in the personal property book, and be subject to equal and uniform taxation unless especially exempted by law; but personal property of all classes, except as hereinbefore provided, belonging to the residents of this state, which is actually and permanently located in another state, and by the laws of such other state is subject to taxation and is actually taxed in such other state, shall not be entered on the personal property book, or be taxed in this state. But the shares of capital stock owned by residents of this state in corporations actually located in other states, and whose property is taxed by the laws of such other state, shall not be required to be listed for taxation. All money belonging to citizens of this state, and loaned to any person or deposited out of the state, shall be subject to taxation the same as if loaned or deposited in this state. Any person who any time before the assessment year transfers by loan, deposit or gift, any moneys, credits, notes, bonds, stocks, certificates of deposit, or other credits, which are subject to taxation, to any one, who does not return a list of taxation as of the day on which the assessment
or gifts, if made with the intention of evading taxation, shall be
deemed and treated as illegal and fraudulent and the assessor
shall assess such property for taxation to the party who makes such
transfers, loans, deposits or gifts as aforesaid.

Sec. 132-a. Authority is hereby vested in the county
court to correct mistakes, clerical errors, and all other errors made
by the assessor in the land and personal property books, except
the fixing of valuation. Any taxpayer, or the prosecuting attorney
or state tax commissioner on behalf of the state, county and dis-
tricts, claiming to be aggrieved by any entry in the land or per-
sonal property books of the county, resulting from a mis-
take, or clerical error or any error, resulting from any cause other
than the value of the property as fixed by the assessor or board of
review and equalization, may, within one year from the time
such land or personal property books are delivered to the sheriff,
apply for relief to the county court of the county in which such
books are made out. But before such application is heard, the tax-
payer shall give notice to the prosecuting attorney of the county
or the state shall give notice to the taxpayer, as the case may be, of
such hearing. Such application whether the case be by the tax-
payer or the state, shall have precedence of all other business be-
fore the court; but any order or judgment made upon such appli-
cation shall show that either the prosecuting attorney or the state
tax commissioner was present defending the interests of the state,
county and district. In the event it shall be ascertained that such
applicant is entitled to relief as aforesaid and the taxes have been
paid, the same shall be refunded to the taxpayer, and if charged
and not paid, such applicant shall be released from the payment
thereof. And whenever any such is corrected by the county court
the clerk of the court shall certify a copy of such order to the audi-
tor, to the sheriff and to the assessor, and, if real estate, said
assessor shall thereupon make a correction in his land book for the
next year according to such order. Any such order delivered to
the sheriff or other collecting officer shall restrain him from col-
lecting so much as is erroneously charged against the taxpayer,
and if the same has been already collected, shall compel him to
refund the money if such officer has not already paid into the treas-
ury, and in either case, when endorsed by the person exonerated,
it shall be sufficient voucher to entitle the officer to a credit for so
much in his settlement which he is required to make. If the appli-
37 cant be the state, then the order so certified to the sheriff shall
38 show the correct amount of taxes due the state, county and dis-
39 tricts and shall be sufficient to authorize him to collect such taxes
40 in the same manner as other state, county and district taxes are
41 collected. The provisions of this section shall apply to taxes levied
42 for the year one thousand nine hundred and eighteen.
43 All acts and parts of acts inconsistent herewith are hereby
44 repealed.

CHAPTER 28.
(House Bill No. 198.)

AN ACT fixing the annual allowance to the clerks of the circuit and
county courts of Morgan county.

[Passed February 13, 1919. In effect ninety days from passage. Approved by the
Governor February 17, 1919.]

Sec. 1. Annual allowance to the clerk of
the circuit court and the clerk
of the county court of Morgan
county, for public services; sal-
ary to begin January 1, 1919,
and end December 31, 1920: acts
and parts of acts in conflict re-
paled.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Morgan county shall an-
ually allow to the clerk of the circuit court and to the clerk of the
county court of said county, the sum of not less than two hun-
dred dollars nor more than six hundred dollars each for his pub-
lic services, for which no other fee or reward is allowed by law.
Said salary to begin on the first day of January, one thousand
nine hundred and nineteen, and end on the thirty-first day of
December, one thousand nine hundred and twenty, and that this
act shall in no wise conflict with the salary act of said clerks now
on the statute books, to begin January one, one thousand nine
hundred and twenty-one.

All acts or part of acts in conflict herewith are hereby re-
pealed.

CHAPTER 29.
(House Bill No. 10.)

AN ACT relating to pure drinking water for live stock in transit.
CH. 30] RELATING TO LABOR 163

[Passed February 13, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

Sec. 1. Railroads required to provide drinking water for live stock by placing suitable troughs in stock pens and supplying same with water.

Sec. 2. Railroads coming within provisions of this act refusing to comply with requirements, guilty of a misdemeanor; penalty for first and succeeding offenses.

Sec. 3. Repealing all acts and parts of acts inconsistent herewith.

Be it enacted by the Legislature of West Virginia:

Section 1. That all railroads maintaining stations that are 2 shipping points for live stock where there are as many as one 3 thousand head shipped in any one year, shall wherever practicable 4 place within the stock pens owned or controlled by such railroad 4-a company suitable watering troughs which shall at all 5 times during the time stock is being shipped from the sta- 6 tion, be supplied with pure drinking water such as stock will 7 drink. It shall be considered practicable where there are water 8 works from which there can be water obtained, (city or other- 9 wise) by piping not to exceed one-fourth of a mile.

Sec. 2. Any railroad company which refuses to comply with 2 this act shall be guilty of a misdemeanor and shall be fined not 3 less than fifty dollars nor more than one hundred dollars for 4 each offense. And each day that such pens are without water 5 during the shipping season shall be considered a separate offense.

Sec. 3. All acts and parts of acts inconsistent herewith 2 are hereby repealed.

CHAPTER 30.

(House Bill No. 50.)

AN ACT to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-h, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto, sections sixty-seven-a, sixty-seven-c, sixty-seven-d, sixty-seven-e and sixty-seven-f, relating to inspection of factories, mercantile establish- 1ments, mills or workshops.

[Passed February 14, 1919. In effect ninety days from passage. Approved by the Governor February 18, 1919.]
SEC. 59. Location of machinery, ovens, furnaces, vats, pans, receptacles containing molten metal, etc., in factory buildings; dangerous places in and about mercantile and other establishments; use of machinery to be known to be dangerously defective; repairs to machine when in motion.

60. Removing or safeguards from machine to make repairs, and replacing of same; effective means for disconnecting power in case of accident; use of tight belts or pulleys, clutches, belt shifters, switches, throttles and other controlling devices required where practicable; requirements where machines are arranged in groups, rooms or departments; speaking tubes, electric bells, colored lights, etc., to be provided for control of machinery in case of accident.

61. Providing for the fencing, or other protection, of hoistways, hatchways, elevator wells and wheel holes; holding devices for elevator cars or cars; unsafe conditions in machines, electrical apparatus or systems of wiring shall be promptly remedied.

62. Prohibiting the taking of food into establishments where white lead, arsenic or other poisonous substances, fumes, dust or gases are present; employees not to remain in any such room or apartment during time allowed for meals; notice to such effect to be posted in each room or apartment.

63. Suitable seats for female employees: use of same.

64. Sufficient and reasonable means of escape from fire, to be kept free from all obstructions, required; commissioner of labor or factory inspector may order fire escapes erected on outside of buildings whenever deemed necessary.

65. Requiring hand-rails on stairways, and treads thereon as to provide firm and safe foothold; proper lights required at specified points during necessary hours; overcrowding of floor space, and overloading of floors and walls prohibited; passageways free of obstruction.

SEC. 66. Sufficient number of water closets for employees: requirements relative to the no.

67. Adequate washing facilities; sanitary and suitable dressing rooms.

67-a. Misdemeanor for any person to light a pipe, cigar or cigarette, or enter any building with a lighted pipe, cigar or cigarette, at the entrance of which is posted a notice stating that no smoking is allowed: penalty therefore.

67-b. Authority of commissioner of labor or factory inspector to inspect steam boilers; owners of steam boilers required to equip same with steam gauge, safety valve and water gauge: neglect to do so a misdemeanor: penalty therefore.

67-c. Failure of employer to pay wages or salary of a discharged employee; recourse of such discharged employee seventy-two hours after demand: does not apply in case of bankruptcy, assignment or other legal disability of the employer: as case of shut-down or other cessation of operations.

67-d. Violation of the provisions of this act, or omissions or failures to comply with requirements, or disregarding notices of commissioner or factory inspector, or obstruction or interference with any examination or investigation being made by authority of the provisions of this act, or any protective or sanitary device, are misdemeanors: penalties therefore: fines of the peace have concurrent jurisdiction with circuit and other courts for the trial of offenses the labor, or factory inspector, or obstruction or interference with any protective or sanitary devices, are misdemeanors: penalties therefore: justice of the peace have concurrent jurisdiction with circuit and other courts for the trial of offenses under supervision of the department of mines excepted from provisions of this act.

67-e. Commissioner of labor, inspectors, and chief clerk to make and keep full record of expenses and of inspection and statistics took to welfare of employees and report same to each biennial session of legislature.

67-f. Repealing sections of the code inconsistent herewith.

Be it enacted by the Legislature of West Virginia:

That sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, and sixty-seven of chapter fifteen-h, of the code of West Virginia of one thousand nine hundred and sixteen, be amended, and re-enacted, and sections sixty-seven-a, sixty-seven-c, sixty-seven-d, sixty-seven-e, and sixty-seven-f be added thereto, relating to inspection of factories, mercantile establishments, mills or workshops, same to read as follows:
Section 6. All rooms, buildings and places in this state where labor is employed, or shall hereafter be employed, in any factories, mercantile establishments, mills or workshops shall be so constructed, equipped and arranged, operated and conducted, in all respects, as to provide reasonable and adequate protection for the life, health, safety and morals of all persons employed therein. For the carrying into effect of this provision, and the provisions of all the laws of this state, the enforcement of which is now or shall hereafter be intrusted to or imposed upon the bureau of labor, the commissioner of labor shall appoint not more than four factory inspectors who shall be under the supervision of the commissioner of labor. The commissioner of labor may at anytime divide the state into inspection districts as to him may seem advisable, and assign the inspectors to the districts as the good of the service requires. The salary of a factory inspector shall be eighteen hundred dollars per annum, and actual traveling and hotel expenses. The commissioner of labor shall appoint a chief clerk, whose salary shall be twenty-four hundred dollars per annum, an assistant clerk who shall be a stenographer, at a salary of eighteen hundred dollars per annum, and a statistical clerk whose salary shall be twelve hundred dollars per annum. The salary of the commissioner of labor provided for in this act, shall be three thousand six hundred dollars per annum, and he shall be allowed his actual traveling and incidental expenses.

Sec. 59. All power driven machinery, including all saws, planers, wood shapers, jointers, sandpaper machines, iron mangles, emery wheels, ovens, furnaces, forges and rollers of metal; all projecting set screws or moving parts; all drums, cogs, gearing, belting, shafting, fly wheels and flying shuttles; all laundry machinery, mill gearing and machinery of every description; all vats or pans and all receptacles containing molten metal or hot or corrosive fluids in any factory, mercantile establishment, mill or workshop, shall be so located, whenever possible, as not to be dangerous to employees, or where possible, be properly enclosed, fenced or otherwise protected. All dangerous places, in or about mercantile establishments, factories, mills or workshops, near to which any employee is obliged to pass or to be employed, shall, where practicable, be properly enclosed, fenced or otherwise guarded. No machine in any factory, mercantile establishment, mill or workshop, shall be used when the same is known to be dangerously defective, and no re-
17 pairs shall be made to the active mechanism or operative part of any
18 machine, when the machine is in motion.

Sec. 60. No person shall remove or make ineffective, any safe-
2 guard required by this act, during the active use or operation of the
3 guarded machine or device, except for the purpose of immediately
4 making repairs thereto, and all such safeguards so removed shall be
5 promptly replaced. In every factory, mercantile establishment,
6 mill or workshop, effective means shall be provided for immediate-
7 ly disconnecting the power, so that in case of need or accident, any
8 particular machine, group of machines, room or department, can be
9 promptly and effectively shut down. Where machines require to be
10 started and stopped frequently, they shall, wherever practicable, be
11 provided with tight and loose pulleys, clutch or other effective dis-
12 engaging device. When provided with tight and loose pulleys, the
13 shifting of the belt shall be accomplished by the use of a belt shifter,
14 placed within easy reach of the operator. When a clutch, or other
15 disengaging device is used, an effective means for throwing such
16 device into or out of engagement shall be provided, and shall be
17 placed within easy reach of the operator. Where machines are
18 directly connected with the prime mover, (electric motor, steam,
19 gas or gasoline engine, or other source of power), a switch, throttle,
20 or other power controlling device shall be furnished and shall be
21 placed within easy reach of the operator or his co-worker. Where
22 machines are arranged in groups, rooms or departments, and power
23 is supplied by a prime mover, located within the confines of such
24 group, room or department, a switch, throttle, or other controlling
25 device shall be furnished, and shall be placed within easy reach of
26 the operators affected, so that all shafting, transmitting machinery
27 and machines of such group, room or department, can be simul-
28 taneously shut down. Where machines are arranged in groups,
29 rooms or departments, and are supplied by power through the use of
30 main or line shafts, receiving power from some prime mover, lo-
31 cated without the group, room or department, the power receiving
32 wheel or such main or line shaft, shall, wherever possible, be pro-
33 vided with a friction clutch, or other effective power disengaging
34 device, with suitable means for operating the clutch, or power dis-
35 engaging device, and these means shall be placed within the con-
36 fines of such group, room or department, and within easy reach of
37 employees or operatives affected, so that all machines, shafting and
38 other transmission machinery within such group, room or depart-
39 ment, can be simultaneously shut down. In addition to such safe-
40 guard, communication, consisting of speaking tubes, electric bells, 41 electric colored lights, or other approved and effective means, shall 42 be provided in all cases covered by this paragraph between each such 43 group, room or department, and the room in which the engineer, 44 or prime mover, is located, so that in case of need or accident the 45 motive power of such group, room or department can be promptly 46 stopped or controlled.

Sec. 61. All hoistways, hatchways, elevator wells and wheel 2 holes in factories, mercantile establishments, mills or workshops, 3 shall be securely fenced, enclosed or otherwise safely protected, and 4 due diligence shall be used to keep all such means of protection 5 closed, except when it is necessary to have the same open, in order 6 that the said hatchways, elevators or hoisting apparatus may be 7 used. All elevator cabs or cars, whether used for freight or passen- 8 gers, shall be provided with some device, whereby the car or cab 9 may be held in the event of accident, to the shipper rope or hoisting 10 machinery or controlling apparatus. If any elevator, machine, 11 electrical apparatus or system of wiring, or any part or parts there- 12 of, in any factory, mercantile establishment, mill or workshop, are 13 in an unsafe condition, or are not properly guarded, where reason- 14 able to guard the same, the owner or lessee or his agent, superin- 15 tendent or other person in charge thereof, shall, upon notice from 16 the commissioner of labor or factory inspector, remedy such unsafe 17 condition within a reasonable time after receiving such notice.

Section 62. No employee shall take or be allowed to take food 2 into any room or apartment in any factory, mercantile establish- 3 ment, mill or workshop, where white lead, arsenic, or other poison- 4 ous substances, or injurious or noxious fumes, dusts or gases under 5 harmful conditions are present, as the result of the business con- 6 ducted by such factories, mercantile establishments, mills or work- 7 shops, and notice to this effect shall be posted in each room or apar- 8 tment. Employees shall not remain in any such room or apartment 9 during the time allowed for meals, and suitable provisions shall be 10 made and maintained by the employer, when practicable, for en- 11 abling the employees to take their meals elsewhere in such estab- 12 lishment.

Sec. 63. Every person, firm or corporation employing fe- 2 males in any factory, mercantile establishment, mill or workshop, 3 in this state, shall provide a reasonable number of suitable seats 4 for the use of such female employees, and shall permit the use of 5 such seats by them when they are not necessarily engaged in active
6 duties for which they are employed, and shall permit the use of
7 such seats at all times when such use would not actually and
8 necessarily interfere with the proper discharge of the duties of such
9 employees, and where practicable, such seats shall be made a per-
10 manent fixture and may be so constructed or adjusted that when
11 seats are not in use, they will not obstruct such female employee
12 when engaged in the performance of her duties.

Sec. 64. In all factories, mercantile establishments, mills or
2 workshops, sufficient and reasonable means of escape in case of fire
3 shall be provided, and such means of escape shall at all times be
4 kept free from any obstruction and shall be kept in good repair
5 and ready for use, and shall be plainly marked as such. The com-
6 missioner of labor or factory inspector may order fire escapes erected
7 on the outside of buildings used as factories, mercantile establish-
8 ments, mills or workshops which are two or more stories in height,
9 whenever deemed by the commissioner of labor or factory inspector
10 to be necessary.

Sec. 65. In all factories, mercantile establishments, mills or
2 workshops, proper and substantial hand rails shall be provided on
3 all stairways, and the treads thereon shall be so constructed as to
4 furnish a firm and safe foothold. A proper light shall be kept
5 burning by the owner or lessee in all main passageways, main hall-
6 ways, at all main stairs, main stair landings and shafts, and in front
7 of all passenger or freight elevators, upon the entrance floors, and
8 upon other floors, on every workday of the year, from the time that
9 the building is open for use until the time when it is closed, except
10 at times when the influx of natural light shall make artificial light
11 unnecessary. No floor space or any work room in any factory, mer-
12 cantile establishment, mill or workshop, shall be overloaded with
13 machinery or other material as thereby to cause serious risk to or
14 endanger the life or limb of any employee, nor shall there be per-
15 mitted in any such establishment, a load in excess of the safe su-
16 staining power of the floors and walls thereof, machines must not be
17 placed so closely together as to be a serious menace to those that
18 have to pass between them. Passageways must be of ample width,
19 well lighted and free from obstruction.

Sec. 66. Every factory, mercantile establishment, mill or
2 workshop, shall be provided with a sufficient number of water clos-
3-5 ets, and whenever both male and female persons are
6 employed, said water closets shall be provided separate and
7 apart for the use of each sex, and plainly marked by which sex they
8 are to be used; and no person or persons shall be allowed to use the
9 closets assigned to the opposite sex; and such water closets shall be
10 constructed in an approved manner and properly enclosed, and at all
11 times kept in a clean and sanitary condition. The closets, where
12 practicable, shall be located so that they shall have direct ventilation
13 with the outside air; where it is impracticable to locate the closets
14 so as to have direct ventilation with the outside air, they shall be
15 placed in an inclosure, and every such closet shall be properly and
16 effectively disinfected and separately ventilated, and shall be prop-
17 erly lighted by artificial light, except when the influx of natural
18 light makes artificial light unnecessary.

Sec. 67. In all factories, mercantile establishments, mills or
2 workshops, adequate washing facilities shall be provided for the
3 employees, where necessary. When the labor performed by the em-
8 ployes is of such a character as to make customary or necessary a
9 change of clothing by the employees, there shall be provided san-
10 tary and suitable dressing room or rooms, and both such dressing
11 rooms and washing facilities shall be separately maintained for each
12 sex.

Sec. 67-a. Every person who shall light a pipe, cigar or cigar-
2ette in, or who shall enter with a lighted pipe, cigar or cigarette, any
3 factory, mercantile establishment, mill or workshop in which is
4 posted in a conspicuous place over and near each principal entrance
5 a notice in plain English letters, stating that no smoking is al-
6 lowed in such building, shall be guilty of a misdemeanor, and
7 upon conviction thereof shall be fined not less than twenty dollars
8 nor more than one hundred dollars for each separate offense. The
9 commissioner of labor or factory inspector shall have authority to
10 inspect steam boilers in this state and any person owning or operat-
11 ing steam boilers shall provide the same with steam gauge, safety
12 valve and water gauge and keep the same in good order. Any
13 person neglecting so to do, shall be guilty of a misdemeanor and
14 upon conviction thereof shall be fined not less than twenty nor
15 more than one hundred dollars.

Sec. 67-c. Whenever any employer of labor shall here-
2 after discharge his or its employees without first paying them
3 the amount of any wages or salary then due them in cash, lawful
4 money of the United States, or its equivalent or by check or draft,
5 within seventy-two hours after demand, or shall fail or refuse to
6 pay them in like money, or its equivalent or by check
6-a or draft, the amount of any wages or salary at the
time the same becomes due and owing to them under their con-
tract of employment, whether employed by the hour, day, week
or month, each of his or its employees so discharged may
charge and collect wages in the sum agreed upon in the contract
of employment for each day his employer is in default, until he is
paid in full, without rendering any service therefor; provided, how-
ever, he shall cease to draw such wages or salary thirty days after
such default. Every employee shall have such lien and all other
rights and remedies for the protection and enforcement of such
salary or wages, as he would have been entitled to had he rendered
service therefor in manner as last employed. This section shall
not apply in case of bankruptcy, assignment or other legal dis-
ability of the employer to pay for any wages so due and owing,
or in case of shut down or other cessation of operations.

Sec. 67-d. Any person, firm or corporation who shall, or any
agent, manager or superintendent of any person, firm or corpora-
tion, who, for himself or for such person, firm or corporation, shall
violate any of the provisions of this act, or who omits or fails to
comply with any of the foregoing requirements of this act, or who
disregards any notice of the commissioner of labor or state factory
inspector, when said notice is given, in accordance with the pro-
visions of this act; or who obstructs or interferes with any exam-
ination or investigation being made by the commissioner of labor or
a state factory inspector, under this act, or any employee in any
such factory, mercantile establishment, mill or workshop, who shall
remove or interfere with any guard or protective or sanitary de-
vice, required by the provisions of this act, except as hereinbefore
provided, or who shall violate any of the other provisions of this
act, where penalties are not otherwise provided, shall be punished
for the first offense by a fine of not less than ten dollars, nor more
than fifty dollars; and upon conviction of the second or subsequent
offense, shall be fined not less than twenty-five dollars, nor more
than two hundred dollars. A justice of the peace shall have con-
current jurisdiction with the circuit court and other courts having
criminal jurisdiction in his county for the trial of offenses under
this act. Those portions of all coal mining properties and
operations now under the supervision of the department of mines
are excepted from the provisions of this act.

Sec. 67-e. The commissioner of labor, inspectors and chief
clerk shall make and keep full and proper record of all their
expenses, and of inspections and statistics as to conditions, changes
4 and improvements made for the safety and welfare of employees
5 affected by this act, and that the commissioner of labor shall sub-
6 mit a proper report thereof to each biennial session of the legis-
7 lature.

Sec. 67-f. Sections six, fifty-nine, sixty, sixty-one, sixty-
2 two, sixty-three, sixty-four, sixty-five, sixty-six, and sixty-seven
3 of chapter fifteen-h, of the code of West Virginia of one thousand
4 nine hundred and sixteen be and they are hereby repealed.

CHAPTER 31.
AN ACT to amend and re-enact section nineteen of chapter one hun-
dred and fifty-two of Barnes' code of the edition of one thousand
nine hundred and eighteen.

[Passed February 14, 1919. In effect ninety days from passage. Approved by the
Governor February 18, 1919.]

Sec. 1. Competency of accused as a wit-
ness in trial before court for
misdeemeanor or felony; com-
petency of wife or husband as
witness in certain actions: not
compulsory, but optional.

Be it enacted by the Legislature of West Virginia:

That section nineteen of chapter one hundred and fifty-two of
Barnes' code, of the edition of one thousand nine hundred and eight-
teen, be amended so as to read as follows:

Section 19. In any trial or examination in or before any
court or officer for a felony or misdemeanor, the accused shall, at
his or her own request (but not otherwise) be a competent witness
on such trial and examination. The wife or husband of the ac-
cused shall, also, at his or her request, where the offense is com-
mited against either the husband or the wife or the child, father,
mother, sister or brother of either of them, or upon the request
of the accused (but not otherwise) be a competent witness on such
trial and examination. But nothing in this section shall be con-
strued as being compulsory upon either husband or wife, and a
failure to make such request by either party shall not create any
presumption against him or her, nor shall any reference be made to
nor comment upon such failure by any one during the progress of
the trial in the hearing of the jury.
CHAPTER 32.

(House Bill No. 156—Mr. Hale.)

AN ACT to create the department of mines; to re-district the state for the purpose of mine inspection; and to amend and re-enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter seventy-eight of the acts of one thousand nine hundred and seven.

[Passed February 13, 1919. In effect from passage. Approved by the Governor February 18, 1919.]

Sec. 1. Department of mines created; purpose for; office of chief of department; duties.

Sec. 2. Appointment of chief by the Governor; term of office.

Sec. 4. Qualifications of chief; salary of chief; how paid.

Sec. 7. Division of state into mining districts; appointment of inspectors; terms of office, first appointment.

Sec. 9. Qualifications of inspectors; prohibiting ownership, operation, stockholding or participation in ownership of mines; term of office; when beginning and ending; removals for incompetency, neglect of duty, drunkenness or other causes; salaries; traveling expenses; when and how paid; repealing all acts or parts of acts inconsistent with this act.

Be it enacted by the Legislature of West Virginia:

That sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen be amended and re-enacted so as to read as follows:

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

Sec. 2. On or before March first, one thousand nine hundred and nineteen the governor shall, with the consent of the senate, appoint a chief of the department of mines, who shall continue in office until December thirty-first, one thousand nine hundred and twenty-one, or until his successor shall be duly appointed and qualified, unless sooner removed as provided by law; and the governor of the state shall, with the consent of the senate, appoint a chief of the department of mines whose term of office shall begin January first, one thousand nine hundred
Sec. 4. The chief of the department of mines shall be a male citizen of West Virginia, and shall be a competent person, having had at least eight years' experience in the working, ventilation and drainage of coal mines in this state, and having a practical and scientific knowledge of all noxious and dangerous gases found in such mines. He shall devote all of his time to the duties of his office, and shall not be directly or indirectly interested in a financial way in any coal mine in this state. The salary of the chief of department of mines shall be five thousand dollars per annum, and traveling expenses, which shall be paid monthly out of the state treasury upon requisition upon the state auditor, properly certified by the chief of department of mines.

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

Sec. 9. Every person appointed to the office of district mine inspector shall be a citizen of West Virginia, having a practical knowledge of mining and the proper ventilation and drainage of mines, and a knowledge of the gases met with in coal mines, and must be a miner of at least six years' experience in coal mines, or having otherwise been engaged as an employee for six years within coal mines, and he shall not while in office be interested as owner, operator, stockholder, superintendent, or engineer of any coal mine, and he shall be of good moral character and temperate habits. His term of office shall expire on December thirty-first, one thousand nine hundred and twenty-one, or when his suc-
12 cessor is appointed and qualified, unless sooner removed as pro-
13 vided by law. An inspector of mines shall be removed from office
14 by the chief of department of mines for incompetency, neglect of
15 duty, drunkenness, malfeasance, or for other good cause. The
16 salary of each district mine inspector shall be three thousand dol-
17 lars per annum, and actual traveling expenses; such salary and ex-
18 penses shall be paid monthly out of the state treasury upon ap-
19 proval of the chief of department of mines; provided, that before
20 payment of such expense shall be made to the inspector he shall
21 file an account of such expense, verified by his affidavit, showing
22 they accrued in the discharge of his official duties.
23 23 All acts and parts of acts inconsistent with the provisions of
24 this act are hereby repealed.

CHAPTER 33.

AN ACT to amend and re-enact chapter thirty-nine of the acts of
one thousand eight hundred and eighty-seven of the legislature
of West Virginia, creating the "Independent School District of
Point Pleasant," and to change and enlarge the boundary and
limits of said independent school district so as to include addi-
tional territory.

(Passed February 14, 1910. In effect from passage. Became a law without the
Governor's approval.)

Sec.
1. Act to be submitted to voters; ter-
ritory of Point Pleasant inde-
pendent school district bounded
and described; providing for
special election to be held under
direction of board of education;
date of election; providing for
special election to be held by
voters of magisterial district of
Lewis proposed to be included
in Point Pleasant independent
school district: date of such
election.
2. Tickets for and method of holding
election; result of such election.
3. Board of education for independent
school district of Point Pleas-
ant: how constituted; method of
election; terms of office; when
beginning and ending.
4. Laws governing independent dis-
trict and board of education;
present board of education to
continue in office until succes-
sors are elected and qualified;
duties of temporary board; re-
election of members of present
board not prohibited; vacancies
in board; method of filling va-
cancies.
5. Unexpended school moneys of

Sec.
6. Appointment of secretary to the
board; duties of the secretary;
salary.
7. Ascertaining amount of money
necessary to keep schools of dis-
trict in operation not less than
nine months of each year; levy-
ning and collecting of taxes;
sheriff's commission.
8. Establishment and maintenance of
a high school; qualifications of
teachers for such school; tax-
payers may enforce requirements
by mandamus to compel per-
formance of official duty, or by
injunction to prevent violation
thereof; privilege of district to
maintain other schools in addi-
tion of high school; admittance
of non-resident pupils to high
school upon payment of tuition
to be fixed by the board; apnoint-
ment of teachers for current
school year; removal for incomp-
etency, neglect of duty, intem-
perance, profanity, cruelty or
immorality.
Be it enacted by the Legislature of West Virginia:

That chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia creating the independent school district of Point Pleasant and any amendments thereto be amended and re-enacted so as to change and enlarge the boundary limits of said independent school district of Point Pleasant created by chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven to read as follows:

Section 1. That in case a majority of the voters voting on the question at the election herein provided for, be in favor thereof, the following described territory in the county of Mason shall after the result of such election is ascertained and declared, be added to and become a part of the independent school district of Point Pleasant, to-wit:

All that territory bounded and described as follows:

Beginning at a point on the Kanawha river where a stake is called for, being a corner of the lands formerly owned by C. C. Miller, who is now deceased, and the lands of the Kanawha and Michigan railway company, thence with the division line between said Miller lands and the railway company lands, north twenty-nine degrees forty-five minutes, east two hundred four poles and twenty-two links to a stake; thence by same course fifty-five poles and four links to a corner of the said Miller lands, the lands of the Kanawha and Michigan railway company and the lands formerly owned by J. D. McCulloch; thence north fifty-eight degrees west; two hundred ninety-seven poles to a stake on the south side of the Clarksburg road; thence crossing the lands formerly belonging to H. J. Fisher, north seventy degrees west ninety poles and twelve links to a stake on the south side of a road; thence north thirty-seven degrees thirty minutes west, thirty-seven poles to a large cedar tree on a hill side; thence north twenty degrees fifteen minutes, one hundred twenty-one poles at a chestnut oak on a hill side; thence north twenty-eight degrees thirty minutes east, one hundred thirty-four poles and eleven links to a small black oak on the top of a ridge on the lands of P. S. Eastham; thence north seventy-three degrees thirty minutes west, to the west bank of Crooked creek; thence along the west bank of Crooked creek with its meanderings and bindings thereon, north thirty-five degrees east four poles; north seventy-one degrees thirty minutes east, sixteen poles; north twenty-three degrees twenty
piles; north twenty-two degrees east, twelve poles; north sixty-
seven degrees forty-five minutes east, twelve poles; south eighty-
four degrees fifteen minutes east, seventeen poles; north forty-
two degrees thirty minutes east, twelve poles; north two degrees
east, eight poles to the division line between the lands of P. C.
Eastham and James Capehart; thence across the lands of James
Capehart north five degrees east, four poles; north twenty-four
degrees thirty minutes east, ten poles; north twenty-four degrees
thirty minutes west, nine poles; north thirty-three degrees thirty
minutes east, twenty-five poles; north fifty-six degrees thirty-two
minutes east, thirty-two poles; north six degrees east, sixteen
poles; north thirty-three degrees thirty minutes east, twenty-two
poles to a point on south side of Jerico road, same being corner
to lands of E. J. Mossman; thence with the lines of said E. J.
Mossman south thirty-seven degrees west ten poles to a stake in
center of road; north eighty-one degrees thirty minutes west, four
poles ten and one-half links to a point in center of Jerico road;
then thence leaving said Jerico road north eight degrees east thirty-
two poles nineteen links to a post set in the ground on the fifteenth
day of July, one thousand nine hundred and four; thence south
eighty-two degrees east twenty-five poles to a stake on top of creek
bank; thence along top of creek bank north twenty-seven degrees
fifteen minutes east, twenty poles to a stake; thence north thirty-
five degrees east ten poles ten links to a stake in bend of the fence;
then thence north fourteen degrees thirty minutes east, thirty-eight
poles ten links to a stake in out line of thirty-six acre tract known
as lot number one in Point Pleasant development company's sur-
vey; thence with said lot number one north eighty-two degrees west
nine poles fifteen links to a stake; thence north forty-one degrees
west eleven poles eight links to a stake at the north east corner of
fair ground; thence along the north line of said fair grounds north
eighty-two degrees west, nine poles to a stake; thence north six
degrees east, sixty-one poles eleven links to a stake; thence south
thirty degrees east, seven and one-half poles to a fence post in
southeast corner of cemetery lot; thence along the south line of
cemetery lot north seventy-five degrees forty-five minutes west
forty-eight poles to the east line of Jackson avenue as laid out by
the Point Pleasant development company; thence along the east
line of Jackson avenue north nine degrees east, thirty-four poles
twelve links to a stake in the outline of the Point Pleasant de-
development company's lands and with said outline and line of land of Mrs. Ham Parr north seventy-six degrees west one hundred seventy-one poles to a stake in the south bank of Old Town creek; thence along the south bank of said Old Town creek with its meandors and binding thereon, south thirty-five degrees west, sixteen poles four links; north forty-seven degrees fifteen minutes west, six poles, north twenty-eight degrees forty-five minutes west, eight poles; north seventy-five degrees west, fifteen minutes west, one-half poles; south three degrees thirty minutes three poles four links; south twenty-eight degrees east, six poles twenty links; south twenty degrees east, five poles; south twelve degrees west, six poles nine links; south eight degrees west, seven poles seven links; north eighty-one degrees thirty minutes west, four poles twenty-two links; south forty-four degrees forty-five minutes west, thirteen poles twenty-three links to the top of the Ohio river bank; thence north seventy-three degrees thirty minutes west, to the Ohio and West Virginia state line; thence with said state line down the Ohio river to a point opposite the center of the Kanawha river; thence crossing the Ohio river and in a line with the center of the Kanawha river, and continuing said course up the center of said Kanawha river five hundred three poles to a point opposite the beginning corner, thence north twenty-nine degrees forty-five minutes east, three hundred twenty-five feet to the place of beginning. The same being the metes and bounds of the city of Point Pleasant.

Provided, however, that before this act shall take effect as to the territory included in the said independent school district of Point Pleasant, as existing before this act went into effect, it shall be submitted to the voters of the independent school district of Point Pleasant at a special election to be held in said independent district under the direction of the board of education thereof, to be held on the twelfth day of April, one thousand nine hundred and nineteen, and before the same shall take effect as to any part of the magisterial district of Lewis proposed to be included in said independent school district of Point Pleasant from said district of Lewis, it shall be submitted to the voters of the said magisterial district of Lewis at a special election to be held in said district under the direction of the board of education thereof, to be held on the twelfth day of April, one thousand nine hundred and nineteen.
Sec. 2. The tickets for the said election herein provided for shall have written or printed thereon “For enlarging independent school district” and “Against enlarging independent school district.” The said election shall be held and conducted and the result thereof, in each of said districts, ascertained by officers to be appointed for the purpose in each of said districts by the boards of education thereof, respectively, conforming to the general law governing elections so far as applicable, and if the majority of the votes cast upon said question in each of the said districts shall be in favor of enlarging said independent school districts of Point Pleasant then the territory described in section one of this act shall thereafter be included within the independent school districts of Point Pleasant. If, however, the majority of votes cast upon said question in either of said districts shall be against enlarging said independent school district of Point Pleasant, or if the vote be even, then the boundary limits of said independent school district shall be and remain as they were before this act went into effect.

Sec. 3. In the independent school district of Point Pleasant there shall be a board of education, who shall be a corporation by the name of “The Board of Education of the independent school district of Point Pleasant, in the county of Mason,” and as such shall possess all the power and be subject to all the liabilities of such corporation, and in addition thereto shall likewise perform all the duties and be subject to all the liabilities of both boards of education and trustees. Except as in the next section otherwise provided, said board of education shall consist of a president and two commissioners, to be elected at the general elections held in said county of Mason, all of whom, after those first elected, shall hold their offices for terms of four years, beginning on the first day of July, next after the dates of their respective elections, and until their successors shall have been elected and qualified. They shall be first elected at the general election to be held as aforesaid in the year nineteen hundred and twenty, the president and one of said commissioners for terms of two years, commencing as aforesaid, and the other commissioner for the full term of four years.

Sec. 4. The independent school district of Point Pleasant herein authorized, and the board of education herein authorized to be elected, shall conform to, and be governed by, the general school law in this state, except where it is otherwise provided by
this act. But until the board of education is elected as provided in the next preceding section, the present members of the board of education of the independent school district of Point Pleasant, and the members of the board of education of Lewis district residing within the territory included in this act shall be and is hereby constituted the board of education of the independent school district of Point Pleasant as created by this act until their successors are elected and qualified, as aforesaid. The members of the temporary board of education so constituted shall on the first Monday in July, 1919, meet and elect one of their members president of said board. Nothing herein contained shall be construed to prohibit the re-election and eligibility of any member of such board for two or more terms. Vacancies in the board shall be filled for the unexpired term by appointment by said board within four weeks after such vacancy shall have occurred. If the board shall fail or refuse to act within this time, the county superintendent of schools shall promptly fill said vacancy by appointment.

Sec. 5. All school moneys, whether belonging to the teachers' or building fund of Lewis district, which may be unexpended when the provisions of this act take effect, shall be divided between the said Lewis district and the independent school district of Point Pleasant, in proportion to the amount of taxable property added to the independent school district of Point Pleasant. The latest assessment for state and county purpose shall be taken as the basis of such settlement and division. It shall be the duty of the boards of education of each of said districts, on or before the first day of July, next after the provisions of this act take effect, to make the financial settlement provided for in this section.

Sec. 6. The said board of education, at their annual meeting on the first Monday of July of each year, shall appoint a secretary who shall not be a member of the board, and who shall perform all the duties of a secretary of a board of education prescribed in the general school law, and in addition thereto, shall make an enumeration of the youths of the said independent district, between the ages of six and twenty-one years of age, at the time required by the general school law, and according to the provision therein contained in relation to the making enumeration of youths. Salary of said secretary shall not exceed one hundred and fifty dollars per year.

Sec. 7. It shall be the duty of the board of education of said
The board of education of said independent school district shall establish and maintain a first class high school, within the meaning of division (b) of section thirty of chapter forty-five of the code of West Virginia in which no person, except a thoroughly qualified high school teacher holding a degree from a college at least equal to West Virginia university in its curriculum and standing, shall be employed or permitted to teach any of the branches regularly prescribed for first-class high schools provided for in said division (b) the requirements of this section, as to such high school, may be enforced by any taxpayer of said independent district by mandamus to compel performances of official duty thereunder, or injunction to prevent violation thereof. In addition to said high school, said board of education may establish and maintain such other schools as shall, in their judgment, promote the educational interests of children of said independent school district. Pupils between the ages of six and twenty-one years, residing elsewhere than in said independent district may be admitted to said schools upon payment to said board of education, in advance, of a reasonable monthly tuition, to be fixed by said board, and to become a part of the teachers' fund of said independent district. Said board of education shall, at a meeting to be held not later than the first day of September, in each year, appoint the teachers for said schools for the current school year, and fix and determine their salaries for such year. Such appointments shall be recorded by the secretary of said board; and any teacher appointed by said board may, by them, be removed for incompetency, neglect of duty, intemperance, profanity, cruelty and immorality.
CH. 34] COMMERCIAL FEEDING STUFFS 181

CHAPTER 34.

[House Bill No. 93—Mr. Parsons.]

AN ACT to regulate the sale of commercial feeding stuffs.

[Passed February 17, 1919. In effect ninety days from passage. Became a law without the Governor’s approval.]

Sec. 1. Defining term “commercial feeding stuffs.”

Sec. 2. Requiring tag or label affixed to every parcel, containing legible statement of contents; method of determining crude proteins, crude fats and crude fibre in feeding stuffs.

Sec. 3. Certified copy of statement by manufacturers, importers, jobbers, associations, corporations or persons offering for sale or distributing feeding stuffs to be filed with commissioner of agriculture; commissioner may require sample package of feeding stuffs with affidavit as to contents; regulating the sale of tankage, meat meal or meat scraps; each container required to have label from bureau of animal industry.

Sec. 4. Inspection tax on commercial feeding stuffs; to whom paid; label showing tax having been paid; regulating sale of commercial feeding stuffs in bulk.

Sec. 5. Power of commissioner of agriculture to refuse to register commercial feeding stuffs under misleading brand or name; power to cancel registration if found deceptive; other powers of the commissioner.

Sec. 6. Other agents not required to file statement or pay tax when same has been filed and paid by manufacturer, importer, jobber, firm, association, corporation or person manufacturing or selling like brand of commercial feeding stuffs.

Sec. 7. Commissioner of agriculture to have free access to places of business, mills, buildings, carriages, cars, vessels and parcels used in manufacture, transportation, importation, sale or storage of commercial feeding stuffs; authority to open parcels and take therefrom samples for analysis; shall annually cause analysis of samples of all commercial feeding stuffs; method of analysis; publication of bulletin for guidance of purchasers of feeding stuffs.

Sec. 8. Violations of provisions of this act; certification of same to prosecuting attorneys; notice to be given to persons charged with violations; right of party so notified to be heard in his defense before facts shall be certified to prosecuting attorney; certificates of analysis when duly sworn to, prima facie evidence of facts certified.

Sec. 9. Violations of act defined; penalty upon conviction thereof for first and subsequent violations.

Sec. 10. Commissioner of agriculture empowered to enforce provisions of this act; to prescribe form of tags, stamps or labels showing tax has been paid; to prescribe and enforce rules he may deem necessary to carry into effect full, intent and meaning of act.

Sec. 11. Money collected by commissioner of agriculture; disposition of same; payment of legitimate expenses incurred in enforcement of act; money remaining to be used in carrying on cooperative work with U. S. bureau of animal industry for eradication of tuberculosis among cattle; expenses not to exceed $15,000 per year.

Sec. 12. Provision for commercial feeding stuffs manufactured and prepared from pure grain at any mill in this state.

Sec. 12-a. Repealing all laws or parts of laws in conflict.

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

Section 1. The term “commercial feeding stuffs” shall be held to include all feeding stuffs used for feeding live stock and poultry, except whole seeds or grains, the unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kafir, and milo; whole hays, straws, cotton seed hulls and corn stover when unmixed with other materials, together with all other materials containing sixty per cent, or more of water.

Sec. 2. Every lot or parcel of commercial feeding stuffs sold,
2 offered or exposed for sale or distributed within the state shall have
3 affixed thereto a tag or label, in a conspicuous place on the outside
4 thereof, containing a legible and plainly printed statement in the
5 English language, clearly and truly certifying:
6   (a) The net weight of the contents of the package, lot or
7       parcel;
8   (b) The name, brand or trade mark;
9   (c) The name and principal address of the manufacturer or
10      person responsible for placing the commodity on the market;
11   (d) The minimum per centum of crude protein;
12   (e) The minimum per centum of crude fat;
13   (f) The maximum per centum of crude fiber;
14   (g) The specific name of each ingredient used in its manu-
15       facture.
16 The crude protein, crude fat and crude fiber shall be deter-
17 mined by the methods in force at the time by the association of offi-
18 cial agricultural chemists of the United States.

Sec. 3. Before any manufacturer, importer, jobber, firm, as-
2 sociation, corporation or person shall sell, offer or expose for sale
3 or distribute in this state any commercial feeding stuffs, he or they
4 shall file with the commissioner of agriculture a certified copy of
5 the statement specified in section two for each brand of commer-
6 cial feeding stuffs; said certified copy to be accompanied when
7 the commissioner of agriculture shall so request by a sealed pack-
8 age containing at least one pound of the commercial feeding stuffs
9 to be sold, offered or exposed for sale, or distributed in this state;
10 and the company or person furnishing said sample shall thereupon
11 make affidavit that the said sample is representative of the com-
12 mercial feeding stuffs offered for registration. Tankage, meat
13 meal or meat scraps cannot be sold in this state through dealers,
14 or otherwise, except under the regulation of government inspec-
15 tion of tankage, meat meal or meat scraps, and that each con-
16 tainer shall have a prescribed label from the bureau of animal
17 industry in compliance with the act of congress of June thirtieth,
18 one thousand nine hundred and six.

Sec. 4. Each and every manufacturer, importer, jobber,
2 firm, association, corporation or person manufacturing or selling
3 any commercial feeding stuffs as defined in section one of this
4 act, shall pay to the commissioner of agriculture an inspection
5 tax or fee of twenty-five cents per ton for each ton of commercial
6 feeding stuffs sold, offered or exposed for sale or distributed in
7 this state, and shall affix to or accompany each lot shipped in bulk, 8 and to each parcel of such commercial feeding stuffs, stamp or label 9 to be furnished by the commissioner of agriculture, stating that 10 all charges specified in this section have been paid. Whenever any 11 commercial feeding stuffs as defined in section one is offered or 12 exposed for sale in bulk or otherwise stored, the manufacturer, im- 13 porter, jobber, firm, association, corporation or person keeping the 14 same for sale shall keep on hand cards upon which shall be printed 15 the statement required by the provisions of section two, and when 16 such feeding stuffs is sold at retail in bulk or in packages belong- 17 ing to the purchaser, the manufacturer, jobber, firm, association, 18 corporation or person shall furnish the purchaser with sufficient 19 tax tags or stamps to cover the sale, and, upon request, with a card 20 or cards upon which appears the statement required by the pro- 21 visions of section two.

Sec. 5. The commissioner of agriculture shall have power to 2 refuse to register any commercial feeding stuffs under a name, 3 brand or trade mark which would be misleading or deceptive or 4 which would tend to mislead or deceive as to the materials of 5 which it is composed, or when the specific name of each and all 6 ingredients used in its manufacture are not stated. He shall also 7 have the power to refuse to register more than one commercial 8 feeding stuffs under the same name or brand when offered by the 9 same manufacturer, jobber, importer, firm, association, corpora- 10 tion or person. Should any commercial feeding stuffs be regis- 11 tered in this state, and it is afterward discovered that such regis- 12 tration is in violation of any of the provisions of this act, the 13 commissioner of agriculture shall have the power to cancel such 14 registration. The commissioner of agriculture shall have the 15 power to refuse to allow any manufacturer, importer, jobber, firm, 16 association, corporation or person to lower the guaranteed analy- 17 sis or change the ingredients of any brand of his or their com- 18 mercial feeding stuffs during the term for which registered unless 19 satisfactory reasons are presented for making such change or 20 changes.

Sec. 6. Whenever a manufacturer, importer, jobber, firm, 2 association, corporation or person manufacturing or selling a brand 3 of commercial feeding stuffs shall have filed the statement required 4 by section three and paid the inspection tax or fee, as required by 5 section four of this act, no other agent, importer, jobber, firm, as-
6 sociation, corporation or person shall be required to file such state-
7 ment or pay such tax or fee upon such brand.

Sec. 7. The commissioner of agriculture is authorized in
2 person, or by deputy, to have free access to all places of business,
3 mills, buildings, carriages, cars, vessels, and parcels of whatsoever
4 kind used in the manufacture, transportation, importation, sale or
5 storage of any commercial feeding stuffs, and shall have the power
6 and authority to open any parcel containing or supposed to con-
7 tain any commercial feeding stuffs; and upon tender and full pay-
8 ment of the selling price, to take therefrom samples for analysis.
9 And said commissioner shall annually cause to be analyzed at least
10 one sample of every commercial feeding stuffs that is found, sold.
11 offered or exposed for sale, or distributed in this state. The meth-
12 ods of analysis shall be those in force at the time by the association
13 of official agricultural chemists of the United States. The said
14 commissioner shall publish annually in pamphlet or bulletin form,
15 the result of all analyses and other examinations required by this
16 section, for the guidance of purchasers of commercial feeding stuffs
17 in this state.

Sec. 8. If it appears that any of the provisions of this act
2 have been violated, the commissioner of agriculture shall certify
3 the facts to the proper prosecuting attorney, and furnish that offi-
4 cer with a copy of the results of the analysis or other examination
5 of such feeding stuffs, duly authenticated by the analyst or other
6 officer making the determination under the oath of such officer;
7 provided, that if it shall appear from any such examination that
8 any of the provisions of this act have been violated, the said com-
9 missioner shall cause notice to be given to the manufacturer or
10 dealer from whom said sample was taken. Any party so notified,
11 shall be given an opportunity to be heard in his defense under
12 such rules and regulations as may be prescribed by the commis-
13 sioner of agriculture, before the facts shall be certified to the
14 proper prosecuting attorney. In all prosecutions arising under
15 the provisions of this act, certificates of the analyst or other office-
16 r making the examination or analysis, when duly sworn to by such
17 officer, shall be prima facia evidence of the fact or facts therein
18 certified.

Sec. 9. Any manufacturer, importer, jobber, firm, associ-
2 ation, corporation or persons who shall sell, offer or expose for sale,
3 or distribute in this state, any commercial feeding stuffs without
4 having attached thereto or furnished therewith such tax stamps,
5 labels or tags, as required by this act, or who shall use the re-
6 quired tax stamps, labels or tags, or who shall impede, obstruct, 7 hinder, or otherwise prevent or attempt to prevent said commis- 8 sioner or his authorized agent in the performance of his duty in 9 connection with the provisions of this act, or who shall sell, offer 10 or expose for sale or distribute in this state any commercial feed- 11 ing stuffs as defined in section one without complying with the 12 requirements of the provisions of this act; or who shall sell, offer, 13 or expose for sale or distribute in this state any commercial feed- 14 ing stuffs which contains a small percentum of crude protein or 15 crude fat, or a larger percentum of crude fiber than is certified 16 to be contained therein, or who shall fail to properly state the 17 specific name of each and every ingredient used in its manufac- 18 ture, shall be deemed guilty of a violation of the provisions of 19 this act and upon conviction thereof shall be fined not more than 20 one hundred dollars for the first violation, and not less than one 21 hundred dollars for each subsequent violation.

Sec. 10. The commissioner of agriculture is hereby em- 2 powered to enforce the provisions of this act, and to prescribe the 3 form of tags, stamps or labels to be used to show that the in- 4 spection tax or fee has been paid; and to prescribe and enforce 5 such rules as he may deem necessary to carry into effect the full 6 intent and meaning of this act.

Sec. 11. The commissioner of agriculture shall pay prompt- 2 ly into the treasury of the state all money received by him on ac- 3 count of this act and shall draw upon the same to meet all legiti- 4 mate expenses incurred in the enforcement of this act, and any 5 moneys remaining after all expenses have been paid shall be ex- 6 pended by the said commissioner. Any moneys received under 7 this act, remaining after said expenses have been paid, shall be 8 used by the commissioner for carrying on co-operative work with 9 the United States bureau of animal industry for the eradication 10 of tuberculosis among cattle in this state and such moneys re- 11 maining as aforesaid are hereby appropriated to the use of said 12 purposes. Said expenses shall not exceed fifteen thousand dollars 13 in any one fiscal year.

Sec. 12. Provided, that any commercial feeding stuffs, manu- 2 factured and prepared from pure grain at any mill in this state 3 and sold by the manufacturer thereof, shall not be required to be 4 registered and tagged.

Sec. 12-a. All laws or parts of laws in conflict with the pro- 2 visions of this act are hereby repealed.
CHAPTER 35.

(House Bill No. 148—Mr. Musser.)

AN ACT to amend and re-enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently to lay a special levy each year for the purpose of permanently improving certain public roads or turnpikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from the provisions of said special levy, as amended and re-enacted by chapter thirty-five, of the acts of one thousand nine hundred and seventeen.

[Passed February 14, 1919. In effect ninety days from passage. Approved by the Governor February 19, 1919.]

SEC. 1. Empowering county court of Lewis county to lay a special levy for permanent improvement of certain roads leading out of the city of Weston: power of county court to make necessary changes; monies realized from special levy to be placed in separate fund; separate account to be kept by court of receipts and expenditures.

SEC. 2. Use of fund designated.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, as amended by chapter thirty-five, of the acts of one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows:

Section 1. That the county court of Lewis county is hereby authorized and empowered to lay a levy each year, in addition to all other levies allowed by law, not exceeding twenty-five cents on each one hundred dollars of valuation on the taxable property of the county for the year the levy is laid, to be called a special road levy, for the purpose of permanently improving the five public roads leading out of the city of Weston, and more particularly described as the Staunton and Parkersburg turnpike, sometimes called Beverly and Glenville turnpike, the Weston and Beverly turnpike, sometimes called the Weston and Buchannon turnpike; the Weston and Sutton turnpike; the Weston and Clarksburg turnpike; and what is known as the down the river road, starting
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 and roads as traverses that magisterial district, the county court shall submit, in the manner prescribed by law, to the voters of that magisterial district, for their ratification or rejection, a bond issue, and magisterial district voting bonds for the permanent improvements of the said roads or turnpikes, shall be thereby exempted from the operation of the special levy for permanent road purposes under the provisions of this act.

Sec. 2. Said roads and turnpikes shall be permanently improved by said county court of Lewis county, in such manner as it shall decide and shall be so permanently improved under the direction, authority and supervision of said county court in such a way and manner as to fully carry out the provisions of sections one of this act; and said county court shall make such changes in the location of said roads and turnpikes as may be necessary to improve the grades and curves and to carry out the provisions of this act; 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 expenditures 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 purposes herein designated and to carry out the provisions of this act and no other.

CHAPTER 36.

(AN ACT to amend and re-enact section twenty of chapter one, of the acts of the legislature of West Virginia of one thousand nine hundred and eight.

[Passed February 15, 1919. 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 twenty of chapter one of the acts of the legislature of West Virginia, of one thousand nine hundred and eight be amended and re-enacted so as to read as follows:

Section 20. The levy so ordered shall be a special levy of not more than two dollars on each dog running at large in said city and a tax upon real and personal property therein subject to state, county and municipal taxes, upon the basis of the valuation of said property as provided for in said chapter one, and the taxes so levied upon said property to be raised for all municipal purposes for the next fiscal year, and one additional year thereafter, not to exceed sixty cents, on each one hundred dollars. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 37.

AN ACT to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations.

[Passed February 15, 1919. In effect ninety days from passage. Approved by the Governor February 19, 1919.]
any of the purposes mentioned in clause four of section two of chapter fifty-four of the code of West Virginia, they may do so in the manner provided by said chapter fifty-four in so far as the same is applicable, except as herein modified.

Sec. 2. In lieu of the matters required to be set forth in the agreement of incorporation by clause four of section six of said chapter fifty-four, the agreement shall state, this corporation shall have no capital stock, and in lieu of the matters required to be set forth in the agreement of incorporation by clause five of said section six, the agreement of incorporation shall state the names and post office addresses of the incorporators. In addition to the matters which may be set forth under clause seven of said section six as it now exists, the agreement of incorporation shall provide for the election or appointment of trustees to manage the corporation, and may vest the power of election or appointment of such trustees in any body of persons organized as a conference, association, presbytery, or such other organization of whatever name, and may specify the number of trustees and provide for their tenure of office.

Sec. 3. The governing power of such corporations shall be vested in a board of trustees, and such board shall be vested with all powers which are or may be vested in the stockholders and directors of joint stock companies under the laws of the state of West Virginia, except as herein differently provided and except as limited by the agreement and certificate of incorporation and by-laws adopted for the government of the corporation. The original incorporators shall form the board of trustees until their successors are elected, but their number may be added to in the manner provided for the election or appointment of trustees.

Sec. 4. The trustees of such corporation shall organize within the time provided by law for the organization of joint stock companies by electing one of their number president and another of their number vice-president and by the election of a secretary, whose official titles shall be president of the board of trustees, vice-president of the board of trustees and secretary of the board of trustees, respectively. They shall adopt by-laws providing for such other officers, agents and employees as may be desirable, and prescribe the powers and duties of all officers, agents and employees. If the agreement and certificate of incorporation do not
11 prescribe the number of trustees and their tenure of office, then
12 the by-laws shall provide for same.

Sec. 5. When any board of trustees holding title to property,
2 whether real or personal or both, for any university, college,
3 seminary, high school or other institution of learning under the
4 provisions of chapter fifty-seven of the code of West Virginia,
5 shall deem that the interest of such institution of learning will
6 be promoted by a transfer of the property so held by them to a
7 corporation organized under the provisions hereof, they may do
8 so by obtaining permission from the proper court under the pro-
9 visions of section nine of chapter fifty-seven of the code of West
10 Virginia.

Sec. 6. The provisions of chapters fifty-two, fifty-three and
2 fifty-four of the code of West Virginia in so far as they are not
3 inconsistent with the provisions hereof and in so far as they may
4 be applicable shall be held to apply to corporations organized
5 under the provisions of this act, and this act shall not be construed
6 to prevent the creation of joint stock companies for the purposes
7 set forth in clause four of section two of said chapter fifty-four
8 of the code.

Sec. 7. All references to the code of West Virginia herein
2 shall be deemed to refer to Hogg's West Virginia code, one thou-
3 sand nine hundred and thirteen edition.

CHAPTER 38.

(House Bill No. 181—Mr. Moore.)

AN ACT to amend chapter fifty-four of the acts of the legislature of
West Virginia, one thousand eight hundred and ninety-five, cre-
ating the independent school district of Moundsville, by adding
thereto section twenty-five relating to compulsory attendance.

(Passed February 15, 1919. In effect ninety days from passage. Became a law
without the Governor's approval.)

Sec. 25. Persons having under their con-
trol a child between the age of
seven and fourteen years re-
quired to cause such child to at-
tend a public school for a period
of twenty-four weeks; provision
as to exceptions set out in gen-
eral school law and law relating
to child labor; neglect of duty a
misdemeanor; penalty upon con-
viction.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-four of the acts of the legislature of one thousand
eight hundred and ninety-five, creating the independent school dis-
trict of Moundsville, be amended by adding thereto section twenty-five as follows:

Section 25. Every person having under his control a child between the age of seven years and fourteen years shall cause such child to attend one of the public schools within said independent school district for a period of twenty-four weeks beginning with the opening of the school term therein; provided, that the exceptions set out in the general school law and the general law of this state relating to child labor shall apply in said independent school district and shall limit the application of this section.

For every neglect of such duties the person offending shall be guilty of a misdemeanor and shall, upon conviction thereof before any justice who is hereby authorized to try and determine such cases, be fined two dollars for the first offense and five dollars for each subsequent offense; fines shall be paid into the building funds of the said independent school district. An offense as understood herein shall consist of the failure of such person for two days in any week to cause such child to attend school.

CHAPTER 39.

(House Bill No. 46—Mr. McClure.)

AN ACT to amend and re-enact sections twenty-five, thirty-one, forty, forty-five, one hundred and twelve and one hundred and twenty-four of chapter sixty-six, acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-a, fourteen-a and one hundred and thirty-two-a.

[Passed February 19, 1919. In effect from passage. Approved by the Governor February 21, 1919.]

Sec. 5-a. Assent to congressional act or acts making provision for the survey, construction or maintenance of rural post roads: state road commission authorized to enter into contracts and agreements with U. S. government relating to same; good faith of state pledged to make available funds sufficient to equal sums apportioned to state by U. S. government.

Sec. 14-a. State road commission in conjunction with West Virginia university to hold annually school of good roads: who shall attend; fixing time and conduct of school; expense incurred and how paid; providing for able talent to bring to state latest improvements and methods in road construction; expense and
Sec. 45. Purchase of materials necessary in construction and maintenance of roads; right of condemnation proceedings upon failure of agreement; right of road officials to enter upon lands adjacent to public roads for purpose of preventing damage to roads or bridges; allowance for damages to such lands; how paid.

112. Sheriff to employ guards for prisoners working on roads; wages of guards and how paid; guards subject to and under direction of county road engineers; monthly statement of jail keeper in reference to prisoners; how county prisoners may be used; payment for good service and good behavior; prisoners may be transferred for road work from one county to another; method of transfer.

124. Requirements for motor vehicles operated or driven over state highways; adequate brakes, horn or device for signalling, lighted lamps that produce non-glaring lights, red lights for rear, display of number-plate; devices preventing excessive noise, annoying smoke, escape of gasoline or steam; requirement as to exhaust pipes.

132-a. Motor vehicles and chauffeur's licenses on and after December 31, 1920; collection of license fees by state road commission; term and time of collection of such licenses and fees.

Be it enacted by the Legislature of West Virginia:

That sections twenty-five, thirty-one, forty, forty-five, one hundred and twelve and one hundred and twenty-four of chapter sixty-six acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-a, fourteen-a and one hundred and thirty-two-a, be, and the same is hereby amended, enacted and re-enacted to read as follows:

Section 5-a. That in addition to the assent given and the good faith pledged by the legislature by virtue of section five, of chapter sixty-six of the acts of one thousand nine hundred and seventeen, the legislature of West Virginia, hereby assents to the provision or provisions of any subsequent act of the congress or appropriation thereby, making provision for the survey, construction or maintenance of rural post roads.

8. The state road commission is hereby authorized to enter into all contracts and agreements with the United States government relating to such survey, construction and maintenance as may be required by the secretary of agriculture or other officer having authority to enter into such contracts. 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 which may be apportioned to the state, by or under the United States government, during each of such years as federal aid may be so apportioned to this state.

Sec. 14-a. The state road commission in conjunction with the West Virginia university may hold, annually, a school of good roads, of not less than three days duration. All county road engineers and county supervisors and presidents of the county courts shall attend said school and receive instructions in road
building and maintenance. The road commission shall fix the
time, or times, and may hold or conduct said school or schools, at
the West Virginia university, and other points in the state. The
actual expenses incurred by said county road engineer, supervisors
and presidents or members of said county courts shall be paid out
of the county treasury.

To provide the ablest talent and to bring to the state the latest
improvements and method in road construction and maintenance
the road commission shall be members of and attend national road
conventions, associations, and conferences of federal and state road
officials, and shall do everything necessary to carry to every section
of the state the most practical discoveries and economical methods
of road construction and maintenance. The expense of the road
commission or of any of its division engineers attending any road
school or convention shall be paid out of the proper appropriation
of the commission.

Sec. 25. It shall be the duty of the state road commission at
the beginning of each fiscal year to apportion to the several coun-
ties 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 funds
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 agree-
ing to contribute a like sum for the construction and maintenance
of main county roads, and apply it 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 the 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 dis-
tribute to any county wholly federal or wholly state fund; in either
event such distribution shall be taken and considered as the dis-
tributable share to which each county is entitled, regardless of
whether it be state or federal aid. When the said county court has
contracted to improve its main county roads, or make provision
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 shown, by the proper estimates made by the engineer in charge of said work or construction, to be properly due upon said contract exceeding one-half of the cost thereof. Provided, however, that in any county that has laid the maximum twenty-five cent class "a" levy on each one hundred dollars taxable valuation of property within the entire county and has set aside or used for maintenance therein, not exceeding fifty dollars per mile of class "a" road therein, shall receive the allotment accruing thereto to be expended as the state road commission may direct, but nothing contained in this provision shall be construed to give any county assistance or aid in excess of fifty percent of the cost of the construction unless said county shall have laid the maximum levy for class "a" roads and shall have maintained in its class "a" fund the full amount of levy, excepting maintenance expenditures of not over fifty dollars per mile of class "a" road. The state road commission, in case the federal government increases the apportionment to this state, may, in matching said federal apportionment, consider all funds raised from either or both state and county levies and fees. And to meet additional necessary engineering or inspection expenses that will be incurred by reason of additional responsibility, there is hereby appropriated and the said road commission is authorized to set aside in addition to its regular appropriations, out of funds at its disposal a sum not to exceed three percent of such additional funds or appropriations accruing to the state.

Sec. 31. In addition to the general county and district levy the county court shall lay a district levy not to exceed fifteen cents on each one hundred dollars' assessed valuation of all taxable property in each of the several districts of said county, the proceeds of which shall be known as the district road fund of such district, and shall be expended only for the construction, improvement and maintenance of the district roads and parts thereof in said district, and for the construction and maintenance of bridges thereon after said roads are properly located. The county court of any county, with the written approval of the state tax commissioner, may lay a special district levy in excess of the district road levy hereinbefore provided, not to exceed fifteen cents on each one hundred dollars' assessed valuation of all the taxable property of the district to be known as a special district road levy for the construction, maintenance and improvement of the roads
16 of such district, or the bridges thereon, for such year or years as
17 may be named in such approval, but in no case shall the combined
18 district road levy and special district road levy exceed thirty
19 cents on each one hundred dollars' assessed valuation of the tax-
20 able property of said district. Nothing contained in section two
21 of chapter twenty-eight-a of the code as amended shall be so con-
22 strued as to limit the power and authority of the county court to
23 lay the respective county and district road levies provided for in
24 this section, though by so doing the total levies laid may exceed
25 the limit provided by said section.

Sec. 40. By and with the advice and consent of the county
court, the county road engineer, or supervisor, may employ such
3 assistants, clerks, foreman, inspectors, agents and employees as
4 may be deemed necessary to properly plan, locate, construct, main-
tain and care for the roads, pay rolls, files, communications and
6 records under his charge and may discharge such agents and em-
7 ployees at pleasure. Such agents and employees may receive
8 such compensation per day, month or year as may be determined
9 by the county court of the county, according to the services
10 rendered.

Sec. 45. The county road engineer, or any county super-
2 visor may, with the approval of the county court of the county,
3 purchase any gravel, stone, earth or wood necessary in the construc-
tion, repair or maintenance of a public road, from any owner of
5 such materials within or without the county. If such officer and
6 the county court shall not be able to agree with such owner upon
7 the price to be paid for such material, the officer by direction of
8 said court may proceed to acquire such property and the right to
take and remove the same by condemnation proceedings within his
10 said county. Any such road officer shall also be authorized to
11 enter upon any land adjacent to a public road for the purpose
12 of opening any existing drain or ditch or for digging any ditch or
13 drain for the free passage of water in order to drain such road;
14 and to enter upon any land adjoining rivers, streams or creeks to
15 drive piles, throw up embankments or perform any other labor
16 necessary to keep such rivers, streams or creeks within their proper
17 channel and prevent their encroachment upon public roads or abut-
18 ments of bridges, or any other damage to such roads or bridges;
19 and for any damage done to such lands by entry thereon as afore-
20 said, the county court may make a reasonable and proper allowance
21 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. 112. The sheriff upon recommendation of the county
engineer or other representatives of the county court having the
work in charge, and with the approval of the county court, shall
employ a sufficient number of persons to guard such prisoners, not
to exceed one for every ten prisoners so employed on such county
roads, and the wages of such guards shall be paid out of the county
treasury when allowed by the county court. Such guards, when
employed shall be subject to, and under the direction of, the county
road engineer or other representative of the county court having
the work in charge. The keeper of the jail shall file with the clerk
of the county court a monthly statement showing the number of
prisoners in jail awaiting trial, the number of prisoners sentenced
to work upon the public roads, the number of days' work performed,
the number of days idle, the reason therefor, and shall furnish a
duplicate copy to the state road commission. Whenever prisoners
are worked from camps or kept outside of the jail, the person in
charge of the camp shall furnish the jailer with the information
herein required, or file the same with the clerk of the county court
under the direction of the county road engineer, or other such
representative of the court.

The county prisoners may be worked upon any road or may be
used in the preparation of any road material within or without the
county where the county is doing such work under the direction of
the county road engineer. The county court of any county work-
ing prisoners may by order authorize the county engineer or per-
son having said prisoners in charge to allow such payment for
good service and good behavior as may be deemed advisable.

The county court of any county not having sufficient prisoners
to justify working them upon public roads or not having adequate
provisions for working the same shall communicate with the county
court of the adjoining counties and arrange for the transfer of
such prisoners to the prison camp of the county so working said
prisoners, or the judge of the circuit court, criminal court or inter-
mediate court, or any justice sentencing a prisoner to work upon
the road may direct, in so sentencing, the county to which said
prisoner may be transmitted for labor; provided, the said county
in which such prisoner is sentenced does not provide for working
prisoners within its borders. Any prisoner so transferred shall be
subject to the rules, regulations and direction of the officials of the county to which he is transferred and worked.

Sec. 124. Every motor vehicle operated or driven upon the public highway of this state shall be provided with adequate brakes in good working order and sufficient to control such vehicles when same are in use, and an adequate horn or other device for signaling sufficient under all conditions to give timely warning of the approach of the motor vehicle.

During the period from thirty minutes after sunset to thirty minutes before sunrise, all vehicles, motor driven, shall display at least one lighted lamp on the front, the lens of which shall be frosted, shaded, colored, corrugated or otherwise constructed as to break the glare of the reflector so as to produce a non-glaring light. Every motor vehicle shall have displayed on the rear thereof, a red light visible from the rear, the white rays of such rear light shall shine upon and illuminate the number plate carried on the rear of such vehicle so that said number shall be clearly visible; provided, that such motor vehicle may be equipped with what is known as a search or spot light, which shall not be used as a headlight for driving. Every such motor vehicle shall have devices to prevent excessive noise, annoying smoke, escape of gasoline or steam, as well as the falling out of embers or residue from the engine, and all exhaust pipes, carrying exhaust from the engine, shall be directed parallel to the ground or slightly upwards.

Sec. 132-a. On and after December thirty-first one thousand nine hundred and twenty, all motor vehicle licenses and chauffeur's licenses shall be issued and tags thereon shall represent the calendar year beginning January first and ending December thirty-first. The state road commission shall collect the full license fee from January first to August thirty-first of each year and shall collect one-half of license fee from September first to December thirty-first of each year. Licenses issued from July first, one thousand nine hundred and nineteen, to December thirty-first, one thousand nine hundred and nineteen, shall be for one and one-half years, the tags issued thereon shall be good to December thirty-first, one thousand nine hundred and twenty. The commission shall collect from January first, one thousand nine hundred and twenty, to August thirty-first, one thousand nine hundred and twenty, the full fee for such vehicles and the tags issued by the commis-
CHAPTER 40.

(House Bill No. 169—Mr. Richards.)

AN ACT authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education.

[Passed February 19, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC. 1. Authorizing purchase of land and equipment of same for physical education of students of public schools of Wheeling Independent school district.

SEC. 2. Repealing acts and parts of acts inconsistent.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the independent school district of Wheeling is hereby authorized to purchase, equip and maintain a piece of ground, not to exceed in quantity more than ten (10) acres, either within the limits of the city of Wheeling, or without the same, to be used for the purpose of physical education of the students of the public schools of said city, and if the owner or owners of the piece of ground selected by said board for said purposes refuse to sell said land so selected, or demand an unreasonable price therefor, or if the owner is non compe ments, a minor, or a non-resident, the board of education may petition the circuit court to have such land condemned, and such proceedings shall thereupon be had in the name of such board for the condemnation thereof, as are provided for in chapter forty-two of the code of West Virginia.

Sec. 2. All acts and parts of acts inconsistent with this act are hereby repealed.
CHAPTER 41.

(House Bill No. 277—Mr. Williams of Pleasants.)

AN ACT relating to interest on high school bonds of Washington district, Pleasants county, West Virginia.

[Passed February 19, 1919. In effect from passage. Became a law without the Governor’s approval.]

Sec. 1. Pleasants county court authorized to refund to sheriff accrued interest on high school bonds; disposition of amount so refunded.

Sec. 2. Interest accruing hereafter to be credited by sheriff to high school bond fund of Washington district.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Pleasants county is hereby authorized and directed to refund to the sheriff of said county all the interest accrued to the county treasury from July first, one thousand nine hundred and seventeen, until this act becomes effective, upon the total amount which was credited by said county court, since the said first day of July, to the high school bond fund of Washington district of the said county, and the said sheriff shall place the amount of the said interest to the credit of the high school bond fund of the said district.

Sec. 2. All interest accruing on the said high school bond fund shall, from the passage of this act, be credited by the said sheriff to the high school bond fund of Washington district.

CHAPTER 42.

(House Bill No. 196—Mr. Shomo.)

AN ACT to fix the salary of the prosecuting attorney of Barbour county.

[Passed February 20, 1919. In effect from passage. Became a law without the Governor’s approval.]

Sec. 1. Salary of prosecuting attorney of Barbour county.

Sec. 2. Repealing inconsistent acts and parts of acts.

Be it enacted by the Legislature of West Virginia:

Section 1. That the salary of the office of prosecuting attorney of Barbour county be and the same is hereby fixed at the sum of $1,800.00 per year.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed.
CHAPTER 43.

(House Bill No. 221—Mr. Lester.)

AN ACT to amend and re-enact section twenty-six of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county.

[Passed February 20, 1919. In effect from passage. Approved by the Governor February 21, 1919.]

SEC. 1. County court of Calhoun county authorized to lay special road levy; specific designation of manner in which moneys so raised shall be expended, and upon what roads: expenditure of moneys following completion of roads described.

SEC. 2. Permanent improvement of roads;

SEC. 3. Funds arising from special levy may also be used to build bridges where necessary on described roads.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Calhoun county, upon petition of twenty per cent of the voters voting at the last general election, is hereby authorized 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 all 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 roads of said county as hereafter set forth (permanently improving main class "a" roads). All moneys raised by said levies shall be expended as hereafter set forth: one-half of said fund to be spent in the magisterial districts of Sheridan, Center and Sherman, the remaining one-half to be expended in Lee and Washington districts; all to be expended on class "a" roads, beginning at two stated points: First, at the corporation line of the town of Grantsville, thence to the Wirt county line; second, beginning at the corporation line of Grantsville to the Lee district line; third, beginning at the Roane county line on the Glenville, Ripley and Ohio turnpike, commonly known as the Arnoldsburg and Spencer pike; thence with said pike to the Sherman district line, connecting with the Grantsville road; thence from the mouth of Millstone up the West Fork to the terminal of class "a" road. All moneys raised by said levy shall be used only for road purposes, as set forth, and for the purpose of building bridges in said roads. After the completion of the above described roads, the county court may at its discretion expend the money raised from
26 year to year, as set forth for the improvement of class “a” roads, 
27 in the said magisterial districts.

Sec. 2. Said roads or turnpikes shall be permanently im-
proved by said county court of Calhoun county in such manner as 
is set forth. All moneys realized from said special levy shall be 
placed in a separate fund, and separate accounts shall be kept by 
said court of the receipts and expenditures of the same, setting 
forth clearly the sum received by said special levy, and the manner 
in which the same was expended.

Sec. 3. The fund arising from said road levy shall be used 
for no other purpose than for the one above designated, except to 
build bridges where necessary in building said described roads.

CHAPTER 44.

(House Bill No. 288—Mr. Perin.)

AN ACT to amend and re-enact section six of chapter fifty-two of 
Barnes’ code of one thousand nine hundred and eighteen.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the 
Governor February 21, 1919.]

Sec.
6. Extent of land acquired by con-
demnation by any company in-
corporated for a work of internal 
 improvement; land acquired for 
builtngs or for an abutment and 
extent of same; land acquired 

for buildings or other purposes 
at termini of its work; acreage 
of same; land acquired for main 
depots, machine shops, termini, 
etc., and acreage.

Lie it enacted by the Legislature of West Virginia:

That section six of chapter fifty-two of Barnes’ code of one thou-
sand nine hundred and eighteen be amended and re-enacted to read 
as follows:

Section 6. The land acquired by condemnation by any com-
pany incorporated for a work of internal improvement along its 
line generally, shall not exceed one hundred feet in width, except 
in deep cuts and fillings, and then only so much more shall be 
aquired as may be reasonably necessary therefor; the land which 
it may acquire for buildings or for an abutment along its line 
generally, shall not exceed three acres in any one parcel; and the 
land which it may acquire for buildings or other purposes of the 
company at the principal termini of its work, or at any place or 
places within five miles of such termini, shall not exceed fifteen 
acres in any one parcel, but in the case of a railroad company, an 
amount of land not exceeding one hundred acres in any one parcel.
CHAPTER 45.

(House Bill No. 302—Mr. Moran.)

AN ACT to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act.

[Passed February 20, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec. 1. Salary of the prosecuting attorney of Wyoming county.

Sec. 2. Appointment of assistant prosecuting attorney: salary and how paid; oath and duties of assistant; removal at will of his principal for misconduct or neglect of duty.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wyoming county, West Virginia, shall allow and pay to the prosecuting attorney thereof, out of the treasury of said county, an annual salary of not less than one thousand eight hundred dollars and not exceeding two thousand four hundred dollars, which salary shall be paid monthly in the same manner that the salaries of other county officers are paid.

Sec. 2. The prosecuting attorney of said county may designate, and by and with the advice and consent of the said county court, appoint some competent attorney as assistant prosecuting attorney of said county, and said county court may, in its discretion pay such assistant prosecuting attorney such reasonable salary for his services as such assistant as said court may deem proper, but such salary shall not exceed the sum of one thousand two hundred dollars per annum. Such salary shall be paid to said assistant monthly, out of the county treasury, and in the same manner as the salary of other county officers is paid. Such assistant shall take the same oath and perform the same duties required by law of his principal. He may be removed from office at the will of his principal, or for misconduct or neglect of duty.
14 In case such assistant shall be removed, the vacancy may be filled
15 as herein provided for his appointment. It shall always be dis-
16 cretionary with said county court whether such assistant is ap-
17 pointed, and it may at any time, by an order entered of record,
18 stop the payment of the salary of such assistant.
19 All acts and parts of acts inconsistent with this act are
20 hereby repealed.

CHAPTER 46.

(House Bill No. 263—Mr. Kern.)

AN ACT empowering, authorizing and requiring the county court of
Marion county to accept a grant or devise of suitable land and
buildings situate within the corporate limits of the city of Fair-
mont, for a home for poor, indigent and dependent white children
of said county; to properly equip, maintain and conduct the same
as such home, determine as to the children to be admitted thereto,
there maintain such children, adopt and enforce rules and regu-
lations necessary for the conduct of such home, select, employ
and pay all competent persons necessary for the conduct thereof;
accept endowments, transfers, donations and gifts of real estate,
rents and income from real estate, cash, stocks, bonds and other
personal estate and property, interest, dividends and income from
cash, stocks, bonds and other personal estate and property, for
aiding in the maintenance and conduct of such home, and to
provide by levy any funds required therefor in excess of those
secured through endowments, transfers, donations and gifts, and
expend such, as well as that received from such endowments,
transfers, donations and gifts, so far as required, in the main-
tenance, conduct and continuation of such home, including the
payment of salaries and wages of the persons employed therefor.

[Passed February 20, 1910. In effect from passage. Approved by the Governor
February 21, 1910.]
Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of the county of Marion (in this state), a body politic, be and is fully authorized and empowered, as well as required, to accept from any person possessing the same by fee simple title and desiring to grant the same to it, a grant or devise of land with buildings already erected thereon situate within the corporate limits of the city of Fairmont, in said county of Marion, for a home for the shelter, care and maintenance of poor, indigent and dependent children whose parents are, at the time of their admission to such home, citizens and residents of the said county of Marion. And the fact that such grant or devise may contain conditions, restrictions and requirements based upon the provisions, or any of them, of this act, shall not constitute objection or impediment to said county court accepting such grant or devise.

Sec. 2. That said county court be and is fully authorized and empowered, as well as required, on becoming vested with title to said land and buildings, to fully and properly equip the same as and for such home; and to perpetually maintain, continue, conduct and carry on the same as such home for such children, and therein properly maintain, keep, feed, clothe, nurse and in every way, manner and respect care for such poor, indigent and dependent children who are there provided with home and housed and kept; and to provide, at all times, a sufficient number of competent and suitable trained persons to properly conduct, continue and carry on such home.

Sec. 3. Said county court shall have authority and power from time to time, to select, hire and appoint all nurses, teachers and other agents necessary and required for the said home, to fix the salaries and wages of such and provide for and make payment thereof, and to adopt, promulgate and enforce reasonable and proper rules and regulations for the conduct of such home.

Sec. 4. Said county court shall at all times have and exercise full and complete supervision, management and control of said land and buildings, and said home and the children therein, as well as over said nurses, teachers and agents; and
Sec. 5. The children to be admitted to such home and there kept and maintained shall be of the white or Caucasian race, and may be of any age under fifteen years, and their admission shall be determined by said county court, and they shall be permitted to remain there until of such age as said county court shall determine before discharging them therefrom; but if because of incorrigibility or other good and sufficient cause said county court shall determine that it is for the best interest of said home that any child be discharged therefrom at an earlier period, it shall have power and authority to so cause the discharge of such child.

Sec. 6. The children admitted to such home shall have the most humane treatment, nursing, nurturing, care and attention, and shall be given and have opportunity to secure education along all practical lines, including domestic science and domestic art, and shall be at all times surrounded with christian influence and environments.

Sec. 7. Said county court shall have authority to accept any and all endowments, transfers, donations and gifts which may be made to it of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividends and income from cash, stocks, bonds and other personal estate and property, for the purpose of aiding in the maintenance, conduct, continuation and carrying on of such home as by this act required; and shall expend the same therein and therefor as such may be required from time to time. And it shall be the duty of said county court, and it shall have authority and power, to fully provide, at all times, the moneys necessary and required to maintain, conduct, continue and carry on such home and provide for the said children as by this act required; and any moneys required therein and for such purposes in excess of the moneys secured by it through such endowments, transfers, donations and gifts aforesaid, the said county court shall have power and authority to raise each year by direct levy in the same manner as other levies for county purposes, and the same shall be expended and applied in and for such purposes.

Sec. 8. This act shall be in effect from date of passage.
CHAPTER 47.

(House Bill No. 9—Mr. Swisher.)

AN ACT to amend chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding sections thirty-three, thirty-four, thirty-five, and thirty-six thereto.

[Passed February 20, 1910. In effect sixty days from passage. Approved by the Governor February 21, 1910.]

SEC. 33. Beneficiary associations may issue certificates for payment of sick, death or annuity benefits upon lives of children; age limit and examination of applicants; when child arrives at age permitting personal application certificate may be exchanged for other form; designation of beneficiary in such exchange left to child.

SEC. 34. When association may be permitted to issue such benefit certificate on life of child.

SEC. 35. Basis of rate the standard Industrial table of mortality adopted by New York state; funds collected to be kept separate and distinct.

SEC. 36. Table showing death benefits allowed at stated ages; repealing conflicting acts or parts of acts.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies, be amended by adding sections thirty-three, thirty-four, thirty-five and thirty-six, to read as follows:

Section 33. Fraternal Insurance—Children Insurance—That any beneficiary association organized under the laws of this state or doing business in this state, may issue certificates for the payment of sick, death or annuity benefits upon the lives of children between the ages of one and eighteen years who have been examined and approved in accordance with the laws of such association, provided that the application for such a benefit certificate shall be made by a parent or guardian of such child or some person upon whom such child is dependent for support. When such child shall arrive at the age permitting personal application for insurance under the laws of such association, the certificate issued under this provision may be exchanged for any other form of certificate issued by the association, such exchange to be in accordance with the constitution, laws and regulations of such association. The free designation of a beneficiary in such exchange being left to such child.

Sec. 34. When Permitted—That such association shall not issue any such benefit certificate until after it shall have simultaneously put in force at least five hundred such certificates on each of which, at least one assessment has been paid; nor where the number of lives represented by such certificate falls below five hundred.
Sec. 35. *Basis of Rates*—That the net beneficiary assessment collected upon such certificate shall be based upon the standard industrial table of mortality now adopted by the state of New York and interest at the rate of three and one-half per centum per annum, or upon a higher standard. The funds so collected shall be kept as separate and distinct funds and shall not be liable nor used for the payment of debts and obligations of the association other than the benefits herein authorized.

Sec. 36. *Benefits Allowed*—That death benefits shall be made to increase with advancing age but shall not exceed the sum specified in the following table, the age therein specified being the ages at the time of death:

1. Between the ages of two and three years, thirty-four dollars;
2. Between the ages of three and four years, forty dollars;
3. Between the ages of four and five years, forty-eight dollars;
4. Between the ages of five and six years, fifty-eight dollars;
5. Between the ages of six and seven years, one hundred and forty dollars;
6. Between the ages of seven and eight years, one hundred and sixty-eight dollars;
7. Between the ages of eight and nine years, two hundred dollars;
8. Between the ages of nine and ten years, two hundred and forty dollars;
9. Between the ages of ten and eleven years, three hundred dollars;
10. Between the ages of eleven and twelve years, three hundred and eighty dollars;
11. Between the ages of twelve and thirteen years, four hundred and twenty dollars;
12. Between the ages of thirteen and sixteen years, six hundred and twelve dollars;
13. Between the ages of seventeen and eighteen years, seven hundred dollars;
14. All acts and parts of acts in conflict herewith are hereby repealed.
CHAPTER 48.

(House Bill No. 281—Mr. Mollohan.)

AN ACT amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC. 1. SEC. 24. Terms of circuit court for Braxton and Nicholas counties of the twenty-first circuit; dates of beginning of such terms; repealing inconsistent acts and parts of acts.

Be it enacted by the Legislature of West Virginia:

That chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 24. That there shall be held in each year at least three terms of the circuit court in and for the county of Braxton in said judicial circuit so created, and that there shall be held in each year at least four terms of the circuit court in and for the county of Nicholas in said judicial circuit so created, and the terms of the circuit court of the counties of Braxton and Nicholas in said judicial circuit shall commence and be held as follows:

For the county of Braxton on the third Monday in March, the second Monday in July and the third Monday in November.
For the county of Nicholas on the third Monday in January, on the second Monday in April, on the third Monday in August, and the third Monday in October.
All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 49.

(House Bill No. 85—Mr. McClaren.)

AN ACT to authorize the county court of any county to acquire by purchase or otherwise a suitable site and to erect, equip and main-
taint thereon, a building or buildings, or other structure or structures, in memory and in recognition of the services in the world war of the soldiers and sailors from the county in which such memorial may be located, and to lay levies therefor.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

Sec. 1. Power of county courts upon petition of voters to establish memorials in recognition of sacrifices of soldiers and sailors in the world war: may levy a tax for building and maintaining same.

Sec. 2. Appointment of board of directors equal in number to magisterial districts of county: tenure of office: vacancies: how filled: no compensation allowed.

Sec. 3. Duties of members of boards of directors: election of president and secretary: by-laws and regulations for governing: authority to contract for construction or purchase of memorial: contracts and expenditures subject to approval of county courts: method of disbursement: may acquire ground by condemnation: appointment of custodians and assistants: compensation.

Sec. 4. Memorials free to use of inhabitants of county: may extend use and privileges to non-residents.

Sec. 5. Annual reports of boards of directors to county courts: what reports shall contain.

Sec. 6. Right of persons to make donations for benefit of memorials.

Sec. 7. Trespassing a misdemeanor: penalties therefor.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of any county shall have the power upon the petition of twenty per cent. of the voters of said county, based on the number of votes cast at the last general election, to acquire and to establish at the county seat, or adjacent thereto, by purchase or otherwise, ground, park or grove and to erect and to maintain thereon a building or buildings, structure or structures, monument or monuments, as a memorial in memory of and in recognition of the virtues and sacrifices of the soldiers and sailors from the county in the world war, and may lay a tax for the purpose of acquiring and establishing the same of not more than five cents on the one hundred dollars, on all taxable property in the county, and thereafter a like tax of not more than two cents on the one hundred dollars, such tax to be levied and collected in like manner as the general taxes of the county, which shall be kept separate in a fund to be known as the “memorial fund.”

Sec. 2. Whenever such memorial is established under this act, the county court shall appoint a board of directors equal in number to the magisterial districts of the county and select one from each of such districts from the citizens thereof, with reference to their fitness for such office. Such directors shall hold office for four years from the first day of July following their appointment, and until their successors are appointed. No person shall be ineligible to appointment by reason of sex. Vacancies in the board
9 shall be reported to the county court and filled by appointment in
10 like manner as original appointments for the unexpired term.
11 The county court may remove any director for misconduct or neg-
12 lect of duty. No compensation shall be paid or allowed any di-
13 rector.

Sec. 3: The board of directors of each memorial establish-
2 ed under this act shall, immediately after their appointment, meet
3 and organize by electing one of their number as president and one
4 as secretary; a majority of all the members of any board shall con-
5 stitute a quorum for the transaction of business. They shall make
6 and adopt such by-laws, rules and regulations from time to time
7 for their own guidance and for the government and use of the
8 memorial, as may be expedient and not inconsistent with this act.
9 Said board shall have authority to contract for the construction or
10 purchase of a memorial established under this act and for repairs
11 thereon or maintenance thereof and the supervision, care and cus-
12 tody of the ground, structure or structures; provided, however, that
13 all contracts shall be approved by the county court and that the ex-
14 penditures of all funds shall be subject to the approval of the coun-
15 ty court, and all moneys belonging to the memorial fund shall be
16 deposited in the treasury of such county to the credit of the mem-
17 orial fund and shall be drawn therefrom on orders issued by the
18 county court. Said orders shall not be drawn except upon requis-
19 tion of the memorial board attached to proper authenticated vouch-
20 ers.

Ground, park or a grove for a memorial established under this
22 act may be acquired by condemnation by said board in the sam-
23 manner as the county court may acquire other real estate for public
24 uses and purposes, and the title of all such property shall be and
25 vest in the county court. The said board shall have power to ap-
26 point a suitable custodian and assistants and prescribe rules for
27 their conduct; fix their duties and compensation, and shall have
28 power to remove such appointees and, in general, to carry out the
29 spirit and intention of this act.

Sec. 4. Each memorial established under this act, shall be
2 free for the use of the inhabitants of the county, subject to such
3 reasonable rules and regulations as the board may adopt, in order
4 to render the use of such building or structure of the greatest ben-
5 efit to the greatest number; and the said board may exclude from
6 the use of the building any and all persons who shall willfully vio-
7 late such rules. The board of directors may extend the use and pri-
8 privileges of the building and structure to non-residents of the county upon such terms and conditions as said board may prescribe.

Sec. 5. The board of directors shall on or before the first day of July in each year, make report to the county court, stating the condition of the property, the various sums of money received from the memorial fund, and from all other sources, how much money was expended and for what expended; also an itemized budget estimate of expense of the property for the ensuing year, with such other information and suggestions as they deem of general interest, or that may be required by the county court.

Sec. 6. Any person or persons, including corporations, who desire to make donations of cash or other personal property, or real estate for the benefit of the memorial, shall have the right to do so, and shall have the right to vest the title thereof in the county court, to be held in trust and controlled by such board, the same as the other property owned or acquired, and according to the terms and for the purposes set out in the deed, gift, devise or bequest.

Sec. 7. Any one who shall willfully deface or injure such building or property, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment not exceeding twelve months, or both. The fine in each case shall be paid to the proper officer of the memorial fund, to be used as other money paid into its treasury.

CHAPTER 50.

(House Bill No. 290—Mr. Nutter.)

AN ACT fixing the salary of the assistant prosecuting attorney of Kanawha county, West Virginia.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

Sec. 1. Annual salary of the assistant prosecuting attorney of Kanawha county.

Sec. 2. Repealing all acts or parts of acts inconsistent.

Be it enacted by the Legislature of West Virginia:

Section 1. That from and after the first day of April, one thousand nine hundred and nineteen, the assistant prosecuting attorney of Kanawha county, West Virginia, shall receive an
4 annual salary, to be fixed by the county court of said county not
5 to exceed the sum of $3,000, to be paid out of the county treasury.

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

CHAPTER 51.

(House Bill No. 257—Mr. Hall)

AN ACT fixing the annual allowance to the clerk of the county court
of Wetzel county, West Virginia.

[Passed February 21, 1919. In effect from passage. Approved by the Governor
February 22, 1919.]

Sec. 1. Salary of clerk of the county court
of Wetzel county, when salary
shall begin and end.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wetzel county, West Virginia
shall annually allow the clerk of the county court of said county
the sum of not less than six hundred dollars nor more than one
thousand dollars for his services for which no other fee or re-
ward is allowed by law. Said salary to begin on the first day
of January, one thousand nine hundred and nineteen and end on
December thirty-first, one thousand nine hundred and twenty,
and this act of said clerks now on the statute book to begin Jan-
uary first, one thousand nine hundred and twenty-one.

All acts or parts of acts in conflict herewith are hereby re-
pealed.

CHAPTER 52.

(House Bill No. 132—Mr. McClintic.)

AN ACT to amend and re-enact sections nineteen, twenty-six, thirty-
one, forty, forty-four, forty-seven and fifty-a of chapter sixty-
two of Barnes' code of West Virginia, being section forty of
chapter sixty of the acts of one thousand nine hundred and nine,
and sections nineteen, twenty-five, twenty-six, thirty-one, forty-
four, forty-seven and fifty-a of chapter fourteen of the acts of one
thousand nine hundred and fifteen of the legislature of West Vir-
ginia, all relating to the protection and preservation of certain
animals, birds and fishes, forest and streams.
Be it enacted by the Legislature of West Virginia:

That sections nineteen, twenty-five, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-one be amended and re-enacted so as to read as follows:

Section 19. No person not a citizen of the United States of America shall at any time hunt, pursue, kill or catch any wild animals, or wild birds in this state, or have in his possession fire arms of any kind for the purpose of hunting.

No person shall, at any time, hunt, pursue, kill or catch any wild animals, or wild birds in this state, without first having secured a license so to do, as herein provided, and then only during the respective periods when it shall be lawful to hunt trout, bass and other fish to extent of twenty per cent of forest, game and fish protective fund; expenditure to be with consent of the governor; rewards for arrest of violators of provisions of this chapter.

Birds not protected by this chapter.

License required of aliens, non-residents and corporations to catch or destroy any of the fish in creeks or rivers of the state; manner of procuring license; shall exhibit license on demand to any officer, land owner, tenant or lessee of land upon which person is fishing: provision for non-resident land owners; prohibiting use of snares, nets, traps or devices, gills and spurs in catching fish: length in inches of fish that may be lawfully taken: open season for jack salmon, jack fish, white salmon, trout, landlock salmon, black bass, green bass, willow bass, rock bass, pickerel and wall-eyed pike: catching minnows or other fish, with exceptions, to be used for bait in angling or for scientific or propagation purposes: prohibiting the letting of water out of ponds to catch fish: misdemeanor, penalty upon conviction: trespass notices on unclosed lands: penalty for destroying such notices.

Prohibiting use of dynamite or other explosives, poisonous drugs, lime, electricity, guns, rifles, pistols or other substances or mediums in killing or catching fish: penalty for violation.

Bounty paid for killing, within this state only, certain wild animals and predatory birds: proof of such killing: bounty, by whom and how paid.
9 such game, animals and game birds. Such license may be procured in the following manner, to-wit: The applicant shall go before the clerk of the county court of the county of his residence and fill out a blank application, stating his citizenship, name, age, occupation, or profession, weight, height, place and county residence, color of hair, eyes and complexion; the application shall be subscribed in ink and sworn to by the applicant that his statements are correct and true to the best of his knowledge and belief before the county clerk issuing said license. If the applicant be a citizen of any state or territory of the United States of America, and a non-resident of this state, such application may be made and the license issued by the clerk of the county court in any county in the state, and such non-resident applicant shall pay to the clerk of the county court before receiving the license the sum of eighteen dollars as a license tax for a hunting license permitting him to hunt any of the wild animals or wild birds in this state. All non-resident members of any club or organization owning or leasing a game or fish preserve in this state, shall be required to secure a non-resident license to hunt or fish. If the applicant be a *bona fide* resident of this state he shall make application for a hunting license to the clerk of the county court of the county of his residence, which application shall be the same as above described, and in the manner so described; or if applicant is a *bona fide* resident and citizen of this state, he may fill out said application and swear to the same before someone authorized to administer oaths and send the same to the county clerk of the county of his residence together with the amount of license tax herein prescribed and sufficient postage for the return of the license, and such clerk shall thereupon issue and send him such license; but before issuing the said license, the applicant shall in all cases, pay to the clerk of the county court the sum of one dollar as a license tax; provided, that a *bona fide* resident land owner or his children, or his *bona fide* tenant may, on his own land, hunt any of the game animals or game birds mentioned in this chapter during the hunting season without obtaining a license so to do. No person to whom such license has been issued shall be entitled to hunt, pursue or kill game in this state, unless at the time of such hunting, pursuing or killing of game animals, or game birds, he shall
have such license in his actual possession; and he shall exhibit
the same to any officer of this state or to the owner, tenant or
leasee on any land on which he is hunting on demand. Such
license shall be good anywhere in this state to permit the holder
thereof to hunt in any of the counties of this state, but only
during the period of time in which it is lawful to hunt for any
of the game birds or game animals; and such license shall be
good and valid until the end of the calendar year in which the
same is issued. Said license shall be signed by the clerk of the
county court and bear the name of the county, and the seal of
the county court of the county in which same is issued, and shall
bear a number according to the serial order in which it was
issued, and the clerk shall be allowed to deduct twenty-five cents
from such license tax paid him under this section, as a fee for
his services for filling out, acknowledging affidavit and
issuing said licenses. At the same time that such
a clerk issues such a license to the applicant he shall also de-
 deliver to him a tag bearing in figures the name and number of his
license, and the name of the county wherein the same was
issued, and if the same was issued to a non-resident of this state,
the said tag shall also bear the words, "non-resident."
The form of said license to be issued hereunder, and the
said affidavits to be made to the applicants therefor, and the tag
hereinbefore required to be delivered to the applicant, shall be
designed and supplied to the clerk by the state forest, game and
fish warden, and such tag shall at all times be worn on the arm
of the licensee, prominently exhibited, while hunting under the
authorship of said license.
Said clerks shall keep an accurate list of all such licenses
issued by them and shall pay into the treasury of the state of
West Virginia on the first day of each month all such license
taxes collected by them for the month next preceding, except
his fees.
The carrying of any uncased gun in any of the fields or
woods of this state by any person not having a right to hunt,
pursue or kill game birds, or animals in such fields or woods,
shall, as to such person, other than the bona fide owner or own-
ers of such fields or woods, his or their child or children, tenants
or leasees be deemed prima facie evidence of a violation of this
section; and any person claiming to hold a license to hunt in
this state, having in his possession any gun or other hunting paraphernalia in such woods, or fields, shall on failure to produce such license for inspection to any warden of this state or to any officer or owner or agent of the owner of such woods and fields, on demand, or upon failure, at all times to wear, as herein required, the tag while in such woods or fields, or who shall transfer or attempt to transfer any license mentioned in this section, or who shall hunt or attempt to hunt with or under such transferred license, be deemed guilty of a misdemeanor, and on conviction be punished as herein provided. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars for each and every offense, including the cost of prosecution and a fee of ten dollars to the attorney prosecuting the case, and in addition thereto may be confined in the county jail for a period not exceeding sixty days, in the discretion of the court or justice trying the case, and upon failure to pay said fine and costs, the person convicted shall be confined in the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for any one offense. No hunters' license shall be issued to any minor under the age of fifteen years without the consent in writing from the parent or guardian of such minor, such consent to be filed with the clerk issuing the license and by him preserved, but such infant may hunt on his own land or that of his parents or guardian.

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

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

Sec. 26. It shall be unlawful for any person to catch, kill or injure, or pursue with intent to catch, kill or injure, any ruffed grouse, or pheasant or wild turkey between the first day of December and the fifteenth day of October of the following year; or any quail or Virginia partridge between the first day of Decem-
Nor shall any one person kill more than twelve quail or five ruffer grouse, or two wild turkeys in any one day, and no more than sixty quail or twenty ruffed grouse, or five wild turkeys in any one open season.

No person shall kill any wild ducks, goose, or brant between the first day of January and the first day of October; provided, that the wood duck shall not be killed at any time within this state; woodcock between the thirtieth day of November and the first day of October following; plover, ortolan, or sandpiper between the fifteenth day of December and the first day of September following; or any snipe between the fifteenth day of December and the fifteenth day of September of the following year. Nor shall any person kill more than ten squirrels in any one day, nor more than seventy during any open season.

It shall be unlawful for any person to catch, kill or injure or pursue with intent to catch, kill or injure any rabbit between the first day of January and first day of October following; provided, it shall be lawful for any person or any of his children or agents to catch, kill or pursue at any time any rabbit upon his own land or upon any land upon which he may be an actual bona fide tenant or resident and also for the bona fide agent of the owner of such land to hunt, and kill any rabbit thereon by the direction of such owner otherwise than by the use of a ferret; but for the protection of orchards, gardens and young fruit trees or vines, rabbits may be lawfully hunted with ferrets by the owners thereof or their agents.

It shall be unlawful for any person to catch, kill or injure by means of a gun, snare, trap or poison any red fox, or skunk between the first day of February and the first day of December following, except in the following named counties: Pocahontas, Randolph, Fayette, Pendleton, Monroe, Jefferson, Hardy, Wayne, Wood, Marshall, Mason, Gilmer, Hancock, Lincoln, Hampshire, Braxton, Raleigh, Webster, Putnam, Preston, Lewis, Jackson, Mercer, Greenbrier, Berkeley, Tyler, Boone, Kanawha, Logan, Barbour, McDowell, Tucker and Calhoun; provided, however, that it shall be lawful for any person at any time or by any means to catch, kill or pursue any red fox or skunk upon his own land, or on any lands upon which he may be an actual bona fide tenant or resident, and also for the agent of the owner or tenant.
GAME AND FISH LAWS

48 of such land to so hunt and kill any red fox or skunk thereon by
49 the direction of such owner or tenant. It shall be unlawful
50 for any person at any time to set or maintain any snare upon the
51 improved or inclosed lands of another without the express per-
52 mission of the owner or tenant of such lands, or at any time to
53 set or maintain any steel or spring bear trap upon any lands
54 not his own.
55 Any person violating any of the provisions of this section
56 shall be guilty of a misdemeanor and upon conviction thereof
57 shall be fined not less than twenty-five dollars and no more than
58 fifty dollars for each offense, and in the discretion of the justice
59 or court trying the case, be imprisoned in the county jail for a
60 period not exceeding thirty days for each offense, and the unlaw-
61 ful catching, killing or injuring of each and every wild game bird,
62 or wild game animal hereinbefore mentioned in this section, shall
63 be deemed a separate offense, and in default of the payment of the
64 fine and costs, the persons convicted shall be confined in the
65 county jail for a period not exceeding thirty days, unless such
66 fine and costs be sooner paid; provided, however, that the forest,
67 game and fish warden or deputy warden, or other persons under
68 the direction of a warden may capture by any means any of the
69 game birds or game animals to keep them alive for propagation
70 purposes. And provided, further, that the warden may give writ-
71 ten permission to any responsible person as provided by section
72 thirty-eight of this chapter.

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

And the forest, game and fish warden shall annually out of the forest, game and fish protective fund stock the streams of this state with trout, bass and any other proper fish to the extent of twenty per cent of the annual income of such fund, but such expenditure shall be with the consent of the governor. And the forest, game and fish warden is hereby empowered, when so approved by the governor, to offer reasonable rewards for the arrest and conviction of persons violating the provisions of this chapter, and also to employ and pay persons to assist in arresting or procuring evidence for the conviction of persons violating the provisions of this chapter, or any law for the protection of game and fish in this state, all of which shall be paid out of the said forest, game and fish protective fund.

Sec. 40. The English or European sparrow, owls, hawks, eagles, crows, king fishers, and the common black bird, sometimes called the "crow" black bird, are not included among birds protected by this chapter.

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

It shall not be lawful for any person to have in his possession
or to set or maintain anywhere in this state, or on any water sub-
ject to the jurisdiction thereof any seines, net or traps or devices
of like nature, whereby fish may be taken or caught. Nor shall it
be lawful for any person to catch or have in his possession any
jack salmon, commonly called jack fish, or any white salmon less
than seven inches in length, any pike or pickerel of less than
ten inches in length, any black bass less than eight inches in
length, or any trout less than six inches in length, or to catch
or kill by use of gig or spear any black bass or trout, or have in
his possession any black bass or trout so caught or killed, or any
fish caught out of season or caught or taken in any manner pro-
hibited by law. All fish less than the length prescribed herein
shall be returned to the water immediately with as little injury
as possible.

And the measurement of the fish shall be taken from the
end of the nose to the center fork of the tail. It shall be unlaw-
ful to take or destroy any jack salmon, jack fish, or white sal-
mon in any manner between the first day of April and the first
day of June of each year; or to catch or destroy any trout or land-
lock salmon in any manner between the first day of September
and the first day of May following. It shall be unlawful for
any person to catch any black bass, green bass, willow bass, rock
bass, pickerel or wall-eyed pike between the first day of April and the first day of June of each year.

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

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

The owners or those in control of lands or rights in land; in or bordering upon any pond designated in this act, shall have erected and maintained in a conspicuous place along these ponds when they are unenclosed, a sign at least a foot square and which shall have thereon the name of the party in control, and the words "trespassers warned off under penalties of the law." Any person who shall wilfully and wrongfully tear down, deface or injure the boards provided for in this section, shall be guilty of a misdemeanor and liable to a penalty as hereinafter provided.

Any person violating any provision of this section, except as otherwise herein provided, shall be guilty of a misdemeanor, and for every conviction thereof shall be fined not less than ten dollars, nor more than one hundred dollars, and may, at the discretion of the court or justice trying the case be confined in the county jail not exceeding thirty days.

Sec. 47. It shall be unlawful for any person to kill or attempt to kill any fish by the use of dynamite, or other explosive mixture or by the use of any poisonous drugs, substance, bait or...
4 food; or by the use of electricity, lime or any other thing of like
5 nature. And the placing of any such articles or substances in
6 any stream, pond or lake, shall be deemed and taken to be
7 prima facie proof of intention to violate this section. It shall
8 be unlawful for any person to kill or take, or attempt to kill or
9 take, any fish by shooting with any gun, rifle, pistol or other
10 device of like nature. Any person violating this section shall be
11 guilty of a misdemeanor, and upon conviction thereof shall be
12 confined in the county jail for a period of not less than two
13 months, nor more than twelve months, and shall, at the discretion
14 of the court, be fined not less than twenty-five dollars nor more
15 than one hundred dollars; but upon conviction of the same person
16 for the second offense in this state, he shall be guilty of a felony
17 and be confined in the penitentiary not less than one nor more than
18 three years.

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

CHAPTER 53.

(House Bill No. 76—Mr. Hackney.)

AN ACT to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto sections thirty-one, and thirty-two, relating to weights and measures.

[Passed February 20, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

Sec.

3. State commissioner of labor ex officio commissioner of weights and measures; authorized to appoint and fix salaries of deputies and inspectors; limit on salaries.

7. Duties of commissioner of weights and measures and his deputies and inspectors; appointment of scaler; inspection of all standard weights, measures and other apparatus; keeping record of same; rules and regulations of bureau of weights and measures of Washington, D. C., to govern inspectors and scalers in performance of duties.

13. Sheriffs to act as ex officio scalers in failure of county commissioner to appoint; commissioners may pay salary to one scaler and to one or more deputy scalers; tenure of office; duties.

14. City scaler of weights and measures in cities of not less than 25,000 population; how appointed; term of office, salary and duties.

16. Sealers and deputies to give bond with surety.

23. Commodities in package form must bear statement on outside of net weight, measure or numerical count; provision for small packages and medicinal articles; definition of word "package."

24. Requirement for sale of butter, renovated butter, process butter and oleomargarine.

25. Bottles and accessories for sale of milk and cream; size and markings of same; penalties for violation of requirements; test of bottles by scaler of weights and measures.

27. Table showing amount of weight, avoirdupois, of bushel, half-
Be it enacted by the Legislature of West Virginia:

That sections three, seven, thirteen, fourteen, twenty-three, twenty-five, twenty-seven, and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session be, and the same are hereby re-enacted and amended so as to read as follows; and that there is enacted and added thereto sections thirty-one and thirty-two.

Section 3. The state commissioner of labor shall be ex-officio commissioner of weights and measures, and he shall be authorized to appoint and fix the salaries of such deputies and inspectors, not to exceed two in number, as may be required to carry out the purpose of this act, within the limits of such appropriations as may be made by the legislature for the maintenance of the work of the bureau of labor; provided, the salaries of each of said deputies or inspectors shall not exceed eighteen hundred dollars per annum.

Sec. 7. The commissioner of weights and measures, or his assistant commissioner, deputy, or inspectors, at his direction shall at least once in five years try and prove by the office standards all standard weights, measures and other apparatus which may belong to any county or city, required to appoint a sealer and to purchase and keep standards of weights and measures by the provisions of this act, and shall seal such when found to be accurate by stamping on them the letters "W. Va.," and the last two figures of the year with seals which he shall have and keep for that purpose.

The state commissioner or his assistant, deputy or inspectors, at his direction, shall inspect all standard weights, measures and other apparatus used by such counties and cities at least once in two years, and shall keep a record of the same. He, or his deputy, or inspectors, at his direction, shall at least once in two years visit these cities and counties for the purpose and in order to inspect the work of the local sealers, and in the performance of such duties they may inspect the weights, measures, balances, or any other weighing or measuring appliances of any person, and shall have the same powers as the local sealer of weights and measures. The rules and regulations for the guidance of county and city sealers...
22 of weights and measures issued by the bureau of weights and 
23 measures of Washington, D. C., known as circular No. two, or any 
24 subsequent rules and regulations issued by such bureau of weights 
25 and measures, shall be the rules and regulations governing the in- 
26 spectors and county and city sealers in the performance of their 
27 duties.

Sec. 13. Except in counties where the county commissioners 
2 shall appoint a sealer of weights and measures as hereinafter pro- 
3 vided, the sheriff of the county shall be ex-officio county sealer of 
4 weights and measures in each county, and no fee shall be charged 
5 by him or by the county for the inspection, testing or sealing or 
6 the repairing or adjusting of weights, measures, or measuring de- 
7 vices. Whenever the county commissioners of any county shall 
8 deem it necessary, they may appoint and fix the salary of one sealer 
9 and one or more deputy sealers of weights and measures. Such 
10 sealer or deputies, when not appointed merely for some temporary 
11 purpose, shall hold office for a term of four years from the date 
12 of their appointment, unless removed for just cause, and all depu- 
13 ties shall have the same power and may perform the same duties 
14 as the county sealer when acting under his instructions and at his 
15 direction.

Sec. 14. There may be a city sealer of weights and measures in 
2 cities of not less than twenty-five thousand population, according to 
3 the latest official statement of United States census, to be appointed 
4 by the mayor from a list to be furnished by the civil service board, 
5 and under the rules of such board, where such board exists; other- 
6 wise, he shall be appointed by the mayor, by and with the advice 
7 and consent of the common council, and shall hold office for a term 
8 of two years and receive a salary to be determined by the appoint- 
9 ive power. The county commissioners of any county or the mayor 
10 of any such city may appoint one or more deputy sealers of weights 
11 and measures. All deputies appointed shall have the same power 
12 and perform the same duties as the county or city sealer when 
13 acting under his instructions and his direction, and no fee shall 
14 be charged by any county or city for the testing, trying, adjusting 
15 or repairing of any weights or measures, or weighing and measuring 
16 device.
17 The commissioner shall issue from time to time regulations 
18 for the guidance of the county and city sealers and the said regu- 
19 lations shall govern the procedure to be followed by the afore- 
20 said officers in the discharge of their duties.
Sec. 16. Each county or city sealer of weights and measures, or deputy sealer of weights and measures, under the provisions of sections thirteen and fourteen of this act, shall forthwith upon his appointment give bond in the penal sum of one thousand dollars, with sureties to be approved by the appointing power, for the faithful performance of the duties of his office.

Sec. 23. It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any commodity in package form unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package, in terms of weights, measures, or numerical count; provided, however, that reasonable variations or tolerances and also exemptions as to small packages shall be established by rules and regulations made by the commissioner of weights and measures; and, provided, further, that this section shall not be construed to apply to medicinal articles and to those commodities in packages the manner of sale of which is specifically regulated by the provisions of other sections of this act.

The word "package" as used in this section shall be construed to include the package, carton, case, basket, can, box, barrel, half barrel, hamper, keg, drum, jug, jar, crock, bag, pail, wrapping parcel, package, bottle, phial, or other receptacle put up by the manufacturer; or when put up prior to the order of the commodity, by the vendor; which may be labeled, branded, or stenciled or otherwise marked, or which may be suitable for labeling, branding, or stenciling, or marking otherwise, making one complete package of the commodity. The word "package" shall be construed to include both the wholesale and the retail package; provided, that a box or carton used for shipping purposes containing a number of similar packages which are individually marked, as hereinbefore provided, will not be required to bear the weight or measure of contents; and, provided, further, that all commodities in packages, boxes, cans, bottles or other containers in the hands of merchants, both wholesale and retail, at the time of the passage of this act, shall be and are hereby exempt from the provisions of the same.

Sec. 24. It shall be unlawful for any person to sell or offer for sale any butter or renovated or process butter or oleomargarine in any other manner than by weight. Whenever such butter, renovated or process butter or oleomargarine, is sold, offered or exposed for sale in the form of prints, bricks or rolls, each print, brick or roll shall bear a definite, plain and conspicuous statement of its true net weight, on the principal label, where there be such a label, otherwise, on the outside wrapper of said print, brick or
9 roll. When such statement is made part of the printed matter on the label, wrapper or carton of any such print, brick or roll, the statement as to net weight shall be in gothic type not less than one-quarter of an inch square.

The prints, bricks, or rolls referred to in this section shall be construed to include those prints, bricks, or rolls put up by the manufacturer or producer; or when put up prior to the order of the commodity, by the vendor; provided, however, that this section shall not apply to farmers who manufacture and sell their own butter.

Sec. 25. Bottles used for the sale of milk or cream shall be of the capacity of one-half gallon, three pints, one quart, one pint, one-half pint, and one gill, when filled to within one-fourth of an inch of the cap seat or stopple in the case of those bottles having an inside diameter immediately below this cap seat or stopple of over two inches. The following variations on individual bottles or jars may be allowed, but the average contents of not less than twenty-five bottles selected at random from at least four times the number tested must not be in error more than one-quarter of these tolerances; six drams above and six drams below on the half gallon, five drams above and five drams below on the three pints; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the gill. Bottles or jars used for the sale of milk or cream shall have clearly blown or otherwise permanently marked in the side of the bottle, the capacity of the bottle and the word “sealed;” and the side or bottom of the bottle the name, initial, or trade-mark of the manufacturer and a designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the state commissioner of weights and measures upon application by the manufacturer, and upon the filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney general conditioned upon their conformance with the requirements of this section. A record of the bonds furnished, and the designating numbers and to whom furnished shall be kept in the office of the commissioner of weights and measures.

Any manufacturer who sells or offers to sell milk or cream bottles to be used in this state that do not comply as to size and
markings with the provisions of this section shall suffer a penalty of
five hundred dollars, to be recovered by the attorney general in
an action against the defender's bondsmen to be brought in the
name of the state of West Virginia. Any dealer who uses, for the
purpose of selling milk or cream, jars or bottles, purchased after
this law takes effect that do not comply with the requirements of
this section as to markings and capacity, shall be deemed guilty
of using a false and insufficient measure.

Sealers of weights and measures are not required to seal bot-
tles or jars for milk or cream marked as in this section provided,
but they shall have the power to and shall from time to time make
tests on individual bottles used by various firms in the territory
over which they have jurisdiction in order to ascertain if the
above provisions are being complied with, and they shall immedi-
ately report violations found to the state commissioner of weights
and measures.

Sec. 27. A bushel, half bushel, peck, half peck, quarter peck,
2 quart and pint of the respective articles hereinafter mentioned
8 shall be the amount of weight, avoirdupois, as shown by the fol-
4 lowing table:
<table>
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<tr>
<th>COMMODITY</th>
<th>Bu.</th>
<th>½ Bu.</th>
<th>Peck</th>
<th>½ Peck</th>
<th>¼ Peck</th>
<th>Quart</th>
<th>Pint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apples (green)</td>
<td>48</td>
<td>24</td>
<td>12</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Apples (dried)</td>
<td>24</td>
<td>12</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>12</td>
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<td>60</td>
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<td>15</td>
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<td>10</td>
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<td>2</td>
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<td>4</td>
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<td>25</td>
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<td>7</td>
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<td>Value 1</td>
<td>Value 2</td>
<td>Value 3</td>
<td>Value 4</td>
<td>Value 5</td>
<td>Value 6</td>
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<tr>
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<tr>
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<td>56</td>
<td>28</td>
<td>14</td>
<td>7</td>
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<tr>
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<td>32</td>
<td>16</td>
<td>8</td>
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<td>24</td>
<td>12</td>
<td>6</td>
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<td>15</td>
<td>7</td>
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<td>22½</td>
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<td>12</td>
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</table>

Note: The values are in a specific format that might require interpretation or conversion for use in a particular context.
<table>
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<tr>
<th>COMMODITY</th>
<th>Bu.</th>
<th>½ Bu.</th>
<th>Peck</th>
<th>½ Peck</th>
<th>¼ Peck</th>
<th>Quart</th>
<th>P int</th>
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<td>Kale</td>
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<td>...</td>
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<td>Lime (unslaked)</td>
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<td>12</td>
<td>8</td>
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<td>17½</td>
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<td>12</td>
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<tr>
<td>Oats</td>
<td>32</td>
<td>16</td>
<td>8</td>
<td>...</td>
<td>4</td>
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<td>2</td>
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<tr>
<td>Onions</td>
<td>55</td>
<td>27½</td>
<td>13</td>
<td>12</td>
<td>6</td>
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<tr>
<td>Onions (bottom sets)</td>
<td>32</td>
<td>16</td>
<td>8</td>
<td>...</td>
<td>4</td>
<td>2</td>
<td>1</td>
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<tr>
<td>Onions (top sets)</td>
<td>28</td>
<td>14</td>
<td>7</td>
<td>...</td>
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<td>Orchard Grass</td>
<td>14</td>
<td>7</td>
<td>3</td>
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<td>1</td>
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<td>Osage Orange Seed</td>
<td>33</td>
<td>16½</td>
<td>8</td>
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<td>Parsnips</td>
<td>42</td>
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<td>10</td>
<td>8</td>
<td>5</td>
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<tr>
<td>Peaches</td>
<td>48</td>
<td>24</td>
<td>12</td>
<td>...</td>
<td>6</td>
<td>...</td>
<td>3</td>
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<tr>
<td>Peaches (dried)</td>
<td>33</td>
<td>16½</td>
<td>8</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Peanuts</td>
<td>23</td>
<td>11½</td>
<td>5</td>
<td>12</td>
<td>2</td>
<td>14</td>
<td>1</td>
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<tr>
<td>Pears</td>
<td>50</td>
<td>25</td>
<td>12</td>
<td>8</td>
<td>6</td>
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<tr>
<td>Peas (dry)</td>
<td>60</td>
<td>30</td>
<td>15</td>
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<td>7</td>
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<td>Item</td>
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<tr>
<td>Peas (green, shelled)</td>
<td>50</td>
<td>25</td>
<td>12</td>
<td>8</td>
<td>6</td>
<td>4</td>
<td>3</td>
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<tr>
<td>Peas (green, unshelled)</td>
<td>30</td>
<td>15</td>
<td>7</td>
<td>8</td>
<td>3</td>
<td>12</td>
<td>1</td>
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<tr>
<td>Peas (wrinkled)</td>
<td>56</td>
<td>28</td>
<td>14</td>
<td>7</td>
<td>8</td>
<td>3</td>
<td>12</td>
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<td>Plums</td>
<td>60</td>
<td>30</td>
<td>15</td>
<td>7</td>
<td>8</td>
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<td>12</td>
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<tr>
<td>Potatoes (Irish)</td>
<td>60</td>
<td>30</td>
<td>15</td>
<td>7</td>
<td>8</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>Potatoes (sweet)</td>
<td>50</td>
<td>25</td>
<td>12</td>
<td>8</td>
<td>6</td>
<td>4</td>
<td>3</td>
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<tr>
<td>Quinces</td>
<td>48</td>
<td>24</td>
<td>12</td>
<td>6</td>
<td>3</td>
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<tr>
<td>Rape Seed</td>
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<td>8</td>
<td>6</td>
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<tr>
<td>Raspberries</td>
<td>48</td>
<td>24</td>
<td>12</td>
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<td>3</td>
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<tr>
<td>Red Top Grass Seed</td>
<td>14</td>
<td>7</td>
<td>3</td>
<td>8</td>
<td>1</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>Rice Corn (shelled)</td>
<td>56</td>
<td>28</td>
<td>14</td>
<td>7</td>
<td>8</td>
<td>3</td>
<td>12</td>
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<tr>
<td>Rice Corn (unshelled)</td>
<td>45</td>
<td>22</td>
<td>12</td>
<td>11</td>
<td>4</td>
<td>10</td>
<td>2</td>
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<tr>
<td>Rutabagas</td>
<td>50</td>
<td>25</td>
<td>12</td>
<td>8</td>
<td>6</td>
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<td>3</td>
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<tr>
<td>Rye</td>
<td>56</td>
<td>28</td>
<td>14</td>
<td>7</td>
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<td>Rye Meal</td>
<td>50</td>
<td>25</td>
<td>12</td>
<td>8</td>
<td>6</td>
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<tr>
<td>Salt (coarse)</td>
<td>70</td>
<td>35</td>
<td>17</td>
<td>8</td>
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<tr>
<td>Salt (fine)</td>
<td>50</td>
<td>25</td>
<td>12</td>
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<td>Sand</td>
<td>130</td>
<td>65</td>
<td>32</td>
<td>16</td>
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<td>Shorts</td>
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<td>2</td>
<td>8</td>
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<td>4</td>
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<tr>
<td>Sorghum Seed</td>
<td>57</td>
<td>28</td>
<td>14</td>
<td>7</td>
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<td>9</td>
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<td>Spelt or Speltz</td>
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<td>14</td>
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<tr>
<td>Spinach</td>
<td>40</td>
<td>15</td>
<td>10</td>
<td>5</td>
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<td>8</td>
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<tr>
<td>Strawberries</td>
<td>45</td>
<td>22</td>
<td>12</td>
<td>11</td>
<td>4</td>
<td>10</td>
<td>2</td>
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<tr>
<td>Timothy Seed</td>
<td>56</td>
<td>28</td>
<td>14</td>
<td>7</td>
<td>8</td>
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<td>12</td>
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<tr>
<td>Tomatoes</td>
<td>55</td>
<td>27</td>
<td>13</td>
<td>12</td>
<td>6</td>
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<td>3</td>
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<tr>
<td>Turnips</td>
<td>50</td>
<td>25</td>
<td>12</td>
<td>8</td>
<td>6</td>
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<td>3</td>
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<tr>
<td>Walnuts</td>
<td>50</td>
<td>25</td>
<td>12</td>
<td>8</td>
<td>6</td>
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<td>3</td>
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<tr>
<td>Wheat</td>
<td>60</td>
<td>30</td>
<td>15</td>
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<td>12</td>
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</tbody>
</table>
One barrel of flour shall contain one hundred and ninety-six pounds, one-half barrel ninety-eight pounds, one-quarter barrel forty-nine pounds, and one-eighth barrel twenty-four and one-half pounds, one-sixteenth barrel twelve and one-quarter pounds, net weight.

One barrel of lime shall contain two hundred pounds.

A ton shall contain two thousand pounds.

The standard barrel for fruit, vegetables and produce shall be of the following dimensions: Inside staves at ends, seventeen inches; distance between heads, inside, twenty-six inches; circumference over bilge, sixty-four inches; and capacity, seven thousand and fifty-six cubic inches.

Sec. 30. Justices of the peace shall have jurisdiction to hear and determine any action which may be brought for a violation of the provisions of this act, where the property in question is two hundred dollars and less. In cases of over two hundred dollars shall hold the accused for indictment to the grand jury.

Sec. 31. The word “person” as used in this act, shall be construed to impart the plural and singular, as the case demands, and shall include corporations, companies, societies and associations.

The words “weights, measures or weighing or measuring devices” as used in this act, shall be construed to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

The words “sell” or “sale” as used in this act shall be construed to include barter and exchange.

Sec. 32. “Doyle and Scribner’s combined rules” for the measurement of logs, lumber and timber of all kinds, is hereby established as the lawful rule in this state for the measurement of all kinds of lumber, logs and timber, unless some other rule be agreed to.

CHAPTER 54.

(House Bill No. 261—Mr. Nutter.)

AN ACT allowing counties of more than eighty thousand population to lay a special levy to purchase land and erect a jail and jailer’s residence thereon.
Be it enacted by the Legislature of West Virginia:

Section 1. That in counties having more than eighty thousand population as shown by the last preceding census taken by the United States Government the county court may, for any three consecutive years, for the sole purpose of purchasing land, by condemnation or otherwise, and erecting a jail and jailer's residence thereon, lay a special levy not exceeding ten cents in any one year on the one hundred dollars valuation of the taxable property in such county under the provisions of the constitution and laws of this state.

CHAPTER 55

(=House Bill No. 249—Mr. McClaren.)

AN ACT fixing the annual-allowance to the clerk of the county court of McDowell county.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC. 1. Salary of the clerk of the county court of McDowell county; act or acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of McDowell county shall annually allow to the clerk of the county court of said county, the sum of not less than two thousand four hundred dollars and not more than four thousand dollars, for his public services, for which no other fee or reward is allowed by law.

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

CHAPTER 56.

(=House Bill No. 283—Mr. McClintic.)

AN ACT to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county.
SEC. 9. Salary of the Judge of the Intermediate Court of Kanawha County; how paid.

Be it enacted by the Legislature of West Virginia:

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

Section 9. The said judge of the intermediate court of Kanawha county shall, for his services, receive a salary of five thousand dollars per annum, to be paid out of the county treasury of said county, to commence from the first day of January one thousand nine hundred and nineteen.

CHAPTER 57.

(House Bill No. 113—Mr. Moore.)

AN ACT to amend and re-enact section thirteen of chapter ninety-three of the acts of the legislature of one thousand nine hundred and seventeen, amending and re-enacting 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; section one of chapter one hundred and ninety-eight of the acts of the legislature of one thousand eight hundred and seventy-two, relating to the annual settlements of certain county officers; section eight of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of certain county officers.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]
Be it enacted by the Legislature of West Virginia:

That section thirteen of chapter ninety-three of the acts of the legislature of one thousand nine hundred and seventeen, amending and re-enacting 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; section one, of chapter one hundred and ninety-eight, of the acts of the legislature of one thousand eight hundred and seventy-two, relating to annual settlements of certain county officers, and section eight, of chapter eighty-three, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers, 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, the sum of sixty cents per day; 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 arresting, pursuing or transporting persons accused of 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 sheriffs 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 out of the county treasury. Every sheriff shall file, under oath, monthly, a full and accurate account of all his actual and necessary expenses mentioned in this section before the same shall be allowed by the county court.

That sheriffs, and all other officers, whether state,
SALARY OF COUNTY OFFICERS

31 county, district or municipal, who shall collect or receive, or
32 whose official duty it is or shall be to collect, receive or pay out any
33 money belonging to or which is or shall be for the use of the state
34 or of any county, district or municipal corporation, shall make an
35 annual account and settlement therefor on or before the thirtieth
36 day of June.

37 In making the settlement provided for in this section, the
38 sheriffs shall be allowed three months and until the first
39 day of April following the expiration of their terms in which to
40 make their settlements as of December thirty-one.

Sec. 8. The sheriff, clerk of the county court, clerk of the
2 circuit court, (clerk of the criminal, common pleas or interme-
3 diate courts) on or before December first of each year,
4-6 shall file with the county court, or tribunal in lieu
7 thereof, a detailed statement of the probable amount necessary
8 to be expended for deputies, assistants, and other employees of
9-14 their respective offices in the following calendar year.

15 If any such officer shall fail to file the statement hereby required,
16 he shall be punishable by a fine of not less than fifty nor more
17 than one hundred dollars, or imprisonment in the county jail not
18 less than thirty days nor more than six months, or both, at the dis-
19 cretion of the court. The county court, or tribunal in lieu thereof,
20 shall, not later than fifteen days after the filing of said statement,
21 take up and consider the same and shall determine and fix an aggre-
22 gate sum to be expended for the period covered by said statement
23 for the compensation of all such deputies, assistants and other em-
24 ployees of said respective officers, which shall be reasonable and
25 proper regard being had to the amount of labor necessary to be
26 performed by those to receive the same, and enter upon its court
27 record, a finding of its action, provided the amount to be expended
28 for the office of clerk of the circuit court shall be fixed by the
29 concurrent jurisdiction of the county court or tribunal in lieu
30 thereof, and the judge or judges of the circuit, criminal, common
31 pleas or intermediate courts; provided, however, any taxpayer feel-
32 ing aggrieved at the allowance made by the county court to the
33 sheriff and any sheriff feeling that the business of his office cannot
34 be conducted properly by the maximum allowance by the county
35 court for office expenditures, or the number of deputies and their
36 salaries, shall be allowed the right of appeal to the circuit court of
37 such county for the purpose of determining the equity of such
38-39 maximum allowance.
The officers herein named shall appoint and employ such deputies, assistants and other employees in the manner provided by law as may be necessary for their respective offices and fix their compensation, and shall file with the clerk of the county court or other tribunal in lieu thereof, a statement in writing showing such action and setting forth the name of each deputy, assistant and employee, the time for which employed and the monthly compensation; but the compensation for all deputies, assistants and other employees shall not exceed in the aggregate for each office, the amount so fixed for that office as hereinbefore provided. The compensation of the sheriff, clerk of county court, clerk of the circuit court (criminal, common pleas or intermediate courts), and prosecuting attorney and the compensation of their deputies, assistants and other employees, duly appointed or employed, after being so fixed, shall be paid monthly in the manner provided by law to those entitled to same out of the county fund. The county court (or other tribunal in lieu thereof), after filing of the statement provided for by this section, showing names of the deputies, assistants and other employees, the time for which employed and their compensation may, by order of record, authorize and direct orders or drafts on the treasurer, payable out of the general county fund, to be drawn in favor of the officer, his deputy, assistant, or employee named in such statement, in payment of the monthly salary to which such officer is entitled, and when such order has been entered of record, the president and clerk of the county court (or other tribunal in lieu thereof) shall be authorized to sign such orders and drafts, for the purposes aforesaid; provided, however, that no orders shall be issued to the officer or deputy, assistant or other employees until the officer has filed a detailed monthly statement with the county treasurer and has filed with the county clerk a duplicate copy thereof, together with a receipt from the county treasurer, showing that he has paid into the county treasury all fees, costs, percentages, commissions, allowances, compensation, income and all other perquisites of whatever kind that have been collected during said month, as shown by said statement. The officers herein named shall have authority to discharge any deputy, assistant or other employee, by filing with the clerk of the county court or tribunal in lieu thereof, a statement in writing showing such action. All statements required to be filed by this section, shall be verified by the affidavit of the person making them, and
93 among other things contained in the affidavit shall be the state-
94 ment that the amounts shown therein were the amounts actually
95 paid or intended to be paid to the deputies, assistants, or other
96 employees; that no rebates, agreement, understanding and expec-
97 tation that any part thereof shall be repaid to him, and that noth-
98 ing has heretofore been paid or promised him on that account, and
99 that if he shall thereafter receive any money, or thing of value, on
100 account thereof, he will account for and pay the same to the coun-
101 ty. Until the statements required by this section have been file,
102 no allowances or payments shall be made to any officer for depu-
103 ties, assistants or other employees.

104 All acts or parts of acts in conflict herewith or inconsistent
105 herewith are hereby repealed.

CHAPTER 58.

(House Bill No. 143—Mr. Cuppett.)

AN ACT to authorize the creation of a commission for the purpose
of reporting to the legislature on the question of compiling and
keeping records of the enlistment and service of citizens of West
Virginia in any branch of the naval or military forces of the
United States or countries of the Allies during the world war or
in any charitable, humane or relief organization connected with
the operations of such forces, and of providing and erecting tab­
lets, or memorial buildings as memorials to those of them who
have died in such service or in any such organization.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the
Governor February 22, 1919.]

SEC. Commission; how appointed duties.

Be it enacted by the Legislature of West Virginia:

That, in order to render just tribute to citizens of West Virginia
who have served in any branch of the naval or military forces of the
United States or those of the Allies during the world war or in any
charitable, humane or relief organization connected with the operations
of such forces, and to perpetuate the memory of those who have died in
such service or in any such organization, whether on the field of
battle or elsewhere, the governor of this state hereby is authorized, em-
powered and directed to select such number of representative citizens
of West Virginia as he shall think advisable, who, with himself, shall
constitute a commission for the purposes hereinafter declared. The
members of such commission shall serve and discharge their duties
without cost or charge to the state, and the governor shall be the chair­
man and have direction thereof.

Said commission shall take under consideration and report in
writing to the next session of the legislature on the following matters
and things:

What records should be compiled, kept and preserved in each county
of the state of the enlistment and service of citizens of such county in
any branch of the naval or military forces of the United States or
those of the Allies during the world war or in any charitable, humane
or relief organization connected with the operations of such forces.

What tablets, monuments or memorial buildings have been or should
be erected or provided in each county as a memorial to the citizens
therefrom who have died in such service or in any such organization.

What records have been or should be compiled, kept and preserved
by the state of West Virginia of the enlistment and service of its citi­
zens in any branch of such naval or military forces or in any such
organization.

What tablets, monuments or memorial buildings have been or should
be erected or provided by the state of West Virginia as a memorial to
its citizens who have died in such service or in any such organization.

Said commission shall include in its report any and all matters and
things which it may think pertinent to any of the foregoing inquiries.

CHAPTER 59.

(House Bill No. 34—Mr. McPherson.)

AN ACT to amend and re-enact section three of chapter sixty of
the code, as amended by chapter thirty-one of the acts of the
legislature of West Virginia of the regular session of one thousand
nine hundred and seventeen.

[Passed February 21, 1910. In effect ninety days from passage. Approved by the
Governor February 22, 1910.]

SEC.
3. Liability for damage by owners of
animals running at large on public
highways when such animals
enter lawfully enclosed grounds;
unlawful for animals to run at
large on highways of railroad

SEC.
right of way; misdemeanor on
part of owner of animals when
damage is incurred; penalty on
conviction; repealing acts or parts
of acts inconsistent.

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

That section three of chapter sixty of the code, as amended by
chapter thirty-one of the acts of the legislature of the regular
session of the year one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows:

Section 3. If any horses, mules, ass, jennet, cattle, sheep, 2 hogs, goats shall enter into any grounds enclosed by a lawful 3 fence, the owner or manager of such animal shall be liable to the 4 owner of such grounds for any damage he may sustain thereby. 5 It shall be unlawful for any such animal to run at large on any 6 public road or highway or railroad right of way in this state and 7 should such stock while running at large destroy or injure the 8 property of another, the owner shall be guilty of a misdemeanor 9 and fined not less than five dollars and not more than ten dol- 10 lars, and shall pay to the party whose property shall have been 11 injured or destroyed, the amount of damages sustained by him by 12 reason of such destruction or injury. And the party so injured, 13 may, if he find such stock on his premises, retain them, or a suf- 14 ficient number thereof, until said damages and costs of keeping 15 be paid.

All acts or parts of acts in conflict herewith or inconsistent 17 herewith are hereby repealed.

CHAPTER 60.

(House Bill No. 171—Mr. Hackney.)

AN ACT to amend and re-enact sections seventy-seven, seventy-eight, seventy-eight-a (7) and seventy-nine-a (1) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (7), seventy-nine-a (8), seventy-nine-a (9), seventy-nine-a (10), seventy-nine-a (11) and seventy-nine-a (12); all relating to banking.

[Passed February 21, 1910. In effect ninety days from passage. Approved by the Governor February 22, 1910.]

Sec. 77. Capital stock of banking institutions; how divided; deemed personal property; may be transferred.

Sec. 78. Powers that may be exercised by banks under this chapter; unlawful for individuals or association of individuals to use term "bank," "banker," "banking company" or "trust company" or receive deposits or sell foreign exchanges until they have taken out a charter; application for charter must be approved by commissioner of banking; holding and conveying of real estate by banks.

Sec. 78-a (7). Examination of banks by the commissioner of banking; method of examination; power of commissioner to order keeping of books in such manner as to enable him to readily ascertain bank's true condition; official communications of commissioner or assistants to a bank or officer thereof, relative to examination; to be submitted by recipient to board of directors.

Sec. 79-a (1). Limit placed on loans; amortization of securities; loans to officers, directors, clerks and other employees.

Sec. 79-a (7). Deposits by trustee for another; in event of death of trustee; to whom deposit shall be
The capital stock of every banking institution formed under the provisions of this chapter shall not be less than twenty-five thousand dollars.

Said stock shall be divided into shares of the par value of one hundred dollars each; such shares shall be deemed personal property and transferable on the books of the association in such manner as may be prescribed in the by-laws of the association.

Every such bank may exercise, under the laws of this state, all such incidental powers as may be necessary to carry on the business of banking, by discounting promissory notes, negotiating drafts, bills of exchange and other evidences of indebtedness, receiving deposits, buying and selling exchange, bank notes, bullion or coin, and by loaning money on personal or other security. Any banking institution may accept for payment at a future date drafts drawn upon it by its customers, and to issue letters of credit authorizing the holders thereof to draw drafts upon it or its correspondents, at sight or on time, not exceeding one year. It shall be unlawful for any individual or association of individuals doing business in this state to use in connection with such business the term "bank," "banker," "banking company," or "trust company," or receive deposits, or sell foreign currency without the proper authority of a bank.
exchange, until they shall have taken out a charter and complied
with the statutes governing banks and trust companies. Here-
after no charter shall be issued to any bank to do business in this
state until the application therefor has been approved in writing
by the commissioner of banking; and no real estate shall be carried
upon the books of any bank at a value greater than the assessed
value as shown by the land books of the county wherein such real
estate is assessed. No bank shall hold or convey real estate except
for the following purposes:

(1) Such as shall be necessary for its immediate accommo-
dation in the transaction of its business.
(2) Such as shall be mortgaged to it in good faith by way
of security for debts contracted.
(3) Such as shall be conveyed to it in satisfaction of debts
previously contracted in the course of its dealings.
(4) Such as it shall purchase at sales under judgments,
decrees, deeds of trust or mortgages, held by the association, or
shall purchase to secure debts due to it, which it shall dispose
of at the earliest practicable date. Any person violating the
provisions of this section shall be deemed guilty of a misdemeanor,
and on conviction thereof shall be fined not less than five hun-
dred dollars nor more than one thousand dollars, or be confined
in the county jail for a period not exceeding six months, or both,
at the discretion of the court, for each and every offense.

Sec. 78-a (7). At least twice in every year the commissioner
of banking, either in person or by competent assistant, shall make
a thorough examination of the books and affairs of every asso-
ciation mentioned in the next preceding section of this act. He
shall carefully examine all notes and mortgages and all other
assets of the concern, and shall ascertain the full amount of its
liabilities. He shall see that the books are kept properly posted
and balanced, and that complete trial balances are struck at regu-
lar intervals. Whenever it shall appear to the commissioner of
banking that any institution which by law is required to obtain
from him a certificate, or permit, to begin business, does not keep
its books and accounts in such manner as to enable him readily
to ascertain its true condition, he may issue an order requiring
such institution, or the officers thereof or any of them, to open
and keep such books or accounts as he may, in his discretion, de-
terme and prescribe for the purpose of keeping accurate and
17 convenient records of the transactions and accounts of such insti-
18 tution; and the expense thereof shall be paid by said institution.
19 Every bank shall preserve all its records of final entry, including
20 cards used under the card system and deposit tickets, for a period
21 of at least six years from the date of making the same or from the
22 date of the last entry thereon. Each official communication di-
23 rected by the commissioner of banking or one of his assistants
24 to a bank or to any officer thereof, relating to an examination or
25 investigation conducted by the banking department or containing
26 suggestions or recommendations as to the conduct of the business
27 of the bank, shall be submitted, by the officer receiving it, to the
28 board of directors at the next meeting of such board, and duly
29 noted in the minutes of the meetings of such board. If at any
30 time he shall find one of these institutions in an insolvent con-
31 dition, he shall deal with it according to the manner prescribed
32 in section eighty-one-a (7) of this act.

Limit on Loans: Amortization of Securities.

Sec. 79-a (1). The total liabilities to any bank or trust com-
2 pany of any person, or of any company, corporation or firm, for
3 money borrowed, including the liabilities of the company or firm,
4 the liabilities of the several members thereof, shall at no time
5 exceed twenty per centum of the capital stock, plus the surplus
6 fund and undivided profits. But the discount of bills of exchange
7 drawn in good faith against actually existing values, and the dis-
8 count of commercial or business paper actually owned by the
9 person negotiating the same, shall not be considered as money
10 borrowed. The corporation mentioned in this section shall not be
11 construed to mean municipal corporations, districts or counties.
12 The stocks, bonds and other interest-bearing securities purchased
13 by a bank shall be entered on its books at the actual cost thereof;
14 and for the purpose of calculating the undivided profits applicable
15 to the payment of dividends, such stocks and securities shall not
16 be estimated at a valuation exceeding their present cost as de-
17 termined by amortization, that is, by deducting from the cost of
18 any such stock or security purchased for a sum in excess of the
19 amount payable thereon at maturity, and charging to profit and
20 loss, a sufficient sum to bring it to par at maturity, or adding to
21 the cost of any such stock or security purchased at less than the
22 amount payable thereon at maturity, and crediting to profit and
loss, a sufficient sum to bring it to par at maturity; but nothing herein contained shall prevent a bank from carrying such stocks, bonds and other interest-bearing corporate securities on its books at their market value. No officer, director, clerk or other employee of any bank shall borrow, directly or indirectly, from the bank with which he is connected, any sum of money without the written approval of a majority of the board of directors or discount committee thereof filed in the office of the bank or embodied in a resolution adopted by a majority vote of such board exclusive of the director to whom the loan is made. If an officer, director, clerk or other employee of any bank shall own or control a majority of the stock of any other corporation a loan to that corporation shall be considered for the purpose of this sub-division as a loan to such officer, director, clerk or other employee.

Sec. 79-a (7). When any deposit shall be made by any person describing himself in making such deposit as trustee for another and no other or further notice of the existence and terms of a legal and valid trust than such description shall have been given in writing to the bank; in the event of the death of the person so described as trustee, such deposit or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom the deposit was thus stated to have been made. When a deposit shall have been made by any person in the name of such depositor and another person and in form to be paid to either, or the survivor of them, such deposit thereupon and any additions thereto made, by either of such persons, upon the making thereof, shall become the property of such persons as joint tenants, and the same, together with all interest thereon, shall be held for the exclusive use of the persons so named, and may be paid to either during the life-time of both, or to the survivor after the death of one of them; and such payment and the receipt or the acquittance of the one to whom such payment is made, shall be a valid and sufficient release and discharge to said bank, for all payments made on account of such deposit prior to the receipt by said bank of notice in writing signed by any one of such joint tenants, not to pay such deposit in accordance with the terms thereof.

Sec. 79-a (8). Any person who shall wilfully and maliciously make, circulate or transmit to another or others, any false statement, rumor or suggestion, written, printed or by word of mouth,
which is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any bank, savings bank, banking institution or trust company doing business in this state, or who shall counsel, aid, procure or induce another to start, transmit, or circulate any such statement or rumor, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or imprisoned in the county jail not more than one year, or both, in the discretion of the court.

Sec. 79-a (9). No bank which has paid and charged to the account of a depositor any money on a forged or raised check issued in the name of said depositor shall be liable to said depositor for the amount paid thereon unless either (1) within one year from notice to said depositor that the vouchers representing payments charged to the account of said depositor for the period during which such payment was made are ready for delivery, or (2) in case no such notice has been given, within one year after the return to said depositor of the voucher representing such payment, said depositor shall notify the bank that the check so paid is forged or raised. The notice referred to may be given by mail to said depositor at his last known address with postage prepaid. No bank shall be liable to a depositor because of the non-payment through mistake or error and without malice of a check which should have been paid unless the depositor shall allege and prove actual damage by reason of such non-payment and in such event the liability shall not exceed the amount of damage so proved.

Sec. 79-a (10). Nothing in any law of this state shall in any manner whatsoever affect the validity of, or render void or voidable, the payment, certification or acceptance of a check or other negotiable instrument or any other transaction by a bank in this state because done or performed on any Saturday between twelve o'clock noon and midnight; provided, such payment, certification, acceptance, or other transaction would be valid if done or performed before twelve o'clock noon on such Saturday; provided, further, that nothing herein shall be construed to compel any bank in this state, which by law or custom is entitled to close at twelve o'clock noon on any Saturday, to keep open for the transaction of business or to perform any of the acts or transactions aforesaid, on any Saturday after such hour except at its own option.

Sec. 79-a (11). The words "federal reserve act," as herein
2 used, shall be held to mean and to include the act of congress of
3 the United States approved December twenty-three, one thousand
4 nine hundred and thirteen, as heretofore and hereafter amended.
5 The words “federal reserve board” shall be held to mean the fed-
6 eral reserve board created and described in the federal reserve
7 act. The words “federal reserve bank” shall be held to mean
8 the federal reserve banks created and organized under the authority
9 of the federal reserve act. The words “member bank” shall be
10 held to mean any national bank, state bank or banking and trust
11 company which has become or which becomes a member of one
12 of the federal reserve banks created by the federal reserve act.
13 That any bank or trust company incorporated under the laws of
14 this state shall have the power to subscribe to the capital stock
15 and become a member of a federal reserve bank. Any bank or
16 trust company incorporated under the laws of this state which is,
17 or which becomes, a member of a federal reserve bank is vested
18 with all powers conferred upon member banks of the federal
19 reserve banks by the terms of the federal reserve act as fully and
20 completely as if such powers were specifically enumerated and
21 described herein, and all such powers shall be exercised subject
22 to all restrictions and limitations imposed by the federal reserve
23 act, or by regulations of the federal reserve board made pursuant
24 thereto. The right, however, is expressly reserved to revoke or
25 to amend the powers therein conferred. A compliance on the part
26 of any such bank or trust company with the reserve requiremen-
27 ts of the federal reserve act shall be held to be a full compliance
28 with those provisions of the laws of this state which require banks
29 or trust companies to maintain cash balances in their vaults or
30 with other banks, and no such bank or trust company shall be
31 required to carry or maintain reserve other than such as is re-
32 quired under the terms of the federal reserve act. Any such bank
33 or trust company shall continue to be subject to the supervision
34 and examinations required by the laws of this state, except that
35 the federal reserve board shall have the right, if it deems necessary,
36 to make examinations; and the authorities of this state having
37 supervision over such bank or trust company may disclose to the
38 federal reserve board, or to examiners duly appointed by it, all
39 information in reference to the affairs of any bank or trust com-
40 pany which has become, or desires to become, a member of a
41 federal reserve bank.

Sec. 79-a (12). It shall be lawful for any notary public
who is a stockholder, director, officer or employe of a bank or
other corporation to take the acknowledgment of any party to
any written instrument executed to or by such corporation, or
to administer an oath to any other stockholder, director, officer,
employe or agent of such corporation, or to protest for non-
acceptance or non-payment bills of exchange, drafts, checks, notes
and other negotiable instruments which may be owned or held
for collection by such corporation; provided, it shall be unlawful
for any notary public to take the acknowledgment of an instru-
ment by or to a bank or other corporation of which he is a stock-
holder, director, officer, or employe, where such notary is a party
to such instrument, either individually or as a representative of
such corporation, or to protest any negotiable instrument owned
or held for collection by such corporation, where such notary is
individually a party to such instrument.

CHAPTER 61.

(House Bill No. 279—Mr. Anderson.)

AN ACT to authorize the county court of the county of McDowell to­
establish and maintain a county law library.

[Passed February 21, 1919. In effect from passage. Approved by the Governor
February 22, 1919.]

SEC. 1. Establishment of law library in Mc-
dowell county.

SEC. 2. Purchase of books, periodicals, sta-
tionery, supplies, furniture and
equipment for same.

SEC. 3. Appointment of committee of law-
yers to purchase library; mak-
ing and enforcing of rules and

SEC. 4. Delivery of reports of supreme
court of appeals and acts of leg-
islature to library ordered; au-
thority to receive books or other
property by loan, gift or be-
quest.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of the county of Mc-
Dowell be and the said county court of McDowell county is here-
by authorized to establish and maintain a law library for the use
of the judges of the courts of said county, all attorneys at law
practicing in said court, and all public officers of said county, or
any subdivision thereof, or municipality therein. Said library
shall be known and designated as “The McDowell County Law
Library,” and shall be located at such place as the county court
may designate in the town of Welch, in said county.

Sec. 2. The said county court of the county of McDowell
may, within its discretion, purchase law books, law periodicals,
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3 stationery, supplies, furniture and equipment for said library, and 4 for said purpose shall have authority to expend money; provided, 5 however, that the cost of establishing said library shall not ex- 6ceed the sum of ten thousand dollars, and the maintenance thereof 7 shall not exceed the sum of one thousand five hundred dollars 8 per year thereafter.

Sec. 3. The said county court may, within its discretion, ap- 2 point a committee of three lawyers to purchase said library, one of 3 whom shall be the judge of the circuit court of said county, and 4 no law books shall be purchased for said library except upon the 5 order of the said committee; and the said committee shall have 6 power to make and enforce all rules and regulations as may be 7 deemed necessary for the government of the said library, and the 8 use thereof.

Sec. 4. As soon as practicable after any new volume of the 2 reports of the supreme court of appeals of West Virginia, as 3 well as the bound volumes of the acts of the legislature have been 4 printed, the officers charged with the distribution of the said re- 5 ports and said acts shall deliver one copy of each to said library. 6 And the said board of commissioners shall have authority to re- 7 ceive for said library any books or other property by loan, gift or 8 bequest.

CHAPTER 62.

(House Bill No. 96—Mr. Scott.)

AN ACT authorizing the board of education of Town district, 2 Raleigh county, West Virginia, to lay a special levy for the years 3 one thousand nine hundred and nineteen and one thousand nine 4 hundred and twenty, for the purpose of securing sufficient funds 5 to finish the construction of a public school building in the city 6 of Beckley, in said Town district.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the 7 Governor February 13, 1919.]

Sec. 1. Authorizing special levy for completion of school building in city 2 of Beckley, Raleigh county.

Sec. 2. Method of assessment and collection; use of proceeds.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Town district, Raleigh 2 county, West Virginia, is hereby authorized, in the years one 3 thousand nine hundred and nineteen and one thousand nine hun-
4 dred and twenty, to lay a special levy not to exceed ninety-five
5 cents on the one hundred dollars valuation of all property situate
6 in said district, to pay for the completion of a public school build-
7 ing in the city of Beckley, Raleigh county, West Virginia, now in
8 the course of construction.

Sec. 2. Such levies shall be assessed and collected as other-
2 wise provided by law and the proceeds of the same shall be used
3 for the purpose set forth in section one of this act, and for no
4 other.

CHAPTER 63.

(An ACT to Amend and Re-enact Sections Twelve, Thirteen, Nineteen
And Twenty, of Chapter One Hundred and Thirty-seven, of the
Code of West Virginia, Hogg's One Thousand Nine Hundred and

[Passed February 12, 1919. In Effect Ninety Days from Passage. Approved by the
Governor February 14, 1919.]

Sec. 12. Fees That May Be Charged by Justices of the Peace in Civil Cases.

Sec. 13. Fees That May Be Charged by Constables.

Sec. 20. Justices' Fees in Cases Not Otherwise Provided.

Be it enacted by the Legislature of West Virginia:

That sections twelve, thirteen, nineteen and twenty, of chapter one hundred and thirty-seven of the code of West Virginia (Hogg's one thousand nine hundred and thirteen edition), be, and the same are hereby, amended and re-enacted so as to read as follows:

Section 12. Every justice of the peace shall be entitled to
2 charge and receive the following fees in civil cases, viz:
3 For summons to commence a suit ......................... $ .30
4 For every copy thereof ........................................ .15
5 For every additional summons in same action .......... .30
6 For a copy thereof .......................................... .15
7 For docketing an action commenced by appearance and
8 agreement ......................................................... .30
9 For issuing order of arrest, order of commitment, or order
10 of attachment ................................................ .30
11 For every subpoena for witness ........................... .15
12 For order of arrest against delinquent witnesses or jurors,
13 or in any case of contempt, and for the trial and judg-
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<th>Description</th>
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<td>14</td>
<td>mentor of such case</td>
<td>.75</td>
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<tr>
<td>15</td>
<td>For swearing each witness, arbitrator or party</td>
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<td>16</td>
<td>For taking and certifying any affidavit in writing</td>
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<td>17</td>
<td>For every continuance</td>
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<td>18</td>
<td>For appointing a guardian for the suit of an infant plaintiff</td>
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<td></td>
<td>or defendant</td>
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<td>19</td>
<td>For appointing special constables at request of either party</td>
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<td>20</td>
<td>For settling and allowing interrogatories</td>
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<td>21</td>
<td>For entering agreement for arbitration</td>
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<td>22</td>
<td>For summons of arbitrators</td>
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<td>23</td>
<td>For every bond filed in the suit</td>
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<td>For venire for jury, including the drawing for the same</td>
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<td>25</td>
<td>For trying a case</td>
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<td>26</td>
<td>For entering judgment</td>
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<td>For abstract of judgment for docketing in the office of the</td>
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<td>clerk of the county court</td>
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<td>28</td>
<td>For transferring a judgment on docket</td>
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<td>29</td>
<td>For entering satisfaction of judgment</td>
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<td>30</td>
<td>For issuing execution and entering return thereof on his</td>
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<td>docket</td>
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<td>31</td>
<td>For issuing every additional execution</td>
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<td>32</td>
<td>For entering stay of execution</td>
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<td>33</td>
<td>For trying right of property levied on or attached</td>
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<td>34</td>
<td>For taxing costs</td>
<td>.25</td>
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<td>35</td>
<td>For every process or order not otherwise provided for</td>
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<td>36</td>
<td>For transcript from docket, and other writings and copies</td>
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<td></td>
<td>not otherwise provided for</td>
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<td>37</td>
<td>For transmitting or delivering papers to the clerk of the</td>
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<td>circuit court in case of an appeal</td>
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<td>38</td>
<td>For taking and certifying acknowledgment of deed or other</td>
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<td>instrument of writing</td>
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<td>39</td>
<td>For taking depositions of witnesses, if done in an hour or less</td>
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<td>40</td>
<td>If not done in an hour for additional time at the rate, per</td>
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<td></td>
<td>hour of</td>
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<td>41</td>
<td>For taking an inquest on a dead body, to be audited and paid</td>
<td>5.00</td>
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<td></td>
<td>from the treasury of the county</td>
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Sec. 13. Every constable shall be entitled to charge and receive the following fees: For removing a person by virtue of warrant issued under the thirteenth section of chapter forty-six to be charged to the county court of the county, five cents for each mile of necessary travel, going and returning; for service and return of
5-a summons to commenced a suit and for every additional summons, 6 seventy-five cents; for serving and returning order of attachment, 7 fifty cents for each garnishee summoned, and one dollar for 8 taking property, including inventory and appraisement, besides 9 the reasonable expenses of removing, securing and keeping the 10 property attached; for subpoenas, for each person served there- 11 with, twenty-five cents; for summoning a jury and return of 12 venire, one dollar and fifty cents; for levying an execution on 13 personal property and return, one dollar; for posting notices of 14 sale, forty cents; for money made under execution or attachment 15 and paid to the party entitled thereto, five per cent; for serving 16 and returning other writs and notices not specified in this section, 17 each seventy-five cents; for executing a writ of possession under 18 section two hundred and thirty-five of chapter fifty, two dollars; 19 for summoning the jury and witnesses for inquest on a dead body, 20 to be audited and paid from the treasury of the county, three 21 dollars; for services not otherwise provided for the same fees as 22 sheriff for similar cases.

Sec. 19. Every justice shall be entitled to the following fees 2 in criminal cases and proceedings before him, to be charged and 3 recovered as provided by the two hundred and twenty-seventh and 4 two hundred and twenty-ninth sections of chapter fifty. 5 For every recognizance or bond to keep the peace, or be of 6 good behavior ................................... $ .50 7 For every warrant of arrest or commitment .................... .50 8 For docketing case on return of warrant of arrest executed... .30 9 For all services rendered at the instance of the defendant, the 10 same fees shall be charged as are allowed for similar services in 11 civil cases.
12 For trial ............................................ $1.00 13 For every subpoena for one or more witnesses. ............... .15 14 For every copy thereof ................................ .10 15 For every warrant to summon a jury ........................... .25 16 For swearing a jury ...................................... .25 17 For swearing witnesses, each .............................. .05 18 For entering his judgment on his docket, and taxing the 19 costs .......................................................... .50 20 For issuing execution, and entering return thereof .......... .50 21 For granting an appeal, including taking the bond or recog- 22 nizance, making and certifying a transcript of his docket 23 and transmitting the same and the papers in the case to
the clerk of the circuit court, ten cents per hundred
words, or in lieu thereof a specified fee of.............. 1.00
In all other cases the fees allowed in civil cases by law to other
county officers for similar services.
Sec. 20. A justice shall be entitled in cases not otherwise
provided for to the following fees, which shall be audited and
paid by the county court as other claims against the county.
For warrant to arrest the person or persons accused, and take
him before a justice for examination, including the sum-
moning of witnesses.............................$.50
For examination of witnesses to ascertain whether such war-
rant ought to be issued, and against whom............... .50
For the examination when the accused is apprehended and
brought before him............................. 1.00
For recognizance of bail, warrant of commitment, or dis-
charge of the accused............................ .50
For recognizance of witnesses, each........................ .10
For search warrant.................................. .50

CHAPTER 64.
(House Bill No. 197—Mr. Parsons.)
AN ACT to amend and re-enact chapter thirty-nine of the acts of
one thousand eight hundred and eighty-seven of the legislature
of West Virginia, creating the "Independent School District of
Point Pleasant," and to change and enlarge the boundary and
limits of said independent school district so as to include addi-
tional territory.

[Passed February 14, 1910. In effect from passage. Became a law without the
Governor's approval.]

Sec.
1. Enlarging the boundaries and lim-
its of Point Pleasant Independent
school district; territory bounded
and described; provision for sub-
mitting proposed enlargement to
the voters of the district at a spe-
cial election; date of elec-
tion.
2. Tickets for and method of con-
ducting election; result to be
declared.
3. Board of education of Point Pleas-
ant Independent school district;
how constituted and elected; pow-
ers; term of office.
4. General school law of state to
govern district; present board to
continue until successors have
been chosen.

Sec.
5. School moneys unexpended; dispo-
sition of same; financial settle-
ments.
6. Appointment of secretary; duties;
salary.
7. Levy of tax for keeping schools
open not less than nine months
of every year; collecting of
same.
8. Establishment and maintenance of
high school; qualification of
teachers for same; pupils who
may be admitted; tuition for
non-resident pupils; appointment
of teachers; removals for in-
competency, neglect of duty, in-
temperance, profanity, cruelty
and immorality.
Be it enacted by the Legislature of West Virginia:

That chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia creating the independent school district of Point Pleasant and any amendments thereto be amended and re-enacted so as to change and enlarge the boundary limits of said independent school district of Point Pleasant created by chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven to read as follows:

Section 1. That in case a majority of the voters voting on the question at the election herein provided for, be in favor thereof, the following described territory in the county of Mason shall after the result of such election is ascertained and declared, be added to and become a part of the independent school district of Point Pleasant, to-wit:

All that territory bounded and described as follows:

Beginning at a point on the Kanawha river where a stake is called for, being a corner of the lands formerly owned by C. C. Miller, who is now deceased, and the lands of the Kanawha and Michigan railway company, thence with the division line between said Miller lands and the railway company lands, north twenty-nine degrees forty-five minutes, east two hundred four poles and twenty-two links to a stake; thence by same course fifty-five poles and four links to a corner of the said Miller lands, the lands of the Kanawha and Michigan railway company and the lands formerly owned by J. D. McCulloch; thence north fifty-eight degrees west; two hundred ninety-seven poles to a stake on the south side of the Clarksburg road; thence crossing the lands formerly belonging to H. J. Fisher, north seventy degrees west ninety poles and twelve links to a stake on the south side of the road; thence north thirty-seven degrees thirty minutes west, thirty-seven poles to a large cedar tree on a hill side; thence north twenty degrees fifteen minutes, one hundred twenty-one poles to a chestnut oak on a hill side; thence north twenty-eight degrees thirty minutes cast, one hundred thirty-four poles and eleven links to a small black oak on the top of a ridge on the lands of P. S. Eastham; thence north seventy-three degrees thirty minutes west, to the west bank of Crooked creek; thence along the west bank of Crooked creek with its meanderings and bindings thereon, north thirty-five degrees east four poles; north seventy-one degrees thirty-five minutes east, sixteen poles; north twenty-three degrees...
twenty poles; north twenty-two degrees east, twelve poles; north
sixty-seven degrees forty-five minutes east, twelve poles; south
eighty-four degrees fifteen minutes east, seventeen poles; north
forty-two degrees thirty minutes east, twelve poles; north two
degrees east, eight poles to the division line between the lands of
P. C. Eastham and James Capehart; thence across the lands of
James Capehart north five degrees east, four poles; north twenty-
four degrees thirty minutes east, ten poles; north twenty-four
degrees thirty minutes west, nine poles; north thirty-three de-
grees thirty minutes east, twenty-five poles; north fifty-six de-
grees thirty-two minutes east, thirty-two poles; north six degrees
east, sixteen poles; north thirty-three degrees thirty minutes east,
twenty-two poles to a point on south side of Jerico road, same
being corner to lands of E. J. Mossman; thence with the lines of
said E. J. Mossman south thirty-seven degrees west ten poles to a
stake in center of road; north eighty-one degrees thirty minutes
west, four poles ten and one-half links to a point in center of
Jerico road; thence leaving said Jerico road north eight degrees
east thirty-two poles nineteen links to a post set in the ground on
the fifteenth day of July, one thousand nine hundred and four;
then south eighty-two degrees west nine poles to a stake
on top of creek bank; thence along top of creek bank north twenty-
seven degrees fifteen minutes east, twenty poles to a stake;
then north thirty-five degrees east ten poles ten links to a stake
in bend of the fence; thence north fourteen degrees thirty minutes
east, thirty-eight poles ten links to a stake in out line of thirty-six
acre tract known as lot number one in Point Pleasant develop-
ment company’s survey; thence with said lot number one north
eighty-two degrees west nine poles fifteen links to a stake; thence
north forty-one degrees west eleven poles eight links to a stake at
the northeast corner of fair ground; thence along the north line
of said fair grounds north eighty-two degrees west, nine poles to
a stake; thence north six degrees east, sixty-one poles eleven links
to a stake; thence south thirty degrees east, seven and one-half
poles to a fence post in southeast corner of cemetery lot; thence
along the line of cemetery lot north seventy-five degrees
forty-five minutes west forty-eight poles to the east line of Jack-
son avenue as laid out by the Point Pleasant development com-
pany; thence along the east line of Jackson avenue north nine
degrees east, thirty-four poles twelve links to a stake in the out-
line of the Point Pleasant development company’s lands and with
74 said outline and line of land of Mrs. Ham Parr north seventy-six
75 degrees west one hundred seventy-one poles to a stake in the south
76 bank of Old Town creek; thence along the south bank of said Old
77 Town creek with its meandors and binding thereon, south thirty-
78 five degrees west, sixteen poles four links; north forty-seven de-
79 grees fifteen minutes west, six poles, north twenty-eight degrees
80 forty-five minutes west, eight poles; north seventy-five degrees
81 west, five and one-half poles; south three degrees thirty minutes
82 three poles four links; south twenty-eight degrees east, six poles
83 twenty links; south twenty degrees east, five poles; south twelve
84 degrees west, six poles nine links; south eight degrees west, seven
85 poles seven links; north eighty-one degrees thirty minutes west,
86 four poles twenty-two links; south forty-four degrees forty-five
87 minutes west, thirteen poles twenty-three links to the top of the
88 Ohio river bank; thence north seventy-three degrees thirty
89 minutes west, to the Ohio and West Virginia state line; thence
90 with said state line down the Ohio river to a point opposite the
91 center of the Kanawha river; thence crossing the Ohio river
92 and in a line with the center of the Kanawha river, and con-
93 tinuing said course up the center of said Kanawha river five hun-
94 dred three poles to a point opposite the beginning corner; thence
95 north twenty-nine degrees forty-five minutes east, three hun-
96 dred twenty-five feet to the place of beginning. The same being
97 the metes and bounds of the city of Point Pleasant.
98 Provided, however, that before this act shall take effect as
99 to the territory included in the said independent school district of
100 Point Pleasant, as existing before this act went into effect, it
101 shall be submitted to the voters of the independent school dis-
102 trict of Point Pleasant at a special election to be held in said
103 independent district under the direction of the board of educa-
104 tion thereof, to be held on the twelfth day of April, one thou-
105 sand nine hundred and nineteen, and before the same shall take
106 effect as to any part of the magisterial district of Lewis pro-
107 posed to be included in said independent school district of Point
108 Pleasant from said district of Lewis, it shall be submitted to
109 the voters of the said magisterial district of Lewis at a special
110 election to be held in said district under the direction of the
111 board of education thereof, to be held on the twelfth day of
112 April, one thousand nine hundred and nineteen.

Sec. 2. The tickets for the said election herein provided for
2 shall have written or printed thereon “For enlarging independent
school district" and "Against enlarging independent school district." The said election shall be held and conducted and the result thereof, in each of said districts, ascertained by officers to be appointed for the purpose in each of said districts by the boards of education thereof, respectively, conforming to the general law governing elections so far as applicable, and if the majority of the votes cast upon said question in each of the said districts shall be in favor of enlarging said independent school districts of Point Pleasant then the territory described in section one of this act shall thereafter be included within the independent school districts of Point Pleasant. If, however, the majority of votes cast upon said question in either of said districts shall be against enlarging said independent school district of Point Pleasant, or if the vote be even, then the boundary limits of said independent school district shall be and remain as they were before this act went into effect.

Sec. 3. In the independent school district of Point Pleasant there shall be a board of education, who shall be a corporation by the name of "The Board of Education of the independent school district of Point Pleasant, in the county of Mason," and as such shall possess all the power and be subject to all the liabilities of such corporation, and in addition thereto shall likewise perform all the duties and be subject to all the liabilities of both boards of education and trustees. Except as in the next section otherwise provided, said board of education shall consist of a president and two commissioners, to be elected at the general elections held in said county of Mason, all of whom, after those first elected, shall hold their offices for terms of four years, beginning on the first day of July, next after the dates of their respective elections, and until their successors shall have been elected and qualified. They shall be first elected at the general election to be held as aforesaid in the year nineteen hundred and twenty, the president and one of said commissioners for terms of two years, commencing as aforesaid, and the other commissioner for the full term of four years.

Sec. 4. The independent school district of Point Pleasant herein authorized, and the board of education herein authorized to be elected, shall conform to, and be governed by, the general school law in this state, except where it is otherwise provided by this act. But until the board of education is elected as provided in the next preceding section, the present members of the board

3 school district" and "Against enlarging independent school dis-
4 trict." The said election shall be held and conducted and the
5 result thereof, in each of said districts, ascertained by officers to
6 be appointed for the purpose in each of said districts by the
7 boards of education thereof, respectively, conforming to the gen-
8 eral law governing elections so far as applicable, and if the ma-
9 jority of the votes cast upon said question in each of the said dis-
10 tricts shall be in favor of enlarging said independent school dis-
11 tricts of Point Pleasant then the territory described in section
12 one of this act shall thereafter be included within the independent
13 school districts of Point Pleasant. If, however, the majority of
14 votes cast upon said question in either of said districts shall be
15 against enlarging said independent school district of Point Pleas-
16 ant, or if the vote be even, then the boundary limits of said in-
17 dependent school district shall be and remain as they were before
18 this act went into effect.
of education of the independent school district of Point Pleasant, and the members of the board of education of Lewis district residing within the territory included in this act shall be and is hereby constituted the board of education of the independent school district of Point Pleasant as created by this act until their successors are elected and qualified, as aforesaid. The members of the temporary board of education so constituted shall on the first Monday in July, one thousand nine hundred and nineteen, meet and elect one of their members president of said board. Nothing herein contained shall be construed to prohibit the re-election eligibility of any member of such board for two or more terms. Vacancies in the board shall be filled for the unexpired term by appointment by said board within four weeks after such vacancy shall have occurred. If the board shall fail or refuse to act within this time, the county superintendent of schools shall promptly fill said vacancy by appointment.

Sec. 5. All school moneys, whether belonging to the teachers' or building fund of Lewis district, which may be unexpended when the provisions of this act take effect, shall be divided between the said Lewis district and the independent school district of Point Pleasant, in proportion to the amount of taxable property added to the independent school district of Point Pleasant. The latest assessment for state and county purpose shall be taken as the basis of such settlement and division. It shall be the duty of the boards of education of each of said districts, on or before the first day of July, next after the provisions of this act take effect, to make the financial settlement provided for in this section.

Sec. 6. The said board of education, at their annual meeting on the first Monday of July of each year, shall appoint a secretary who shall not be a member of the board, and who shall perform all the duties of a secretary of a board of education prescribed in the general school law, and in addition thereto, shall make an enumeration of the youths of the said independent district, between the ages of six and twenty-one years of age, at the time required by the general school law, and according to the provision therein contained in relation to the making enumeration of youths. Salary of said secretary shall not exceed one hundred and fifty dollars per year.

Sec. 7. It shall be the duty of the board of education of said
independent district at their annual meeting, to be held at the

time required by the general school law, to ascertain, as near as
can be, the amount of money necessary, in addition to other funds
properly belonging to said independent district available for that
year, to keep the schools of said districts in operation not less than
nine months in the year, for which amount said board shall levy
a tax upon the taxpayable property included in said district, which
tax shall be collected in the same manner as other school taxes
are collected, under the provisions of the general school law of
this state; and for collecting the same the sheriff shall be allowed
the same commission as he is allowed by law for collecting the
school money for the districts.

Sec. 8. The board of education of said independent school
district shall establish and maintain a first class high school,
within the meaning of division (b) of section thirty of chapter
forty-five of the code of West Virginia in which no person, ex-
cept a thoroughly qualified high school teacher holding a degree
from a college at least equal to West Virginia university in its
curriculum and standing, shall be employed or permitted to teach
any of the branches regularly prescribed for first-class high schools
provided for in said division (b) the requirements of this section,
as to such high school, may be enforced by any taxpayer of said
independent district by mandamus to compel performances of
official duty thereunder, or injunction to prevent violation thereof.
In addition to said high school, said board of education may
establish and maintain such other schools as shall, in their judg-
ment, promote the educational interests of children of said in-
dependent school district. Pupils between the ages of six and
twenty-one years, residing elsewhere than in said independent dis-
trict may be admitted to said schools upon payment to said board
of education, in advance, of a reasonable monthly tuition, to be
fixed by said board, and to become a part of the teachers' fund of
said independent district. Said board of education shall, at a
meeting to be held not later than the first day of September, in
each year, appoint the teachers for said schools for the current
school year, and fix and determine their salaries for such year.
Such appointments shall be recorded by the secretary of said
board; and any teacher appointed by said board may, by them,
be removed for incompetency, neglect of duty, intemperance, pro-
fanity, cruelty and immorality.
CHAPTER 65.

(Senate Bill No. 16—Mr. Sanders.)

AN ACT to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, of one thousand nine hundred and thirteen.

[Passed February 10, 1919, In effect ninety days from passage. Approved by the Governor February 13, 1919.]

Sec. 1. Sec.

Be it enacted by the Legislature of West Virginia:

That sections four and six of chapter seventy-three of the code be amended and re-enacted to read as follows:

Section 4. When a husband and wife have signed a writing purporting to sell or convey real estate, the wife may acknowledge the same together with, or separately from, her husband. If both acknowledge said writing at the same time, the certificate of such acknowledgments shall be in form or effect as follows:

State (territory or district) of. ................ , county of. .............. , to-wit:

I, ................. , a commissioner appointed by the governor of the state of West Virginia for the said state of . ........................ , (or territory or district of. ................ )

or, I, ................. , a justice of the peace of the said county of. ................ , or, I, ................. , a notary of the said county of. ................ , or, I, ................. , prothonotary (or clerk) of the. . . . . . . . . court or county of. ................ ,

( or other officer or person authorized to take acknowledgments by section one of this chapter as the case may be,) do certify that. ............. and ............... , his wife, whose names are signed to the writing above (or hereto annexed) bearing date the ......... day of. ................. , 19 .... , have this day acknowledged the same before me in my said. ..........,

Given under my hand this ....... day of .......... 19 .... .
Sec. 6. When the acknowledgment of a married woman shall have been so taken and certified as aforesaid, such conveyance or other writing agreeing to sell and convey shall operate to pass or convey from the wife her right of dower in the real estate embraced therein, and pass from her and her representatives all right, title and interest of every nature which, at the date of such writing, she may have in any real estate sold or conveyed thereby, as effectually as if she were, at said date, an unmarried woman. If the deed or other writing agreeing to sell and convey, be executed by a married woman, who, at the time of its execution and acknowledgment is living separate and apart from her husband, or her husband be non compos mentis, and such deed or other writing agreeing to sell and convey, be for real estate which is her sole and separate property, such facts shall be recited in the deed or other writing agreeing to sell and convey, and if her husband has not joined therein, no person authorized by the provisions of section four of this chapter to take such acknowledgment, shall take and certify the same until it is proved to his satisfaction that such real estate is the sole and separate property of such married woman, and that she was, and is, living separate and apart from her husband, or that her husband is non compos mentis at the date of such deed, or other writing agreeing to sell and convey, and the acknowledgment thereof; and it shall be stated in the certificate of such acknowledgment that all of said facts were shown to the satisfaction of the person taking the same. The certificate as to such facts may be in form or effect as follows:

"And I further certify that before taking said acknowledgment, it was proved to my satisfaction that the real estate in said writing mentioned was the sole and separate property of said .............., and that she was at the date of said writing, and now is, living separate and apart from her husband (or that her husband is non compos mentis)," and the same shall be included in the certificate of her acknowledgment.

Such certificate shall, in all cases where the validity of any such deed or other writing agreeing to sell and convey
35-a comes in question, be \textit{prima facie} evidence of the facts therein stated. If any person shall wilfully make any false certificate contrary to the true facts in the case, he shall be guilty of a misdemeanor, and, upon conviction thereof, be fined and imprisoned at the discretion of the court.

\textbf{CHAPTER 66.}

(\textit{Senate Bill No. 8—Mr. Sanders.})

AN ACT to require judgments and decrees of the circuit and district courts of the United States to be docketed in the offices of the clerks of the courts of West Virginia.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the Governor February 15, 1919.]

\textbf{SEC. 1.} Judgments and decrees of United States circuit and district courts: docketing same in state courts.

\textit{Be it enacted by the Legislature of West Virginia:}

That judgments and decrees rendered in a circuit or district court of the United States within this state shall be docketed and indexed in the clerk's offices of the courts of this state in the same manner and under the same rules and requirements of law as judgments and decrees of the courts of this state.

\textbf{CHAPTER 67.}

(\textit{Senate Bill No. 17—Mr. Sanders.})

AN ACT to fix the salaries of the governor and the judges of the supreme court of appeals.

[Passed January 28, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

\textbf{SEC. 1.} Governor's salary: increase in pay; salary of judges of the supreme court of appeals: inconsistent acts and parts of acts repealed.

\textit{Be it enacted by the Legislature of West Virginia:}

That from and after the fourth day of March, one thousand nine hundred and twenty-one the governor shall receive an annual salary of ten thousand dollars, payable monthly out of the treasury, and that from and after the first day of July, one thousand nine hundred and nineteen each of the judges of the supreme court of appeals shall receive an annual salary of eight thousand dollars, payable monthly out of the treasury.
All acts coming within the purview of this act and inconsistent herewith are hereby repealed.

CHAPTER 68.
(Senate Bill No. 14—Mr. Sanders.)

AN ACT to amend and re-enact section four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three as amended by section one, of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four of chapter twenty-seven of the acts of the legislature of West Virginia of one thousand nine hundred and seven, as amended by section four of chapter five of the extraordinary session of the acts of the legislature of West Virginia of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia.

[Passed January 25, 1910. In effect from passage. Approved by the Governor February 6, 1910.]

Sec. 4. Criminal court of Mercer county; salary of judge.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen, section four of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, as amended by chapter fourteen, section one, of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four, chapter twenty-seven, of the acts of the legislature of West Virginia of one thousand nine hundred and seven, as amended by section four, chapter five, of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and eight, be amended and re-enacted so as to read as follows:

Section 4. That the judge of said court shall for his services receive four thousand dollars per annum, payable out of the county treasury of said county, as provided for by chapter fourteen, section one, of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four.
CHAPTER 69.

(Senate Bill No. 44—Mr. Stewart.)

AN ACT to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion.

[Passed January 25, 1919. In effect ninety days from passage. Approved by the Governor February 6, 1919.]

SEC. 1. Establishing the criminal court of Marion county.

SEC. 2. Jurisdictions concurrent with circuit court; supervision over and control of other courts.

SEC. 3. Election of judge; time of election and length of term; appointment by governor of a judge to serve to January 1st, 1921.

SEC. 4. Salary of judge; payable by county court.

SEC. 5. Authority of judge; powers in vacation.

SEC. 6. Jurisdiction of court presumed.

SEC. 7. Power to punish for contempt.

SEC. 8. Terms of court; where to be held.

SEC. 9. May order grand jury drawn for any special or adjourned term of court; impaneling and compensation of jurors.

SEC. 10. Circuit clerk to act for new court; fees allowed for services.

SEC. 11. Powers and duties of sheriff and deputies.

SEC. 12. Determination of indictments and prosecutions; criminal appeals; recognizances.

SEC. 13. Change of venue.

SEC. 14. Record books, seal; credit to be given; record of court.

SEC. 15. Certification of record; discretion of judge; election of special judge, compensation.


SEC. 17. Appeals allowed; right of appeal of both state and defendant.

SEC. 18. Petition for appeal; writ of error and supersedeas; when petition shall be presented.

SEC. 19. Appeal, writ of error, supersedeas; docketing of same.

SEC. 20. Appeal, writ of error, supersedeas; rejection by court or judge.

SEC. 21. Circuit court; proceedings regarding appeal, writ of error and supersedeas.

SEC. 22. Writ of habeas corpus ad subjiciendum; provisions governing.

SEC. 23. Duties of prosecuting attorney and assistant.

SEC. 24. Laws applicable to said court.

SEC. 25. Stenographer for court; duties, compensation; how paid.

SEC. 26. Grand juries; not to be empanel in circuit court.

SEC. 27. Contest for office of judge; how determined.

SEC. 28. Vacancy in office of judge; manner of filling such vacancy.

SEC. 29. Removal of judge, reasons for and manner of accomplishing.

SEC. 30. Powers to be exercised by court or judge in vacation; jurisdictions concurrent with circuit court.

SEC. 31. Application to court of chapter one hundred and fourteen of the code.

Be it enacted by the Legislature of West Virginia:

Section 1. That a court of limited jurisdiction is hereby established in and for the county of Marion, to be held and presided over by a judge to be appointed or elected as provided by this act, which court shall be named and designated "The Criminal Court of Marion county."

Sec. 2. The said court shall have jurisdiction within the said county of Marion concurrent with the circuit court of all felonies and misdemeanors committed within said county of Marion. Said court shall also have jurisdiction concurrent with the circuit court of said county, and shall have the supervision and control of criminal proceedings before justices of said county, the mayor of any incorporated city, town or village or other police court of any incorporated city, town or village therein by appeal, mandamus, prohibition and certiorari. It shall also have
10 jurisdiction concurrent with said circuit court for the collection
11 of all recognizances taken by said criminal court and for the
12 collection of all bonds taken by said criminal court or by the
13 clerk thereof in vacation, to secure the payment of judgments for
14 fines and costs rendered by said court, and for the collection of
15 all recognizances and bonds taken by the justices of said county
16 or the mayor of any incorporated city, town or village in said
17 county in relation to criminal proceedings before said justices
18 or mayor. The said court shall also have jurisdiction concurrent
19 with the circuit court of said county for the maintenance of
20 illegitimate children, as provided by chapter eighty of the code
21 of West Virginia.

Sec. 3. There shall, at the general election to be held in this
2 state on the Tuesday next after the first Monday in November in
3 the year one thousand nine hundred and twenty and every four
4 years thereafter, be elected by the legal voters of said county a
5 judge of said criminal court who shall be a resident member of
6 the bar of said county and shall be disqualified from practicing
7 law in all of the courts of this state during his continuance in
8 office, who shall preside over said court for the term of four years
9 from the first day of January succeeding his election, and shall
10 be, except as to his term of office and jurisdiction, subject to the
11 laws in force governing circuit court judges. For the time inter-
12 vening between the date this act takes effect and the election
13 of a judge of said court as herein provided, the governor of this
14 state shall appoint and commission as judge of said criminal
15 court a proper person, who at the time of his appointment shall
16 be a resident member of the bar of said county, and the judge so
17 appointed shall hold said office until the first day of January,
18 one thousand nine hundred and twenty-one, or until his suc-
19 cessor is elected and qualified, and shall otherwise be subject to
20 the provisions of this act applicable to a regularly elected judge
21 of said criminal court.

Sec. 4. The judge of said criminal court shall receive for
2 his services a salary of forty-eight hundred dollars per year, said
3 amount to be fixed and paid from year to year by the county
4 court of said county out of the funds of said county, as provided
5 by statute.

Sec. 5. The powers and jurisdiction conferred upon the cir-
2 cuit courts in the trial of criminal cases and proceedings and
3 modes of procedure authorized therein within the county of
4 Marion are hereby conferred upon, and shall be exercised by said
5 criminal court of Marion county. And the judge of said criminal
6 court shall have the same powers in vacation as to felonies, mis-
7 demeanors and other offenses committed in the said county of
8 Marion that are conferred upon the judge of the circuit court of
9 said county.

Sec. 6. It shall not be necessary for any cause or proceeding in said criminal court that the facts authorizing it to take
2 jurisdiction of the case or proceeding shall be set forth upon the
3 record, but jurisdiction shall be presumed unless the contrary
5 plainly appears from the record.

Sec. 7. The said criminal court shall have the same powers
2 to punish for contempt as are conferred upon the circuit court
3 by law.

Sec. 8. There shall be three terms of said court in each
2 year commencing on the second Tuesday in January, the second
3 Tuesday in May and the third Tuesday in September. The
4 terms of said court shall be held at the county seat of said county
5 at the court house thereof.

Sec. 9. The said criminal court shall impanel a grand jury
2 at each term thereof, and said court, or the judge thereof may in
3 his discretion order a grand jury to be drawn or summoned to
4 attend at any special or adjourned term of said court. Such
5 grand jury may consider any offense against the laws committed
6 within said county of Marion, whether the same shall have been
7 committed before the next preceding term of the court or not, and
8 whether the accused shall have been held for trial or not, prior to
9 the next preceding regular term, and all the provisions of chapter
10 one hundred and fifty-seven of the code of West Virginia in re-
11 gard to grand juries in the circuit court, shall apply so far as
12 applicable to the grand juries in said criminal court. The grand
13 and petit juries serving in said court shall be chosen and im-
14 paneled in the same manner as they are chosen and impaneled by
15 law in the circuit court and shall receive the same compensation
16 as said jurors in the circuit court.

Sec. 10. The clerk of the circuit court of Marion county shall
2 be ex-officio clerk of said criminal court and perform the duties
3 thereof, and shall receive the same fees as are allowed by law for
4 similar services to the clerk of the circuit court; and in the dis-
charge of his duties as clerk of the criminal court he shall be subject to all statutes relating to the clerk of the circuit court. All processes, rules and orders of said court in the exercise of its jurisdiction shall be signed by the clerk thereof and be directed to the sheriffs of the proper counties wherein the same are to be executed, and they shall be executed in like manner and with the same effect as process issuing from the circuit court of said county.

Sec. 11. The sheriff of Marion county and the sheriffs of the several counties in the state shall, by themselves or their deputies, execute all processes of said court, or those issued by the clerks thereof, directed to them respectively and all processes issued by the clerk thereof shall be directed to and executed by them in the same manner as is provided by law as processes issuing from the circuit court or the clerk thereof. And the sheriff of Marion county shall perform the same duties and services for the criminal court of Marion county as he is now by law required to perform for the circuit court of said county. And in the execution of processes, rules and orders of said court said officers shall have the same powers and likewise be subject to the same liabilities, govern themselves by the same rules and principles of law and the statutes of the state and be entitled to the same fees as though process issued from the circuit court of said county.

Sec. 12. The circuit court of said county may in its discretion certify to said criminal court for trial and determination all indictments and prosecutions including criminal appeals from justices of said county, the mayor of any incorporated city, town or village or other police court of any city, town or village for felonies, misdemeanors and offenses now pending in said circuit court or that may hereafter be appealed or certified thereto or pending therein or found by the grand juries impaneled in said circuit court; and the said circuit court may in its discretion take proper recognizances from the defendant in bailable cases, and also from witnesses for the state, for their appearance before the said criminal court.

Sec. 13. A change of venue in any case pending in said court may be ordered as provided in chapter one hundred and fifty-nine of the code of West Virginia.

Sec. 14. It shall be the duty of the county court of Marion county to provide all record books and other stationery that may be necessary for said criminal court, and likewise a seal for the
said court; but full faith and credit shall be given to the record
of said court and certificates of its judge and clerk whether the
seal of the court be affixed thereto or not, in like manner, and
with the same effect as if the same were records of the circuit
court similarly authenticated.

Sec. 15. If the judge of said criminal court in his judgment
cannot properly preside at the hearing of any case pending
therein said cause may be, in his discretion, certified to, and the
original papers together with a copy of the orders of the court
filed in the circuit court of said county, and the cause shall be
docketed therein and proceed with as though the case had
originally been brought and the prior proceedings had in the
circuit court to which it was transferred. And the said criminal
court may in its discretion take such recognizances from the de-
defendants in bailable cases, and from the witnesses for the state,
as he may deem proper, for their appearance before said court.
Or when for any cause the judge of said criminal court is in-
capable of acting, or is absent, a special judge may be elected in
the same manner as a special judge of the circuit court and
governed in all respects as far as applicable, the same as a special
judge of the circuit court, and shall be allowed fifteen dollars a
day to be paid out of the county treasury.

Sec. 16. Every person sentenced to imprisonment by the
judgment of a justice or the judgment of the mayor of any in-
corporated city, town or village, in said county, or to the pay-
ment of a fine of ten dollars or more, shall be allowed an appeal,
as provided in section two hundred and thirty of chapter fifty of
the code of West Virginia, to the criminal court of said county,
concurrent with the circuit court of said county, and all the pro-
visions of said section shall apply to said appeal and govern the
proceedings thereon, and the same shall be proceed in, heard
and determined, and with like effect, as is provided in said sec-
tion two hundred and thirty of chapter fifty of the code.

Sec. 17. Appeals may be allowed and writs of supersedeas
awarded to the judgments, rules and orders of said court by the
circuit court of said county, or the judge thereof in vacation in
cases involving the freedom of a person, or the constitutionality
of a law, and when judgment is rendered against a defendant in
case of felony or misdemeanor, and in cases relating to the
public revenue, the right of appeal shall belong to the state as
well as to the defendant.
Sec. 18. Any person who is a party to any such controversy wishing to obtain an appeal, writ of error or supersedeas, in the cases named in the seventeenth section of this act, may present to the circuit court of Marion county, or the judge thereof in vacation, a petition therefor, together with the original record of such controversy and attested copies of the orders entered therein, and chapter one hundred and thirty-five of the code of West Virginia concerning appeals to the supreme court of appeals shall so far as applicable govern the proceedings on such appeal, writ of error or supersedeas as to the duties of the petitioner, the said court and the clerk thereof; provided, however, no such appeal, writ of error or supersedeas to said court shall be allowed unless the petition therefor be presented in six months from the date of such judgment or order.

Sec. 19. Every appeal, writ of error or supersedeas from said criminal court shall be docketed in the circuit court of said county, and shall be proceeded with in the same manner as appeals, writs of error or supersedeas are proceeded in when heard and determined in the supreme court of appeals.

Sec. 20. In a case where an appeal, writ of error or supersedeas is to the circuit court, if the court or judge thereof deems the order or judgment plainly right and rejects it on this ground, if the order of rejection so state no further petition shall afterwards be presented for the same purpose, but the petition and the order of rejection with the original record and attested copies of the said orders may be presented to the supreme court of appeals, or a judge thereof in vacation, for an appeal, writ of error or supersedeas from said order of rejection. And, if allowed, the same proceeding may be had thereon as if the same were a petition originally from the circuit court of said county to the supreme court of appeals.

Sec. 21. The said circuit court, where an appeal, writ of error or supersedeas has been allowed by the said court or judge thereof in vacation shall, upon the hearing thereof, affirm said judgment or order if there be no error therein prejudicial to the appellant, or reverse the same in whole or in part if erroneous, and the circuit court may retain the case for trial or remand the same back to said criminal court to be further proceeded in and finally determined. And the clerk of said circuit court shall, as soon as practicable, transmit the decision of said circuit court to the clerk of said criminal court.
Sec. 22. The criminal court of Marion county and the judge thereof in vacation shall, concurrent with the supreme court of appeals or the circuit court of said county, or any judge of any circuit court in vacation, grant the writ of habeas corpus ad subjiciendum as provided in chapter one hundred and eleven of the code of West Virginia; and all provisions of said chapter shall be applicable thereto, and the same shall be governed as therein provided. But in no case shall the same be issued by the said criminal court or the judge thereof in vacation on the application of any person unless he shall by himself, or by some one in his behalf, apply for the same by petition showing by affidavit or other evidence probable cause to believe that he is detained in the county of Marion without lawful authority.

Sec. 23. The prosecuting attorney of Marion county shall attend the terms of said criminal court either by himself or his assistant, and shall perform the duties of his office as required by section six of chapter one hundred and twenty of the code.

Sec. 24. Sections forty-one, forty-two and forty-three of chapter forty-one of the code of West Virginia shall apply to the criminal court of Marion county and the judge thereof in the same manner and to the same extent as they do to the circuit court of Marion county and the judge thereof.

Sec. 25. The judge of said criminal court shall appoint a court stenographer for said court, who shall attend the terms of said criminal court and take the evidence and transcribe the same when required so to do. And for his services he shall receive the same compensation and be paid in the same manner as stenographers in the circuit courts of this state are paid, and the law that now governs the appointment and compensation of a court stenographer or reporter for the fourteenth judicial circuit shall in all respects govern this appointment.

Sec. 26. From and after the first term of said criminal court held under this act, no grand juries shall be impaneled in the circuit court, unless the judge of said circuit court directs a grand jury to be summoned and impaneled at a regular or special term of said court or by order entered of record.

Sec. 27. If the office of judge of said criminal court be contested the said contest shall be heard and determined in the same manner as the election of judges of the circuit courts are determined.
Sec. 28. If from any cause the office of judge of said criminal court shall become vacant, the vacancy shall be filled in the same manner as in the case of a vacancy in the office of judge of the circuit court.

Sec. 29. The judge of said criminal court may be removed from office for the same reasons and in the same manner as judges of the circuit courts.

Sec. 30. Chapter one hundred and fifty-six of the code of West Virginia shall apply to the criminal court of Marion county and to the judge thereof in vacation, in the same manner and to the same extent that it does to the circuit court of Marion county, or to the judge thereof in vacation, and the same powers may be exercised within the county of Marion by said criminal court, and the judge thereof in vacation, concurrent with the circuit court of said county, as provided for in said chapter. All examinations, recognizances, warrants of commitment and certificates or other proceedings, made returnable to the circuit court of Marion county, under the provisions of said chapter one hundred and fifty-six, may be made returnable likewise to said criminal court of Marion county, concurrent with the circuit court of said county.

Sec. 31. Chapter one hundred and fourteen of the code of West Virginia shall apply to the criminal court of Marion county, in the same manner and to the same extent that it does to the circuit courts of the state.

CHAPTER 70.

(Senate Bill No. 4—Mr. Harman.)

AN ACT to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia relating to compensation of commissioners.

[Passed January 27, 1910. In effect ninety days from passage. Approved by the Governor February 6, 1910.]

Sec. 3. Services of commissioners; court to apportion commissioner.

Be it enacted by the Legislature of West Virginia:

That section three of chapter one hundred and thirty-two of the Code of West Virginia relating to compensation of commissioners be amended and re-enacted so as to read as follows:
Section 3. For the services of commissioners or officers under any decree or order for a sale, including the collection and paying over of the proceeds, there shall not be allowed any greater commission than five per centum of the amount received by them, unless the court otherwise order. And if a sale be made by one commissioner or officer and the proceeds be collected by another, the court under whose decree or order they acted, shall apportion the commission between them as may be just.

CHAPTER 71.

AN ACT in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the Governor February 17, 1919.]

Sec. 1. Persons engaged in furnishing natural gas for public use in West Virginia: requirements to extent of supply.

2. Powers of public service commission to aid persons having inadequate supply for public use; application and hearing; connection of pipes and lines; determining terms and condition of connections; costs and expenses in making same.

3. Duties and powers of public service commission conferred under previous acts, when not in conflict with this act, re-conferred in respect to subject matter of this act.

Sec. 4. Violations of this act: right of aggrieved persons to complain to public service commission: right of appeal to courts of competent jurisdiction.

5. Penalties for violations of requirements of commission.

6. Suit may be brought for damages through violations; court may compel attendance of persons against whom suit is brought.

7. Defining the word "persons."

8. Sections, provisions and clauses of this act held separable.

9. Repealing acts and parts of acts inconsistent.

Be it enacted by the Legislature of West Virginia:

Section 1. That every person engaged in furnishing, or required by law (whether statutory or common law) to furnish, natural gas for public use, or for the use of the public, or any part of the public, whether for domestic, industrial or other consumption, within this state, shall to the extent of his supply of said gas produced in this state, (whether produced by such person or by any other person), furnished for public use within the territory of this state, and for the use of the public and every part of the public within the territory of this state, in or from
which such gas is produced, or through which said gas is trans-
ported, or which is served by such person, a supply of natural gas
reasonably adequate for the purposes, whether domestic, industrial
or otherwise, for which natural gas is consumed or desired to be
consumed by the public, or any part of the public, within said
territory in this state, and for which said consumer or consumers
therein shall apply and be ready and willing to make payment at
lawful rates.

Sec. 2. That in case any person engaged in furnishing, or
required by law (whether statutory or common law) to furnish,
natural gas for public use within this state, or for the use of the
public or any part of the public within this state, shall have a
production or supply of natural gas which is, or probably will be,
insufficient to furnish for such use, (for the purposes, whether
domestic, industrial or otherwise, for which natural gas is consum-
ed by the public or any part of the public), within the territory
in this state served by such person, then and in that event the
public service commission shall have authority, and the same is
hereby conferred on it, upon the application of any such person
or any of his consumers within this state and after due hearing
upon notice and proof to the satisfaction of the commission that
public convenience and necessity so require, to order any other
person engaged in furnishing, or required by law (whether statu-
tory or common law) to furnish, natural gas for public use within
this state, and producing or furnishing natural gas for public use
in said territory or transporting the same through said territory,
to furnish to such person having such insufficient production or
supply, natural gas for the purpose of supplying such deficiency,
at and during such times, upon and at such just and reasonable
terms, conditions and rates, and in such amounts, as the commis-
sion shall prescribe. And whenever, after such hearing upon
notice and proof, the commission shall determine that public con-
venience and necessity so require, the commission shall have au-
thority to provide for and compel the establishment of a reason-
able physical connection or connections between the lines, pipes
or conduits of such person having such excess supply of gas and
the lines, pipes or conduits of the person having such deficiency
of supply, and to require the laying and construction of such
reasonable extensions of lines, pipes or conduits as may be neces-
sary for the establishment of such physical connection or con-
sections, and to ascertain, determine and fix the just and reasonable terms and conditions of such connection or connections, including just and reasonable rules and regulations and provision for the payment of the costs and expense of making the same or for the apportionment of such cost and expense as may appear just and reasonable. Provided, however, that no person shall, by virtue of this section, be ordered to furnish natural gas to any other person so engaged in furnishing, or required by law to furnish, natural gas for public use, except to the extent that the person so ordered to furnish natural gas shall, at the time, have a production or supply of natural gas in excess of the quantity sufficient to furnish a reasonably adequate supply to his consumers within this state; nor shall any person, by virtue of this section, be ordered to furnish natural gas to any other person so engaged in furnishing or required by law to furnish, natural gas for public use in a territory within this state, if and when the said person having said excess shall, to the extent of such excess, be ready and willing to furnish, and within such time as the commission shall prescribe shall actually furnish, to the consumers within said territory a reasonably adequate supply of natural gas.

Sec. 3. That insofar as the same shall not be in conflict with this act, all of the authority, powers, jurisdiction and duties conferred and imposed on the public service commission by the act entitled, “An act to create a public service commission and to prescribe its powers and duties, and to prescribe penalties for the violations of the provisions of this act”, passed February twenty-first, one thousand nine hundred and thirteen, as amended by the act entitled, “An act to amend and re-enact sections one, two, three, four, five, nine, ten, fourteen, fifteen and twenty-two, of chapter nine of the acts of one thousand nine hundred and thirteen, creating a public service commission, prescribing its powers and duties, and penalties for violation of the provisions of said chapter, and to add thereto six sections to be known as sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven twenty-eight, enlarging the powers and duties of said public service commission, prescribing additional penalties and giving to the commission power to punish for contempt,” passed February tenth, one thousand nine hundred and fifteen, are hereby conferred and imposed on the public service commission in respect to the subject matter of this act, or any part thereof.
Sec. 4. That in case of violation of any provision of this act any person aggrieved or affected thereby may complain thereof to the public service commission in like manner, and thereupon such procedure shall be had, as is provided in respect to other complaints to or before said commission, and all such proceedings and remedies may be taken or had for the enforcement or review of the order or orders of said commission, and for the punishment of the violation of such order or orders, as are provided by law in respect to other orders of said commission. In case of the violation of any provision of this act, the public service commission, or any person aggrieved or affected by such violation, in his own name, may apply to any court of competent jurisdiction by a bill for injunction, petition for writ of mandamus or other appropriate action, suit or proceeding, to compel obedience to and compliance with this act, or to prevent the violation of this act, or any provision thereof, pending the proceedings before said commission, and thereafter until final determination of any action, suit or proceeding for the enforcement or review of the final order of said commission; and such court shall have jurisdiction to grant the appropriate order, judgment or decree in the premises.

Sec. 5. That if any person subject to the provisions of this act shall fail or refuse to comply with any requirement of the commission hereunder, such person shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars for each offense; and such person, or the officers of the corporation, where such person is a corporation, may be indicted for their failure to comply with any requirement of the commission under the provisions of this act, and upon conviction thereof, may be fined not to exceed five hundred dollars, and in the discretion of the court, confined in jail not to exceed thirty days. Every day during which any person, or any officer, agent or employee of such person, shall fail to observe and comply with any order or direction of the commission, or to perform any duty enjoined by this act, shall constitute a separate and distinct violation of such order or direction of this act, as the case may be.

Sec. 6. That any person claiming to be damaged by any violation of this act may bring suit in his own behalf for the recovery of the damage from the person or persons so violating the same in any circuit court having jurisdiction. In any such
5 action the court may compel the attendance of the person or per-
6 sons against whom said action is brought, or any officer, director,
7 agent or employee of such person or persons, as a witness, and
8 also require the production of all books, papers and documents
9 which may be useful as evidence, and in the trial thereof such
10 witness may be compelled to testify, but any such witness shall
11 not be prosecuted for any offense concerning which he is com-
12 pelled hereunder to testify.

Sec. 7. That the word “person” within the meaning of this
2 act shall be construed to mean, and to include, persons, firms and
3 corporations.

Sec. 8. That the sections, provisions and clauses of this act
2 shall be deemed separable each from the other, and also in re-
3 spect to the persons, firms, corporations and consumers mentioned
4 therein or affected thereby, and if any separable part of this act
5 be, or be held to be unconstitutional or for any reason invalid or
6 unforceable, the remaining parts thereof shall be and remain in
7 full force and effect.

Sec. 9. That all acts and parts of acts in conflict with this
2 act are hereby repealed.

CHAPTER 72.
(Senate Bill No. 182—Mr. Staats.)

AN ACT authorizing the board of education of Washington district,
Pleasants county, West Virginia, to acquire land by condemna-
tion or otherwise, not to exceed ten acres, for district high school
purposes, and authorizing a special levy to pay for the same.

[Passed February 7, 1910. In effect from passage. Approved by the Governor
February 12, 1910.]

Sec. 1. Board of education, Washington district, Pleasants county, au-
       thorized to acquire land for dis-
       trict high school purposes.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Washington district,
1 Pleasants county, West Virginia, is authorized to acquire land
2 by condemnation or otherwise, not to exceed in quantity ten acres
3 in one parcel, for the purpose of district high schools and grounds,
4 and may, in the year one thousand nine hundred and nineteen
5 and one thousand nine hundred and twenty, lay a special levy of
6 not to exceed fifteen cents on the one hundred dollars valuation
8 of all property situate in said district to pay for the land so ac-
quired.

CHAPTER 73.

(Senate Bill No. 203—Mr. York.)

AN ACT relating to advertisements of certain remedies.

[Passed February 21, 1910. In effect ninety days from passage. Approved by
the Governor February 22, 1910.]

Sec. 1. Advertisements concerning venereal diseases prohibited in cer-
tain instances; penalties.

2. Legitimate public notices may be

Be it enacted by the Legislature of West Virginia:

Section 1. Whosoever publishes, delivers or distributes or
2 causes to be published, delivered or distributed in any manner
3 whatsoever in the state of West Virginia, any advertisement con-
cerning a venereal disease, lost manhood, lost vitality, impotency,
5 sexual weakness, seminal emissions, varicocele, self-abuse or ex-
cessive sexual indulgence and calling attention to a medicine,
7 article or preparation that may be used therefor, or to a person
8 or persons from whom or an office or place at which information,
9 treatment or advice relating to such disease, infirmity, habit or
10 condition may be obtained, is guilty of a misdemeanor and upon
11 conviction thereof shall be punished by a fine of not less than one
12 hundred dollars, nor more than three hundred dollars, or impris-
onment in the county jail not to exceed six months, or both in
14 the discretion of the court.

Sec. 2. Nothing in this act shall be construed as to pre-
2 vent legitimate and legal public notices, placards, etc., issued un-
3 der the direction of the state health department or as to prevent
4 sending out literature by either the state department of health or
5 the United States public health service.

Sec. 3. A justice of the peace shall have jurisdiction to try
2 persons charged with the violation of this act.

CHAPTER 74.

(Senate Bill No. 80—Mr. Poling.)

AN ACT relating to the salaries of county officers.

[Passed February 21, 1910. In effect ninety days from passage. Approved by
the Governor February 22, 1910.]
Be it enacted by the Legislature of West Virginia:

That section forty-four of chapter one hundred thirty-seven of Barnes' code of one thousand nine hundred and sixteen, be amended and re-enacted to read as follows:

**Salaries of County Officers.**

Section 44. The annual compensation of the sheriff in each county shall be as follows: Barbour county, two thousand five hundred dollars; Berkeley county, three thousand dollars; Boone county, two thousand dollars; Braxton county, two thousand eight hundred dollars; Brooke county, two thousand dollars; Cabell county, four thousand five hundred dollars; Calhoun county, one thousand six hundred dollars; Clay county, one thousand seven hundred dollars; Doddridge county, two thousand four hundred dollars; Fayette county, four thousand dollars; Gilmer county, two thousand two hundred dollars; Grant county, one thousand eight hundred dollars; Greenbrier county, two thousand seven hundred dollars; Hampshire county, two thousand dollars; Hancock county, two thousand dollars; Hardy county, one thousand six hundred dollars; Harrison county, four thousand five hundred dollars; Jackson county, two thousand five hundred dollars; Jefferson county, two thousand five hundred dollars; Kanawha county, five thousand dollars; Lewis county, three thousand dollars; Lincoln county, two thousand five hundred dollars; Logan county, three thousand five hundred dollars; Marion county, four thousand five hundred dollars; Marshall county, three thousand five hundred dollars; Mason county, two thousand five hundred dollars; Mercer county, three thousand eight hundred dollars; Mineral county, three thousand dollars; Mingo county, three thousand five hundred dollars; Monongalia county, three thousand six hundred dollars; Monroe county, one thousand eight hundred dollars; McDowell county, four thousand five hundred dollars; Morgan county, one thousand five hundred dollars; Nicholas county, two thousand five hundred dollars; Ohio county, four thousand five hundred dollars; Pendleton county, one thousand six hundred dollars; Pleasants county, one thousand eight hundred dollars; Pocahontas county, two thousand seven hundred fifty dollars;
33 dollars; Preston county, three thousand dollars; Putnam county, 34 one thousand eight hundred dollars; Raleigh county, three thousand dollars; Randolph county, three thousand dollars; Ritchie 36 county, two thousand seven hundred fifty dollars; Roane county, 37 two thousand dollars; Summers county, two thousand dollars; 38 Taylor county, two thousand dollars; Tucker county, two thousand 39 two hundred dollars; Tyler county, two thousand four hundred dollars; Upshur county, two thousand seven hundred 41 dollars; Wayne county, two thousand four hundred dollars; 42 Webster county, two thousand two hundred dollars; Wetzel 43 county, three thousand dollars; Wirt county, one thousand six 44 hundred fifty dollars; Wood county, two thousand dollars; 45 Wyoming county, two thousand one hundred dollars.

The annual compensation of the clerk of the county court 46 in each county shall be as follows: Barbour county, one thousand eight hundred dollars; Berkeley county, two thousand dollars; Boone county, one thousand eight hundred dollars; Braxton county, two thousand two hundred dollars; Brooke county, 51 one thousand nine hundred dollars; Cabell county, four thousand 52 dollars; Calhoun county, one thousand two hundred dollars; Clay county, one thousand five hundred dollars; Doddridge county, one thousand eight hundred dollars; Fayette 55 county, three thousand dollars; Gilmer county, one thousand 56 eight hundred dollars; Greenbrier county, two thousand five 57 hundred dollars; Hampshire county, one thousand eight hundred dollars; Hancock county, one thousand eight hundred dollars; 59 Harrison county, four thousand dollars; Jackson county, 60 two thousand dollars; Jefferson county, two thousand dollars; Kanawha county, four thousand five hundred dollars; Lewis 62 county, two thousand five hundred dollars; Lincoln county, 63 two thousand dollars; Logan county, two thousand five hundred dollars; Marion county, four thousand dollars; Marshall 65 county, two thousand seven hundred fifty dollars; Mason county, 66 two thousand five hundred dollars; McDowell county, four 67 thousand dollars; Mercer county, two thousand seven hundred 68 dollars; Mineral county, two thousand five hundred dollars; 69 Mingo county, three thousand dollars; Monongalia county, two 70 thousand seven hundred fifty dollars; Monroe county, one thousand five hundred dollars; Morgan county, one thousand five 72 hundred dollars; Nicholas county, two thousand two hundred 73 fifty dollars; Ohio county, four thousand dollars; Pleasants
74 county, one thousand eight hundred dollars; Pocahontas county, 
75 one thousand eight hundred dollars; Preston county, two thou-
76 sand three hundred dollars; Putnam county, one thousand eight 
77 hundred dollars; Raleigh county, two thousand four hundred 
78 dollars; Randolph county, two thousand five hundred dollars; 
79 Ritchie county, two thousand five hundred dollars; Roane 
80 county, two thousand dollars; Summers county, one thousand 
81 six hundred dollars; Taylor county, two thousand dollars; 
82 Tucker county, one thousand nine hundred dollars; Tyler 
83 county, two thousand dollars; Upshur county, two thousand 
84 five hundred dollars; Wayne county, two thousand dollars; Web-
85 ster county, two thousand dollars; Wetzel county, two thousand 
86 two hundred dollars; Wirt county, one thousand two hundred 
87 dollars; Wood county, three thousand dollars; Wyoming county, 
88 one thousand five hundred dollars.

The annual compensation of the clerk of the circuit court 
90 (or clerk of the circuit and criminal or intermediate courts) 
91 in each county shall be as follows: Barbour county, one thou-
92 sand six hundred fifty dollars; Berkeley county, one thousand 
93 five hundred dollars; Boone county, one thousand five hundred 
94 dollars; Braxton county, two thousand dollars; Brooke county, 
95 one thousand two hundred dollars; Cabell county, three thou-
96 sand five hundred dollars; Calhoun county, eight hundred dol-
97 lars; Clay county, one thousand two hundred dollars; Doddridge 
98 county, one thousand five hundred dollars; Fayette county, 
99 three thousand dollars; Gilmer county, one thousand five hun-
100 dred dollars; Greenbrier county, one thousand six hundred dol-
101 lars; Hampshire county, one thousand dollars; Hancock county, 
102 one thousand two hundred dollars; Harrison county, four thou-
103 sand dollars; Jackson county, one thousand five hundred dol-
104 lars; Jefferson county, one thousand four hundred dollars; 
105 Kanawha county, four thousand five hundred dollars; Lewis 
106 county, two thousand two hundred dollars; Lincoln county, 
107 one thousand five hundred dollars; Logan county, two thou-
108 sand dollars; Marion county, four thousand dollars; Marshall 
109 county, two thousand two hundred fifty dollars; Mason county, 
110 one thousand eight hundred dollars; McDowell county, four 
111 thousand dollars; Mercer county, three thousand seven hundred 
112 and fifty dollars; Mineral county, two thousand dollars; Mingo 
113 county, three thousand dollars; Monongalia county, two thousand 
114 two hundred fifty dollars; Monroe county, one thousand two
115 hundred dollars; Morgan county, eight hundred dollars; Nicholas county, two thousand dollars; Ohio county, three thousand five hundred dollars; Pleasants county, one thousand three hundred fifty dollars; Pocahontas county, one thousand five hundred dollars; Preston county, two thousand dollars; Putnam county, one thousand four hundred dollars; Raleigh county, two thousand dollars; Randolph county, two thousand two hundred fifty dollars; Ritchie county, one thousand eight hundred dollars; Roane county, one thousand seven hundred dollars; Summers county, one thousand five hundred dollars; Taylor county, one thousand eight hundred dollars; Tucker county, one thousand six hundred dollars; Tyler county, one thousand eight hundred dollars; Upshur county, two thousand five hundred dollars; Wayne county, one thousand eight hundred dollars; Webster county, one thousand eight hundred dollars; Wetzel county, two thousand dollars; Wirt county, nine hundred dollars; Wood county, three thousand dollars; Wyoming county, one thousand five hundred dollars.

The annual compensation of the prosecuting attorney in each county shall be as follows: Barbour county, one thousand five hundred dollars; Berkeley county, one thousand two hundred dollars; Boone county, one thousand dollars; Braxton county, one thousand eight hundred dollars; Brooke county, one thousand two hundred dollars; Cabell county, three thousand five hundred dollars; Calhoun county, eight hundred dollars; Clay county, one thousand dollars; Doddridge county, one thousand dollars; Fayette county, three thousand dollars; Gilmer county, one thousand dollars; Grant county, six hundred dollars; Greenbrier county, one thousand four hundred dollars; Hampshire county, eight hundred dollars; Hancock county, one thousand two hundred dollars; Hardy county, six hundred dollars; Jackson county, one thousand dollars; Jefferson county, one thousand two hundred dollars; Kanawha county, four thousand eight hundred dollars; Lewis county, one thousand two hundred dollars; Lincoln county, one thousand five hundred dollars; Logan county, one thousand eight hundred dollars; Marion county, three thousand five hundred dollars; Marshall county, one thousand eight hundred dollars; Mason county, two thousand dollars; McDowell county, three thousand five hundred dollars; Mercer county, two thousand five hundred dollars; Mineral county,
two thousand dollars; Mingo county, two thousand seven hundred fifty dollars; Monongalia county, two thousand two hundred fifty dollars; Monroe county, six hundred dollars; Morgan county, eight hundred dollars; Nicholas county, two thousand dollars; Ohio county, three thousand five hundred dollars; Pendleton county, six hundred dollars; Pleasants county, six hundred dollars; Pocahontas county, one thousand two hundred dollars; Preston county, one thousand eight hundred dollars; Putnam county, one thousand dollars; Raleigh county, one thousand eight hundred dollars; Randolph county, one thousand two hundred dollars; Ritchie county, one thousand two hundred dollars; Roane county, one thousand two hundred dollars; Summers county, one thousand four hundred dollars; Taylor county, one thousand two hundred dollars; Tucker county, one thousand two hundred dollars; Tyler county, one thousand two hundred dollars; Upshur county, one thousand five hundred dollars; Wayne county, one thousand five hundred dollars; Webster county, one thousand two hundred dollars; Wetzel county, one thousand five hundred dollars; Wirt county, five hundred dollars; Wood county, three thousand dollars; Wyoming county, one thousand eight hundred dollars.

The annual compensation of the clerks of the courts in the counties where both the office of the clerk of the county court and clerk of the circuit court are held by the same person shall be as follows: Hardy county, one thousand eight hundred dollars; Grant county, one thousand nine hundred dollars; Pendleton county, one thousand nine hundred dollars.

And said salaries shall be in lieu of all fees, costs, penalties, percentages, allowances, and all other perquisites, of whatever kind, which any of the officers herein named may now or hereafter collect or receive, except as hereinafter provided.

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

CHAPTER 75.

(Senate Bill No. 249—Mr. Harmer.)

AN ACT to amend and re-enact section eleven of chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, relating to Clarksburg school district.
Be it enacted by the Legislature of West Virginia:

That section eleven of chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, relating to Clarksburg school district be amended and re-enacted so as to read as follows:

Section 11. It shall be the duty of the board of education of said district annually and in the month of July to determine as nearly 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 eight months nor more than nine months, and for the purchasing of sites, building school houses, repairing and improvement of school premises, and for all other purposes relating to the schools of the district; and to lay a levy therefor in the manner provided by law; and said levies shall be collected in the same manner as other school taxes are collected under the provisions of the general law of the state.

Such funds so raised and all other revenues of the board shall be paid out only upon orders issued by the board and signed by the president and secretary; and the secretary shall enter in the order-book of said board kept by him the names of all persons to whom such orders are payable, their date and amount.

CHAPTER 76.

(Senate Bill No. 167—Mr. Bloch.)

AN ACT to amend and re-enact section forty-nine of chapter fifty-three of the code.

Be it enacted by the Legislature of West Virginia:

That section forty-nine of chapter fifty-three of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 49. For every corporation subject to this chapter there shall be a board of directors who shall have power to do, or cause to be done, all things that are proper to be done by the
corporation. The stockholders may in general meeting, by a by-
5 law, prescribe the number of which the board shall consist; but
6 unless a different number be so prescribed there shall be five
7 directors. They may also, by a by-law, prescribe the qualifica-
8 tions of directors; but if it be not otherwise provided, every di-
9 rector must be a resident of this state and a stockholder. The
directors shall be elected at the annual meeting of the stock-
holders, or as soon thereafter as practicable, and shall hold their
offices until their successors are elected and qualified. The stock-
holders, however, may in general meeting, by by-law, classify the
directors in respect to the time for which they shall severally
hold office, the several classes to be elected for different terms, pro-
vided that no class shall be elected for a shorter period than one
year or for a longer period than three years, and that the term
of office of at least one class shall expire in each year. The
stockholders in general meeting may remove any director and
fill the vacancy; but any vacancy not caused by such removal may
be filled by the board. A majority of the board shall constitute
a quorum, unless it be otherwise provided in the by-laws; and if
the number of the board be reduced at any time so as to inter-
rupt the proper and efficient management of the business of the
corporation, a general meeting of the stockholders may be called
to elect new directors, or to take such order in the premises as
they may deem proper.

CHAPTER 77.

( Senate Bill No. 245—Mr. Staats.

AN ACT to provide for the submission to the voters of this state of
an amendment to the constitution of the state, as follows: The
legislature shall make provision by law for a system of state
roads and highways, connecting at least the various county
seats of the state, and to be under the control and supervision
of such state officers and agencies as may be prescribed by law.
The legislature shall also provide a state revenue to build, con-
struct, and maintain, or assist in building, constructing and
maintaining the same, and for that purpose shall have power to
authorize the issuing and selling of state bonds, the aggregate
outstanding amount of which, at any one time, shall not exceed
fifty million dollars. When a bond issue as aforesaid, is author-
ized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

[Passed February 21, 1910. In effect ninety days from passage. Approved by the Governor February 22, 1910.]

Sec. 1. Proposed constitutional amendment regarding system of state road and highways.

Sec. 2. Proposed amendment to be designated “Road amendment.”

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 provisions 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 twenty, which proposed amendment is as follows:

Proposed Amendment.

The legislature shall make provision by law for a system of state roads and highways connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing and maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars.

When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

Sec. 2. For convenience in referring to said proposed amendment, and in the preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as follows: To be known as “road 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 twenty, the board of ballot commissioners of each county are hereby required to prepare separate
6 ballots from that of the official ballot to be voted at said election, 
and print thereon the following: 
8 Ballot on constitutional amendment for good roads. 
9 [ ] For ratification of amendment for good roads. 
10 [ ] Against ratification of amendment for good roads. 
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 the provisions of the law relating to general elections, in-
cluding all duties to be performed by any officer or board, as far 
as practicable, and not inconsistent with anything herein contained, 
shall apply to the election held under the provisions of this act, 
except when it is herein otherwise provided. The ballots cast 
on the question of said proposed amendment shall be counted as 
other ballots cast at said election.

Sec. 4. As soon as the result is ascertained the commissioners, 
or a majority of them, and the canvassers (if there be any) or 
a majority of them, at each place of voting, shall make out and 
sign two certificates thereof in the following form or to the follow-
ing effect:

"We, the undersigned, who acted as commissioners (or can-
vassers, as the case may be), of the election held at .............. , 
in district of ................, in the county of .............. , 
on the .......... day of ................, one thousand nine 
hundred and twenty, upon the question of the ratification or 
rejection of the proposed constitutional amendment do hereby 
certify that the result of said election is as follows:

For ratification of amendment for good roads .......... votes. 
Against ratification of amendment for good roads .......... votes.

Given under our hands this .......... day of .............. , 
one thousand nine hundred and twenty."

The said two certificates shall correspond with each other in 
all respects, and contain the full and true returns of said election 
at each place of voting on said question. The said commissioners, 
or any one of them (or said canvassers or one of them, as the 
case may be), shall within four days, excluding Sundays, after 
that on which said election was held, deliver one of said certifi-
cates to the clerk of the county court of his county, together with
The said certificates, together with the ballots cast on the question of said proposed amendment, shall be laid before the commissioners of the county court at the court house at the same time the ballots, poll books and the certificates of the election for the members of the legislature are laid before them; and as soon as the result of said election in the county upon the question of such ratification or rejection is ascertained, two certificates of such result shall be made out and signed by said commissioners, as a board of canvassers, in the form or to the following effect:

"We, the board of canvassers of the county of ............, having carefully and impartially examined the returns of the election held in said county, in each district thereof, on the ...... day of November, one thousand nine hundred and twenty, do certify that the results of the election in said county, on the question of the ratification or rejection of the proposed amendment is as follows:

For ratification of amendment for good roads ............ votes.
Against ratification of amendment for good roads ............ votes.

Given under our hands this ........ day of ............, one thousand nine hundred and twenty."

One of the certificates shall be filed in the office of the clerk of the county court, and the other forwarded by mail to the secretary of state, who shall file and preserve the same until the day of which the result of said election in the state is to be ascertained, as hereinafter stated.

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

Sec. 6. The governor shall cause the said proposed amendment, with the proper designation for the same as hereinbefore adopted, to be published one time at least three months before

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

"We, the board of canvassers of the county of ............, having carefully and impartially examined the returns of the election held in said county, in each district thereof, on the ...... day of November, one thousand nine hundred and twenty, do certify that the results of the election in said county, on the question of the ratification or rejection of the proposed amendment is as follows:

For ratification of amendment for good roads ............ votes.
Against ratification of amendment for good roads ............ votes.

Given under our hands this ........ day of ............, one thousand nine hundred and twenty."

One of the certificates shall be filed in the office of the clerk of the county court, and the other forwarded by mail to the secretary of state, who shall file and preserve the same until the day of which the result of said election in the state is to be ascertained, as hereinafter stated.

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

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"We, the board of canvassers of the county of ............, having carefully and impartially examined the returns of the election held in said county, in each district thereof, on the ...... day of November, one thousand nine hundred and twenty, do certify that the results of the election in said county, on the question of the ratification or rejection of the proposed amendment is as follows:

For ratification of amendment for good roads ............ votes.
Against ratification of amendment for good roads ............ votes.

Given under our hands this ........ day of ............, one thousand nine hundred and twenty."

One of the certificates shall be filed in the office of the clerk of the county court, and the other forwarded by mail to the secretary of state, who shall file and preserve the same until the day of which the result of said election in the state is to be ascertained, as hereinafter stated.

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

Sec. 6. The governor shall cause the said proposed amendment, with the proper designation for the same as hereinbefore adopted, to be published one time at least three months before
CHAPTER 78.

(Senate Bill No. 164—Mr. Cobun.)

AN ACT to amend and re-enact sections three, eight, ten, eleven, twenty, twenty-one, twenty-three and twenty-nine of chapter five of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning primary elections.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 24, 1919.]

SEC. 3. Political parties; mode of selecting executive committees; term of service.


SEC. 10. Separate ballots required for district political parties; duties of secretary of state.

SEC. 11. Time of filing certificate of nomination; place.

SEC. 20. Vacancy in nominee of party; how filled.

SEC. 21. Expenses of general primary election; provision for payment.

SEC. 23. Nomination of candidates otherwise than by primary election; method of procedure.

SEC. 29. Party platforms provided for; nomination of judges of the supreme court of appeals; other judicial candidates.

Be it enacted by the Legislature of West Virginia:

That sections three, eight, ten, eleven, twenty, twenty-one, twenty-three and twenty-nine of chapter five of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning primary elections be amended and re-enacted so as to read as follows:

Section 3. For the purpose of this act, there shall be chosen at the May primary for each political party, as hereinafter provided, a state executive committee consisting of two members from each senatorial district, to be selected by the party voters in such district and who shall not be residents of the same county; provided, however, that the committee elected shall appoint three additional committeemen at large; a congressional executive committee, and a state senatorial executive committee for each of the respective congressional and state senatorial districts, each committee to consist of one member from each county in the respective districts, to be elected by the party voters of such county:
and a county executive committee consisting of two members from each magisterial district therein, except that in any county containing a city of ten thousand or more population there shall be chosen one member of the committee from each ward of such city in addition to the members chosen from the magisterial district in which such city is situated. All members of executive committees selected for each political division, as herein provided, shall reside within the county or district, senatorial or magisterial, from which chosen; provided, however, that any political party which polled less than ten per cent of the total vote cast for governor at the last or preceding general election, or any group of citizens, may nominate candidates and elect committees for any political division either by party conventions or in accordance with the provisions of section twenty-three of this act; provided, however, that such nominations must be made and the certificates filed within twenty days after said primary election.

The term of office of all committeemen so elected shall begin on the fifteenth day of June, succeeding said May primary, and shall continue for four years thereof and until their successors are elected and qualified. Vacancies in the state executive committee shall be filled by the members of the committee for the unexpired term. Vacancies in the congressional, judicial, senatorial and county executive committees shall be filled by the executive committees of the county in which such vacancy exists, and shall be for the unexpired term.

As soon as possible after the fifteenth of June, succeeding the selection of the new executive committees as herein provided, they shall convene within their respective political divisions, on the call of the chairman of corresponding outgoing executive committees, and proceed to select a chairman, a treasurer, and a secretary, each of which officers shall for their respective committees perform the duties that usually appertain to such offices.

The various executive committees and officers thereof, now in existence, shall exercise the powers and possess the duties herein prescribed until their successors are chosen in accordance with this act.

Sec. 8. Any person who is eligible to hold any office (including member of a state or a county executive committee) may file with the secretary of state, if it be an office to be filled by the
4 voters of more than one county, or with the clerk of the circuit
court, if it be for an office to be filled by the voters of a county
or a sub-division less than a county, a certificate declaring himself
a candidate for the nomination for such office, which certificate
shall be in form or effect as follows:

I, ................................ hereby certify that I am a can-
didate for the nomination for the office of ......................
to represent ................ party, and desire my name printed
on the official ballot of said party to be voted at the primary
election to be held on the ...... day of ......................
that I am a legally qualified voter of the county of
state of West Virginia; that my resident is
number ...... of street ............... , in the city (or town)
of ............... in ............... county in said state;
that I am eligible to hold the said office; that I am a member of
and affiliated with said political party; that I am a candidate for
said office in good faith.

........................................................
Signature of candidate

Subscribed to and acknowledged before me this ...... day
of ............... , 19......

........................................................
Signature of officer taking acknowledgment.

Such announcement shall be signed and acknowledged by the
candidate before some officer qualified to administer oaths, who
shall certify the same; provided, that no person may be a can-
didate for nomination to office in any political party, unless it be
openly known that such person is a bona fide member of such
party.

Such certificate shall be filed at least thirty days before the
primary election day.

Sec. 10. There shall be a separate ballot of candidates
of each political party who may file their petition as required by
this act, on different color of paper, and the ballot of no two par-
ties shall be of the same color or tint. The secretary of state shall
select and determine the color of the paper of the ballot of
each of the respective parties, and shall notify the clerk of the
circuit court of each county thereof; at the same time he shall
certify the names of the candidates of the various parties to said
clerk as hereinbefore provided.

The same color of paper as selected and designated by the
The certificate of nominations, as herein provided to be filed with the clerk of the circuit court, shall be filed within thirty days before the day fixed by law for any general primary election.

And at least twenty-five days before the holding of any primary election, the primary ballot commissioners of each county shall prepare from the list and certificate or certificates of announcements furnished by the secretary of state, and the certificates of announcements filed with the circuit clerk as herein provided, a sample official primary ballot for each party, placing thereon the names of all candidates of such party to be voted for at said primary election, and publish the same in a newspaper of general circulation published in said county representing such party, if one there be; if not, then in some other newspaper published in said county, in at least two issues of such paper. Said ballot commissioners shall cause the official ballots to be used at said primary election to be printed and distributed as required in case of ballots at any general election; except that the number thereof shall be for each party twice the number of votes cast by such party at the last preceding general election.

If any vacancy occurs in the nominee of any party after the holding of any primary election caused by reason of said party failure to make any such nomination in said primary election, or for any other cause, the same shall be filled by the executive committee of that party, in the municipality, county, district or state, as the case may be.

Provided, if the vacancy occurs by reason of a failure to make such nominations in said primary election, the same shall be made by the executive committee within twenty days after said primary election.

In case of a tie for the nomination for any office, the respective committees shall choose by lot which of the two tieing shall be the nominee.

The expense of said general primary election and the per diem of election officers shall be paid by the county court the same as other election expenses are now provided for and paid.
by general law; provided, that no compensation to any members of any executive committee shall be included in said expense.

Sec. 23. Candidates for public office may be nominated otherwise than by direct primary election or by convention. Political parties having national organization, and having cast less than ten per cent of the total vote cast for governor, at the last preceding general election may nominate candidates for public office otherwise than by conventions or primary elections. In such case, a certificate shall be signed by voters resident within the state, district or political division, for which the candidate is presented, to a number equal to one per cent of the entire vote cast at the last preceding general election in the state, circuit, district, county or other division for which the nomination is made; provided, however, that the number of signatures so required shall not exceed one thousand, nor be less than twenty-five, and need not all be signed on one certificate. No voter signing such certificate shall be counted unless his residence and post office addresses be designated. Such certificates shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire, and are legally qualified to vote for such candidates; and may designate by not more than five words, a brief name of the party which said candidates represent.

Any person, after having voted in a primary election or convention under the provision hereof, and who shall sign the certificate herein provided and any person having signed the certificate herein provided for and who shall vote at any primary election or convention hereunder, to nominate candidates to be voted for at the same election at which the candidates nominated by the certificates herein provided for, are to be voted for, shall be guilty of a felony, and upon conviction thereof, shall be confined in the penitentiary for not less than one, nor more than three years, and shall be disqualified for holding any offices within the gift of the people, for a period of ten years from the date of such convention. Such certificate shall be filed not less than thirty days before said primary election, and with the same officers, as is described by law for the making up of the said official ballot, and all candidates nominated by the signing of such certificates shall have their names placed on the official ballot as candidates, otherwise nominated under the provisions of this act; such certificates shall be in the following form or to the following effect:

State of West Virginia,
COUNTY JAIL LOGAN COUNTY

41 County of ................................ ss:
42 This is to certify that we, the undersigned voters, resident
43 within the county of .................., state of West Virginia,
44 do hereby make the following nominations for public office for
45 said county, to wit:

46 For House of Delegates.
A ................. B ............. Residence ............

47 (And so on to the end of the nominations so made)

48 And we further certify that each of said candidates is legally
49 qualified to hold the office for which he is nominated and that we
50 desire, and are legally qualified to vote for said candidates. The
51 name of the party which candidates represent is [Here state it].

52 Signature. Residence. Post Office Address

53 (Names of voters) (Describe it) Name of office).

Sec. 29. Between the first and fifteenth day of August, in
2 each year in which a president of the United States is to be
3 elected, each political party shall at some convenient place to be
4 designated by the chairman of the state committee thereof, hold a
5 meeting for the purpose, and shall formulate and promulgate a
6 state platform, and select presidential electors for the state at
7 large and for each congressional district. And if at the said
8 election a judge or judges of the supreme court of appeals is or
9 are to be elected, the candidates of such party for such judge shall
10 be nominated, and the name of such candidates for such offices of
11 judge and elector shall be certified by the officers of said conven-
12 tion to the secretary of state.

13 Candidates for judges of the circuit courts of the several
14 circuits shall be nominated by conventions held on the second
15 Tuesday in August in each year in which such judges are to be
16 elected, and at the county seat of the county entitled to the largest
17 number of delegates therein as herein provided. The respective
18 county executive committees of each party shall arrange for a
19 convention to be held in each magisterial district of their county
20 on the first Tuesday before said judicial convention for the ap-
21 pointment of the delegates from their respective counties to said
22 conventions, and there shall be elected or appointed from each
23 magisterial district one delegate to said convention for each one
24 hundred votes or fraction thereof more than fifty cast therein at
25 the last preceding election for president of the United States for
26 their respective party candidates; provided, each district shall
27 have at least one delegate to said convention.
The county executive committee of the respective political parties shall meet on the first Thursday before said judicial convention to hear and determine any contest of delegates, if any, to said convention, and the supreme court of appeals shall have concurrent jurisdiction with the circuit court to hear and determine any appeal from the decision of any county executive committee in such matter.

In the counties in which a judge of the common pleas, intermediate or criminal court is to be nominated the same shall be by a convention called by the county executive committee of their respective parties, composed of delegates elected or appointed in the same manner as the delegates to the conventions to nominate the circuit judges.

Any nominations so made for common pleas, intermediate, criminal or circuit judges shall be certified by the chairman and secretary of said conventions within twenty days thereafter to the clerk of the circuit court of the county or circuit as the case may be, and shall have the same force and effect as if made by a primary.

CHAPTER 79.

(Senate Bill No. 153—Mr. Montgomery.)

AN ACT authorizing the county court of Logan county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose, for the year one thousand nine hundred and twenty, on the taxable property in said county, for the purpose of building for said county, at the county-seat thereof a jail, and providing for the building thereof and for the receipt and disbursement of all moneys raised by said levy.

[Passed February 6, 1919. In effect ninety days from passage. Approved by the Governor February 12, 1919.]

Sec. 1. Provision for building county jail in Logan county; special jail levy.

Sec. 2. Construction of jail; plans and specifications.

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of building a jail for the county of Logan, West Virginia, at the county seat of said county, the county court of said county is hereby authorized to lay a special levy on all the taxable property within said county for the year.
5 one thousand nine hundred and nineteen, and if necessary for said
6 purpose for the year one thousand nine hundred and twenty, not
7 to exceed in either year twenty cents on the one hundred dollars
8 valuation of said property as assessed for regular state, county and
9 district taxation. Said levy shall be called a special jail levy and
10 the funds derived therefrom shall be used for said purpose and for
11 no other.

Sec. 2. Said jail shall be constructed according to such
2 plans and specifications as said court may decide, and all moneys
3 realized for said special levy, shall be kept in a separate fund and
4 a separate account kept of the receipt and disbursements of the
5 same.

CHAPTER 80.

(Senate Bill No. 150—Mr. Montgomery.)

AN ACT to amend and re-enact chapter fifty-four-c of the code of
West Virginia, one thousand nine hundred and sixteen, relating
to the incorporation and regulation of trust, fidelity, surety,
guarantee, bonding, insurance and title companies.

[Passed February 21, 1919. In effect ninety days from passage. Approved by
the Governor February 22, 1919.]

Sec. 1. Powers and rights of trust companies.
2. Court, in discretion, may investi-
gate management and affairs of
companies.
3. Oath or affirmation to be taken
upon appointment of fiduciary.
4. Trust funds to constitute separate
account: investments.
5. Capital of company considered as
security; liability in case of de-
fault.
6. Liabilities of trust companies in
particular instances; penalties.
7. Trust companies acting in fiduciary
capacity may not become sure-
ties.
8. Companies subject to examination
by commissioner of banking.
9. Powers of trust companies relating
to insurance, purchase and sale
of real estate, bonds, etc.; par-
ticular powers enumerated.
10. Proceedings by court or clerk upon
application of trust company to
become surety.
11. Trust company officials required to
make oath or affirmation.

Sec. 12. Certificate showing capital to be
filed with secretary of state; de-
posit with state auditor re-
quired; other requirements.
13. Limitation of powers of trust com-
panies.
14. Penalty provision upon failure of
trust companies to meet all legal
requirements.
15. Trust companies subject to ex-
amination by insurance com-
missioner.
16. Provisions for acceptance of serv-
vice of process and notice; attor-
ney-in-fact.
17. Approval of surety; present laws
do not apply.
18. Companies incorporated under laws
of other states or United States;
duties; privileges.
19. Contracts and agreements made by
foreign corporations; when void.
20. Appointment by foreign corpora-
tion of person to accept service
within state.
21. Duties and liabilities of trust com-
panies regarding surety of em-
ployees of common carriers.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-four-c of the code of West Virginia of one thou-
sand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 1. Every company which may have been hitherto or which may hereafter be incorporated under the laws of this state as a trust company shall have the power and right:

(1) To buy, hold, sell and guarantee bonds, stocks, loans and evidences of indebtedness, whether of persons, or corporations, and make, execute and perfect such and so many contracts, agreements, and other instruments as may be required therefor.

(2) To engage in a general banking business, and exercise under the laws of this state, all such incidental powers as shall be necessary to carry on the business of banking, by discounting promissory notes, negotiating drafts, bills of exchange and other evidences of indebtedness, receiving deposits and allowing interest on same under such regulations as may be prescribed by the board of directors and not inconsistent with the provisions of this act, buying and selling exchange, bank notes, bullion or coin, and by loaning money on personal or other security. Such company and its stockholders shall, as to such business of banking, be subject to all the provisions of chapter fifty-four of the code, and all the laws which may have heretofore been and which may hereafter be, enacted relating to banks of issue and circulation and of discount and deposit as far as the sums are applicable, and not inconsistent with the powers hereby granted to such company. But nothing in said chapters shall limit the maximum amount of paid up capital which a trust company, doing a banking business, may desire.

(3) To receive upon deposit, for safe keeping, jewelry, plate, stocks, bonds, and valuable property of every description, upon terms as may be agreed upon.

(4) To act as trustee, assignee, receiver (general or special), guardian, executor, administrator, special commissioner, committee or curator and to take, accept and execute, trusts of every description not inconsistent with the constitution of this state or of the United States, and to receive deposits of money and other personal property, and issue its obligations therefor, to invest its funds in and to purchase real and personal securities and to loan money on real and personal securities.

(5) To act as agent for the purpose of issuing, registering or countersigning, purchasing or selling, the certificates of stocks, bonds or other obligations of any corporation, association,
39 county school district, magisterial district or municipality, state
40 or public authority, and to receive or manage any sinking fund
41 thereof, on such terms as may be agreed upon.
42 (6) To purchase and sell or take charge of, and receive the
43 rents, issues and profits of, any real estate for other persons, firms
44 or corporations.
45 (7) For the purpose of indemnifying and saving harmless
46 any company for making any loans, or associations, such company
47 is authorized to receive and hold on deposit and in trust, as security
48 estates, real and personal, including the notes, bonds and obliga-
49 tions of states, counties or municipal corporations, individuals,
50 firms or corporations, and the same to purchase, collect and adjust,
51 settle and dispose of, in case of default upon any note or obli-
52 gation for which such property has been received as indemnity, or
53 as collateral security, without proceedings at law or in equity,
54 and for such price and upon such terms as may be obtained, or as
55 may be agreed upon between such company and those persons mak-
56 ing such deposit or creating such trust.

Sec. 2. That whenever any court shall appoint any such com-
2 pany trustee, receiver, executor, administrator, guardian, special
3 commissioner, curator or committee, or to execute any trust autho-
4 rized by this act, the said court may, in its discretion, upon the
5 application of any person interested, investigate the affairs and
6 management of the company so appointed.

Sec. 3. That whenever any court or clerk thereof shall ap-
2 point any such company trustee or receiver, assignee, guardian, ex-
3 ecutor, administrator, special commissioner, curator or committee,
4 or to execute any trust, the president, vice-president, secretary,
5 or treasurer of such company shall, either in person before such
6 court or clerk, or before any officer authorized to administer an
7 oath or affirmation, take the oath or make the affirmation required
8 by law to be made by any such fiduciary.

Sec. 4. Every such company shall keep all trust funds and
2 investments separate and apart from the assets of the company, and
3 all investments made by the said company as fiduciary shall be so
4 designated that the trust to which such investments shall belong
5 shall be clearly shown; and such funds shall be held for the uses
6 designated and shall not be liable for any other obligation of
7 said company.

Sec. 5. That whenever any such company, having complied
2 with the requirements of section six hereof, shall become trustee,
3 assignee, receiver, guardian, executor, administrator, special com-
4 missioner, curator or committee, or shall be directed by the
5 order or decree of any court to execute any trust whatever,
6 the capital of such company shall be taken and considered as the
7 sole security required by law for the faithful performance of its
8 duties aforesaid, and shall be absolutely liable in case of any
9 default whatever; provided, that where the liability under such ap-
10 pointment as trustee, assignee, receiver, guardian, executor, ad-
11 ministrator, special commissioner, curator or committee, or under
12 the execution of any trust by order or decree of any court, shall be
13 equal to or exceed the capital and surplus of any such company, the
14 court making such appointment, or order or decree, shall require
15 additional security.

Sec. 6. That no company incorporated under sections one,
2 two, three, four, five, six, seven and eight of this chapter, shall exer-
3 cise any such power or right as is mentioned in the first, second,
4 third, fourth, fifth, sixth and seventh clauses of section one of this
5 chapter until there has been filed with the secretary of state a duly
6 authenticated certificate showing the capital of such company to
7 be at least one hundred thousand dollars, paid up and unimpaired,
8 and such duly authenticated certificate shall be filed with the secre-
9 tary of state in the month of January of every year thereafter. If
10 any company shall exercise or attempt to exercise any such power or
11 right as is mentioned in section one hereof, or shall endeavor to take
12 the benefit of section five hereof, without in any such case having
13 complied with the requirements of this section as to the filing of a
14 certificate, it shall be deemed guilty of a misdemeanor, and upon
15 conviction thereof shall be fined not less than five hundred dollars,
16 and in any such case, whether or not there be a prosecution for such
17 misdemeanor, the auditor, upon being satisfied of the facts, shall
18-a publish by at least two insertions in a paper of general circulation
19 in the county in which there was such attempt, an advertisement
20 of the fact that such company is not entitled to exercise the powers
21 and rights mentioned in section one, or entitled to the benefit of
22 the provisions of section five, as the case may be.

Sec. 7. That no company which may be engaged in the bank-
2 ing business, by receiving money on deposit subject to check, or
3 which may act as trustee or fiduciary, shall be accepted as surety
4 on any bond or undertaking required in any of the courts of this
5 state, or shall become surety or guarantor for any individual,
6 firm or corporation, for the faithful discharge of duty in any
7 position, or for the performance of any contract, except as pro-
8 vided in section one of this chapter.

Sec. 8. All companies operating under sections one, two,
2 three, four, five, six, seven and eight of this chapter shall be sub-
3 ject to an examination by the commissioner of banking, as pro-
4 vided for by the laws of the state of West Virginia.

Sec. 9. Every company which may have been heretofore or
2 which may hereafter be incorporated under the laws of this state
3 for the purpose of insuring owners of and other persons inter-
4 ested in real estate against loss by reason of defective titles, liens
5 and encumbrances or for the purpose of guaranteeing the fidelity
6 of any person holding a position of public or private trust, or
7 for guaranteeing the performance of any contract, or for in-
8 surance of any kind, other than upon the life of any person, or
9 against loss by fire, shall have the power and right:
10 (1) To make insurance of every kind pertaining to, or
11 connected with, titles to real estate, and notwithstanding the pro-
12 visions of section three of chapter fifty-two of the code of this
13 state, as amended by section one of chapter thirty-five of the acts
14 of one thousand nine hundred and one, or any other provisions of
15 such code, to buy, sell and guarantee bonds, stocks, loans, and
16 evidences of indebtedness, whether of persons or corporations,
17 and make, execute and perfect such and so many contracts,
18 agreements, and other instruments as may be required therefor.
19 (2) To examine titles to real property and chattels real,
20 to procure and furnish information in relation thereto, and to
21 make and guarantee the correctness of searches for all instru-
22 ments, liens or charges affecting real or personal property.
23 (3) To act as agent for the purpose of issuing, registering
24 or countersigning, purchasing or selling, the certificates of stock,
25 bonds, or other obligations of any corporation, association, county,
26 school district, magisterial district or municipality, state or pub-
27 lic authority, and to receive or manage any sinking fund thereof,
28 on such terms as may be agreed upon.
29 (4) To make insurance for the fidelity of persons holding
30 positions of responsibility and trust.
31 (5) To become sole surety in any case where by law one
32 or more sureties may be required for the faithful performance of
33 any trust, office, duty, action or engagement.
34 (6) To take by purchase or otherwise and receive and hold
money and all such pieces of real property as may have been or
may hereafter be the subject of any insurance or security for any
loan made by said company under the powers conferred by its
certificate of incorporation and to convey and dispose of the same
in any manner which it may deem proper.

(7) To act as surety for the faithful performance of any
contract entered into with any person, firm or municipality, or
other corporation, or with any state or government or public
authority, by any person or persons, corporation or corporations.

(8) To become sole surety for the faithful performance of
the duties of any national, state, county or municipal officer, or
employee, and to execute such bonds or recognizances as may be
required by law in such cases.

(9) To become surety upon any writ of error, supersedeas
or appeal, or in any proceedings instituted in any court of this
state or of the United States held within this state, in which se-
curity may be required.

(10) To become surety for the faithful performance of the
duties of any clerk, officer or employee of any corporation, firm
or individual.

(11) To issue policies of insurance against loss from any
cause, other than by the death of any person or by fire.

(12) For the purpose of indemnifying and saving harm-
less any company executing any bond or policy under the pro-
visions of this act, such company is authorized to receive and
hold on deposit and in trust as security, estates, real and per-
sonal, including the notes, bonds and obligations of states, coun-
ties or municipal corporations, individuals, firms, or corpora-
tions, and the same to purchase, collect and adjust, settle and
dispose of, in case of default upon, or loss under, such bond or
policy for which such property has been received as indemnity,
or as collateral security, without proceedings at law or in equity,
and for such price and upon such terms as may be agreed upon
between such company and those persons making such deposits
or creating such trusts.

(13) To become surety for the payment of all damages
that may be assessed and directed to be paid for lands or prop-
erty taken in the building of any railway, or for the purpose of
any railway, or for the opening of streets or roads, or for any
purpose whatever where land or other property is authorized by law to be taken.

(14) To stipulate, provide for and take indemnity from persons, firms or corporations for whom such company shall so become surety, and enforce any bond, contract agreement, pledge, or other security, made or given for that purpose.

Sec. 10. That whenever any company, wherever incorporated, is offered as surety to any court, or the clerk thereof, or to any board upon which is devolved by law the duty of approving such bond, the said court, or board, may, at its discretion, upon the application of any person interested, appoint a suitable person to investigate the affairs and management of the company so offered, who shall report to such court or board the manner in which the investments of such company are made and the security offered to those by or for whom its engagements are held; and the expenses of such investigation shall be defrayed by the applicant, unless the investigation shall show the last semi-annual statement of the company, as provided for in section twelve of this chapter, to be false and misleading, in which case the expenses of such investigation shall be borne by the company. If at any time it shall be made to appear to such court or board by any person interested that the insurance commissioner of this state has revoked the authority of such company to act as such surety on bonds in this state, or that such company has lawfully withdrawn from the business of becoming surety on bonds in the state, or is in process of liquidating its surety business in this state, or is in the hands of a receiver, then it shall be the duty of such court or board, upon the application of the principal, said surety, or any person in interest, to require any person who has given such bond to execute a new bond within a reasonable time, not exceeding sixty days from the date of service of such order as hereinafter provided, as such court or board may fix by order entered of record, the penalty of which bond shall be fixed by said court or board, and a copy of such order shall be served upon the principal in such bond, if such principal be a resident of this state, but if he be a non-resident, or if the return of an officer of the county in which such principal last resided in this state shows that he is not found, then a copy of such order shall be published once a week for two successive weeks in some newspaper of general circulation in the county in which such
34 bond was given and such order shall also be posted at the front
35 door of the court house of said county. It shall then be the duty
36 of such principal, within the period of time fixed by such order,
37 to give such new bond with surety or sureties as required by law.
38 If such bond be not given within sixty days, or other period fixed
39 in said order, from the date of service, or from the date of the
40 last publication, as the case may be, of such order, then such
41 court or board shall, in the case of all bonds, except bonds given
42 by some state, county, district or municipal officer, and may in
43 its discretion in the case of bonds given by any state, county,
44 district or municipal officer, enter an order terminating the
45 authority of such principal to perform any duties or exercise any
46 powers in connection with which such bond was given and from
47 and after the entry of said order terminating authority, no new
48 liability shall accrue under said bonds. Any unearned premium.
49 shall be refunded by such company upon the entry of said order.
50 The costs of any proceedings under this section shall be paid by
51 any person or persons in interest as such court or board may
52 order, except the costs of inspection herein above provided for.

Sec. 11. That whenever any company is offered as surety
2 to any court or clerk thereof, the president, vice-president, secre-
3 tary or treasurer of such company shall, either in person before
4 such court or clerk, or before any officer authorized to administer
5 an oath or affirmation, take the oath or make the affirmation re-
6 quired by law to be made by any such surety.

Sec. 12. That no company incorporated under sections nine,
2 ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seven-
3 teen of this chapter shall exercise any such power or right as is
4 mentioned in the first, second, third, fourth, fifth, sixth, seventh,
5 eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth
6 clauses of section nine of this chapter until there has been filed
7 with the secretary of state, a duly authenticated certificate show-
8 ing the capital of such company to be at least two hundred and
9 fifty thousand dollars, fully paid and unimpaired, and unless:
10 there be on deposit with the auditor of the state, to secure the
11 faithful performance of its obligations, at least twenty per cen-
12 tum of its paid up capital in cash, or bonds, of the United States,
13 or bonds of some county, magisterial district, school district, in-
14 dependent school district or municipal corporation in the state of
15 West Virginia, or the bonds of some railroad corporation or-
ganized under the laws of the state of West Virginia and operated in said state, to be approved by the board of public works; the interest accruing on such bonds or securities so deposited to be received by the company making such deposit. But such deposit shall not be less than fifty thousand dollars and need not exceed seventy-five thousand dollars in any case. And such duly authenticated certificate shall be filed with the secretary of state in the month of January of every year thereafter. The said board of public works shall from time to time as often as deemed necessary, investigate all such deposits and if, in the opinion of the board, any such deposit does not comply with the requirements of this act, the company making the same shall not exercise any such power or right as mentioned in section one until it shall have deposited such other or additional security of the nature above required, as in the opinion of the board will make the value of the deposit equal to the deposit required. The face value of the security to be so kept on deposit shall not be less than the deposit required by this act. Every company exercising rights or powers such as are mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth clauses of section nine of this chapter shall, before commencing business, and thereafter within the first ten days of each of the months of January and July of each year, file with the clerk of the county court, of each county in this state, a statement certified by the secretary, treasurer or other officer of such corporation, under oath or affirmation, showing the financial condition of the company on the first day of the month in which such statement is filed; which statement shall show all the resources and liabilities of the company and the nature of its investments, and such statement shall be made a part of the public records of each county, and be recorded in a well bound book to be kept for such purpose, and to be called “Title and Surety Company Statements;” for which filing and recording the clerk of the county court shall be allowed a fee of fifty cents, to be paid by the company making such statement. Any officer or employee of any such company who shall knowingly make any fraudulent, false or misleading statement, under the provisions of this act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not less than five hundred dollars and not more than twenty-five hundred dollars.
Sec. 13. That no company which may be hereafter engaged in this state in the business of title insurance, fidelity insurance, or suretyship for the faithful performance of any office, shall accept money on deposit, or act in any fiduciary or other capacity not specifically permitted by the provisions of this act.

Sec. 14. That any company exercising or attempting to exercise any of the rights or powers mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth clauses of section nine of this chapter, without having fully complied with the provisions of section four hereof, by filing the certificate required with the secretary of state or by making the deposit required with the auditor, or by making and filing the statements required to be made and filed with the clerks of the county courts, or any company violating the provisions of section thirteen hereof, by accepting money on deposit, or acting in a fiduciary capacity, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars; and in such cases, whether or not there be a prosecution for the misdemeanor, the auditor, upon being satisfied of the facts, shall publish by at least two insertions, at the expense of such company, in a paper of general circulation in each of the cities of Wheeling, Parkersburg, Huntington, Charleston, Bluefield, Sistersville and Martinsburg, West Virginia, an advertisement of the fact that such company is not entitled to exercise the powers and rights mentioned in section nine, or is transacting, or attempting to transact, a banking or other business in violation of the provisions of section thirteen, as the case may be.

Sec. 15. That all companies which may be hereafter engaged in this state in the exercise of any of the rights or powers mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth clauses of section nine of this chapter and all other companies of similar character shall be subject to the same examination and supervision by the insurance commissioner as is now provided for fire insurance companies incorporated under the laws of the state of West Virginia.

Sec. 16. That every such company exercising the powers and rights mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth clauses of section nine of this chapter shall by a power of
5 attorney duly acknowledged and authenticated, and filed by it in
6 the office of the secretary of state, appoints some person residing
7 in the state to accept service of process and notice, for the said
8 company; and by the same instrument shall decree its consent that
9 service of any process or notice in this state on said attorney, or
10 his acceptance of service endorsed thereon, shall have the same ef-
11 fect as if served on him in the county where the surety is given or
12 where the suit is instituted, and shall, in all respects, have the
13 same effect as service thereof upon the company. And thereafter
14 such acceptance by the said attorney, or service upon him, anywhere
15 in this state, shall be equivalent to the service in the county where
16 the suit was brought. And, notwithstanding the provision of sec-
17 tion two of chapter one hundred and twenty-four of the code, any
18 suit may be instituted and process directed against any such com-
19 pany in the county in which the cause of action arises. And the
20 process may be directed to the sheriff of the county where such
21 company has its principal office, or where its attorney in fact re-
22 sides.

Sec. 17. In any case where the approval of any security by any
2 corporation, court, officer, or body, is now required by law, nothing
3 in this act shall be so construed as to dispense with such approval.

Sec. 18: That any fidelity, guaranty, surety or other com-
2 pany duly incorporated under the laws of any other state or
3 territory, of the United States or District of Columbia, having
4 under its charter the power to become surety be, and the same is
5 hereby authorized and empowered, upon complying fully with all
6 the laws of West Virginia made in relation to domestic corpora-
7 tions incorporated for the same purpose, to exercise all the rights,
8 powers and privileges that are conferred by law upon corpora-
9 tions duly incorporated under the laws of this state, and not
10 otherwise; provided, that such companies incorporated under the
11 laws of any other state, or of the United States, shall be subject
12 to examination, supervision and regulation, by the auditor of the
13 state under all the provisions of law applicable to fire insurance
14 companies of other states doing business in this state.

Sec. 19. All contracts and agreements made by any foreign
2 corporation in this state, before such corporation shall have fully
3 complied with the requirements of this act, and all acts made in
4 relation to such corporations, shall be absolutely void and in-
5 capable of being enforced by either party.

Sec. 20. Said company shall, by power of attorney duly
2 acknowledged and authenticated, and filed by it in the office of
3 the auditor, appoint some person residing in the state to accept
4 service of process and notice, in this state, for the said company;
5 and by the same instrument shall declare its consent that ser-
6 vice of any process or notice in this state on said attorney, or his
7 acceptance of service endorsed thereon, shall have the same effect
8 as if served on him in the county where the surety is given or
9 where the suit is instituted, and shall, in all respects, have the
10 same effect as service thereof upon the company. And there-
11 after such acceptance by the said attorney, or service upon him,
12 anywhere in this state, shall be equivalent to service in the county
13 where the suit was brought, and for all purposes, to service upon
14 its principal.

Sec. 21. That if any common carrier authorized to do busi-
2 ness in this state shall employ any person in any position of trust
3 in this state, and shall apply to any surety company for surety
4 for the faithful performance of duty by such employee, or for
5 any form of fidelity insurance, and such surety company shall
6 refuse to become responsible for such employee or, having be-
7 come responsible for such employee, shall thereafter cancel such
8 responsibility, such surety company shall furnish to such em-
9 ployee a statement in writing of the reasons therefor, which state-
10 ment shall be sent by registered mail to such place as he shall
11 designate, addressed to such employee, promptly on his demand
12 therefor, in writing sent by registered mail to the head office of
13 such surety company addressed to such surety company or offi-
14 cer thereof; and, unless such common carrier shall have other
15 reasons for refusing to employ such employee than the facts of
16 said refusal of such surety company to so become or continue
17 responsible for such employee, such common carrier shall, on
18 request of such employee, accept as security for the fidelity of
19 such employee, a bond or obligation in the same form or sub-
20 stantially in the same form as that under which such surety re-
21 fused to become or continue responsible for such employee, when
22 duly executed and acknowledged by any other solvent surety com-
23 pany authorized to execute such bond or obligation in this state,
24 or a personal bond with satisfactory surety and furnish to such
25 common carrier by such employee without cost or expense to
26 such common carrier; provided, however, that such surety com-
27 pany shall not be required to disclose the sources of its infor-
28 mation regarding such employee, and that all communications,
written or verbal, between such surety company or any officer or
representative thereof and such common carrier or any officer
or representative thereof or such employee or any person, firm or
corporation mentioned in any statement made by such employee
to such surety company shall be deemed privileged communica-
tions; and provided, further, that no action or legal proceeding
for libel or slander shall lie against such surety company or such
common carrier by reason thereof. Any surety company or any
common carrier which shall, by its officers or representatives,
violate any of the provisions of this act, shall be deemed guilty
of a misdemeanor and be punished by a fine of not less than fifty
dollars nor more than two hundred dollars.

CHAPTER 81.

(Senate Bill No. 95—Mr. Fox.)

AN ACT to amend and re-enact section thirty-three of chapter forty-
six of the code of West Virginia, Barnes' edition of one thousand
nine hundred and sixteen, relating to the burial of soldiers,
sailors and marines.

[Passed February 20, 1910. In effect ninety days from passage. Approved by
the Governor February 22, 1910.]

SEC. 1. Care of poor persons or paupers; authority of county courts.

Be it enacted by the Legislature of West Virginia:

That section thirty-three of chapter forty-six of the code of West
Virginia, Barnes' edition of one thousand nine hundred and sixteen,
be amended and re-enacted so as to read as follows:

Section 33. The county court in each of the counties of this
state shall designate some proper person or authority, other than
that designated for the care of poor persons or paupers, or the
custody of criminals, who shall cause to be interred, in a decent
and respectable manner, the body of any soldier, sailor or marine
who has served in the military or naval service of the United
States during the rebellion, the war with Spain or the Philippines,
or in the war with the imperial government of Germany, or the
imperial government of Austria-Hungary, or any ex-confederate
soldier, who shall hereafter die without leaving sufficient means
to defray his funeral expenses, but such expenses shall in no
case exceed seventy-five dollars. If the deceased has any relatives
or friends who desire to conduct the burial, but are unable or
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14 unwilling to pay the charges therefor, such sum shall be allowed
15 by the court and paid out of the county treasury upon due proof
16 of claim and of the death and burial of the soldier, sailor or
17 marine, and the filing of vouchers showing such payments, said
18 allowances to be paid to the person so conducting said burial.
19 Such interment shall not be made in a cemetery or cemetery plot
20 used exclusively for the burial of deceased paupers.

CHAPTER 82.
(Senate Bill No. 147—Mr. Morton.)

AN ACT to provide for the extension of the school term in the ele-
21 mentary grades of graded schools conducted in connection with
22 normal training high schools.

[Passed February 20, 1919. In effect ninety days from passage. Approved by
23 the Governor February 21, 1919.]

Sec. 1. Provision for maintaining normal training or class one high school.
Sec. 9. Pupils of elementary grade; privileges.

Be it enacted by the Legislature of West Virginia:

In any district in which a normal training, or class one, 2
2 high school is maintained in connection with a graded elementary
3 school, the board of education shall have authority to lay upon
4 all of the taxable property in the district, levies sufficient for the
5 teachers' fund and the building fund for maintenance purposes,
6 to continue the elementary grades of such school for the same
7 length of term that the normal training, or class one, high school
8 of such district is in session.
9 It is provided, however, that any and all pupils of elemen-
10 tary grade in such district shall be permitted to attend the ele-
11 mentary grades of such school after the close of the elementary
12 schools of their sub-districts or in any school term in which the
13 elementary schools of their sub-districts are not in session.

CHAPTER 83.
(Senate Bill No. 93—Mr. Montgomery.)

AN ACT fixing the annual allowance to the clerks of the county and
14 circuit courts of Boone county.

[Passed February 3, 1919. In effect ninety days from passage. Approved by
15 the Governor February 10, 1919.]
Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Boone county shall annually allow to the clerk of the county court and to the clerk of the circuit court of said county, the sum of not less than two hundred dollars nor more than six hundred dollars each, for his public services, for which no other fee or reward is allowed by law.

Said salaries to begin on the first day of January, one thousand nine hundred and nineteen, and end on the thirty-first day of December, one thousand nine hundred and twenty, and that this act shall in no wise conflict with the provisions of chapter eighty-three of the acts of one thousand nine hundred and fifteen, known as the “salaries act.”

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

CHAPTER 84.

(Senate Bill No. 32—Mr. Poling.)

AN ACT to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterward bring a second cause of action against them.

[Passed January 27, 1919. In effect ninety days from passage. Approved by the Governor February 6, 1919.]

SEC. 52. Action against two or more defendants; process; judgment.

Be it enacted by the Legislature of West Virginia:

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

Section 52. Where, in any action against two or more defendants, the process is served on part of them, the plaintiff may proceed to judgment as to any so served, and either discontinue it as to the others or from time to time as the process is served as to such others, proceed to judgment as to them until judgment be obtained against all. Such discontinuance of the action as to any defendant not served with process shall not operate as a
CHAPTER 85.

(Senate Bill No. 25—Mr. Hough.)

AN ACT to amend and re-enact sections four and seven of chapter fifty-seven of the acts of West Virginia, of one thousand eight hundred and ninety-five, relating to the independent school district of Wellsburg, in the county of Brooke and state of West Virginia.

Passed January 25, 1919. In effect from passage. Approved by the Governor February 6, 1919.)

Sec. 4. School enumeration; when increase of members of board warranted; terms of members.

Sec. 7. Organization of board; election of clerk; clerk’s compensation.

Be it enacted by the Legislature of West Virginia:

That sections four and seven of chapter fifty-seven of the acts of one thousand eight hundred and ninety-five, be amended and re-enacted so as to read as follows:

Section 4. Whenever the school enumeration of the district reaches eighteen hundred the board of education shall be increased to five members, elected by the voters of the whole district. At the first election after the school enumeration has reached eighteen hundred there shall be elected three members, one for five years, one for four years, and one for three years; and thereafter one member shall be elected each year for a five-year term. The terms of all members so elected shall begin on the first day of July following their election. Should a vacancy occur in said board by death, resignation or otherwise, the board shall fill such vacancy by appointment, said appointment to be until the next general election, at which time a member shall be elected for the unexpired term of the member whose place shall have become vacant.

Sec. 7. At the first meeting of the board in July of each year the board shall organize by electing a president, who shall be one of their number; and shall also elect a clerk, who may or may not be a member of the board, and fix his compensation.

All acts or parts of acts in conflict herewith are hereby repealed.
CHAPTER 86.

(Senate Bill No. 224—Mr. Chapman.)

AN ACT to amend and re-enact sections fourteen, twenty-two and twenty-five of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine, relating to the independent school district of Huntington, and the conduct of the schools within said district.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

Be it enacted by the Legislature of West Virginia:

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

Sec. 14. The board of education shall have power to make all necessary rules and regulations for the government of the schools of the district, for the admission of pupils therein, for the exclusion of pupils whose attendance would be dangerous to the health or detrimental to the morals or discipline of the schools. They may prescribe a uniform list of text-books for the use of the schools in the district, and may furnish books and stationery for the use of the schools in the district, and may furnish books and stationery for the use of indigent children in attendance at the schools. They may provide such evening schools, continuation schools, or part-time schools, as in their judgment may be best for the educational interests of said district. They shall appoint a chief medical inspector for the schools of the district the first of July, or as soon thereafter as may be practicable in each year, and fix the salary of such medical inspector, and they may appoint and fix the salaries of such assistant medical and dental inspectors and school nurses as may be necessary to render efficient the protection of the health of the children of the school district. They may establish such rules and regulations for said medical inspection as they deem proper, and may provide for necessary stationery and supplies. They may establish, and make regulations for, clinics for the
treatment of such physical conditions as may in the judgment of the medical examiners require treatment; provided, that no child shall be compelled without the written consent of parent or guardian to accept such medical treatment. The board shall have power to appoint an attendance officer and such assistants as may be necessary and fix their salaries in order to provide for the proper execution of the laws compelling the attendance of children upon the public schools, and may provide rules and regulations to make this work effective. They may furnish all necessary apparatus and books for the use of the schools, and incur all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of the district. They shall also fix the number of days in the school month within the district.

Sec. 22. A superintendent of schools for the said district shall be appointed by the said board of education for a term of not more than four years, and his salary fixed by the said board at the first regular meeting of the board in April, or soon thereafter; but no person shall be employed as superintendent who shall not have had an experience of at least five years as superintendent or principal of public schools. Said superintendent in addition to the duties specified in this act, shall perform such other appropriate duties with relation to the schools of the city as the board may prescribe. He shall be liable to removal by the board of education for any palpable violation of the law or omissions of duty, but he shall not be removed unless charges be preferred to the board and notice of a hearing, with a copy of the charges, delivered to him and an opportunity given him to be heard in his defense. When the office shall have become vacant from any cause, before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the city superintendent to make such report to the board of education of the character and condition of the schools of the city of Huntington, as shall enable the secretary to make his required report to the county superintendent or state superintendent. The city superintendent shall not directly or indirectly receive any gift, emolument or reward, for his influence in recommending the use of any book,
26 apparatus or furniture of any kind whatever, in the schools of 27 the district.

Sec. 25. On or after the first day of April of each year, 2 and subsequent to the election of the superintendent of schools, 3 the board of education shall appoint all teachers for the schools 4 within the district and fix their salaries; but no person shall be 5 employed to teach in any public school of the district who shall 6 not first have obtained from the board of examiners a certificate, 7 in duplicate, of qualification to teach a school of the grade for 8 which the appointment is made, except that the superintendent 9 and members of the board of examiners shall not be required to 10 obtain any certificate.

CHAPTER 87.

(Senate Bill No. 62—Mr. Bloch.)

AN ACT to amend chapter fifty-four of Barnes' code of one thou­ 2 sand nine hundred and sixteen, by adding thereto section twenty­eight-a by which to enable building and loan associations to cre­ ate a limited sinking fund to stabilize the maturity of stock series; and to require building and loan associations, whether incorporated or not incorporated, and all persons, firms, part­ nerships, associations, trustees, or combination of persons doing a building and loan business, or business of like kind or character, to obtain a permit from the commissioner of banking, and pro­ viding penalties.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

Be it enacted by the Legislature of West Virginia:

That chapter fifty-four of Barnes' code of one thousand nine hun­ dred and sixteen be and is hereby amended by adding thereto section twenty-eight-a as follows:

Section 28-a. It shall be lawful for a building and loan as­ sociation to set aside in its treasury out of the dues, fines, interest 3 and premiums paid by its stockholders, a contingent fund which 4 shall be used only for the purpose of paying losses and necessary 5 expenses incurred in the maturing of any of its series of stock,
and for the purpose of stabilizing and making equal, as near as
may be, the time of maturity of all of said series; but said con-
tingent fund shall at no time exceed eight per centum of the out-
standing loans.

All building and loan associations, incorporated or unincor-
porated, and all persons, firms, partnerships, associations, trus-
tees, or combinations of persons whatsoever, which or who trans-
act a building and loan business, or a business of like kind or
character, or where by its, or their, charter, constitution, by-
laws, or by a declaration of trust, or other device, or by a con-
tract or agreement, the members or customers are required to pay
weekly, monthly or regular installments to a common fund or
series, from which fund or series loans are made to said members,
customers or to others, for the purpose of building homes or
buildings, purchasing building sites, paying off liens or debts
against real estate, or for other purposes, shall obtain from the
commissioner of banking a permit or certificate of authority, be-
fore doing any business in this state directly or indirectly which
permit or certificate of authority shall be given only and in
the same manner and under like conditions, regulations and
discretion, and upon the filing of like papers, documents and
statements as set out in section 78-a (8) of this chapter, re-
quiring foreign building and loan associations to obtain cer-
tificate of authority before beginning business. A fail-
ure to procure such permit or certificate of authority before
beginning or continuing business (if already begun when this
act goes into effect) shall be a misdemeanor and subject the of-
fender, its or their officers, agents and representatives, to a fine of
not more than one thousand dollars nor less than five hundred
dollars for each month such failure shall continue. And all such
persons, firms, partnerships, associations, trustees or combina-
tions of persons, shall be subject to the same examination, visita-
tion and control, and pay the same fees and charges therefor as
now required of building and loan associations incorporated under
the laws of this state.
CHAPTER 88.

(Senate Bill No. 24—Mr. Cobun.)

AN ACT to amend and re-enact section two of chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to the care and preservation of state and county archives.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

SEC. 2. Quarters of bureau; character of records preserved; report to Governor; under management of board of public works.

Be it enacted by the Legislature of West Virginia:

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

Section 2. The said bureau shall be a department of the state government and it shall occupy rooms in the state capitol or in the annex thereto, or in such building as may be provided by the state. It shall be under the management of the board of public works, which body shall have full power and authority to adopt and establish such by-laws and regulations for its government, as it may seem necessary and proper to effect the objects of the bureau; and it shall cause to be enforced such library rules and regulations as will aid students, readers, investigators and research workers in the use of the material of the bureau. It shall keep and care for the battle flags and regimental flags borne by West Virginians in war, together with all other property of whatever character, which has been purchased by the state's money and held in trust for the state by the West Virginia historical and antiquarian society.

Any official of the state or of any county, or any other official, may turn over to the state historian and archivist, with his consent, for permanent preservation and record in the state department of archives and history any official books, records, documents, original papers or files, not in current use in his office, providing, said official shall first make and keep on record in his official files, a certified copy of such book, record, document, original paper on file, and said official may in like manner turn over to the state historian and archivist, with his consent, for use of the state, any printed books, records, documents
24 or reports not in current use in his office. Nothing herein, how- 
25 ever, shall be construed to allow the removal of any books or rec-
26 ords affecting the title to any estate, within the jurisdiction of the 
27 official having custody of such records. The state historian and 
28 archivist shall embody in his report to the governor a general list 
29 of all such books; records, documents or papers so received; and 
30 upon the request of any person entitled thereto, shall furnish a cer-
31 tified copy of any such record, document, paper, or extract there-
32 from, and said certified copy shall be entitled to the same weight 
33 as evidence as though certified by the authority by whom said rec-
34 ord, document or paper was deposited with said state historian 
35 and archivist.

CHAPTER 89.

( Senate Bill No. 206—Mr. Harmer.)

AN ACT to amend and re-enact section forty-two of chapter one-
36 hundred and twenty-three of the acts of the legislature, regular-
37 session, one thousand nine hundred and seventeen, and add sec-
38 tion forty-two-a to said chapter.

[Passed February 20, 1910. In effect ninety days from passage. Became a law 
39 without the Governor's approval.]

Sec. 42. City of Clarksburg; removal of 
40 elective officers; manner of pro-
41 cedure; official ballot.

Be it enacted by the Legislature of West Virginia:

That section forty-two of chapter one hundred and twenty-three of 
the acts of the legislature, regular session, one thousand nine hundred 
and seventeen, be amended and re-enacted so as to read as follows; 
and that section forty-two-a be added to said chapter as follows:

Section 42. The holder of any elective office may be re-
2 moved at any time by the electors qualified to vote for a successor 
3 of such incumbent. The procedure to effect the removal of an 
4 incumbent of an elective office shall be as follows:

A petition signed by at least nine hundred electors entitled 
6 to vote for a successor to the incumbent sought to be removed, 
7 demanding an election of a successor of the person sought to be 
8 removed shall be filed with the city clerk. The signatures to 
9 the petition need not all be appended to one paper, but each 
10 signer shall add to his signature his place of residence, giving 
11 the street and number. One of the signers of each such paper-
shall make oath before an officer competent to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

The city clerk shall forthwith examine said petition and ascertain whether or not the same is signed by the requisite number of qualified electors and within three days after he receives said petition he shall attach thereto his certificate showing whether or not said petition is signed by the requisite number of qualified voters, and if so signed by the requisite number of qualified voters, he shall file the same with the council and if not so signed he shall return it to the person filing the same with him.

Within two days after said petition is so filed with the council it shall order and fix a date for the holding of said election not less than twenty nor more than thirty days from the date of the filing of said petition with the council.

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 of 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.
CHAPTER 90.
(Senate Bill No. 233—Mr. Luther.)

AN ACT to authorize and empower the public health council to grant and issue license for the practice of medicine and surgery to certain qualified applicants.

[Passed February 21, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

Sec. 1. Authority of the public health council relating to the practice of medicine and surgery; special provisions.

Be it enacted by the Legislature of West Virginia:

Section 1. That the public health council of this state is
2 authorized so to do and shall, during the period of one year from 3 the date this act becomes effective, upon the production of satisfac- 4 tory evidence that the person applying is of good moral character, 5 is proficient in the science of medicine and surgery, has had at least 6 ten years previous experience in the practice in the state of West 7 Virginia, and is otherwise qualified and is a bona fide resident of 8 this state and after a practical examination, grant and issue to 9 such persons license or certificate of authority to practice the pro- 10 fession of medicine and surgery.

CHAPTER 91.

(Senate Bill No. 94—Mr. Fox.)

AN ACT to amend and re-enact section twelve of chapter eighty-two of 1 the code of West Virginia, Barnes' edition of one thousand nine 2 hundred and sixteen, relating to the investment of funds in the 3 hands of guardians.

[Passed February 17, 1919. In effect from passage. Approved by the Governor 4 February 20, 1919.]

Sec. 12. Investment of funds coming into 12. Investment of funds coming into 1. Investment authorized; interest hands of guardian; character of hands of guardian; character of charges. charges.

Be it enacted by the Legislature of West Virginia:

That section twelve of chapter eighty-two of the code of West Vir­ 11 ginia, Barnes' edition of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 12. Whenever a guardian shall collect any principal 2 or interest belonging to his ward, he shall have thirty days to in- 3 vest or loan the same, and shall not be charged with interest there- 4 on until the expiration of said time, unless he shall have made the 5 investment previous thereto, in which case he shall be charged with 6 interest from the time the investment or loan was made. And, 7 provided, however, that the investment of any funds which may 8 come into the hands of any such guardian in the bonds of the gov- 9 ernment of the United States of America, bearing interest at the 10 rate of not less than four per centum per annum, shall be a compli- 11 ance with all of the requirements of this section, and such invest- 12 ment is hereby authorized; provided, further, that if by due dili- 13 gence, any guardian is unable to loan any principal or interest be- 14 longing to his ward within the time aforesaid, he may file his 15 petition in the circuit court of the county in which he qualifies as
such guardian, setting out fully the facts, which petition shall be verified as provided by section forty-two of chapter one hundred and twenty-five of the code, and of the filing of which petition ten days notice shall be served on the ward, and the circuit court or the judge thereof in vacation shall appoint a guardian ad litem for the defendant to said petition who shall answer such petition under oath, and thereupon the court or judge thereof in vacation shall hear the matters arising upon said petition, upon affidavits or depositions duly taken and returned, but such guardian ad litem shall in all cases be personally present at the hearing; and such court or judge thereof in vacation, if it be made to appear that such guardian has been unable to loan the funds of his ward as hereinbefore required, may make such order in relation to the loan and investment of the funds in the hands of such guardian, as may be to the best interests of the ward. But pending a hearing upon said petition, such guardian shall not be chargeable with interest on the funds in his hands uninvested, unless the court or judge otherwise order.

CHAPTER 92.

(Senate Bill No. 223—Mr. Sanders.)

AN ACT fixing an annual allowance to the clerk of the circuit court of Mercer county.

[Passed February 17, 1910. In effect from passage. Became a law without the Governor's Approval.]

Sec. 1. Additional allowance for circuit court clerk, Mercer county; time allowed.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Mercer county shall annually allow to the clerk of the circuit court of said county the sum of not less than fifteen hundred dollars nor more than three thousand dollars, payable monthly, for his public services, for which no other fee or award is allowed by law. Said salary to begin on the first day of January, one thousand nine hundred and nineteen and to end on the thirty-first day of December one thousand nine hundred and twenty, and that this act shall in no wise conflict with the salary act of said clerk now on the statute books to begin January first, one thousand nine hundred and twenty-one.

Sec. 2. All acts, or parts of acts, in conflict herewith are hereby repealed.
CHAPTER 93.

(Senate Bill No. 200—Mr. Arnold.)

AN ACT to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections six, thirteen and fourteen.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]

SEC. 6. Board to appoint secretary; duties of secretary; compensation.

12-a. Board of examiners; how constituted; granting of certificates.

Be it enacted by the Legislature of West Virginia:

That chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight be amended by adding section twelve-a thereto, and amending and re-enacting sections six, thirteen and fourteen so as to read as follows:

Section 6. The said board shall, at their first meeting in July 2 of each year appoint a secretary who shall perform such duties 3 for said board as are required of secretaries of other boards of 4 education, who shall hold his office at the will of said board and 5 whose compensation shall be fixed by the board and shall not 6 be less than fifty nor more than one hundred dollars per year. and 7 shall have, in addition thereto, the usual fee for making the 8 annual report required by law.

Sec. 12-a. The board of education shall appoint two competent persons to act with the superintendent as a board of 3 examiners. It shall be the duty of said board of examiners to 4 examine all applicants for positions as teachers in the schools 5 of the district, and each person so examined shall pay a fee of 6 one dollar, but no applicant shall be entitled to examination who 7 shall not furnish evidence satisfactory to the board of good moral 8 character.

9 Two classes of certificates shall be granted, namely, high school 10 certificates and elementary school certificates; and the board of 11 education shall have power to make special regulations as to the 12 branches to be given in examination in each class.

13 First grade certificates shall be issued to all applicants who 14 attain a general average of ninety per cent. and not lower than
15 seventy-five per cent. in any one branch. Certificates of both classes 16 shall be valid for a period of one year, and shall be renewable at 17 the discretion of the board of examiners.
18 The board of examiners may, without examination, issue a 19 high school certificate based on a diploma from a standard col- 20 lege; and may in like manner issue an elementary certificate based 21 on a diploma from a standard normal school or other school of 22 equal rank.

Sec. 13. The board of education shall appoint all teachers for 2 public schools of any grade within the said district and fix their 3 salaries at a meeting held on the first Monday in July, or as soon 4 thereafter as possible. But no person shall be employed to teach 5 a school of the grade for which the appointment is made, without 6 having a satisfactory certificate obtained and issued as required by 7 law in the examination of teachers for the public schools of the 8 state, or in compliance with section twelve-a of this act.

Sec. 14. The superintendent and teachers shall be subject in 2 all respects to the rules and regulations adopted by the board of 3 education, and may be removed by the board of education for 4 incompetency or grossly immoral conduct, in the manner and 5 form prescribed for the removal of teachers in section thirteen 6 of chapter forty-five of the code as amended. The board of 7 education shall have power to establish a city institute for city 8 teachers, or course of educational lectures, to be held at such time 9 and place as they may designate. Attendance upon these insti- 10 tutes shall be obligatory upon all teachers employed in the district, 11 and is required in lieu of attendance upon the county teachers' 12 institute.

CHAPTER 94.

(Senate Bill No. 197—Mr. Morton.)

AN ACT to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code of one thousand nine hun- 12 hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

Sec. 7. Removal from office of county and district officers; manner of removal; proceedings to be speedily heard.
Be it enacted by the Legislature of West Virginia:

That section seven of chapter seven of the code of West Virginia (Barnes’ code of one thousand nine hundred and sixteen), be amended and re-enacted so as to read as follows:

Section 7. Any county or district officer including any member of a board of education may be removed from office for official misconduct, incompetency, habitual drunkenness, adultery, neglect of duty, or gross immorality. The willful waste of public funds, or the appointment to any office or position of an incompetent or disqualified person and the retention of such person in office, or in the position to which he was appointed, when such incompetency or disqualification is made to appear, when in the power of such officer or officers to remove such incompetent or disqualified person, shall be deemed neglect of duty and official misconduct in office. Any appointee or employee of any officer, or officers, including county courts and boards of education, who willfully wastes or misappropriates public funds, or who is guilty of habitual drunkenness, adultery, neglect of duty, or gross immorality, shall be deemed incompetent within the meaning of 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 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 possession of some other officer or person for safe keeping until the vacancy is filled. Any vacancies created under this section in the office of the commissioner, clerk of the county court, constable, and justice of the peace shall be filled by the county court of the county until the next general election, and any vacancy so created in the office of prosecuting attorney, clerk of the circuit court, and all other county and district officers not herein enumerated or otherwise provided for
by law, shall be filled by the circuit court of the county, or the
judge thereon in vacation until the next general election.
Proceeding under this section shall be speedily heard and
determined, and an appeal shall lie to the supreme court of ap-
peals of this state from any order removing or refusing to remove,
any officer proceeded against hereunder.
All acts, and parts of acts coming within purview hereof and
inconsistent herewith are hereby repealed.

CHAPTER 95.
(Senate Bill No. 237—Mr. Sinsel.)
AN ACT to authorize the county court of Taylor county to appropri-
ate and expend annually, public moneys in connection with the
observance of public Memorial services on the thirtieth day of
May, each year, at the United States national cemetery at the
city of Grafton.

(Passed February 15, 1919. In effect from passage. Approved by the Governor
February 20, 1919.)

Sec.
1. Memorial services at the city of
Grafton: expenditures relative
thereto.

Be it enacted by the Legislature of West Virginia:

That the county court of Taylor county be, and it is, hereby
authorized to appropriate and expend, annually, public moneys, not
to exceed the sum of five hundred dollars annually, in connection with
the observance of public Memorial services on the thirtieth day of
May, each year, at the United States national cemetery, at the city
of Grafton.

CHAPTER 96.
(Senate Bill No. 134—Mr. York.)
AN ACT to amend and re-enact sub-section two of section one; sub-
section five of section one, section two, section six; all of chapter
one hundred and fifty of Barnes’ code of one thousand nine hun-
dred and sixteen, and to add to said chapter section three-a and
section six-a, all relating to the public health.

(Passed February 20, 1919. In effect ninety days from passage. Approved by the
Governor February 21, 1919.)
Be it enacted by the Legislature of West Virginia:

That sub-section two of section one, sub-section five of section one, section two and section six of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen be amended and re-enacted; and that the section three-a and section six-a be added to said chapter one hundred and fifty, all to read as follows:

Commissioner of Health.

Sub-section (c). The commissioner shall be appointed by the governor, by and with the consent of the senate, and shall be a physician skilled in sanitary science, and experienced in public health administration. The term of office of the commissioner of health shall be four years; he shall after the first day of July one thousand nine hundred and nineteen receive an annual salary of 'forty-eight hundred dollars' and actual expenses incurred in the performance of official business; which salary shall be in full for all services. The commissioner of health shall be the administrative head of the state department of health and he shall be ex-officio a member of its public health council. His duties shall be to administer the laws and regulations of the department; to prepare rules and regulations for the consideration of the public health council; and with the approval of said council to appoint, remove and fix the compensation of the directors of divisions and all other employees; but said compensation shall be within the limitations of appropriation therefor; to advise with the public health council, keep himself informed as to the worth of each local health officer within the state; aid each health officer in the performance of his duties; assist each local health officer in making an annual sanitary survey of the territory within his jurisdiction, and in maintaining therein a continuous sanitary supervision; adjust questions of jurisdiction arising between local health officers within the state; study the cause of excessive mortality or morbidity from any disease in any portion of the state; promote efficient registration of births, deaths and notifiable diseases; inspect and report from time to
time the sanitary condition of institutions, schools and school-
houses, public conveyances, dairies, creameries, slaughter houses,
workshops, factories, labor camps, hotels and places where offen-
sive trades or industries are conducted; inspect and report the
sanitary condition of streams, sources of water supply and sewer-
age facilities; endeavor to enlist the co-operation of all physicians,
and volunteer health organizations in the improvement of public
health; promulgate information to the general public in all matters
pertaining to the public health. He shall perform all executive
duties now required by law of the state board of health and other
customary duties incident to his position as chief executive officer,
and shall provide for offices and equipment necessary for the
transaction of the business of the state department of health, out
of funds appropriated for the state department of health. He
shall submit annually to the governor on or before the first day
of November, or as soon thereafter as practicable, a report of the
operations of the department, with any recommendations he may
have to make, which report shall be printed and distributed as
soon as practicable thereafter in the same manner as other public
documents of the state. The commissioner whenever required by
the governor shall report to him as to any designated subject or
matter, and furnish such information as may be required. The
commissioner of health may direct any official or employee of the
state department of health to assist in the study, control, suppres-
sion and prevention of diseases in any part of the state, and nec-
essary expenses shall be paid while in the performance of such
duty.

Divisions of Department; Directors.

Sub-sec. (5). There shall be in the state department of
health the following divisions:
1 Division of preventable diseases;
2 Division of sanitary engineering;
3 Division of vital statistics;
4 Division of public health, education and child welfare.
7 The commissioner of health shall appoint, with the advice of
the public health council, a director to take charge of each division
and shall prescribe, with the advice of the public health council,
the duties pertaining to each division and arrangement of the sub-
divisions, if any, thereof.
Functions of Department.

Sec. 2. The state department of health shall have the authority to enforce all the laws of the state concerning the public health, and shall take care to protect the life and health of the inhabitants of the state, and to that end shall make or cause to be made sanitary investigations and inquiries respecting the cause of diseases, especially of epidemics, endemics and the means of prevention, suppression or control, the source of mortality and the effects of localities, employments, habits and circumstances of life on the public health, and shall gather information in respect to these matters and kindred subjects for diffusion among the people. It shall inspect and examine food, drink and drugs offered for sale or public consumption in such manner as shall be deemed necessary, and shall report all violations of all laws of this state relating to pure food, drink and drugs to the prosecuting attorney of the county in which such violations occur, and lay before such prosecuting attorney the evidence in its knowledge of such violations. The commissioner of health or any member of the public health council, may make complaint and cause proceedings to be instituted against any person or persons or corporation for a violation of any of the health laws of this state, without the sanction of the prosecuting attorney of the county in which proceedings are instituted, if said officer fail or refuses to discharge his duty, and in no such cases shall they be required to give security for costs.

Whenever the character and location of plumbing, drainage, water supply, sewers and disposal of sewage, garbage, or other waste materials of cities, towns and villages, offensive trades, hotels and labor camps; and the ventilation, warming, natural lighting and excreta disposal in public utilities, in public halls, churches, school houses, workshops, prisons and all other public institutions, are such as to endanger the public health, the public health council shall have power to make and enforce rules regulating the same. Whenever in the opinion of the state department of health or the state health commissioner the location or outfall of a sewer constitutes a nuisance or is a menace to public health, the state health commissioner shall have the power to order such changes as may be necessary to secure public comfort or safety. The public health council shall promulgate and recommend regulation, not inconsistent with law, covering the dis-
posal of excreta in coal mines, examine into and advise with the
chief of department of mines as to the ventilation of coal mines,
and how to treat promptly accidents resulting from poisonous
gases. Nothing herein contained shall be construed to give the
state department of health the power to regulate or interfere with
the drainage from any mine or manufacturing plant unless the
drainage from said mine or manufacturing plant shall contain
disease-producing bacteria in sufficient numbers to endanger health.
The state department of health is empowered to establish and
strictly maintain quarantine at such places as it may deem proper,
and forbid and prevent the assembling of the people in any place
when the public health council or the state commissioner of health or
any county or municipal health officer deems that the public health
and safety so demand, and may adopt rules and regulations to ob-
struct and prevent the introduction or spread of smallpox or
other contagious or infectious diseases into or within the state,
and shall have the power to enforce these regulations by detention
and arrest, if necessary. It shall have power to enter into any
town, city, factory, railroad train, steamboat, or other place what-
soever, and enter upon and inspect private property for the pur-
pose of investigating the sanitary and hygienic conditions and the
presence of cases of contagious and infectious diseases, and may,
at its discretion, take charge of any epidemic or endemic condi-
tions, and enforce such regulations as it may prescribe. All ex-
penses incurred in controlling any endemic or epidemic conditions
shall be paid by the county or municipality in which such epidemic
occurs. The state department of health shall provide, at its dis-
cretion, vaccine lymph, diphtheria anti-toxin, tetanus anti-toxin
and other forms of serum or vaccine preventives of disease that
it may deem necessary, and distribute same free of charge to county
and municipal health officers, to be used for the benefit of the
poor and indigent, and in other cases where it may be urgently
necessary to check contagions and control epidemics. The com-
mis-
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80 products, and when promulgated these regulations shall be the
81 minimum requirements to be enforced by local health authorities
82 throughout the state.

Sec. 3-(a). Any county court or municipal council shall
2 have the power and authority to provide for a full-time health
3 officer and the expenses of his administration, who shall give his
4 entire time to the duties of his employment, and the general
5 health and sanitation of his county or municipality, medical at-
6 tendance upon the indigent of the county in the infirmary and per-
7 form such duties in relation thereto as may be prescribed by order
8 of the court or ordinance of the municipality duly entered; and
9 may levy a county or municipal tax as the case may be for that
10 purpose of not exceeding three cents on a hundred dollars valu-
11 tion as shown by the last assessment for county or municipal taxes.

County Health Officer and Board; City Boards.

Sec. 6. It shall be the duty of the public health
2 council, upon the recommendation of the county court
3 of the county, to appoint in each county of this state
4 one legally qualified physician who shall be known as
5 the county health officer. His first term of office shall
6 begin July first, one thousand nine hundred and thirteen, and
7 continue for a period of four years, unless removed by said state
8 board of health for good cause. It shall also be the duty of the
9 public health council upon the recommendation of the proper
10 authority of any municipality to appoint in such municipality one
11 health officer whose term of office shall begin July first, one thou-
12 sand nine hundred and nineteen, and continue for a period of
13 two years, unless sooner removed by the said municipality or by
14 the public health council. Should the public health council fail
15 to confirm the nomination of the person recommended as county
16 or municipal health officer, or should the public health council or
17 other municipal or county authority remove any such, officer
18 another nomination shall be at once made to the public health
19 council. The county health officer shall receive an official salary
20 of not less than one hundred dollars, and such other amount as
21 the county court may add for additional services, and actual ex-
22 penses necessary for traveling expenses, unless for work especially
23 done under orders of the state board of health. The salary of the
24 county health officer shall be paid out of the treasury of the county,
24-a and he together with the president of the county court and the
24-b prosecuting attorney shall constitute the county board of health, 24-c of which the county health officer shall be the executive officer. 24-d The county board of health shall exercise all the powers, rules and 24-e regulations of the state board so far as applicable to such county. 25 It shall be the duty of every practicing physician to report to the 26 municipal health officer, where there is such official, immediately 27 on diagnosis, every case of contagious or infectious disease that 28 may arise or come under his treatment within the municipality, 29 and to the county health officer cases occurring outside of the 30 municipality. The health officer receiving such reports shall make 31 to the state health department a weekly report of all such cases, 32 stating the number of each kind of disease reported, the action 33 taken to arrest the infection, and the result. The jurisdiction of 34 the county boards of health shall not extend to any town or city 35 in this state having a health board of its own, but they may be and 36 are auxiliary to each other, and all city, town and village boards 37 of health, or health officers are secondary to, and subject to all 38 orders of the state council, which may, if deemed expedient, act 39 through the county or municipal board. Any failure to comply 40 with any of the provisions of this section shall be considered a 41 misdemeanor, and upon conviction thereof the offender be fined 42 not more than one hundred dollars. (Acts one thousand eight 43 hundred and eighty-two, c-ninety-three; one thousand eight hun- 44 dred and eighty-seven, c-sixty-four; one thousand nine hundred 45 and seven, regular session, c-sixty-six; one thousand nine hundred 46 and thirteen, c-twenty-four.)

State Health Department to Inspect Plans for Water and Sewerage Plants.

Sec. 6-(a) Said public health council shall consult with 2 and advise the authorities of cities and towns, and persons 3-4 having, or about to have, systems of water supply, drainage 5 or sewerage as to the most appropriate source of water supply, and 6 the best method of assuring its purity or as to the best method 7 of disposing of their drainage or sewage with reference to the 8 existing and future needs of other cities, towns or persons which 9 may be affected thereby. It shall also consult with and advise per- 10 sons engaged or intending to engage in any manufacturing or 11 other business whose drainage or sewage may tend to pollute any 12 inland water as to the best method of preventing such pollution, 13 and it may conduct experiments to determine the best methods
14 of the purification or disposal of drainage or sewages. No person
15 shall be required to bear the expense of such consultation, advice
16 or experiments. Cities, towns and persons shall submit to said
17 public health council for its advice their proposed system of water
18 supply or of the disposal of drainage or sewage. In this section
19 the term "drainage" means rainfall, surface and subsoil water
20 only, and "sewage" means domestic and manufacturing filth and
21 refuse. No city, town or village, and no person, firm, or cor-
22 poration shall establish any system of drainage, sewerage, or water
23 supply system until the same shall have been approved in writing
24 by the state health commissioner; and any municipality, person,
25 firm or corporation which shall violate the requirements of this sec-
26 tion shall be deemed guilty of a misdemeanor and upon conviction
27 thereof fined not less than one hundred dollars, nor more than
28 five hundred dollars.

CHAPTER 97.
(Senate Bill No. 149—Mr. Scherr.)

AN ACT authorizing the county courts, or tribunals created in lieu
thereof, to provide depositories for public money; requiring the
treasurers of county, district and other funds, and collectors of
state, county and district funds to deposit the same therein, and
making general provision in respect thereto.

[Passed February 20, 1910. In effect ninety days from passage. Approved by the
Governor February 21, 1910.]

Sec. 50. Depositories of public moneys; eligibility of institutions to become
Sec. depositories; limit on deposit; duties of county courts.

Be it enacted by the Legislature of West Virginia:

That section fifty, chapter thirty-nine of Barnes' code of West Vir-
ginia, edition of one thousand nine hundred and sixteen, authorizing
the county courts, or tribunals created in lieu thereof, to provide de-
positories for public money; requiring the treasurers of county, dis-
trict and other funds to deposit the same therein, and making gen-
eral provision in respect thereto, be amended and re-enacted so as to
read as follows:

Section 50. The county court of each county, by order of
2 record, shall designate, in the manner hereinafter provided, a
3 bank, or banks, or trust companies situated in the county and duly
4 incorporated under the laws of this state, or organized under the
5 laws of the United States, as a depository, or depositories of public
6 moneys; provided, that in any county where no such bank or
7 trust company exists, or where such bank or banks fail, refuse
8 or neglect to comply with all of the provisions and conditions of
9 this act, the county court shall designate any other convenient
10 bank, or banks, or trust companies incorporated under the laws of
11 this state, or organized under the laws of the United States, located
12 and doing business in the state; and, provided, further, that no
13 such depository shall have on deposit at any time more than one
14 hundred thousand dollars of public moneys. A depository to be
15 eligible for designation hereunder must be such bank or trust
16 company as is described in this section.

17 Not later than July first, one thousand nine hundred and
18 nineteen, and annually thereafter, the sheriff of every county shall
19 file with the county court, or tribunal in lieu thereof, a statement
20 in writing naming one or more banks or trust companies within
21 his county in which he desires to deposit public funds, and there-
22 upon, and within twenty days thereafter, the county court shall
23 designate the same county depository or depositories; provided,
24 said bank, banks or trust companies comply with all of the pro-
25 visions and requirements of this act. If the banks or trust com-
26 panies named in said statement filed by the sheriff do not comply
27 with all of the provisions and requirements of this act, then the
28 county court shall designate any other bank, banks or trust com-
29 panies within the county as county depository or depositories,
30 when they comply with the requirements and provisions of this
31 act.

32 If there are no banks or trust companies within the county
33 eligible for county depository or depositories, or, if eligible to be
34 designated as such, either decline to be designated, or if desig-
35 nated, fail, refuse or neglect to comply with the requirements and
36 provisions hereof, then the sheriff shall file with the county court
37 a statement naming one or more banks or trust companies con-
38 venient to his county, within the state, in which he desires to
39 deposit the public funds. Thereupon, the county court shall
40 designate the same county depository or depositories; provided,
41 said bank, banks or trust companies comply with all of the require-
42 ments and provisions of this act. If the banks or trust companies
43 named in said statement filed by the sheriff do not comply with
44 the requirements and provisions of this act, then the county court
45 shall designate any other bank, banks or trust companies con-
46 venient to the county, and within the state, as county depository
or depositories, when they comply with all of the requirements and provisions of this act.

Risk and expense of making deposits in county depositories located outside of the county seat shall be borne by the bank or banks or trust companies in which the deposits are made.

If the sheriff shall fail or neglect to file the statement provided for by the second section hereof, by the time provided in said section, naming eligible county depository or depositories, then the county court shall name some bank, banks or trust companies, within the state, as county depository or depositories. The depositories named by the county court shall be located in the county if any therein are eligible and willing to comply with the requirements and provisions of this act. When any bank or trust company has been named by the county court as provided for by this section, and has complied with all of the requirements and provisions of this act, the court shall designate it a county depository.

The county court of any county may be required by mandamus to comply with the provisions of this act, upon the petition of any citizen and taxpayer of the county, or any officer charged with the duty of enforcing compliance with the laws relating to the collection and disbursement of public moneys.

CHAPTER 98.

(Senate Bill No. 198—Mr. Burgess.)

AN ACT to create the independent school district of Church in the county of Wetzel.

Section 1. Church independent school district, Wetzel county; boundaries.

Sec. 2. Board of education; qualification.

Sec. 3. President and commissioners now in to serve.

Sec. 4. Elect president and commissioners, when.

Sec. 5. Oath, form, secretary to administer.

Sec. 6. Salary.

Sec. 7. Vacancies.

Sec. 8. Shall be a body corporate, et cetera.

Sec. 9. Elect secretary; term; bond.

Sec. 10. Time to hold meetings.

Sec. 11. Duty of president.

Sec. 12. Duty of secretary.

Sec. 13. Admission of various schools.
Sec. 14. Enumeration; boards shall examine, et cetera.

Sec. 15. State superintendent shall report to auditor, et cetera.

Sec. 16. Boards shall provide houses, furniture, fixtures, et cetera.

Contracts.

Sec. 17. Levy.

Sec. 18. Upon failure of board to lay levy, et cetera, how taxes collected, deposit.


Sec. 20. Power to abandon schools.

Sec. 21. How money disbursed.

Sec. 22. District supervisor to be appointed, duty of supervisor.

Sec. 23. Examining committee, how appointed; issue certificates; fee.

Sec. 24. Teachers subject to board; salaries.

Sec. 25. Duty of persons having control of child or children; penalty for failure; bonds; incorrigible children.

Sec. 26. Truant officers; compensation; duty.

Sec. 27. Penalty for inducing child to absent himself from school; truant officer; penalty for failure; prosecution; court, jurisdiction.

Sec. 28. How general school law shall apply.

Sec. 29. Inconsistent laws repealed.

[Passed February 18, 1919. 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 Church in the county of Wetzel, 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 “Church independent school district” hereinafter mentioned as Church district.

Sec. 2. There shall be a board of education for said district composed of a president and four commissioners who shall constitute a board of education for said district named “Board of education of Church 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
Sec. 3. The president and commissioners now in office shall serve to the end of the term to which they have respectively been elected. One of the members of said board shall reside at each voting precinct and one shall be elected by the voters at large.

Sec. 4. The county superintendent of schools shall immediately after the first day of May, one thousand nine hundred and nineteen, appoint two additional members who shall hold office one for two years and one for four years. Thereafter two members to be elected at the general election in one thousand nine hundred twenty and the president and two commissioners in one thousand nine hundred twenty-two and two commissioners every two years thereafter and the president every four years thereafter.

Sec. 5. Before entering upon their duties as officers, the said president and each of said commissioners shall be required to qualify by taking and subscribing the following oath of office: “I do solemnly swear (or affirm) that I will faithfully perform the duties of president of the board of education (or school commissioner) of Church district during the term for which I was elected, to the best of my ability; so help me God.”

The secretary of the board of education is authorized to administer said oath, a copy of which shall be kept and preserved by him in the files of his office.

Sec. 6. The salaries of the members of the board shall be fixed by the board; provided, that the salary of the president shall not exceed the sum of fifty dollars per annum and the salary of each member shall not exceed the sum of forty dollars per annum.

Sec. 7. Vacancies in the office of president or commissioners shall be filled by the county superintendent of schools at the first regular meeting after which said vacancy shall be declared, by the appointment of a duly qualified person, who shall hold office until the next general election, at which time a qualified person shall be elected to fill the unexpired term caused by said vacancy.

Sec. 8. The board of education of Church district shall be a body corporate in law by the name of “board of education of Church district” and as such, may sue and be sued, plead and be imploaded, contract and be contracted with, purchase, hold, sell and convey real or personal property for the purpose of educa-
tion within the district, receive any gift, donation or devise for
the benefit of education; employ attorneys, become parties to
suits and contracts, and do and perform any and all other cor-
porate acts as necessary and proper to the advancement of free
school education in said district. It shall succeed and be sub-
stituted to all of the rights of the former board of education of
the district of Church in the county of Wetzel, and may prose-
cute any and all suits and proceedings now pending, or which
may have been brought and prosecuted in the name of the former
board of education for the recovery of any money or property,
or damage to any property due to or vested in said board of edu-
cation, and said board of education shall be liable in its corporate
capacity for all claims legally existing against said board of edu-
cation; the title to all real estate and personal property now
vested in the board of education of Church district in the county
of Wetzel shall be and is hereby vested in the board of education
of the independent 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, one thousand nine
hundred and nineteen, the board shall elect a secretary whose
term of office shall begin at the time of his election and shall con-
tinue not to exceed a period of four years, as determined by the
board. The board shall determine the time for which the secre-
tary shall serve, and shall elect a new secretary upon the ex-
piration of his term. The secretary shall serve during the term
for which he is elected and until his successor is elected and
qualified, but he may be removed by the board of education of
Church independent school district at any 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
custody 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 one
each month during the months which 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
6 determined by resolution of the board passed at the first meeting
7 held in July, and shall be entered on the records of the proceed-
8 ings of such meetings; such meetings are designated as regular
9 meetings. A majority of the board shall be necessary to consti-
10 tute a quorum.

Sec. 11. The president shall perform such duties as ordi-
2 narily devolve upon the presiding officer of a deliberative body;
3 by virtue of his election he shall be a member of the board, and
4 entitled to vote on all questions submitted. In his absence the
5 board may choose a president pro tempore.

Sec. 12. The secretary shall record in a well-bound book to
2 be provided for the purpose, all official acts and proceedings of
3 the board, which shall be a public record open to the inspection
4 of all persons interested therein; he shall also keep and preserve
5 books of account which shall show the resources of the board for
6 each current year and the funds from which the same is derived;
7 all credits to be charged against said resources by way of de-
8 linquents, commissions and otherwise; all disbursements made by
9 the board and on account of what fund, and the balance to the
10 credit of each fund, together with a descriptive entry, showing
11 for what purpose each item of disbursement is made, which books
12 of account shall always show the financial resources of the dis-
13 trict and shall always be open to the inspection of any taxpayer
14 of the said district; he shall also preserve in his office all papers
15 containing evidences of title, contract and obligation; and
16 in general, shall record and keep in his office all records, papers
17 and documents as shall be required by this act, and perform
18 such duties, not inconsistent herewith, as may be prescribed by
19 the board; he shall make such reports as are required to be made
20 by secretaries of the board of education by the general school
21 laws of the state; for his services he shall receive a salary to be
22 fixed by the board not to exceed seventy-five dollars per annum.

Sec. 13. Admission to the various schools in the district
2 shall be gratuitous to all children, wards and apprentices of actual
3 residents within the district between the ages of six and twenty-
4 one years; provided, that pupils, who are non-residents of the dis-
5 trict shall be allowed to attend the schools of the independent
6 school district hereby created upon the payment of such tuition
7 as the board of education may prescribe, which tuition, however,
8 shall not be less than the sum of two dollars and fifty cents per
9 month for students in the high school of said district, and not
10 less than one dollar and fifty cents per month for students in the
11 grade classes of said district.

Sec. 14. Not later than the first regular meeting in March
2 in each year the board shall employ a competent person or per-
3 sons, residents of the district, to make an enumeration of all the
4 youths resident in the said district who shall be over six and
5 under twenty-one years of age on the first day of July following,
6 in the manner prescribed by the general school law of the state,
7 which enumeration shall be verified in the manner and returned
8 to the secretary of the board within the time prescribed by said
9 general school law. The board shall examine said report of
10 enumeration at its next regular meeting after its return, and
11 shall take such steps as it may deem necessary to verify the same,
12 and 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
15 the teachers of said district to take such enumeration in the
16 manner 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
7 deposited with the sheriff of Wetzel county.

Sec. 16. The board of education shall provide by con-
2 demnation, purchase, lease, construction or otherwise, such school
3 houses and grounds, furniture, fixtures and appliances as may be
4 necessary for school purposes, and keep and maintain the same
5 in good order and repair; shall supply said school buildings with
6 fuel and other things necessary for comfort and convenience;
7 and shall pay all charges incurred by virtue of any of the pro-
8 visions of this act which are not chargeable to the teachers' fund.
9 In order to provide the funds which are necessary for the pur-
10 pose of this section, the board of education shall annually, at its
11 first regular meeting in July, make an estimate of the amount of
12 money needed in the district for the purpose of maintaining the
13 school for the term fixed, and the secretary shall record such
14 estimate in his record for public inspection. At the second regu-
15 lar meeting in July, or as soon thereafter as practicable, the
16 board of education shall proceed to lay such levy on the property
taxable in said district, in the manner, within the limits and not
to exceed the amounts prescribed by the general school laws of the
state relating to levy by the board of education for that purpose.
All contracts made by the board, to the extent that they shall
involve the levy of any future year, shall be void, and no debts
shall be contracted or incurred by the board in any one year
which shall exceed the funds available for that purpose, unless
the object, nature and extent thereof shall have been submitted
to the voters of the district, at a special election to be called by
the board for that purpose, and shall have received a majority of
all the votes cast for and against the same; provided, that in
case a bond issue is voted upon, a three-fifths vote of all votes
shall be necessary for such bond issue; the president of said
board shall issue a proclamation of said election, in which he
shall recite the object, nature and extent of the indebtedness pro-
posed to be incurred, and for what purpose; which proclamation
shall be published once in each week for four weeks, previous to
the day of election, in at least two newspapers published in said
county of Wetzel. Every special election held pursuant to the
provisions of this section, except as herein otherwise specially
provided, shall be held and conducted and the results certified in
the manner prescribed by the general elections. The proceeds of
taxes so levied, or property sold, of all donations and devises ap-
plicable to any of the purposes mentioned in this section shall
constitute a fund, to be called the "building fund," to be appro-
priated exclusively to the purpose mentioned in this section.

Sec. 17. In addition to the levy mentioned in the preceding
section, the board of education shall for the support of the schools
in the district annually levy such tax on the taxable property in
the district, as will with the money received from the state for
the support of free schools, be sufficient to keep the schools in
operation for not less than seven months in the year for the
grades; and the board may, if in its opinion the same is deemed
advisable, continue any of said grade schools in said district for a
period not to exceed nine months in the year. Such levy shall not
exceed the limits prescribed for such purpose by the general school
laws of the state. The proceeds of this levy, together with the
money received from the state aforesaid, shall constitute a special
fund, to be called the "teachers' fund," and no part thereof shall
be used for any purpose than the payment of teachers' salaries
and the salary of the supervisor.
Sec. 18. 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 Wetzel county by writ of mandamus.

The taxes so levied by the board of education shall be collected in the same manner and at the same time as the state and county taxes by the sheriff of Wetzel county; and he shall credit the same to the proper fund or funds. The 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.

Sec. 19. The board of education upon the recommendation of the supervisor 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 high schools and evening schools as may be necessary and with the approval of the supervisor designate such branches of learning as shall be taught therein; upon the recommendation of the said supervisor it may prescribe the textbooks other than those adopted by the state textbook commission 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. 20. 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 the board to provide for the transfer of pupils from any schools so abandoned, 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 transferred.

Sec. 21. No money shall be disbursed except by order of the board, duly entered of record, and every order on the treasurer for payment of money shall be signed by the president and secretary, and shall specify upon its face the particular account to which the same is chargeable.
Sec. 22. At the first meeting in June after this act takes effect, the county superintendent of schools shall recommend a district supervisor who shall be appointed by the board to act as 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 three 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 supervision of the conduct of the schools, make all necessary reports and perform such other duties as the board may prescribe. Such supervisor may act as agricultural club agent.

Sec. 23. The board of education shall appoint two competent 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 committee according to proficiency as follows: Number one, very good; number two, good; number three, medium; no certificate shall be issued for longer than one year, but the number one certificate may be renewed from year to year by the examining committee, at its option, under such regulations as the board may prescribe; and, said examining committee may, if it deems the same advisable, accept in lieu of said examination, the diploma of graduates from reputable colleges and universities for high school teachers, and shall be and is hereby authorized to accept the diploma of graduates from state normal schools in lieu of the examination herein provided for teachers of grade schools. The committee shall hold meetings for such examinations at such times and places as the district supervisor may appoint; the examining committee shall receive such fees for their services as the board may allow, to be paid out of the examination fees, the excess of any such fees, if any, to be paid into the building fund.

Sec. 24. 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 incompentency, immorality or misconduct after due hearing upon complaint of the supervisor or any member of the board.

All teachers and substitute teachers shall be appointed and their salaries fixed by the board; but no person shall be appointed
8 unless he shall have first obtained a certificate from the examining
9 committee. The supervisor and the members of the examining
10 committee shall be required to hold or have held a first-grade
11 certificate, or to be a graduate of a standard normal school or
12 school of equal or higher rank.

Sec. 25. Every person having under his control a child or
2 children between the ages of seven and fifteen years, residing in
3 Church 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 a misdemeanor and shall,
8 upon conviction thereof, be fined two dollars for the first offense
9 and five dollars for each subsequent offense, together with the
10 cost of prosecution, and in the discretion of the court or justice,
11 be required to enter into a bond in the penal sum of fifty dollars
12 conditioned that the person so convicted will cause such child or
13 or children to attend public school in accordance with the pro-
14 visions of this act. Such bond shall be made payable to the
15 board of education of Church district and any amount which
16 may be recovered thereon shall be placed to the credit of the
17 building fund of said district. Any failure to give bond in the
18 manner and within the time prescribed shall be a misdemeanor
19 and punished by a fine of not less than five dollars nor more
20 than ten dollars and the cost of prosecution.
21 An offense as intended and provided by this act, shall con-
22 sist in the failure of such person to send to school any such child
23 or children for more than one day in any one week in which the
24 schools are in session unless the attendance of such child or
25 children be prevented by personal sickness; provided, that if such
26 child or children have been otherwise instructed for a like period
27 of time in the branches of learning required by law to be taught
28 in public schools, or have already acquired such branches or if,
29 in the opinion of the supervisor of the school district the mental
30 or physical condition of such child or children is such as to render
31 such attendance inexpedient or impracticable, such penalty shall
32 not be incurred.
33 Any fine so collected shall be paid to the secretary of the
34 board of education, who shall pay the same to the sheriff and take
35 his receipt therefor, and the sheriff shall deposit the same in the
36 proper account to the credit of the building fund of the 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 effort 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 judged incorrigible and committed to the boys' industrial school at Pruntytown or the girls' industrial home at Salem.

Sec. 26. 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 three dollars per day and whose term of office shall be fixed by the board. The truant officer shall be vested with police powers and 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 authority 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 refuse or fail, 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. 27. 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
10 offices as the supervisor or the board of education may deem
11 necessary to preserve the morals and secure the good conduct of
12 any school child or children, and to enforce this act.
13 Such officer shall keep a record of his transactions for the
14 inspection and information of the supervisor or the board of
15 education, and shall make such reports to the supervisor or the
16 board throughout the year, as he or it may require. The princi-
17 pals, teachers of all schools, public and private or otherwise, in
18 such school district, shall report to the supervisor the names,
19 ages and residences of all pupils of compulsory age in attendance
20 at their respective schools, together with such other facts as the
21 supervisor may require to facilitate the carrying out of the pro-
22 visions of this act, and said supervisor shall furnish blanks for
23 such purposes and such reports shall be made at such time or
24 times as the said supervisor shall prescribe by rules to be adopted
25 by him. Such principals and teachers shall report to the proper
26 truant officer or to the supervisor of schools of the said school
27 district all cases of truancy and unlawful absence in their re-
28 spective schools as soon as practicable after such truancy or
29 absence.
30 If any person shall fail to comply with the provisions of
31 this section requiring reports to be made as aforesaid, he shall
32 be guilty of a misdemeanor and punished by a fine of five dollars
33 and the cost of prosecution. Any fine so collected shall be paid
33-a the secretary of the board of education and by him paid
34 to the sheriff, who shall receipt him therefor, deposit the same in
35 the proper account and place it to the credit of the building fund
36 of the district. If to any prosecution instituted under the pro-
37 visions of this act, a satisfactory defense shall be made, so that
38 the proceedings shall be dismissed or the defendant shall be
39 judged not guilty, the costs of any such prosecution shall then
40 be paid by the board of education of Church district out of the
41 funds under its control.
42 When so directed by the supervisor or the board of education
43 or when it otherwise comes to the notice of any truant officer of
44 said school district, such officer shall examine into any case of
45 truancy or unexplained absence of the school children of com-
46 pulsory age in said school district. When any children are not
47 attending school without lawful excuse and in violation of the
48 provisions of this act, the truant officer shall notify in writing
49 the person having control of such child or children to send the
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50 same to school. But the serving of such notice shall not be
51 essential preliminary to prosecution under the provisions of this
52 act. Any court or justice of the peace of Wetzel county shall
53 have jurisdiction over and take cognizance of all offenses provided
54 by this act.

Sec. 28. All provisions of the general school law of this
2 state which are inconsistent or in conflict with any of the pro-
3 visions of this act shall be void within said district of Church;
4 otherwise to have full force and effect.

Sec. 29. All other acts and parts of acts inconsistent here-
2 with are hereby repealed.

Sec. 30. This act shall not be effective unless the same shall
2 first be submitted to the voters of the magisterial district of
3 Church, of Wetzel county, at a special election called for that
4 purpose, and adopted by a majority of the votes cast for and
5 against the same at said election. The board of education shall
6 call such election within four months after this act takes effect.
7 and such election shall be held at all precincts in such district
8 upon notice published once a week for two weeks in some news-
9 paper published in the county of Wetzel and by notice posted at
10 each precinct in said district for ten days preceding such election.
11 Said election shall be conducted, officers appointed, returns can-
12 vassed and result declared as any school election in said district
13 is now authorized by law.

CHAPTER 99.
(Senate Bill No. 196—Mr. Sanders.)

AN ACT providing for the prompt furnishing to the judiciary of
the state of copies of laws taking effect from their passage.

(Passed February 12, 1919. In effect ninety days from passage. Approved by the
Governor February 13, 1919.)

Sec. 1. Enrolled bills to be furnished the
state judiciary; local acts to be
furnished locally.

Sec. 2. Attestation of enrolled bills; date

Sec. 3. Expenses incurred in carrying out
provisions of act; how provided
for.

Be it enacted by the Legislature of West Virginia:

Section 1. That the clerk of the Senate and the clerk of the
2 House of Delegates, acting jointly, shall mail to the judges of
3 the supreme court of appeals and judges of the circuit, common
4 pleas, intermediate and criminal courts of this state, copies of
enrolled bills of a general nature, taking effect from their passage; and that enrolled copies of municipal charters and acts of a local nature, shall be furnished only to courts of local jurisdiction.

Sec. 2. Copies of enrolled bills furnished in accordance with section one of this act shall bear the stamp of the clerks of the two houses, showing the date that each act becomes effective, and the enrolled bills so furnished and attested shall be regarded by the courts of this state as having the same force and effect as any and all other laws.

Sec. 3. The expenses incurred in carrying out the provisions of this act shall be provided for in the legislative appropriation bill, or out of the contingent fund of the two houses by proper resolution.

CHAPTER 100.

(SENATE BILL NO. 165-MR. COBUN.)

AN ACT to amend and re-enact chapter thirteen of the second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal 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 February 21, 1910. In effect ninety days from passage. Approved by the Governor February 22, 1910.]

Be it enacted by the Legislature of West Virginia:

That chapter thirteen, second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal 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, be amended and re-enacted so as to read as follows:

Section 1. Any legal 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 a legal voter, on the day of holding any primary or general election, may vote by registered mail upon compliance with the provisions of this act.

If at the time of mailing said ballot to such absent voter by a ballot commissioner, as hereinafter provided, he does not appear to be registered as provided by law in the precinct in which he proposes to vote, then it shall be the duty of said ballot commissioner when he mails said ballot to such absent voter, to notify him that he is not registered in the precinct at which he proposes to vote, and in that event such voter shall make an affidavit before some person authorized to administer oaths, that he has been a resident of the state for one year, and of the county sixty days, and that he is a bona fide resident of the precinct at which he proposes to vote, and a legal and qualified voter at such precinct. The forms of such affidavits shall be prepared by the ballot commissioners and furnished to the non-registered voter at the time the ballot is furnished to him, and said affidavit shall be enclosed in the envelope with the ballot before being registered to the ballot commissioner. Any one making or procuring any one to make a false affidavit under this section, shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than one nor more than five years.

Sec. 2. Such voter shall give notice in writing to the ballot commissioner of his intention to vote by registered mail, or upon the application in writing of any relative or friend of such soldier, and if in a primary election of the party ballot which such soldier desires to vote. Said notice with an application for a ballot shall be delivered personally to such ballot commissioner, or forwarded to him by registered mail. Said application shall give the post office address of such voter.

Sec. 3. Upon receipt of such application for a ballot, the ballot commissioner shall enroll the name and address precinct No. District of , of the applicant in a book to be provided for the purpose; and the day and date on which the ballot was registered to applicant; and as soon as said ballots
are prepared, he shall forward said ballot to the applicant by reg-
istered mail, and shall also enclose in said letter:

(a) An envelope containing the folded ballot, sealed and
marked “ballot within.”

(b) An envelope for re-sealing the marked ballot, form of
which is hereinafter provided, and therein called “voucher.”

(c) If the applicant is not registered in his precinct as a
voter, a blank form of an affidavit, to be made by said voter that
he is a legal voter in the precinct at which he proposes to vote.

(d) A properly addressed envelope for the return of said
ballot and affidavit, if made to the ballot commissioner.

(e) 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, togetherness with the printed envelopes herein required to be used, shall
be provided by the board of ballot commissioners.

Sec. 4. 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 ballot commissioner of -------
county, West Virginia.

________________________________________

Date

Sec. 5. Upon receipt of such registered letter forwarded by
the ballot commissioner, the applicant shall open the sealed en-
velope marked “ballot within,” and shall thereupon mark and re-
fold the ballot, and shall then and there place the ballot within
the voucher envelope provided for the purpose, shall seal the
same and sign the voucher printed upon the envelope, and such
envelope shall thereupon be enclosed within the envelope directed
to said ballot commissioner, and it shall then and there be sealed
and registered to the said ballot commissioner.

Sec. 6. It shall be the duty of the board of ballot commis-
sioners to have prepared a sufficient number of blank ballots,
prior to each primary or general election, each properly sealed in
an envelope marked “ballot within,” as provided in this act. Each
of such ballots shall have printed at the top, in display type, the
words, “absent soldiers’ ballot,” and in the case of a general elec-
tion such ballot shall be printed on paper of a different color from the official ballot to be used on the day of election. On the day of election the board of ballot commissioners shall destroy all unused absent soldier ballots.

Sec. 7. Upon the receipt of the ballot from the voter, as herein provided, the ballot commissioner shall opposite the name of the voter in the book heretofore mentioned, write in ink the words "deposited in sealed box by me on _____________," and add thereto his own signature; and shall thereupon deposit the envelope containing the ballot unopened, in a sealed box to be provided for this purpose by the clerk of the county court, and there it shall remain until the polls close on election day, at which time said board of ballot commissioners shall count the votes in said boxes as hereinafter provided.

Sec. 8. Seven days prior to the election said ballot commissioner shall post at the front door of the court house, a list of all the voters who have applied for ballots in accordance with the provisions of this act, giving the magisterial district and the precinct in which said applicant proposes to vote, which said list shall remain so posted up to and during the day of election.

Sec. 9. As soon as the polls close on the day of election, the boxes containing such ballots shall be opened by said board of ballot commissioners, and as each envelope is removed from the boxes the name of the voter shall be called and checked as if the voter was voting in person, and tallied by said ballot commissioners in the precinct in which he voted, in the same manner as if they had been cast in person on the day of election at the precinct at which said voter was entitled to vote, and shall be tallied and counted in the same manner as tallied and counted by the commissioners and clerks of election. In ascertaining the result of said soldier votes, each ballot commissioner, except the clerk of the circuit court and ex-officio chairman of said board, shall appoint a poll clerk, who shall perform the same duties and subscribe to the same oath as poll clerks at voting precincts. Said board of ballot commissioners and poll clerks shall ascertain the result of said vote, make the same certificates and return the ballot boxes, affidavits, tally sheets, poll books, ballots and applications to the clerk of the county court in the same manner, and under the same regulations and provisions of law, as are required by commissioners and poll clerks of an election precinct. Either
21 ballot commissioner is authorized to administer the oath to the
22 poll clerks required herein. For ascertaining the result of said
23 vote, the ballot commissioners and poll clerks shall receive the
24 same compensation as commissioners and poll clerks of election.

Sec. 10. When all the ballots shall have been accounted for
2 and either voted or rejected, the empty envelopes that previously
3 contained the said ballots shall be returned to the original box,
4 together with the sealed package of letters of application, and
5 the rejected envelopes, if any, on which, or on a sheet of paper
6 thereto attached, shall be plainly written the cause of rejection,
7 signed by said ballot commissioners. The box shall thereupon be
8 re-sealed and returned with the other returns of election to the
9 clerk of the county court, who shall keep the same unopened for
10 one year, unless sooner ordered to be opened by a court having
11 jurisdiction.

Sec. 11. If any vacancy occurs in the nominees of any party
2 after the soldier ballots have been printed, and such vacancy filled
3 by the executive committee of that party, in the municipality,
4 county, district or state as the case may be, the same shall not
5 affect the soldiers' ballot, but the balance of the ticket shall be
6 counted as cast, but if any vacancy occurs on any party ticket
7 after said ballots have been printed, and said vacancy filled as
8 provided by law, it shall be the duty of the ballot commissioner
9 from that time to paste the candidate's name thus nominated over
10 the name of the place thus becoming vacant, before sending any
11 ballots to said absent soldier voters.

Sec. 12. Each ballot commissioner shall receive for each
2 voter availing himself of the provisions of this act, a fee of twenty-
3 five cents, and for posting the notice required by section nine,
4 he shall receive ten cents for each voter listed therein, but shall
5 in no case be paid less than one dollar for listing and posting
6 said notice. The clerk of the county court shall provide the
7 ballot commissioners with the necessary supplies and postage
8 provided for in this act.

Sec. 13. It shall be the duty of the ballot commissioners of
2 each county to have prepared and printed immediately as soon
3 as all party nominations are made as provided by law, at least
4 three times as many soldiers' ballots properly proportioned among
5 the several magisterial districts of that county, as there are sol-
6 diers and sailors absent in military service from that county.
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 the county in which the ballot is presented to be counted is located. Any person attempting to vote by fraudulently signing the name of a regularly qualified voter, shall be guilty of forgery. Any public official who knowingly violates any of the provisions of this act, and thereby aids or attempts to aid in any way the illegal casting or attempting to cast a vote, or who shall connive to nullify any provision of this act in order that fraud may be perpetrated, shall forever be disqualified from holding office in this state, and shall moreover be forever disqualified from exercising the right of franchise.

Sec. 15. The provisions of this act shall be liberally construed so that full force and effect may be given them; and all acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 101.

(Senate Bill No. 43—Mr. Stewart.)

AN ACT to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion.

[Passed January 25, 1919. In effect ninety days from passage. Approved by the Governor February 6, 1919.]

SEC. 1. Abolition of intermediate court of Marion county.

SEC. 2. Providing for the transfer of intermediate court business to cir-

Be it enacted by the Legislature of West Virginia:

Section 1. That the intermediate court of the county of Marion created by chapter five of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three entitled "An act to establish a court of limited jurisdiction for the county of Marion" be and the same is hereby abolished.

Sec. 2. All indictments, suits, actions and proceedings of every kind pending in said intermediate court together with all records, process and papers pertaining thereto, as well as all records, process and papers pertaining to all trials, indictments,
5 actions, suits and proceedings heretofore had or pending in said court, and all bonds and recognizances taken in said court shall 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 Marion; and all subpoenas, summonses, notices, executions, writs and process of every kind, and recognizances outstanding shall be returned to the office of the clerk of said circuit court, if returnable to the office of the clerk of said intermediate court, or to the first day of the next ensuing regular term of said circuit court, if returnable to said intermediate court in term time, the same as if originally made returnable to the said circuit clerk's office on the first day of the said term of said circuit court; and said circuit court and the clerk thereof shall have the same powers and perform the same duties in relation to the records, suits, actions, proceedings, indictments, notices, writs, process and papers, including the issuing of executions and other writs upon judgments, decrees or orders of said intermediate court as were vested in the said intermediate court or the clerk thereof, and all funds in the custody of said intermediate court or any of its officers shall be accounted for as the said circuit court, in a proper proceeding, may order. All indictments, actions, suits and proceedings pending in said intermediate court and all indictments, actions, suits and proceedings which heretofore have been in said intermediate court and shall be pending in the circuit court of said county or the supreme court of appeals of West Virginia upon appeal or writ of error, shall, when decided upon such appeal or writ of error, be docketed and proceeded in and tried and determined, and such further proceedings as may be proper, had therein by the said circuit court in all respects as if the same had been found or originated in said circuit court or had been thence taken on such appeal or writ of error.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 102.

(Senate Bill No. 99—Mr. Chapman.)

AN ACT to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one, and one hundred and thirty, of chapter thirty-two,
and section sixty-four of chapter thirty-nine, acts of one thousand nine hundred and seventeen, and adding sections forty and one hundred and twenty-a; and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of the code of one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes.

[Passed February 21, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

**SEC. 1.** State licenses; what necessary for; license does not legalize any act otherwise in violation of law.

**SEC. 2.** Convictions of violations of act; penalties.

**SEC. 3.** Exemptions from license requirements.

**SEC. 4.** Issuance of license by clerk of county court.

**SEC. 5.** Revocation of license for good cause; notice of revocation.

**SEC. 6.** Specification of house in which business is conducted; other license co-extensive.

**SEC. 7.** Assignment of license.

**SEC. 39.** Tax for annual license; when beginning and ending.

**SEC. 40.** Certain licenses for one year, three months or six months from beginning.

**SEC. 64.** Fees for licenses.

**SEC. 105.** Operating without licenses; penalty.

**SEC. 109.** License tax on foreign corporations; report to the auditor, duty of auditor in assessing and fixing license tax; repealing inconsistent act.

**SEC. 120.** Tax for annual license; when beginning and ending.

**SEC. 120-a.** Fees for licenses.

**SEC. 121.** Operating without licenses; penalty.

**SEC. 130.** License tax on foreign corporations; report to the auditor, duty of auditor in assessing and fixing license tax; repealing inconsistent act.

Be it enacted by the Legislature of West Virginia:

That sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one and one hundred and thirty, of chapter thirty-two of the code of one thousand nine hundred and sixteen, be amended and re-enacted and that section forty be added thereto to read as follows:

Section 1. No person without a state license therefor, shall
2 (a) keep an eating house, or restaurant; or
3 (b) keep for public use or resort, bowling alley, pool table, billiard table, bagatelle table, or any table, of like kind; or
5 (c) carry on the business of a druggist; or
6 (d) exhibit any circus, menagerie, circus and menagerie 7-8 combined, theatrical performance, street or other carnival, or public show, to which admission is obtained for money or reward, except for the benefit or under the auspices of a volunteer fire department; or
12 (e) run or operate, for profit, a merry-go-round, or roller coaster, or scenic railway, or like device, or keep for public use or resort, a shooting gallery, or skating rink; or run or operate a cane rack, doll baby rack, knife rack, striking machine or like device, or human laundry device, or dip device; or
act as a hawker or peddler; or
act as an auctioneer; or
practice the business of real estate agent, stock broker, merchandise broker, or other broker, by buying or selling for others, stocks, securities, or any other property for a commission or reward; or
practice the business of money broker, buying or selling uncurren or depreciated money or funds; or exchanging one kind of money or funds for another, for benefit or reward; or
practice the business of pawn broker by lending money or other thing for profit, for or on account of personal property deposited with the lender in pledge; or
sell, or barter, or offer, or expose, for sale or barter, any patent right; or
sell, offer, or expose, for sale to merchants trading stamps, premium stamps, or certificates of like nature or character, or undertake with merchants to redeem such stamps or certificates in money or goods; or
being a traveling agent, canvasser, or salesman, sell or contract to sell any lightning rods, sewing machines, stove or range, or organ, or other musical instrument, or books, maps, prints, pamphlets, and periodicals, except such books, pamphlets and periodicals that be of a religious or ethical nature, whether manufactured within or without this state; or
sell, offer, or expose for sale, or solicit, or receive orders for manufactured tobacco, snuff, cigars, cigarettes, or other preparation of tobacco, or cigarette paper or wrappers, at retail; or
carry on business of junk dealer, or act as agent, solicitor, canvasser, or salesman, for any junk dealer; or
sell pistols, revolvers, dirks, slung-shots, billies, bowie knives, metallic, or other false knuckles, or weapons of like kind; or
maintain or occupy any house-boat, or like structure or vessel, upon or along the bed, banks or shores of any navigable stream; or
maintain any slot machine, or other automatic device, which, for the same profit or reward, in each case, and without any violation of law, furnishes music, or exhibits pictures, or provides facilites for weighing, or supplies any merchandise or other thing, or renders any service, except that no
license in any case be required to maintain any machine actually
delivering merchandise therefrom, automatically, where such ma-
chine is kept within the merchant's place of business; but no slot
machine or other automatic device with respect to which, or its
operation, service, or supplies, there is any element of chance (be-
ning a gaming table, within the meaning of section one, of chapter
one hundred and fifty-one of the code), shall be licensed or pro-
tected by any license; or
(5) being a corporation, heretofore or hereafter chartered
under the laws of this state, whether its principal place of busi-
ness or chief works be within or without the state, do, or attempt
to do, any business by virtue of its charter or certificate of in-
corporation; or
(t) being a corporation chartered or organized under the
laws of any other state or country, hold property or transact busi-
ness in this state; or being a corporation, hold more than ten
thousand acres of land in this state; or
(u) solicit, carry on or practice the business of a collection
agency, or association, whether it be a person, firm, or corpora-
tion; or
(v) keep, or maintain, a public park, admission to which
is obtained for money or reward; or
(w) practice the business of telling or pretending to tell
fortunes; or
(x) carry on business of a labor agency; or
(y) Any one manufacturing, selling or distributing, either
at retail or wholesale, any and all preparations of every kind,
character or nature, such as are prepared, mixed and sold at a
soda fountain, and all such preparations as bevo, pablo, milo,
moxie, ginger ale, near beer, coca cola, pop and all other prepara-
tions of like nature and character, commonly called and known as
soft drinks.
Provided, that nothing in this chapter contained, and no
license or payment under the provision hereof shall be taken to
legalize any act which otherwise may be in violation of law, or
exempt any person from any penalty prescribed for such viola-
tion.
Sec. 3. Any person convicted of violating any of the pro-
visions of the preceding section, shall be fined not less than
twenty nor more than one hundred dollars, and may, within the
Sec. 4. This chapter shall not be construed (a) to require a license to keep a boarding house, or boarding school, where boarders are not received for less than three days; or (b) to require any incorporated bank, savings bank, or savings institution, or trust company, to obtain a license as broker or private banker; or (c) to require any resident of this state to obtain a license to exhibit any work of production of his own invention or skill; or (d) to require license for any school exhibition, literary or scientific lecture, or musical concert; or (e) to require license for furnishing refreshments at any public dinner, fair, festival, or celebration; or (f) to require any trustee, selling trust property, or any personal representative or committee selling property belonging to the estate under his charge, or any officer or commissioner selling property under the order, decree, execution or process of any court of justice of this state, or of the United States, to obtain license to make such sale; or (g) to require any colporteur, or person selling religious books, to obtain a license therefor; or (h) to require farmers who furnish meals to travelers and others passing, to obtain license therefor.

Sec. 10. The state licenses mentioned in section one, shall be issued by the clerk of the county court upon proper application filed with him, as provided in the next succeeding section.

Sec. 34. The county court is hereby authorized to revoke any license mentioned in the first section for a good cause shown upon petition, in writing, of any inhabitant of the county; but the person holding the license must be given reasonable notice of the proposed revocation and privilege of being heard in person or by counsel. After such revocation, the license shall be of no effect to protect him from any penalty imposed by law.

Sec. 35. Every certificate issued as aforesaid, if it be to authorize the keeping of a hotel or tavern, eating house, or restaurant, or bowling alley, billiard table or bagatelle, or any table of like kind or turf, or base-ball exchange, shall specify the house in which it is to be kept or carried on; and to keep or carry on the same at a different place shall be deemed a violation of this
7 chapter. Other licenses shall be deemed co-extensive with the 8 county subject to such regulations as may be prescribed by the 9 state tax commissioner, but of no effect beyond the limits of the 10 county unless otherwise herein provided.

Sec. 37. Any person holding a license for any purpose men- 2 tioned in the first section, may, except as otherwise provided, 3 assign the unexpired term thereof to another. There shall be a 4 memorandum of such assignment endorsed by the person men- 5 tioned in the license and the endorsement thereon shall be at- 6 tested by the clerk of the county court or other person authorized 7 by law to issue the license.

Sec. 39. The license tax for all annual licenses named in 2 section one, shall begin with the first day of July, of each year, 3 and end with the thirtieth day of the following June. Every 4 state license for any other purpose named in section one (ex- 5 cept as herein otherwise provided), shall expire on the thirtieth 6 day of June. If granted for a less period than a year, the state 7 tax thereon shall be computed from the annual tax in propor- 8 tion to such time as the license has to run, unless specifically 9 otherwise provided.

Sec. 40. The state license to sell patent rights, or act as 2 hawker or peddler; or run or operate for profit, a merry-go- 3 round, a cane rack, doll baby rack, knife rack, striking machine, 4 or like device, or human laundry device, or dip device, or roller 5 coaster, or scenic railway, or like device, or conduct a shooting 6 gallery, or keep for public use or resort, a bowling alley, pool or 7 billiard table, or any other table of like nature at a public water- 8 ing place or public park in this state; or to keep or maintain a 9 public park to which admission is obtained for money or re- 10 ward, or conduct a theatrical performance on a showboat playing 11 the navigable streams of this state, shall be either for one year, 12 three months, or six months from the commencement thereof. 13 If for three months, the state tax thereon shall be one-third, and 14 if for six months, three-fifths of the annual tax.

Sec. 64. On every license to keep an eating-house, or res- 2 taurant not owned, or operated in connection with a hotel, the 3 annual license tax shall be two-dollars and fifty cents.

Sec. 105. On every license to operate a roller coaster, a 2 merry-go-round, scenic railway, or like device, for one week, ten 3 dollars; for four months, thirty dollars; for six months, fifty 4 dollars; and for one year, one hundred dollars. On every license
5 to run or operate doll baby rack, or cane rack, or knife rack, 6 striking machine, or like device, or human laundry device, or dip 7 device, the tax shall be five dollars for one week; twenty dollars 7-a for four months; thirty dollars for six months, and fifty dollars 8 for one year; provided, however, that licenses under this section 9 may be issued for the periods provided in section forty of this 10 chapter and the license tax charged as provided therein.

Sec. 109. On every license to keep roller skating rink for 2 public use or resort, in a city or town of population of ten thou- 3 sand or more, one hundred dollars; in a city or town of popula- 4 tion of more than five thousand but less than ten thousand, fifty 5 dollars; in a city or town with population not exceeding five 6 thousand or outside of a city or town, twenty-five dollars. On 7 every license to keep and maintain a public park, to which ad- 8 mission is obtained for money or reward, in counties of over 9 thirty thousand inhabitants, fifty dollars; in counties of less than 10 thirty thousand inhabitants and more than twenty thousand in- 11 habitants, thirty-five dollars; in counties less than twenty thou- 12 sand inhabitants, twenty-five dollars; but such license for such 13 public park shall not be construed to be in lieu, or to include any 14 other license now required by law on any subject of taxation 15 located at or in said park or elsewhere, and every park to which 16 admission is obtained for money or other reward, shall be con- 17 strued and held to be subject to the provisions of this chapter. 18 On every license to act as a palmist, clairvoyant, or fortune- 19 teller, twenty dollars; on every license to conduct the business of 20 a labor agency, one hundred dollars; any person or corporation who 21 hires or contracts with laborers, male or female, to be employed 22 by persons other than himself, and to be transported out of the 23 state for employment in another state, shall be deemed a labor 24 agency within the meaning of this clause.

Sec. 120. The state tax on every license:

2 (a) To exhibit a circus, or menagerie, or circus and menagerie 3 combined, wild-west show, trained animal show, or dog and 4 pony show, shall be fifty cents for each railroad car used in 5 transporting said show into or through this state, for each ex- 6 hibition or performance. Where the transportation of such show 7 is by wagon, motor truck, or other vehicle, the tax upon such 8 show shall be ten dollars per day;
9 (b) The state tax on every license to exhibit a side show 10 in the vicinity of any other show, shall be ten dollars per day;
(c) The state tax on every license to exhibit a street or other carnival, or any show connected with county or other fair, five dollars a week for each separate entertainment or exhibition for which a fee is charged:

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

Every show, exhibition, or performance, such as is described in clause (a) of this section whether under the same canvass or not being concluded, so that an additional fee for admission be charged in lieu of a check authorizing the holder to re-enter without charge, shall be construed to require an additional license for any further or other show, exhibition, or performance.

Sec. 120-a. The state tax on every retailer, wholesaler, distributor or manufacturer engaging in the manufacturing, preparing, mixing, compounding, selling or distributing any and all preparations of every kind, character and nature, commonly called and known as soft drinks, such as are prepared, mixed and sold at what is commonly called a soda fountain, and all such preparations as bevo, pablo, milo, moxie, ginger ale, near beer, coca cola, pop and all other preparations, mixtures, compounds of every kind and character, commonly called and known as soft drinks, shall be, on each manufacturer, wholesaler or distributor, the sum of one hundred dollars annually, and on each retailer the sum of two dollars annually.

Sec. 121. If any person shall conduct any business or occupation, or exercise any right or privilege without the license required by law therefor, he shall, in addition to paying the tax, be required to pay a penalty of ten per centum of the annual tax for each month, or fractional part thereof, for such time as he was in default. Such penalty shall be deemed license tax, and shall be assessed and collected in the manner prescribed in this chapter as to other license taxes, except that the license certificate issued therefor and the report thereof made to the auditor shall state separately the amount of the license tax proper and the penalty. It shall be the duty of the officer who issues the certificate of license to state therein the full amount of the tax thereof and of the penalty separately; and it shall be the duty of the officer charged with the collection of the tax on such license to collect the full amount thereof and of the penalty.
16 It shall be the duty of the auditor to charge the officer with the 
17 full amount of such tax and penalty. If any such officer shall 
18 violate this section he shall be subject to a fine not exceeding one 
19 hundred dollars; and, in addition thereto, the officer whose duty 
20 it was to collect such tax and penalty shall be liable for the 
21 amount thereof he failed to collect that might have been col- 
22 lected by due diligence.

Sec. 130. Every foreign corporation holding property or 
2 doing business in this state shall make report to the auditor an-
3 nually in the third month preceding the beginning of the license 
4 tax year, in which report shall be set out; 
5 (1) the name of such corporation, the name of the state or 
6 county by which incorporated, the date of incorporation, the date 
7 of the certificate of the secretary of state authorizing it do busi-
8 ness in this state, the place of its principal office, the names 
9 and postoffice addresses of its president, secretary, and of its 
10 officers, if any, charged with the duty of making returns of its 
11 property for taxation and the name and postoffice address of 
12 its attorney for taxation in this state; 
13 (2) the number of shares of its authorized capital stock, and 
14 the par value of each share; 
15 (3) the value of the property owned and used by such 
16 corporation within this state, where situate, of what it consists, 
17 and the number of acres of land it holds in this state; and the 
18 value of its property owned and used within this state; and 
19 (4) the proportion of its capital stock which is represented 
20 by property owned and used in the state of West Virginia. Such 
21 report shall be verified by the affidavit of the president, secretary 
22 or other executive officer of such corporation.

23 It shall be the duty of the auditor to assess and fix the license 
24 tax of such corporation according to the proportion of its capi-
25 tal stock which is represented by its property owned and used 
26 in this state, which license tax shall be at the rate prescribed in 
27 section three of this act (section 126 of this chapter), and for the 
28 privilege of doing business in this state, shall pay an additional 
29 tax of fifty per centum of the license tax as hereinbefore provided. 
30 Such tax shall be assessed and paid at the same time and in the 
31 same manner as provided for the assessment and payment of the 
32 annual license tax; provided that no such corporation shall pay 
33 an annual license and privilege tax of less than one hundred and
34 fifty dollars. The auditor may in any case, require such additional
35 information as he may deem necessary to enable him to assess
36 and fix the just amount of license tax of such corporation; and it
37 shall be his duty to notify every such corporation of the amount
37-a so assessed by him; and it shall be the duty of the corporation
38 to pay the same into the treasury of the state within thirty days
39 thereafter, and if it fail to do so, shall be liable to the penalties
40 prescribed in sections one hundred and thirty-six and one hundred
41 and thirty-seven of this chapter.
42 Sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen,
43 nineteen, thirty-six, forty-four, fifty-eight and one hundred four
44 and all acts and parts of acts coming within the purview of this
45 act and inconsistent herewith are hereby repealed.

CHAPTER 103.
(Senate Bill No. 48—Mr. Poling.)

AN ACT to amend and re-enact chapter thirty-six of the acts of one
thousand nine hundred and fifteen, relating to the examination
and testing of seeds sold in West Virginia for agricultural pur­
poses, requiring labeling of said seeds and providing penalty for
violation thereof.

(Passed February 15, 1919. In effect ninety days from passage. Became a law
without the Governor's approval.)

SEC. 1. Defining the term “agricultural
2. Printed tags as label on package; analysis.
3. Label requirements of mixtures.
4. Label requirements of special mix­
5. Exemptions.
6. Inconsistent label statements.
7. Shipping requirements.
8. Seed prohibited for sale.
9. Violations defined.
10. Enforcement of act placed with de­

Be it enacted by the Legislature of West Virginia:

Section 1. That the term “agricultural seed,” or “agricul­
tural seeds,” as used in this act, shall be defined as the seeds of
3 Canada blue grass, Kentucky blue grass, Brome grass, fescues,
4 kaffir corn, millets, tall meadow oat grass, sorghum, sudan grass.
5 timothy, alfalfa, soy beans, alsike clover, crimson clover, red
clover, white sweet clover, yellow sweet clover, Canada field peas,
cow peas, vetches and other grasses and forage plants, buck­
wheat, flax, rape, barley, corn, oats, rye, wheat and other seeds
which may be defined by the commissioner of agriculture as agricultural seeds, which are sold, stored, offered, or exposed for sale or distribution or had in possession with intent to sell within this state for seeding purposes.

Sec. 2. Every lot of agricultural seeds, as defined in section one of this act, except as herein otherwise provided, when in bulk, packages or other container of one pound or more, shall have affixed thereto, in a conspicuous place, on the exterior of the container of such agricultural seeds, a plainly written, or printed tag, or label, in the English language; provided, however, that no tag or label, shall be required unless requested on seed when sold directly to and in the presence of the consumer and taken from container properly labeled in accordance with the provisions of this act; and, further provided, that this shall, in no way, exempt the vendor from the analysis given on the back or label attached to any container stating:

(a) Commonly accepted name of the kind and variety of such agricultural seeds.

(b) The approximate percentage by weight of purity, meaning the freedom of such agricultural seeds from inert matter, and from other seeds distinguishable, or not distinguishable, by their appearance.

(c) The approximate total percentage by weight of weed and foreign seeds, provided that plants which are to be considered weeds under this act shall be designated by the commissioner of agriculture and the names printed for distribution to the citizens of this state.

(d) The name and approximate ratio of each kind of seeds, or bulbets of the following named noxious seeds, which are present in such agricultural seeds: wild onion, (allium vincale), Bermuda grass (capriola dactylon), Johnson grass (holcus holennis), quack grass (agropyron repens), dodder (cuscuta spp.), Canada thistle (carduus arvensis), hawk weed (hicracium spp.), Buckhorn (piantago lanceolata), Russian thistle (salsola tragus. L.), English charlock or wild mustard (brassica arvensis. L.), wild oats (avena fatua. L.), corn cockle (lychnis githago), ox-eye daisy (chrysanthemum leucanthemum), Indian mustard (brassica juncea), butter and eggs (linaria liniaria), velvet weed (abutilon abutilon. L.), star thistle (centaura repens. L.) wild carrot (daucus carota. L.).
37  (e) The approximate percentage of germination, together
38 with the month and year said seed was tested, provided, however,
39 no seller shall be held responsible for the germination for a longer
40 period than sixty days from the date of delivery. If such ship-
41 ment of seed is found to be more than a reasonable tolerance be-
42 low the marks on the tags, such seed may be returned within the
43 period as stated above and the seller will be required to refund the
44 purchase price of such seed together with freight charges to and
45 from the point of purchase.
46  (f) The full name and address of the seedsman, importer,
47 dealer or agent, or other person or persons, firms or corporations,
48 selling, offering or exposing for sale, or distribution, such agricul-
49 tural seeds in this state for seeding purposes.

Label Requirements of Mixtures.

Sec. 3. Mixtures, when in bulk, packages or other containers
2 of one pound or more, containing one or more kinds of agricul-
3 tural seeds in excess of five per centum by weight of the total
4 mixture, shall have affixed thereto, in a conspicuous place on the
5 exterior of the container of such mixture, a plainly written, or
6 printed tag, or label, in the English language stating:
7  (a) That such seed is a mixture.
8  (b) The approximate total percentage by weight of weed
9 seeds.
10  (c) The name and the approximate ratio to the seeds compos-
11 ing the mixture of noxious weeds, as defined in section two.
12  (d) The name of such agricultural seeds that compose said
13 mixture.
14  (e) The full name and address of seedsman, importer,
15 dealer or agent, or other person or persons, firms, or corporations,
16 selling, offering or exposing for sale or distribution, such mixture
17 in this state for seeding purposes.

Label Requirements of Special Mixtures.

Sec. 4. Mixtures, as defined in section three of this act, of
2 alsike clover and timothy, red top and timothy, alsike clover and red
3 clover, in addition to the label requirements designated in sec-
4 tion three, shall have written, or printed on the label, the name
5 and approximate percentage by weight, of each kind of these seeds
6 present.
Exemptions.

Sec. 5. Agricultural seeds, or mixtures of same, shall be exempt from the provisions of this act when plainly marked on the outside of the container, "not clean seed", or "not tested seed", provided such seeds, or mixtures, are sold to, or held by merchants to be re-cleaned before being offered or exposed for sale, or distribution upon the general market. Cereals or other agricultural seeds shall be exempt from the provision of this act when sold exclusively for manufacturing purposes, for food, or for feeding purposes; provided, however, that said cereals or seed, shall be subject to requirements of this act if sold, offered or exposed for sale under variety names. The sections of this act shall not apply to the sale of seed that is grown, sold and delivered, by any farmer on his own premises for seeding purposes by the purchaser himself, unless the purchaser of seeds obtain from the seller at the time of the sale thereof, a certificate that the seed is supplied to him subject to the provisions of this act.

Inconsistent Label Statements.

Sec. 6. No statements regarding the quality of such agricultural seeds or mixtures, if inconsistent with the requirements of this act, shall be written, or printed on the tag, or label, or placed inside, or affixed to any container, or bulk, of agricultural seeds, or mixtures sold, offered or exposed for sale as distribution or held in possession with intent to sell within the state for seeding purposes.

Shipping Requirements.

Sec. 7. Agricultural seeds, shipped to any point in this state for seeding purposes, shall be subject to the provisions and requirements of this act and transportation companies shall be required to see that all such agricultural seeds carried by them are tagged, or labelled, as provided herein.

Seeds Prohibited for Sale.

Sec. 8. Agricultural seeds, as defined in section one of this act, or mixtures of same, shall be considered unfit for seeding purposes within the meaning of this act, and are hereby prohibited
from being sold, offered, or exposed for sale, or distribution, within this state, for seeding purposes when:

(a) Any kind of noxious weed seeds, defined in section two of this act, occurs in excess of one to three thousand of the seed under examination.

(b) Such agricultural seeds except Canada blue grass, Kentucky blue grass, Brome grass, buckwheat, white clover, kaffir corn, fescues, meadow fox tail, fall meadow oat grass, orchard grass, red top, rye grasses and velvet grasses; containing more than three per centum by weight of foreign seeds and inert matter. Any agricultural seed shall be deemed to contain foreign seed, within the meaning of this act, when it contains any other agricultural seed, or noxious, or other weeds. Inert matter, within the meaning of this act, shall include sand, sticks, stones, chaff, broken seeds, and all other matter not included under "Foreign Seeds".

Violations Defined.

Sec. 9. It shall be unlawful for any person, firm or corporation, to sell, offer or expose for sale, or distribution, or have in possession with intent to sell, within this state, any agricultural seeds, or mixture, as defined in this act, for seeding purposes, without complying with the requirements of this act, or to falsely mark or label any agricultural seeds, or to interfere in any way with the inspectors or assistants, in the distribution of the duties herein named.

Sec. 10. The enforcement of this act is hereby placed in the department of agriculture under the supervision of the commissioner of agriculture who shall maintain a laboratory with necessary equipment; appoint such analysts, inspectors and assistants, and make such rules and regulations as may be necessary to carry out the provisions of this act.

Inspection, Sampling and Testing.

Sec. 11. It shall be the duty of said commissioner of agriculture, either by himself or his analysts, inspectors or assistants, to inspect, examine and make analysis of, and test any agricultural seed stored, sold or offered for sale, or distribution in this state for seeding purposes, at such time and place and to such extent as he may determine. The commissioner, analysts, inspectors, or
assistants, shall have free access, at all reasonable hours, upon and into any premises, or structures, to make examination of any agricultural seeds, whether such seeds are upon the premises of the owner or consignee of such seeds, or on the premises or in the possession of any warehouse, elevator, railway or steamship company, and he is hereby given authority in person, or by his analysts, inspectors or assistants, upon notice to the dealer, his agent or the representatives of any warehouse, elevator, railway or steamship company, if present, to take for analysis, a sample of such agricultural seed from a parcel, package, lot, or other container, or number of parcels, packages, lots or other containers. Said sample shall be thoroughly mixed and divided into two samples of at least two ounces each and securely sealed. One of said samples shall be left with, or on the premises of the vendor, or party in interest, and the other retained by said commissioner, analysts, inspectors or assistants, for analysis. The method of examination and testing shall be those in force at the time by the United States department of agriculture.

Publication of Results.

Sec. 12. In case the sample drawn as herein provided, upon test and analysis, is found to fall more than a reasonable tolerance below the statement of the tag or label attached to the lot from which said sample was secured, or to violate any of the provisions of this act, the vendor or consignee of said lot of seed shall be notified and a copy of said notice mailed to the person, or persons, firm or corporation whose tag or label was found affixed thereto, and it shall be the duty of the commissioner of agriculture to publish, or cause to be published, at least once a year, the results of the examination, analysis and test of any sample of agricultural seeds, or mixtures of such seeds, drawn as provided for in section eleven, together with any other information he may deem advisable.

Violations and Prosecutions.

Sec. 13. Every violation of the provisions of this act shall be deemed a misdemeanor punishable by a fine not exceeding one hundred dollars, and if the commissioner of agriculture shall find upon examination, analysis or test, that any person, or persons, firm or corporation, has violated any of the provisions of this act, he or his duly authorized agent, or agents, may institute proceed-
ings in a court of competent jurisdiction, to have such person, or
persons, firms or corporations convicted thereof, or the com-
missioner of agriculture, in his discretion, may report the results of
such examination to the attorney general of this state, together with
the sworn statement of the analyst, duly acknowledged, and such
evidence of said violation as he shall deem necessary. Said sworn
statement shall be admitted as evidence in any court of this state
in any proceedings instituted under this act, but upon motion of
the accused, such analyst shall be required to appear as a witness,
and be subject to cross examination. It shall be the duty of the
attorney general, or, in his discretion, he may act through the,
prosecuting attorney of the county in which said violation has
occurred, to institute proceedings at once against the person or
persons, firms or corporations charged with such violation.

Sec. 14. Any person, or persons, firm or corporation, shall
in addition to the penalties named in section thirteen of this act, be
liable to any one for any damage sustained for the failure of said
agricultural seeds, as defined in section one of this act, to measure
up to the standard required herein, or for the false labeling of any
seeds, or for the violation of any of the provisions of this act.

Sec. 15. The commissioner of agriculture is hereby made
an attorney in fact for any person, or persons, firm or corporation,
who is in the business of selling agricultural seeds within this state,
and who reside out of the state, or in another county of this state
from the buyer, to accept service for said person, or persons, firm
or corporation, of any action or proceeding instituted in any court
of this state. Suit may be instituted in any court of competent
jurisdiction of this state in the county where the buyer resides,
or where the sale was made. The clerk of the circuit court shall
issue an original summons, and a copy to be served on the commis-
sioner of agriculture, and he shall in addition to such original and
copy, issue as many copies of said summons as there are defend-
ants, and it shall be the duty of the commissioner of agriculture
to mail a copy of same to each defendant, to the last known address
of said defendant.

Sec. 16. The measure of damages in every such action shall
be confined to the actual damage sustained for the amount of the
purchase price of the seeds used, the amount for labor expended
in sowing, planting or cultivating the same, and a reasonable
amount as rentals for the use of the lands used, and every person,
or persons, firm or corporation, shall be liable for said damages,
7 notwithstanding any statement disclaiming liability, such person
8 or persons, firm or corporation may make; provided, however, that
9 action shall always be instituted against the person, or persons,
10 firm or corporation whose name appears on the label as described
11 in division “F” of section two of this act, and not against the job-
12 ber, or retailer.

Sec. 17. It shall be unlawful for any person or persons, firm
2 or corporation to sell, offer or expose for sale, or have on hand for
3 distribution any lot of agricultural seeds, as defined in this act, not
4 properly tagged or labeled as provided herein. The commissioner
5 of agriculture may cause to be seized and held any lot of agri-
6 cultural seeds found to violate any of the provisions of this act until
7 the law has been complied with or said violation otherwise dis-
8 posed of.

Sec. 18. Any citizen of this state shall have the privilege of
2 submitting to the commissioner of agriculture samples of agricul-
3 tural seeds for test and analysis, subject to such rules and regula-
4 tions as may be adopted by said commissioner as herein provided.

Sec. 19. Such salaries and expenses as may be necessary for
2 the proper enforcement of the provisions of this act shall be paid
3 from such sum as shall hereafter be appropriated, by warrant upon
4 the auditor of this state, and countersigned by the commissioner
5 of agriculture, out of the appropriation to defray the expenses of
6 the department of agriculture. Said commissioner of agriculture
7 shall keep an accurate account of the expenses necessary to a
8 proper enforcement of this act, and shall make full report of the
9 working of said act, together with the necessary costs for the en-
10 forcement of the same, in his report to the governor.
11 All acts or parts of acts inconsistent with this act are hereby
12 repealed.

CHAPTER 104.

(Senate Bill No. 106—Mr. Cobun.)

AN ACT to amend and re-enact sections three, seventeen and eighteen
of the live stock sanitation law of chapter thirteen of the acts of one thousand nine hundred and fifteen.

[Passed February 13, 1910. In effect ninety days from passage. Approved by the
Governor February 17, 1910.]
Be it enacted by the Legislature of West Virginia:

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

Section 3. The commissioner may employ such competent and experienced veterinarians as may be necessary from time to time to assist him in discharging the duties imposed upon him by this act; such veterinarians shall be graduates of veterinary colleges recognized by the American veterinary medical association, and to be hereafter known as consulting veterinarians. The commissioner shall have general charge of the enforcement of the provisions of this act, and shall collect and disseminate information and statistics in relation to the diseases of domestic animals, the proper care and sanitation of stables and other buildings used for stabling of farm animals for the purpose of preventing the existence and spread of infectious and contagious diseases. For any services rendered under the provisions of this act, the consulting veterinarians shall receive a per diem, not exceeding ten dollars and actual expenses, to be determined by the commissioner while engaged in carrying out the directions of the commissioner, which expenses shall be paid out of the current appropriation made for the enforcement of this act.

Sec. 17. The commissioner or his agent or the inspectors 2 of the United States bureau of animal industry, shall possess 3 authority to test with tuberculin any bovine animal kept within 4 the state, subject to such rules and regulations as the commis- 5 sioner may prescribe. And the commissioner of agriculture, 5-a whenever in his judgment the dairy or pure bred live stock 5-b interests of the state will be promoted and advanced thereby, 5-c may refuse to accept certificates of pure bred animals for ad- 5-d mission into the state for breeding or dairy purposes, except 5-e such animals as are certified from pure bred herds in other 5-f states which are certified and accredited herds as free from 5-g tuberculosis under the rules and regulations of United States 5-h bureau of animal industry. The tuberculin test shall be applied 6 to bovine animals at such times as may be designated by the com- 7 missioner as may be necessary in the control and eradication of
8 bovine tuberculosis in this state, and all cows whose milk is sold
9 for human consumption or manufacture and all uncastrated beef
10 animals, shall be tested with tuberculin in so far as may be pos-
11 sible. When such bovine animal is found by the officer making
12 the test to give what the commissioner shall have prescribed by
13 his rules and regulations to be a clearly defined reaction to such
14 test, the said animal shall be considered to be affected with
15 bovine tuberculosis, and shall be marked or branded upon the
16 right side of the neck from six to ten inches back from the jaw-
17 bone with a capital “T,” not less than two inches high, one and
18 one-half inches wide with mark one-fourth of an inch wide un-
19 less the owner elects as hereinafter provided to keep the animal in
20 quarantine for eight weeks, when the animal shall again be
21 tested by the commissioner or his agent at the expense of the
22 owner, and if the animal again gives a clearly defined reaction
23 it shall be branded. Any bovine animal affected with advanced
24 or generalized tuberculosis or tuberculosis of the udder may be
25 similarly branded, and such branding shall not be construed as
26 cruelty to animals within the meaning of the penal laws of the
27 state. If such a reacting animal be pure bred and registered or
28 eligible to registry, and the owner of such reacting animal shall
29 desire to keep it, such option is allowed, providing the animal
30 does not, in the judgment of the officer making the examination
31 and test, show evidence of physical breakdown, then or any time
32 thereafter, probably due to the disease, and it shall then be the
33 duty of the commissioner or his agent to place such animal in
34 quarantine, and the owner or owners thereof, their agents or em-
35 ployees shall maintain the said animal in quarantine as pre-
36 scribed by the commissioner or his agents and the product or
37 products of such reacting animal shall be disposed of under such
38 restrictions as the commissioner shall designate.
39 Except as hereinbefore provided all bovine animals within
40 the state which are deemed tuberculous, either as a result of
41 physical examination or the tuberculin test, shall be slaughtered
42 within a time and at a place designated by the commissioner or
43 his agent, and if the owner of any such tuberculous animal shall
44 desire to receive indemnity therefor, he shall be required by the
45 commissioner before the appraisal and slaughter of the animal
46 to execute an agreement that he will thoroughly clean and disin-
47 fect all premises that may have been infected by such tuberculous
48 animal in such a manner as the commissioner may prescribe;
49 will have his entire herd of bovine animals tested with tuberculin
50 by the commissioner or his agent at such times as the commis-
51 sioner may designate, and will not admit to his herd any bovine
52 animal that has not given a negative reaction to the tuberculin
53 test. Such an agreement shall be in duplicate, one copy to be
54 retained by the signer, and in such form as the commissioner
55 shall designate, and shall be signed by the owner or owners or
55-a their agents, and shall be in effect for a period of two years
56 from the date thereof. All such tuberculous animals shall be
57 appraised before being slaughtered, the owners to be indemnified,
58 as hereinafter provided.
59 The commissioner or his agents shall act as appraisers and
60 shall appraise each tuberculous animal within five days prior to
61 the date of slaughter, basing the amount upon the class and
62 market value of the animal at the time of the appraisal, whether
63 for breeding purposes or whether for milk or meat production.
64 Animals reacting to the tuberculin test but not exhibiting any
65 physical evidence of tuberculosis shall be appraised without con-
66 sidering the presence of a diseased condition, but animals ex-
67 hibiting any physical evidence of tuberculosis shall be appraised
68 as diseased animals. The amount of appraisal shall not exceed
69 the amount of two hundred dollars for pure bred registered ani-
70 mals or the sum of one hundred dollars for a grade of non-regis-
71 tered animal. If the amount of appraisal of any animal, as de-
72 termined by the appraiser designated, is not satisfactory to the
73 owner of such animal, a written notice of such fact, setting forth
74 the reason for complaint, shall be made to the appraiser at once.
75 The amount of the appraisal shall then be determined by arbi-
76 trators, one to be appointed by the appraiser and one by the
77 owner of the animal. If said arbitrators are not able to agree
78 as to the amount of appraisal, a third arbitrator shall be ap-
79 pointed by them, whose decision shall be final. Arbitrators shall
80 be paid one dollar for each appraisement of five or less than five
81 animals and two dollars, if more than five animals are appraised.
82 Compensation for the arbitrators appointed by the owner and
83 the third arbitrator, if appointed, shall be paid by the commis-
84 sioner if the decision made is against the arbitrator appointed by
85 the veterinarian, but if the decision is in favor of such arbitrator
86 the owner shall pay the compensation of the arbitrator appointed
87 by him and the third arbitrator, if appointed.
88 After such agreement has been executed and appraisal has
been made, it shall be the duty of the commissioner or his agent to see that the animal is slaughtered and the carcass disposed of in accordance with the meat inspection regulations of the United States bureau of animal industry, or in such manner as the commissioner shall prescribe. When the animal is to be slaughtered, as herein provided, the commissioner or his agent shall make and deliver to the owner a certificate which may cover any number of animals belonging to the same owner, showing the age and description of each animal found to be tuberculous, the name and place of test, the mark or brand as tuberculous and any other mark or brand which the animal may bear, the date when and the place to which the animal was sent for slaughter by the veterinarian, the designation of the officer who is to supervise the slaughter, the appraised value of said animal or animals, the name and address of the owner of the animal and the fact that he has executed the agreement hereinbefore provided for.

The officer supervising the slaughter shall, immediately after the same, endorse upon or add to the foregoing certificate that he has witnessed the slaughter of each of said animals, the place and date thereof, that the number, age, description and brand or mark corresponding to those given in the certificate of the officer who made the former certificate and shall state the result of his post-mortem examination, the disposition made of the carcass, and the price received for the same by the veterinarian.

The slaughter may be supervised and certificate thereof may be made by the commissioner or any of his agents or any person possessing the authority of an agent, or an officer of the United States bureau of animal industry. The commissioner may require such other particulars to be added to either of said certificates or the affidavit hereinafter required, and may make and enforce such rules and regulations governing the handling, shipping and slaughter of such animals as may be deemed necessary.

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

Rule 1. If an animal is found, upon post-mortem inspection, not to be affected with tuberculosis, the carcass and other edible portions shall be passed as food, and the veterinarian shall sell the same, including all accompanying parts, for the best price obtainable, which price shall be paid to the owner and
129 deducted from the amount of appraisal, and the balance, if any, 130 thus remaining, shall be paid the owner.

130-a Rule 2. If any animal is found, upon post-mortem in-
130-b spection, to be affected with tuberculosis, and the lesions are 130-c such that the carcass and parts of the carcass are passed for 130-d food, the veterinarian shall sell the same, including all accom-
130-e panying parts, for the best price obtainable, which price shall 130-f be paid to the owner and deducted from eighty per centum of 130-g the amount of the appraisal, and the balance, if any thus re-
130-h maining shall be paid the owner.

131 Rule 3. If any animal, upon post-mortem inspection, is 132 condemned for offal, the veterinarian shall sell the hide and 133 offal for the best price obtainable, which price shall be paid to 134 the owner and deducted from forty per centum of the appraisal, 135 and the balance, if any, thus remaining shall be paid the owner. 136. After such tuberculous animal shall have been slaughtered, 137 as herein provided for, the veterinarian shall, as soon as possible 138 forward to the commissioner, who shall, if found to be correct, 139 approve the same and within thirty days, file with the county 140 court of the county in which said animals are owned at the time 141 they were condemned as tuberculous, as herein provided, the 142 foregoing certificates, together with the owner’s claim for in-
143 demnity, and his affidavit that he has thoroughly cleaned and 144 disinfected his premises and complied with the regulations of 145 the commissioner in respect thereto and in respect to the re-
146 mainder of his herd. If the said county court, upon examina-
147 tion of the certificates filed as aforesaid and of the affidavit of 148 the claimant and any evidence that may be presented, shall find 149 the claim is regular and the facts therein set up are true, and 150 that the claimant is entitled to indemnity as herein provided, the 151 county court shall make an order allowing the claimant one-
152 half of the indemnity hereinbefore provided for, which shall be 153 paid upon the order of the county court out of the general funds 154 of the county. The commissioner shall at the end of the fiscal 155 year issue his warrant upon the state auditor in favor of the 156 claimant, for the remaining one-half of the indemnity allowed, 157 which shall be paid out of any moneys appropriated for carrying 158 out the provisions of this act; provided, that at the end of each 159 fiscal year the claimants for such certificates of value shall be 160 paid the same from the current appropriation made for that 161 purpose; provided, further, that the amount to be paid on such
162 certificates in any one year shall not exceed the amount appro-
163 priated for such purpose, which amount shall be paid pro rata
164 at the end of each fiscal year; provided, further, however, that
165 the right to indemnity shall not exist nor shall payment be made
166 in either of the following cases:
167 1. For animals owned by the United States, this state or
168 county, city, town or village in this state.
169 2. For animals brought into this state contrary to the
170 provisions of this act, or where the owner of the animals or
171 person claiming compensation has failed to comply with the
172 provisions of the same.
173 3. When the owner or claimant at the time of coming into
174 possession of the animal knew or had reason to believe it to be
175 afflicted with a dangerous or contagious disease.
176 4. When the owner shall have been guilty of negligence or
177 had carelessly exposed such animals to the influence of conta-
178 gious or infectious disease.

Sec. 18. Whenever, to prevent the spread of any disease
2 mentioned in section six of this act, it shall be deemed necessary
3 by the commissioner or any of his agents to cause any domestic
4 animal to be killed, and the owner thereof shall desire to receive
5 indemnity therefor, the owner thereof shall be required to exe-
6 cute an agreement with the commissioner or his agent that he
7 will thoroughly clean and disinfect all premises that may have
8 been infected by such diseased animals in such manner as the
9 commissioner or his agent may prescribe. Such an agreement
10 shall be in duplicate, one copy to be retained by the signer and in
11 such form as the commissioner may designate, and shall be signed
12 by the owner or owners or their agents, and shall be in force for a
13 period of two years from the date thereof. The commissioner or
14 any agent so authorized shall act as appraiser and shall appraise
15 each such diseased animal within five days prior to its slaughter,
16 basing the amount upon the market value of the animal at the
17 time of appraisal. Animals reacting to any approved test for a
18 disease but otherwise apparently healthy shall be appraised without
19 considering the presence of a diseased condition, but animals ex-
20 hibiting any physical evidence of disease shall be appraised as
21 diseased animals, taking into consideration the condition of the
22 animal as to disease, and the nature and extent of the disease, and
23 its present and probable effect on the animal, and having regard
24 to the probable sums to be derived from the sale of the carcass,
hide and offal. The amount of appraisal shall in no case exceed
for a non-registered equine animal the sum of seventy-five dollars,
for a registered equine animal the sum of one hundred dollars,
for a non-registered bovine animal one hundred dollars, for a reg-
istered bovine animal two hundred dollars, for a sheep or pig the
sum of ten dollars; provided, however, that in case of an outbreak
of foot and mouth disease, or any other dangerously contagious
or infectious disease among bovine animals and on account of
such disease, bovine animals are being destroyed by order of
federal authority and for which said bovine animals so destroyed,
the federal government pays one-half the true and actual value
according to the appraisement, that the state of West Virginia
pays one-half and only one-half the true and actual value as above
stated. If the amount of appraisal of any animal as determined
by the appraiser designated is not satisfactory to the owner of
such animal, the appraisal may be made by arbitrators as provided
in section seventeen of this act. After such agreement has been
executed and appraisal has been made, it shall be the duty of the
commissioner or his agent to see that the animal is killed and the
carcass disposed of in accordance with the provisions of this act
and the rules of the commissioner. When the animal is to be
killed the commissioner or his agent shall make and deliver to the
owner a certificate which may cover any number of animals be-
longing to the same owner, showing the age and description of
each animal, the appraised value of said animal or animals, the
name and address of the owner of the animal and the fact that
he has executed the agreement hereinbefore provided for. At the
end of each fiscal year the holders of such certificates of value
shall be paid two-thirds of the value of the same from the current
appropriations made for carrying out the purpose of this act;
provided, that the amount paid on such certificates and those sim-
ilarly provided for in section seventeen of this act in any one
year shall not exceed the appropriation made therefor, which
amount shall be paid pro rata at the end of each fiscal year on an
order signed by the commissioner. When any animal is so killed
the owner subject to the regulations of the commissioner may dis-
pose of the whole or any part of the carcass and of the hides and
offal in such manner as may not tend to spread disease or affect
the health of the public.
CHAPTER 105.
(Senate Bill No. 11—Mr. Sanders.)

AN ACT to amend and re-enact section four of chapter one hundred fourteen-b of the code of West Virginia, of one thousand nine hundred thirteen.

[Passed February 12, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]

Sec. 4. Duties of short-hand reporter and stenographer; costs of transcript.

Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred fourteen-b of the code be amended and re-enacted to read as follows:

Section 4. It shall be the duty of said short-hand reporter to furnish a copy of the notes of testimony, written out in long hand, upon the request of the judge without extra charge, and in case either party to the cause shall request or require a transcript of the said notes, the stenographer shall furnish the same in long hand, and shall be entitled to be paid therefor the sum of twenty cents per each hundred words so transcribed. And if upon appeal or writ of error the judgment or order entered in the cause be reversed, the cost of such transcript shall be taxed as other costs, and if said transcript be requested or required for the purpose of demurring to the evidence, the cost thereof shall be taxed in favor of the party prevailing on the demurrer.

CHAPTER 106.
(Senate Bill No. 165—Mr. Bloch.)

AN ACT to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as section sixty-five-a.

[Passed February 17, 1919. In effect ninety days from passage. Approved by the Governor February 20, 1919.]

Sec. 65-a. Construction and completion of railroads; computation of time.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-four of the code of West Virginia be amended by adding thereto an additional section to be known as section sixty-five-a, which section shall read as follows:
Section 65-a. That, notwithstanding the provisions of any of the sections of the code of West Virginia prescribing the time for the construction or completion of railroads within this state, in computing any such periods of time, there shall not be computed the time from April sixth, one thousand nine hundred and seventeen, to twenty-one months from and after the date of the termination of the federal control of railroads under section fourteen of the acts of the congress of the United States of March twenty-one, one thousand nine hundred and eighteen, or under any subsequent act or acts the effect of which is to prolong or extend such federal control.

CHAPTER 107.
(Senate Bill No. 7—Mr. Sanders.)
AN ACT to amend and re-enact section thirty-six, of chapter ninety of the code of West Virginia.
[Passed February 12, 1919. In effect ninety days from passage. Approved by the Governor February 14, 1919.]
Sec. 36. Judgment rendered against Infant or Insane person.
Be it enacted by the Legislature of West Virginia:

That section thirty-six, of chapter ninety, of the code of West Virginia, be amended and re-enacted to read as follows:
Sec. 36. If any person against whom such judgment is rendered shall be at the time of the judgment an infant, or insane, the judgment shall be no bar to an action commenced within three years after the removal of such disability.

CHAPTER 108.
(Senate Bill No. 129—Mr. Harmer.)
AN ACT to amend and re-enact sections three and four, of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter.
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thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto three sections, to be numbered sections thirty-one-a, thirty-one-b, and thirty-seven, as parts thereof, and said sections to be numbered thirty-one-a, thirty-one-b, and thirty-seven, inclusive, as parts of said chapter thirty-two-a, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and the ownership and operation of "moonshine stills."

[Passed February 20, 1910. In effect ninety days from passage. Approved by the Governor February 21, 1910.]

SEC. XXX. Manufacture, sale, storage, soliciting or receiving orders for intoxicating liquors; misdemeanors; penalty for first and succeeding violations.

SEC. XXXI. Limiting amount of intoxicating liquors that may be carried into the state; violations and penalties.

SEC. XXXIII. Druggists; violations or act and penalties.

SEC. XXXIV. Maintenance of public nuisances; penalties; carriers that may be confiscated by the state; method of procedure; sale by sheriff; notice of sale.

SEC. XXXIII. Transportation of liquor into the state, or within state boundaries; violations; penalties.

SEC. XXXIV. Non-resident vendors prohibited from selling liquor to be carried or transported into this state; violations; penalties.

SEC. XXXVII. Manufacture of "moonshine"; violations and penalties.

Be it enacted by the Legislature of West Virginia:

That sections three and four, of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, relating to prohibition of the manufacture, sale, furnishing and carriage of intoxicating liquors, and the confiscation of property used in the unlawful transportation of such liquors; and that chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, be further amended by enacting as additional thereto three sections, to be numbered sections thirty-one-a, thirty-one-b and thirty-seven, inclusive, as parts thereof, and said sections thirty-one-a, thirty-one-b and thirty-seven, inclusive, as parts of said chapter thirty-two-a, Barnes' code, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of "moonshine stills," be amended, re-enacted and added to so as to read as follows:

Section 3. Except as hereinafter provided, if any person acting for himself, or by, for or through another shall manu-
3 facture (other than by "moonshine still") or sell, or keep, store,
offer or expose for sale; or solicit or receive orders for any liquors,
or absinthe or any drink compounded with absinthe, he shall be
deemed guilty of a misdemeanor for the first offense hereunder, and
upon conviction thereof shall be fined not less than one hundred
dollars 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 penitenti-
ary 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 charge made by the grand jury is the first or second of-
fense; and if it be a second offense, it shall be so stated in the in-
dictment 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 in introducing evidence and proving the same on
the trial; and any person, except a common carrier, who shall act as
the agent or employee of such manufacturer (other than a “moon-
shiner”) or such seller, or person so keeping, storing, offering or
exposing for sale said liquors, or act as the agent or employee of
the purchaser of such liquors, shall be deemed guilty of such man-
ufacturing or selling, keeping, storing, offering or exposing for
sale, as the case may be.

An indictment for any first offense under this section shall be
sufficient if in the form or effect following:

State of West Virginia,

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

In the Circuit Court of. . . . . . . . . . . . . . County:

The grand jurors in and for the body of the said county of
. . . . . . . . . . . . , upon their oaths do present that A. B., within one
year next prior to the finding of this indictment, in the said coun-
ty of . . . . . . . . . . . . , did unlawfully manufacture, (other than by
“moonshine still”) sell, offer, keep, store and expose for sale and
solicit and receive orders for liquors, and absinthe and drink com-
pounded with absinthe, against the peace and dignity of the state.

Sec. 4. The provisions of this act shall not be con-
strued to prevent any one from manufacturing (other than
3 by “moonshine still”), from fruit grown exclusively within
4 this state wine, for his own domestic consumption; or to prevent
5-21 the manufacture from fruit grown exclusively within this
22 state of vinegar and non-intoxicating cider for use or sale; or to
prevent the manufacture and sale at wholesale to druggists only of
pure grain alcohol for medicinal, pharmaceutical, scientific and
mechanical purposes, or wine for sacramental purposes by religi-
ous bodies; or to prevent the sale and keeping and storing for sale
by druggists of pure grain alcohol for mechanical, pharmaceut-
ical, medicinal and scientific purposes, or of wine for sacramental
purposes, by religious bodies, or any United States pharmacopoeia
or national formulary preparation in conformity with the West
Virginia pharmacy law, or any preparation which is exempted by
the provisions of the national pure food law, and the sale of which
does not require the payment of a United States liquor dealer's
tax. But no druggist shall sell any such grain alcohol except for
medicinal, scientific, pharmaceutical and mechanical purposes, or
for sacramental purposes, except as hereinafter provided, and the
same shall not be sold by such druggist for medicinal purposes,
except upon a written prescription of a physician of good standing
in his profession and not of intemperate habits, or addicted to the
use of any narcotic drug, prescribing the amount of alcohol the
disease or malady for which it is prescribed, and how it is to be
used, the name of the person for whom prescribed, the number of
previous prescriptions given by such physician to such person
within the year next preceding the date of such prescription, and
stating that the same is absolutely necessary for medicine, and not
to be used as a beverage, and that such physician, at the time such
prescription was given, made a personal examination of such per-
son, and that such person is known to such physician to be of
temperate habits and not addicted to the use of any narcotic
drug, and only one sale shall be made upon such prescription,
and such prescription shall be at all times kept on file by such
druggist and open to the inspection of all state, county and muni-
cipal officers. It shall be the duty of such druggist to register in
a book kept for that purpose all prescriptions from physicians
mentioned in this section, stating the name of the party for whom
prescribed, the date of the prescription, the name of the physician
by whom the prescription is issued, the quantity of such alcohol
and the use for which prescribed, and such record shall be at all
times open to the same inspection as such prescriptions.

It shall be lawful for a druggist to sell grain alcohol for
pharmaceutical, scientific and mechanical purposes, or wine for
sacramental purposes by religious bodies, only to any person, not
a minor, and who is not of intemperate habits, or addicted to the
use of narcotic drugs, who shall, at the time and place of such sale, make an affidavit in writing signed by himself before such druggist, or a registered pharmacist at the time and place in the employ of such druggist, stating the quantity and the time and place and fully for what purpose and by whom such alcohol or wine is to be used; that affiant is not of intemperate habits or addicted to the use of any narcotic drug; and that such alcohol or wine is not to be used as a beverage, or for any purpose other than that stated in such affidavit. Such affidavit shall be filed and preserved by such druggist and be subject to inspection at all times by any state, county or municipal officer, and a record thereof made by such druggist in the record book mentioned in this section, showing the date of the affidavit, by whom made, the quantity of such alcohol, or wine, and when, where, for what purpose and by whom to be used. Only one sale shall be made upon such affidavit, and only in the county where the same is made, and no greater quantity than is therein specified. For the purpose of this act, any druggist or registered pharmacist making such sale shall have authority to administer such oath.

If any druggist, owner of a drug store, registered pharmacist, clerk or employe shall upon such prescription or affidavit, or otherwise, knowingly sell or give any such alcohol or wine to any person who is of intemperate habits or addicted to the use of any narcotic drug, or knowingly sell or give the same to any one to be used for any purpose other than that named in said affidavit or prescription, or who shall sell or give away any liquors without such affidavit or prescription, he shall be deemed guilty of a misdemeanor and punished by fine of not less than one hundred nor more than five hundred dollars and confined in the county jail not less than thirty days nor more than six months. In any prosecution against a druggist, owner of a drug store, registered pharmacist, clerk or employe, for selling or giving liquor contrary to law, if a sale or gift be proven, it shall be presumed that the same was unlawful in the absence of satisfactory proof to the contrary and the presentation of such prescription or affidavit by the defendant at the time of the trial for such sale or gift, shall be sufficient to rebut the presumption arising from the proof of such sale or gift. Provided, the jury shall believe, from all the evidence in the case, that such sale or gift was made in good faith under the belief that such prescription or affidavit and statements therein were true; and, provided, further, that such druggist, owner of a
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105 drug store, registered pharmacist, clerk or employe shall have
106 complied with all other provisions of this act relating to the sale
107 or gift.

108 An indictment against, any druggist, registered pharmacist,
109 clerk or employe, for any offense committed under the provisions
110 of this section, shall be sufficient, if in the form and effect follow-
111 ing:

112 State of West Virginia,
113 County of .................. to-wit:

114 In the Circuit Court of said County:

115 The grand jurors in and for the body of the said county of
116 .........., upon their oaths do present that A. B., within one
117 year next prior to the finding of this indictment, in the said coun-
118 ty of .......... did unlawfully sell, give, offer, expose, keep and
119 store for sale and gift, liquors, against the peace and dignity of
120 the state.

Sec. 14. All houses, boat-houses, buildings, club rooms, and
2 places of every description, including drug stores, where intoxici-
3 rating liquors are manufactured, stored, sold or vended, given
4 away, or furnished in any way contrary to law (including
5 houses in which clubs, orders, or associations, shall barter, give
6 away, distribute, or dispense, intoxicating liquors to their mem-
7 bers by any means or device whatever, as provided in section six
8 of this act), shall be held, taken and deemed, common and pub-
9 lic nuisances. All boats, cars, automobiles, wagons, aircraft,
10 beasts of burden, or vehicles of any kind, where intoxicating
11 liquors are had, kept or possessed for the purpose of transport-
12 ing, or carrying, in any way, contrary to law, shall be held,
13 taken and deemed common and public nuisances. Boats, cars
14 (including railroad and traction passenger cars operating in this
15 state), automobiles, wagons, aircrafts, beasts of burden, or
16 vehicles of any kind, shall be held, taken and deemed as places
17 within the meaning of this act, and may be proceeded against
18 by suit in equity under the provisions of section seventeen.
19 And any person who shall maintain, or shall aid or abet, or
20 knowingly be associated with others in maintaining such com-
21 mon and public nuisance, shall be guilty of a misdemeanor, and
22 upon conviction thereof, shall be punished by a fine of not less
23 than one hundred nor more than five hundred dollars, and by
24 imprisonment in the county jail not less than sixty days nor
25 more than six months for each offense, and judgment shall be
26 given that such house, building, or any room therein, or other-
27 place, be abated or closed up as a place for the sale or keeping
28 for sale of such liquors contrary to law, as the court may de-
29 termine.
30 All automobiles, cars, boats (other than railway cars, street
31 cars and steamboats), wagons, aircraft, beasts of burden, or
32 vehicles of any kind, that are used to bring or carry excessive
33 quantities of intoxicating liquors into the state, or from one
34 place to another within the state, or that are known or found
35 to contain excessive quantities of intoxicating liquors while in,
36 on, or operating upon any street, alley, road, highway, or water
37 course, or stored in any garage or other storage place, or in any
38 other place, whether such liquors are in the possession of pas-
39 sengers or occupants of any such vehicle or otherwise, shall be
40 subject to seizure, forfeiture, and confiscation by the state. Any
41 state, county, district, or municipal officer whose duty it is to en-
42 force the provisions of chapter thirty-two-a of Barnes’ code of
43 West Virginia, shall seize and take into his custody any auto-
44 mobile, car, boat (other than railway cars, street cars and steam-
45 boats), wagon, aircraft, beast of burden, or other vehicle, that is
46 being used as a container or conveyance of excessive quantities of
47 liquor, whether said liquors are upon the persons and in the
48 actual custody of the passengers or occupants of any such
49 vehicle of conveyance, or otherwise. Upon the seizure of any
50 property under the provisions of this section by any officer, the
51 owner or other person entitled to the possession of such property
51-a so seized, may give bond with good security before the clerk
51-b of the circuit court, in a sum equal to double the value of
51-c said property, with condition that said property will be forth-
51-d coming to answer any judgment or order of the court relating
51-e to the same, and to cover any damages to said property while
51-f the same is in his possession pending an investigation or pro-
51-g ceeding in equity hereinafter provided for. And that upon the
51-h execution of such bond, the possession of such property shall
51-i be delivered to the said owner or claimant. Upon failure to
51-j give such bond, the said officer shall preserve the same
52 and keep it safely in custody, and shall immediately re-
53 port the seizure to the prosecuting attorney of the county,
54 and to the state tax commissioner, whereupon the state
55 tax commissioner and the prosecuting attorney, or either
56 of them, may institute a suit in equity in the cir-
57 cuit court in the manner provided by section seventeen
of chapter thirty-two-a of the code, making all proper persons parties thereto. If the circuit court upon the hearing, shall find that any vehicle of conveyance mentioned in this section (other than railway cars, street cars and steamboats), is being used, or has been used as a container or storage place for excessive quantities of intoxicating liquors, or is or has been used to bring or carry excessive quantities of intoxicating liquors into the state, or from one place to another within the state, in violation of the provisions hereof, said court shall adjudge such property to be a common and public nuisance, and shall enter an order directing that the same be sold by the sheriff of the county, at public auction, to the highest bidder, for cash; provided, however, that if the court shall find that the bona fide owner of any vehicle of conveyance or other property seized and proceeded against under the provisions of this section did not know of, consent to or acquiesce in such unlawful use of said property, and that said owner had no cause to believe that said property was being, or intended to be, so unlawfully used, as aforesaid, then said court shall enter an order releasing said property to the true owner thereof; provided, that any persons sustaining the relationship of husband or wife to an offender hereunder, shall not be deemed bona fide owners within the meaning of this act; and provided, further, that any bona fide lienor of any such property shall be entitled to file his petition and become a party to any proceeding in equity under this section, and shall be permitted to share in the proceeds of the sale of any such property, as his interest may appear. The proceeds arising from the sale of any such property, after deducting any proper costs, allowances or commissions, and after satisfying all liens thereon, shall be paid over to the auditor of the state by the sheriff for the use and benefit of the general school fund. When the value of the property confiscated hereunder is one hundred dollars or more, either the state or the defendant shall have the right of appeal from the judgment of the circuit court.

Notice of any such sale shall be published in some newspaper published in said county for four weeks and posted at the front door of the court house of the county in which such property was seized.

If any person shall hire, or secure the use of, or obtain passage upon any automobile, car, boat (other than rail-
85 way cars, street cars and steamboats), wagon, aircraft, beast of
86 burden, or other vehicle of any kind, from any bona fide owner
87 thereof, or the agent of any such owner, for the purpose of bring-
88 ing or carrying into the state, or from one place to another within
89 the state, excessive quantities of intoxicating liquors, whether car-
90 ried upon his person or otherwise while in any vehicle of convey-
91 ance mentioned in this section, without first informing any such
92 owner or his agent, of his intention and purpose to carry excessive
93 quantities of intoxicating liquors, and the owner of any such
94 vehicle of conveyance as is mentioned herein, suffers or sustains
95 any loss or damage by reason of his property being seized, de-
95-a tained and proceeded against by the state under the pro-
96 visions hereof, such person so securing the use of any vehicle of
97 conveyance mentioned herein, or obtaining passage thereon,
98 shall be guilty of a misdemeanor, and upon conviction shall be
99 fined not less than two hundred dollars nor more than five hun-
100 dred dollars, and confined in the county jail not less than three
101 months nor more than six months; and the owner of any such
102 property may recover all damages sustained by him from any
103 person so hiring or obtaining passage upon any such vehicle of
104 conveyance for use in the unlawful transportation of intoxi-
105 cating liquors, without first informing the owner or his agent of
106 such purpose, in an action at law in any of the civil courts hav-
107 ing jurisdiction thereof; provided, that the refusal or neglect
108 of the owner of any such property to sue for damages, or his
109 failure to recover in a civil action hereunder, shall not in any
110 way affect or bar the right of the state to prosecute the offender
111 for a misdemeanor. Justices of the peace shall have concurrent
112 jurisdiction with the circuit, criminal and intermediate courts
113 of criminal offenses arising hereunder.

Sec. 31. It shall be unlawful for any person to bring or
2 carry into the state, during any period of thirty consecutive days,
3 or carry from one place to another within the state, or to have or
4 carry in or on any passenger train or other vehicle of conveyance,
5 within said period, in any manner whatsoever, whether in his
6 personal baggage or otherwise, more than one quart of intoxi-
7 cating liquors, whether such liquors are intended for personal use
8 or for any other purpose, and whether or not any such person
9 shall be an intra-state or interstate passenger. If any person
10 shall bring, or carry into the state, during any period of thirty
consecutive days, or from one place to another within the state, or shall have or carry in or on any passenger train or other vehicle of conveyance, within said period, in any manner whatsoever, whether in his personal baggage or otherwise, more than one quart of intoxicating liquors, whether the same is intended for personal use or for any other purpose, and whether any such person shall be an intra-state or interstate passenger or not, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars 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 charge 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 of the first conviction as evidence before the trial court of said second offense, and shall not be permitted to use his discretion in charging said second offense, or in introducing evidence and proving the same on the trial.

It shall be unlawful for any carrier operating in this state knowingly to carry for a passenger, or for any of its employees, or knowingly to permit any person or employee to carry into this state, or from one place to another within the state, or knowingly to permit any passenger or employee to have or carry in or on any of its trains, more than one quart of intoxicating liquors as baggage. If any carrier shall knowingly carry for a passenger, or knowingly permit a passenger to carry into the state, or from one place to another within the state, or knowingly to permit any passenger or any person in its employ to have or carry in or on any of its trains, more than one quart of intoxicating liquors as personal baggage, the carrier shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred dollars nor more than one thousand dollars. And a court of equity, upon showing that a carrier has knowingly carried for a passenger or an employee, or knowingly permitted 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, or through the want of
due caution and care, has carried for a passenger or employee, or permitted a passenger or employee to carry into the state, or from one place to another within the state, more than one quart of intoxicating liquors as personal baggage, shall have jurisdiction to entertain such suit and to enter such decree and take such proceedings as are provided for in section seventeen.

Sec. 31-a. It shall be unlawful for any person to order, purchase, sell, or cause intoxicating liquors, except as provided in section thirty-one, to be transported into the state, or from one place to another within the state, in any manner, except pure grain alcohol for medicinal, pharmaceutical, scientific and mechanical purposes, and wine for sacramental purposes to be used by religious bodies, as now provided by law. If any such person shall order, purchase, sell or cause intoxicating liquors, in any quantity, except as provided in section thirty-one, to be transported into the state, or from one place to another within the state, in any manner, except for the purposes herein specified, he shall be deemed guilty of a misdemeanor for the first offense; and upon conviction of the same person for the second offense hereunder, he shall be guilty of a felony, and the punishment of each offense hereunder shall be the same as that prescribed for offenses arising under section thirty-one of this act.

Sec. 31-b. It shall be unlawful for any non-resident vendor, dealer, or other person, to sell or furnish intoxicating liquors, with the exception of persons coming within the purview of section thirty-one, to any person who intends to, and does, transport or carry such liquors into this state contrary to the laws thereof, when such non-resident vendor, dealer or other person knows, or has cause to believe, that such liquors are intended to be so unlawfully transported and carried into this state. Any non-resident vendor, dealer or other person, so offending, shall be deemed an aider and abettor to any person so purchasing or receiving and unlawfully carrying or transporting such liquors into this state, and such non-resident vendor, dealer or other person, shall be held equally guilty with the person carrying such liquors, who shall be deemed the principal in the offense, and the principal and abettor may be charged in the complaint or indictment, either jointly or separately. The first offense hereunder shall be a misdemeanor, and the second offense shall be a felony, and each offense shall be punished as provided in section thirty-one of this act.
Sec. 37. It shall be unlawful for any person to own, operate, maintain or have in his possessin, or any interest in, any apparatus for the manufacture of intoxicating liquors, commonly known as a "moonshine still," or any device of like kind or character. For the purposes of this act, any mechanism, apparatus or device that is kept or maintained in any desert, secluded, hidden, secret or solitary place, away from the observation of the general public, for the purpose of distilling, making or manufacturing intoxicating liquors, or which by any process of evaporation, separates alcoholic liquor from grain, molasses, fruit or any other fermented substance, or that is capable of any such use, shall be taken and deemed to be a "moonshine still"; and the owner or operator of any such "moonshine still" shall be deemed a "moonshiner." Any person owning, operating, or having any interest in any moonshine still, shall be guilty of a felony, and upon conviction thereof shall be fined not less than three hundred dollars nor more than one thousand dollars, and be confined in the penitentiary not less than two nor more than five years. Any person who aids or abets in the operation or maintenance of any moonshine still shall be guilty of a felony, and upon conviction thereof shall be fined not less than two hundred dollars nor more than five hundred dollars, and confined in the penitentiary not less than one nor more than three years. Any person who has in his possession any quantity of moonshine liquor shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than three hundred dollars, and confined in the county jail not less than thirty nor more than ninety days; provided, that if any such person shall fully and freely disclose the name or names of any person or persons from whom he received said moonshine liquor, and give any other information that he may have relative to the manufacture and distribution of the same, and shall truthfully testify as to any such matters of information, he shall be immune from further prosecution or punishment. Sections nine, ten, eleven, twelve and thirteen of chapter thirty-two-a of Barnes' code, one thousand nine hundred and sixteen, relating to searches and seizures and procedure, shall apply to and govern the offenses arising under this section, so far as they are applicable; provided, that any person held by a justice under this section to answer for a felony, shall give a bond in the penalty of not less than one thousand dollars to appear at the next term of the circuit, crim-
CHAPTER 109.

(Senate Bill No. 127—Mr. Gribble.)

AN ACT to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof, and the merger and consolidation of railroads.

[Passed February 17, 1919. In effect ninety days from passage. Approved by the Governor February 20, 1919.]

Sec. 53. Privilege granted of extending railroad lines to points in and out of the state; merging and consolidating; purchase and sale of railroad lines.

Be it enacted by the Legislature of West Virginia:

That section fifty-three of chapter fifty-four of the code of West Virginia be amended to read as follows:

Section 53. Any railroad corporation which has been, or shall be organized under the general laws of this state, or deriving its franchise therefrom, or organized under special charter, may extend, with the consent of the stockholders owning a majority of the stock present at any general or special meeting thereof, its line beyond either or both termini named in the articles of incorporation or special charter under which its line is located; and such extension may be located by the most practical route, and may pass out of this state into any other state, with the assent of such state, and back again into this state, as often as may be found necessary in locating such extension, and such corporation may construct, own or operate such extension or extensions in the same manner and to the same extent as if such extension or extensions had been included in the original articles of association or special charter; provided, however, that any railroad company organized under special charter by extending its line, shall not carry with it any special privileges guaranteed it under its charter, as to such extension, but only such rights and privileges as are conferred under the general law; provided, that such corporation before commencing any such extension, in this state,
shall file in the office of the secretary of state, a certificate stating the point at or near which such extension in this state shall commence and terminate. No railroad corporation owning or operating a railroad wholly or in part within this state, shall consolidate its capital stock with any other railroad running a parallel or competing line, without the consent of the legislature, but any such railroad corporation whose line of railroad is made, or is in process of construction, may merge or consolidate with, or lease its railroad or any part thereof for a term of years to any other corporation of this or an adjoining state owning or operating a line of railroad completed or in process of construction, wholly or partly within this or an adjoining state, and connected directly or by means of an intervening railroad or railroads, in order to make a continuous line of railroad to be run and operated with or without changes of cars, or break of bulk, or exchange or transfer of passengers or freight; and may sell to or purchase such connecting line of railroad; and may adopt another name for their said road. Thus merged, consolidated or connected, by filing in the office of the secretary of state a declaration of the adoption of such other name; and shall publish such declaration for sixty days in all newspapers published along the line of such railroad; but such merger, consolidation or sale, shall be made only upon such terms and conditions as shall be agreed to by the stockholders owning a majority of the stock in each of the companies so merging, consolidating, purchasing or selling; provided, that where two or more railroad companies have been heretofore incorporated under and by virtue of the laws of this state, for the construction of two or more lines of railroad which have been located or surveyed along the same line between any points or places, and each of said corporations has acquired separate and distinct rights and interest under their respective charters, or made or performed any work toward the construction of the improvements contemplated by their respective charters, or where two or more such railroad corporations have heretofore constructed or shall hereafter construct lines of city or interurban railroad operated by electricity or other motive power than steam, lying wholly or partly within this state, the said lines being not parallel or competing, and regardless of any direct physical connection between the said lines of railroad, respectively, it shall be lawful for the boards of directors of said corporations, with the consent of the stockholders owning a majority of the
62 stock of each of the corporations interested, to merge or con-
63 solidate the capital stock of their respective companies, or to
64 consolidate different interests in the same road, upon such terms as
65 they may agree upon; or for one or more of such corporations to
66 make sale of all their right, title and interest, including the fran-
67 chises of such corporations to such other corporations, in such
68 manner as may be deemed advisable; provided, however, that such
69 merger or consolidation or purchase shall not invalidate any
70 action, suit, claim or demand against any or either of the com-
71 panies who are parties thereto, and any such action, suit, claim
72 or demand shall be held to be in full force against the company
73 owning such consolidated or merged line of railroad; and in no
74 case shall any consolidation or merger or sale take place, except
75 after sixty days' notice, which notice shall be given in the manner
76 prescribed in section forty-five of this chapter; provided, that
77 every railroad corporation doing business in this state under
78 charters granted or laws passed by the state of Virginia, is hereby
79 declared to be as to its works, property, operations, transactions
80 and business in this state, a domestic corporation, and shall be
81 so held and treated in all suits and legal proceedings which may
82 be commenced or carried on by or against any such railroad cor-
83 poration, as well as in all other matters relating to such corpo-
84 ration; but such corporation shall not be required to file a copy
85 of its charter or any writing with the secretary of state, as pro-
86 vided in section thirty of chapter fifty-four of the code of West
87 Virginia; and all leases of railroads heretofore made between
88 railroad companies, as provided in this section, shall be deemed
89 valid. And it shall be lawful for any railroad company, created
90 under the laws of this state, or of this state and any other state
91 or states, to consolidate with any other railroad or railroads in
92 this state or other states; or such railroad company of this state,
93 or of this state and other states, may purchase the railroad, cor-
94 porate rights and franchises of any railroad company created
95 under the laws of this state or of this state and any other state
96 or states; provided, the railroad or railroads so proposed to be
97 consolidated or purchased, are not parallel or competing railroads
98 to the company consolidating or purchasing the same; and, pro-
99 vided, further, that the railroad or railroads so proposed to be
100 consolidated or purchased, form with the railroad of the com-
101 pany consolidating or purchasing the same, either directly or by
102 means of other intervening railroad or railroads, a through line
103 for the transportation of persons and property, unless such rail-
104 roads are operated by electricity or other motive power than
105 steam; and, provided, further, that the agreement for such con-
106 solidation, or purchase, shall be first made between the directors
107 of the different companies so proposing to consolidate or pur-
108 chase and sell, and before the same shall be effective the same
109 shall be ratified by the votes of two-thirds in amount of all the
110 stockholders of each of the companies, parties to such agree-
111 ment. Such agreement may be ratified by such stockholders at
112 any annual or special meeting of such stockholders. Due notice
113 of such meeting showing the time, place and object of such meet-
114 ing, shall be published once a week for four weeks in the news-
115 papers in which the notice of the annual meetings of such com-
116 panies is published, and a printed copy of such notice shall also
117 be mailed, postpaid, to the address of each stockholder of record,
118 of each of the companies parties to said agreement, at least thirty
119 days prior to the time of such meeting; and, provided, further,
120 that the portion of railroad or railroads in this state so proposed
121 to be consolidated, or purchased, shall continue, in all respects,
122 subject to the jurisdiction of the laws of this state and especially
123 in respect to the laws relating to taxation.

CHAPTER 110.

(Senate Bill No. 114—Mr. Scherr.)

AN ACT to amend and re-enact chapter fifteen-j, Barnes' code one
thousand nine hundred and eighteen, and establish in lieu of the
West Virginia Humane Society a State Board of Children's
Guardians, and to define its duties.

[Passed February 18, 1919. In effect ninety days from passage. Approved by the
Governor February 20, 1919.]

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$\text{Sec. } 15.$ Religious belief of parents of child.  
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$\text{Sec. } 19.$ Misdemeanor to contribute to dependency of a child.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a state board of children’s guardians, which shall be a corporation, and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal. It shall consist of three members chosen from the two largest political parties, who shall be citizens of the state, and not more than two of them shall belong to the same party. They shall be appointed by the governor, by and with the consent of the senate. The members first appointed shall hold office as designated by the governor for the two, four and six years, respectively, beginning the first day of July, one thousand nine hundred and nineteen. Subsequent appointments shall be made as above provided, and, except to fill vacancies, each appointment shall be for a term of six years. The board shall biennially choose one of its members to be president thereof. The governor may remove any member for incompetency, neglect of duty, gross immorality, malfeasance in office or for other good cause; and in case of a vacancy occurring by death, resignation, removal or otherwise, may declare the office vacant and fill the same by appointment for the unexpired term. The board shall be provided with an office in the state capitol.

The financial transactions of the board shall be supervised by the state board of control as at the present time. The members of the board shall be paid a per diem of five dollars for time actually employed or assigned and necessary traveling and hotel expenses. The board shall hold its annual meeting as soon as practicable after the close of each fiscal year. There shall be four regular meetings per year. No member can be assigned more than five days in any one month.

Sec. 2. The board shall make such by-laws, ordinances, rules and regulations, relative to its management and government not contrary to law as it may deem proper; and, shall appoint such officers and agents as it may deem necessary to carry on the operations of said board, designating their duties and fixing their com-
6 pensation. *Provided*, that said paid agents shall not exceed ten in
7 number; and *provided, further*, that at least four of such agents
8 shall be women.

Sec. 3. The board shall make a biennial report to the gov-
2 ernor of their transactions generally, and all such facts and matters
3 tending to exhibit the effects either beneficial or otherwise, of the
4 work, investigations, *et cetera*, of the said board.

Sec. 4. It shall be lawful for the board, its officers or agents,
2 to take or receive into its custody or control, children as herein-
3 after provided.
4 (a) The words “dependent children” as used herein or in
5 any statute concerning care, custody or control of children, shall
6 mean any boy under the age of sixteen years or any girl under the
7 age of eighteen years, who is dependent upon public charity or
8 who is destitute, homeless or abandoned.
9 (b) The words “neglected children” as used herein shall
10 mean any boy sixteen years or under or any girl eighteen years or
11 under who has not proper paternal care or guardianship; or who
12 habitually begs or receives alms, or who is found living in any
13 house of ill fame, or with any vicious or disreputable person; or
14 whose home by reason of neglect, cruelty or disrepute on the part of
15 its parents, guardians or other person or persons in whose care it
16 may be, is an improper place for a child to live, or whose environ-
17 ment is such as to warrant the state in the interest of the child in
18 assuming its guardianship.
19 (c) Whenever the board, any members thereof, officers or
20 agents, or any reputable person shall have probable cause to be-
21 lieve that a child is dependent, neglected, abandoned or cruelly
22 treated, said board, member, officer, agent or person may pre-
23 sent a petition setting forth such facts, or any of them, verified
24-25 by the oath of some creditable person having a personal knowl-
26 edge thereof to the judge of a circuit, common pleas, criminal, in-
27 termediate or juvenile court of the county in which said child re-
28 sides, who may require such child to be delivered into the custody
29 of said board, its officers or agents, or such other custody as the
30 judge or court may deem proper to care for such child until a
31 hearing can be had, and sufficient notice of the time and place of
32 such hearing shall be served upon the person from whose custody
33 said child was taken, or who is sought to be deprived of the custody
34 of said child, and any parent or other person legally entitled to
35 stand in *loco parentis* or other relative of such child may appear
at such hearing; and notice shall also be given to the agent of the board of children's guardians in the county where said hearing is to be held.

If the facts set forth in said petition shall on the hearing be maintained, and it shall appear to the judge of court that the interest and welfare of such child require the custody thereof to be changed, the judge or court shall order the custody to be changed, and, may order that the child be committed to the care of said board, its officers or agents. No child may be committed to the board of children’s guardians who is not mentally normal and all such children committed to the board shall first receive a physical and medical examination based upon blank forms to be provided by said board. All information possible regarding the history of the child, its parent and forebears shall be supplied by the court to the board at the time of its commitment, on blank forms to be provided by the said board to enable the board to deal intelligently with the child and eventually provide said child with such information, as is deemed advisable by the said board. All such information shall be kept by the board in permanent form and shall be in the custody of the secretary of said board. Such record shall be open to inspection only by permission granted by said board.

All costs necessary in a hearing or commitment under this section shall be a proper charge against the county in which the hearing is held, and shall be paid by the county court thereof upon order of the court in which such hearing is held. The fees allowed for such hearings shall be the same as are allowed in proceedings for the commitment of boys to the West Virginia industrial school for boys.

Whenever application is made to the board of children's guardians, its officers or agents to accept the care and custody of children as hereinbefore provided, said board, its officers or agents shall make a careful and thorough investigation, and, if it is found, that it is a case of a poor, but otherwise worthy parent or guardian, the board may upon application to the judge of the circuit court, secure an order requiring the county court to provide maintenance for said parent and children, which maintenance shall be furnished under the mother's pension act or otherwise.

This act shall be liberally construed to the end that proper guardianship may be provided for such children as are hereinbefore described, and that said children may be educated,
and cared for, as far as practicable, in such a manner as best sub-
erves their moral, intellectual and physical welfare, and as far as
practicable in proper cases that the parent or person having such
children in their care, custody or control may be enabled and com-
pelled to perform their moral and legal duty in the interests of
such children.

(g) All children declared public wards under the provisions
of this act shall remain public wards until they reach the age of
twenty-one years, unless they shall upon a proper showing made be
returned by order of the board to their parents, or other guardian,
or shall be adopted in the manner prescribed by law.

Sec. 5. If the court shall find any male or female child under
the age of eighteen years to be dependent or neglected within the
meaning of this act, the court may allow such child to remain at
its own home subject to the friendly visitation of a probation offi-
cer or to report to the court or probation officer from its home or
school at such times as the court may require. And if the parent,
guardian or custodian consent thereto, or if the court shall fur-
ther find that the parents, parent, guardian or custodian of such
child are unfit or improper guardians or are unable or unwilling to
care for, protect, train, educate in accordance with the general
school law of the state, correct or discipline such child and that it
is for the interest of such child and of the people of this state that
such child be taken from the custody of its parents, parent, custo-
dian or guardian, the court may make an order appointing as
guardian of the person of such child some reputable citizen of
good moral character and order such guardian, to place such child
in some suitable family home or other suitable place, which such
guardian may provide for such child, or the court may enter an
order committing such child to some suitable state institution, or-
organized for the care of dependent or neglected children, or to some
training school or industrial or children's homefinding society or
to some association embracing in its object the purpose of caring
for or obtaining homes for neglected or dependent children, which
association shall have been accredited as hereinafter provided.

Sec. 6. In every case where such child is committed to an
institution, or association, the court shall appoint the president,
secretary or superintendent of such institution or association,
guardian over the person of such child and shall order such guar-
ian to place such child in such institution or with such association,
whereof he is such officer, and to hold such child, care for, train
and educate it subject to the rules and laws that may be in force
from time to time governing such institution or association.

Sec. 7. All children surrendered to the care or committed
to the custody of such board shall be under its supervision and
control in the manner herein provided, until they are received into
an orphan asylum or children's home, or other suitable home as
hereinafter provided, or until otherwise ordered by the said cir-
cuit, criminal, intermediate, common pleas or juvenile court in
session or judge thereof sitting in vacation. Any person who shall
either personally or by agent entice or attempt to entice away a
child from the custody of such trustees or directors, or who shall
by threats, menace or force, deprive or attempt to deprive the
board, its officers or agents, of the custody of a child, shall be
guilty of a misdemeanor, and shall be fined not less than ten nor
more than one hundred dollars and may at the direction of the
court be imprisoned in the county jail not less than one nor more
than six months, and justices of the peace shall have concurrent
jurisdiction with the circuit, criminal and intermediate courts,
in the trial of such offenses.

Sec. 8. Said board may place any of said children in any or-
phan asylum or children's home, incorporated under the laws of
the state of West Virginia and approved by said board, and it shall
be lawful for any orphan asylum or children's home to receive
from said board, its officers or agents, any such children. As to
any child or children so received, such orphan asylum or children's
home shall have the same rights, powers, privileges and authority,
and be subject to the same duties, requirements and responsibili-
ties as in the case of children placed under its care and manage-
ment in any of the modes now allowed by law.

Sec. 9. Said board may, when in its discretion it shall ap-
ppear proper, place any of said children in suitable homes, and, in
such case, the said board and the person or persons with whom said
child or children are placed, shall observe and be governed by all
the provisions of the laws of this state in the case of children placed
in homes by the directors or trustees of any orphan asylum or chil-
dren's home.

Sec. 10. The said board shall upon the request of the su-
perintendental of the West Virginia industrial home for girls, or
the West Virginia industrial school for boys, make investigations
and reports to such superintendents on youths paroled from either
of those schools or on the homes to which youths from either of
them are about to be paroled. It shall also provide for visitation, inspection and reports on homes in which wards of the said West Virginia colored orphan's home are placed.

Sec. 11. All institutions or associations receiving children under this act shall be subject to visitation, inspection and supervision by the state board of children's guardians, and it shall be the duty of said state board of children's guardians to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the supervision of this act, and every such association shall make report thereto, showing its condition, management and competency to adequately care for such children as are or may be committed to it, and such other facts as said board may require, annually at such time as the said state board of children's guardians may direct; and upon said board being satisfied that such association or institution is competent, and has adequate facilities to care for such children, the board shall issue to the same a certificate to that effect, which certificate shall continue in force for one year, unless sooner revoked by said board, and no child shall be committed to any such institution or association which shall not have received such certificate within eighteen months next preceding the commitment. The court may, at any time, require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any institution or association whose standing, conduct, care of children, or ability to care for the same is not satisfactory to the court.

On the basis of its investigations and of the reports submitted to it, the board may offer to the officials in charge or to those in control of eleemosynary, charitable and correctional institutions included in this act and to those dispensing relief funds, such suggestions as in its judgment it shall deem expedient; and is authorized to institute proceedings for the revocation of charters of such institutions, organizations or societies as willfully fail to enforce within a reasonable length of time such standards of work as are suggested by said board. All proceedings under this section shall be included by the board in its biennial report to the governor.

Sec. 12. No association whose objects embrace the caring for dependent, neglected or delinquent children shall hereafter be incorporated unless the proposed articles of incorporation shall first
4 have been submitted to the examination of the state board of children's guardians and the secretary of state shall not issue a certificate of incorporation unless there shall first be filed in his office the certificate of said board that the said board has examined the 8 said articles of incorporation, and that, in their judgment, the incorporators are reputable, reliable and responsible persons, that the proposed work is needed and that the incorporation of such association is desirable for the public good and the welfare of dependent or neglected children. Any amendment proposed to the articles of incorporation of any such association now existing or hereafter created shall be submitted in like manner to the state board of control and the secretary of state shall not record such amendment or issue his certificate therefor unless there shall be filed in his office the certificate of said board of children's guardians that the said board has examined the said amendment and that the association in question is, in the judgment of said board, performing in good faith the work undertaken by it, and that the said amendment is, in the judgment of the executive officer, a proper one and for the public good, and in the interest of neglected, dependent children. Nothing in this act contained shall apply to corporations or organizations now or hereafter existing under and by virtue of chapter fifty-seven, Barnes code of West Virginia, one thousand nine hundred and eighteen.

Sec. 13. Whenever a petition filed as provided in section four hereof, or a supplemental petition filed at any time after the appointment of the guardian, shall pray that the guardian appointed or to be appointed shall be authorized to consent to the legal adoption of the child, and the court upon the hearing shall find that it is to the best interests of such child that the guardian be given such authority, the court may, in its order appointing such guardian, empower him to appear in court where any proceedings for the adoption of such child may be pending, and to consent to such adoption. Such consent shall be sufficient to authorize the court where adoption proceedings are pending to enter a proper order or decree of adoption without further notice to, or consent by, the parents or relatives of such child; provided, however, that before entering such order the court shall find from the evidence that (1) the parents or surviving parent of a legitimate child or the mother of an illegitimate child, or if the child has no parents living, the guardian of the child, if any, or if there is no parent living, and the
child has no guardian or the guardian is not known to petitioner, then a known near relative of the child, if any there be, consents to such order; or (2) that one parent consents and the other is unfit for any of the reasons hereinafter specified to have the child, or that both parents are, or that the surviving parent is so unfit, or that the mother of an illegitimate child is so unfit for any such reasons—the grounds of unfitness being (a) depravity, (b) open and notorious adultery or fornication, (c) habitual drunkenness for the space of one year prior to the filing of petition, (d) extreme and repeated cruelty to the child, (e) abandonment of child or (f) desertion of the child for more than six months next preceding the filing of the petition and (g) that such child, if of the age of fourteen years or over, consents to such order.

Sec. 14. No association which is incorporated under the laws of any other state than the state of West Virginia shall place any child in any family home within the boundaries of the state of West Virginia either with or without indenture or for adoption, unless the said association shall have furnished the state board of children’s guardians with such guaranty as they may require that no child shall be brought into the state of West Virginia by such society or its agents, having any contagious or incurable disease, or having any deformity, or being of feeble mind, or of vicious character, and that said association shall promptly receive and remove from the state any child brought into the state of West Virginia by its agent, which shall become a public charge within the period of five years after being brought into this state. Any person who shall receive to be placed in a home, or shall place in a home, any child in behalf of any association incorporated in any other state than the state of West Virginia, which shall not have complied with the requirements of this act, shall be imprisoned in the county jail not more than thirty days, or fined not less than five dollars nor more than one hundred dollars, or both, in the discretion of the court.

Sec. 15. The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith with that of the parents of the said child.

Sec. 16. If it shall appear upon the hearing of the case that the parents, parent, or any person or persons named in such petition who are in law liable for the support of such child, are able to contribute to the support of such child, the court or judge shall enter
an order requiring such parents, parent or other person to pay to
the guardian so appointed or to the institutions, association, so-
ciety or persons to whom such child may be committed, a reason-
able sum from time to time for the support, maintenance or educa-
tion of such child, and the court or judge may order such parents,
parent or other person to pay to the guardian so appointed or to
the institution, association, society or person, to which such child
may be committed, a reasonable sum from time to time for the
support, maintenance or education of such child, and the court
judge may order such parents, parent or other persons to
give reasonable security for the payment of such sum or sums,
and upon failure to pay, the court or judge may enforce obedi-
ence to such order by proceeding as for contempt of court. The
court or judge may, on application and on such notice as the
court or judge may direct from time to time, make such altera-
tions in the allowance as shall appear reasonable and proper.

Sec. 17. If the person so ordered to pay for the support, main-
tenance or education of a dependent or neglected child shall be em-
ployed for wages, salary or commission, the court or judge may
also order that the sum to be paid to him shall be paid to the guard-
ian or institution, society, association, or person having custody of
such child, out of his wages, salary or commission and that he shall
execute an assignment thereof pro tanto. The court or judge may
also order the parent or the person so ordered to pay the sum of
money for the support, maintenance or education of a child, from
time to time to make discovery to the court or judge as to his place
of employment and amount earned by him. Upon his failure to
obey the order of court or judge he may be punished as for con-
tempt of court.

Sec. 18. Nothing in this act shall be construed to give the
guardian appointed under this act the guardianship of the estate
of the child or to change the age of minority for any other purpose
except the custody of the child.

Sec. 19. Any person who shall by any act cause, encourage
or contribute to the dependency of a child, as these terms with
reference to children are defined by the statutes of this state, or
who shall for any cause be responsible therefor, shall be guilty of
a misdemeanor, and upon trial and conviction thereof, shall be
fined in a sum not to exceed five hundred dollars or imprisoned in
the county jail for a period not exceeding one year, or by both such
fine and imprisonment.
Sec. 20. The court may permit any child to remain in the custody of the person found guilty by this act of contributing to its dependency, under such suspended sentences, upon such conditions for the treatment and care of such child as may seem to the court to be for its welfare, or as may be calculated to secure obedience to the law or to remove the cause of such dependency or neglect, and while such conditions are accepted and complied with by any such person, such sentence may remain suspended subject to be enforced upon the violation of any of the conditions imposed by the court; and such bond may be forfeited upon a failure to comply with any such conditions, as well as upon the failure to pay any amount required for the maintenance of such child.

Sec. 21. In order to find any person guilty of violating this act it shall not be necessary to prove that the child has actually become dependent; provided, it appears from the evidence that through any act of neglect or omission of duty or by the improper conduct on the part of any such person the dependency of any child may have been caused or merely encouraged.

Sec. 22. The said board shall gather statistics and study the problems connected with the dependent, delinquent and defective children and publish them from time to time, stating such information and results of such study. It shall also make available, as far as practicable, to officials dealing with these problems and with the said classes, such literature as shall tend to increase their efficiency.

Sec. 23. This act shall become effective July first, one thousand nine hundred and nineteen.

Sec. 24. All acts or parts of acts inconsistent with this act, or any part thereof are hereby repealed.
Be it enacted by the Legislature of West Virginia:

That chapter forty-six-a of the code of West Virginia, Barnes’ one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 1. Definitions; children as wards of state; use of evidence against child.—That all persons under the age of twenty-one years, shall for the purpose of this act only, be considered wards of this state and their persons shall be subject to the care, guardianship and control of the court as hereinafter provided.

The words “delinquent child” shall mean any male or female child who, while under the age of eighteen years, violates any law of this state; or is incorrigible, or knowingly associates with thieves, vixious or immoral persons; or without just cause and without the consent of its parents, guardian or custodian absents itself from its home or place of abode, or is growing up in idleness or crime; or knowingly frequents or visits a house of ill-repute; or knowingly frequents or visits any policy shop or place where any gaming device is operated; or patronizes or visits any public pool-room where the game of pool or billiards is being carried on for pay or hire; or who wanders about the streets in the night time without being on any lawful business or lawful occupation; or who habitually wanders about any railroad yards or tracks or who jumps, or attempts to jump, on any moving train; or who enters any car or engine without lawful authority; or who writes or uses vile, obscene, vulgar, profane or indecent language; or who is guilty of indecent, immoral or lascivious conduct. Any
23 child committing any of these acts shall be deemed a delinquent
24 child and when proceeded against such proceedings shall be on
25 behalf of the state, in the interest of the child and the state,
26 with due regard to the rights and duties of parents and others,
27 by petition to be filed by any reputable person and to that end
28 the child shall be dealt with, protected and cared for in any cir-
29 cuit court having chancery jurisdiction, as a ward of the state
30 in the manner hereinafter provided.
31 A deposition of any child under this act of any evidence given
32 in such cause, shall not, in any civil, criminal or other cause or
33 proceeding whatever in any court, be lawful or proper evidence
34 against such child for any purpose whatever, except in subsequent
35 cases against the same child under this act; nor shall the name
36 of any child in connection with any proceedings under this act,
37 be published in any newspaper, without a written order of the
38 court. The word “child” or “children” may be held to mean one
39 or more children, and the word “parent” or “parents” may be
40 held to mean one or both parents, when consistent with the in-
41 tent of this act. The word “association” shall include any asso-
42 ciation, institution or corporation which includes in its purpose
43 the care or disposition of children, coming within the meaning
44 of this act.

Jurisdiction of Courts; Trial by Jury.

Sec. 2. The circuit courts of this state shall have original
2 jurisdiction in all cases coming within the terms of this act.
3 except that in counties where a court of common pleas or inter-
4 mediate court having chancery jurisdiction has been or may be
5 created, such court shall have exclusive original jurisdiction in all
6 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
8 no court of chancery jurisdiction other than the circuit court,
9 such criminal court, on the law side thereof, shall have concurrent
10 jurisdiction with such circuit court as to all cases arising under
11 this act. In all trials under this act any person interested there-
12 in may demand a jury of twelve persons, or the judge, of his
13 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
15 by the judge thereof at chambers in vacation.
Juvenile Record; Juvenile Court.

Sec. 3. The findings of the court shall be entered in a book to be kept by the clerk for that purpose, and known as the "Juvenile Record" and the court may for convenience be called the "Juvenile Court."

Petition to the Court.

Sec. 4. Any reputable person, being a resident of the county, may file with the clerk of the court having jurisdiction of the matter, a petition in writing setting forth that a certain child, naming it, within his county, is delinquent as defined in section one hereof; and that it is for the interest of the child and this state that the child be taken from its parents, parent, custodian or guardian and placed under the guardianship of some suitable person to be appointed by the court; and that the parents, parent, custodian or guardian of such child are unfit or improper guardians, or are unable or unwilling to care for, protect, train, educate, correct, control or discipline such child, or that the parents, parent, guardian or custodian consent that such child shall be taken from them. The petition shall also set forth either the name, or that the name is unknown to the petitioner (a) of the person having the custody of such child; and (b) of each of the parents or the surviving parent of a legitimate child; or of the mother of an illegitimate child; or (c) if it allege that both such parents are or that such mother is dead and that no guardian of such child is known to petitioner, the petition shall set forth such facts. All persons so named in such petition shall be made defendants by name and shall be notified of such proceedings by summons, if residents of this state, in the same manner as is now or may hereafter be required in chancery proceedings by the laws of this state, except only as herein otherwise provided. All persons, if any, who or whose names are stated in the petition to be unknown to the petitioner, shall be deemed and taken as defendants by the name and designation of "all whom it may concern." The petition shall be verified by affidavit, which affidavit shall be sufficient upon information and belief. Process shall be issued against all persons made parties by the designation of "all whom it may concern," by such description, and notice given by publication as is required in this act shall be sufficient
to authorize the court to hear and determine the suit as though
the parties had been sued by their proper names.

**Summons; Publication; Answer; Warrant; Hearing.**

Sec. 5. The summons shall require the person alleged to have
the custody of such child to appear with the child at the time and
place stated in the summons; and shall also require all defend-
ants to appear and answer the petition on the return day of the
summons. The summons shall be made returnable at any time
within twenty days after the date thereof to the court or the
judge in vacation, and may be served by the sheriff, or by any
duly appointed probation officer, even though such officer be
the petitioner. The return of such summons, with indorse-
ment of services by the sheriff or by such probation officer in
accordance herewith, shall be sufficient proof thereof.

Whenever it shall appear from the petition or from affidavit
filed in the cause that any named defendant resides or has gone
out of the state, or on due inquiry cannot be found, or is con-
cealed within this state or that his place of residence is unknown
so that process cannot be served on him, or whenever any person
is made defendant under the name or designation of “all whom
it may concern,” the clerk shall cause publication to be made
twice in some newspaper of general circulation published in his
county, and if there be none published in his county, then in a
newspaper published in the nearest place to his county in this
state, which shall be substantially as follows:

A, B, C, D, et cetera (here giving the names of such defend-
ant, if any), and to “all whom it may concern” (if there be any
defendant under such designation).

Take notice that on the ...... day of ..........., 191..., a
petition was filed by............... in the............... court
of...........county to have a certain child, named............
declared a delinquent and to take from you the custody and guar-
dianship of said child (and if the petition prays for the appoint-
ment of a guardian with power to consent to adoption, and add,)
“and to give said child out for adoption.”

Now, unless you appear within twenty days after the date
of this notice and show cause against such application, the petition
shall be taken for confessed and a decree granted.

Dated (the date of publication) E. F., Clerk.

And he shall also, within ten days after the publication of
such notice, send a copy thereof by mail, addressed to such defendants whose place of residence is stated in the petition and who shall not have been served with summons. Notice given by publication as is required by this act shall be the only publication notice required either in the case of residents, non-residents or otherwise. The certificate of the clerk that he has sent such notice in pursuance of this section shall be evidence thereof. Every defendant who shall be duly summoned shall be held to appear and answer either in writing, orally in open court, or to the 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
The circuit courts and other inferior courts of the several counties in this state which have chancery jurisdiction shall have authority to appoint any number of discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the county treasury except as herein provided. It shall be the duty of the clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court, or judge, and it shall be the duty of such probation officer to make investigation of such case, to be present in court or before said judge to represent the interests of the child when the case is heard, to furnish such information and assistance as the court or judge may require, and to take charge of any child before and after the trial as may be directed by the court or judge. The number of probation officers who may receive compensation from the county, named and designated by the court, shall be as follows: In counties having a population of over forty thousand, two probation officers shall be appointed, who shall each receive a salary of not exceeding twelve hundred dollars per year, and expenses shall be allowed each probation officer in a sum not exceeding one hundred dollars per year; in counties having a population of over fifteen thousand and less than forty thousand, one probation officer shall be appointed at a salary not to exceed twelve hundred dollars per year, and expenses of probation work shall be allowed by the county in a sum not
to exceed one hundred dollars per year. In all counties of over
fifteen thousand population probation officers receiving com-
pensation from the county shall be appointed by the judge of
the circuit court, or other court having jurisdiction, 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 six hundred dollars per year, to be paid as provided
for probation officers in other counties, shall be appointed by
the circuit judge or judge of inferior courts having jurisdic-
tion whenever in the opinion of the judge, the county super-
intendent of schools and a majority of the board of county
commissioners of such county it shall be necessary so to care
for the delinquent children of the county. The county super-
intendent 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 probation officer shall trans-
mit such appointment to such board of the county in which
such appointment is made, and it shall be the duty of a ma-
ortality 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
qualifications for a probation officer, they shall notify the judge
of their conclusions within thirty days from the submission of
such appointments to the respective members thereof, where-
upon it shall be the duty of the judge to withdraw such ap-
pointment and appoint someone who shall receive the approval
of said board. The court or judge having jurisdiction may
apportion the allowance to probation 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 compensa-
tion 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 of-
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 discretion 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 forty 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 delinquent children, not to exceed two assistant probation officers, in addition to the ones provided for herein, may be appointed in the manner provided by this act, at a salary not to exceed twelve 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 provided for, shall be certified to by the judge as being necessary in and about the performance of the duties of probation 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.

Disposition of Delinquent Children; Guardianship.

Sec. 7. If the court shall find any male or female child under the age of eighteen years to be delinquent within the meaning of this act, the court may allow such child to remain at its own home subject to the friendly visitation of a probation officer, such child to report to the court or probation officer with such record of its conduct in its home or school as the court
7 may require, as often as may be required, and if the parents, par-
8 ent, guardian or custodian consent thereto, or if the court shall
9 further find either that the parents, parent, guardian or custodian
10 are unfit or improper guardians or are unable or unwilling to care
11 for, protect, educate or discipline such child, and shall further
12 find that it is for the interest of such child and of the people
13 of this state that such child be taken from the custody of its
14 parents, parent, guardian or custodian, the court may appoint
15 some proper person or probation officer, guardian over the per-
16 son of such child and permit it to remain at its home, or order
17 such guardian to cause such child to be placed in a suitable fam-
18 ily home, or cause it to be boarded out in some suitable family
19 home, in case provision is made by voluntary contribution or other-
20 wise for the payment of the board; or the court may commit such
21 child to any institution incorporated under the laws of this state
22 to care for delinquent children, or to any institution that has been
23 or may be provided by the state, county, city, town or village
24 suitable for the care of delinquent children, including a de-
25 tention home or school, or to some association that will receive it,
26 embracing in its objects the care of delinquent children and
27 which has been duly accredited as hereinafter provided. In every
28 case where such child is committed to an institution or asso-
29 ciation, the court shall appoint the president, secretary or super-
30 intendent of such institution or association, guardian over the per-
31 son of such child and shall order such guardian to place such child
32 in such institution or with such association, whereof he is such
33 officer, and to hold such child, care for, train and educate it sub-
34 ject to the rules and laws that may be in force from time to time
35 governing such institution or association.

Return to Home on Probation.

Sec. 8. Whenever it shall appear to the court, before or
2 after the appointment of a guardian under this act, or after com-
3 mitment to any institution or association, that the home of a
4 child or of its parents, former guardian or custodian is a suitable
5 place for such child, or that such child could be permitted to
6 remain or ordered to be returned to said home consistent with
7 the public good and the good of such child, the court may enter
8 an order to that effect returning such child to its home on proba-
9 tion, parole or otherwise; it being the intention of this act that
no child shall be taken away or kept from its home or away from its parents and guardian any longer than is necessary to preserve the welfare of such child and the interest of this state; provided, however, that no such order shall be entered without first giving ten days' notice to the guardian, institution or association to whose care such child has been committed, unless such guardian, institution or association consents to such order.

Criminal Prosecutions.

Sec. 9. The court may in its discretion in any case of a delinquent child permit such child to be proceeded against in accordance with the laws that may be in force in this state governing the commission of crimes or violation of city, village, or town ordinances; in such case the petition filed under this act shall be dismissed.

Placing Child in Hospital.

Sec. 10. The court may, when the health or condition of any child found to be delinquent, requires it, order the guardian to cause such child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purposes, without charge to the public authorities.

Authority of Guardian or Custodian; Duration of Guardianship.

Sec. 11. Any child found to be delinquent as defined in this act, and awarded by the court to a guardian, institution or association, shall be held by such guardian, institution or association, as the case may be, by virtue of the order entered of record in such case, and the clerk of the circuit court shall issue and cause to be delivered to such guardian, institution or association a certified copy of such order of the court, which certified copy of such order shall be proof of the authority of such guardian, institution or association in behalf of such child, and no other process need issue to warrant the keeping of such child. The guardianship under this act shall continue until the court shall by further order otherwise direct but not after such child shall have reached the age of twenty-one years.
Report of Guardian or Institution; Removal.

Sec. 12. The court may, from time to time, cite into court the guardian, institution or association to whose care a delinquent child has been awarded, and require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such guardian, institution or association within ten days after such citation, to make such report either verified by affidavit, or verbally under oath in open court, or otherwise as the court shall direct; and upon the hearing of such report, with or without further evidence, the court may, if it sees fit, remove such guardian and appoint another in his stead, or take such child away from such institution or association and place it in another, or restore such child to the custody of its parents or former guardian or custodian.

Transfer From Justice or Police Magistrate.

Sec. 13. When in any county where a court is held as provided in section two of this act, a male or 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 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 jurisdiction, and it shall be the duty of the officer having the child in charge to take the child before such court or the judge in vacation, and in any case the 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 provided. In any case, the court or judge shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

Confinement; Bail; Counsel.

Sec. 14. No court or magistrate shall commit a child under fourteen years of age to a jail or police station; but if such child is unable to give bail it may be committed to the care of the
4 sheriff, police officer or probation officer, who shall keep such
5 child in some suitable place provided by the city or county out-
6 side of the enclosure of any jail or police station. When any
7 child shall be confined in any institution in which adult prisoners
8 or convicts are confined, it shall be unlawful to confine such
9 child in the same building with such adult prisoners or con-
10 victs or to confine such child in the same yard or enclosure with
11 such adult prisoners or convicts or to bring such child into any
12 yard or building in which adult prisoners or convicts may be
13 present. In counties of over forty thousand population it shall
14 be the duty of the proper authorities to provide and maintain at
15 public expense a house separated and removed from any jail or
16 lock-up to be in charge of a matron or other person of good
17 moral character wherein all children within the provisions of
18 this act shall, when necessary, before or after trial, be detained
19 either for securing the attendance of such child at any hearing or
20 trial of any cause or for such disciplinary purposes as may seem
21 necessary to the court for the best interest of said child and of
22 the state. Any child within the provisions of this act, informed
23 against or regarding which a petition has been filed, or for any
24 purpose taken into custody, shall, at any time before it is tried
25 and adjudged to be delinquent, be entitled, by any friend or parent
26 offering sufficient surety, to give bond or other security for its ap-
27 pearance at any hearing or trial of such case, as such right given
28 to persons informed against for crime; and the court may in
29 such case, upon the request of said child or its parent or person
30 representing it, appoint counsel to appear and defend on behalf
31 of any such child, such counsel to receive no pay from the county.

Agents of Juvenile Reformatories.

Sec. 15. It shall be the duty of the board of managers,
2 trustees or such authorities as may be vested by law with the
3 control or management of any state institution in which juvenile
4 delinquents may be committed by the courts of this state to
5 maintain an agent of such institution, whose duty it shall be to
6 examine the homes of children paroled from such institution for
7 the purpose of ascertaining and reporting to said institution
8 whether they have suitable homes; to assist children paroled or
9 discharged from such institution in finding employment and to
10 maintain a friendly supervision over paroled inmates during the
11 continuance of their parole. Such agent shall hold office sub-
ject to the pleasure of the board or other authority having charge
of said institution and making the appointment, and shall re-
ceive such compensation as such board or authorities controlling
such institution may determine out of any funds appropriated for
such institution which may be applicable thereto.

Religious Preference.

Sec. 16. The court in committing children shall place
them as far as practicable in the care and custody of some indi-
vidual holding the same religious belief as the parents of said
child, or with some association which is enrolled by persons of
like religious faith with that of the parents of the said child.

Fees of Officers.

Sec. 17. It shall be unlawful for any court clerk or other
person to tax or collect, or for any county to pay, any fees what-
ever which may be permitted by any law to be taxed or collected
for the benefit of any court officer or person for any case con-
cerning any child coming within the provisions of this act for
violating any law of this state, unless such child shall be pro-
ceeded against under the provisions and in accordance with the
purpose of this act, except in capital cases or where the courts
shall direct a proceeding under the criminal code, as provided
in section eight of this act, or where a case has been instituted
before a justice of the peace or police magistrate, who shall duly
comply with the terms of section twelve of this act.

Reports of Juvenile Courts.

Sec. 18. Between the first and fifteenth days of January
of each year, the clerks of the courts having jurisdiction shall
submit to the county commissioners of their respective counties
a report in writing, upon blanks to be furnished by said com-
misioners, showing the number and disposition of delinquent
children brought before such court or judge, together with such
useful information regarding such cases and the parentage of
such children and the character of their delinquency as may be
reasonably obtained at trials thereof, and which may be required
by the said commissioners; provided, that the name or identity
of any such child or parent shall not be disclosed in such report.
Construction and Purpose of Act.

Sec. 19. This act shall be liberally construed to the end that its purpose may be carried out, to-wit: that the care, custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents in cases of delinquency, that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided and needing aid, encouragement and assistance, and if such child cannot be properly cared for and corrected in its own home, or with the assistance and help of the probation officers, then, that it may be placed in a suitable institution where it may be helped and educated and equipped for industrial efficiency and useful citizenship.

Support of Children.

Sec. 20. If it shall appear, upon the hearing of the case, that the parents, parent, or any person or persons named in such petition who are in law liable for the support of such child, are able to contribute to the support of such child, the court or judge shall enter an order requiring such parents, parent or other person to pay to the guardian so appointed or to the institution, association, society or person to whom such child may be committed, a reasonable sum from time to time for the support, maintenance or education of such child, and the court or judge may order such parents, parent or other person to pay to the guardian so appointed or to the institution, association, society or person, to which such child may be committed, a reasonable sum from time to time for the support, maintenance or education of such child, and the court or judge may order such parents, parent or other persons to give reasonable security for the payment of such sum or sums, and upon failure to pay, the court or judge may enforce obedience to such order by proceeding as for contempt of court. The court or judge may, on application and on such notice as the court or judge may direct from time to time, make such alterations in the allowance as shall appear reasonable and proper.

Same; Requiring Payment From Wages.

Sec. 21. If the person so ordered to pay for the support, maintenance or education of a delinquent child shall be employed
for wages, salary or commission, the court or judge may also
order that the sum to be paid to him shall be paid to the guardian
or institution, society, association, or person having custody of
such child, out of his wages, salary or commission and that he
shall execute an assignment thereof pro tanto. The court or judge
may also order the parent or the person so ordered to pay the
sum of money for the support, maintenance or education of a
child, from time to time to make discovery to the court or judge
as to his place of employment and amount earned by him. Upon
his failure to obey the order of court or judge he may be pun-
ished as for contempt of court.

Guardianship of Estate of Child; Age of Minority.

Sec. 22. Nothing in this act shall be construed to give the
guardian appointed under this act the guardianship of the estate
of the child or to change the age of minority for any other pur-
pose except the custody of the child.

Appeals.

Sec. 23. Cases under this act tried in any inferior court may
be reviewed by writ of error or appeal to the circuit court and
if tried in a circuit court by writ of error or appeal to the su-
preme court of appeals.

Population of Counties.

Sec. 24. In construing the provisions of this act, all coun-
ties shall be deemed to have the population as shown by the last
official census taken prior to the interpretation of any question
arising under this act.

Contempt of Court.

Sec. 25. Any person who shall interfere with the direction
or disposition of any child under any order of the court con-
cerning the child, made in pursuance of the provisions of this act,
or with any probation or other officer of the court in carrying
out the directions of the court under any such order, shall be
held to be in contempt of court and subject to punishment as for
contempt of court.
Contributory Delinquency; Penalty.

Sec. 26. Any person who shall by any act cause, encourage or contribute to the delinquency of a child, as this term with reference to children is defined by the statutes of this state, or who shall for any cause be responsible therefor, shall be guilty of a misdemeanor, and upon trial and conviction thereof, shall be fined in a sum not to exceed five hundred dollars or imprisoned in the county jail for a period not exceeding one year, or by both such fine and imprisonment.

Suspension of Sentence.

Sec. 27. The court may suspend any sentence, stay or postpone the enforcement of execution, or release from custody any person found guilty in any case under this act upon such conditions as shall be imposed by the court in accordance with the provisions of this act.

Same: Bond.

Sec. 28. Such conditions may include the following: any person found guilty under this act of contributory delinquency may be required to furnish a good and sufficient bond to the state of West Virginia in such penal sum as the court shall determine, not exceeding one thousand dollars, conditioned for the payment of such amount as the court may order not exceeding twenty dollars per month for the support, care and maintenance of the child to whose delinquency such person has contributed; such sum to be expended under the directions and orders of the court for the purpose mentioned.

Same: Custody of Child; Forfeiture of Bond.

Sec. 29. The court may permit any child to remain in the custody of the person found guilty by this act of contributing to its delinquency under such suspended sentence, upon such conditions for the treatment and care of such child as may seem to the court to be for its welfare, or as may be calculated to secure obedience to the law or to remove the cause of such delinquency, and while such conditions are accepted and complied with by any such person, such sentence may remain suspended subject to be enforced upon the violation of any of the conditions imposed.
10 by the court; and such bond may be forfeited upon a failure to 
11 comply with any such conditions, as well as upon the failure to 
12 pay any amount required for the maintenance of such child.

Same: Proceedings on Bond.

Sec. 30. As a part of the conditions of any such bond men-
2 tioned in section thirty-four hereof it shall be understood that it 
3 shall not be necessary to bring a separate suit to recover the 
4 penalty of any such bond which has become forfeited, but the 
5 court may cause a citation or summons to issue to the surety or 
6 sureties thereon, requiring that he or they appear at a time named 
7 by the court, which time shall be not less than ten nor more than 
8 twenty days from the issuance thereof, and show cause, if any 
9 there be, why a judgment should not be entered for the penalty 
10 of such bond and execution issued for the amount thereof against 
11 the property of the surety or sureties thereon, as in civil cases, 
12 and upon failure to appear or failure to show any such sufficient 
13 cause, the court shall enter such judgment in behalf of the state 
14 of West Virginia against the principal and such surety or sure-
15 ties on such bond not to exceed the sum of one thousand dollars 
16 including the costs. Any moneys collected or paid upon any 
17 such execution, or in any case upon moneys collected or paid 
18 upon any such execution, or in any case upon such bond, shall 
19 be turned over to the clerk of the circuit court (juvenile court) 
20 of the county in which such bond is given, to be applied first 
21 to the payment of all court costs and then to the care or main-
22 tenance of the child or children for whose delinquency such con-
23 viction was had, in such manner and upon such terms as the 
24 court may direct. If any such moneys so collected be unneces-
25 sary for the purposes last mentioned, it shall be turned over 
26 within one year to the treasurer of the county.

Same: Violation of Conditions of Sentence.

Sec. 31. If, in the case of any person found guilty of con-
2 tributory delinquency where the court has suspended the execu-
3 tion of the sentence during the good behavior and satisfactory 
4 conduct of the defendant or upon any other terms and conditions 
5 which may have been imposed by the court, it shall be made to 
6 appear to the satisfaction of the court at any time during such 
7 suspended sentence or stay of execution, that it ought to be en-
8 forced, the court may thereupon enforce the same, and any jail
9 sentence thereunder shall commence from the date upon which
10 such sentence is ordered to be enforced.

Same: Period of Suspension; Discharge.

Sec. 32. No sentence shall be suspended or final judgment
2 or execution shall be stayed in the case of any person found guilty
3 under this act, to exceed a period of two years. If at any time
4 prior thereto it shall appear to the satisfaction of the court that
5 such person has complied faithfully with the conditions of any
6 suspended sentence, judgment or execution, or that he is for any
7 cause in the opinion of the court, entitled to be released there­
8 from, the court may suspend such sentence indefinitely, in which
9 case such person shall be finally released and discharged as he
10 shall be in any event at the end of two years from imposition
11 of any sentence; provided, that if any defendant be actually serv-"'
12 ing a jail sentence imposed by this act and enforced before the
13 expiration of said two years in accordance with the provisions
14 of this act, then in such case the defendant shall not be finally
15 discharged until the expiration of any such sentence.

Complaints.

Sec. 33. Probation officers having the powers of sheriffs or
2 police officers, as well as county prosecuting attorneys shall have
3 the right and be vested with all the power necessary to file com-
4 plaints against any person under this act and to prosecute any
5 such case. In all such cases it shall be the duty of the county
6 prosecuting officer representing the people to prepare any such
7 complaints and prosecute any such cases for such probation of-
8 ficer when so requested by such officer or the judge of the juvenile
9 court; but nothing herein shall be so construed to interfere with
10 any county prosecutor representing the people prosecuting such
11 cases under this or any other act as in other criminal cases.

What Constitutes Contributory Delinquency.

Sec. 34. In order to find any person guilty of violating this
2 act it shall not be necessary to prove that the child has actually
3 become delinquent; provided, it appears from the evidence that
4 through any act of neglect or omission of duty or by the improper
conduct on the part of any such person the delinquency of any child may have been caused or merely encouraged.

**Liberal Construction of Act.**

Sec. 35. This act shall always be liberally construed in favor of the state for the purpose of the protection of the child from neglect or omission of parental duty toward the child by the parents, as well also to protect the children of the state from the 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 delinquency of children, although such persons are in no way related to the child.

**Act Not to Repeal Other Criminal Statutes.**

Sec. 36. Nothing in this act shall be construed to be in conflict with or to repeal or prevent proceedings under any act or statute of this state which may have otherwise defined any specific act of any person as a crime of any character which act might also constitute contributory delinquency, or to prevent or interfere with proceedings under any such acts, nor shall it be construed to be inconsistent with, nor to repeal any act providing for the support by the parent or parents of their minor children, or any act providing for the punishment of cruelty to children, or the taking of indecent liberties with or for selling liquor, tobacco or firearms to children, or for permitting them in evil or disreputable places, and nothing in any such acts or similar acts shall be construed to be inconsistent with or to repeal this act or prevent proceedings hereunder, but in all cases where there shall be more than one prosecution for the same offense under whatever acts of the character herein described, the facts may be given in evidence to the judge of the court, and may be in the discretion of the court considered in mitigation of any sentence in any such cases.

*Detention Home for Children; Establishment; Maintenance.*

Sec. 37. In counties of forty thousand population or over the county court shall locate, purchase, erect, lease, or otherwise provide and establish and also support and maintain a detention home for the temporary care and custody of delinquent, truant children, and shall levy and collect a tax to pay the cost of its
6 establishment and maintenance in accordance with the terms and
7 provisions of this act. The county court in any county in the
8 state, shall have the power and authority to locate, purchase,
9 erect, lease, or otherwise provide and establish and also to sup-
10 port and maintain a detention home for the temporary care and
11 custody of dependent, delinquent, or truant children, and to levy
12 and collect a tax to pay the cost of its establishment and main-
13 tenance, in accordance with the terms and provisions of this act;
14 provided, that in counties of less than forty thousand population
15 that the sections of this act relating to the establishment and
16 maintenance of such a detention home be adopted by the legal
17 voters of such county as hereinafter provided.

Same; Equipment; Management.

Sec. 38. Such detention home shall be so arranged, fur-
2 nished and conducted, that, as nearly as practicable, for their
3 safe custody, the inmates thereof shall be cared for as in a family
4 home and public school. To this end the employees provided
5 and selected to control and manage such home shall consist of a
6 discreet woman of good moral character, or of a man and woman
7 of good moral character, who shall be designated respectively as
8 "superintendent" and "matron" of the detention home, and of
9 such help or assistance as in opinion of the county commis-
10 sioners shall be necessary to the proper care and maintenance of
11 such home. The superintendent and matron shall reside in the
12 home and at least one of them shall be competent to teach and
13 instruct children in all branches of education similar to those
14 embraced in the curriculum of the public schools of the county
15 up to and including the eighth grade. The home shall be sup-
16 plied with all necessary and convenient facilities for the care of
17 the inmates as herein provided.

Same; Employees; Supplies.

Sec. 39. The superintendent and matron shall be designated
2 and appointed by the county court to serve during the pleasure of
3 said court, and shall receive such salary, payable in monthly in-
4 stallments, as the said county court may provide and fix. All
5 other necessary employees for the conduct, care and maintenance
6 of said home shall be elected, named and appointed in like manner
7 upon such salaries as shall be fixed and provided by said county
The supplies or repairs necessary to maintain, operate and conduct said home, shall be furnished upon the requisition of its superintendent to the president of the county court and the bills therefor shall be audited, passed upon, and paid as other bills for supplies furnished for county institutions.

Same: Admission; Records; Reports.

Sec. 40. 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 detention, 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 contain an itemized statement of all such expenses necessary to maintain said home, together with the number of inmates therein during each month. The circuit or other court having jurisdiction or the president of the county court, may at any time demand, 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.

Same: Tax for Establishment and Maintenance.

Sec. 41. 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 annually a tax not exceeding one mill on the dollar valuation upon all property within the county for the purpose of purchasing, erecting, leasing or otherwise providing, establishing, supporting and maintaining such detention home; provided, the
8 sections of this act relating to the establishment and maintenance
9 of county detention home, shall be adopted and the levy and
10 collection of such tax authorized by the legal voters of the county
11 in the manner provided by section forty-two of this act.

Same: Adoption of Act By Election.

Sec. 42. The electors of any county with a population of
2 less than forty thousand may adopt and make mandatory upon
3 the county court of such county the provisions of sections thirty-
4 seven and forty-one of this act in the following manner: Upon
5 the petition of three hundred legal voters, who are freeholders of
6 such county, the county court shall submit the proposition for
7 the establishment and maintenance of a county detention home
8 as provided in sections thirty-seven and forty-one hereof, to the
9 legal voters of said county and shall cause a vote to be taken upon
10 the question at the several places of voting in said county at the
11 succeeding general election which is first held in the county after
12 such vote is ordered taken, or, if the petition so specifies, the
13 court shall order a special election for the purpose not later than
14 ninety days from the filing of such petitions; but the order for
15 and notice of such special election shall be published by such
16 county court once each week for four successive weeks prior to
17 such election in two newspapers of opposite politics, if such there
18 be, published in said county. A vote shall thereupon be taken
19 upon said question, and the result ascertained under the regu-
20 lations prescribed for a general election of county officers; or, if
21 the said vote is taken at a special election, the same shall be held
22 by commissioners appointed for the purpose by the county court
23 at the time said election is ordered and the result shall be ascer-
24 tained and certified according to the regulations prescribed by
25 law for ascertaining and certifying the election of county officers.
26 The proposition so to be voted for shall be printed on a separate
27 ballot to be prepared and provided in the same manner as other
28 ballots, and such ballots shall be in form as follows:
29 Proposition to authorize county authori-
30 ties to establish and maintain a detention
31 home for delinquent children, and to levy a
32 tax not to exceed one mill on the dollar

33 valuation, to pay the cost of its establish-
34 ment 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 thereafter be annually levied and collected in such county for the purposes specified in this act, until such time as the legal voters of the county shall abandon this act in the manner provided in section forty-three hereof.

**Same: Discontinuance of Home By Election.**

Sec. 43. The electors of any county which shall have established a detention home may discontinue the maintenance of the same by submitting the question of discontinuance to the voters of the county at any general or special election, on petition of one hundred legal voters, who are freeholders of the county, in the same manner as provided for submitting the question of establishment in section forty-two. The proposition to be voted for in such general or special election shall be printed on a separate ballot to be prepared and provided in the same manner as other ballots, and such ballot shall be in form as follows:

Proposition to discontinue maintenance of a detention home for delinquent children and to discontinue levying and collecting tax for such maintenance.

If a majority of the votes cast for and against the proposition shall be for discontinuance, the county court shall enter of record an order for such discontinuance, and shall no longer levy and collect the tax herein provided for.

**Same: Jurisdiction to Commit to Home.**

Sec. 44. Any court acting under and in pursuance of this act or any amendments thereto, may commit any child coming within the terms of said act to said home, temporarily.

**Partial Invalidity of Act.**

Sec. 45. The invalidity of any portion of this act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.
CHAPTER 112.

(SENATE BILL NO. 208—MR. KUMP.)

AN ACT to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

SEC. 11. Failure of court to sit on day appointed no reason for discontinuance of notice; recognizance or process.

Be it enacted by the Legislature of West Virginia:

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

Section 11. When the place of holding any court, or the day for commencing any term, is changed, or when a court fails to sit on any day appointed for it, or to which it may have adjourned, or when, for any reason, no court shall be held on any day within a term thereof, there shall be no discontinuance, but every notice, recognizance or process, taken or returnable to any such day, or to any day between that day and the next that the court may sit, or to the day and place as it was before such change, and all matters ready for the court to act upon if it had been held on any such day, shall be in the same condition and have the same effect as if given, taken or returnable, or continued to the substituted term or place, or to the next day of the same term that the court may sit, or to the next court in course as the case may be.

CHAPTER 113.

(SENATE BILL NO. 213—MR. LEWIS.)

AN ACT fixing the annual allowance to the clerks of the county and circuit courts of Nicholas county.

[Passed February 18, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

SEC. 1. Salaries of county and circuit court clerks of Nicholas county.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Nicholas county shall annually allow to the clerk of the county court and to the clerk of the circuit court of said county, a sum not less than six hundred
4 dollars nor more than one thousand dollars each, for his public 
5 services, for which no other fee or reward is allowed by law. Said 
6 salaries to begin on the first day of January, one thousand nine 
7 hundred and nineteen, and end on the thirty-first day of December, 
8 one thousand nine hundred and twenty, and that this act shall in 
9 no wise conflict with the salary act of said clerks now on the statute 
10 books to begin January, one thousand nine hundred and 
11 twenty-one.
12 All acts or parts of acts in conflict herewith are hereby re-
13 pealed.

CHAPTER 114.

(Senate Bill No. 239—Mr. Harmer.)

AN ACT authorizing the board of education of Coal district, Har-
2 rison county, West Virginia, to lay a special levy for the years 
3 one thousand nine hundred and nineteen and one thousand nine 
4 hundred and twenty, for the purpose of securing sufficient funds 
5 to finish the construction of a high school building in what is 
6 known as Adamston, in said Coal district.

(Passed February 18, 1919. In effect ninety days from passage. Approved by the 
7 Governor February 21, 1919.)

Sec. 1. Board of education; special levy 
2 authorized to complete high school building in Coal district,

Sec. 2. Levies; how assessed and collected.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Coal district, Harri-
2 son county, West Virginia, is hereby authorized, in the years 
3 one thousand nine hundred and nineteen and one thousand nine 
4 hundred and twenty, to lay a special levy not to exceed forty 
5 cents on the one hundred dollars valuation of all property situate 
6 in said district, to pay for the completion of a high school 
7 building in the town of Adamston, Harrison county, West Vir-
8 ginia, now in the course of construction.

Sec. 2. Such levies shall be assessed and collected as other-
2 wise provided by law and the proceeds of same shall be used for 
3 the purpose set forth in section one of this act, and for none 
4 other.
CHAPTER 115.

(Senate Bill No. 211—Mr. Scherr.)

AN ACT authorizing the establishment of a school teachers' retirement pension fund for the Charleston independent school district, of Charleston.

[Passed February 18, 1910. In effect ninety days from passage. Approved by the Governor February 21, 1910.]

Sec. 1. School teachers' retirement pension fund; Charleston independent school district authorized to establish.

Sec. 2. Teachers' pension fund; how made up.

Sec. 3. Teachers' pension fund; how maintained.

Sec. 4. "Public schools" defined.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the Charleston independent school district is hereby authorized to establish a school teachers' retirement pension fund for the Charleston independent school district, and to adopt and enforce rules and regulations not inconsistent herewith, for the creation, maintenance, government, investment and distribution of said fund.

Sec. 2. Said fund if so established, shall be made up of (a) deduction from the salaries of teachers in the employ of said board of education; (b) such sums as said board of education shall from time to time appropriate for the benefit of said fund from the school fund of the Charleston independent school district; (c) such donations, legacies and gifts as shall at any time be made for the benefit of said fund.

Sec. 3. Said fund, if so established, shall be maintained solely for the benefit of retiring school teachers who shall have rendered long service in the employ of said board of education, and who retire from service after such length of time as shall, by uniform rules, be fixed by said board.

Sec. 4. The words "public schools," as used in this act shall be taken to include both the primary or sub-district schools and the high schools of the Charleston independent school district, of Charleston, and the word "teachers" as used in this act shall be taken to include all teachers, superintendents of instruction, principals and special teachers regularly employed by said board of education in said public schools in any manner.
CHAPTER 116.
(Senate Bill No. 177—Mr. Arnold.)

AN ACT fixing the annual allowance to the clerks of the county and circuit courts of Upshur and Monroe counties.

[Passed February 14, 1919. In effect from passage. Became a law without the Governor’s approval.]

Sec. 1. Salaries of county and circuit clerks of Upshur and Monroe counties.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Upshur and Monroe counties shall annually allow to the clerk of the county court and to the clerk of the circuit court of said counties the sum of not less than five hundred dollars nor more than eight hundred dollars each, for his public services, for which no other fee or reward is allowed by law. Said salaries to begin on the first day of January, one thousand nine hundred and nineteen, and end on the thirty-first day of December, one thousand nine hundred and twenty, and that this act shall in no wise conflict with the salary act of said clerks now on the statute books to begin January one, one thousand nine hundred and twenty-one.

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

CHAPTER 117.
(Senate Bill No. 176—Mr. Luther.)

AN ACT relating to showing or exhibiting any picture or theatrical act in any theater or other place of public amusement, tending to arouse feeling between the races.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

Sec. 1. Certain pictures or theatrical act unlawful to advertise, exhibit or show; fine and imprisonment for violation.

Be it enacted by the Legislature of West Virginia:

Section 1. That it shall be unlawful for any person, corporation or company to advertise, exhibit, display or show any picture or theatrical act in any theater or other place of public amusement or entertainment within this state which shall in any manner injuriously reflect upon the proper and rightful
CHAPTER 118.

(Senate Bill No. 169—Mr. Scherr.)

AN ACT to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of chapter fifteen-j, relative to the prevention of cruelty to animals, to become sections fourteen-a, fourteen-b, fourteen-c, fourteen-d, fourteen-e, fourteen-f and fourteen-g of chapter one hundred and forty-nine, of Barnes' code of one thousand nine hundred and eighteen.

(Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.)

Sec. 14-a. Deputy sheriff to act as humane officer; cause for removal.  
Sec. 14-c. Destruction of animal by humane officer; when warranted.  
Sec. 14-b. Duty of humane officer; resisting officer; penalty.  
Sec. 14-f. Food, shelter and care; lien upon animal.  
Sec. 14-c. Expense incurred; owner's obligation.  
Sec. 14-g. Sale of animal and other personal property; notice to owner; posting of notice.  
Sec. 14-d. Neglected and abandoned animals; charge against owner.

Be it enacted by the Legislature of West Virginia:

Section 14-a. The sheriff of each county of this state shall annually designate one of his deputy sheriffs to act as humane officer for said county, and it shall be the duty of the deputy sheriff so designated to act as humane officer and to personally see that the law relating to the prevention of cruelty to animals shall be enforced; and failure to perform his duty in this respect shall constitute good cause for removal from office.

Sec. 14-b. It shall be the duty of such humane officer to interfere to prevent the perpetration or continuance of any act of cruelty upon any animal in his presence, and every person who shall interfere with, or obstruct or resist, any such officer in the discharge of his duty, shall, upon conviction, be fined not less than five nor more than fifty dollars and not imprisoned in the county jail not more than thirty days.
Sec. 14-c. When any person arrested is, at the time of such arrest, in charge of any vehicle drawn by or containing any animal cruelly treated, such officer shall take charge of such animal and of such vehicle and its contents, and of the animal or animals drawing the same, and shall give notice thereof to the owner, if known, and shall care and provide for them until their owner shall take charge of the same; and such humane officer shall have a lien on said animals and on said vehicle, and its contents, for the expenses of such care and provision, or such expenses or any part thereof remaining unpaid may be recovered by such humane officer in a civil action.

Sec. 14-d. Any such humane officer shall lawfully take charge of any animal found abandoned, neglected, or cruelly treated, and shall thereupon give notice thereof to the owner, if known, and shall care and provide for such animal until the owner shall take charge of the same, and the expense of such care and provisions shall be a charge against the owner of such animal, collectible from such owner by the said humane officer, in an action therefor.

Sec. 14-e. Any such humane officer may lawfully destroy or cause to be destroyed any animal in his charge, when in the judgment of such humane officer and by the written certificate of two reputable citizens called to view the same in his presence, one of whom may be selected by the owner of said animal, if he shall so request, and who shall give their written certificate, that such animal appears to be injured, disabled, diseased past recovery or unfit for any useful purpose.

Sec. 14-f. When said humane officer shall provide any neglected or abandoned animal with proper food, shelter and care, he shall have a lien upon such animal for the expense thereof, and such expense shall be charged against the owner of said animal and collectible from said owner in an action therefor.

Sec. 14-g. The said humane officer or any person or corporation entitled to a lien under any of the provisions of this act may enforce the same by selling the animal or animals and other personal property upon which said lien is given, at public auction, upon giving written notice to the owner, if he be known, of the time and place of such sale, at least five days previous thereto, and by posting three notices of the time and place of such sale in three public places within the county, at least five days previous thereto; and if the owner be not known, then such notice shall be posted at least ten days previous to such sale.
CHAPTER 119.

(Senate Bill No. 151—Mr. Lewis.)

AN ACT to amend and re-enact section seventeen of chapter fifteen-h of the code of West Virginia, relating to the operation of hoisting machinery, medical supplies, et cetera, in coal mines.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 21, 1919.]

 Sec. 17. Competent and sober engineers must be employed; safety requisites; penalty for violating provisions; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section seventeen of chapter fifteen-h of the code of West Virginia be amended and re-enacted so that the same may read as follows:

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

And in every mine where ten men are employed under ground, it shall be the duty of the operator thereof to keep always on hand at the mine a properly constructed stretcher, a woolen and waterproof blanket, and all necessary requisites which may be advised by the medical practitioner employed by the company; and if as many as one hundred and fifty men be employed two stretchers with the necessary equipment as above advised.

For violation of the foregoing provisions of this section, the operator or agent or miner shall, upon conviction, be fined not less than fifty, nor more than three hundred dollars, or be imprisoned in the county jail not less than ten, nor more than ninety days, in the discretion of the court.

All acts or parts of acts inconsistent with this act are hereby repealed.
CHAPTER 120.

(Senate Bill No. 201—Mr. Stewart.)

AN ACT to authorize the state board of control to purchase, for the West Virginia industrial school for boys, additional farm lands and to pay for them out of the net earnings of the said lands; and to enable the said board, on these lands, to carry on a general live stock business.

[Passed February 12, 1910. In effect from passage. Approved by the Governor February 17, 1910.]

Sec. 1. Board of control authorized to purchase lands for industrial school; may carry on a general live stock business.

Be it enacted by the Legislature of West Virginia:

The state board of control is hereby authorized to purchase, for the West Virginia industrial school for boys, additional farm lands and to pay for them out of the net earnings of the said lands, which shall be situate convenient to the said school, and on which the said board may carry on a general live stock business.

CHAPTER 121.

(Senate Bill No. 59—Mr. Scherr.)

AN ACT prescribing penalties against the unauthorized taking and use of automobiles and motor vehicles.

[Passed February 14, 1910. In effect ninety days from passage. Approved by the Governor February 18, 1910.]

Sec. 1. Automobiles and motor vehicles, unauthorized taking and use of; penalty prescribed.

Be it enacted by the Legislature of West Virginia:

Section 1. Any person who shall, without the consent of the owner, take, use, operate or remove, or cause to be taken, used, operated or removed, from any garage, stable or other building, or from any public road, street, alley or park, or any public place or private property, without intent to steal, any automobile or motor vehicle shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars, or confined in the county jail not exceeding six months, or both, in the discretion of the court.
CHAPTER 122.
(Senate Bill No. 35—Mr. Morton.)

AN ACT to amend and re-enact section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers.

[Passed February 10, 1919. In effect ninety days from passage. Approved by the Governor February 13, 1919.]

SEC. 28. Special receiver; court of equity may appoint; when; notice to owner or tenant of real estate required; judge in vacation may appoint; refusal of circuit judge to appoint; procedure.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers, be amended and re-enacted so as to read as follows:

Section 28. A court of equity may, in any proper case pending therein, in which the property of a corporation, firm or person is involved, and there is danger of the loss or misappropriation of the same or a material part thereof, appoint a special receiver of such property, or of the rents, issues and profits thereof, or both, who shall give bond with good security to be approved by the court, or by the clerk thereof, for the faithful performance and paying over and accounting for, according to law, all such moneys, that may come into his hands by virtue of his appointment. But no such receiver shall be appointed of any real estate, or of the rents, issues and profits thereof, until reasonable notice of the application therefor has been given to the owner or tenant thereof. A judge of such court in vacation, when a circuit court, or judge thereof, shall refuse the appointment of a receiver as aforesaid, a copy of the proceedings in court, and the original papers presented to it, or the judge in vacation, with the order of refusal, may be presented to the supreme court of appeals, or a judge in the vacation thereof, who may thereupon order the appointment to be made, and cause such order to be certified to the clerk of said circuit court, who shall record the same in his chancery order book, whereupon it shall be
24 the duty of such circuit court or judge to appoint such receiver,
25 and require the bond as hereinbefore provided.
26 All acts or parts of acts coming within the purview hereof
27 or inconsistent herewith, are hereby repealed.

CHAPTER 123.
(Senate Bill No. 69—Mr. Morton.)

AN ACT to amend and re-enact section three of chapter one hundred
and twenty-nine of the code of West Virginia of one thousand
nine hundred and thirteen, concerning commissioners in chancery.

[Passed February 11, 1919. In effect ninety days from passage. Approved by the
Governor February 13, 1919.]

Sec. 3. Commissioners in chancery; juris-
diction and authority extends
throughout the state; acts and
parts of acts conflicting re-
pealed.

Be it enacted by the Legislature of West Virginia:

That section three of chapter one hundred and twenty-nine of the
code of West Virginia of one thousand nine hundred and thirteen,
be amended and re-enacted so as to read as follows:

Section 3. Accounts to be taken in any case shall be re-
ferred to a commissioner so appointed to be named in the de-
cree or order unless the parties interested agree, or the court
shall deem it proper, that they be referred to some other person.
Every commissioner shall examine and report upon such ac-
counts and matters as may be referred to him by the court and
such report may be recommitted to such commissioner, or to
some other commissioner or person, for other and final report.
The court in any decree or order of reference may authorize
and empower the commissioner, or other person to whom such
cause or action is referred, to take proof and hear testimony
touching the matters referred to him in any county within this
state; and for such purpose when so authorized, the jurisdiction
and authority of such commissioner or person shall extend
throughout the state.
Whenever said commissioner, or the person to whom any
such cause or action was referred, has made up and filed his re-
port, and there appears therefrom or the evidence filed therewith,
or from the pleadings and evidence of the whole case, suffi-
cient facts upon which the court can decree or enter judgment, the
same shall not be recommitted for further report, but a decree
23 or judgment shall be entered therein, according to the law, and
24 the very right of the case as disclosed from the whole record.
25 All acts and parts of acts, coming within the purview hereto-
26 of and inconsistent herewith, are hereby repealed.

CHAPTER 124.

(Senate Bill No. 6—Mr. Harmer.)

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 ninety-nine of the acts of the legislature of the year one thousand nine hundred and seventeen.

[Passed February 18, 1910. In effect ninety days from passage. Approved by the Governor February 20, 1910.]

Sec. 3. Jury commissioners; by whom appointed; qualification; term of office; pay for services.

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 ninety-nine of the acts of the legislature for the year one thousand nine hundred and seventeen, 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. They may be removed from office by the court or judge having the power of appointment, for official misconduct, incompetency, habitual drunkenness, neglect of duty or gross immorality. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. The jury commissioners shall keep in a well bound book a record of the proceedings to be preserved by the clerk of the circuit court.
in his office. They shall receive four dollars per day for each
day necessarily employed as such jury commissioners, payable
out of the county treasury, upon the order of the circuit court.
The first appointment of said commissioners shall be made with-
in thirty days after this act takes effect. The jury commissioners
of each county shall, at the levy term of the county court thereof
annually, and at any other time when required by the circuit
court of such county, without reference to party affiliations, pre-
pare a list of such inhabitants of the county, not exempted as
aforesaid, as they shall think well qualified to serve as jurors, be-
ing persons of sound judgment and free from legal exception,
which list shall include not less than two hundred nor more than
six hundred persons. But the name of no person shall be put
on such list who shall have been drawn and actually served
as a petit juror within a period of two years, or who may have
requested the jury commissioners or either of them, by himself
or another person, to have his name placed on such list; provided,
that in any county wherein there is a criminal or intermediate
court or court of common pleas, service on a petit jury in any
such court shall not exempt a juror from jury service in the
circuit court, nor vice versa. Before entering upon the discharge
of their duties the jury commissioners shall take and subscribe an
oath to the following effect:

State of West Virginia,
County of .................. , to-wit:
I, A .................. B .................. , do solemnly
swear that I will support the constitution of the United States
and the constitution of this state and will faithfully discharge
the duties of jury commissioner to the best of my skill and
judgment, and that I will not place any person upon the jury
list in violation of law, or out of fear, favor or affection.
The said oath shall be taken before the clerk of the circuit
court, who is hereby authorized to administer the same, and filed
and preserved by him in his office. There shall be two jury
commissioners for every court of limited jurisdiction, who shall
be appointed by said courts, or the judges thereof in vacation,
respectively, and whose terms of office and compensation shall be
the same as jury commissioners for the circuit courts. The same
powers conferred and duties imposed by this chapter upon the
circuit courts, or the judges thereof in vacation, and upon the
clerks and jury commissioners of the circuit courts, are hereby
61 conferred and imposed upon every court of limited jurisdiction 62 and the judges thereof respectively, and upon the clerks and jury 63 commissioners of said courts of limited jurisdiction.

CHAPTER 125.
( Senate Bill No. 88—Mr. Johnson.)

AN ACT for the prevention of blindness from ophthalmia neonatorum.

[Passed February 11, 1910. In effect ninety days from passage. Approved by the Governor February 20, 1910.]

SEC. 1. Affliction designated: “Inflammation of the eyes of the new-born.”
SEC. 2. Condition of child to be reported: duty of health officer on receipt of report; warning of danger.
SEC. 3. Neglect of physician or midwife; medical treatment indicated.
SEC. 4. Report to be made by midwife or physician; what report must contain.
SEC. 5. Detailed duties of local health officer; regulations of public health council to be regarded.
SEC. 6. Public health council, duties, general and specific.
SEC. 7. Requirements of clerk of county court; reports to be certified by prosecuting attorney.

AS it enacted by the Legislature of West Virginia:

Section 1. That any inflammation, swelling, or unusual redness in either one or both eyes of any infant, either apart from, or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring at any time within two weeks after the birth of such infant, shall be known as “inflammation of the eyes of the new-born” (ophthalmia neonatorum).

Sec. 2. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative and persons attendant on or assisting in any way whatsoever any infant, or the mother of any infant at childbirth, or any time within two weeks after childbirth, knowing the condition hereinafter defined to exist, immediately to report such fact in writing, to the local health officer of the county, city, town, magisterial district or whatever other political division there may be within which the infant or the mother of any infant may reside. In the event of there being no health officer in the county, city, or town in which the infant resides, midwives shall immediately report conditions to some qualified practitioner of medicine and thereupon withdraw from the case except as they may act under the physician’s instructions. On receipt of such report, the health officer, or
the physician notified by a midwife where no health officer exists, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye, or eyes, of said infant, and shall for indigent cases provide the necessary treatment at the expense of said county, city, or town.

Sec. 3. It shall be unlawful for any physician, or midwife practicing midwifery to neglect, or otherwise fail to instill or have instilled immediately upon its birth, in the eyes of the new-born babe, one or two drops of a one per cent solution of silver nitrate, furnished by the public health council.

Sec. 4. Every physician or midwife shall, in making a report of a birth, state whether or not the above solution was instilled into the eyes of said infant.

Sec. 5. It shall be the duty of the local health officer:

(1) To investigate, or have investigated, each case as filed with him in pursuance of the law, and any other cases as may come to his attention.

(2) To report all cases of inflammation of the eyes of the new-born, and the result of all such investigations as the public health council shall direct.

(3) To conform to such other rules and regulations as the public health council shall promulgate for his further guidance.

Sec. 6. It shall be the duty of the public health council:

(1) To enforce the provisions of this act.

(2) To promulgate such rules and regulations as shall, under this act, be necessary for the purpose of this act, and such as the public health council may deem necessary for the further and proper guidance of local health officers.

(3) To provide for the gratuitous distribution of one per cent solution of silver nitrate outfits together with proper directions for the use and administration thereof, to all physicians and midwives as may be engaged in the practice of obstetrics, or assisting at childbirth.

(4) To publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the new-born as is necessary for prompt and effective treatment.

(5) To furnish copies of this law to all physicians, and midwives as may be engaged in the practice of obstetrics, or assisting at childbirth.

(6) To keep a proper record of any and all cases of inflammation of the eyes of the new-born as shall be filed in the office...
20 of the public health council in pursuance of this law, and as may
21 come to their attention in any way, and to constitute such records
22 a part of the annual report to the governor.
23 (7) To report any and all violations of this act as may
24 come to their attention to the prosecuting attorney of the county
25 wherein said misdemeanor may have been committed, and to assist
26 said official in any way possible as by securing necessary evidence,
27 et cetera.
28 (8) To furnish birth certificates which shall include the
29 question—"Did you instill in each eye of the infant a one per cent
30 solution of nitrate of silver immediately after birth?"

Sec. 7. It shall be the duty of the clerk of the county court of
2 each county on or before the fifteenth day of each month to certify
3 to the prosecuting attorney of his county all reports of births filed
4 during the preceding calendar month which fail to show that the
5 solution herein before provided for was instilled.

Sec. 8. Whoever being a physician, surgeon, midwife, obstet-
2 trician, nurse, manager or person in charge of a maternity home or
3 hospital, parent, relative, or person attending upon or assisting at
4 the birth of an infant, violates any of the provisions of this act,
5 shall be deemed guilty of a misdemeanor, and upon conviction
6 thereof shall he fined a sum of not less than ten or more than fifty
7 dollars.

CHAPTER 126.
(Senate Bill No. 12—Mr. Sanders.)

AN ACT to amend and re-enact chapter twenty-eight-a of the code
of West Virginia of one thousand nine hundred and sixteen codi-
2 fying and embracing in one act all the general laws relating
3 to the rate and manner of laying levies for taxation
4 in counties, magisterial districts, school districts, independent
5 school districts, and municipal corporations, to provide penal-
6 ties for the illegal expenditures of public moneys, incurring of
7 illegal obligations and the laying of illegal levies by any tax-
8 levying body, and for the creation and distribution of the general
9 school fund.

[Passed February 18, 1910. In effect ninety days from passage. Became a law
without the Governor's approval.]
Be it enacted by the Legislature of West Virginia:

That chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen be amended and re-enacted so as to read as follows:

Section 1. The county court of every county, the board of education of every school and independent school district and the common council or other fiscal body in lieu thereof of every municipal corporation, shall hold a session on the second Tuesday in August in each year for the transaction of business generally, and especially for the transaction of business as herein required.

Statement and Levies Made by County Courts.

Sec. 2. At such session the county court shall ascertain the condition of the fiscal affairs of the county, and make up an itemized statement thereof, which shall set forth in detail:

First. The amount due and the amount that will become due and collectable from every source during the current fiscal year except from the levy of taxes to be made for the year to the county as a whole and to the road fund and any other fund of any district of the county;

Second. The debts and demands owed by the county as a whole and the debts and demands payable out of the road or other fund of any district thereof, including debts and demands that will become due and payable during the year by the county as a whole or out of the funds of any district thereof, including interest on any indebtedness, funded or bonded, or otherwise;

Third. All other expenditures under the several heads of expenses to be made and payable out of the levy of the current fiscal year whether by the county as a whole or out of the road fund or other fund of any district thereof, with proper allowances for delinquent taxes, exonerations and contingencies.
The said statement shall set forth the total amount necessary to be raised by the levy of taxes for the current year, the rate of such levy in cents on each one hundred dollars assessed valuation proposed on the property as a whole, and on the property in each district for district funds, and on the property in each municipal corporation. A copy of such statement duly certified by the clerk of the court shall be forwarded to the state tax commissioner, and said statement shall also be published twice, at least one week intervening between publication, in two newspapers of general circulation published in the county, and of opposite politics. If there be but one newspaper published in the county, the publication shall be made therein. The session shall then stand adjourned until the fourth Tuesday in August, at which time it shall reconvene, and it shall then be the duty of said court to hear and consider any objections made orally or in writing, by the prosecuting attorney, by the state tax commissioner or his representative, or by any taxpayer of the county, to said estimate and proposed levy, or any item thereof. It shall be the duty of the court to enter an order of record showing the objections so made, setting forth the reasons and grounds for such objections. But the failure of any officer or taxpayer to offer objections as herein provided shall not preclude him from pursuing any legal remedy necessary to correct any levy made by any fiscal body named in this act. After said objections have been made and heard, the court shall thereupon reconsider the proposed original estimate and proposed rate of levy, and if the objection thereto or any part thereof appear to be well taken, the court shall correct the same accordingly, and it shall thereupon be approved, and when approved shall, with the order approving it, be entered by the clerk in the proper record book. The county court shall thereupon levy as many cents on each one hundred dollars assessed valuation of the taxable property in the county or district, according to the last assessment thereof, as will produce the amounts shown by the statement approved to be necessary, as follows:

(a) For county purposes, other than roads and bridges, a levy not to exceed thirty cents, such levy to be uniform throughout the county.

(b) For county road purposes, a levy not to exceed twenty-five cents for the construction, improvement and maintenance of the “main county roads,” as defined in chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and
61 for the construction and maintenance of bridges thereon when such
62 roads have been established and properly located. The fund de-
63 rived from such levy shall be expended as provided by chapter
64 sixty-six of the acts of the legislature regular session of one thous-
65-68 and nine hundred and seventeen.
69 In case of calamity, such as floods and the like, resulting in
70 unusual damages, or the washing away of bridges or roads, the
71 county court, with the written approval of the state tax commis-
72 sioner and the state road commission may lay a special emergency
73 levy not to exceed ten cents on each one hundred dollars assessed
74 valuation of the taxable property in the county.
75 (c) For district road purposes, not to exceed fifteen cents on
76 each one hundred dollars assessed valuation of the taxable prop-
77 erty in each of the several districts of the county for the con-
78 struction, improvement and maintenance of the district roads
79 therein, and for the construction and maintenance of bridges there-
80 on. The fund derived from such levy shall be expended under
81 the authority and direction of the county court, as provided by
81-a chapter sixty-six, acts of the legislature of one thousand nine
81-b hundred and seventeen.
82 In case of calamity, such as floods and the like, resulting in
83 unusual damage, or the washing away of bridges or roads, the
84 county court, with the written approval of the state tax commis-
85 sioner, may lay a special emergency district road levy not to ex-
86 ceed ten cents on each one hundred dollars valuation of the taxable
87 property in the district or districts affected thereby, for such
88 year or years as may be named in such approval. Provided, that
89 nothing herein contained shall prevent the county court of any
90 county from including in its estimates and providing a levy to
91 take care of any bonded indebtedness for road purposes or any
92 levy authorized by a vote of the people of any county or any dis-
93 trict therein as provided by chapter sixty-six of the acts of the
94 legislature of one thousand nine hundred and seventeen.

Sec. 3. When an order is made for a levy the clerk of such
court shall, within five days thereafter, make out and certify as
many copies thereof as may be necessary and forward one of the
said copies to the state tax commissioner and deliver one to the of-
ficer who according to law is required to collect such levy, and
charge the said officer with the amount thereof in the proper ac-
count book of the county, and shall, also, deliver one of the said
copies to the assessor. The assessor shall immediately extend the
9-12 taxes in the land and personal property books. The officer who is
required to collect the levy shall make out proper tax bills as pre-
scribed in section twenty of chapter thirty of the code of West Vir-
ginia of one thousand nine hundred and sixteen. County levies
shall be collected by the sheriff at the same time, in the same man-
er, and under the same regulations as other taxes are collected.
Delinquent lists for county levies shall be returned and delinquent
lands sold for county levies in the same manner and at the same
place and under the same regulations that lands returned delin-
quen for state taxes are returned and sold.

Sec. 4. To an order for a levy, a writ of supersedeas may be
allowed by the circuit court of the county, or by the judge thereof in
vacation, within forty days thereafter, on the petition of not fewer
than twenty-four persons interested in reversing the said order.
Without waiting the final decision on such writ, the county court
may rescind such order, and order a levy according to law; or if the
court shall, on the hearing, be of opinion that the order is contrary
to law and reverse the same, the county court may, in like manner,
order a levy according to law. If money be collected under any
such order which is afterward rescinded or reversed, the collecting
officer shall, upon demand, repay the same to the person from whom
it was collected. If he fail to do so, the amount, with cost, may be
recovered of him and his sureties, or any one or more of them, by
summons before a justice or motion in the circuit court on ten
days’ notice.

Statement and Levies by Boards of Education.

Sec. 5. At its session held on the second Tuesday in August as
aforesaid, the board of education of every district and independent
district, except the independent school district of Wheel-
ing, shall, if a majority of the ballots cast upon the question of
laying a levy in the district or independent district as provided in
chapter forty-five of the code have printed or written thereon “For
school levy,” ascertain the condition of the fiscal affairs of the
district and make up an itemized statement thereof, distinguish-
ing between elementary and high schools and the various funds
hereinafter provided for each, which statement shall set forth in
detail: First. The separate amounts due the various funds of the
district, and the amounts that will come due and collectible
during the current fiscal year except from the levy of taxes to be
made for the year;
Second. The debts and demands owed by the district, and the debts and demands that will become due and payable during the current fiscal year, including interest on any indebtedness, funded, bonded or otherwise;

Third. All other expenditures under the several heads of expenditures, to be made and payable out of the levy of the district for the current fiscal year, with proper allowances for delinquent taxes, exonerations and contingencies. Said statement shall also set forth the separate amount necessary to be raised for each fund by the levy of taxes for the current fiscal year, the proposed rate of such levy in cents on each one hundred dollars assessed valuation of the taxable property in the district for each of such funds, and the separate and aggregate amounts of the assessed valuation of real estate, personal property, and public utility property assessed by the board of public works. A copy of such statement duly certified by the secretary of the board shall immediately be forwarded to the state tax commissioner, and said statement shall, before the next meeting of the board, be published once in two newspapers of opposite politics in the county, if there be two such newspapers of general circulation in the county. If there be but one newspaper published in the county, the publication shall be made therein. The session shall then stand adjourned until the fourth Tuesday in August, at which time it shall reconvene and proceed in all respects as provided in section two. After having entered the statement as finally approved, in its book of record or proceedings, the board shall thereupon levy as many cents on each one hundred dollars assessed valuation of the taxable property in the district, according to the last assessment thereof, as will produce the amounts shown by the statement approved to be necessary as follows:

For Elementary Schools.

(a) For maintenance building fund purposes, a levy not to exceed ten cents, which fund shall be used for the purposes for which the building fund as now provided by law is used, except that no part of such fund shall be used for purchasing lands or erecting new buildings, or additions, or for equipping and furnishing same; but if the rate of levy as herein provided for maintenance building fund purposes will not produce a sufficient fund for such purposes, the deficiency shall be made up from the general school fund as provided for in section seven of this act.

(b) For new building fund purposes, a levy not to exceed
twenty cents, which fund shall be used for the purpose of purchasing lands and the erection of buildings thereon, for the purchase and remodeling of buildings, and for building additions to school houses, and for furnishing and equipping the same. Where, however, an exigency exists for additional housing and the levy herein provided is not sufficient to provide for same, an additional levy hereunder may be laid, not to exceed twenty cents, but such levy shall not be made until the same shall have been first submitted to and approved in writing by the state superintendent of free schools and the state tax commissioner. Such buildings shall be constructed according to and under the conditions now provided by law.

(c) For teachers’ fund purposes, a levy not to exceed forty cents, for the purpose of maintaining the schools of the district for a minimum term of six months, or for a longer term where the same has been extended by or according to law. (In case, however, the levy hereunder, including the supplemental apportionment of the general school fund hereinafter provided, will not produce a sufficient fund to pay minimum salaries to a sufficient number of teachers for all the schools of the district for the minimum term it shall be the duty of the board of education to lay an additional levy to make up the deficiency in the teachers’ fund.)

(d) In any district or independent district where the term of school has been, or shall hereafter be, extended for a longer period than the minimum term by a majority of the votes cast at an election therein as provided in section twenty-seven of chapter forty-five of the code of West Virginia of one thousand nine hundred and sixteen, and the maximum rate of levy heretofore provided for maintenance building fund purposes and teachers’ fund purposes will not provide sufficient funds to defray the expenses of the term provided by such election, the board of education shall lay a levy sufficiently high to provide the funds necessary to conduct the schools in such district for the term provided by such election, and such levy shall be separated into, and designated as, maintenance building fund levy, and teachers’ fund levy. The term of school fixed by such election shall continue from year to year so long as a majority of the votes cast at the election at which the question of “school levy” is submitted, be in favor of such “school levy,” or until the term so fixed shall be changed by a majority vote of the people in such district.

(e) If the majority of the taxpayers of a sub-district with-
92 in an incorporated municipality, the boundaries of which sub-district are, or shall be made, co-extensive with the boundaries of such municipality, file with the board of education of the district in which such sub-district is a part, at their meeting on the second Tuesday in August, a petition praying for an extension of the school term therein for a given number of months, the board shall extend the term of such school for the number of months prayed for in such petition, and shall lay levies sufficiently high on each one hundred dollars' assessed valuation of the taxable property in such sub-district according to the last assessment thereof, for such extension, which levies shall be separated into and designated as maintenance building fund levy and a sub-district teachers' fund levy.

For High Schools.

104 For high schools for current purposes under such regulations as are prescribed by law, a levy of not to exceed twenty cents, and in making up the estimate and proposing levies therefor as provided in section five, the board of education shall separate the same into two funds as follows: Maintenance building fund purposes and teachers' fund purposes.

110 In case the levy herein provided for high school purposes will not produce sufficient funds to continue any high school for the term fixed by law, the board of education may lay a levy sufficiently high to maintain such high school for the said term.

Sec. 6. Within three days after the board of education has laid the levies for the various funds hereinbefore provided, it shall be the duty of the secretary of the board to forward a certified copy of the orders laying levies to the state tax commissioner and to report the rate of levy for each fund to the county superintendent and the assessor, and within three days thereafter it shall be the duty of the county superintendent to report the rate of levy for each of the various funds to the clerk of the county court and the assessor, and the rate of levy for all funds, and the total value of real and personal property in each district and independent district to the state superintendent of free schools and the auditor; and it shall thereupon be the duty of the proper county officers to extend on the land and personal property books the amount of taxes levied aforesaid, which taxes the sheriff shall collect and account for as required by law.
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The General School Fund.

Sec. 7. The proceeds of the capitation tax, the income of the school fund, the net proceeds of all forfeitures and fines which accrued to the state during the previous year and all moneys arising from the sources named in section four of article twelve of the constitution heretofore going to the “school fund,” but as now amended going to the “general school fund,” all interest on public moneys received from state depositories, state license tax on marriages, state tax on forfeitures, state tax on state licenses 8-a except state licenses paid direct to the state auditor and secretary of state (the income, however, from the last three named sources shall be paid into the “general school fund” beginning July first, 8-d one thousand nine hundred and nineteen), and all funds from any source paid into the treasury for school purposes and not otherwise appropriated, shall be set apart for the support of free schools, as a separate fund to be called “the general school fund.”

Such fund shall be used to supplement the maintenance building fund of elementary schools, and the teachers’ fund of elementary schools in districts where the maximum levy for teachers’ purposes will not provide sufficient funds to pay minimum salaries to a sufficient number of teachers for all the elementary schools of the district for the minimum term, and for the purposes enumerated in the following paragraph:

It shall be the duty of the auditor, on or before the twentieth day of July in each year, to ascertain the amount of the general school fund for distribution, after first deducting the aggregate salary of the state superintendent of free schools, his necessary traveling expenses not to exceed five hundred dollars, the contingent and other expenses of his office, and the salaries of county superintendents, and to notify the state superintendent of free schools thereof. The state superintendent shall thereupon ascertain the deficiency in the maintenance building fund and the teachers’ funds mentioned in the preceding paragraph whose duty it shall be to deposit with the treasurer of the board of education to the credit of such fund the amount necessary to make up such deficiency, to be apportioned, however, to the various districts requiring supplemental aid as herein provided so as to make the term of elementary schools therein as nearly equal as possible being guided, however, in such apportionment by the relative
assessed valuation of property therein as indicated by the records
of the state tax commissioner's office.

But before making requisition on the auditor for the supple-
mental aid herein provided, the state superintendent shall inform
himself of the conditions existing in such districts as seek aid and
shall require from all boards of education asking such aid, on
forms to be prescribed and furnished by him, a financial state-
ment thereof supported by affidavits showing the deficiency exist-
ing in such districts and the necessity for such aid.

The state superintendent shall, also, notify the county super-
intendent of each county to which supplemental aid is furnished
the amount thereof, who in turn shall notify the boards of educa-
tion of such districts as receive such supplemental aid of the
amount thereof apportioned to such district and that the same
can not be drawn by them until they have laid the maximum
levies required by sections five (a) and (c) of this chapter.

Statement and Levies by Municipal Councils.

Sec. 8. At its session held on the second Tuesday in August,
as aforesaid, the common council of every municipal corporation
shall ascertain the condition of the fiscal affairs thereof and make
up an itemized statement of the same, which shall set forth in
detail:

First. The amount due the municipality, and the amount that
will become due thereto and collectable during the current fiscal
year from every source, except the amount that will be produced
by the levy of taxes to be made for the year.

Second. The debts and demands owed by the municipality and
the debts and demands that will become due and payable during
the current fiscal year, including interest on any indebtedness,
funded, bonded or otherwise.

Third. All other expenditures, under the several heads of ex-
penditures, to be made and payable out of the funds of the
municipality for the current fiscal year, including the cost of
collection of taxes and other claims, with proper allowances for
delinquent taxes and contingencies.

The said statement shall, also, set forth the total amount
necessary to be raised by the levy of taxes for the current fiscal
year, the rate of such levy in cents on each one hundred dollars
assessed valuation of the taxable property in the municipality,
and the separate and aggregate amounts of the assessed valuation of real estate, personal property, and public utility property assessed by the board of public works. A copy of such statement duly certified by the clerk, recorder, or other recording officer of such municipality, shall immediately be forwarded to the state tax commissioner, and said statement shall, also, be published as provided in section two. The session shall then stand adjourned until the fourth Tuesday in August, at which time it shall reconvene and proceed in all respects as provided in section two. After having entered the said statement, as finally approved in its book of record of proceedings, the council shall thereupon levy as many cents, not to exceed fifty, on each one hundred dollars assessed valuation of the taxable property in the municipality, according to the last assessment thereof, as will produce the amount shown by the said statement to be necessary for municipal purposes; a copy of the order laying levies, duly certified by the clerk, recorder or other recording officer, shall be immediately forwarded to the state tax commissioner.

**Additional Fund Purposes.**

Sec. 9. (a) If any county court, board of education, or common council of a municipal corporation be of opinion that the maximum rate of levy of taxes hereinbefore named in section two (a) as to counties, or in section five as to elementary and high schools, in school districts, or in section eight as to municipalities, will not produce sufficient funds for the current fiscal year to cover the expenditures for the year in the county or school district, or municipality, as the case may be, it may enter an order on its record book of proceedings setting forth the purposes for which additional funds will be needed, the amount thereof for each purpose, and the total thereof, the separate and aggregate amount of the taxable property on which it is authorized to levy taxes and the rate of levy in cents on each one hundred dollars assessed valuation of such property necessary to produce the additional amount estimated to be needed; and in the same order submit to the voters of the county, the school district or the municipality, as the case may be, at an election therefore, the question of such additional levy. If a majority of the votes cast on the question at such election be in favor of such additional levy, the court, board of council, as the case may be, shall have authority to make such additional
levy, but the same shall not exceed twenty cents on each one hun-
dred dollars assessed valuation of the taxable property in the
county, school district, or municipality, according to the last
assessment thereof.

(b) If any county, school or independent school district, or
municipal corporation has, at the time this act goes into effect, an
outstanding bonded indebtedness where no provision has hereto-
fore been made to pay the interest on such bonds and provide a
sinking fund for the discharge of the principal of the same at
maturity, the county court, the board of education, or the munici-
pal council, as the case may be, shall lay a levy sufficiently high
to pay the interest and provide a sinking fund for the discharge of
the principal of such bonds at maturity and shall continue to lay
the same from year to year until such bonded indebtedness is
liquidated. The funds arising from such levy shall be used for the
purposes for which levied and no other.

(c) If any county or school or independent school district,
or municipal corporation, creates in the future a bonded indebt-
ness according to law, the county court, board of education, or
municipal council, as the case may be, shall enter an order on its
record book of proceedings setting forth the maximum rate of
levy necessary in each year to pay the interest and provide a
sinking fund for the discharge of the principal of the bonds at
maturity; and in the same order submit to the voters of the
county, district or municipality, as the case may be, at the election
held for the purpose of authorizing the bond issue, the question
of such levy. At such election there shall be printed on the ticket
a brief statement of the levy herein provided for, such as "To
authorize a maximum special bond levy of ....... cents to pay
the interest on, and ......... cents to provide a sinking fund for
the discharge of the principal of the bonds now being voted for
according to the order of .............. entered on the
....... day of ................." And directly underneath,
in two separate lines, shall be printed the words "For the levy"
and "Against the levy." In all respects the provisions of the laws
concerning general elections and elections under the provisions of
this act shall apply to such election as far as they are practicable.
If a majority of the votes cast at such election be in favor of such
levy, the county court, board or council, as the case may be, shall
have authority to lay such maximum levy, and it may continue
to lay the same, or such portion thereof as is necessary, from year
63 to year, without an additional vote, until such bonded indebted-
64 ness is liquidated; but the funds arising from such levy shall be
65 used for the purposes for which levied and no other.

Elections.

Sec. 10. The election authorized in section nine may be held
2 at any general election, or at a special election held for the
3 purposes herein stated. Notice thereof, however, shall be given
4 by publication of the order of the court, board of education, or
5 council, calling the same, in two newspapers of general circulation
6 in the territory in which the election is held, and of opposite
7 politics, at least once in each week for two successive weeks before
8 the election, and printed copies of said order shall be posted at
9 each place of voting at least ten days before the election. If there
10 be only one newspaper published in the county, the publication
11 shall be made therein. All the provisions of the laws concerning
12 general elections shall apply to such election as far as they are
13 practicable, except as follows: A separate ticket shall be used at
14 such election held in connection with any other election. On such
15 ticket shall be printed a brief statement of the question submitted
16 such as "Special election to authorize .......... levy of ........
17 cents, according to the order of the .....................
18 entered on the .......... day of ...................."; and directly
19 underneath in two separate lines, shall be printed the words "For
20 the levy" and "Against the levy." Those favoring the levy shall
21 erase the words "Against the levy" and those opposed thereto
22 shall erase the words "For the levy." If a majority of those
23 voting on the question be in favor of the levy, the said fiscal body
24 submitting the question shall be authorized to lay the same; but
25 if a majority of the votes cast on the question be not in favor of
26 such levy, it shall not be laid. If the question be submitted by
27 the county court, the clerk thereof shall prepare, procure and
28 furnish to the election commissioners at each place of voting, the
29 tickets, poll books, tally sheets and other things needed; if the
30 question be submitted by a board of education, the secretary
31 thereof shall perform such duty; and if the question be submitted
32 by a council of a municipal corporation, such duty shall be per-
33 formed by the clerk, recorder or other recording officer of the
34 municipal council.
35 A levy under (a) section nine may be submitted for any two
36 successive years that may be named in the order submitting the
37 question to the voters, the rate of levy for each year being stated
38 in such order, and if the levy be authorized as aforesaid, the
39 proper fiscal body may lay such levy, or so much thereof as may
40 be necessary for each of said two years.

Restricted Use of Funds.

Sec. 11. Any funds derived from levying of taxes under and
2 pursuant to the provisions of this act shall be expended for the pur-
3 poses for which levied and no other.

Certain Acts Prohibited and Penalties Prescribed.

Sec. 12. It shall be unlawful for any county court, board of
2 education, or council of a municipal corporation, or other body
3 charged with the administration of the fiscal affairs of any county
4 school district or independent school district, or municipality to ex-
5 pend any money or to incur any obligation or indebtedness which
6 such fiscal body is not expressly authorized by law to expend or in-
7 cur. Nor shall any such fiscal body make any contract, express or
8 implied the performance of which, in whole or part, would involve
9 the expenditure of money in excess of funds legally at the disposal
10 of such fiscal body, nor issue or authorize to be issued any certifi-
11 cate, order or other evidence of indebtedness which cannot be paid
12 out of the levy for the current fiscal year or out of the fund against
13 which it is issued. Nor shall any such tribunal attempt to lay any
14 levy the rate whereof shall exceed the rate specified by law. Any
15 indebtedness created, contract made or order or draft issued in vio-
16 lation hereof, shall be void and of no effect, and any money received
17 thereon may be recovered from the person receiving the same by the
18 fiscal body which created, made or issued the indebtedness, contract.
19 order or draft.
20 Any member of such fiscal body, or any officer or person who
21 willfully violates any of the provisions of this act, shall expend
22 any money, or incur any debt or obligation, or make or participate
23 in the making of any such contract, or be a party thereto in any
24 official capacity, or issue or cause to be issued any such certificate,
25 order or other evidence of indebtedness, shall be personally liable
26 therefor, both jointly and severally, and an action may be main-
27 tained therefor by the state, or by any county, municipal corpora-
28 tion, district, or person prejudiced thereby, in any court of com-
29 petent jurisdiction. Any such member, officer or person who shall
wilfully violate the provisions of this act shall be
guilty of a misdemeanor, and upon conviction thereof shall be fined
not more than five hundred dollars, or be confined in jail not more
than one year, or be both fined and imprisoned, and in addition
thereto shall forfeit his office. Whenever any court of competent
jurisdiction by mandamus, injunction, or trial of any action of
law, or judicial proceeding, shall ascertain or determine that
any member of any fiscal body hereinbefore referred to has negli-
gently or willfully violated any of the provisions of this section, it
shall enter an order declaring the office of such member forfeited.

Any taxpayer of the county, school district or independent
school district or municipality, as the case may be, or the state tax
commissioner, for the use and benefit of the county, school district
or independent school district, or municipality, as the case may be,
may, in his name, institute and prosecute to final judgment includ-
ing the right of appeal to the supreme court of appeals of the state
in any court having jurisdiction, proper action, suit, or proceeding,
against the individual members of a county court, board of educa-
tion, municipal council, or other body in lieu thereof, to recover
from them any moneys expended in violation, or without authority
of law. All moneys recovered in any such action, suit or proceed-
ing shall be paid into the treasury of the proper fiscal body to the
credit of the proper fund. The plaintiff, in case he prevails, shall
recover his costs against the defendants, including a reasonable at-
torney's fee to be fixed by the trial court, and included in the taxa-
tion of costs. Any such taxpayer, or the state tax commissioner,
shall have the right to institute and prosecute to final judgment any
proceeding for the removal of any member of any county court,
board of education, municipal council, or other body in lieu there-
of, for expending public money in violation, or without authority of
law. Upon the filing of a petition by such taxpayer, or the state
tax commissioner, either in term or vacation, the court, or judge,
shall set a time for hearing such petition. An attested copy of the
petition and specifications of charges therein contained, shall be
served for a period of at least twenty days upon the defendants
named therein, and no other pleading or notice of such proceeding
shall be necessary.

Preparation of Forms.

Sec. 13. The state tax commissioner shall prepare and furnish
forms and instructions for making up the statement required in
3 sections two, five and eight relating to fiscal affairs; the state su-
4 perintendent of free schools shall prepare and furnish forms and in-
5 structions as provided in section seven; and the attorney general
6 shall prepare and furnish forms and instructions for the holding of
7 any election provided by this act.

Construction of This Act.

Sec. 14. This act shall not be construed as affecting any
2 fund heretofore raised by levy or from being used for the purposes
3 for which levied, and any balance remaining in any fund affected
4 by this act shall be transferred to the proper and logical fund
5 hereunder.

Be it further enacted by the Legislature of West Virginia:

That sections twenty-nine, thirty and thirty-one of chapter thirty-
nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twen-
ty-five, twenty-six, twenty-nine, forty, forty-one and forty-nine of
chapter forty-five, and sections thirty, thirty-one and thirty-one-a of
chapter forty-seven of the code of West Virginia of one thousand
nine hundred and sixteen be repealed.

CHAPTER 127.

(Senate Bill No. 238—Mr. Duty.)

AN ACT to provide for the submission to the voters of the state of
an amendment to the constitution of the state, as follows:
Amending sections twenty-two and thirty-three of article six.

[Passed February 17, 1910. In effect ninety days from passage. Approved by the
Governor February 20, 1910.]

Sec.
1. Ratification or rejection of amend-
ment to constitution; to be sub-
mitted to the voters; when; pro-
posed amendment of sections
twenty-two and twenty-three of
article six of the constitution,
relating to the state legislature.
2. Designating proposed amendment
as "legislative amendment."

Sec.
3. Separate ballots to be voted in gen-
eral election of nineteen twenty;
style of ballots.
4. Declaring the result of election;
procedure.
5. Proclamation by the governor of
result of election.
6. Publication in newspapers of pro-
posed amendment.

Be it enacted by the Legislature of West Virginia:

Section 1. That the question of the ratification or rejection
2 of an amendment to the constitution of West Virginia, proposed
3 in accordance with the provision of section two of article four-
4 teen of said constitution, shall be submitted to the voters of the
5 state at the next general election to be held in the year one thou-
6 sand nine hundred and twenty, which proposed amendment is
7 as follows:

8 Proposed Amendment.
9 That sections twenty-two and thirty-three of article six of
10 said constitution as it now is be stricken out and the following
11 inserted in lieu thereof:

Sec. 22. All sessions of the legislature, other than extra-
2 ordinary sessions, shall continue in session for a period not ex-
3 ceeding fifteen days from date of convening, during which time
4 no bills shall be passed or rejected, unless the same shall be neces-
5 sary to provide for a public emergency, shall be specially recom-
6 mended by the governor and passed by a vote of four-fifths of the
7 members elected to each house; whereupon a recess of both houses
8 must be taken until the Wednesday after the second day of March
9 following. On reassembling of the legislature, no bill shall be
10 introduced in either house without a vote of three-fifths of all
11 the members elected to each house taken by yea's and nay's. The
12 regular sessions shall not continue longer than forty-five days
13 after reconvening, without the concurrence of two-thirds of the
14 members elected to each house.

Sec. 33. The members of the legislature shall each receive
2 for his services the sum of five hundred dollars per annum and
3 ten cents for each mile traveled in going to and returning from
4 the seat of government by the most direct route. The speaker
5 of the house of delegates and the president of the senate shall
6 each receive an additional compensation of two dollars per day
7 for each day they shall act as presiding officers. No other allow-
8 ance or emolument than that by this section shall directly or in-
9 directly be made or paid to the members of either house for post-
10 age, stationery, newspapers, or any other purpose whatever.

Sec. 2. For convenience in referring to the said proposed
2 amendment and in the preparation of the form of the ballot
3 hereinafter provided for, said proposed amendment is hereby
4 designated as follows: To be known as “legislative amendment.”

Sec. 3. For the purpose of enabling the voters of the state to
2 vote on the question of said proposed amendment to the constitu-
3 tion, at the said general election to be held in the year one thou-
4 sand nine hundred and twenty, the board of ballot commissioners
5 of each county are hereby required to prepare separate ballots
6 from that of the official ballot to be voted at said election, and
7 print thereon the following:
8 BALLOT ON CONSTITUTIONAL LEGISLATIVE AMENDMENT.
9 Amending sections twenty-two and thirty-three of article
10 six.
11 [ ] For ratification of legislative amendment.
12 [ ] Against ratification of legislative amendment.
13 The said election on the proposed amendment at each place
14 of voting, shall be superintended, conducted and returned, and
15 the result thereof ascertained, by the same officers and in the same
16 manner as the election of officers to be voted for at said elec-
17 tion; and all of the provisions of the law relating to general elec-
18 tions, including all duties to be performed by any officer or board,
19 as far as applicable and not inconsistent with anything herein
20 contained, shall apply to the election held under the provisions
21 of this act, except when it is herein otherwise provided. The
22 ballots cast on the question of said proposed amendment shall be
23 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
3 any) or a majority of them, at each place of voting, shall make
4 out and sign two certificates thereof in the following form or to
5 the following effect:
6 "We, the undersigned, who acted as commissioners (or can-
7 vassers, as the case may be), of the election held at............,
8 in district of................., in the county of...............,
9 on the........day of..............., one thousand nine hundred
10 and twenty, upon the question of the ratification or rejection of
11 the proposed constitutional amendment to sections twenty-two
12 and thirty-three of article six, do hereby certify that the result of
13 said election is as follows:
14 Amending sections twenty-two and thirty-three of article
15 six:
16 For ratification of legislative amendment ..........votes.
17 Against ratification of legislative amendment..........votes.
18 Given under our hands this........day of............, one
19 thousand nine hundred and twenty.
20 The said two certificates shall correspond with each other
21 in all respects, and contain the full and true returns of said
22 election at each place of voting on said question. The said com-
23 missioners, or any one of them, (or said canvassers or one of
24 them, as the case may be), shall within four days, excluding
25 Sundays, after that on which said election was held, deliver one
26 of said certificates to the clerk of the county court of his county,
27 together with the ballots, and the other to the clerk of the cir-
28 cuit court of the county.
29 The said certificates, together with the ballot cast on the
30 question of said proposed amendment, shall be laid before the
31 commissioners of the county court at the court house at the same
32 time the ballots, poll books and the certificates of the election for
33 the members of the legislature are laid before them; and as soon
34 as the result of said election in the county upon the question of
35 such ratification or rejection is ascertained, two certificates of
36 such result shall be made out and signed by said commissioners,
37 as a board of canvassers, in the form or to the following effect:
38 “We, the board of canvassers of the county of ...........
39 having carefully and impartially examined the returns of the
40 election held in said county, in each district thereof, on the.....
41 day of November, one thousand nine hundred and twenty, do
42 certify that the results of the election in said county, on the ques-
43 tion of the ratification or rejection of the proposed amendment to
44 sections twenty-two and thirty-three of article six is as follows:
45 For ratification of legislative amendment ........ votes.
46 Against ratification of legislative amendment .......... votes.
47 Given under our hands this ....... day of ..........., one
48 thousand nine hundred and twenty.”
49 One of the certificates shall be filed in the office of the clerk
50 of the county court, and the other forwarded by mail to the sec-
51 retary of state who shall file and preserve the same until the day
52 on which the result of said election in the state is to be ascer-
53 tained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held,
2 or as soon thereafter as practicable, the said certificates shall be
3 laid before the governor, whose duty it shall be to ascertain there-
4 from the result of said election in the state, and declare the same
5 by proclamation published in one or more newspapers printed
6 at the seat of government. If a majority of the votes cast at
7 said election upon said question be for the ratification of said
8 amendment, the proposed amendment so ratified shall be of force
9 and effect from and after the time of such ratification, as part of
10 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 one time at least three months before
such election, in some newspapers in every county in which a news-
paper 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 contin-
gent fund and be afterwards repaid to such fund by appropria-
tion of the legislature.

CHAPTER 128.

( Senate Bill No. 212—Mr. Chapman.)

AN ACT to amend and re-enact sections three and five of chapter
sixteen of the acts of the legislature of West Virginia, session of
one thousand nine hundred and nine; and prescribing the man-
ner of the nomination and election, the qualification, the com-
ensation and the term of office of members of the board of edu-
cation of the school district of Huntington.

(Passed February 18, 1919. In effect ninety days from passage. Approved by the
Governor February 21, 1919.)

Sec. 3. Board of education of Huntington
school district; election of members; time of election; term of
office; political division of board; duty of ballot commissioners as
to placing names on ticket; concerning members elected in one
thousand nine hundred and

Be it enacted by the Legislature of West Virginia:

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

Section 3. The board of education of the said district
2 shall be composed of eight members. Four members of said
3 board shall be elected by the qualified voters of said district
4 at the regular election held in said district on the fourth Mon-
5 day in May, one thousand nine hundred and twenty-two, for
6 the election of municipal officers, under the provisions of an
7 act of the legislature of West Virginia, session of one thousand
8 nine hundred and nineteen, amending the charter of the city of
9 Huntington; and thereafter in each third year at the election
10 for municipal officers of said city four members of said board
11 shall be elected by the qualified voters of said district. The
12 members of said board elected under the provisions of this
13 act shall hold office for the term of six years and until their
14 successors are elected and qualified. The members of said
15 board heretofore elected, at the regular election held in the city
16 of Huntington for the election of municipal officers in the year
17 one thousand nine hundred and fifteen, under the provisions
18 of this section as heretofore existing, shall continue in office
19 until their successors are elected at the election to be held for
20 members of said board in said year of one thousand nine hun-
21 dred and twenty-two, and until such successors are qualified.
22 The members of said board heretofore elected, at the regular
23 election held in the city of Huntington for the election of munic-
24 ipal officers in the year one thousand nine hundred and eighteen,
25 under the provisions of this section as heretofore existing, shall
26 continue in office until their successors are elected at the elec-
27 tion to be held for members of said board in the year of one
28 thousand nine hundred and twenty-five, and until such suc-
29 cessors are qualified.
30 Candidates to be voted for at any election for members
31 of said board may be nominated under any provision now or
32 hereafter prescribed by state laws relating thereto. Provided,
33 however, that no political party shall nominate more than three
34 persons for the office of members of said board, no two of whom
35 shall be from the same ward. If any certificate of nomination,
36 or any petition for nomination of candidates for said board,
37 shall contain more names than prescribed in this section for
38 such office, then the ballot commissioner shall take the first
39 three names for candidates for said board. And, provided,
40 further, that there shall not be printed on any ticket on any
41 ballot to be voted in any election for members of said board
42 more than three names for such office. Every person so nomin-
43 ated for the office of member of said board shall, within five
44 days after his nomination has been certified by the political
45 party making the nomination, or within five days after a peti-
46 tion therefor shall have been filed, make under oath, and file
47 with the city clerk, a statement of the political party to which
48 he claims allegiance; and if nominated by two or more political
49 parties, he shall state to which of them he belongs. If such
50 person fail to make the oath and file the same as herein pre-
51 scribed, the ballot commissioner shall not place his name upon
52 the ballot to be voted at the approaching election. No person
53 shall be eligible to the office of member of said board except
54 he be a citizen entitled to vote at the election at which mem-
55 bers of the board are elected. Not more than two persons whose
56 names appear on any ticket of the ballot being voted at an
57 election for members of such board shall be elected to such of-
58 fice. The four candidates receiving the greatest number of
59 votes shall be declared elected; provided, that not more than two
60 of the four candidates receiving the greatest number of votes
61 shall be of the same political party, and if more than two can-
62 didates of the same political party receive the greatest num-
63 ber of votes, then the two of such party receiving the greatest
64 number of votes shall be declared elected, and the votes for
65 the other candidates of said party for said office shall be dis-
66 regarded and the two candidates of another political party
67 voted for at said election who received the next greatest vote
68 shall be declared elected; provided, further, that if the name
69 of any such candidate be printed on more than one ticket or
70 ballot, he shall be considered the candidate of the party on
71 which ticket he received the greatest number of votes at said
72 election; and in order to ascertain that fact the election offi-
73 cers and the board of canvassers shall make and keep a sepa-
74 rate tally of the votes cast for such candidate on each ticket
75 on which his name appears. If two or more candidates re-
76 ceive an equal number of votes for such offices the canvassing
77 board, before whom said election returns shall have been can-
78 vassed, shall decide between them, according to the provisions
79 and intent of this act as to eligibility of candidates, their politi-
80 cal party and tickets to which they belong.
81 It is the intention of this act to make and keep said
82 board of education non-partisan and that no political party at
83 any time shall have on said board more than one-half of the
84 members to be elected thereto.
85 The election for members of said board of education shall
86 be at the same time, shall be held, returned and the result
87 thereof ascertained and declared, in the same manner and under
88 the supervision of the same authorities as is provided for the
89 election of a mayor and board of commissioners of said city of
90 Huntington by said act of the legislature of West Virginia, ses-
91 sion of one thousand nine hundred and nineteen, amending the
92 charter of the city of Huntington.
93 The term of office of the members of the board of education
94 shall commence on the first Monday in June following their 95 election and if any member fail to qualify by making and filing 96 the oath required by section five of this act within thirty days 97 after he shall have been declared elected, the said office shall 98 ipso facto become vacant.

99 All contested elections of members of the board shall be 100 had and conducted in the same manner as provided by the said 101 act of the legislature of one thousand nine hundred and nine- 102 teen, amending the charter of the city of Huntington.

Sec. 5. Each member of the board of education shall re- 2 ceive for his services as such member the sum of twenty dollars 3 per month; but before entering upon the discharge of his duties 4 each member shall make and file with the clerk of said board an 5 affidavit that he will faithfully and impartially perform the duties 6 of a member of said board during his term of office, to the best 7 of his ability and judgment; that he will not discharge his duties 8 as such member for the purpose of benefiting any political party, 9 or with that aim in view; that he will not be or become pecuniarily 10 interested in any contract which may be awarded at any time by 11 said board, and that he will not directly or indirectly receive any 12 gift, emolument or reward for his influence, in the purchase of 13 books or supplies for the schools of said district or for awarding 14 any contract by said board.

15 No person shall be eligible to hold the office of a member of 16 said board of education who was not at the time of his election, 17 or appointment, a qualified voter in said city.

CHAPTER 129.

(Senate Bill No. 101—Mr. Stewart.)

AN ACT to authorize the county court of the county of Marion to 1 establish and maintain a county law library.

[Passed February 12, 1910. In effect ninety days from passage. Approved by the Governor February 17, 1910.]

Sec. 1. Marion county law library; where located; purchase of books, periodicals, stationery, supplies, furniture and equipment.

2. Appointment of librarian; qualifications, salary; how paid.

3. Authority to exchange, sell or trade law books now in library.

4. Providing for reports of supreme court of appeals and acts of the legislature for said library.

5. Repealing inconsistent acts and parts of acts.
Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of the county of Marion be and the said county court of the county of Marion is hereby authorized to establish and maintain a law library for the use of the judges of the courts of said county, all attorneys at law practicing in said courts, and all public officers of said county, or any sub-division thereof, or municipality therein. Said library shall be known and designated as "the Marion county law library," and shall be located in the court house in the city of Fairmont. The said county court of the county of Marion shall purchase law books, law periodicals, stationery, supplies, furniture and equipment for said library, and for said purposes shall have authority to expend money, provided, however, that no law book shall be purchased for said library, except upon the order of the judge of the circuit court of the fourteenth judicial district, or the judge thereof in vacation, and said court or judge shall have power to make and enforce all rules and regulations as may be deemed necessary for the government of said library and use thereof.

Sec. 2. For the purpose of caring for and maintaining the said library, a librarian shall be appointed by the county court of Marion, and such librarian shall be a resident of Marion county, who shall hold his office at the will of the county court and shall be allowed and paid such salary out of the treasury of Marion county as the county court may advise, and be required to give bond in such an amount as shall be indicated by the court and with such surety or sureties as the said court may require.

Sec. 3. Upon the recommendation or approval of the judge of the said circuit court the county court shall have authority to exchange, sell or trade any law books now in said library.

Sec. 4. As soon as practicable after any new volume of the reports of the supreme court of appeals of West Virginia, as well as the bound volumes of the acts of the legislature have been printed, the officers charged with the distribution of the said reports and said acts shall deliver one copy of each to said library. And the said county court shall have authority to receive for said library any books or other property by loan, gift or request.

Sec. 5. All acts and parts of acts inconsistent or in conflict herewith, in so far as the same may be applicable to said county of Marion, or said county court, are hereby repealed.
CHAPTER 130.

(Senate Bill No. 27—Mr. Hough.)

AN ACT amending and re-enacting sub-section five of section twenty-nine of chapter one hundred and fifty of the code of West Virginia by adding thereto section five-a.

[Passed February 20, 1919. In effect ninety days from passage. Approved by the Governor February 22, 1919.]

Sec. 5-a. Optometrist's registration fee; revocation of certificate upon failure to pay; notice of revocation.

Be it enacted by the Legislature of West Virginia:

Section 5-a. Every registered optometrist who desires to continue the practice of optometry in this state after the year one thousand nine hundred and nineteen shall annually on or before the first day of April of each year pay to the secretary of said board of examiners a registration fee to be fixed by the board, and which shall be not less than five dollars nor more than ten dollars per annum, for which he shall receive a renewal of such registration, and in case of default of said payment by any person, his certificate shall be revoked by the board of examiners on twenty days' notice in writing by the secretary, which notice shall state the time and place at which such revocation shall be considered, and the deposit of such notice in the mails, addressed to the person at his last known place of residence or business, with the proper postage prepaid thereon, shall be due and legal service of such notice, but no certificate shall be revoked for such non-payment if the person so notified shall pay on or before the time of consideration of said revocation, his fee and such penalties as may be imposed by said board; provided, said penalty shall not exceed ten dollars.

CHAPTER 131.

(Senate Bill No. 61—Mr. Scherr.)

AN ACT to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and
re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen.

(Passed February 13, 1919. In effect ninety days from passage. Became a law without the Governor’s approval.)

SEC.
2. Expenses of officers and employees; payable out of workmen’s compensation fund.
9. Persons, firms, etc., subject to provisions of act; premiums and expenses; independent contractors.
18. Schedule of industries; re-classification of industries; uniform premium rate with reference schedule or class.
19. Workmen’s compensation fund; commissioner required to establish; rules and regulations with respect to collection, maintenance and disbursement; employers electing to compensate injured employees; procedure.
20. State treasurer is custodian of compensation funds; separate and distinct fund, and must be so kept on the books of the auditor and treasurer; surplus to be invested; bonds purchased by the board of public works, deposited with the auditor.
21. Custodian of compensation fund bonded in the sum of two hundred thousand dollars.
22. Workmen’s compensation fund; employer electing to pay premiums not liable to respond in damage at common law or by statute; waiver by employee.
24. Creation of compensation fund; employer shall pay premiums based on percentage of payroll; failure to pay premiums deprives the employer of the benefits and protection of the law; how employer reinstated; withdrawal of employer and notification to his employees.
25. Disbursement of compensation fund to employees; payment in case of death; time loss paid in non-fatal cases; when employee refuses to undergo an operation; what then.
26. Parties in default in payment of premiums; not entitled to common law defense of fellow servant rule, assumption of risk or contributory negligence.

SEC.
27. Disbursement from fund by commissioner; personal injuries; medical or surgical treatment.
28. No compensation allowed for self-inflicted injury, willful misconduct, or intoxication; employer may be requested to adopt safety appliance for the protection of employees; actions for excess damages may be had in certain cases.
31. Schedule for payment of amounts due employee for various injuries; aggregate award for disability, temporary or permanent.
33. Death of injured employee within one year; benefits payable; dependents.
36. Husband and wife living separate and apart; compensation not allowed.
37. Benefits; basis of computation is the average weekly wage or earnings.
39. Specific forms of application blanks; time of filing; non-resident aliens may be officially represented by consular officers of such foreign country.
42. Compensation; to whom paid; exempt from claims of creditors; attachment, execution or assignment.
43. Jurisdiction of commissioner; authority to hear and determine all questions and to review the action of any employer; decision final.
44. Rules of practice and procedure to govern the commissioner in making investigations.
51. Investment of compensation funds; how much and by whom.
52. Employers engaged in Interstate or foreign commerce; provision concurring.
56. Act in effect; all laws in conflict repealed.

Be it enacted by the Legislature of West Virginia:

That section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen be and is hereby repealed; and that sections two, nine, eighteen, nineteen, twenty-

...
ty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen, be amended and re-enacted so as to read as follows:

Section 2. All expenses peculiar to the administration of this act, including the premiums to be paid for the bonds of the state treasurer, the state auditor, and the compensation commissioner required under this act, and when on official business, the traveling and incidental expenses of the commissioner, and salaries or other compensation, traveling and other expenses of all officers or employees of the commissioner, and all expenses for furniture, books, maps, stationery, appliances and property of all kinds, shall be paid out of the workmen’s compensation fund, hereinafter created, and the sum of one hundred forty thousand dollars per annum, or so much thereof as may be necessary, is hereby fixed as the amount to be appropriated out of the said fund for the purpose of paying the salaries and expenses necessary in the administration of this act.

Sec. 9. All persons, firms, associations and corporations regularly employing other persons for the purpose of carrying on any form of industry or business in this state, county and municipal corporations, the state of West Virginia, and all governmental agencies or departments created by it, are employers within the meaning of this act, and subject to its provisions. All persons in the service of employers as herein defined and employed by them for the purpose of carrying on the industry, business or work in which they are engaged, and check weighmen as provided for in chapter twenty acts of one thousand nine hundred and eleven, are employees within the meaning of this act and subject to its provisions, provided that the act shall not apply to employers of employees in domestic or agricultural service, persons prohibited by law from being employed, traveling salesmen, to employees of any employer while employed without the state; nor shall a member of a firm of employers, or any officer of an association, or of a corporation employer, including managers, superintendents, assistant managers and assistant superintendents, any
elective official of the state, county or municipal corporation be
deemed an employee within the meaning of this act.
The premiums and all expenses in connection with the elec-
tion of the governmental agencies and departments of the state of
West Virginia shall be paid out of the state treasury out of the
appropriations made for such agencies and departments, in the
same manner as other disbursements are made by such agencies
and departments.
Municipal corporations shall provide for the funds to pay
their prescribed premiums into the fund and said premiums
and premiums of state agencies and departments shall be paid
into the fund in the same manner as herein provided for other
employers subject to this act.
Any employer whose employment in this state is to be for a
definite or limited period, which could not be considered "regu-
larly employing" within the meaning of this act, may elect to
pay into the workmen's compensation fund the premiums herein
provided for, and at the time of making application to the com-
missioner, such employer shall furnish statement under oath
showing the probable length of time the employment will con-
tinue in this state, the character of the work, an estimate of the
monthly payroll, and any other information which may be re-
quired by the commissioner. At the time of making application
such employer shall deposit with the state compensation com-
missioner to the credit of the workmen's compensation fund the
amount required by section twenty-four of this act, which amount
shall be returned to such employer if his application be rejected
by the commissioner. Upon notice to such employer of the ac-
ceptance of his application by the commissioner, he shall be an
employer within the meaning of this act, and subject to all of its
provisions.
Any foreign corporation employer electing to comply with the
provisions of this act and to receive the benefits hereunder, shall
at the time of making application to the commissioner, in addi-
tion to the other requirements of this act, furnish such commis-
sioner with a certificate from the secretary of state showing that
it has complied with all the requirements necessary to enable it to
legally do business in this state, and no application of such foreign
corporation employer shall be accepted by the commissioner until
such certificate is filed.
59 For the purpose of this act a mine shall be adjudicated within
60 this state when the main opening, drift, shaft or slope is located
61 wholly within this state.
62 Any employee within the meaning of this act whose em-
63 ployment necessitates his temporary absence from this state in
64 connection with such employment and such absence is directly
65 incidental to carrying on an industry in this state who shall have
66 received injury during such absence in the course of and result-
67 ing from his employment, shall not be denied the right to par-
68 ticipate in the workmen's compensation fund.
69 An independent contractor who sub-lets any portion of his
70 contract shall be considered the employer of the employees of any
71 sub-contractor and shall carry on his payroll the names of such
72 sub-contractor's employees and pay the prescribed premium on
73 their wages during the period such employees are working under
74 his contract.

Sec. 18. For the purpose of this act the industries that now
2 are or hereafter may be subject thereto, are divided into schedules
3 as follows:
4 (a) Coal mines, including their tipple, power, light, heat-
5 ing and ventilating plants, tramways, private tracks and sidings,
6 and accessory and auxiliary plants working in or with by-
7 products.
8 (b) Paint manufactories, oil refineries, oil and gas wells,
9 including their pipe lines, storage, power and light plants, tram-
10 ways, private tracks and sidings, and accessory and auxiliary
11 plants working in or with by-products.
12 (c) Iron and steel mills, including blast furnaces, smelters,
13 tube works, rolling mills and their accessory and auxiliary plants
14 working in or with by-products, generating power, light or heat
15 or operating tramways, private tracks and sidings.
16 (d) Sheet and tin plate mills, including their accessory and
17 auxiliary plants working in or with by-products, generating
18 power, light or heat or operating tramways, private tracks and
19 sidings.
20 (e) Foundries, machine shops, fire arms factories, tool fac-
21 tories, car building and repairing, structural iron works, and
22 working in or with iron or steel, not otherwise specified, where
23 power-driven machinery is used, together with their accessory
24 and auxiliary plants working in or with by-products, or gener-
ating power, light or heat, or operating tramways, private tracks and sidings.

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

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

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

(i) Glasshouses of all kinds, including manufactories of tableware, bar goods, bottles, tumblers, lamps, glass light fixture parts, window and plate glass; potteries of all kinds, including tile, bricks, terra-cotta, fire clay, earthenware, porcelain, china and crockery ware using automatic machinery, together with accessory and auxiliary plants working in or with by-products, or generating light or heat, or operating tramways, private tracks and sidings.

(k) Printing plants of all kinds, electrotyping, photo engraving, engraving, lithographing, embossing, bookbinding, and accessory and auxiliary lines of work and manufacture.

(l) Woolen mills, knitting mills, cotton mills, carpet and rug mills, clothing manufactories of every kind and working in or with textiles not otherwise specified.

(m) Bottling works, canneries of fruits, vegetables, oils, fish, milk or meat, manufactories of preserves, jellies, ketchup, sauces, relishes, pickles, flour and feed mills, bakeries, confectioneries, drug and extract manufactories, tobacco, cigar, stogie and cigarette manufactories, in which power-driven machinery is used.

(n) Slaughter and packing houses, stock yards, soap, tallow, lard and grease manufactories, tanneries, artificial ice and re-
frigerating and cold storage plants, creameries and carbon black factories, in which power-driven machinery is used.

(o) Steam laundries, dyeing and cleaning plants, stamping, embossing and working with leather, shoe and harness manu-
facories, mattress and bedding factories, upholstering factories, manufacturers of rubber goods, and auxiliary and accessory lines of work and manufacture not otherwise specified.

(p) Steam and other railroads and transportation systems not otherwise specified.

(q) Street and interurban railways, whether propelled by electricity or other power.

(r) Telegraph and telephone plants and systems, electric light and power plants and systems, steam heat and power plants and systems, water works systems, gas works and systems, grain elevators, and all lighting, heating and power systems not otherwise specified.

(s) Quarries, stone crushers, gravel pits, mines other than coal mines and working with asphalt, cement, stone or other building material not otherwise specified, power-propelled ferries, sand diggers and other water craft.

(t) Such works, occupations and manufactures specified in the foregoing schedules as are operated without power-driven machinery.

(u) Match factories, powder mills, fireworks factories, and works in which articles of any explosive nature are mixed or manufactured.

(v) Construction of tunnels, shafts, bridges, trestles, steeples, towers, grain elevators, tanks, water towers, wind mills, subaqueous works, iron and steel frame structures or parts of structures, blast furnaces, smoke stacks, cupolas or chimneys, water works and systems, electric lights and power plants and systems, gas works and systems, installation of steam boilers, engines and dynamos, steam railroads, logging railroads, street railways and systems, boat building with scaffolds, floating docks, engineering works, structural work on buildings over three stories in height not otherwise specified, and drilling of wells.

(w) Construction and installation of sewers, fire escapes, freight or passenger elevators, advertising signs, ornamental metal works on or in buildings, metal ceilings, plate or window glass, electric wiring, stairways, buildings which require galvanized iron or tin work, marble, stone or brick work, roof
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106 work, slate work, plumbing work, carpenter work, electric work,
107 installing automatic sprinklers, electric or fire alarm systems,
108 heating or ventilating systems, or machinery not otherwise
109 specified, covering steam pipes and boilers, road and street
110 making, street or other grading, and structural work not other-
111 wise specified.

112 (x) Any industry or business not specified in the fore-
113 going schedules, for which any employer shall voluntarily apply
114 to the commissioner to be brought under the provisions of this
115 act; and the commissioner shall have the authority to classify
116 and place in one of the schedules aforesaid, or any schedule
117 created by him as hereinafter mentioned, any industry or busi-
118 ness subject to this act not hereinbefore specifically mentioned.

119 The commissioner shall have the power to re-classify into
120 schedules, at any time, the industries subject to this act, to
121 create additional schedules, and to divide any schedule into
122 classes based upon the nature of employment and the risk of
123 same.

124 (y) The commissioner shall keep an accurate account of all
125 money or moneys paid or credited to the compensation fund,
126 and of the liability incurred and disbursements made against
127 same; and an accurate account of all money or moneys received
128 from each individual subscriber, and of the liability incurred
129 and disbursements made on account of injuries and death of the
130 employees of each subscriber; and of the receipts and incurred
131 liability of each schedule and class.

132 In fatal cases and permanent disability cases exceeding
133 eighty-five per centum disability, the amount charged against
134 the employer's account shall be such sum as is estimated to be
135 the average cost of such cases to the fund, providing the com-
136 missioner decides that the injury or injuries causing death or
137 permanent disability was received in the course of and resulting
138 from the employee's employment.

139 (z) It shall be the duty of the commissioner to fix and
140 maintain the lowest possible rates of premiums consistent with
141 the maintenance of a solvent workmen's compensation fund and
142 and the creation and maintenance of a reasonable surplus in
143 each schedule after providing for the payment to maturity of
144 all liability incurred by reason of injury or death to employees
145 entitled to benefits under the provisions of this act. A re-

146
The commissioner may fix a rate of premium applicable alike to all subscribers forming a schedule or class and such rate shall be determined from the record of such schedule or class as shown upon the books of the commissioner; provided, that if any schedule has a sufficient number of employers with considerable difference in their degrees of hazard, the commissioner may fix a rate for each subscriber of such schedule, such rate to be based upon the subscriber's record on the books of the commissioner for the twelve months last ending June thirtieth of the year in which the rate is to become effective; and the liability part of such record shall include such cases as have been acted upon by the commissioner during said twelve months' period, irrespective of the date the injury was received; and any subscriber, in a schedule so rated, whose record for said twelve months' period cannot be obtained, shall be given a rate based upon his record for any part of said period or such rate as may be deemed just and equitable by the commissioner; and the commissioner shall have authority to fix a reasonable minimum and maximum for any schedule to which this individual method of rating is applied, and to add to the rate determined from the subscriber's record such amount as may be necessary to liquidate any deficit in the schedule or to create a reasonable surplus.

It shall be the duty of the commissioner whenever he changes any rate to notify every employer affected thereby of that fact and of the new rate and when the same takes effect. It shall also be his duty to furnish to each employer yearly, or oftener if requested by the employer, a statement giving the name of each of his employees who were paid for injury and the amount so paid during the period covered by the statement.

Sec. 19. The commissioner shall establish a workmen's compensation fund from the premiums and other funds paid thereto by employers as herein provided, for the benefit of employees of employers that have paid the premium applicable to such employers and have otherwise complied fully with the provisions of section twenty-four of this act, and for the benefit of the dependents of such employees, and for the payment of the administration expenses of this act, and shall adopt rules and regulations with respect to the collection, maintenance and dis-
bursuement of said funds, not in conflict with the provisions of this act.

Employers electing as herein provided to individually and directly compensate their injured employees and their fatally injured employees' dependents, shall do so in the manner prescribed by the compensation commissioner and shall make all reports execute all blanks, forms and papers as directed by said commissioner and as herein provided in this act.

Sec. 20. The state treasurer shall be the custodian of the workmen's compensation fund and all premiums, deposits or other moneys paid thereto shall be deposited in the state treasury to the credit of the workmen's compensation fund in the manner prescribed in section twenty-four of this act. The workmen's compensation fund shall consist of the premiums and deposits provided by this act and all interest accruing thereto upon investments and deposits in the state depositories, and any other moneys or funds which may be given, appropriated or otherwise designated or accruing thereto. Said fund shall be a separate and distinct fund and shall be so kept upon the books and records of the auditor and treasurer and the state depositories in which any part is deposited. Disbursements from said fund shall be made upon requisition signed by the secretary and approved by the compensation commissioner. The board of public works shall have authority to invest the surplus, reserve or other moneys belonging to the fund in the bonds of the United States, of this state, of any county, city, town, village, or school district of the state.

No such investment shall be made, nor any investment sold or otherwise disposed of without the concurrence of a majority of all members of the board of public works. It shall be the duty of every county, school district, or municipality issuing any bonds, to offer the same in writing to the board of public works, prior advertising the same for sale, except such thereof as may have been taken by the trustees of the sinking fund of the county, district or municipality, and the board of public works shall, within fifteen days after receipt of such offer, accept the same and purchase such bonds or any portion thereof at par and accrued interest, or make an offer to purchase the same at such price as the board named in such offer, or reject such offer. All bonds purchased by the board of public works for investment for the workmen's compensation fund shall be placed in the hands of the auditor as the custodian thereof, and it shall be his duty to keep
and account for the same as he keeps and accounts for other securities of the state, and to collect the interest thereon as the same becomes due and payable, and the principal when the same is due. No bonds or other securities shall be purchased by the board of public works until and unless the attorney general shall investigate the issuance of such bonds or securities and shall give a written opinion to the board that the same have been regularly issued according to the constitution and the laws of this state, which opinion if such bonds or securities be purchased shall be filed with the auditor with such bonds or securities. The auditor of the state shall give a separate and additional bond in the sum of five hundred thousand dollars with sureties to be approved by the governor, conditioned for the faithful performance of his duties as custodian of the investment bonds as herein provided.

Sec. 21. The treasurer of the state shall give a separate and additional bond in the sum of two hundred thousand dollars with sureties to be approved by the governor, conditioned for the faithful performance of his duties as custodian of the workmen's compensation fund herein provided for.

Sec. 22. Any employer subject to this act who shall elect to pay into the workmen's compensation fund the premiums provided by this act, shall not be liable to respond in damage at common law or by statute for the injury or death of any employee however occurring, after such election and during any period in which such employer shall not be in default in the payment of such premiums and shall have complied fully with all other provisions of this act; provided, the injured employee has remained in his service with notice that his employer has elected to pay into the workmen's compensation fund the premiums provided by this act. The continuation in the service of such employer with such notice shall be deemed a waiver by the employee and by the parents of any minor employee of the right of action as aforesaid, which the employee or his or her parents would otherwise have.

Sec. 24. For the purpose of creating such workmen's compensation fund each employer subject to this act shall pay the premiums of liability based upon and being such a percentage of the payroll of such employer as may have been determined by the commissioner and be then in effect. The premiums shall be paid monthly on or before the twenty-fifth of each month, for the preceding month, and shall be the prescribed percentage of the total
8 earnings of all employees within the meaning of this act, whose
9 work is within this state, for such preceding month. The min-
10 imum premium to be paid by any employer for any month shall
11 be fifty cents. The premiums and deposits provided for in this
12 act shall be paid by the employers to the state compensation com-
13 missioner, who shall issue receipts for all sums so received, mailing
14 the original to the person, firm or corporation paying the same,
15 transmitting a copy thereof to the state treasurer and state auditor,
16 retaining a copy for his own records. All sums received by the
17 state compensation commissioner as herein provided shall be de-
18 posited in the state treasury to the credit of the workmen’s com-
18-pensation fund in the manner now prescribed by law for de-
19 positing money in the state treasury.
20 Each employer shall make a payroll report to the commis-
21 sioner on or before the twenty-fifth of each month for the pre-
22 ceding month, and such report shall be on the form or forms pre-
23scribed by the commissioner, and furnish all information required
24 by him.
25 Failure to pay premiums as herein provided or to make the
26 monthly payroll reports required by the commissioner shall de-
27 prive the employer so delinquent of the benefits and protection
28 afforded by this act, and shall automatically terminate the elec-
29 tion of such employer to pay into the workmen’s compensation
30 fund as herein provided, and such employer shall be liable to his
31 employees as provided in section twenty-six of this act; and the
32 commissioner shall not be required to notify the delinquent em-
33 ployer of such termination, but he shall notify the employees of
34 such employer thereof in such manner as he may deem best and
35 sufficient. The termination of election of such delinquent em-
36 ployer shall date from twelve o’clock P. M. of the last day of the
37 month in which he fails to pay the premiums or make payroll
38 reports, as above provided, for the preceding month.
39 The employer so delinquent may be re-instated upon applica-
40 tion under such terms as are prescribed by this act, and by the
41 commissioner hereunder, after the payment into the workmen’s
42 compensation fund of all unpaid premiums, penalties and charges.
43 Such re-instatement shall be in effect from and after the date that
44 the new application is accepted by the commissioner; provided,
45 however, that such delinquent employer shall be entitled to the
46 benefits and protection of this act until twelve o’clock P. M. of
47 the last day of the month immediately succeeding the month in
47-a which his election is terminated, and his employees shall be 47-b entitled to compensation for injuries received during said period, 47-c but not thereafter unless such delinquent employer becomes re- 47-d instated as herein provided.

48 To insure the payment of the monthly premiums herein pro- 49 vided, all employers who have heretofore elected to accept the 50 provisions of the workmen's compensation act shall pay into the 51 workmen's compensation fund, in addition to the premiums pro- 52 vided for, an amount at least equal to the amount of premiums 53 paid for the last two months. Any employer hereafter electing to 54 avail himself of the benefits of this act shall at the time of making 55 application to the commissioner deposit in the workmen's com- 56 pensation fund an amount estimated to be equal to the amount 57 of the premiums which shall be paid by him for the next succeed- 58 ing two months. Any employer whose deposit is less than the 59 amount of his premiums for the last two months, shall, upon 60 written request from the commissioner mailed to his address as 61 carried upon the books of the commissioner, by twelve o'clock 62 p. m. of the twenty-fifth of the month in which request is mailed, 63 pay to the commissioner a sum sufficient to make his deposit at 64 least equal to the amount of his premiums for the last two pre- 65 ceding months; and failure of any employer to comply with such 66 written request within the time specified shall deprive him of the 67 benefits and protection afforded by this act, and shall automatic- 68 ally terminate his election to pay into the workmen's compensa- 69 tion fund as herein provided, and such employer shall be liable to 70 his employees as provided in section twenty-six of this act; and 71 the commissioner shall not be required to notify the delinquent 72 employer of such termination, but he shall notify the employees 73 of such employer thereof in such manner as he may deem best 73-a and sufficient. The termination of election of such employer 74 shall date from twelve o'clock p. m. of the last day of the month 75 in which he is notified by the commissioner that his deposit is 76 not equal to the sum of his premium for the last two preceding 77 months. Such employer may be reinstated upon application 78 under such terms as are prescribed by this act and the rules of 79 the commissioner. The deposit hereinafore described shall be 80 credited to the employer's account on the books of the commis- 81 sioner and used to pay premiums and any other sums due the 82 fund when said employer becomes delinquent in the payment of 83 same.
Upon withdrawal from the fund or termination of election of any employer, he shall be refunded the balance due him of his deposit, after deducting all amounts owed by him to the workmen's compensation fund, and the commissioner shall notify the employees of such employer of said termination in such manner as he may deem best and sufficient.

Sec. 25. The commissioner shall disburse the workmen's compensation fund to the employees of such employers as are not delinquent in the payment of premiums for the month in which the injury occurs, and who have otherwise complied fully with the provisions of this act, and which employees shall have received personal injuries in this state in the course of and resulting from their employment, or to the dependents, if any, of such employees in case death has ensued according to the provisions hereinafter made; and also for the expenses of the administration of this act, as provided in section two hereof.

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

First, That there was an injury resulting in hernia;

Second, That the hernia appeared suddenly;

Third, That it was accompanied by pain;

Fourth, That the hernia immediately followed an injury;

Fifth, That the hernia did not exist prior to the injury for which compensation is claimed.

All hernia, inguinal, femoral or otherwise, so proven to be the result of an injury received in the course of and resulting from the employment, shall be treated in a surgical manner by radical operation. If death results from such operation, the death shall be considered as a result of the injury, and compensation paid in accordance with the provisions of section thirty-three. In non-fatal cases, time loss only shall be paid, unless it is shown by special examination that the injured employee has a permanent partial disability resulting after the operation. If so, compensation shall be paid in accordance with the provisions in section thirty-one with reference to permanent partial disability.

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

Sec. 26. All employers subject to this act, the state of West
2 Virginia excepted, who shall not have elected to pay into the
3 workmen's compensation fund the premiums provided by this act,
4 or having so elected, shall be in default in the payment of same, or
5 not having otherwise complied fully with the provisions of section
6 twenty-four of this act, shall be liable to their employees (within
7 the meaning of this act) for damages suffered by reason of acci-
8 dental personal injuries sustained in the course of employment
9 caused by the wrongful act, neglect or default of the employer, or
10 any of the employer’s officers, agents or employees, and also to the
11 personal representatives of such employees where death results
12 from such accidental personal injuries, and in any action by any
13 such employee or personal representative thereof such defendant
14 shall not avail himself of the following common law defenses:
15 The defense of the fellow-servant rule; the defense of the
16 assumption of risk; or the defense of contributory negligence; and
17 further shall not avail himself of any defense that the negligence
18 in question was that of some one whose duties are prescribed by
19 statute.

Sec. 27. The commissioner shall disburse and pay from the
2 fund for such personal injuries to such employees as may be en-
3 titled thereto hereunder as follows:
4 (a) Such sums for medical, surgical and hospital treatment
5 as in the opinion of the commissioner may reasonably be required,
6 not, however, in any case to exceed the sum of one hundred and
7 fifty dollars; provided, that in case an injured employee has sus-
8 tained such extensive injury or injuries that in the opinion of the
9 commissioner an expenditure in excess of the above stated amount
10 is just, reasonable and necessary, the amount expended for medical,
11 surgical and hospital treatment may be, but shall not exceed the
12 sum of three hundred dollars in any case.
13 (b) In case of an injured employee having sustained a per-
14 manent disability, and such fact having been so determined by
15 the commissioner, the said commissioner may, if in his opinion
16 the per centum of said disability can be materially reduced or
17 made negligible by medical or surgical treatment, expend an
18 amount not to exceed the sum of three hundred dollars in addi-
19 tion to such sum or sums as may have been expended for medical,
surgical and hospital treatment under paragraph (a) of this section. No payment shall be made for such medical or surgical treatment as provided in this paragraph unless such treatment be duly authorized by the commissioner prior to the rendering of such treatment.

(c) Payment for such medical, surgical or hospital treatment authorized under paragraph (a) hereof may be made to the injured employee, or to the person or persons who have furnished such service, or who have advanced payment for same, as the commissioner may deem proper.

(d) Notwithstanding anything hereinbefore contained, no payment shall be made out of the workmen's compensation fund for medical, surgical or hospital treatment for an injured employee, if said employee be entitled under contract connected with his employment, or by reason of a subscription list to medical, surgical or hospital treatment without further charge to him.

Sec. 28. Notwithstanding anything hereinbefore or herein-after contained, no employee or dependent of any employee shall be entitled to receive any sum from the workmen’s compensation fund, or to direct compensation from any employer making the election and receiving the permission mentioned in section fifty-four hereof, or otherwise under the provisions of this act, on account of any personal injury to or death of any employee caused by a self-inflicted injury, the willful misconduct, or disobedience to such rules and regulations as may be adopted by the employer and approved by the commissioner, and which rules and regulations have been and are kept posted in conspicuous places in and about the work, or the intoxication of such employee, or the failure of such employee to use or make use of any protective or safety appliance or appliances prescribed by the commissioner and furnished by the employer for the use of or applicable to such employee.

For the purpose of this act, and to prevent accidents to employees, the commissioner may require all employers to adopt rules, which have been approved by him, for the protection and safety of their employees and keep the same posted in conspicuous places in and about the work; and the commissioner may require employers to install, use or adopt such protective or safety appliance or appliances as in the commissioner’s opinion are necessary for the protection of the employees.

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

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

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

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

(b) Paragraph (a) of this subdivision shall be limited as
follows:
Aggregate award for a single injury causing temporary dis-
ability shall be for a period not exceeding fifty-two weeks; pro-
vided, that in case an injured employee, by reason of having an
ununited fracture, or having undergone a surgical operation to
correct a vicious union following a fracture, or for the repair of
an ununited fracture, or having suffered an injury to the spine
or pelvic bones which is of a temporary nature, or for an anky-
lose joint, is disabled for a longer period than fifty-two weeks,
the period which compensation shall be paid may be, but shall
not exceed, seventy-eight weeks.

(c) If the injury causes permanent disability, the per-
centage of disability to total disability shall be determined and
the award computed and allowed as follows:
For a five per centum disability, fifty per centum of the
average weekly earnings for a period of twenty weeks;
For a ten per centum disability, fifty per centum of the
average weekly earnings for a period of forty weeks;
28 For a fifteen per centum disability, fifty per centum of the average weekly earnings for a period of sixty weeks;
29 For a twenty per centum disability, fifty per centum of the average weekly earnings for a period of eighty weeks;
30 For a thirty per centum disability, fifty per centum of the average weekly earnings for a period of one hundred and twenty weeks;
31 For a forty per centum disability, fifty per centum of the average weekly earnings for a period of one hundred and sixty weeks;
32 For a fifty per centum disability, fifty per centum of the average weekly earnings for a period of two hundred weeks;
33 For a sixty per centum disability, fifty per centum of the average weekly earnings for a period of two hundred and forty weeks;
34 For a seventy per centum disability, fifty per centum of the average weekly earnings for a period of two hundred and eighty weeks;
35 For an eighty per centum disability, fifty per centum of the average weekly earnings for a period of three hundred and twenty weeks;
36 For an eighty-five per centum disability, fifty per centum of the average weekly earnings for a period of three hundred and forty weeks;
37 For a disability from eighty-five to one hundred per centum, fifty per centum of the average weekly earnings during the remainder of life.
38 Awards for permanent disability of from two per centum to eighty-five per centum shall be computed on the basis of four weeks compensation for each per centum of disability determined.
39 (d) If the injury results in the total loss by severance of any of the members named in this paragraph, the percentage of disability shall be determined in accordance with the following table, and award made as provided in paragraph (c) of this section:
40 The loss of a great toe shall be considered a ten per centum disability.
41 The loss of a great toe (one phalange) shall be considered a five per centum disability.
42 The loss of other toes shall be considered a four per centum disability.
The loss of other toes, (one phalange) shall be considered a two per centum disability.
The loss of all toes shall be considered a twenty-five per centum disability.
The loss of forepart of foot shall be considered a thirty per centum disability.
The loss of foot shall be considered a thirty-five per centum disability.
The loss of leg shall be considered a forty-five per centum disability.
The loss of thigh shall be considered a fifty per centum disability.
The loss of thigh at hip joint shall be considered a sixty per centum disability.
The loss of little or fourth finger (one phalange) shall be considered a three per centum disability.
The loss of little or fourth finger shall be considered a five per centum disability.
The loss of ring or third finger (one phalange) shall be considered a three per centum disability.
The loss of ring or third finger shall be considered a five per centum disability.
The loss of middle or second finger (one phalange) shall be considered a seven per centum disability.
The loss of index or first finger (one phalange) shall be considered a six per centum disability.
The loss of index or first finger shall be considered a ten per centum disability.
The loss of thumb (one phalange) shall be considered a twelve per centum disability.
The loss of thumb shall be considered a twenty per centum disability.
The loss of thumb and index finger shall be considered a thirty-two per centum disability.
The loss of index and middle finger shall be considered a twenty per centum disability.
The loss of middle and ring finger shall be considered a fifteen per centum disability.
The loss of ring and little finger shall be considered a ten per centum disability.

The loss of thumb, index and middle finger shall be considered a forty per centum disability.

The loss of index, middle and ring finger shall be considered a thirty per centum disability.

The loss of middle, ring and little finger shall be considered a twenty per centum disability.

The loss of four fingers shall be considered a thirty-two per centum disability.

The loss of hand shall be considered a fifty per centum disability.

The loss of fore arm shall be considered a fifty-five per centum disability.

The loss of arm shall be considered a sixty per centum disability.

The total loss of one eye, or the total and irrecoverable loss of the sight thereof shall be considered a thirty-three per centum disability, and the injured employee shall be entitled to compensation for a period of one hundred and thirty-two weeks.

For the partial loss of vision in one, or both eyes, the percentage of disability shall be determined by the commissioner, using as a basis the total loss of one eye.

The award for permanent disabilities intermediate to those fixed by the foregoing schedule and permanent disability of from five per centum to eighty-five per centum shall be in the same proportion and shall be computed and allowed by the commissioner.

The percentage of all permanent disabilities other than those enumerated in paragraphs c, d, e, and f of this section shall be determined by the commissioner, using as a basis the loss of an arm at or above the elbow, and award made in accordance with the schedule in paragraph c.

Compensation payable under any paragraph of this section shall be limited as follows: Not to exceed a maximum of twelve dollars per week, nor to be less than a minimum of five dollars per week.

An injury resulting in temporary total disability for which compensation is awarded under paragraph (a) of this section, and such injury is later determined a permanent partial disability under paragraph (e), the amount of compensation so
147-a paid shall be considered as payment of the compensation payable for such injury in accordance with the schedule in paragraph (c). Compensation under this section shall be payable only to the injured employee, and the right thereto shall not vest in his estate, except such compensation as may have accrued to the date of his or her death.

(j) The following permanent disabilities shall be conclusively presumed to be total in character:

Loss of both eyes or the sight thereof;
Loss of both hands or the use thereof;
An injury resulting in practically total paralysis.

In all other cases permanent disability shall be determined by the commissioner in accordance with the facts in the case, and award made in accordance with the schedule in paragraph (c).

Sec. 33. In case the personal injury causes death within the period of one year from the date of original injury and disability is continuous from date of such injury until date of death the benefits shall be in the amounts, and to the persons, as follows:

(a) If there be no dependents, the disbursements shall be limited to the expense provided for in sections twenty-seven and twenty-nine of this act.

(b) If the deceased employee be under the age of twenty-one years and unmarried and leave a wholly dependent father or mother, the father, or if there be no father, the mother shall be entitled to a payment of fifty per centum of the average weekly wages of the deceased employee not to exceed a maximum of six dollars per week, to continue for such portion of the period of six years after the date of death as the commissioner in the case may determine; provided, however, that in case the deceased employee be under the age of fifteen years at the time of death, payment shall continue until such employee would have been twenty-one years of age.

(c) If the deceased employee be under the age of twenty-one and unmarried and leave a partially dependent father or mother, the father, or if there be no father, the mother shall be entitled to a payment of fifty per centum of the average weekly wages, not to exceed a maximum of six dollars per week, to continue until the employee would have been twenty-one years of age.

(d) If the deceased employee leaves a dependent widow or
invalid widower, the payment shall be twenty dollars per month until death or remarriage of such widow or widower, and in addition five dollars per month for each child under fifteen years of age, to be paid until such child reaches such age; provided, if such widow or invalid widower shall remarry within two years from date of the death of such employee, such widow or widower shall be paid at the time of remarriage twenty per centum of the amount that would be due for the period remaining between the date of such remarriage and the end of ten years from the date of death of said employee; provided, further, that if upon investigation it shall be ascertained that said widow or widower is living with a man or woman, as the case may be, as man and wife and not married, or the widow living a life of prostitution, the commissioner shall stop the payment of the benefits herein provided to said widow or widower.

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

(f) If the deceased employee be an adult and there be no wholly dependent persons, but there are partly dependent persons at the time of death, the payment shall be fifty per centum of the average monthly support actually received from employee during the preceding twelve months, and to continue for such portion of the period of six years after the date of death as the commissioner in the case may determine, and not to amount to more than a maximum of twenty dollars per month.

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

(g) Dependent, as used in this act, means a widow, invalid widower, child under fifteen years of age, invalid child over such age, or a posthumous child, who, at the time of the injury causing death, is dependent in whole or in part for his or her support upon the earnings of the employee; also, the following persons who are and continue to be residents of the United States or its territorial
Sec. 36. Notwithstanding anything herein contained no sum shall be paid a widow or widower who shall have been living separate and apart from, or has been abandoned by the employee, and who shall not have been supported by him or her at the time of the injury causing death.

Sec. 37. The average weekly wage or earnings of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits. The time of injury within the meaning of this section shall be such reasonable length of time immediately preceding the date of injury as shall enable the commissioner to make a fair and just award.

Sec. 39. To entitle any employee or dependent of a deceased employee to compensation under this act the application therefor must be made on form or forms prescribed by the commissioner and filed in the office of the commissioner within six months from and after the date of injury or death, as the case may be, and all proofs of dependency in fatal cases must be filed with the commissioner within nine months from and after the date of death; provided, that in case the employer fails to report an injury within six months from and after the date such injury is received, the commissioner may in his discretion accept an application for compensation filed after the expiration of six months as above provided and award compensation to an employee who would have been so entitled had the injury been reported and application filed within the prescribed period of six months. Non-resident aliens may be officially represented by the consular officers of the country of which such aliens may be citizens or subjects; provided, that nothing herein contained shall be construed as giving such consular officer the right to make application for compensation in behalf of non-resident aliens.

Sec. 42. Compensation shall be paid only to or for the use of such employees or their dependents as hereinbefore provided and shall be exempt from all claims of creditors and from any attach-
ment, execution or assignment. Payments may be made in such
periodical installment as may seem best to the commissioner in
each case.

Sec. 43. The commissioner shall have full power and au-
thority to hear and determine all questions within his jurisdiction,
and to review the action of any employer taken under section
fifty-four thereof, and the decision of the commissioner thereon
shall be final; provided, in case the final action of said commis-
sioner denies the right of the claimant to receive compensation
from the fund or directly from the employer, as the case may be,
on the ground that the injury was self inflicted, or on the
ground that the injury was not received in the course of
and resulting from his employment, or upon any other ground
going to the basis of the claimant's rights, then the claimant may,
within ninety days after notice of the final action of such commis-
sioner, apply for an appeal to the supreme court of appeals.
The appellant shall file a petition before said supreme court of
appeals against such commissioner as defendant, within said period
of ninety days, and the commissioner shall be notified by the clerk
of said court, forthwith, of the filing of such petition for appeal.
And the commissioner shall within ten days after the receipt of
such notice file with the clerk of said court the record of such pro-
cedings before the commissioner, including a transcript of the
evidence. The court, or any judge thereof, may thereupon decide
whether an appeal shall be granted or not, and if a non-resident
of the state be granted such appeal he shall execute and file be-
fore the clerk of said court, before such appeal becomes effective
an appeal bond with surety to be approved by said clerk condi-
tioned to pay all costs which may be awarded against him on
such appeal. If granted, the commissioner and the claimant
or the claimant's attorney shall be notified of the fact
by mail. If an appeal is granted the case shall be tried
by said court in the same manner as other cases before it,
save and except that neither the record nor briefs need be printed,
and that every such appeal granted prior to thirty days before the
beginning of any term shall be on the docket for such term, and
such appeals shall have precedence over other cases on such docket.
The attorney general, without extra compensation, or other counsel,
if the commissioner sees fit to employ the same, shall represent the
commissioner on such appeal. The supreme court on such appeal
shall determine the right of the claimant and certify its decision
37 to the commissioner, and, if it determines the right in his favor, 38 the commissioner shall fix his compensation within the limits and 39 under the rules prescribed in this act. The cost of such proceed- 40 ings, including a reasonable attorney's fees, not exceeding one hun- 41 dred dollars, to the claimant's attorney, to be fixed by the court, 42 shall be taxed against the unsuccessful party. No fees, expenses 43 or costs shall be paid out of any compensation awarded.

Sec. 44. The commissioner shall not be bound by the usual 2 common law or statutory rules of evidence, but shall adopt formal 3 rules of practice and procedure as herein provided, and may 4 make investigations in such manner as in his judgment is best 5 calculated to ascertain the substantial rights of the parties and 6 to carry out the provisions of this act.

Sec. 51. Whenever there shall be in the state treasury any 2 funds belonging to the workmen's compensation fund not likely, 3 in the opinion of the commissioner, to be required for immediate 4 use, it shall be the duty of the board of public works to in- 5 vest the same as prescribed in section twenty hereof. Whenever 6 it may become necessary or expedient to use any of the funds so 7 invested, the board of public works at the direction of the com- 8 pensation commissioner shall collect, sell or otherwise realize 9 upon any investment to the amount deemed necessary or expe- 10 dient to use.

Sec. 52. In case any employer within the meaning of this 2 act is also engaged in interstate or foreign commerce, and for 3 whom a rule of liability or method of compensation has been or 4 may be established by the congress of the United States, this act 5 shall apply to him, only to the extent that his mutual connection 6 with work in this state is clearly separable and distinguishable 7 from his interstate work, and in such case such employer and any 8 of his employees thus engaged in both intrastate and interstate 9 work, may, with the approval of the commissioner, elect to pay 10 into the fund the premiums provided by this act on account of 11 work done in this state only, by filing written acceptances, or a 12 joint election with the commissioner, and such election when filed 13 and approved by the commissioner shall subject the acceptor 14 irrevocably to the provisions of the act to all intents and pur- 15 poses as if they had been originally included in its terms. Pay- 16 ments of premiums shall be on the basis of the payroll of the 17 employees who accept as aforesaid, for work done in this state 18 only.
Sec. 56. This act shall be in effect from and after the first 2 day of July, one thousand nine hundred and nineteen, and all 3 other acts and parts of acts in conflict with this act are hereby 4 repealed.

CHAPTER 132.

( Senate Bill No. 214—Mr. Johnson.)

AN ACT to amend and re-enact section one, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one-a-one, one-a-two, one-b-one, one-b-two, one-c-one, one-c-two, one-d-one, one-d-two, one-e-one, one-c-two, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapter one hundred and twelve-a of Barnes' code, one thousand nine hundred and sixteen; to repeal chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred and one, and one hundred and two of the acts of West Virginia, regular session of the legislature, one thousand nine hundred and seventeen; to re-arrange and establish the several judicial districts in this state; and to fix the terms and time of holding the circuit courts in the several counties therein.

[Passed February 21, 1919. In effect ninety days from passage. Became a law without the Governor's approval.]

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Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 1. That on and after the first day of January in the year one thousand nine hundred and twenty-one the several judicial circuits of this state shall be composed as follows: The counties of Brooke, Hancock and Ohio shall constitute the first
5 circuit; the counties of Marshall, Tyler and Wetzel shall constitute the second circuit; the counties of Doddridge, Pleasants and Ritchie shall constitute the third circuit; the counties of Wood and Wirt shall constitute the fourth circuit; the counties of Calhoun, Jackson, Mason and Roane shall constitute the fifth circuit; the counties of Cabell, Lincoln and Putnam shall constitute the sixth circuit; the counties of Logan and Wayne shall constitute the seventh circuit; the counties of Mingo and Wyoming shall constitute the eighth circuit; the counties of McDowell, Mercer and Monroe shall constitute the ninth circuit; the counties of Boone, Raleigh and Summers shall constitute the tenth circuit; the counties of Greenbrier and Pocahontas shall constitute the eleventh circuit; the counties of Fayette and Nicholas shall constitute the twelfth circuit; the counties of Clay and Kanawha shall constitute the thirteenth circuit; the counties of Braxton, Gilmer and Webster shall constitute the fourteenth circuit; the counties of Harrison and Lewis shall constitute the fifteenth circuit; the county of Marion shall constitute the sixteenth circuit; the county of Monongalia shall constitute the seventeenth circuit; the county of Preston shall constitute the eighteenth circuit; the counties of Barbour and Taylor shall constitute the nineteenth circuit; the counties of Randolph and Upshur shall constitute the twentieth circuit; the counties of Grant, Mineral and Tucker shall constitute the twenty-first circuit; the counties of Hampshire, Hardy and Pendleton shall constitute the twenty-second circuit; and the counties of Berkeley, Jefferson and Morgan shall constitute the twenty-third circuit.

There shall be elected at the general election to be held on the Tuesday next after the first Monday in November, one thousand nine hundred and twenty, one judge in each of the circuits herein constituted, except for the first circuit there shall be two judges elected.

On and after the first day of January in the year one thousand nine hundred and twenty-one, the terms of the several circuit courts of the counties aforesaid shall commence and be held as follows:

First Circuit.

Sec. 1-a. For the county of Hancock on the second Monday in March, the third Monday in June, and the first Monday in November.
4. For the county of Brooke on the third Monday in February, the first Monday in June and the second Monday in October.
5. For the county of Ohio on the last Monday in March, the first Monday in September, and the fourth Monday in November.

Second Circuit.

Sec. 1-b. For the county of Marshall on the third Tuesday in March, the second Tuesday in July, and the fourth Tuesday in November.
6. For the county of Tyler on the fourth Tuesday in February, the third Tuesday in June, and the first Tuesday in November.
7. For the county of Wetzel on the second Tuesday in January, the first Tuesday in May, and on the third Tuesday in September.

Third Circuit.

Sec. 1-c. For the county of Doddridge on the first Tuesday in April, the first Tuesday in August, and on the fourth Tuesday in November.
4. For the county of Pleasants on the second Tuesday in January, the fourth Tuesday in April, and the second Tuesday in September.
5. For the county of Ritchie on the second Tuesday in February, the second Tuesday in June, and on the second Tuesday in October.

Fourth Circuit.

Sec. 1-d. For the county of Wood on the fourth Monday in January, the fourth Monday in April, and on the second Monday in October.
4. For the county of Wirt on the first Monday in January, the first Monday in June, and the second Monday in September.

Fifth Circuit.

Sec. 1-e. For the county of Roane on the third Tuesday in January, the third Tuesday in May, and the third Tuesday in September.
4. For the county of Jackson on the first Tuesday in April, the first Tuesday in August, and the first Tuesday in November.
6 For the county of Calhoun on the third Tuesday in April, the
third Tuesday in August and the third Tuesday in November.
4 For the county of Mason on the first Tuesday in February,
the first Tuesday in June, and the first Tuesday in October.

**Sixth Circuit.**

Sec. 1-f. For the county of Cabell the first Monday in Jan-
uary, the first Monday in May, the third Monday in September of
each year.
4 For the county of Putnam the third Monday in March, the
third Monday in July and the third Monday in November of each
year.
7 For the county of Lincoln the first Monday in March, the
third Monday in June, the first Monday in September and first
Monday in December of each year.

**Seventh Circuit.**

Sec. 1-g. For the county of Logan on the second Monday in
January, the second Monday in April, the second Monday in July,
and the second Monday in October.
4 For the county of Wayne on the second Monday in Febru-
ary, the second Monday in May, the second Monday in August, and
the second Monday in November.

**Eighth Circuit.**

Sec. 1-h. For the county of Mingo on the second Monday in
January, the second Monday in April, the second Monday in
July, and the first Monday in September.
4 For the county of Wyoming on the second Monday in Feb-
uary, the second Monday in May, the second Monday in August,
and the second Monday in November.

**Ninth Circuit.**

Sec. 1-i. For the county of McDowell on the second Tuesday
in February, the second Tuesday in June, and the second Tuesday
in September.
4 For the county of Mercer on the second Tuesday in May, the
second Tuesday in August and the fourth Tuesday in November.
6 For the county of Monroe on the second Tuesday in March,
the second Tuesday in June and the third Tuesday in September.

**Tenth Circuit.**

Sec. 1-j. For the county of Boone on the first Monday in March, the fourth Monday in May, the third Monday in September, and the third Monday in November.

For the county of Raleigh on the third Monday in February, the first Monday in May, the fourth Monday in August, and the first Monday in December.

For the county of Summers on the first Monday in January, the second Monday in March, the second Monday in June, and the first Monday in October.

**Eleventh Circuit.**

Sec. 1-k. For the county of Greenbrier on the third Tuesday in January, second Tuesday in May and the second Tuesday in September.

For the county of Pocahontas on the first Tuesday in April, the first Tuesday in June and the first Tuesday in October.

**Twelfth Circuit.**

Sec. 1-l. For the county of Fayette on the first Tuesday in January, April and July, and the third Tuesday in September.

For the county of Nicholas on the third Tuesday in February, May, August and November.

**Thirteenth Circuit.**

Sec. 1-m. For the county of Clay on the first Monday in January, the third Monday in March, the first Monday in August and the third Monday in November.

For the county of Kanawha on the second Monday in February, the second Monday in May, the second Monday in September, and the second Monday in November.

**Fourteenth Circuit.**

Sec. 1-n. For the county of Braxton on the second Tuesday in January, the second Tuesday in May, and the second Tuesday in September.

For the county of Gilmer on the second Tuesday in February,
the second Tuesday in June, and the second Tuesday in October.
For the county of Webster on the second Tuesday in April, the
second Tuesday in August, and the second Tuesday in December.

Fifteenth Circuit.

Sec. 1-o. For the county of Lewis on the first Monday in
March, the first Monday in July, and the first Monday in November.
For the county of Harrison on the first Monday in January,
the first Monday in May, and the first Monday in September.

Sixteenth Circuit.

Sec. 1-p. For the county of Marion on the second Monday in
March, the second Monday in June, and the second Monday in November.

Seventeenth Circuit.

Sec. 1-q. For the county of Monongalia on Thursday after
the first Monday in January, April, July, and October.

Eighteenth Circuit.

Sec. 1-r. For the county of Preston on the second Tuesday
in March, the second Tuesday in June, and the third Tuesday in November.

Nineteenth Circuit.

Sec. 1-s. For the county of Barbour on the second Monday
in January, the second Monday in April, and the second Monday in September.
For the county of Taylor on the third Tuesday in February,
the third Tuesday in May, and the third Tuesday in October.

Twentieth Circuit.

Sec. 1-t. For the county of Randolph on the third Tuesday
in February, the third Tuesday in May, and the first Tuesday in October.
For the county of Upshur on the second Monday in January,
the second Monday in April, and the first Monday in September.
Twenty-First Circuit.

Sec. 1-u. For the county of Grant on the first Tuesday in April, the second Tuesday in July, and the third Tuesday in November.
For the county of Mineral on the third Tuesday in January, the third Tuesday in April, the fourth Tuesday in July, and the third Tuesday in October.
For the county of Tucker on the second Tuesday in March, the first Tuesday in June, the first Tuesday in September, and the first Tuesday in December.

Twenty-Second Circuit.

Sec. 1v. For the county of Hampshire on the first Tuesday in January, the first Tuesday in March, the first Tuesday in July, and the third Tuesday in September.
For the county of Hardy on the third Tuesday in February, the third Tuesday in June, and the third Tuesday in October.
For the county of Pendleton on the third Monday in March, the fourth Monday in July, and the first Monday in December.

Twenty-Third Circuit.

Sec. 1-w. For the county of Morgan on the first Tuesday in January, the first Tuesday in April, and the first Tuesday in September.
For the county of Berkeley on the third Tuesday in January, the third Tuesday in April, and the third Tuesday in September.
For the county of Jefferson on the second Tuesday in February, the third Tuesday in May, and the third Tuesday in October.

Sec. 2. That on and after the first day of January in the year one thousand nine hundred and twenty-one, sections one-a (one), one-a (two), one-b (one), one-b (two), one-c (one), one-c (two), one-d (one), one-d (two), one-e (one), one-e (two), one-f (one), one-f (two), one-g (one), one-g (two), one-h (one), one-h (two), one-i (one), one-i (two), one-j (one), one-j (two), one-k (one), one-k (two), one-l (one), one-l (two), one-m (one), one-m (two), one-n (one), one-n (two), one-o (one), one-o (two), one-p (one), one-p (two), one-q (one), one-q (two), one-r (one), one-r (two), one-s (one), one-s (two), one-t (one), one-t (two), one-u (one), one-u (two), one-v (one), one-v (two), one-w (one), one-w (two), one-x (one), one-x (two), one-y (one), one-y (two), one-z (one), one-z (two), of chapter one hundred and twelve of Barnes' code of one thousand nine hundred and sixteen, chapter one hundred twelve-a of Barnes' code of one thousand nine hundred and sixteen relating to time for holding circuit courts; chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred, and one hundred two of the acts of West Virginia, regular session of the legislature, one thousand nine hundred and seventeen; and all acts and parts of acts coming within the purview of this act and inconsistent with this act are hereby repealed.
SENATE JOINT RESOLUTION NO. 1.

(Adopted January 9, 1919.)

Ratifying the proposed amendment to the constitution of the United States prohibiting the manufacture, sale or transportation of intoxicating liquor within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes.

WHEREAS, the sixty-fifth congress of the United States of America, at its second session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the constitution of the United States of America, in the following words, to-wit:

"Joint resolution proposing an amendment to the Constitution of the United States.

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

That the following amendment to the constitution be and hereby is proposed to the states, to become valid as a part of the constitution when ratified by the legislatures of the several states, as provided by the constitution:

"Article —

"Section 1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"Section 2. The congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

"Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the constitution by the legislatures of the several states, as provided in the constitution within seven years from date of the submission to the states by the congress;" therefore, be it

Resolved, by the Legislature of West Virginia:

That the said proposed amendment to the constitution of the United States of America be and the same is hereby ratified.
Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the governor of the state of West Virginia to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States.

SENATE JOINT RESOLUTION NO. 2.

(Adopted January 31, 1919.)

Authorizing the state board of health to issue to U. G. Morton of Lizeimore, Clay county, West Virginia, a license to practice medicine and surgery.

WHEREAS, U. G. Morton has been engaged in the practice of medicine for twenty years, and is a useful man in the community in which he lives, in the care and attention of sick or injured persons; and

WHEREAS, the said U. G. Morton is a respectable, honorable and intelligent citizen of said county of Clay, and

WHEREAS, the said U. G. Morton is prevented by a technicality from obtaining a license to practice his profession; and

WHEREAS, the said U. G. Morton is a useful man in his community; therefore, be it

Resolved, by the Legislature of West Virginia:
That the state board of health be, and it is hereby authorized and requested to issue to the said U. G. Morton a license to practice medicine and surgery, in all their branches, within this state, from and after the passage of this resolution.

SENATE JOINT RESOLUTION NO. 3.

(Adopted February 12, 1919.)

Proposing an amendment to sections twenty-two and thirty-three of article six of the constitution of this state.

Resolved, by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:
That the following amendments to sections twenty-two and thirty-
three of article six of the constitution of this state be, and the same are hereby agreed to, to-wit:

That sections twenty-two and thirty-three of article six of the constitution of the state of West Virginia be amended so as to read as follows:

Section 22. All sessions of the legislature, other than extraordinary sessions, shall continue in session for a period not exceeding fifteen days from date of convening, during which time no bills shall be passed or rejected, unless the same shall be necessary to provide for a public emergency, shall be specially recommended by the governor and passed by a vote of four-fifths of the members elected to each house; whereupon, a recess of both houses must be taken until the Wednesday after the second Monday of March following. On reassembling of the legislature, no bill shall be introduced in either house without a vote of three-fourths of all the members elected to each house taken by yeas and nays. The regular sessions shall not continue longer than forty-five days after reconvening, without the concurrence of two-thirds of the members elected to each house.

Sec. 33. The members of the legislature shall each receive for his services the sum of five hundred dollars per annum and ten cents for each mile traveled in going to and returning from the seat of government by the most direct route. The Speaker of the House of Delegates and the President of the Senate shall each receive an additional compensation of two dollars per day for each day they shall act as presiding officers. No other allowance or emolument than that by this section provided, shall directly or indirectly be made or paid to the members of either house for postage, stationery, newspapers, or any other purpose whatever.

SENATE JOINT RESOLUTION NO. 6.

(Adopted January 24, 1919.)

Relating to the Virginia debt.

WHEREAS, the governor of this state in his biennial message to the West Virginia legislature of January 8, 1919, stated: "In a few days I will transmit to you a report of the Virginia debt commission, setting out the result of its correspondence and negotiations with the
Virginia commission since the last session of the legislature, together with certain recommendations for your consideration; and,

WHEREAS, on the 17th day of January, 1919, the governor, together with his special message to the legislature of West Virginia, transmitted the report of the new Virginia debt commission; and,

WHEREAS, the said report of the new Virginia debt commission merely sets forth the correspondence it has had, and the opinion of the United States supreme court, together with a few other documents which had come into its possession; but does not submit any recommendations whatsoever for the consideration of the legislature; and,

WHEREAS, the governor in his said special message so transmitting the said report of said commission does not make any recommendations whatsoever for the consideration of the legislature; and,

WHEREAS, the legislature, before taking any further action concerning the Virginia debt, feels that it should have full and complete recommendations from the governor in regard thereto; now, therefore, be it

Resolved, that it is the sense of the legislature of West Virginia that the governor recommend and report to the legislature as follows:

1. Whether or not there were any other negotiations with the Virginia commission except those set forth and embraced in the report of the new Virginia debt commission so transmitted to the legislature on the 17th day of January, 1917, together with the special message of the governor.

2. If there were any other or further negotiations with the Virginia commission, besides those set forth in said report, what were they?

3. Whether or not the Virginia debt should be paid.

4. If the Virginia debt should be paid, how and in what manner should payment thereof be made?

5. If payment of the Virginia debt should not be made, why not and how can the payment thereof be avoided?

SENATE JOINT RESOLUTION NO. 7.

(Adopted January 22, 1919.)

Providing for the adoption of the joint rules of the two houses.

Resolved by the Legislature of West Virginia:
That the joint rules of the senate and house of delegates adopted January thirty-one, one thousand nine hundred and seventeen, be adopted as the joint rules of the two bodies during the present session, except that rule 2 shall provide that two hundred instead of twenty copies of enrolled bills shall be printed under the provisions contained in said rule; except that in the printing of municipal charters only twenty-five copies thereof shall be printed.

SENATE JOINT RESOLUTION NO. 13.

(Adopted February 12, 1919.)

Providing for the appointment of a committee to wait upon the secretary of war and to point out to him the need of a sanitarium for the treatment of invalid soldiers suffering from rheumatism, diabetes and kindred diseases, and recommending Berkeley Springs, in this state, as the preeminent location for such sanitarium.

WHEREAS, the close of the world's war finds many soldiers of the armies of the United States of America incapacitated on account of rheumatism, diabetes and kindred diseases contracted in the discharge of their patriotic duty; and

WHEREAS, the cure of such soldiers would relieve the government from the payment of hundred of millions in compensations, would release thousands of men for the fields of peaceful industry and be a blessing to those, and their generation, who have suffered the horrors of warfare for their country's sake; and

WHEREAS, the water of the Berkeley Springs, in the state of West Virginia, is preeminently fitted for the cure of aforesaid diseases and admirably located for access from the Atlantic seaboard and the national capital; and

WHEREAS, the congress of the United States of America has recently appropriated the sum of fourteen millions, five hundred thousand dollars for the purpose of constructing and equipping buildings suitable for the treatment of the physical disabilities of soldiers; therefore be it

Resolved by the Legislature of West Virginia:

That a committee of five be appointed from the senate and house, two, by the president of the senate and three by the speaker of the house, and that the governor of this state appoint a like number at
large from the citizens of this state, the governor to be *ex-officio* chairman thereof, to represent to the secretary of war the advantages to accrue to the nation at large and its disabled defenders by the construction and maintenance of a suitable building at Berkeley Springs, in the state of West Virginia, for the treatment of invalid soldiers for such diseases as the water of said springs is a curative agent.

**SENATE JOINT RESOLUTION NO. 15.**

(Adopted February 15, 1919.)

Proposing an amendment to the constitution of this state.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

That the following amendment to the constitution of this state be, and the same is hereby agreed to, to-wit:

The legislature shall make provision by law for a system of state roads and highways connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing and maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars.

When a bond issue as aforesaid is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

**SENATE JOINT RESOLUTION NO. 21.**

(Adopted February 21, 1919.)

Providing for the appointment of a committee from the members of the next legislature.

Whereas, Senate Joint Resolution No. 15, proposing an amendment to the constitution providing for a bond issue for a system
of state roads and highways has been adopted by the legislature and submitted to the voters of the state for ratification or rejection at the next general election; and,

Whereas, it is the sense of the legislature that the laws to be enacted to carry the provisions of said resolution into effect in case of its ratification are of the utmost importance to the whole people of the state and should be given careful thought and consideration; therefore be it,

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

That in case said proposed amendment is ratified at said general election, the governor of this state is requested, as soon as such ratification is ascertained, to appoint a committee of five from the members who will compose the next legislature of this state, three from the house of delegates and two from the senate, who together with the state road commission, and such representative of the federal government as might be designated by it shall prepare such bill or bills and make such investigations and recommendations as such committee may deem proper and submit the same, together with its report, to the legislature, at its next session thereafter.

SENATE JOINT RESOLUTION NO. 23.

(Adopted February 21, 1919.)

Approving and endorsing the campaign for funds for the relief of Armenian, Syrian, Greek and other war sufferers.

Whereas, the President of the United States by his proclamation of November 29, 1918, has called upon the people of the United States to make generous contributions to sustain the peoples of the near east who through no fault of their own have been left in a starving, shelterless condition, without the benefit of the usual war agencies, and

Whereas, the American Committee for Relief of Armenians, Syrians, Greeks and other such sufferers in the near east, has appealed for $30,000,000 for such purpose, of which sum West Virginia is asked to raise $218,000, and

Whereas, many states have already raised their respective apportionments, but owing to the influenza epidemic the campaign for such fund in this state has been postponed until March 23rd to 30th next, and
WHEREAS, the said campaign is duly authorized and, because of the fact that thousands are literally starving, is eminently worthy and imperative, therefore, be it

Resolved by the Legislature of West Virginia:

That the campaign for funds for the relief of Armenian, Syrian, Greek and other war sufferers in the near east hereby is approved and endorsed as worthy the support of all patriotic and humanitarian citizens.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted January 8, 1919.)

Raising a joint committee to wait upon the governor.

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

That a joint committee be appointed, two by the president of the senate and three by the speaker of the house of delegates, to wait upon the governor and inform him that the legislature is organized with a quorum present and is ready to receive any communication he may be pleased to make.

SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted February 21, 1919.)

Providing for the preservation of a list of names of West Virginia soldiers and sailors who served during the late war with Germany.

WHEREAS, in the successful prosecution of the recent war against Germany, for the maintenance of civilization, more than sixty thousand brave and courageous men of West Virginia—the flower of our manhood—entered the military service of the nation, prepared to give their lives, if necessary, on land and sea that freedom might live and the national honor of our government upheld; and,

WHEREAS, it is the duty of the state of West Virginia to forever
SENATE CONCURRENT RESOLUTIONS

preserve the names of those loyal and patriotic sons who were in the service, and those who made the supreme sacrifice in the camps and cantonments, on the sea and on the soils of our allies; and,

Whereas, it has been shown by past experience that unless these records are compiled without delay they are never made available, as has been demonstrated in previous wars in which our state and nation have engaged; therefore, be it

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

First: That a complete compilation of the records, by counties, be made, showing the names and addresses of all West Virginia soldiers and sailors who participated in the war with Germany, or who were in the military service during that period.

Second: That a complete compilation be made of the names of all West Virginia soldiers and sailors who died or were killed or injured in that war; and be it further

Resolved, That the compilation thus prepared be published in an edition of the "West Virginia Legislative Hand Book and Manual and Official Register," and that the expense of such compilation be paid from an appropriation to be hereafter made.

SENATE CONCURRENT RESOLUTION NO. 5.

(Adopted February 8, 1919.)

Calling on the "New Virginia Debt Commission" of West Virginia, to make further report to the senate and house of delegates, relating to its negotiations with the debt commission of Virginia, relative to the adjustment of all matters in difference involved in the suit between the two states, out of court, and recommend to the legislature what action should be taken in said matter.

Whereas, by an act of the legislature of West Virginia, passed February twenty, one thousand nine hundred and fifteen, effective from passage, and approved by the governor, February twenty-six, one thousand nine hundred and fifteen, a "New Virginia Debt Commission" was authorized and constituted, and its powers therein distinctly defined; and,
WHEREAS, section two of the aforesaid act, reads as follows: "Said commission in conjunction with the attorney general is authorized and directed to defend the case of the commonwealth of Virginia against the state of West Virginia, now pending in the supreme court of the United States, as well as any other litigation that may spring out of said controversy, and is now fully authorized and empowered to do any and everything which in its judgment or discretion may be deemed necessary or best to that end; and it is likewise authorized, in the event a proper opportunity should present itself, to negotiate a settlement of said controversy, subject, however, to the ratification of the legislature of the state of West Virginia;" and,

WHEREAS, it appears from the argument of the attorneys and advocates of each state that some agreement was made, or some proposition at least proposed, by the commissions of the two states, relative to the adjustment of said difference, out of court; and,

WHEREAS, the legislature of West Virginia desires the official opinion and recommendation of the new Virginia debt commission of West Virginia, instead of the private opinion of its members; therefore, be it

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

That the New Virginia Debt Commission, as soon as convenient, make further report to the legislature of this state, answering the following:

1. Was there an agreement between the commissions of the two states as to the amount West Virginia should pay to the state of Virginia, and how the same was to be paid?

2. If any such agreement was made, does the commission recommend the ratification and execution of said agreement by the legislature of this state? And be it

Resolved, That the legislature of this state withhold all action relating to the Virginia debt in abeyance until the incoming of the further report of the commission; and be it further

Resolved, That upon the adoption of this resolution, the sergeant-at-arms of the senate, forthwith, serve each member of the new Virginia debt commission of this state with a copy of the same.
Relating to the judgment of Virginia against West Virginia.

WHEREAS, after protracted litigation, the supreme court of the United States by its decree entered in the suit of the commonwealth of Virginia against the state of West Virginia on the 14th of June, 1915, adjudged, ordered and decreed that:

"The complainant, commonwealth of Virginia, recover of and from the defendant, state of West Virginia, the sum of $12,393,929.50, with interest thereon from July 1, 1915, until paid, at the rate of five per centum per annum, and that each party pay one-half of the costs;" which debt, interest and costs, under the terms of said decree, as of January 1, A.D. 1919, are as follows:

1915, July 1, principal ................................ $12,393,929.50
Interest thereon from July 1, 1915, to Jan. 1, 1919. 2,168,937.66

Total, principal and interest, as of said January 1, 1919 ................................ $14,562,867.16
to which is to be added one-half of the costs of said suit; and,

WHEREAS, the supreme court of the United States, did on the 22nd day of April, 1918, upon a petition for a writ of mandamus, render an opinion, in said cause, a part of which is as follows:

"Giving effect to this view, accepting the things which are irrevocably foreclosed—briefly stated, the judgment against the state, operating upon it in all of its governmental powers, and the duty to enforce it, viewed in that aspect—our conclusion is that the case should be restored to the docket for further argument at the next term after the February recess. Such argument will embrace the three questions left open. First—The right, under the conditions previously stated, to award the mandamus prayed for. Second—If not, the power and duty to direct the levy of a tax, as stated; and, Third—If means for doing so be found to exist, the right, if necessary, to apply such other and appropriate equitable remedy by dealing with the funds, or taxable property of West Virginia, or the rights of that state, as may secure an execution of the judgment. In saying this, however, to the end that if, on such future hearing
provided for, the conclusion should be that any of the processes stated are susceptible of being lawfully applied (repeating that we do not now decide such question), occasion for a further delay may not exist, we reserve the right, if deemed advisable, at a day hereafter, before the end of the term or at the next term before the period fixed for the hearing, appoint a master for the purpose of examining and reporting concerning the amount and method of taxation essential to be put into effect, whether by way of order to the state legislature, or direct action to secure the full execution of the judgment, as well as concerning the means otherwise existing in the state of West Virginia, if any, which, by the exercise of the equitable powers in the discharge of the duty to enforce payment, may be available for that purpose, and,

WHEREAS, the only thing preventing the West Virginia debt commission and the Virginia debt commission from reaching an agreement for the settlement or adjustment of the debt as decreed by the supreme court of the United States was the matter of allowing West Virginia to hold in escrow sufficient of the proposed issue of bonds in payment of the debt to cover the value of the lost or unrepresented so-called West Virginia certificates estimated to amount to one million one hundred thousand dollars until said certificates are discovered and presented to West Virginia for payment, if at all; and

WHEREAS, the Honorable Randolph Harrison, attorney for the Virginia debt commission, and representing the state of Virginia, appeared before a joint session of the legislature and, on behalf of the said state of Virginia, proposed if the legislature of West Virginia would elect to settle the said judgment, to accept in full settlement thereof a cash payment of $1,062,867.16, with interest thereon at five per cent from the 1st day of January, 1919, until paid, and bonds of the state of West Virginia for the residue of $13,500,000.00 to be dated January the 1st, 1919, and to bear interest at the rate of three and one-half per cent per annum payable semi-annually spread over a period of twenty years, and payable in gold coin and free from taxes in the state of West Virginia, and further agreed that the state of West Virginia may retain or hold in escrow in its treasury of said bonds a sufficient amount to cover the value of unrepresented so-called West Virginia certificates, and which such certificates shall be redeemed as they may be presented during the term of the bonds, and which certificates are now estimated to amount to about $1,100,000, said bonds to be held and retained by the state of
West Virginia unless and until said certificates are discovered and deposited with the state of Virginia and presented by it to the state of West Virginia to be exchanged for bonds so retained in escrow as aforesaid, ratably; and,

WHEREAS, the state of West Virginia desires to accept the proposition of the debt commission of the commonwealth of Virginia and thereby comply with the decrees of said court and to satisfy the same as soon as practicable; therefore, be it

Resolved by the Senate, the House of Delegates concurring:

That the offer of settlement of the judgment of the commonwealth of Virginia against the state of West Virginia, made by the Virginia debt commission, through the said Honorable Randolph Harrison to the joint session of the legislature, be, and the same is hereby accepted, and the committees on the subject of the Virginia debt of the respective houses are hereby directed to prepare and submit to the house and senate a suitable bill or suitable bills, as soon as practicable for the purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, and provide the revenue to pay the principal and interest as the same may become due and payable, necessary to carry out the terms of such offer as hereinbefore set out.

SENATE CONCURRENT RESOLUTION NO. 7.

(Adopted February 21, 1919.)

Resolved, by the Senate of West Virginia, the House of Delegates concurring:

That Hon. John J. Cornwell, governor of West Virginia, be and he is hereby requested to include the question of the amendment of the primary law in his call for the extra session of the legislature shortly to be issued by him and

Resolved, further, That the president of the senate and the speaker of the house of delegates be and each of them is hereby authorized, empowered and directed to appoint a committee of three members from each of the Houses and
Resolved, further, That such committee shall meet as soon as possible and act as a joint committee for the purpose of investigating and reporting upon the subject of a primary law and such committees shall report by bill or otherwise to the legislature when it meets in extra session.

Resolved, further, That the members of such committee shall be entitled to receive the same pay as members of the legislature for all the time actually employed in such work and also to receive the same mileage as members of the legislature receive.

SENATE CONCURRENT RESOLUTION NO. 8.

(Adopted February 21, 1919.)

Relating to the Virginia debt.

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein, that

WHEREAS, Hon. John J. Cornwell, governor of West Virginia, has, by letter to the legislature under date of February 20, 1919, requested the legislature to create a special committee to formulate tentative bills for submission to the legislature when it re-convenes.

Resolved, That the president of the senate and the speaker of the house be and each of them is hereby authorized, empowered and directed to appoint a committee of six members from each house; and

Resolved, further, That such committees shall meet as soon as possible and act as a joint committee for the purpose of formulating tentative bills for submission to the legislature, and shall report by bill or otherwise to the legislature when it meets in extraordinary session.

Resolved, further, That the members of such committees shall be entitled to receive the same pay as members of the legislature actually employed in such work and also receive such mileage as members of the legislature receive.

SENATE CONCURRENT RESOLUTION NO. 10.

(Adopted February 21, 1919.)

Raising a joint committee to wait upon the governor.

Resolved, by the Senate, the House of Delegates concurring therein:
That a joint committee of five, consisting of two on the part of the senate, to be appointed by the president thereof, and three on the part of the house of delegates, to be appointed by the speaker thereof, be appointed for the purpose of notifying the governor that the legislature is ready to adjourn by reason of the expiration of the constitutional limit of forty-five days.

HOUSE JOINT RESOLUTION NO. 5.

(Adopted February 6, 1919.)

Providing for a joint committee by the senate and house of delegates to confer with a like committee appointed by the legislature of the state of Maryland, as to the feasibility, method and cost of acquiring or taking over any bridge or bridges connecting the said two states.

WHEREAS, the general assembly of the state of Maryland by joint resolution adopted on the tenth day of April, one thousand nine hundred and eighteen, provided for the appointment of a joint committee, to be composed of three on the part of the senate and five on the part of the house of delegates, to be appointed by the president of the senate and the speaker of the house of delegates, to confer with a like committee of the general assembly of West Virginia for the purpose of investigating and reporting to the next session of their respective general assemblies the feasibility, proposed method and cost of taking over any, or all, of the bridges connecting the state of Maryland and the state of West Virginia by either, or both, of said states; and

WHEREAS, a copy of said joint resolution has been transmitted by the governor of Maryland to the governor of West Virginia, and by him to the house of delegates of West Virginia, therefore be it

Resolved, That a joint committee of eight, three to be named by the president of the senate and five to be named by the speaker of the house of delegates, be appointed to confer with said like committee on the part of the general assembly of the state of Maryland, and to report as to the feasibility, advisability, proposed method and cost of taking over any, or all, of the said bridges connecting the state of West Virginia and the state of Maryland by either, or both of said states; and
Resolved, further, That said committee hereby provided for be, and is hereby authorized to employ a clerk or stenographer, the members of said clerical assistance to receive the same pay as the members of the committee hereinafter provided for; and

Resolved, further, That the members of said committee shall each receive for their services the same per diem and mileage as members of the legislature for time actually consumed in the consideration of the matters herein provided for, and, in addition, their actual expenses; and

Resolved, further, That the governor of the state of West Virginia is hereby requested to transmit a copy of these resolutions to the governor of Maryland.

HOUSE JOINT RESOLUTION NO. 6.

(Adopted February 20, 1919.)

Authorizing and directing the supreme court of appeals of West Virginia to grant to Boyd Adkins, of Wayne, and W. R. Meservie, of Ritchie county, West Virginia, licenses to practice law in the courts of this state.

WHEREAS, Boyd Adkins, of Wayne, and W. R. Meservie, of Ritchie county, West Virginia, are shown to be gentlemen of good moral character, over twenty-one years of age, and citizens of said state, having resided therein all their lives; and

WHEREAS, it is well recognized that the said Boyd Adkins and W. R. Meservie have the qualifications of able lawyers, though they do not have the educational requirements to enter law college or the state bar examinations for a license to practice law; and

WHEREAS, it is shown that the said Boyd Adkins and W. R. Meservie have arrived at the age making it impracticable for them to enter school and acquire the educational qualifications aforesaid; therefore be it

Resolved by the Legislature of West Virginia, the Senate and House of delegates both concurring therein:

That the supreme court of appeals of West Virginia be and is hereby authorized and required to issue to the said Boyd Adkins and W. R. Meservie licenses to practice the law in the courts of this state.
HOUSE JOINT RESOLUTION NO. 10.

(Adopted February 19, 1919.)

Authorizing and directing the supreme court of appeals of West Virginia to grant to M. W. Hefner of Burnsville, West Virginia, a license to practice law in the courts of said state.

WHEREAS, M. W. Hefner, of Burnsville, West Virginia, is known and recognized to be a gentleman of good moral character and over twenty-one years of age, and a citizen of said state, having resided at Burnsville, in said state all of his life, and

WHEREAS, the said M. W. Hefner has practiced law before justices of the peace for a period of thirty years in his own county and the counties of Gilmer and Lewis as well as to have been sponsor of cases that have gone through all the courts of the state, and is recognized as being a lawyer of at least average ability, though he does not have the educational requirements that would permit him to pass the bar examination as prescribed by the faculty of the West Virginia law school of the university of said state, and having arrived at an age and being at the head of a family that demands his attention and care, it would be unwise for him at this time to spend a long term in school compiling the phrases and text-book definitions necessary to pass the examination, and

WHEREAS, the said M. W. Hefner is recognized as having sufficient general knowledge of the law as well as splendid ability to practically apply the law in the trial of cases, and is known and recognized as a good trial lawyer. therefore, be it

Resolved by the Legislature of West Virginia, the Senate and House of Delegates both concurring therein:

That the Supreme Court of Appeals of West Virginia be requested to issue to the said M. W. Hefner a license to practice law in the courts of this state.

HOUSE JOINT RESOLUTION NO. 15.

(Adopted February 21, 1919.)

To aid soldiers, sailors and marines in acquiring homes and farms.

WHEREAS, There is a bill now pending in the congress of the United
States, known as House of Representatives Bill 13651, designed to aid soldiers, sailors and marines in acquiring homes and farms, the provisions of which bill, in full, are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be immediately available and to remain available until expended, the sum of $100,000.00, to be expended under the direction of the secretary of the interior, for the investigation, irrigation, drainage, and development of swamp, arid, waste, and undeveloped lands for the purpose of providing employment and farms with improvements and equipment for honorably discharged soldiers, sailors, and marines of the United States, including necessary expenditures for personal services in the District of Columbia and elsewhere and the purchase, maintenance, hire, and operation of motor-propelled or horse-drawn vehicles. The lands reclaimed hereunder shall be disposed of, under general regulations approved by the secretary of the interior, in such manner and under such terms and conditions as shall insure the reimbursement of the investment of the United States or others therein, during a term not exceeding forty years from date of entrance upon the land by the settler, together with interest from such date at four per centum per annum. The money herein appropriated shall be expended in the development of one or more projects in each of the several states, if feasible projects be found therein.

The secretary of the interior is authorized to make any contracts or arrangements and to do any or all acts necessary in his opinion, including the disposition of public lands, the acquisition of lands or property needed for rights of way or other purposes in connection with the development of any project by purchase or condemnation, for carrying out the purposes hereof; and

WHEREAS, This legislature is of the opinion that it is desirable that the federal government as well as the states, counties, municipalities, corporations and individual citizens do everything possible to provide employment for returning soldiers, sailors and marines and to aid them in establishing homes, and

WHEREAS, There are large areas of lands in West Virginia which might be utilized in carrying out the work the aforementioned bill entrusts to the secretary of the interior, therefore, be it
Resolved, That the senators and representatives from this state in the congress of the United States be requested to support said bill, with or without amendments as they shall deem advisable, and

Resolved, further, That a copy of this resolution be sent by the Clerks of this legislature to each of our senators and representatives in congress.

HOUSE CONCURRENT RESOLUTION NO. 2.

(Adopted January 16, 1919.)

Providing for the purchase of codes of West Virginia by the secretary of state.

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

That the secretary of state be, and he is hereby, authorized and empowered to immediately purchase 140 copies of the code known as the "West Virginia Code" or "Hogg's Code of 1913" and the supplement thereto.

HOUSE CONCURRENT RESOLUTION NO. 3.

(Adopted January 16, 1919.)

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

Resolved, by the Legislature of West Virginia:

That the auditor is hereby authorized to issue his warrants upon the treasurer in advance of the passage of the legislative appropriation bill, for such amounts as are, or may become due to the several members, officers and attaches of the senate and house of delegates, for 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 January 22, 1919.)

Relative to dockets of the circuit and other courts.

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

That the auditor be, and he is hereby, requested to furnish a statement to the senate and house of delegates showing the number of cases upon the dockets of the various circuit and other courts of the state of West Virginia as reported to his office as required by law. Such statement should show the chancery causes, the law causes, civil and criminal, and, if the information is in the auditor's office, it should also show the number of jury trials in each such court during the last available two years, and the number of days that the court was in session in each year.

HOUSE CONCURRENT RESOLUTION NO. 6.

(Adopted January 27, 1919.)

Relating to the Virginia debt.

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

That the house of delegates and senate meet in joint executive session in the hall of house of delegates on Tuesday, January 28th, 1919, at eight o'clock P. M. and that Governor J. J. Cornwell, Attorney General E. T. England and John H. Holt be invited to be present and state their respective opinions relative to the present Virginia debt situation.

HOUSE CONCURRENT RESOLUTION NO. 7.

(Adopted January 29, 1919.)

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, the Senate concurring therein:
That the janitor of the capitol appoint, not to exceed eleven additional helpers during the present session of the legislature, at the rate of three dollars per day each, six of whom shall be paid out of the contingent fund of the house, upon proper warrants drawn by the sergeant-at-arms of the house upon the auditor, and five to be paid out of the contingent fund of the senate upon proper warrants drawn upon the auditor by the clerk of the senate; and that the three dollars per day allowed by law to the chief janitor as extra compensation during the session, be paid one-half out of the contingent fund of the house and the other half out of the contingent fund of the senate upon warrants drawn by the proper officers upon the auditor.

Resolved, further, that the janitor also appoint two char women, who shall receive the same compensation as the assistant legislative janitors, one of said char women to be paid out of the contingent fund of the house and the other out of the contingent fund of the senate upon warrants drawn upon the auditor by the sergeant-at-arms of the house and the clerk of the senate, respectively.

HOUSE CONCURRENT RESOLUTION NO. 8.

(Adopted February 3, 1919.)

Providing for a joint session of the two houses to hear an address of Honorable Randolph Harrison, on the question of the Virginia debt.

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

That the house of delegates and senate meet in joint session in the hall of the house of delegates at 11 o'clock A. M., on Tuesday, the 4th day of February, 1919, for the purpose of hearing the address of Mr. Randolph Harrison, of Virginia, on the Virginia debt question.

HOUSE CONCURRENT RESOLUTION NO. 10.

(Adopted February 15, 1919.)

Inviting ex-United States Senator William E. Chilton to address the senate and house jointly on the matter of the Northwest Territory.
WHEREAS, a resolution has been adopted by the house of delegates referring the matter of the drafting an appropriate legislation for the settlement of the Virginia debt to the standing committees on the Virginia debt of the two houses of the legislature, and

WHEREAS, it has been suggested on the floor of the house that there is a possibility of recovery of the state of West Virginia against the United States of America in the matter of the Northwest Territory; and

WHEREAS, ex-United States Senator William E. Chilton was instrumental in, and introduced in the congress of the United States a measure looking to the institution of a suit by the state of West Virginia against the United States of America in the matter of the Northwest Territory; therefore, be it

Resolved, by the House, the Senate concurring therein:

That ex-United States Senator William E. Chilton be, and he is hereby invited to address a joint assembly of the house and senate on this matter at eight o’clock p.m. in the chamber of the house of delegates on Saturday, February 15, 1919; and

Resolved, further, That a committee of three, two to be named by the speaker of the house and one by the president of the senate, be appointed to immediately extend an invitation to Senator Chilton to address the house and senate jointly at eight o’clock this evening.

HOUSE CONCURRENT RESOLUTION NO. 11.

(Adopted February 20, 1919.)

Relating to the Kenyon bill.

Resolved, That the legislature of West Virginia hereby approves and requests the enactment of the bill now pending in the United States Senate, known as the Kenyon bill, and listed on the calendar of said body as Senate Bill 5397, the caption of which bill reads as follows:

“A bill to provide for the commencement or prosecution of public works in order to provide increased opportunities for employment during the period of demobilization and industrial adjustment, and for other purposes.”
Resolved, That the Clerks of the senate and house do send certified copies of this resolution to the senate and house of representatives of the United States.

HOUSE CONCURRENT RESOLUTION NO. 12.
(Adopted February 20, 1919.)

Requesting the war department of the federal government to allot to the state of West Virginia certain captured German ordnance to be placed on the state house grounds.

Whereas, it is probable that German ordnance captured by the American expeditionary forces will be brought to this country for distribution among such of the commonwealths of the United States as may expressly desire same, and

Whereas, such captured ordnance would be an appropriate testimonial of the valor of the soldiers of West Virginia who participated in the world war and a fitting ornament to the state house grounds; therefore, be it

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

That application is hereby made to the war department for an allotment of such captured German ordnance as may be deemed desirable and appropriate; and be it further

Resolved, That the governor of West Virginia hereby is requested to present to the secretary of war a certified copy of this concurrent resolution.

HOUSE CONCURRENT RESOLUTION NO. 13.
(Adopted February 21, 1919.)

Providing for the printing and distribution of advance copies of the acts of the regular session of one thousand nine hundred and nineteen.

Resolved by the House of Delegates, the Senate concurring therein:
That the clerks of the two houses are hereby directed to have printed by the public printer, two thousand five hundred advance copies of the acts of this session exclusive of municipal charters, properly 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 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 each at the same rate paid during the session, the per diem to be paid out of the contingent fund of the senate and house, respectively, upon proper warrants being drawn therefor by the clerk of the senate and sergeant-at-arms of the house, and the auditor is hereby authorized and directed to pay the same.

HOUSE CONCURRENT RESOLUTION NO. 15.

(Adopted February 21, 1919.)

Relating to the question of state police.

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

That Hon. John J. Cornwell, governor of West Virginia, be and is hereby requested to include the question of state police protection in
his call for the extra session of the legislature shortly to be issued by
him; and,

Resolved, further, That the president of the senate and the speaker
of the house of delegates be, and each of them is hereby authorized, em-
powered and directed to appoint a committee of five members from
each of the houses, and

Resolved, further, That such committees shall meet as soon as pos-
sible and act as a joint committee for the purpose of investigating
and reporting upon the subject of state police protection, and such
committees shall report by bill or otherwise to the legislature when
it meets in extra session; and

Resolved, further, That the members of such committee shall be en-
titled to receive the same pay as members of the legislature for al-
the time actually employed in such work and also to receive the same
mileage as members of the legislature receive.
AN ACT making appropriations of public money to pay the per diem and mileage of members of the legislature for the first extraordinary session of one thousand nine hundred and nineteen and for salaries of the officers and attaches thereof, and miscellaneous expenses in connection therewith.

[Passed March 31, 1919. In effect from passage. Approved by the Governor April 1, 1919.]

SEC. 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 first extraordinary session of one thousand nine hundred and nineteen, the per diem of the officers and attaches thereof, and miscellaneous items, the following sums of money:

<table>
<thead>
<tr>
<th>House of Delegates.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mileage of members of the house</td>
<td>$3,407.00</td>
</tr>
<tr>
<td>To pay the per diem of the speaker of the house, at $6.00 per day</td>
<td>$126.00</td>
</tr>
<tr>
<td>To pay the per diem of 92 members of house at $4.00 per day</td>
<td>$7,728.00</td>
</tr>
<tr>
<td>To pay the per diem of the clerk of the house at $15.00 per day</td>
<td>$315.00</td>
</tr>
</tbody>
</table>
LEGISLATIVE APPROPRIATIONS.  

14 To pay the per diem of the sergeant-at-arms of the house at $7.00 per day..................... 147.00
16 To pay the per diem of the doorkeeper of the house at $6.00 per day..................... 126.00

Speaker's Appointees.

18 To pay the per diem of six floor stenographers at $6.00 per day .......................... $ 756.00
20 To pay the per diem of stenographer to the speaker at $8.00 per day..................... 168.00
22 To pay the per diem of the assistant sergeant-at-arms at $7.00 per day..................... 147.00
24 To pay the per diem of the clerk to the sergeant-at-arms at $6.00 per day..................... 126.00
26 To pay the per diem of four floor pages at $4.00 per day ............................. 336.00
28 To pay the per diem of one mailing and banking page at $4.00 per day..................... 84.00
30 To pay the per diem of five journal pages at $6.00 per day.............................. 630.00
32 To pay the per diem of one night watchman at $5.00 per day.............................. 105.00
34 To pay the per diem of two day watchmen at $5.00 per day.............................. 210.00
36 To pay the per diem of one assistant doorkeeper at $5.00 per day.............................. 105.00
38 To pay the per diem of five cloak and toilet room keepers at $5.00 per day................. 525.00
40 To pay the per diem of one gallery doorkeeper at $5.00 per day.............................. 105.00

Clerk's Appointees.

42 To pay the per diem of eighteen clerks in which is included assistant clerks provided for by section eighteen, chapter twelve of the code, including desk clerks, printing clerks, bill editors, assistant printing clerks, bill receipt clerks, calendar clerks, copyholders, stenographers, and assistant clerk to the committee on enrolled bills, at $8.00 per day each.............................. $ 3,024.00
CH. 1] LEGISLATIVE APPROPRIATIONS.  5

50 To pay the per diem of two minute clerks at $10.00 per day each ........................................  210.00
51 To pay the per diem of one supervisor of printing at $10.00 per day ......................................  210.00
52 To pay the per diem of one page to the clerk at $4.00 per day .................................................  84.00
53 To pay M. C. Staats for forty-five days at $2.00 extra allowance for last regular session and not included in appropriation bill .................................................  90.00
54 Contingent fund of the house of delegates .............................................................................  15,000.00
55 Printing, binding and stationery for first extraordinary session ..............................................  3,000.00

SENATE

Sec. 2—
2 Mileage of members of the senate ........................................ $  1,161.50

Per Diem of President and Members.

3 President of the senate at six dollars per day ....  126.00
4 Twenty-nine members of the senate, at four dollars per day each ..................................................  2,436.00

Per Diem of Other Elective Officers.

6 Clerk of the senate, at fifteen dollars per day ..........  315.00
7 Sergeant-at-arms of senate, at seven dollars per day ..........  147.00
8 Doorkeeper of the senate, at six dollars per day ..........  127.00

Presidential Appointees.

9 Stenographer to the president, at eight dollars per day ..........  168.00
10 Clerk to the committee on finance, at eight dollars per day .........................................................  168.00
11 Stenographer to the committee on finance at eight dollars per day and for services prior to and following session .................................................  232.00
12 Clerk to the committee on judiciary, at eight dollars per day for services during and following session .................................................  232.00
13 Stenographer to the committee on judiciary, at eight dollars per day for services during and following session  232.00
LEGISLATIVE APPROPRIATIONS.

20 Mail and banking page and two journal pages, at four dollars per day each
21 Six floor pages, at three dollars per day each
22 Librarian, at six dollars per day
23 Assistant sergeant-at-arms, at seven dollars per day
24 Day watchman and night watchman at five dollars per day each
25 Two assistant doorkeepers and one gallery door keeper
26 at five dollars per day each
27 Two cloak room keepers and one toilet room attendant
28 at five dollars per day each
29 Two general committee clerks at six dollars per day
30 each
31 Five floor stenographers at eight dollars per day each
32 Clerk's Appointees.
33 Chief assistant clerk and minute clerk, at ten dollars per day each
34 Supervisor of printing, at ten dollars per day, including eight days' services prior to session, with joint special committee to draft Virginia debt bills
35 Assistant supervisor of printing, bill editor, assistant bill editor, stenographer to the clerk, printing clerk in charge of senate journal and one assistant printing clerk in charge of senate bills and one assistant, four copyholders, abstract clerk, bookkeeper, senate bill record clerk, clerk to committee on engrossed bills, clerk to committee on enrolled bills, assistant clerk to committee on enrolled bills, two general assistants, and one stenographer for general assignment, all at $8.00 per day each
36 Messenger to the clerk and page to the clerk, at four dollars per day each
37 Contingent expense of senate
38 Miscellaneous
39 Sec. 3—To pay Armstrong and Lance for cleaning house and senate windows
40 $ 70.00
CHAPTER 2.

(Senate Bill No. 18—Mr. Arnold.)

AN ACT making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment.

[Passed March 31, 1919. In effect from passage. Approved by the Governor April 1, 1919.]
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 twenty, and for the fiscal year ending June thirtieth, one thousand nine hundred and twenty-one, the following sums of money for the following named purposes:

Sec. 2. To pay additional salaries of the judges of the circuit courts in accordance with an act of the one thousand nine hundred and nineteen legislature, first extraordinary session:

For the year ending June 30, 1920 ................ $44,800.00
For the year ending June 30, 1921 ................ 44,800.00

Sec. 3. To pay the expenses of the Department of public safety, including the compensation of the officers, employees and members, and all other expenses thereof according to the provisions of an act of the legislature of one thousand nine hundred and nineteen, first extraordinary session, creating such department:

For the year ending June 30, 1920 ................ $225,000.00
For the year ending June 30, 1921 ................ $225,000.00

CHAPTER 3.

(Senate Bill No. 5—Mr. Sanders.)

AN ACT to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid to such judges.

[Passed March 26, 1919. In effect ninety days from passage. Approved by the Governor April 1, 1919.]

Sec. 1. Salary of circuit judges after July 1, 1919; how payable; exception of circuits having population of more than 60,000; salary of judges of such circuits.

Sec. 2. No additional compensation or special allowance out of county treasury; repealing conflicting acts or parts of acts.

Be it enacted by the Legislature of West Virginia:

Section 1. That from and after the first day of July, one thousand nine hundred and nineteen, each of the judges of the circuit courts shall receive an annual salary of five thousand dollars, payable monthly out of the state treasury, except in those circuits having an aggregate population of more than sixty thousand, according to the United States census last pre-
CHAPTER 4.
(House Bill No. 2—Mr. Lants.)

AN ACT authorizing the board of education of Grant district, Wetzel county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of public school buildings in said district.

(Passed March 14, 1919. In effect from passage. Approved by the Governor March 29, 1919.)

SEC. 1. Special levy authorized; years for and amount so levied; purpose of levy.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Grant district, Wetzel county, West Virginia, is hereby authorized in the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, to lay a special levy not to exceed thirty cents on the one hundred dollars valuation of all property situate in said district, to pay for the completion of public school buildings in Grant district, Wetzel county, West Virginia, now in the course of construction.

Sec. 2. Such levies shall be assessed and collected as otherwise provided by law and the proceeds of the same shall be used for the purpose set forth in section one of this act, and for no other.
CHAPTER 5.

(House Bill No. 3—Mr. John.)

AN ACT to levy a privilege tax on any person, firm or corporation engaged in the transportation of crude oil or petroleum, or the distillates thereof, or of natural gas, by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, and defining the duties of the state tax commissioner hereunder.

[Passed March 31, 1919. In effect ninety days from passage. Approved by the Governor April 1, 1919.]

Be it enacted by the Legislature of West Virginia:

Section 1. No person, firm or corporation, hereinafter called company, after the first day of July, one thousand nine hundred and nineteen, shall engage in or continue in the business of the transportation of crude oil or petroleum, or the distillates thereof, or of natural gas, by means of pipe lines, without the payment of an annual privilege tax hereby imposed for engaging in such business; provided, however, that nothing contained in this act shall apply to any person, firm or corporation engaged in the business aforesaid where the crude oil, petroleum or distillates thereof, or natural gas, is by the entire system of such person, firm or corporation, transported a distance of less than ten miles.

Sec. 2. Every person, firm and corporation engaged in this state in the transportation of either crude oil or petroleum, or the products and distillates thereof, or of natural gas, or both, by means of pipe lines for sale to consumers within or without the state, or use within or without the state in the making of any products derived therefrom, shall pay to the state, as an annual privilege tax for engaging in such business in the state, two cents
for each barrel of crude oil or petroleum, or the distillates thereof, and one-third of one cent for each thousand cubic feet of such natural gas as is so transported or conveyed within this state. Provided, that only one such tax, annually, shall be required to be so paid.

Sec. 3. Every person, firm or corporation liable to tax imposed by this act, shall, within sixty days after the first day of July, one thousand nine hundred and nineteen, and within sixty days after the first day of July in each year thereafter, deliver to the state tax commissioner a return in writing showing the quantity of crude oil or petroleum, or the distillates thereof, or of natural gas transported or conveyed within this state during the fiscal year ending on the first day of July next preceding. Such return shall be signed and sworn to by the person making the same for himself or a partnership, and by the president, vice-president or other principal accounting officer making the same for a corporation, which return shall be in the form prescribed by the state tax commissioner. The state tax commissioner is hereby invested with full power and authority and it is hereby made his duty to prescribe forms for returns and assessments and to make, issue and put in force all necessary and needful rules and regulations for ascertaining and assessing the tax hereby imposed upon every company.

Sec. 4. The state tax commissioner shall ascertain and assess the tax upon the company making a return, and shall notify it of the amount of such tax by notice deposited in the postoffice addressed to such company at its principal office or place of business. Such ascertainment of the tax shall be final and conclusive, unless the same be appealed from in the manner following, within thirty days after such notice is so deposited. If any company fail or refuse to make return, the state tax commissioner shall proceed, in such manner as may be proper, to obtain the facts and information required to be furnished by such return; and to this end he may, by himself or his duly appointed agent, make examination of the books, records and papers of any such company, and may take the evidence, on oath, of any person who he may believe shall be in possession of facts or information pertinent to the subject of inquiry, which oath he or the agent so appointed by him may administer. As soon as possible after procuring such information as he may be able to do with respect to any company failing or refusing to make a return, the state tax commissioner shall proceed to as-
certain and assess the tax upon such company, and shall notify it of the amount thereof as hereinbefore provided. And his act shall be final as to any company which refused to make a return.

Sec. 5. If any such company, making a return as provided by this act, feels aggrieved by the assessment so made upon it for any year by the state tax commissioner, it may apply to the board of public works by petition in writing, within thirty days after the notice is deposited as provided in the preceding section, for a hearing and a correction of the amount of the tax so assessed upon it by the state tax commissioner, in which petition shall be set forth the reasons why such hearing should be granted and the amount such tax should be reduced. The board shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted, the board shall notify the petitioner of the time and place fixed for such hearing. After such hearing the board may make such order in the matter as may appear to them just and lawful, and shall furnish a copy of such order to the petitioner.

Sec. 6. No injunction shall be awarded by any court or judge to restrain the collection of all or any part of the taxes imposed and assessed under this act, except upon the ground that the assessment thereof was in violation of the constitution of the United States, or of this state; or, that the same were fraudulently assessed; or that there was a mistake made in the amount of taxes assessed; and in case of mistake no such injunction shall be awarded, unless application shall be first made to the board of public works to correct the alleged mistake, and the board shall refuse to do so, which fact shall be stated in the bill, or unless the complainant pay into the treasury of the state all taxes appearing by the bill of complaint to be owing.

Sec. 7. Every company so assessed with taxes shall pay the same into the state treasury within sixty days after the date of the mailing of the notice of the amount thereof, or within thirty days after notification of the amount thereof, when ascertained and assessed by the board of public works on appeal. All taxes assessed under provisions of this act against any such company shall constitute a debt to the state, and may be collected by action of assumpsit or appropriate judicial proceeding, which remedy shall be in addition to all other existing remedies for the collection of taxes. It shall be the duty of the state tax commissioner to proceed to collect such taxes with a penalty of ten per centum
CH. 6] LEVIES FOR TAXATION. 13

12 added thereto, if not paid when due. At the time of paying the
13 taxes the state tax commissioner shall issue to the company paying
14 the same a certificate of payment for the proper fiscal year.

Sec. 8. Any person required or authorized by law to make,
2 sign or verify any return by this act, who makes any false or
3 fraudulent return or statement with intent to defraud the state
4 or defeat or evade the payment of the tax, or any part thereof,
5 imposed by this act, shall be guilty of a misdemeanor, and upon
6 conviction thereof, shall be fined not less than one hundred dollars,
7 nor more than five thousand dollars, to which fine shall be added
8 the costs of prosecution.

Sec. 9. Any company engaging or continuing in the business
2 aforesaid without having first secured a license, as hereinbefore
3 provided, shall be liable to a fine of not less than one thousand
4 dollars nor more than ten thousand dollars.

Sec. 10. All acts and parts of acts inconsistent herewith are
2 hereby repealed.

CHAPTER 6.
(Senate Bill No. 1—Mr. Gribble.)

AN ACT to amend and re-enact section two, of chapter one hundred
and twenty-six of the acts of the regular session of the legislature
of one thousand nine hundred and nineteen, relating to rate and
manner of laying levies for taxation.

[Passed March 27, 1910. In effect ninety days from passage. Approved by the
Governor March 31, 1910.]

Be it enacted by the Legislature of West Virginia:

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

STATEMENT AND LEVIES MADE BY COUNTY COURTS.

Section 2. At such session the county court shall ascertain
the condition of the fiscal affairs of the county, and make up an
itemized statement thereof, which shall set forth in detail:

First. The amount due and the amount that will become
due and collectible from every source during the current fiscal
year except from the levy of taxes to be made for the year to the
county as a whole and to the road fund and any other fund of
any district of the county.

Second. The debts and demands owed by the county as a
whole and the debts and demands payable out of the road or
other fund of any district thereof, including debts and demands
that will become due and payable during the year by the county
as a whole or out of the funds of any district thereof, including
interest on any indebtedness, funded or bonded, or otherwise.

Third. All other expenditures under the several heads of
expenditures to be made and payable out of the levy of the cur-
rent fiscal year whether by the county as a whole or out of the
road fund or other fund of any district thereof, with proper
allowances for delinquent taxes, exonerations and contingencies.

The said statement shall set forth the total amount neces-
sary to be raised by the levy of taxes for the current year, the
rate of such levy in cents on each one hundred dollars assessed
valuation proposed on the property as a whole, and on the
property in each district for district funds, and on the property
in each municipal corporation. A copy of such statement duly
certified by the clerk of the court shall be forwarded to the state
tax commissioner, and said statement shall also be published
twice, at least one week intervening between publication, in two
newspapers of general circulation published in the county, and
of opposite politics. If there be but one newspaper published
in the county, the publication shall be made therein. The ses-
sion shall then stand adjourned until the fourth Tuesday in
August, at which time it shall reconvene, and it shall then be
the duty of said court to hear and consider any objections made
orally or in writing by the prosecuting attorney, by the state tax
commissioner or his representative, or by any taxpayer of the
county, to said estimate and proposed levy, or any item thereof.

It shall be the duty of the court to enter any order of record
showing the objections so made, setting forth the reasons and
grounds for such objections. But the failure of any officer or
taxpayer to offer objections as herein provided shall not pre-
LEASES FOR TAXATION.

42 elude him from pursuing any legal remedy necessary to correct
43 any levy made by any fiscal body named in this act. After said
44 objections have been made and heard, the court shall thereupon
45 reconsider the proposed original estimate and proposed rate of
46 levy, and if the objection thereto or any part thereof appear to
47 be well taken, the court shall correct the same accordingly, and
48 it shall thereupon be approved, and when approved shall, with
49 the order approving it, be entered by the clerk in the proper
50 record book. The county court shall thereupon levy as many
51 cents on each one hundred dollars' assessed valuation of the
52 taxable property in the county or district, according to the last
53 assessment thereof, as will produce the amounts shown by the
54 statement approved to be necessary, as follows:
55 (a) For county purposes, other than roads and bridges,
56 a levy not to exceed thirty cents, such levy to be uniform through-
57 out the county.
58 (b) For county road purposes, a levy not to exceed
59 twenty-five cents on all taxable property throughout the county,
60 for the construction, improvement and maintenance of the
61 "main county roads," as defined in chapter sixty-six of the
62 acts of the legislature of one thousand nine hundred and
63 seventeen, and for the construction and maintenance of bridges
64 thereon, when such roads have been established and properly
65 located. The fund derived from such levy shall be expended as
66 provided by chapter sixty-six of the acts of the legislature, regu-
67 lar session, of one thousand nine hundred and seventeen.
68 (b)-1 For county road and bridge purposes, a levy not to
69 exceed ten cents on each one hundred dollars' assessed valuation
70 of all taxable property in the county, both within and
71 without incorporated cities and towns, for the construction, im-
72 provement and maintenance of district or "Class B" roads, and
73 for the construction and maintenance of bridges thereon, as such
74 roads are defined in chapter sixty-six of the acts of the legisla-
75 ture of one thousand nine hundred and seventeen. The fund
76 derived from such levy shall be expended under the authority
77 and direction of the county court.
78 (c) For district road purposes, a levy not to exceed fifteen
79 cents on each one hundred dollars' assessed valuation of the tax-
80 able property in each of the several districts of the county for the
81 construction, improvement and maintenance of the district roads
16 EXCISE TAX. [CH. 7

81 therein, and for the construction and maintenance of the bridges 82 thereon. The county court may, however, with the written ap- 83 proval of the state tax commissioner, lay an additional district 84 road levy not to exceed fifteen cents on each one hundred dollars' 85 assessed valuation of the taxable property in each or any of the 86 several districts of the county for the construction, improvement 87 and maintenance of the district roads, and for the construction 88 and maintenance of bridges thereon, for such year or years as 89 may be named in such approval, but in no case shall the com- 90 bined district road levy and the additional district road levy 91 exceed thirty cents on each one hundred dollars' assessed valu- 92 ation of the taxable property of the district. The funds de- 93 rived from such levy or levies shall be expended under the author- 94 ity and direction of the county court.

CHAPTER 7.

(House Bill No. 18—Mr. McClintic.)

AN ACT to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session.

[Passed March 31, 1919. In effect from passage. Approved by the Governor April 1, 1919.]

SEC. 1. Annual special excise tax; by whom payable; amount of tax; certain organizations, companies, societies and associations exempt.

SEC. 2. Tax imposed to be levied for fiscal year 1919, and succeeding years; how computed, levied, assessed and collected.

SEC. 3. Repealing sections 3 and 4 of chapter 6, acts of 1917.

Be it enacted by the Legislature of West Virginia:

Section 1. In addition to the tax imposed by section five- 2 of chapter three of the acts of the legislature of one thousand 3 nine hundred and fifteen, second extraordinary session, every 4 corporation, joint stock company, or association organized for 5 profit, and having a capital stock represented by shares, and 6 every insurance company, respectively, now or hereafter organ- 6-a ized under the laws of this state or under the laws of any 7 other state or government and engaged in any business what- 8 soever in the state of West Virginia, shall pay an annual 9 special excise tax for the privilege of carrying on or doing busi- 10 ness in the state of West Virginia equivalent to one-fourth.
11 of one per centum upon the entire net income of such com-
12 pany, received by it from all sources during the year, on
13 business transacted and capital invested in this state, as herein-
14 after set forth; provided, however, that nothing in this section
15 contained shall apply to labor, agricultural or horticultural or-
16 ganizations; nor to mutual savings banks not having a capital
17 stock represented by shares and which are operated exclusively for
18 the benefit of their depositors; nor to cemetery companies, which
19 are organized and operated exclusively for the benefit of their
20 members; nor to fraternal beneficiary societies, orders or associa-
21 tions operating under the lodge system, or for the exclusive benefit
22 of the members of a fraternity itself operating under the lodge
23 system, and providing for the payment of life, sick, accident, and
24 other benefits to the members of such societies, orders or associa-
25 tions, and dependents of such members; nor to domestic building
26 and loan associations organized and operated exclusively for the
27 benefit of their members; nor to any corporation or association or-
28 ganized and operated exclusively for religious, charitable, scientific
29 or educational purposes; nor to business leagues, chambers of com-
30 merce, or boards of trade, or to any civic league or organization
31 organized and operated exclusively for the promotion of social
32 welfare, none of which said organizations, savings banks, cemetery
33 companies, fraternal beneficiary societies or fraternities, building
34 and loan associations, charitable, religious, scientific or educa-
35 tional associations, business leagues, chambers of commerce, boards
36 of trade or civic leagues named in this proviso, are organized for
37 profit, and no part of the net income of which inures to any private
38 stockholder or individual.

Sec. 2. The tax imposed by section one of this act shall be
2 levied for the state fiscal year one thousand nine hundred and
3 nineteen, and succeeding years, and shall be computed, levied,
4 assessed, collected and paid upon the same basis and in the same
5 manner as the tax imposed by section five of chapter three of the
6 acts of the legislature of one thousand nine hundred and fifteen,
7 second extraordinary session.

Sec. 3. That sections three and four of chapter six of the
2 acts of the legislature of one thousand nine hundred and seven-
3 teen, second extraordinary session, be, and the same are hereby
4 repealed.
CHAPTER 8.
(House Bill No. 19—Mr. McPherson.)

AN ACT to provide for the renewal of professional teachers' certificates, and fixing the fees and condition of payment therefor.

[Passed March 24, 1910. In effect from passage. Approved by the Governor March 29, 1910.]

Sec.
1. Fee for renewal of certificates; payable upon proof of term of service; army and navy service same as teaching.

Be it enacted by the Legislature of West Virginia:

Section 1. The fee for the renewal of a professional teachers' certificate shall be five dollars. The fee for the renewal of a short course certificate shall be one dollar, said certificate to be renewable for one three-year period and said fee payable upon proof that the holder of such certificate has taught or been otherwise actively engaged in school work for two years of the preceding three-year period; and, provided, further, that service in the United States army or navy in the war with Germany shall be counted the same as teaching on any renewable certificate, or shall extend the date of expiration of any non-renewable certificate one year; and, that attendance for six weeks at an approved school may be submitted in lieu of examinations for the renewal of all first grade certificates.

CHAPTER 9.
(Senate Bill No. 13—Mr. Arnold.)

AN ACT to authorize the purchase of the bonds of this state, issued in settlement of West Virginia's part of the Virginia debt.

[Passed March 31, 1919. In effect from passage. Approved by the Governor April 1, 1919.]

Sec.
1. Authorizing board of public works to purchase bonds of the state issued in settlement of West Virginia's part of the Virginia debt; bonds so purchased may be held as temporary investment for state, or may be retired; no purchase or retirement of bonds shall be made except upon affirmative vote of majority of members board of public works.

Be it enacted by the Legislature of West Virginia:

That the board of public works be, and it hereby is authorized and empowered to purchase at the market price, but not at a price above the par value of the same, any of the bonds of this state issued in settlement of West Virginia's part of
5 the Virginia debt, with any available surplus that may be either
6 in the sinking fund, created for the payment of said bonds, or in
7 the general fund of this state.
8 Bonds so purchased by the board of public works out of the
9 general state fund may be held as a temporary investment for
10 the state fund or may be retired out of any funds of the state
11 not otherwise appropriated.
12 No purchase or retirement of any of said bonds shall be made
13 except upon the affirmative vote of at least four members of the
14 board of public works.

CHAPTER 10.

(Senate Bill No. 9—Joint Committee.)

AN ACT providing for the payment of West Virginia's part of the
public debt of the commonwealth of Virginia prior to the first
day of January, one thousand eight hundred and sixty-one, as
ascertained by the judgment of the supreme court of the United
States and adjusted by the two states, and to provide for the
issuance of bonds and the raising and appropriation of money
for the payment of said judgment.

(Passed March 31, 1919. In effect from passage. Approved by the Governor
April 1, 1919.)

Preamble relating judgment of supreme court of the United States in cause of
Virginia vs. West Virginia; decree; amount or judgment, with interest.

Sec. 1. Directing auditor to draw warrant
upon treasurer of West Virginia
in favor of Virginia, for initial
payment on judgment.

2. Payment of residue of judgment;
creating issue of listable bonds;
denomination of same; duty of
auditor in listing such bonds; ex-
change into registered bonds; ex-
change for coupon bonds; ex-
change fee; cancellation of ex-
changed bonds.

3. Date of bonds; where and when
payable; right reserved to the
state to redeem any of said bonds
at par at any time before matu-
urity; rate of interest and when
and where payable.

4. Form of bonds.

5. Form of coupons.

6. Auditor and treasurer directed to
issue and deliver coupon bonds;
procedure in delivery; provision
for filing, on the part of Virginia,
a complete itemized statement
or list of Virginia deferred certifi-
cates; reserve bonds to be held
in escrow; conditions and trusts
under which held.

7. Payment of bonds to be equally
distributed over a period of
twenty years; provisions for pay-
ment each year.

8. Board of public works to lay an
annual tax for payment of in-
terest and principal of all bonds
to be purchased or redeemed dur-
ing year; provision for use of
other available funds in payment
debt.

9. Treasurer directed to pay interest
for first six months on bonds;
payment of interest thereafter.

10. Plates from which bonds are print-
ed property of state of West Vir-
ginia.

11. Expenses incurred in execution of
this act; how payable.

12. Auditor directed to ascertain cer-
tified statement of all costs in
debt case, resulting in the judg-
ment, and to issue warrant for
one-half thereof; duty of treas-
urer relative thereto.
WHEREAS, the supreme court of the United States, by its decree entered in the cause of the commonwealth of Virginia against the state of West Virginia on the fourteenth day of June, one thousand nine hundred and fifteen, adjudged, ordered and decreed that:

"The complainant, commonwealth of Virginia, recover of and from the defendant, state of West Virginia, the sum of twelve million three hundred ninety-three thousand nine hundred twenty-nine dollars fifty cents ($12,393,929.50), with interest thereon from July one, one thousand nine hundred and fifteen, until paid, at the rate of five per centum per annum, and that each party pay one-half of the costs."

Which debt, principal and interest, under the terms of said decree as of January one, A. D., one thousand nine hundred and nineteen, is as follows:

<table>
<thead>
<tr>
<th>July 1, 1915, principal</th>
<th>$12,393,929.50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest thereon from July 1, 1915, to January 1, 1919</td>
<td>2,168,937.66</td>
</tr>
</tbody>
</table>

Total principal and interest as of January 1, 1919: $14,562,867.16

to which is to be added one-half of the costs of said suit, when taxed and certified; and,

WHEREAS, the state of West Virginia desires to comply with the decree of said court, and to satisfy the same as soon as practicable; and,

WHEREAS, this legislature has been informed by the report of the West Virginia debt commission, as well as by the representatives of the commonwealth of Virginia, that the bonds of the state of West Virginia, dated January one, one thousand nine hundred and nineteen, bearing interest at three and one-half per centum per annum, payable semi-annually on the first days of July and January of each year, hereinafter described, and to the face amount of thirteen million five hundred thousand dollars, together with a cash payment of one million sixty-two thousand eight hundred sixty-seven dollars sixteen cents, with interest thereon at the rate of five per centum per annum from the first day of January, one thousand nine hundred and nineteen, until the date of payment thereof, (West Virginia to pay one-half of the costs of said suit as taxed and certified by the clerk of the supreme court of the United States), will be accepted at par in full satisfaction of said judgment.

Now, therefore,
Be it enacted by the Legislature of West Virginia:

Section 1. That the auditor of the state of West Virginia be and he is hereby authorized and directed to draw his warrant upon the treasurer of said state in favor of the commonwealth of Virginia, acting by and through its commission, constituted under and by virtue of the joint resolution of the general assembly of Virginia, approved March six, one thousand eight hundred and ninety-four, and the act of the general assembly of Virginia, approved March six, one thousand nine hundred, “in respect to the settlement with West Virginia of the proportion of the public debt of the original state of Virginia to be borne by West Virginia,” or upon the order of said Virginia commission, for the sum of one million sixty-two thousand eight hundred sixty-seven dollars sixteen cents, with interest thereon at the rate of five per centum per annum from January one, one thousand nine hundred and nineteen, until paid; and said treasurer, upon the presentation of said warrant, is authorized and directed to draw his check upon the treasury of the state of West Virginia, payable to the commonwealth of Virginia, acting by and through the said Virginia commission, or upon the order of said commission, out of any funds available for such purpose, for the sum so authorized by the auditor’s warrant, and shall deliver the said check to the commonwealth of Virginia, acting by and through the said Virginia commission, or upon the order of said commission on or before the first day of September, one thousand nine hundred and nineteen, and take a proper receipt therefor; and the said check, when so drawn and delivered, shall constitute a credit for the full amount thereof upon the judgment rendered on the fourteenth day of June, one thousand nine hundred and fifteen, by the supreme court of the United States in favor of the commonwealth of Virginia against the state of West Virginia.

Sec. 2. For the payment of the residue of said judgment, both principal and interest, an issue of “listable” engraved bonds of the state of West Virginia, coupon and registered, is hereby created, to the face value of thirteen million five hundred thousand dollars, and the treasurer and auditor of this state shall cause said bonds and coupons to be engraved as soon as may be after this act takes effect.

The bonds hereinabove referred to may be issued as follows, to-wit:

Coupon bonds in denominations of one hundred dollars, five
PAYMENT OF VIRGINIA DEBT. [CH. 10

11 hundred dollars and one thousand dollars; registered bonds in
denominations of one hundred dollars, five hundred dollars, one
thousand dollars, five thousand dollars and ten thousand dollars.

14 All coupon and registered bonds issued under this act shall
be separately listed by the auditor in books provided for the
specific purpose, in each case giving the date, number, character,
amount of obligations issued, and in case of registered bonds, the
name of the person or corporation to whom issued.

19 The auditor and treasurer are authorized to exchange the
coupon bonds issued under this act into registered bonds in the
denominations hereinbefore provided, and to arrange for the
transfer of registered bonds, and to exchange registered bonds
for coupon bonds in the denominations of said coupon bonds here-
inbefore provided. For every such bond so issued by the state
in exchange, a fee of fifty cents shall be charged by and paid to
the state of West Virginia, and covered into the treasury to the
credit of the "sinking fund" hereinafter described, and bonds so
taken in exchange shall be cancelled by the treasurer and auditor,
and be carefully preserved by the treasurer.

Sec. 3. The said bonds shall be dated January one, one thou-
sand nine hundred and nineteen, and be payable at the office of
the treasurer of this state, or at such agency in the city of New
York as may be designated by the state of West Virginia, at the
option of the holder, on the first day of January, one thousand nine
hundred and thirty-nine, with the right reserved to the state of
West Virginia to redeem any of said bonds at any time before
maturity at par, with accrued interest as provided in section seven
of this act, and shall bear interest at the rate of three and one-half
per centum per annum from the date thereof, payable semi-annu-
ally on the first day of July and January in each year (in the case
of coupon bonds upon the presentation and surrender of the
coupon representing interest then due), and the said interest may
be payable at the office of the treasurer of this state, or at the New
York agency above referred to, at the option of the holder, both
principal and interest to be payable in gold coin of the United
States of the present standard of weight and fineness.

Sec. 4. The bonds shall be signed by the treasurer of the
state of West Virginia, and countersigned by her auditor, and
shall be substantially in the following form, to-wit:
STATE OF WEST VIRGINIA,

BOND NUMBER ——

This bond, issued under act of the legislature of West Virginia, approved the ...... day of .................... , one thousand nine hundred and nineteen, reference to which is hereby made as fully and at length as if copied and set forth in this bond.

The state of West Virginia acknowledges herself to be indebted to------------------------” (in the case of a coupon bond, to the bearer, and in case of a registered bond, inserting the name of a person or corporation, or assigns) in the sum of__________dollars, which she promises to pay in gold coin of the United States of the present standard of weight and fineness at the office of the treasurer of the state of West Virginia, or at such agency in the city of New York as may be designated by the state of West Virginia, at the option of the holder, on the first day of January, one thousand nine hundred and thirty-nine; with the right to redeem at par with accrued interest before maturity at any time on or after January one, one thousand nine hundred and twenty, in accordance with the terms and provisions of said act, to which reference is hereby made; interest payable at the office of the treasurer of the state of West Virginia, or at such agency in the city of New York, as may from time to time be designated by the state of West Virginia, at the option of the holder, in like gold coin at the rate of three and one-half per centum per annum from January one, one thousand nine hundred and nineteen, until paid, payable semi-annually on July first and January first in each year (according to the tenor of the annexed coupons bearing the engraved signature of the treasurer of the state of West Virginia, in case of coupon bonds). This obligation is hereby made exempt from any taxation by the state of West Virginia, or by any county, district or municipal corporation thereof.

In testimony whereof witness the signature of ................, treasurer of the state of West Virginia, and the counter-signature of ................, auditor of the state of West Virginia, hereto affixed according to law, dated the first day of January, one thousand nine hundred and nineteen.

Treasurer of West Virginia.
PAYMENT OF VIRGINIA DEBT.

Section 5. The form of coupons shall be substantially as follows, to-wit:

**COUPON NO._____ FOR BOND NO.______**

On the first day of _____________ the state of West Virginia will pay to bearer _____________ dollars in gold coin of the United States of the present standard of weight and fineness at the office of the treasurer of the state, or at such agency of the state of West Virginia in New York city as may be designated by the state, at the option of the holder, the same being six months' interest on Bond No.__________.

Treasurer of West Virginia.

The signature of the treasurer to said coupons may be engraved and each coupon shall be impressed on the back with its number in order of maturity from number one consecutively.

Section 6. The said auditor and treasurer are hereby empowered and directed to issue and deliver as soon as practicable coupon bonds to the aggregate amount of twelve million three hundred sixty-six thousand five hundred dollars ($12,366,500.00) face value, to the commonwealth of Virginia, acting by and through the said Virginia commission, or upon the order of said commission, and shall take a proper receipt therefor, which shall be in full discharge of the balance of the judgment aforesaid. Provided, however, that no part of said bonds shall be so delivered until the commonwealth of Virginia shall make and file with the board of public works of the state of West Virginia a full and complete itemized statement or list of the "Virginia deferred certificates," which have been deposited with the commonwealth of Virginia, or subject to her control, upon the passage of this act. In order that the state of West Virginia may have the benefit of the distributive share in the proceeds of the judgment aforesaid, of such "Virginia deferred certificates" as may have been lost or destroyed, the residue, to-wit, bonds to the aggregate amount of one million one hundred and thirty-three thousand five hundred dollars ($1,133,500.00) face value, hereinafter referred to as "reserve bonds," shall be delivered to the board of public works of the state of West Virginia, and shall be held by it in escrow upon the following conditions and trusts:
When and as soon as it shall be ascertained by the commonwealth of Virginia and certified by said state, acting by and through the said Virginia commission, or its duly authorized representative, to the board of public works of this state, the amount of said reserve bonds which it will be necessary for the state of West Virginia to retain in escrow, in order to exchange the same on the proper distributive basis, and in the manner hereinafter provided, for "Virginia deferred certificates," which have not been deposited with the commonwealth of Virginia, or subject to her control at the time this act takes effect, then the said board of public works is authorized and directed to deliver to the commonwealth of Virginia, acting by and through the said Virginia commission, or upon the order of said commission, all of said reserve bonds in excess of the amount so ascertained and certified to be necessary, and shall take a proper receipt therefor. The certificate aforesaid shall be accompanied by a copy of the statement of account of distribution, fully and completely itemized, showing the name of the owners (if known) and amount of each of the "Virginia deferred certificates" or claims legally entitled to participate in the funds of the judgment aforesaid, together with an itemized list showing the name of the owner and the amount of all of the said "Virginia deferred certificates" deposited with the said commission or subject to its control, and entitled to share in the distribution of the funds in the judgment aforesaid. All of said "Virginia deferred certificates" shall be open to inspection to the board of public works of West Virginia, or its representative at the time the account of distribution is stated. It is the purpose and intent of this section that only such amount of the said bonds shall be retained in escrow, for exchange as hereinafter provided, as shall represent the distributive share of such "Virginia deferred certificates" in the fund arising from the settlement of the judgment aforesaid as shall not have been, at the time this act takes effect, deposited with the said Virginia commission, or subject to its control. 

Said bonds, with interest coupons thereto attached, shall be, from time to time, after the first day of July, one thousand nine hundred and nineteen, delivered by the said board of public works upon the order of the commonwealth of Virginia, acting by and through the said Virginia commission, or the order thereof, or other representatives of Virginia as may at the time be
authorized and empowered to act. Such order shall be accom-
panied by a certificate of the representatives of the commonwealth
of Virginia who give the order that holders of the certificates
heretofore issued by the commonwealth of Virginia under its re-
spective funding acts, and commonly known as “Virginia deferred
certificates,” have presented “Virginia deferred certificates” to an
amount named, for adjustment by the commonwealth of Virginia,
and that the same are entitled to share in the distribution of said
bonds authorized to be issued under the terms of this act to the
amount named in said order. The “Virginia deferred certificates”
themselves, upon which said order and certificate are delivered,
shall be open to the inspection of the representatives of the state
of West Virginia, authorized by her board of public works.

Upon the receipt of such order and certificate, the said board
of public works shall forthwith, from the said reserved bonds so
held in escrow, deliver the amount of bonds so certified by the rep-
resentatives making the certificate, and such certificate, if found
correct upon examination by the board of public works, shall be
conclusive evidence of the amount of bonds to be delivered to such
representatives, and the receipt of such representatives shall be
a discharge pro tanto of the obligation to deliver said reserve
bonds so held in escrow.

In order to cover any fractional part that may be left after
the amount certified as aforesaid shall have been met as nearly
as possible by the delivery of reserve bonds, the said board of
public works shall issue and deliver to the representatives of Vir-
ginia, as hereinbefore provided, a certificate or certificates for
such fractional amount or amounts. Such fractional certificates
shall be exchangeable for the said reserve bonds when presented
in sums of one hundred dollars or multiples thereof, and certifi-
cates of like character shall be issued for any fractional amount
which may remain in making the exchange.

Any and so many of said bonds constituting a part of
said deposit of reserve bonds issued under this act which shall
remain in the custody of said board of public works uncalled for
by the said Virginia commission, or other authorized representa-
tives of Virginia, on the first day of January, one thousand nine
hundred and thirty-nine, shall, with all the interest coupons at-
tached to said bonds, be conclusively presumed to have been lost
or destroyed and shall be immediately cancelled by said board of
public works, and a copy of the record of such act of cancellation,
PAYMENT OF VIRGINIA DEBT.

105 with a descriptive list of the bonds so cancelled, shall be trans-
106 mitted by said board of public works to the said Virginia commis-
107 sion, or other authorized representatives of Virginia, and also to 
108 the second auditor of the commonwealth of Virginia at Richmond, 
109 Virginia, and said board of public works shall duly report their 
110 action in the premises, accompanied by a verified copy of the 
111 record of such act of cancellation and descriptive list of bonds so 
112 cancelled, to the legislature of the state of West Virginia.

Sec. 7. The payment of the bonds hereinbefore provided for, 
2 in order to conform to constitutional provisions of the state of 
3 West Virginia, and to the adjustment made with the common-
4 wealth of Virginia, shall be equally distributed over a period of 
5 twenty years, beginning with the date of said bonds and ending 
6 with their maturity.

7 In the year one thousand nine hundred and nineteen, and an-
8 nually thereafter, there shall be set apart from the revenues of the 
9 state each year up to the year one thousand nine hundred and thir-
10 ty-nine, a fund amounting to at least one-twentieth of said total 
11 issue of bonds, which said sum shall be paid into the treasury of 
12 this state to the credit of a fund hereby created, which shall be 
13 designated as "The Sinking Fund;" and the board of public works 
14 is hereby authorized and directed annually to apply said sinking 
15 fund to the purchase at a rate not above par and accrued interest, 
16 or redemption at par and accrued interest, of the bonds issued 
17 under this act, and the bonds so purchased or redeemed shall be 
18 cancelled by the said board of public works, and the same reg-
19 istered by the auditor in a book kept for that purpose, giving the 
20 number, date of issue, character, amount and owner, if known, at 
21 the time of purchase of the bonds so redeemed and cancelled; and 
22 in case no such purchase of bonds shall be made then the serial 
23 numbers of the bonds to be redeemed, as hereinbefore provided in 
24 this section, shall be determined by lot by the auditor and treas-
25 urer, and notice of the serial numbers of the bonds so selected to 
26 be redeemed, shall be given by publication, once every two weeks, 
27 beginning at least sixty days prior to an interest due date, in a 
28 newspaper published in Charleston, West Virginia, and in a news-
29 paper published in New York City, and interest from and after 
30 the next succeeding interest due date shall cease upon the bonds 
31 so designated to be paid.

Sec. 8. In order to provide the revenues for the payment of 
2 the principal and interest of said bonds as hereinbefore provided,
the board of public works of this state is authorized, empowered and directed to lay annually a tax upon all the real and personal property subject to taxation within this state sufficient to pay the interest on said bonds accruing during the current year and the principal of all bonds to be purchased or redeemed during that year, as hereinbefore provided; which taxes shall be collected in the usual way and paid into the treasury of the state to the credit of the “Sinking Fund” aforesaid, and shall not be liable for appropriation for any other purpose. Provided, however, that if there be other funds in the state treasury in any fiscal year, not otherwise appropriated, or if other sources of revenue be hereafter provided by law for the purpose, the board of public works is authorized, empowered and directed to set apart in any year there be such funds, or other sources of revenue provided for such purpose, a sum sufficient to pay the interest on said bonds accruing during the current year, and the principal of all bonds to be purchased or redeemed during any such year.

The authority hereby vested in the board of public works shall be in addition to the authority now vested in it by present law.

Sec. 9. The treasurer of the state of West Virginia is empowered and directed, upon warrant of the auditor, to pay the interest for the first six months on the bonds issued under this act as the same shall become due and payable, out of any money in the treasury of the state of West Virginia not otherwise appropriated, and all subsequent interest accruing thereafter upon said bonds shall be paid by him in accordance with the terms of this act, out of the sinking fund hereinbefore provided.

Sec. 10. The plates from which the bonds authorized by this act are printed shall be the property of the state of West Virginia.

Sec. 11. All necessary expenses incurred in the execution of this act shall be paid out of any money in the treasury of the state of West Virginia, not otherwise appropriated, on warrants of the auditor of the state drawn upon the state treasurer.

Sec. 12. The auditor is further empowered and directed to procure without delay, from the clerk of the supreme court of the United States a certified statement of all costs, paid or unpaid, incurred in the case of the commonwealth of Virginia against the state of West Virginia, resulting in the judgment hereinbefore described, together with the names of the persons to whom such costs are payable, and shall draw his warrant upon the treasurer for the amount of one-half thereof, and the treasurer shall issue his
9 check for said amount in accordance with the terms of said war-
10 rant, payable to the order of the clerk of the supreme court of the
11 United States, with authority and direction to the clerk of said
12 court to settle in full West Virginia's one-half of all costs incurred
13 in said litigation, with direction to said clerk to remit to the
14 state of West Virginia the amount of any credit that said state
15 may be entitled to by reason of advancements or partial payments
16 heretofore made by said state on account of said costs.

CHAPTER 11.
(Senate Bill No. 17—Mr. Duty.

AN ACT authorizing co-operation between the state department of
agriculture and the United States department of agriculture, and
prescribing duties for assessors in relation thereto, and to secure
a more perfect listing of agricultural land and products.

[Passed March 29, 1919. In effect ninety days from passage. Became a law
without the Governor’s approval.]

Sec. 1. Duty of commissioner of agriculture in co-operating with United
States department of agriculture.

Sec. 2. Assessors' duty in gathering statistics as may be required.

Sec. 3. Compensation to be allowed assessors by county courts; method
of payment.

Sec. 4. Failure of assessors to perform duties a misdemeanor; penalty.

Sec. 5. Repealing acts or parts of acts inconsistent.

Be it enacted by the Legislature of West Virginia:

Section 1. The commissioner of agriculture is hereby author-
ized to conduct co-operative work with the United States depart-
ment of agriculture in gathering and disseminating information
concerning agriculture, and it shall be the duty of the said com-
missioner and the tax commissioner to prepare and supply to the
several assessors of the state, printed books, forms, blanks and
papers, which are hereby required to be printed by the state printer
out of the printing fund of the state to be used in the gathering of
such agricultural and other statistics as the said commissioner of
agriculture may require, and, to secure a more perfect list of agri-
cultural property and to secure statistics herein stated, the com-
missoner of agriculture and the tax commissioner shall prescribe
forms, books, blanks, papers and reports and issue them to the
various assessors of the state.

Sec. 2. Commencing on the first day of April of each year,
the assessors shall proceed to gather such statistics as the said
commissioner of agriculture and the tax commissioner may re-
quire, and the printed books, forms, blanks, papers and reports
5 when so completed shall be returned to the commissioner of agri-
6 culture, on or before the first day of July next ensuing.

Sec. 3. The county court of each county may allow the as-
2 sessor a reasonable compensation, not exceeding ten per centum of
3 his salary for such work as may be required of him under this act,
4 by the said commissioner of agriculture, and no county court shall
5 allow pay to assessors for performance of duties herein prescribed,
6 until such assessor has received certificate that his reports are com-
7 pleted and satisfactory to said commissioner.

Sec. 4. Failure to properly perform any of the duties herein
2 set forth, or any of the requirements of the said commissioners
3 shall be a misdemeanor, and the assessors so offending shall be
4 subject to all the penalties set forth in chapter twenty-nine of the
5 code of eighteen hundred and ninety-nine, concerning assessors,
6 and may be proceeded against in the same manner as is therein
7 prescribed.

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

CHAPTER 12.

(House Bill No. 4—Joint Committee.)

AN ACT creating a department of public safety, to provide protec-
tion for the lives and property of the inhabitants of the state of
West Virginia, providing for the appointment of a super-
intendent, officers and members thereof, defining their powers
and duties and fixing their compensation, and creating a board
of commissioners to hear and determine charges to be filed
against any member of the department of public safety for mis-
conduct in office.

[Passed March 29, 1919. In effect from passage Approved by the Governor
March 31, 1919.]

Sec. 1. Department of Public Safety created; superintendent the execu-
tive and administrative head; appointment by the governor; tenure of office; age requirement; annual salary.

2. Superintendent's bond; oath of office; providing suitable offices for the department.

3. Deputy—how appointed; salary; clerk—how appointed and requirements; salary; stenograph-
er; salary.

4. Resignation of superintendent; filling of vacancy.

5. Superintendent's duty in creating.

Sec. 6. Governor may at any time muster out or discharge any company or platoon; duty of those mustered out.

7. Eligibility for superintendency; superintendent to appoint all mem-
ers of department; two-year tenure of office; increase in salary, with exceptions, after two years' service.
SEC. 8. Resignations or withdrawals from service; without consent of superintendent, and refusal to discharge duties, constitutes misdemeanor; penalty therefor.

9. Power of superintendent to re-appoint members at end of term of service; who not eligible to re-appointment.

10. Members of department cannot hold other office.

11. Rules and regulations for government of department to be made by superintendent, subject to approval of the governor; members may carry weapons without license therefor.

12. Providing of arms, weapons, horses and conveyances; uniforms; equipment property of the state; establishment of local headquarters.

13. Jurisdiction of department.

14. Powers and duties of superintendent and deputy, and of officers and members of the department.

15. Prohibiting members of the department from participating in politics, or assisting at elections, or remaining near voting precincts; other prohibitory clauses.

16. Form of oath to be subscribed to by members of the department.

17. Duty of officers of state, county and municipality to receive prisoners taken by department of public safety; failure or refusal a misdemeanor; penalty.

18. Molestation or interference with any member of the department, or refusal to give information relating to any offense or crime, a misdemeanor; penalty therefor; provision in reference to husband or wife.

19. Misdemeanor, with penalty for persons not members of department to represent themselves as such, or to wear or display uniform or badge of the department.

20. Felony for any officer or member of the department to hire himself to any person, firm or corporation to guard his private property, or to accept money or other thing of value for performance of duty under rules and regulations of the department.

21. Liability of person, firm or corporation to give money or thing of value to a member of department for performance of or failure to perform duties; felony, punishable by imprisonment or fine.

22. Superintendent may suspend or remove from service member for various reasons specified; in failure of superintendent to act, appeal may be made to board of commissioners.

23. Appointment of board of commissioners, by the governor; members to be chosen from opposite political parties; tenure of office; hearing of charges filed against members of the department of public safety; method of procedure.

24. Provision for third member of board of commissioners in case members cannot agree upon charges; governor the third member.

25. Compensation of members of the board of commissioners; actual expenses in addition.

26. Board of control to make and prescribe rules respecting payment of expenses of officers and members of the department of public safety, and for necessary equipment.

27. Salaries to be paid monthly upon requisition and warrant.

28. Transportation of officers and members of the department by railroads and other passenger-carrying corporations.

29. Duty of superintendent to collect statistics, distribute information throughout the state and cooperate with educational agencies to secure Americanization of foreign-born inhabitants; to employ all available agencies to secure harmonious feeling and understanding between employer and employee; privilege relative thereto.

Be it enacted by the Legislature of West Virginia:

Section 1. A department of public safety is hereby created.

2 The executive and administrative head of which shall be a superintendent, who shall be appointed by the governor by and with the advice and consent of the senate, for a term of four years.

3 The superintendent shall be on the date of his appointment at least thirty years of age and shall not be more than fifty-five years of age. He shall receive an annual salary of three thousand dollars to be paid as provided by law.

Sec. 2. The superintendent shall before entering upon the discharge of the duties of his office execute a bond payable to the state of West Virginia and conditioned for the faithful perform-
4 ance of his duties in the penalty of ten thousand dollars, with se-
5 curity thereon; such bond both as to form and security shall be
6 approved by the board of public works. Before entering upon
7 the duties of his office the superintendent shall subscribe to the
8 oath as hereinafter provided. Such bond when approved and such
9 oath when duly subscribed and taken, shall be filed with the secre-
tary of state and preserved by him in his office.
10 The board of public works shall provide suitable and adequate
12 offices at the capital of the state for the use of the department of
13 public safety.

Sec. 3. The superintendent, with the advice and consent of
2 the governor, shall appoint a deputy who shall receive an annual
3 salary of two thousand dollars. The superintendent shall ap-
4 point one clerk who shall be a competent bookkeeper and who
5 shall receive an annual salary of fifteen hundred dollars and also
6 appoint a competent stenographer who shall receive an annual sal-
ary of twelve hundred dollars.

Sec. 4. The superintendent may tender to the governor his
2 resignation as such at any time. The governor may accept the
3 same as soon as he can secure a person who is competent
4 and qualified to be appointed to fill the office. The super-
5 intendt in office shall continue as such and perform all of the
6 duties thereof until his successor is appointed and qualified.

Sec. 5. The superintendent shall create, appoint and equip
2 a department of public safety, which shall consist of two companies
3 or platoons. Each company or platoon shall be composed of one
4 captain who shall receive an annual salary of eighteen hundred
5 dollars, one lieutenant who shall receive an annual salary of six-
6 teen hundred dollars, one first sergeant who shall receive an annual
7 salary of twelve hundred dollars, four sergeants who shall receive
8 an annual salary of eleven hundred dollars each, four corporals
9 who shall receive an annual salary of one thousand dollars each
10 and such number of privates as the superintendent may decide to
11 be best, but such number of privates shall not at any time be less
12 than thirty nor more than fifty-five in any one company or platoon.
13 Each private shall receive an annual salary of nine hundred dol-
14 lars. Each member of the department of public safety, except the
15 superintendent, bookkeeper and stenographer, shall before entering
16 upon the discharge of his duties execute a bond with security in
17 the sum of thirty-five hundred dollars payable to the state of
18 West Virginia, conditioned for the faithful performance of his-
Sec. 6. The governor may at any time when he deems it ad-
visable muster out or discharge any company or platoon. The of-
ficers and members of such company or platoon so discharged shall
each be granted an honorable discharge signed by the superintend-
ent. Any company or platoon mustered out or discharged, as here-
in provided, shall deliver to the superintendent all of the prop-
erty and equipment belonging to the state which was in the pos-
session of such company, or any member thereof, and the method
and manner of such delivery and receipt therefor shall be pro-
vided for by regulations prescribed by the superintendent.

Sec. 7. No person shall be appointed by the superintendent
as a member of the department of public safety unless he be a
citizen of the United States and of the state of West Virginia,
and a bona fide resident of this state for the period of two years
next immediately preceding his appointment. He shall also be a
person not less than twenty-one nor more than forty-five years of
age, able to ride horseback, of sound constitution, of good moral
character, and he shall be required to pass such mental and physical
examinations as may be provided for by the rules and regulations
promulgated by the superintendent. No person shall be barred
from becoming a member of such department of public safety be-
cause of his religious or political convictions. All members of the
department of public safety, including the deputy, clerk and sten-
ographer, shall be appointed by the superintendent for the period
of two years and all the members of the department of public
safety, except the superintendent, deputy, captain, lieutenants,
bookkeeper and stenographer, shall receive an increase of sixty
dollars per annum during continuous service after two years and
an additional increase of sixty dollars per annum during con-
tinuous service after four years. Provided, that not more than
two such increases shall be made.

Sec. 8. No member of the department of public safety may
withdraw or resign from the department of public safety force
without the consent of the superintendent. And in the event any
member should withdraw, resign or refuse to discharge the duties
imposed upon him by this act, after having been duly appointed
and qualified, without the consent in writing of the superintendent,
he shall be deemed guilty of a misdemeanor and upon conviction
Sec. 8. Thereof shall be fined not less than the sum of fifty dollars nor more than the sum of one thousand dollars, or imprisoned in the county jail for a period of not more than six months, or both.

Sec. 9. The superintendent shall re-appoint any member of the department of public safety at the expiration of his term of service if in the opinion of the superintendent it is proper so to do; but no member of the department of public safety who has been removed, suspended or discharged under the provisions of this act shall be eligible to be again appointed to the department of public safety unless the consent of the governor thereto in writing is first had and obtained.

Sec. 10. No officer or member of the department of public safety shall be eligible during his term of service, or within one year thereafter, to hold any other office under the constitution and laws of the state of West Virginia, whether such office be elective or appointive.

Sec. 11. Subject to the written approval of the governor, the superintendent may make and promulgate proper rules and regulations for the government, discipline and control of the department of public safety and also proper rules and regulations for the examination of all applicants for appointment thereto.

The members of the department of public safety shall be permitted and allowed to carry such arms and weapons as may be prescribed by the superintendent and no license shall be required for such privilege.

Sec. 12. The superintendent shall provide the members of the department of public safety with suitable arms and weapons, and when and where he shall deem it necessary with suitably equipped horses and other means of conveyance. He shall also provide proper uniforms for all members of the department of public safety.

The superintendent shall prescribe the kind, materials and style of all uniforms both for the officers and privates. All uniforms and all arms, weapons and other property furnished to members of the department of public safety by the state of West Virginia shall be and remain the property of the state.

The superintendent shall establish and maintain local headquarters at such places in West Virginia which are in his judgment suitable and proper to render the department of public safety most efficient for the purpose of preserving the peace, protecting property, preventing crime, apprehending criminals and carrying into effect...
Sec. 13. The jurisdiction of the department of public safety shall extend anywhere in the state of West Virginia.

Sec. 14. The superintendent and deputy, respectively, and each of the officers and members of the department of public safety, are hereby authorized and empowered as follows:

First. To make arrests anywhere within the confines of the state of any and all persons charged with the violation of any law of this state, or of the United States, and when a witness to the perpetration of any offense or crime, or to the violation of any law of this state, or of the United States, may arrest without warrant; to arrest and detain any and all persons suspected of the commission of any felony or misdemeanor whenever complaint is made and a warrant is issued thereon for such arrest, and any and all persons so arrested shall be forthwith brought before the proper tribunal for examination and trial in the county where the offense for which any such arrest has been made, was committed.

Second. To serve criminal process issued by any court or justice of the peace anywhere within this state; provided, however, that they shall not serve civil process.

Third. To co-operate with local authorities in detecting crime and in apprehending any person or persons engaged in or suspected of the commission of any crime, misdemeanor or offense against the law of this state, or of the United States, or of any ordinance of any municipality in this state.

Fourth. Members of the department of public safety shall be and are hereby created forest patrolmen, game and fish wardens and deputy prohibition officers throughout the state to do and perform any and all duties and exercise any and all powers of such officers, and may apprehend and bring, before any court or justice of the peace having jurisdiction of such matters, any one violating any of the provisions of chapters thirty-two-a, sixty-two and one hundred and fifty-three of Barnes' code of one thousand nine hundred and sixteen, and any and all amendments thereto; and the department of public safety shall at any time be subject to the call of the commissioner of prohibition to aid the prohibition department in
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apprehending any person violating any of the provisions of chapter thirty-two-a; they shall serve and execute warrants for the arrest of any person and warrants for the search of any premises issued by any properly constituted authority, and shall exercise all of the powers conferred by law upon a sheriff, constable or any other peace officer of this state, except that they shall not serve any civil process or exercise any of the powers of such officers in matters of a civil nature.

Fifth. Any member of the department of public safety knowing or having reason to believe that any one has violated the law may make complaint in writing before any court or officer having jurisdiction and procure a warrant for such offender, execute the same and bring such person before the proper tribunal having jurisdiction. Members of the department of public safety shall make return on all such warrants to said tribunals and his official title shall be "member of department of public safety." Members of the department of public safety may execute any summons or process issued by any tribunal having jurisdiction requiring the attendance of any person as a witness before such tribunal and make return thereon as provided by law and any return by a member of the department of public safety showing the manner of executing such warrant or process shall have the same force and effect as if made by a sheriff.

Sixth. The members of the department of public safety and each of them when called by the sheriff of any county, or when the governor by proclamation so directs, shall have full power and authority within said county, or within the territory defined by the governor, to direct and command absolutely the assistance of any sheriff, deputy sheriff, constable, chief of police, policeman, town marshal, game and fish warden, deputy prohibition officer and any and every peace officer of the state, or of any county or municipality therein, or of any able-bodied citizen of the United States to assist and aid in accomplishing the purposes expressed in this act. When so called any officer or person shall, during the time his assistance is required, be, and be considered to be, for all purposes a member of the department of public safety force and subject to all the provisions of this act.

Sec. 15. No member of the department of public safety shall in any way interfere with the rights or property of any person except for the prevention of crime.

No member of the department of public safety shall in any
5 way become active or take part in any political contest or at any
time participate in any political party caucus, committee, primary,
assembly or convention or in any general or special election what-
soever except to cast his ballot.

9 No member of the department of public safety shall be de-
tailed or ordered to duty at or near any voting precinct where
any election or convention is held on the day of such election or
convention; nor shall any member thereof remain in, about or near
such voting precinct or place of convention, except to cast his
vote. After voting he shall forthwith retire from such voting
precinct. No member of the department of public safety shall act
as an election official. If any member of the department of public
safety be found guilty of violating any of the provisions of this
section he shall be dismissed from the force by the superintendent
as hereinafter provided.

10 No officer or member of the department of public safety shall,
while on duty, be quartered in any property in the possession or
control of any person, firm or corporation which is an employer
of labor and employs more than twenty-five persons at one time
unless no other quarters are reasonably available for their housing.

15 No officer or member of the department of public safety shall,
in any labor trouble or dispute, between employer and employee
aid or assist either party thereto, but shall in such cases see that
the statutes and laws of the state of West Virginia are enforced
in a legal way and manner.

Sec. 16. The superintendent and each of the other members
of the department of public safety before entering upon the dis-
charge of his duties shall take and subscribe to an oath which
shall be of the form and effect as follows, to wit:

"State of West Virginia,

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

I, ............................................, do solemnly
swear that I will support the constitution of the United States;
the constitution of the state of West Virginia; and I will hon-
estly and faithfully perform the duties imposed upon me under
the provisions of this act as a member of the department of public
safety to the best of my skill and judgment.

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

.................................................."
All such oaths, except that of the superintendent, shall be filed and preserved in the office of the department of public safety.

Sec. 17. It shall be the duty of all officers of the state, or of any county or municipality thereof, or jailors having the charge and custody of any jail or place of detention to receive any and all prisoners arrested by any officer or member of the department of public safety and to detain them in custody until ordered released by a tribunal of competent jurisdiction, and any such officer, jailor or person having custody of any jail or place of detention who shall fail or refuse to so receive and detain such prisoner or prisoners shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for a period not exceeding sixty days, or by both such fine and imprisonment.

Sec. 18. Any person who shall at any time intercept, molest or interfere with any officer or members of the department of public safety while on duty, or any state, county or municipal officer or person then under the charge and direction of some officer or member of the department of public safety while on duty, or who shall refuse upon request to give any such officer or member any information possessed by him, relating to any offense or crime committed, or about to be committed, or of any riot, uprising or disturbance existing or threatened shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars or imprisoned in the county jail for a period not exceeding sixty days, or by both such fine and imprisonment; provided, nothing in this section contained shall be construed to require any person to give information tending to incriminate himself or the husband or wife of such person.

Sec. 19. Any person who shall falsely represent himself to be an officer or member of the department of public safety, or to be under the order or direction of any officer or member of the department of public safety, or who shall, unless an officer or member thereof, wear or display the uniform, badge or other insignia adopted or used by the public safety department, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail.
10 for a period not exceeding six months, or by both such fine and
11 imprisonment.

Sec. 20. If any officer or member of the department of public
2 safety shall hire himself to any person, firm or corporation to
3 guard his private property, or shall demand or receive from any
4 person, firm or corporation any money or other thing of value
5 as a consideration for the performance of, or the failure to per-
6 form his duties under the rules and regulations made by said
7 superintendent and the provisions of this act, he shall be deemed
8 guilty of a felony and upon conviction thereof shall be confined
9 in the penitentiary for a term of not less than one year nor more
10 than five years, and any such officer or member of the department
11 of public safety who shall violate any other of the provisions of
12 this act, unless herein otherwise expressly provided for, shall be
13 deemed guilty of a misdemeanor and upon conviction thereof
14 shall be punished by a fine of not less than twenty-five dollars nor
15 more than two hundred dollars or by imprisonment in the county
16 jail for a period not exceeding four months, or by both such fine
17 and imprisonment.

Sec. 21. If any person, firm or corporation shall give or
2 offer to give any money or other thing of value to any officer
3 or member of the department of public safety as a consideration
4 for the performance of, or the failure to perform, any duty of
5 such officer or member of the department of public safety under
6 the rules and regulations of the superintendent and the provisions
7 of this act, he or it shall be deemed guilty of a felony, and if a
8 person, upon conviction thereof, shall be confined for a term in
9 the penitentiary of not less than one nor more than five years,
10 and if a firm or corporation shall be fined not less than three
11 thousand dollars nor more than ten thousand dollars.

Sec. 22. The superintendent may suspend or remove from
2 the service any member of the department of public safety for any
3 of the following causes, to wit: Refusing to obey the orders of his
4 superior officer, neglect of duty, drunkenness, immorality, ineffi-
5 ciency, abuse of his authority, interference with the lawful right of
6 any person, participation in political primaries, conventions or
7 elections or any other cause that may in the opinion of the superin-
8 tendent be necessary for the good of the service. The superin-
9 tendent shall act when notice of such causes shall be brought to
10 his attention or upon charges in writing filed by any one and sup-
Ported by proper affidavit. In the event the superintendent shall fail to suspend or dismiss any such officer or member after such matters have come to his knowledge, or such charges and proof thereof has been made and filed with him, by any person or persons, an appeal may be had to the board of commissioners to be hereinafter created for such purpose, and all of the original papers in such cases shall be delivered by the superintendent to the board of commissioners who shall decide such cases in the manner hereinafter provided.

Sec. 23. The governor, by and with the consent of the senate shall appoint two persons who shall be residents of this state as members of the board of commissioners. The governor shall appoint one member from each of the two political parties which at the last preceding general election cast the most votes for the office of governor. The term of office of each of such commissioners shall be for the period of two years beginning on the first day of July, 1919, and none of said commissioners shall hold any other office either elective or appointive in this state, and their successors shall be appointed by the governor at the end of said period of two years. The two persons so appointed shall constitute the board of commissioners whose duty it shall be to review all cases of appeal from the findings of the superintendent on charges filed against any such member of the department of public safety or in all cases of dismissal or suspension of any member of the department of public safety by the superintendent as hereinbefore provided. Charges may be preferred and filed in writing before the board of commissioners against any officer or member of the department of public safety, including the superintendent and his deputy, for any neglect of duty, inefficiency, immorality, pernicious activity in political campaigns, contests, conventions, primaries or elections, abuse of authority, or for any other misconduct in office without first filing such charges before the superintendent as hereinbefore provided. When such charges are so filed the board of commissioners shall hear, try and determine the same according to the rules and regulations governing such hearing as may be adopted by the board and according to law. When charges are filed against any member of the department of public safety before the board of commissioners a copy of such charges shall be served upon the accused who shall within a reasonable time, to be fixed by the board, be required to answer the same, and the board shall give notice in writing to the accused...
33 of the time and place when the said charges will be heard and 
34 considered by it. It shall be the duty of the board to adopt proper 
35 rules and regulations prescribing the manner of procedure of such 
36 hearings and so far as possible the board shall be governed by the 
37 rules of legal procedure relating to the admissibility of evidence. 
38 When such charges are filed before the board, either originally 
39 or on appeal, and are supported by reasonable proof by affidavit 
40 against any officer or member of the department of public safety, 
41 the board shall as soon as possible consider the same, and if one or 
42 more members of the board shall be of the opinion that said 
43 charges and proof supporting the same constitute proper grounds 
44 for suspension, the accused shall be suspended from the depart- 
45 ment of public safety until a fair trial may be had upon such 
46 charges.

Sec. 24. In all cases before a trial shall be had the accused 
2 shall be served with a copy of the charges and given a reasonable 
3 opportunity to defend himself against such charges, and if on the 
4 hearing of such charges the members of the board shall be equally 
5-7 divided then the accused shall be suspended until a further trial 
8 is had with a third member presiding as hereinafter provided for. 
9 If upon any trial two members of the board shall be of opinion 
10 that the accused is guilty of the charges preferred then he shall be 
11 discharged from the service without further trial.
12 If at any trial the board should be equally divided as here- 
13 inbefore stated and the accused suspended, the board at such time 
14 shall fix a day for the final hearing and on said final hearing the 
15 governor of this state shall be, and is hereby created, the third 
16 member of the board and shall preside at the hearing of such 
17 charges against the accused and if in case the board should again 
18 be equally divided in their finding, the governor shall cast the de- 
19 ciding vote on all hearings on charges preferred against any officer 
20 or member of the department of public safety where the board 
21 has been equally divided. It shall require the votes of at least 
22 two of the members of the board to suspend any member on charges 
23 preferred and the votes of three of the members of the board to 
24 dismiss the accused.

Sec. 25. Each member of the board of commissioners ex- 
2 cept the governor, shall be allowed the sum of ten dollars per 
3 day for each and every day necessarily employed in the discharge 
4 of his duties as a member thereof, and in addition thereto he
shall be paid his necessary actual expenses in attending any meetings thereof.

Sec. 26. The board of control shall make and prescribe rules and regulations respecting the payment of the expenses of the officers and members of the department of public safety, as well as for the necessary equipment and all of the other expenditures provided for in connection therewith and the board of control shall approve the expenditures of the department of public safety as they are authorized by law to do for other state institutions and all expenditures of such department shall be audited in the same way and manner as the expenditures of other state departments.

Sec. 27. All salaries authorized herein to be paid to the officers and members of the department of public safety shall be paid monthly upon proper requisitions and warrants.

Sec. 28. Whenever any officer or member of the department of public safety shall present evidence of his official character to any railroad conductor, manager or officer of any corporation engaged in the business of transporting passengers, such conductor, manager or officer shall upon demand transport such officer or member of the department of public safety anywhere in the state of West Virginia without making any charge therefor, and such conductor, manager or officer shall also transport any and all prisoners in the charge or custody of members of the department of public safety, and all claims for such transportation of any prisoners shall be presented to, examined, audited and allowed by the superintendent and shall be paid as other claims against the state are paid.

Sec. 29. The superintendent of the department of public safety is authorized from time to time to collect statistics and distribute information throughout the state, and in this co-operate with the state superintendent of public schools and other educational agencies of the state, to secure the naturalization and Americanization of all foreign-born inhabitants; to employ all agencies in his power to secure a harmonious feeling and understanding between the employers of labor and their employees; and to secure this end he may call upon the educational and other state institutions for public speakers and is authorized to hold public meetings at any point in the state where, in his judgment, such meetings will be of advantage to carry out the spirit of this law.
SENATE JOINT RESOLUTION NO. 1.

(Adopted March 19, 1919.)

Requesting the president of the United States and congress to consider the advisability of enacting laws permitting the use of the army of the United States, when necessary, for the preservation of order and the suppression of riots and insurrections in the several states.

WHEREAS, The creation or organization of an army to carry on the war between the United States of America and the central empires of Europe resulted in absorbing into the military establishment of the United States the various military organizations heretofore known as the national guard of the states; and

WHEREAS, It is necessary for the preservation of order and tranquility to have at the command of the executives of the respective states a military force, and the national guards as they existed prior to the declaration of the war above mentioned must be reorganized, or some other military force be submitted in the place and stead of such national guards; and

WHEREAS, it is the opinion of the legislature of the state of West Virginia that the maintenance of forty-eight separate military establishments within the forty-eight several states of the union constitutes an unnecessary burden upon the taxpayers of the different states, which burden is not justified by any effective service which such military establishments can render to the general government in time of war; and

WHEREAS, it is the opinion and belief of the members of the legislature of West Virginia that the regular military establishment maintained by the United States of America in times of peace is ample for the preservation of order throughout the entire United States, and that the use of such military force or power for such purpose will be beneficial to the men and officers enlisted and employed in the United States army; and

WHEREAS, we believe that any reasonable objection to the centralizing tendencies which might be emphasized by such use of the military establishment of the United States can be answered and met by the enactment of a law directing the president of the United States to place at the command of the governor of any state, under their own officer, such number of soldiers in the national service as may
from time to time be required by the governor of any state for the preservation of order and tranquility within the borders of the state; and

WHEREAS, this course commends itself to our judgment not only for the saving in taxation which will result therefrom, but we believe it will result in maintaining the bonds of sympathy and good feeling between the people generally and the soldiers in the army of the United States by keeping them in contact with each other and by arousing in the minds of the citizens generally a sense of gratitude for the security and tranquility which the soldiers by their services assure unto them. At the same time the healthful exercises afforded to the soldiers in the army of the United States in rendering the services contemplated, will break the tedium of monotony of army life in stations and barracks in time of general peace; therefore, be it

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

That the president of the United States and the congress of the United States be respectfully requested to consider the advisability of enacting laws which shall permit the use of the army of the United States in and throughout the several states of the Union for the preservation of order, as well as suppression of riots and insurrections.

Resolved, further, That a copy of these resolutions be transmitted to the president of the United States, to each member of the senate and house of representatives of the congress of the United States, and to the governor of each state.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted March 11, 1919.)

Providing for the appointment of a joint committee to wait upon the governor and notify him that the legislature is organized.

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

That a committee of two on the part of the senate and three on the part of the house of delegates be appointed to jointly wait upon the governor and notify him that the legislature is now in special session pursuant to his proclamation, dated February 28, 1919, with a quorum of each house present, and awaits any communication he may
SENATE CONCURRENT RESOLUTIONS

desire to make. The members of said committee to be appointed respectively by the president of the senate and the speaker of the house of delegates.

SENATE CONCURRENT RESOLUTION NO. 2.

(Adopted March 19, 1919.)

Providing for the payment of mileage and per diem of members of the joint special committee appointed under Senate Concurrent Resolution No. 8, regular session, to draft tentative bills for the payment of the Virginia debt judgment.

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

WHEREAS, the legislature on the twenty-first day of February, one thousand nine hundred and nineteen, regular session, adopted Senate Concurrent Resolution No. 8, providing for the appointment of a joint committee to draft tentative bills for the payment of the Virginia debt judgment, for the consideration of the legislature; and

WHEREAS, the said concurrent resolution provided that the members of such committee were “entitled to receive the same pay as members of the legislature actually employed in such work and also receive such mileage as members of the legislature receive”; and

WHEREAS, the said joint committee on the Virginia debt was in session eight days and it further appears that the members of the aforesaid committee traveled the number of miles herein set forth:

- George C. Arnold ........................................ 600 miles
- Fred L. Fox ............................................ 196 miles
- Wallace B. Gribble ..................................... 378 miles
- A. R. Montgomery ....................................... 120 miles
- Joseph M. Sanders ..................................... 474 miles
- L. C. Anderson .......................................... 388 miles
- Septimus Hall ........................................... 408 miles
- Albert Kern ............................................. 570 miles
- E. F. Moore ............................................. 518 miles
- S. L. Parsons ............................................ 112 miles
- J. J. Swisher ............................................ 282 miles
- J. V. Sullivan eight days at the same rate allowed in the regular session.

Be it Resolved, That the clerk of the senate and the sergeant-at-
arms of the house of delegates be, and they are hereby directed, to
draw their warrants upon the auditor, payable respectively to the
members of the senate and the members of the house of delegates
comprising said joint committee for mileage at the rate of ten cents
per mile as set forth in the foregoing list and for per diem at the
rate of four dollars for eight days, said warrants to be drawn on the
contingent funds of the senate and the house of delegates.

SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted March 18, 1919.)

Providing for the payment of per diem and mileage of members of
the joint special committee appointed under House Concurrent Reso­
lution No. 15, regular session, to investigate and report on state po­
lice protection, and for the payment of sundry contingent expenses
incurred by said committee.

WHEREAS, the legislature on the twenty-first day of February, one
thousand nine hundred and nineteen, regular session, adopted House
Concurrent Resolution No. 15, providing for the appointment of a
joint committee to investigate and report on state police protection
for the consideration of the legislature; and

WHEREAS, the said concurrent resolution provided that the mem­
bers of such committee were “entitled to receive the same pay as
members of the legislature actually employed in such work, and also
receive such mileage as members of the legislature receive”; and

WHEREAS, the said joint committee on state police protection was
in session eight days, and it further appears that the members of the
aforesaid committee traveled the number of miles herein set forth:

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<th>Name</th>
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<tr>
<td>Elmer Hough</td>
<td>502 miles</td>
</tr>
<tr>
<td>Cost of stenographic work on report for use of committee</td>
<td>$16.50</td>
</tr>
<tr>
<td>Telegraph messages and phone tolls</td>
<td>8.75</td>
</tr>
<tr>
<td>Expenses paid to Captain L. S. Pitcher, of Pennsylvania State Police Force, incurred in appearing before committee</td>
<td>75.00</td>
</tr>
<tr>
<td>Edgar B. Stewart</td>
<td>602 miles</td>
</tr>
<tr>
<td>A. E. Scherr</td>
<td></td>
</tr>
<tr>
<td>Carl H. Hunter</td>
<td>454 miles</td>
</tr>
<tr>
<td>G. K. Kump</td>
<td>1,018 miles</td>
</tr>
<tr>
<td>Geo. W. McClintic (for stenographic work)</td>
<td>5.00</td>
</tr>
</tbody>
</table>
HOUSE CONCURRENT RESOLUTIONS

J. M. McVey .................................. 120 miles
H. K. Stover .................................. 680 miles
J. S. Thurmond ................................. 238 miles
B. R. Twyman ................................. 332 miles
M. J. Malamphy, Jr. .......................... 602 miles

Per diem for eight days as in regular session.

Therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:
That the clerk of the senate and the sergeant-at-arms of the house of delegates be, and they are hereby directed, to issue their warrants upon the auditor, payable, respectively, to the members of the senate and the members of the house of delegates comprising said joint committee, for mileage at the rate of ten cents per mile as set forth in the foregoing list, and for per diem at the rate of four dollars for eight days and for the necessary contingent items listed, said warrants to be drawn on the contingent funds of the senate and the house of delegates, respectively.

HOUSE CONCURRENT RESOLUTION NO. 1.

(Adopted March 13, 1919.)

Authorizing the auditor to issue warrants for mileage and per diem of members, officers and attaches of the Legislature.

Resolved by the Legislature of West Virginia:
That the auditor is hereby authorized to issue his warrants upon the treasurer in advance of the passage of the legislative appropriation bill, for such amounts as are, or may become due to the several members, officers and attaches of the senate and house of delegates, for the per diem and mileage of the members, and per diem of attaches upon the proper requisition of the clerk of the senate and the sergeant-at-arms of the house, respectively.

HOUSE CONCURRENT RESOLUTION NO. 2

(Adopted March 21, 1919.)

Resolved, That it is the sense of the legislature of West Virginia that the adoption by the United States of America of the proposed
constitutions for a league of nations would be unwise. That while we believe that an agreement should, if possible, be entered into limiting armament and otherwise tending toward the prevention of war, that we regard the proposed league of nations as an abandonment of the Monroe Doctrine and of our traditional policy of avoiding entangling alliances with European nations. That most of the provisions of the proposed constitution for a league are so vague and indefinite as to be occasions for future disputes and wars rather than aids to the preservation of peace; and that in general where the provisions of the said proposed constitution are clear they commit us to the performance of duties throughout the world the assumption of which, on the part of this country, would be most unwise. Be it further

Resolved, That we approve the course of those United States senators who have expressed their unwillingness to ratify a treaty binding us to the provisions of the proposed constitution for a league of nations; and that a copy of these resolutions be furnished to each of the United States senators from West Virginia.

HOUSE CONCURRENT RESOLUTION NO. 3.

(Adopted March 31, 1919.)

Authorizing the janitor of the capitol to employ, under the statute, additional help during the present extra session of the legislature."

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

That the janitor of the capitol appoint, not to exceed eleven additional helpers during the present extra session of the legislature, at the rate of three dollars per day each, six of whom shall be paid out of the contingent fund of the house, upon proper warrants drawn by the sergeant-at-arms of the house upon the auditor, and five to be paid out of the contingent fund of the senate upon proper warrants drawn upon the auditor by the clerk of the senate; and that the three dollars per day allowed by law to the chief janitor as extra compensation during the session, be paid one-half out of the contingent fund of the house and the other half out of the contingent fund of the senate, upon warrants drawn by the proper officers upon the auditor.

Resolved, further, That the janitor also appoint two charwomen, who shall receive the same compensation as the assistant legislative janitors, one of said charwomen to be paid out of the contingent fund
of the house and the other out of the contingent fund of the senate
upon warrants drawn upon the auditor by the sergeant-at-arms of the
house and the clerk of the senate, respectively.

HOUSE CONCURRENT RESOLUTION NO. 4
(Adopted March 26, 1919.)

Providing for the appointment, by the governor, of a committee to
co-operate with the federal government relative to securing the loca-
tion of a project or projects, in this state, in the event of the passage
by congress of soldier settlement legislation.

WHEREAS, the department of the interior has under consideration
and will present to congress at its next session, regular or special,
certain soldier settlement legislation, which, if acted upon favorably,
will provide for creating projects in the several states where former
soldiers and sailors may obtain and develop land suitable for the es-
tablishment of homes; and,

WHEREAS, it is desirable that the state of West Virginia cooperate
with the federal government, in the event of such federal legislation,
to the end that one or more of such projects be established within the
state; therefore, be it

Resolved, That the governor be and is hereby authorized, in the
event of the passage by congress of soldier settlement legislati-on, to
appoint a committee of five public-spirited citizens of the state to co-
operate with the federal government in securing information relative
to possible locations for projects and to aid in obtaining such project
or projects for the state of West Virginia.

HOUSE CONCURRENT RESOLUTION NO. 7.
(Adopted March 25, 1919.)

Relating to the next United States loan.

Resolved by the House of Delegates, the Senate concurring:
That Hon. W. A. MacCorkle, be and he is hereby invited to address
the legislature in joint session at eleven o'clock A. M. on Wednesday,
the 26th day of March, 1919, in the hall of the house of delegates
upon the subject of the next United States loan.
HOUSE CONCURRENT RESOLUTION NO. 8.

(Adopted March 31, 1919.)

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 CONCURRENT RESOLUTION NO. 4.

"Modifying, in certain respects, the distribution of the 1918 edition of the 'West Virginia Legislative Hand Book and Manual and Official Register'."

WHEREAS, On the night of March 7th, 1919, in a fire that occurred in the bindery of the Union Printing Company, leased by the public printer, in the city of Charleston, more than one-half of the 1918 edition of the West Virginia Legislative Hand Book and Manual and Official Register was destroyed either by fire or water; and

WHEREAS, While the unfinished books in the bindery were fully covered by insurance, and the state sustained no loss, it is impracticable at this late day to re-print the edition; therefore, be it

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

That the plan of distribution of the Hand Book adopted in 1917 be modified as to the 1918 edition, as follows:

Ten copies to each member of the legislature.

One hundred and sixty copies to the department of free schools for supplying county superintendents and principals of high schools.

Fifty copies to the department of archives and history for exchange with other states and for public libraries outside the state.
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