## West Virginia Legislature
### State Senators

### Officers
- **HON. HARRY G. SHAFFER** ................................................................. President
- **JOHN T. HARRIS** ........................................................................... Clerk
- **M. C. KINDLEBERGER** ............................................................... Sergeant-at-Arms
- **J. P. STEWART** ........................................................................ Doorkeeper

### District Members

<table>
<thead>
<tr>
<th>District</th>
<th>Members</th>
<th>Postoffice</th>
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<tbody>
<tr>
<td>First</td>
<td>J. New Porter (R), (*)Wright Hugus (R)</td>
<td>Newell</td>
</tr>
<tr>
<td>Second</td>
<td>T. P. Hill (R), (*)George N. Yoho (D)</td>
<td>Middlebourne</td>
</tr>
<tr>
<td>Third</td>
<td>James D. Drummond (R), (*)Harvey Marsh (R)</td>
<td>Cameron, St. Marys, Parkersburg</td>
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<td>Fourth</td>
<td>(t)R. P. Shinn (R), (*)John M. Baker (R)</td>
<td>Ripley, Spencer</td>
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<tr>
<td>Fifth</td>
<td>Philip Hager (R), (*)Harry H. Darnall (D)</td>
<td>Huntington</td>
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<td>Sixth</td>
<td>Wm. J. McClaren (R), (*)M. Z. White (R)</td>
<td>Welch, Williamson</td>
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<td>Seventh</td>
<td>C. C. Coalter (R), (*)John Kee (D)</td>
<td>Hinton, Bluefield</td>
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<td>Eighth</td>
<td>Harry G. Shaffer (R), (*)Clyde B. Johnson (D)</td>
<td>Charleston</td>
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<td>Ninth</td>
<td>Robert H. Boone (R), (*)H. O. Huley (D)</td>
<td>Booneville, Lookout</td>
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<td>Tenth</td>
<td>(*)R. F. Kidd (D)</td>
<td>(*)A. C. Herold (D)</td>
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<td>George W. Bowers (R), (*)F. S. Sudhalter (D)</td>
<td>Manning, Grafton</td>
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<td>Twelfth</td>
<td>George E. White (R), (*)Chas. G. Coffman (R)</td>
<td>Weston, Clarksburg</td>
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<td>Thirteenth</td>
<td>Goren C. Arnold (R)</td>
<td>Buckhannon, Philippi</td>
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<td>Fourteenth</td>
<td>A. L. Helmeck (R), (*)Hugh S. Byer (D)</td>
<td>Thomas, Keyser</td>
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<td>Fifteenth</td>
<td>H. P. Henshaw (D), (*)P. E. Nixon (D)</td>
<td>Bunker Hill, Paw Paw</td>
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</table>

10 Republicans
11 Democrats

(*) Denotes holdovers
(t) Died during session
Standing Committees of the Senate

ON PRIVILEGES AND ELECTIONS.
Messrs. Marsh (Chairman), Baker, Coalter, Helmick, Shinn, White (of Mingo), Nixon, Suddarth and Yoho.

ON THE JUDICIARY.

ON FINANCE.
Messrs. Arnold (Chairman), Boone, Dinsmoor, Hager, Helmick, McClaren, Porter, Coalter, White (of Lewis), White (of Mingo), Henshaw, Herold, Kee, Suddarth and Yoho.

ON EDUCATION.
Messrs. Hill (Chairman), Bowers, Hugus, Marsh, Reynolds, Shinn, Byrer, Darnall and Suddarth.

ON COUNTIES AND MUNICIPAL CORPORATIONS.
Messrs. White (of Lewis) (Chairman), Coalter, Dinsmoor, Hager, Helmick, McClaren, Boley, Johnson and Kee.

ON ROADS AND NAVIGATION.

ON BANKS AND CORPORATIONS.
Messrs. Hager (Chairman), Baker, Bowers, Dinsmoor, Hugus, White (of Mingo), Boley, Herold and Nixon.

ON PUBLIC BUILDINGS AND HUMAN INSTITUTIONS.
Messrs. Coalter (Chairman), Arnold, Baker, Hager, Helmick, Hill, White (of Lewis), White (of Mingo), Boley, Darnall and Johnson.

ON PENITENTIARY.
Messrs. White (of Mingo), (Chairman), Coffman, Helmick, Hill, Marsh, Porter, Darnall, Kidd and Yoho.

ON RAILROADS.
Messrs. Helmick (Chairman), Boone, Coalter, Coffman, Dinsmoor, Hugus, Henshaw, Johnson and Suddarth.

ON MILITIA
Messrs. Hugus (Chairman), Arnold, Baker, Hill, Reynolds. White (of Lewis), Herold, Kidd and Nixon.
ON FEDERAL RELATIONS.
Messrs. Bowers (Chairman), Baker, Reynolds, Porter, Marsh, Kidd, Kee, Darnall and Byrer.

ON INSURANCE.
Messrs. Porter (Chairman), Hager, McClaren, Helmick, Coalter, White (of Lewis), Yoho, Henshaw and Johnson.

ON IMMIGRATION AND AGRICULTURE.
Messrs. Reynolds (Chairman), Bowers, Shinn, Hager, Dinsmoor, Boone, Yoho, Herold and Henshaw.

ON MINES AND MINING.
Messrs. White (of Mingo) (Chairman), Helmick, Boone, Coalter, McClaren, Hager, Nixon, Byrer and Boley.

ON MEDICINE AND SANITATION.
Messrs. Bowers (Chairman), Porter, Hill, Helmick, Coffman, Arnold, Suddarth, Kidd and Darnall.

ON LABOR.
Messrs. Dinsmoor (Chairman), White (of Lewis), McClaren, Hugus, Helmick, Arnold, Byrer, Herold and Henshaw.

ON CLAIMS AND GRIEVANCES.
Messrs. Boone (Chairman), White (of Mingo), Hill, Coffman, Bowers, Baker, Kidd, Kee and Nixon.

ON FORFEITED AND UNAPPROPRIATED LANDS.
Messrs. Baker (Chairman), White (of Mingo), Porter, Marsh, Coalter, Kee, Darnall and Byrer.

ON PUBLIC PRINTING.
Messrs. Hill (Chairman), Hugus, Helmick, Dinsmoor, Coffman, Arnold, Suddarth, Nixon and Boley.

ON RULES.
Messrs. Shaffer (Chairman), White (of Mingo), White (of Lewis), Hill, Bowers and Johnson.

ON PUBLIC LIBRARY.
Messrs. Porter (Chairman), Shinn, McClaren, Marsh, Hill, Hager, Boley, Henshaw and Kee.

TO EXAMINE THE CLERK'S OFFICE.
Messrs. Hager (Chairman), White (of Lewis), Shinn, Marsh, Bowers, Arnold, Nixon, Byrer and Boley.

ON PROHIBITION AND TEMPERANCE.
Messrs. Shinn (Chairman), Reynolds, Marsh, Hill, Hager, Coffman, Nixon, Yoho and Boley.
ON FORESTRY AND CONSERVATION.

Messrs. Coalter (Chairman), Shinn, Reynolds, Porter, McClaren, Dinsmoor, Boone, Johnson, Herold, Henshaw and Byrer.

ON VIRGINIA DEBT.


ON RE-DISTRICTING.

Messrs. Shinn (Chairman), Boone, Bowers, Coffman, Dinsmoor, Porter, Byrer, Henshaw and Kee.

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

Messrs. Hugus (Chairman), Reynolds, Hager, Darnall and Herold.

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

Messrs. White (of Lewis) (Chairman), Hugus, White (of Mingo), Johnson and Suddarth.
**HOUSE OF DELEGATES**

**Officers**

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<th>Clerk</th>
<th>Sergeant-at-Arms</th>
<th>Doorkeeper</th>
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<tr>
<td>HON. W. E. R. BYRNE</td>
<td>ROBERT L. HAMILTON</td>
<td>W. A. RIFFE</td>
<td>W. R. COMBS</td>
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<td>Barbour</td>
<td>Thurman Paugh (D)</td>
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<td>H. Lott Smith (R)</td>
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<td>Braxton</td>
<td>Irving Suphin (D)</td>
<td>Seth</td>
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<td>Brooke</td>
<td>A. S. Craig (D)</td>
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<td>G. I. Armstrong (D)</td>
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<td>R. Page Aleshire (D)</td>
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<td>T. S. Seaton (D)</td>
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<td>D. H. Stephenson (D)</td>
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<td>Ira E. Smith (R)</td>
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<td>George W. Dye (D)</td>
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<td>Wyoming</td>
<td>Eli Luak (R)</td>
<td>Herndon</td>
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68 Democrats
29 Republicans
Standing Committees of the House of Delegates

ON ELECTIONS AND PRIVILEGES.

Messrs. Sutton (Chairman), Brammer, Jones, Crouch, King, Sydenstricker, Paugh, Vaught, Mohler, Huber, Slaughter Everhart, Beneke, Taylor and Wilson (of Upshur).

ON JUDICIARY


ON FEDERAL RELATIONS.

Messrs. Calvert (Chairman), Crouch, Cox, Miller, Sutton, Wingrove, George, Hall (of Mingo), Hall (of Wetzel), Paugh, Hatfield, Harschner, Sommerville, Bruns and Dailey.

ON TAXATION AND FINANCE.

Messrs. Aleshire (Chairman), Oldham, Hall (of Wetzel), Vaught, Estep, Huber, Sutton, Righter, Holroyd, McLaughlin, Hood, Willis, Farris, Byrnes and Hatfield.

ON MILITARY AFFAIRS.

Messrs. Ash (Chairman), Coffield, Marshall, Proctor, Honaker, Bailey, Huber, Hunter, Davisson, Delawder, Mohler, Eubank, Dailey, Farris and Taylor.

ON PROHIBITION AND TEMPERANCE.


EDUCATION.

Messrs. Oldham (Chairman), Brammer, Ash, Gates (Mrs.), Hopkins, Harvey, Paugh, Hunter, King, Hall (of Mingo), Delawder, Elliott, Capehart, Morris and Willis.

ON COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS.

Messrs. Harper (Chairman), Scanlon, Duval, Bailey, George, Garvin (of Harrison), Marshall, Goff, Daniell, Goode, Marschner, Slaughter, Capehart, Bruns and Rexroad.

ON BANKS AND CORPORATIONS.

HOUSE COMMITTEES

ON ROADS.
Messrs. Hall (of Mingo) (Chairman), Wilson (of Mason), Zimmerman, Holroyd, McLaughlin, Crouch, Patton, Ash, Stevens, Scanlon, Blackwood, Farris, Brown Underwood and Morris.

FORFEITED AND UNAPPROPRIATED LANDS.
Messrs. Cooper (Chairman), Brammer, Dye, Miller, Patton, Phares, Stephenson, Sydenstricker, Garvin (of Harrison), Smith (of Doddridge), Smith (of Lewis), Everhart, Taylor and Sommerville.

ON CLAIMS AND GRIEVANCES.
Messrs. Wingrove (Chairman), Goff, Stephenson, Wilson (of Gilmer), Sutphin, Pence, Goode, Daniell, Craig, Marshall, Eubank, Smith (of Lewis), Dunn, Wilson (of Upshur) and Byrnes.

ON HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.
Messrs. Holroyd (Chairman), Sutton, Scanlon, Craig, Hopkins, Mrs. Gates, Messrs. Zimmerman, Calvert, Hall (of Mingo), Garvin (of Harrison), Ash, Dailey, Capehart, Beneke and Lusk.

ON PRINTING AND CONTINGENT EXPENSES.
Messrs. Jones (Chairman), Garvin (of Harrison), Righter, Craig, Cooper, Wilson (of Mason), Cox, Oldham, Goff, Hopkins, Morris, Maynard, Hatfield, Smith (of Doddridge), and Marschner.

ON THE EXECUTIVE OFFICES AND LIBRARY.
Messrs. Locke (Chairman) Neal, Jones, Delawder, Kuhn, Phares, Goode, Cooper, Armstrong, Wingrove, Bailey, Smith (of Berkeley), Willis, Beneke and Maynard.

ON FORESTRY AND CONSERVATION.
Messrs. Crouch (Chairman), Bailey, Wingrove, Clelland, Paugh, Blackwood, Calvert, Read, Davison, Pence, Hunter, Farris, Dunn, Moore and Maynard.

ON ARTS, SCIENCE AND GENERAL IMPROVEMENTS.
Mrs. Gates (Chairman), Messrs. Harvey, Daniell, Dye, Garvin (of Fayette), Brammer, Proctor, Honaker, Locke, Marshall, Rexroad, Slaughter, Smith (of Lewis), Phillips and Lusk.

ON THE PENITENTIARY.
Messrs. Sydenstricker (Chairman), Hall (of Wetzel), Oldham, Neal, Garvin (of Harrison), Proctor, Duval, Harvey, Clelland, Holroyd, Byrnes, Underwood, Smith (of Berkeley), Capehart and Bruns.

ON MINES AND MINING.
Messrs. Hood (Chairman), Stevens, Garvin (of Fayette), Harvey, Kuhn, Estep, Neal, Honaker, Hall (of Mingo), Holroyd, Strother, Dunn, Lusk, Moore and Brown.
Messrs. Patton (Chairman), Blackwood, King, Locke, Wilson (of Mason), Dye, McLaughlin, Paugh, Sydenstricker, Mohler, Pence, Dunn, Smith (of Berkeley), Wilson (of Upshur) and Taylor.

ON STATE BOUNDARIES.
Messrs. Huber (Chairman), Armstrong, Calvert, Patton, Miller, Scanlon, Sutton, Vaught, Brammer, Locke, Maynard, Dailey, Elliott, Smith (of Lewis) and Eubank.

ON RAILROADS.
Messrs. Proctor (Chairman), Sydenstricker, Zimmerman, Honaker, Clelland, Coffield, Duval, McLaughlin, Kuhn, Armstrong, Farris, Dailey, Strother, Moore and Brown.

ON LABOR.
Messrs. Kuhn (Chairman), Huber, Estep, Honaker, Jones, Phares, Cox, George, Goode, Sutphin, Clelland, Phillips, Eubank, Byrnes and Sommerville.

ON MEDICINE AND SANITATION.
Messrs. Hunter (Chairman), Holroyd, Calvert, Goff, Coffield, Mrs. Gates, Messrs. Clelland, Scanlon, Harper, Righter, Bruns, Willis, Wilson (of Upshur) and Sommerville.

ON GAME AND FISH.

ON INSURANCE.
Messrs. McLaughlin (Chairman), Hall (of Wetzel), Miller, Neal, Harper, Locke, Duval, Davisson, George, Watkins, King, Morris, Marschner, Rexroad and Lusk.

ON RE-DISTRICTING.

ON RULES.
Mr. Speaker (Chairman, ex-officio), Messrs. Zimmerman, Aleshire, Wilson (of Mason), Read, Estep, Moore and Strother.
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AN ACT repealing chapter thirty-three of the acts of the legislature of one thousand nine hundred and thirteen, providing for the distribution of the journals and bills of the legislature, the same being an emergency measure.

Sec. 1. Repealing chapter thirty-three, acts nineteen hundred and thirteen.

Be it enacted by the Legislature of West Virginia:

Section 1. That chapter thirty-three of the acts of the legislature of one thousand nine hundred and thirteen, providing for the distribution of the journals and bills of the legislature to the people of the state, is hereby repealed.

CHAPTER 2

(Senate Bill No. 13—Mr. Porter)

AN ACT to amend and re-enact section eighty-seven of chapter fifteen-h of Barnes’ code of one thousand nine hundred and eighteen, relating to treatment in Welch hospital number one, McKendree hospital number two and Fairmont hospital number three.
Be it enacted by the Legislature of West Virginia:

That section eighty-seven of chapter fifteen-h of Barnes' code of one thousand nine hundred and eighteen be amended and re-enacted so as to read as follows:

Section 87. It shall be the duty of the state board of control to admit to said hospitals, under its rules and regulations, persons requiring hospital care; and to treat free of charge persons accidentally injured, in this state, while engaged in their usual employment, but preference at all times shall be given to persons accidentally injured; provided, however, the workmen's compensation commissioner shall pay to said hospitals for the treatment of any one entitled to benefits or aid out of the workmen's compensation fund the same fees or expenses as would be paid to a private hospital for similar treatment. All moneys collected under this section shall be paid into the state treasury through the state board of control as required under section six, chapter fifteen-m, code of one thousand nine hundred and eighteen.

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

CHAPTER 3

(Senate Bill No. 38—Mr. White, of Mingo)

AN ACT to amend chapter one hundred and sixty-three of Barnes' code of one thousand nine hundred and eighteen, by adding thereto section fifty, relating to the appointment of a deputy warden for the state penitentiary.

SEC. 60. Warden to appoint deputy and prescribe duties; deputy to be ex officio captain of guards; salary fixed by board of control; to give bond; acts in conflict repealed.
Be it enacted by the Legislature of West Virginia:

That chapter one hundred and sixty-three of Barnes' code of one thousand nine hundred and eighteen be amended by adding thereto section fifty, to read as follows:

Section 50. The warden of the penitentiary of West Virginia shall appoint a deputy warden of the penitentiary who shall also be ex officio captain of the guards, who shall hold office during the will and pleasure of the warden, and whose salary shall be fixed by the board of control. The deputy warden's duties are to be fixed by the warden; and in the absence of the warden the deputy warden shall perform all the duties required of the warden.

The deputy warden shall give bond in the sum of five thousand dollars, in the same manner and under the same conditions as required of the warden.

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

CHAPTER 4

(Senate Bill No. 39—Mr. McClaren)

AN ACT authorizing the issuance and sale of not exceeding fifteen million dollars of bonds of the state of West Virginia to raise money for road construction purposes under and by virtue of the "Good Roads Amendment" to the constitution adopted at the general election held in November, one thousand nine hundred and twenty; and to provide for the levy and collection of an annual state tax and other revenue sufficient to pay semi-annually the interest on said bonds and the principal thereof within twenty-five years, the same being an emergency measure.


Sec. 1. Sale of bonds of the state for fifteen million dollars to build roads authorized.

Sec. 2. Date of bonds; when payable; character and denomination; transfer of registered bonds and fee for such; same to be cancelled and preserved; where payable; rate of interest and when and how paid; bonds and interest payable in gold coin; exempt from taxation.

Sec. 3. Bonds; how engraved and signed; form of.

Sec. 4. Form of coupons; how signed and numbered.

Sec. 5. Coupon and registered bonds to be listed separately by auditor.

Sec. 6. Moneys to be paid into state road sinking fund; same to be kept in separate account; how applied.
Be it enacted by the Legislature of West Virginia:

Section 1. That bonds of the state of West Virginia of the par value of fifteen million dollars are hereby authorized to be issued and sold for the purpose of raising funds to build, construct and maintain a system of state roads and highways in the state of West Virginia, as authorized by the “Good Roads Amendment” to the constitution of said state adopted at the general election held in November, one thousand nine hundred and twenty.

Sec. 2. Said bonds shall be dated April first, one thousand nine hundred and twenty-three, and shall become due and payable serially in equal amounts beginning April first, one thousand nine hundred and twenty-nine, and ending April first, one thousand nine hundred and forty-eight, and may be coupon or registered and in such denominations as the governor may determine.

The auditor and treasurer are authorized to arrange for the transfer of registered bonds and for each such transfer a fee of fifty cents shall be charged by and paid to the state of West Virginia to the credit of the “State Road Sinking Fund.” Bonds taken in exchange shall be cancelled by the auditor and treasurer and be carefully preserved by the treasurer.

All of such bonds shall be payable at the office of the treasurer of the state of West Virginia, or at the option of the holder of said bonds, at some designated bank in the city of New York, to be designated by the governor. Said bonds shall be interest bearing at the rate of not exceeding four and one-half per cent per annum and the said interest shall be payable semi-annually on the first day of April and October of each year to bearer at the office of the treasurer of the state of West Virginia at the capitol of said state, or, at the option of the holder, at some designated bank in New York city, to be designated by the governor upon presentation and surrender of the interest coupons representing interest then due, in the case of the coupon bonds. In the case of registered bonds, the treasurer of the state of West Virginia shall issue his check for the payment of interest on the first day
Sec. 2. Of April and October of each year for the amount of registered bonds outstanding as shown by the records of his office.

Sec. 3. Both the principal and interest of said bonds shall be payable in gold coin of the United States of the present standard of weight and fineness. All said bonds shall be exempt from taxation by the state of West Virginia, or by any county, district, or municipality thereof, which fact shall appear on the face of the bonds as part of the contract with the holder thereof.

Sec. 3. Said bonds and coupons shall be engraved and the bonds shall be signed, on behalf of the state of West Virginia, by the treasurer thereof, under the great seal of the state, and countersigned by the auditor, and shall be in the following form or to the following effect, as near as may be namely:

COUPON GOLD BOND

(or Registered Gold Bond, as the case may be)

of the

State of West Virginia.

$............................ Number............................

The state of West Virginia, under and by virtue of authority of an act of its legislature passed at a regular session of one thousand nine hundred and twenty-three on the................day of
...............one thousand nine hundred and twenty-three and approved by the governor on the.......day of.........................,

one thousand nine hundred and twenty-three, reference to which is hereby made as fully and at length as if set forth herein, acknowledges itself to be indebted to, and hereby promises to pay to the bearer hereof (in the case of a coupon bond) or to .............., or assigns, (the owner of record, in the case of registered bonds).............. years after the date of this bond, to-wit, on the........day of....................19......, in gold coin of the United States of America of the present standard of weight and fineness, at the office of the treasurer of the state of West Virginia, at the capitol of said state, or at the option of the holder at..............................bank in the city of New York the sum of........................dollars, with interest thereon at...........

per centum per annum from date, payable semi-annually in gold coin of the United States of America, at the treasurer's office or bank aforesaid, on the first day of April and the first day of October of each year, (and in the case of coupon bonds) according to the tenor of the annexed coupons, bearing the engraved fac-simile signature of the treasurer of the state of West Virginia.
To secure the payment of this bond, principal sum and interest, when other funds and revenues sufficient are not available for that purpose, it is agreed that the board of public works of the state of West Virginia shall annually cause to be levied and collected an annual state tax on all property in the state, until said bond is fully paid; sufficient to pay the annual interest on said bonds and the principal sum thereof within the time this bond becomes due and payable.

This bond 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 said state hereto affixed according to law, dated the ................... day of .............................. one thousand nine hundred and ................ , and the seal of the state of West Virginia.

Countersigned: Treasurer of the state of West Virginia.

See. 4. The form of coupons shall be substantially as follows, to-wit:

State of West Virginia

Bond No......................... Coupon No ............... .

On the first day of .............................. 19 ........ , the state of West Virginia will pay to the bearer, 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 the option of the holder at .......................................... : ......................................... bank in New York city, the sum of ............... dollars the same being semi-annual interest on Bond No....... series of one thousand nine hundred and twenty..........

Treasurer of the state of West Virginia.

The signature of the treasurer to said coupons shall be by his engraved fac-simile signature, and each coupon shall be impressed on the back with its number in order of maturity from number one consecutively. Said bonds and coupons may be signed by the present treasurer and auditor, or by any of their respective successors in office; but no change in such signatures shall be necessary by reason of any change of said officers.
Sec. 5. All coupons and registered bonds issued under this act shall be separately listed by the auditor of the state in books provided for the purpose, in each case giving the date, number, character and amount of obligations issued, and, in case of registered bonds, the name of persons, firm, or corporation to whom issued.

Sec. 6. Into the state road sinking fund shall be paid all moneys received from the annual state tax levy on the taxable property in the state levied under the provisions of this act, from any and all appropriations made by the state from other sources for the purposes of paying the interest on said bonds or paying off and retiring same, from fines, forfeitures and penalties, if any made applicable by law for the payment of said bonds or the interest thereon, from transfer fees as herein provided, and from any source whatsoever, which is made liable by law for the payment of the principal of said bonds or the interest thereon.

All such funds shall be kept by the treasurer in a separate account, under the designation aforesaid, and all money belonging to said fund shall be deposited in the state treasury to the credit thereof.

Said fund shall be applied by the treasurer of the State, first to the payment of the semi-annual interest on said bonds as it becomes due as herein provided. The remainder of said fund shall be turned over by the state treasurer to the state sinking fund commission, whose duty it shall be to invest the same in the bonds of the government of the United States, the bonds of the state of West Virginia, or any political sub-division thereof; provided, however, that bonds so purchased by the said state sinking fund commission shall mature so as to provide sufficient money to pay off all bonds herein provided to be issued as they may become due; and the money so paid into the said state road sinking fund under the provisions of this act shall be expended for the purpose of paying the interest and principal of the bonds hereby provided for, and for no other purpose except that said fund may be invested until needed, as herein provided.

Sec. 7. In order to provide the revenue necessary for the payment of the principal and interest of said bonds, as hereinbefore provided, the board of public works is authorized, empowered and directed to lay annually a tax upon all real and personal property subject to taxation within this state, sufficient to pay interest on said bonds accruing during the current year and one-
7 twenty-fifth of the total issue (at par value) of said bonds, for
8 such number of years, not exceeding twenty-five, as may be
9 necessary to pay the interest thereon and to pay off the princi-
10 pal sum of said bonds; and said taxes, when so collected, shall
11 not be liable for or applicable to any other purpose.
12 Provided, however, if there be other funds in the state treas-
13 ury, or in the state road fund, in any fiscal year, not otherwise
14 appropriated, or if other sources of revenue be hereafter pro-
15 vided by law for the purpose, the board of public works is
16 authorized, empowered and directed to set apart, in any year
17 there be such funds, or other sources of revenue provided for
18 such purpose, a sum sufficient to pay the interest on said bonds
19 accruing during the current year, and to pay off and retire the
20 principal of said bonds, or any part thereof, at maturity.
21 The authority hereby vested in the board of public works shall
22 be in addition to the authority now vested in it by present law.

Sec. 8. The governor shall sell all bonds herein mentioned at
2 such time or times as he may determine necessary to provide
3 funds for road construction purposes, as herein provided, upon
4 recommendation of the state road commission. All sales shall
5 be at not less than par and interest accrued since the last semi-
6 annual dividend period. All interest coupons becoming pay-
7 able prior to said sale date shall be cancelled by the treasurer
8 and rendered ineffective before the delivery of the bonds so sold.
9 Registered bonds shall bear interest only from the date of de-
10 livery.

Sec. 9. The plates from which the bonds, authorized by this
2 act are printed shall be the property of the state of West Vir-
3 ginia.

Sec. 10. All necessary expenses incurred in the execution of
2 this act shall be paid out of any money in the treasury of the
3 state of West Virginia, belonging to the state road fund on war-
4 rants of the auditor of the state drawn on the state treasurer.

Sec. 11. The state auditor shall be the custodian of all unsold
2 bonds issued pursuant to the provisions of this act.
CHAPTER 5
(Senate Bill No. 220—Mr. Hugus)

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

[Passed April 13, 1923. In effect from passage. Approved by the Governor April 15, 1923]

SEC. 2. (Class G.) Dealer defined; fee for plates and additional plates; commission may issue special permits; penalty.

Be it enacted by the Legislature of West Virginia:

That so much of section eighty-two of chapter one hundred and twelve, being that part of said section appearing as class G, be amended and re-enacted so as to read as follows:

Class G. A dealer within the meaning of this act shall be a person, partnership, corporation, or joint stock company, whose business shall be the buying and selling of motor vehicles, or the exchanging of motor vehicles. Each dealer in motor vehicles, except motor cycles, shall pay a fee of thirty dollars yearly, in consideration of which he shall receive one set of special registration plates to be used only on vehicles operated upon the highways leading to sale or exchange, and such plates may be used on any vehicle owned by such dealer for the purpose aforesaid; provided, that in case of sale or exchange of a vehicle, the dealer may give permission in writing, to the new owner of the vehicle to use said dealer’s license plates for a period not to exceed five days. Five additional sets of plates shall be issued to any dealer licensed in accordance with this act, upon application and payment of a fee of fifteen dollars. Additional sets of said plates shall be issued to any dealer licensed in accordance with this act, upon application and payment of a fee of two dollars for each additional set.

The commission shall have power to grant, in its discretion special permits to a dealer for use on motor vehicles driven under their own power from the factory or distributing place of a manufacturer, or other dealer, to the place of business of such dealer, and the commission shall charge a fee of one dollar for each such permit. Such special permit shall be good only for one trip and for the specific vehicle upon which used, and such permit shall not be used by such dealer in lieu of any registra-
28 tion certificate or plate, required by this act. No dealer shall
29 use the dealer’s plates upon any vehicle used for transportation
30 of freight, or for passenger service, pleasure or hire.
31 Any person or persons violating any of the provisions of this
32 act, shall, upon conviction be guilty of a misdemeanor and shall
33 be fined not less than fifty dollars nor more than one hundred
34 dollars for the first offense and for the second or subsequent
35 offense shall be fined not less than one hundred dollars nor
36 more than five hundred dollars, and in addition thereto, his
37 license shall be revoked for the balance of the calendar year.

CHAPTER 6
(Senate Bill No. 336—Mr. McClaren)

AN ACT to amend and re-enact sections twelve, fifteen, seventeen,
twenty, twenty-five, thirty-one, fifty-six, sixty-seven, seventy-
one, seventy-five, seventy-six, eighty-two, eighty-three, ninety-
three, ninety-four, ninety-five, one hundred and four, one hun-
dred and twenty-three, one hundred and thirty-eight, and one
hundred and forty-six, of chapter one hundred and twelve of
the acts of the legislature, one thousand nine hundred and
twenty-one, regular session, and by adding thereto section
twenty-one-a, relating to public roads and the use thereof.

[Passed April 27, 1923. In effect from passage. Approved by the Governor
May 2, 1923]

| Sec. | State road commission to make regulations for preservation of state roads; publication of same; penalty for violation of; procedure at hearings. |
| Sec. | Right of eminent domain; county courts to pay for right of way. |
| Sec. | State road commission to have power to construct bridges, etc. |
| Sec. | Signs, advertisements, etc. prohibited; penalty for violation; commission may remove all such. |
| Sec. | State road commission and employees to enforce laws relating to highways; badges to be worn; special officers to give bond. |
| Sec. | Administration of vehicle law; commission to collect license fees, etc.; definition of various kinds of vehicles, equipment, roads, etc. |
| Sec. | License required for driving; how obtained. |
| Sec. | Formula for determining horse power; fees for registration plates; form of application for permit for motor vehicles carrying passengers or property for compensation; form of such permit; penalty. |
SEC. 83. Fees charged for calendar year; loss or destruction of plates; expiration of license upon transfer; manner of transfer of registration; penalty.

SEC. 93. Restrictions as to size and weights of vehicles.

SEC. 94. Special permits for vehicles exceeding limits; how obtained and form of.

SEC. 95. Speed limits for various kinds of vehicles; penalty; transcript of docket to be furnished to commission; police officers to assist commission without extra charge.

SEC. 104. County-district roads: construction of by county courts; designation of municipal streets; municipal bridges.

SEC. 123. District road superintendent to have police powers over roads in his district.

SEC. 138. County-district roads: county court's duties; condemnation procedure.

SEC. 146. Sidewalks along roads; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

That sections twelve, fifteen, seventeen, twenty, twenty-five, thirty-one, fifty-six, sixty-seven, seventy-one, seventy-five, seventy-six, eighty-two, eighty-three, ninety-three, ninety-four, ninety-five, one hundred and four, one hundred and twenty-three, one hundred and thirty-eight, and one hundred and forty-six, of chapter one hundred and twelve of the acts of the legislature, one thousand nine hundred and twenty-one, regular session, be amended and re-enacted, and that there be added to said chapter section twenty-one-a, to read as follows:

Section 12. The state road commission is hereby authorized and empowered to make and enforce from time to time such rules, regulations and orders as it may deem necessary, not inconsistent with law or otherwise provided herein, for the preservation of state roads, and to regulate the use of the same by tractors, traction engines, wagons and such other vehicles or conveyances as by such uses produce more than an ordinary amount of wear and tear thereon. Every general regulation adopted by the commission shall state the date on which it takes effect, which shall not be less than ten days after the date of publication. Such rules, regulations and orders when adopted and promulgated or authorized, shall be printed by the commission for free distribution to any applicant therefor. A copy of such rules and regulations, duly signed by the chairman and the secretary of the commission shall be sent by the secretary to the secretary of state, to each officer and to each county court affected thereby. Any person violating such order or regulation shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one dollar, nor more than one hundred dollars, or imprisoned for not less than ten days nor more than three months, or both fined and imprisoned, at the discretion of the court or justice trying the case. In all hearings and proceedings before said commission, the
evidence of witnesses and the production of documentary evidence may be required at any designated place of hearing; and summons may be issued by the secretary or any member of the commission. In case of disobedience to a summons or other process so issued, the commission or any party to the proceedings before the commission, may invoke the aid of any circuit court in requiring the evidence and testimony of witnesses and the production of papers, books and documents. And upon proper showing, such court shall issue an order requiring such persons to appear before the commission and produce all books and papers, and give evidence touching the matter in question. Any person failing to obey such order may be punished by such court for contempt thereof. A claim that any such testimony or evidence may tend to incriminate the person giving the same, shall not excuse such witness from testifying, but such witness shall not be prosecuted for any offense concerning which he is compelled hereunder to testify.

Sec. 15. There shall be, and there is hereby created a state road fund. The said fund shall consist of the proceeds of all state license taxes imposed upon automobiles or other motor or steam driven vehicles, and collected from the owners thereof; the registration fees imposed upon all owners, chauffeurs, operators and dealers in automobiles or other motor driven vehicles; all sums of money which may be donated to such fund; all proceeds derived from the sale of state bonds issued pursuant to any resolution or act of the legislature carrying into effect the "Road Amendment" to the constitution of this state, adopted, in the month of November, one thousand nine hundred and twenty, including interest thereon; all moneys and funds appropriated to it by the legislature; all moneys and funds allotted or appropriated by the federal government to this state for road construction and maintenance pursuant to any act of the congress of the United States; the proceeds of all taxes imposed upon, or collected from any person, firm or corporation for the benefit of such fund; all taxes or charges imposed upon, or collected from any county, district or municipality for the benefit of such fund; the proceeds of all judgments, decrees or awards recovered and collected from any person, firm or corporation for damages done to, or sustained by any of the state roads or parts thereof; all moneys recovered or received by reason of the violation of any contract respecting the build-
ing, construction or maintenance of any state road; and all
penalties and forfeitures imposed, recovered or received by rea-
son thereof, and any and all other moneys and funds appro-
 priated to, imposed and collected for the benefit of such fund,
or collected by virtue of any statute and payable to said fund.
When any money is collected from any of the sources afore-
said, it shall be paid into the state treasury by the officer whose
duty it is to collect and account for the same, and credited to the
state road fund, and shall be used only for the purposes
named in this act, that is to say: (1) to pay the principal and in-
terest due on all state bonds issued for the benefit of said fund,
and set aside and appropriated for that purpose; (2) to pay
the expenses of the administration of said road commission;
(3) to pay the expenses and costs of maintenance of all state
roads, and (4) to pay the expenses and costs of all construc-
tion, re-construction and improvement of state roads; provided,
that none of the funds derived from the sale of state bonds for
road purposes shall be used or expended, except for construc-
tion and re-construction of state roads.
The net proceeds of all moneys heretofore collected by the
state road commission, or that shall hereafter be collected by the
commission created by this act, as license, registration and trans-
fer taxes, other than special privilege taxes, imposed upon the
owners of motor or steam driven vehicles, and the license taxes
imposed upon chauffeurs and operators of motor vehicles, or de-

dived from the government of the United States for road pur-
poses, for the calendar year one thousand nine hundred and
 twenty-one, and not otherwise appropriated by act of the leg-
islature, and not appropriated and set aside by the commission
under contracts made pursuant to law with county courts, shall
be used and expended by the commission for the construction
and maintenance of state roads to be taken over by the com-
mission pursuant to the provisions of this act.
All moneys heretofore collected, or that shall be hereafter col-
lected by the commission as special privilege taxes for the cal-
endar year one thousand nine hundred and twenty-one shall be
expended for the purposes and in the manner provided by chap-
ter sixty-six of the acts of the legislature of one thousand nine
hundred and seventeen.
Sec. 17. The state road commission as soon as practicable
after it has located and established a system of state roads, as
3 provided in the preceding section, shall furnish to the clerks 4 of the county courts of the several counties road maps of their 5 several counties, respectively, showing the state routes design- 6 nated by said commission constituting the state road system. As 7 sections of such routes are taken over by the state road com- 8 mission for maintenance or are constructed the commission 9 shall as soon as practicable deliver to the clerk of the county 10 court of each county in which such roads so taken over shall 11 lie, complete record plans of such roads, together with ac- 12 curate descriptions by metes and bounds of the rights of way 13 thereof, and the said clerk shall file in his office such record 14 plans and record such descriptions of rights of way in the road 15 record book in his office.

16 The commission shall also have authority to designate streets 17 in municipalities as connecting parts of the state road system 18 and the municipal authorities shall not make or enforce any 19 ordinance, order, rule or regulation decreasing the size 20 and weight limits of vehicles upon the streets so designated; 21 provided, however, that any incorporated city or town shall 22 have power to regulate or forbid the parking of vehicles upon 23 any such designated streets, within its limits, and to regulate 24 the progress of traffic at street intersections in congested dis- 25 tricts thereof.

Sec. 20. As soon as may be after the passage of this act, and 2 when funds are available for that purpose, the state road com- 3 mission shall, by an order entered of record, take over and 4 assume charge of the further construction, reconstruction and 5 maintenance of all roads, or sections of roads on the state routes 6 in the several counties which have been improved with a hard 7 surface, and which, in the opinion of the commission, shall 8 have been constructed and maintained in accordance with ap- 9 proved methods, or in accordance with recognized standard 10 plans and specifications, and said commission shall, also, in like 11 manner take over and assume charge of the further main- 12 tenance of all graded earth roads on state routes which have 13 been constructed with the aid of the state or federal moneys, 14 or have been constructed in accordance with the standards for 15 state and federal aid work; provided, that no roads lying with- 16 in any incorporated town or city having a population of more 17 than two thousand five hundred persons, except the National 18 or Cumberland road through the city of Wheeling, in Ohio 19 county, shall be so taken over by the commission; provided,
20 further, that certified copies of the order required herein to be
21 entered by the commission shall be delivered by it to the clerks
22 of the county courts of the several counties in which the roads
23 to be taken over as provided by this section shall lie; and each
24 of said clerks shall record in the road record book in his office
25 the copy so delivered to him. Provided, further, that the state
26 road commission may construct, expend money on or take over
27 bridges lying within municipalities of over twenty-five hundred
28 red inhabitants in the manner hereinafter provided.

Sec. 21-a. In the matter of intrastate freight rates, car
2 service and movement of road making material and machinery
3 to be used in the construction of roads, the state road commis-
4 sion and the county courts of the state shall present any
5 grievance they may have against the public carriers of the state
6 to the public service commission of West Virginia, which said
7 matter shall have right of way over all other business before
8 said public service commission.

Sec. 25. All work of construction and reconstruction of state
2 roads and bridges, and the furnishing of all materials and sup-
3 plies therefor, and for the repair thereof, unless manufac-
4 tured or assembled by the commission, shall be done and fur-
5 nished pursuant to contract, except that the commission shall
6 not be required to award any contract for work or for ma-
7 terials or supplies for an amount less than three thousand dol-
8 lars. When the commission is about to construct, reconstruc-
9 or improve any road or highway, it shall file with the clerk of
10 the county court, or of the municipality, as the case may be,
11 in which such road lies, a certified copy of plans and specifi-
12 cations therefor, and a notice that said commission is about to
13 enter upon and proceed with the work in question. If the
14 said work is to be done, or the materials therefor are to be
15 furnished by contract, the commission shall thereupon adver-
16 tise for at least four weeks in two newspapers of opposite poli-
17 tics, if there be such, but if not then in one newspaper, pub-
18 lished in each county or municipality in which the road lies, and
19 for one week in at least one daily newspaper published in the
20 city of Charleston, and in such other journals or magazines as
21 may to the commission seem advisable, for sealed proposals for
22 the construction or other improvement of said road, and for
23 the furnishing of materials required therefor, accurately de-
24 scribing the same, and stating the time and place for opening
25 said proposals, and reserving the right to reject any and all
26 proposals. Said proposals shall be publicly opened and read at
27 the time and place specified in said advertisement, and the con-
28 tract for such work, or for the supplies or materials required
29 therefor, shall, if let, be awarded by the commission to the
30 lowest responsible bidder for the type of construction selected.
31 In case the commission shall reject all bids, it may thereafter do
32 the work with its own forces or with prison labor, or it may re-
33 advertise in the same manner as before, and let a contract for
34 such work pursuant thereto, but no such contract shall be
35 let at a higher price than the lowest responsible bid thereto-
36 fore received for the same, without a re-advertisement. In any
37 case where a contract for work and materials shall be let as a
38 result of competitive bidding, the successful bidder shall
39 promptly and within twenty days after notice of award, exe-
40 cute a formal contract to be approved as to its form, terms and
41 conditions by the commission, and shall, also, execute and de-
42 liver to the commission a good and sufficient surety or col-
43 lateral bond, payable to the state of West Virginia, to be ap-
44 proved by the commission, in such amount as the commis-
45 sion shall require, but not to exceed one-half of the contract
46 price. To all such bids there shall be attached the certified
47 check of the bidder, or bidder's bond acceptable to the com-
48 mission, in such amount as the commission shall specify in the
49 advertisement, but not to exceed five per centum of the ag-
50 gregate amount of the bid; provided, that such amount shall
51 never be less than five hundred dollars. The bidder who has
52 the contract awarded to him and who fails within twenty days
53 after notice of award, to execute the required contract and
54 bond, shall forfeit the said check or bond and the said check
55 or bond shall be taken and considered as liquidated damages
56 and not as a penalty for failure of said bidder to execute said
57 contract and bond. Upon the execution of said contract and
58 bond by the successful bidder, his check or bond shall be re-
59 turned to him. The check or bonds of the unsuccessful bid-
60 ders shall be returned to them promptly after the bids are
61 opened and the contract awarded to the successful bidder.

Sec. 31. Whenever it shall be necessary from any cause
2 to acquire any lands for the purpose of constructing, widen-
3 ing, straightening, grading or altering any state road which
4 cannot be acquired at a satisfactory price by purchase or
5 grant, the said commission is hereby empowered to condemn
6 the necessary lands therefor, together with all necessary rights
and easements, under the right of eminent domain, or it may proceed as provided in section one hundred and thirty-eight of this act. The cost of all rights of way acquired for any state or county-district road, or roads, or for the purpose of widening, straightening, grading, or altering any such road or roads, shall be paid by the county court of the county in which such road or roads shall lie.

If any county court fails or refuses to obtain any right of way necessary for the purpose of constructing, widening, straightening, grading or altering any state road within thirty days after being requested so to do by the state road commission, then the state road commission may secure such right of way in the manner hereinafore provided and pay for the same out of the state road fund, which fund shall be reimbursed by the county court of the county in which such right of way is obtained. All claims for reimbursement for right of way expenditures incurred by the state road commission subsequent to April twenty-first, one thousand nine hundred and twenty-one, shall be filed by the commission with the clerk of the county court of the county where such expenditures are made, which claims shall be audited and paid as other claims against the county. Such claims shall be payable to the state road commission and returned by it to the state road fund.

Sec. 56. For the purpose of making and maintaining connections between state roads or highways, or the parts of any state road or highway constructed or improved under the provisions of this act, the state road commission shall have the power to build bridges and acquire by purchase, condemnation or otherwise (and to maintain when so acquired), any existing bridges along, in the line of, or connected with any such road or highway, together with all lands, roads, approaches, rights, franchises and easements belonging to any person, firm or corporation, and necessary or convenient for the purpose aforesaid. And the state road commission may purchase or construct and maintain any bridge within a municipality, or may aid any municipality within the state in the purchase or construction, or in the maintenance of any bridge already constructed or in process of construction or which may hereafter be constructed by such municipality. The state road commission may take over any bridge theretofore built by any municipality and lying within its limits and designated by the state road commission as a connecting part of a state road, when requested so to
Sec. 20. Do by the authorities of such municipality, and thereafter maintain the same. In case any bridge within a municipality is wholly maintained by the state road commission, the municipality shall, while such bridge is so maintained, be relieved from all liability in connection therewith.

Sec. 67. Any person who in any manner paints or affixes any advertisement, sign, notice, or other written or printed matter, other than notices posted in pursuance of law, on or to any stone, tree, fence, stump, pole, building or other structure, which is in or upon the right-of-way of any public road or highway, except that the commission may provide for suitable danger signals, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars. The commission is empowered to remove any such signs in place upon any road taken over by it for construction or maintenance.

Sec. 71. The state road commission and such of its employees and servants as are designated by it as special officers for that purpose, shall have authority to enforce all laws of this state relating to highways, and shall have the same authority to make arrests as duly qualified constables as to a violation of the provisions of chapter one hundred and twelve of the acts of the legislature, one thousand nine hundred and twenty-one, regular session, and amendments thereto, and violations of the regulations and orders of the state road commission in relation thereto, including offenses against all laws made for the protection of motor vehicles. Every such employee or servant shall, in exercising any such authority hereunder, wear and display a metallic shield or badge indicating that he is a special officer of the state road commission; provided, however, that no contractor, his employee or servant, shall be permitted under this section to make any arrests by virtue of any authority conferred by this section. Provided, further, that no person designated by the commission as such special officer shall exercise any authority under such designation until he shall first have executed a bond with security to be approved by the commission in the amount of not less than two thousand dollars conditioned for the faithful discharge of his duties and the accounting for and paying over, as required by law, of all moneys that may come into his hands by virtue of his said office.

Administration of Vehicle Laws.

Sec. 75. The state road commission shall have charge of the
lection of all license fees and charges, forfeitures and costs, and
administration of the vehicle laws of this state, including the col-
al other fees and charges arising therefrom or incidental thereto,
and for that purpose shall have power to employ such assistants,
deputies and employees as may be required to carry out the
provisions of this act, and to fix their salaries. The commis-
sion shall also have power to dismiss or discharge such as-
istants, deputies and employees at its discretion.

Definition.
Whenever in this act, or in any regulations authorized by this
act, the following terms are used, they shall be deemed and
taken to have the meanings herein ascribed to them:

Vehicle.
(a) Any mechanical device for the conveyance, drawing or
other transportation of persons or property upon the public
roads and highways, whether operated on wheels or runners or
by other means, except those propelled or drawn by human
power or those used exclusively upon tracks.

Truck.
(b) Any motor vehicle designed and used for carrying
freight or any regularly constructed passenger automobile reg-
ularly carrying freight, or any reconstructed motor vehicle
used for such purpose.

Motor Vehicle.
(c) Any self-propelled vehicle not operated exclusively upon
stationary tracks, except tractors.

Tractor.
(d) Any self-propelled vehicle designed or used as a travel-
ing power plant or for drawing other vehicles, but having no
provisions for carrying loads independently.

Trailer.
(e) Any vehicle without motive power designed for carry-
ing property or passengers, wholly on its own structure, and
for being drawn by a self-propelled vehicle, except those run-
ing exclusively on stationary tracks.

Semi-Trailer.
(f) A vehicle of a trailer type so designated and used in con-
junction with a self-propelled vehicle that a considerable part
of its own weight or that of its load rests upon and is carried
by the towing vehicle.

Pneumatic Tires.
(g) Tires of rubber or other material inflated with air,
and depending solely upon confined air, for the support of the load, and tires of rubber or similar elastic material commonly known as "cushion" tires, when designated by the state road commission as pneumatic tires.

**Solid Tires.**

(h) Tires of rubber or similar elastic material that do not depend upon confined air for the support of load.

**Solid Tired Vehicle.**

(i) Any vehicle equipped with two or more solid tires.

**Manufacturer-Dealer.**

(j) Any person, firm or corporation actively engaged in the manufacture, sale, purchase or exchange of motor vehicles who has an established place of business in this state.

**Owner.**

(k) Any person, firm, corporation or association holding title to a vehicle.

**Operator.**

(l) Any person who drives or operates a motor vehicle or tractor, except for hire.

**Chauffeur.**

(m) Any person who operates for hire, or who receives pay directly or indirectly to operate, any motor vehicle, or tractor upon the public highways.

**State.**

(n) The state of West Virginia, or other constitutional unit or a territorial or federal district of the United States.

**Political Sub-Division.**

(o) Any county, city, town, or other similar governmental unit of the state.

**Local Authorities.**

(p) Representatives of political sub-divisions of the state duly elected or appointed to administer the laws and ordinances of the state.

**Open Country Highway.**

(q) A highway, or portion thereof, greater than one-fourth of a mile in length, along either side of which the buildings average more than three hundred feet apart.

**Urban Street; Suburban Street.**

(r) An urban street shall be a public road or highway, or portion thereof other than an open country highway, or suburban street. A suburban street shall be a public road, high-
Sec. 76. No motor vehicle shall be driven upon the public roads, or upon any road or street within any incorporated city, town or village within the state until the owner first shall have obtained from the state road commission, as herein provided, a license or certificate of registration therefor. An applicant desiring such license or certificate may obtain the same by filing with the commission, by mail or otherwise, a statement setting forth the character of the vehicle to be licensed, including the name of the manufacturer, the style, color of body, motor numbers, type and factory number of such vehicle, the character of the motor power and the amount of such power stated in figures of horse-power as advertised by the manufacturer, the name, age, residence and business address of the owner of such motor vehicle, and the name of the county in which he resides; provided, that if such motor vehicle is used or to be used in the public transportation of passengers or property or both for compensation, the applicant shall so certify, and shall, as a condition precedent to the securing of such license or certificate of registration, obtain a certificate of convenience from the state road commission in the manner hereinafter provided.

Sec. 82. For the purpose of determining the horse-power of any internal combustion engine used to propel, a motor vehicle coming within the provisions of this act, the following formula shall be used.

Multiply the square of the diameter of the cylinders in inches by the number of cylinders, and divide the product by two and one-half.

The horse-power of an electric or steam motor shall be taken as the manufacturer's rated horse-power for the individual motor.

The following fees shall be paid to the commission for the certificate of registration and corresponding registration plates issued by it in accordance with the provisions of this act.

Class A. The registration fee for all motor vehicles, other than trucks or motor vehicles used in the public transportation of passengers or property or both for compensation, equipped only with pneumatic tires, shall be thirty cents per horse-power of motor, and in addition thereto thirty cents per
19 hundred pounds of weight of the vehicle and load, and for the
19-a purpose of determining the weight of a vehicle and load, ex-
cept those used in the public transportation of passengers or
property, or both, for compensation, the actual weight of the
vehicle shall be taken, and in addition thereto the adult seat-
ing capacity multiplied by one hundred and twenty-five.
24 Class B. The registration fee for motor vehicles equipped
25 with solid rubber tires and used for the transportation of
merchandise, supplies, and for any purpose other than the
public transportation of passengers or property, or both, for
compensation, shall be twenty-five dollars yearly for motor
vehicles of one ton or less capacity; fifty dollars yearly for
a vehicle of more than one ton and not more than two tons
capacity; seventy-five dollars yearly for a vehicle of more
than two tons and not more than three tons capacity; one
hundred dollars yearly for a vehicle of more than three tons
and not more than four tons capacity; and one hundred and
fifty dollars yearly for a vehicle of more than four tons and
not more than five tons capacity; provided, that the manu-
ufacturer’s rated capacity for the chassis shall be used in de-
termining the capacity of any vehicle licensed under this
class. The registration fee for vehicles of the kind enumer-
ated under this class but equipped with pneumatic tires shall
be three-fourths of the amount of the fee charged when equip-
ped with solid tires.
24 Class C. The registration fee for vehicles trailed or pro-
pered by any motor vehicle or tractor required to be regis-
tered, other than any motor vehicle used in the public trans-
portation of passengers or property, or both, for compen-
sation, shall be five dollars for a vehicle of one ton or less ca-
pacity, equipped with tires of solid rubber or steel, and seven
48-a dollars and fifty cents for each additional ton capacity, or
48-b fraction thereof; provided, that the registration fee
49 for vehicles trailed or propelled by any motor vehicle used in
the public transportation of property or passengers or both
for compensation, equipped with tires of solid rubber or steel
50 shall be two times the fee above stated; and provided, fur-
ther, that the fee in the case of a vehicle equipped only with
54 pneumatic tires shall be one-half that shown for solid rub-
55 ber or metallic tires.
55-a Class D. The registration fee for each motor cycle shall
55-b be five dollars yearly, and for each side car attached to a
55-c motor cycle, an additional two dollars and fifty cents yearly.

56 Class E. The registration fees for all tractors, traction engines and similar vehicles used to propel, support, transport, or draw a trailer, or trailers, or semi-trailer, or semi-trailers, upon the roads of this state, except as herein provided, shall be as follows:

57 For such vehicle having a weight of two tons, or less, twenty dollars; for such vehicle having a weight of not less than two tons nor more than two and one-half tons, twenty-five dollars; for such vehicle having a weight of not less than two and one-half tons nor more than three tons, thirty dollars; for such vehicle having a weight of not less than three tons nor more than three and one-half tons, thirty-five dollars; for such vehicle having a weight of not less than three and one-half tons nor more than four tons, forty dollars; for such vehicle having a weight of not less than four tons, nor more than four and one-half tons, forty-five dollars; for such vehicle having a weight of not less than four and one-half tons nor more than five tons, fifty dollars; for such vehicle having a weight of not less than five tons nor more than five and one-half tons, fifty dollars; for such vehicle having a weight of not less than five and one-half tons nor more than six tons, sixty dollars; for such vehicle having a weight of not less than six tons nor more than six and one-half tons, eighty dollars; for such vehicle having a weight of not less than six and one-half tons nor more than seven tons, ninety dollars; for such vehicle having a weight of not less than seven tons nor more than seven and one-half tons, one hundred dollars; for such vehicle having a weight of not less than seven and one-half tons nor more than eight tons, one hundred and ten dollars; for such vehicle having a weight of not less than eight tons nor more than eight and one-half tons, one hundred and twenty dollars; for such vehicle having a weight of not less than eight and one-half tons nor more than nine tons, one hundred and thirty dollars; for such vehicle having a weight of not less than nine tons nor more than nine and one-half tons, one hundred and forty dollars; for such vehicle having a weight of not less than nine and one-half tons nor more than ten tons, one hundred and sixty dollars; for such vehicle having a weight of more than ten tons, one hundred and eighty dollars. This charge shall not be made in the case of tractors used exclusively for agricultural pur-
poses, provided, that such rims or other sufficient devices are used on the wheels of such tractors as will protect the roads or highways traveled by them from any unusual damages thereto; provided, further, that the owners of such tractors shall be liable for any damages done by them to public roads in excess of that done by ordinary travel thereon; provided, further, this charge shall not be made for traction engines and 102-134 rollers used in road construction or maintenance.

Class F. Each dealer in motorcycles shall pay a fee of ten dollars yearly, in consideration of which he shall receive two sets of registration plates for dealers, and for each additional set of plates such dealer shall pay five dollars. The conditions for use of motor vehicles set forth under class G shall apply also to motor cycles and dealers in the same.

Class H. No motor or other vehicle shall be operated over any public road or highway or over any street or alley within an incorporated city or town in this state for the public transportation of passengers or property or both for compensation until the owner or operator of such vehicle shall have first made application to, and secured from, the state road commission a permit or certificate of convenience to operate such vehicle. For all the purposes of this act a motor vehicle shall be deemed to be a motor vehicle operated for the public transportation of passengers or property or both when the owner or operator of such vehicle undertakes to carry passengers or property, or both, for all persons who may choose to employ and compensate such owner or operator, regardless of the restriction as to the kind or character of service to be rendered either as to passengers or property; such classification shall include taxicabs, bus lines, truck lines and any other indiscriminate transportation of passengers or property for compensation, without regard as to whether such operation is between fixed termini or over regular routes or otherwise.

The application for such permit or certificate shall be in writing and shall contain full information concerning the financial condition and physical property of the applicant, and shall state the capacity of such vehicle or vehicles and the purpose for which the same is to be used; if the service proposed is to be over a regular route or between fixed termini, then such route or termini, the rates proposed to be charged, and the proposed schedule or time cards shall be desig-
nated; if the service proposed to be rendered is not
over a regular route or between fixed termini; then such
other matters as the state road commission shall from time to
time prescribe, shall be designated. The state road
commission shall have the power to issue to any appli-
cant a certificate of convenience, or to refuse to issue the same,
or to issue it for the partial exercise only of the privilege
sought, and may attach to the exercise of the rights given by
such certificate such terms and conditions as in its judgment
the public convenience and necessity may require. No such
certificate of convenience shall be issued by the commission
until it shall be established to the satisfaction of the commis-
sion, after proper investigation, that the privilege so sought
by the applicant is necessary or convenient for the public, and
that the service so proposed to be rendered by the applicant
is not being adequately performed at the time of such appli-
cation by any other person; provided, however, that any per-
son who has been, prior to the passage of this act, in good faith
operating motor vehicles in this state for the public transpor-
tation of passengers or property, or both, in accordance with
the laws of this state, shall have the right, upon establishing
such fact to the satisfaction of the road commission, to ob-
tain a certificate of convenience to continue such operation
for the remainder of the year one thousand nine hundred
and twenty-three, in accordance with the provisions of this
act, upon making an application in the manner herein pre-
scribed, and upon paying such additional license fees as may
hereinafter be required of such class of applicant. If a cer-
tificate of convenience be granted for service over a regular
route or between fixed termini, the state road commission
shall prescribe the route, territory, schedule, fare or tariff
in connection with such service, and in all cases may make such
other rules and regulations relative to the operation of such
vehicle or vehicles as public justice may demand. When
such certificate of convenience is issued, for service over a reg-
ular route or between fixed termini, no such motor vehicle
shall change its route, schedule, fares or tariff without the
express permission of the state road commission. The owner
of or operator under any certificate of convenience shall make
such reports and furnish such detailed information with re-
spect to the service rendered as the commission shall from
time to time direct. The state road commission shall have
the power to issue any certificate of convenience for such
length of time not in excess of ten years as in its judgment
the service proposed and the capital to be invested in such
proposed service may justify; provided, however, that taxi-
cabs and other motor vehicles operated for the public trans-
portation of passengers or freight, or both, and not running
over a regular route or between fixed termini, or having regu-
lar time schedules, shall only be granted such certificates until
the first day of January next following; such certificates of
convenience may be renewed at their expiration unless for
some good cause the commission shall refuse to re-issue the
same. Any certificate held, owned or obtained by any person
may be sold, assigned, leased, transferred or inherited as
other property only upon authorization by the commission.

No certificate shall be issued by the state road commission
to any applicant until and after such applicant shall have
filed with the state road commission a bond with surety ap-
proved by the commission or liability insurance satisfac-
tory to the commission, and in such sum as the commission
may deem necessary to adequately protect the interest of the
public with due regard to the number of persons and the
amount of property involved, which bond shall bind the
obligors thereunder to make compensation for injury to per-
sons and loss of or damage to property, resulting from the
operation of such motor vehicles; provided, however, that in
all cases where the financial responsibility of the applicant is
less than five thousand dollars the state road commission shall
require for each such motor vehicle a liability insurance bond
in some company duly authorized to do business in this state
in at least the sum of one thousand dollars and conditioned
as above set forth. The state road commission shall adopt
and furnish such rules and regulations as may be found
necessary to carry out the provisions of this section.

If any applicant for a certificate of convenience shall de-
sire to exercise the privilege sought wholly within any city or
incorporated town, such applicant shall, before making appli-
cation to the state road commission as herein prescribed, apply
for and obtain from the city or town council, or other proper
authority of such city or incorporated town, a permit author-
ing such applicant to make application to the state road
commission, and such permit may prescribe such reasonable
rules and regulations as the proper authorities of such city or
incorporated town may direct with respect to the privilege sought to, in so far as the same may pertain to the stopping and parking of vehicles, zoning, use of one-way streets, kind and character of traffic on certain streets and other like matters affected by local conditions. If the state road commission shall then issue a certificate of convenience to such applicant the rules and regulations as prescribed by such incorporated town or city shall be made a part of and contained in such certificate of convenience; and the state road commission shall in no case issue a certificate to any applicant proposing to render a public service wholly within a city or incorporated town until and after such permit shall have been first obtained by such applicant from the proper authority of such city or incorporated town.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished with a fine of not less than five dollars nor more than two hundred dollars, and in addition thereto such certificate of convenience may be suspended or revoked by the state road commission upon the complaint to it of any person interested, or by the commission on its own motion after hearing duly had upon at least five days' notice to all parties interested.

The holder of any certificate of convenience obtained in the manner aforesaid shall yearly pay the following fees to the commission which shall include fees for certificates of registration and corresponding registration plates.

Class II.—Motor vehicles operated for the public transportation of passengers between fixed termini, or over regular routes, if weighing less than three thousand pounds, shall each be charged and pay one-twentieth of a cent for each passenger seat multiplied by the total number of miles that said application shall show will be traveled over any public roads or highways or over any streets or alleys within any incorporated city or town in this state by such motor vehicles during the year for which such license is issued. If such motor vehicles weigh over three thousand pounds and less than seven thousand pounds, each shall be charged and pay one-fifteenth of a cent for each passenger seat multiplied by the total number of miles that said application shall show will be traveled over any public roads or highways, or over any streets or alleys within any incorporated city or town in this state by such
motor vehicles during the year for which such license is issued. If such motor vehicles weigh over seven thousand pounds, each shall be charged and pay one-tenth of a cent for each passenger seat multiplied by the total number of miles that said application shall show will be traveled over any public roads or highways, or over any streets or alleys within any incorporated city or town in this state by such motor vehicles during the year for which such license is issued.

Class H-2. Motor vehicles operated for the public transportation of property between fixed termini, or over regular routes, if of three tons or less carrying capacity, shall each be charged and pay one-tenth of a cent per each ton mile multiplied by the total number of miles that said application shall show will be traveled by such motor vehicles over any public roads or highways or over any streets or alleys within any incorporated city or town in this state during the year for which such license is issued. If such motor vehicle be over three tons and less than five tons carrying capacity, each shall be charged and pay one-fifth of a cent per each ton mile multiplied by the total number of miles that said application shall show will be traveled by such motor vehicle over public roads or highways or over any streets or alleys within any incorporated city or town in this state during the year for which such license is issued.

Class H-3. Motor vehicles operated for the public transportation of passengers not running over a regular route or between fixed termini shall each be charged and pay seventy-five dollars yearly. Ambulances and hearses used exclusively in their work, shall be exempted from the above special fee.

Class H-4. Motor vehicles operated for the public transportation of property not running over a regular route or between fixed termini, shall each be charged and pay a fee of double that of trucks not used commercially. No license fee or tax other than that prescribed in this section shall be charged by the state or any municipality or other political sub-division thereon, except the regular property tax, with respect to such vehicles and the operation.
Sec. 83. The license or registration fees herein prescribed shall be for the entire calendar year; provided, that where application is made therefor between the first day of April and the thirtieth day of June, inclusive, in any year, the charge therefor shall be three-fourths of the sum charged for such yearly license; and where application for such license and registration is made between the first day of July and the thirtieth day of September inclusive, of any year, the sum charged therefor shall be one-half of the sum charged for a yearly license and where application for such license and registration is made after the thirtieth day of September in any year, one fourth of such yearly license shall be charged, and in all cases where a license is issued after the thirtieth day of September in any year there shall be paid in addition to the license herein provided-for the additional sum of one dollar; and, provided, further, that in all cases where additional license fees are required under the provisions of this act, as amended, for the balance of the year one thousand nine hundred and twenty-three, the payment already made for license or registration fees for the year one thousand nine hundred and twenty-three shall be credited on such additional license fees.

In the event of the loss or inadvertent destruction of any plate issued under the provisions of this act, the commission shall investigate the circumstances of alleged loss or destruction, and if satisfied that the loss or destruction has occurred as alleged, shall issue a duplicate, or duplicates, or may in its discretion issue a new set of plates with appropriate certificate of registration, at a cost not to exceed one dollars. In the event of the loss or inadvertent destruction of any certificate of registration issued under the provisions of this act, the commission may issue a duplicate upon receipt of affidavit of such loss at a cost not to exceed one dollar.

The registration certificates, and the right to use the corresponding registration plates shall expire at midnight of December thirty-first of the year for which issued.

Upon the destruction or permanent removal from the state of any registered motor vehicle, its certificate of registration and the right to use the number plates or markers thereon shall expire; provided, that the commission shall permit the person to whom such certificates and plates or markers were originally
issued to surrender the same, and shall allow to him a refund of the amount paid for registration markers and certificate for the quarterly periods remaining wholly unexpired.

Upon the transfer of ownership of any motor vehicle, its certificate of registration and the right to use the number plates or markers shall expire, and it shall be the duty of the original owner to immediately notify the commission of the name and address of the new owner, and to deliver to the purchaser the license certificate and plates or markers belonging thereto. It shall be the duty of the purchaser immediately to file with the commission an application for a transfer of such registration accompanied with said certificate, for which the commission shall issue a transfer certificate and charge a fee of one dollar. If such license certificate be not filed the purchaser shall be charged a fee of two dollars for said license transfer certificate.

Any person who shall obtain a registration certificate or registration plates, or other licenses provided for in this act, by misrepresentation or by any other method not authorized by law, and any person who shall violate any of the other provisions of this section shall be guilty of a misdemeanor, and such person upon conviction thereof, shall be punished with a fine of not less than ten dollars, nor more than fifty dollars, and may be thereafter refused a license or certificate of registration. Said penalty shall apply to the owner as well as to the operator of such vehicle.

Sec. 93. There shall not be operated on any road or highway in this state any vehicle whose width, including load, is greater than ninety inches (except traction engines, whose width shall not exceed one hundred and eight inches, and wagons and other vehicles of farmers when hauling hay, straw, fodder or other farm products on the roads, or when on the roads with farming implements,) or which has a greater height than twelve feet, or a greater length than forty feet, and no combination of vehicles coupled together shall be so operated whose total length including load, shall be greater than sixty feet; provided, that in special cases vehicles whose dimensions exceed the foregoing may be operated under permits granted as hereinafter provided.

No vehicle, whose gross weight, including load, is more than twenty thousand pounds; no vehicle including load having a greater weight than seventeen thousand pounds on any one
axle; no vehicle, including load, having a greater weight than
nine thousand pounds on any one wheel; and no vehicle, includ-
ing load, having a weight upon any one wheel of more than six
hundred pounds per inch width of tire in actual contact with
the road surface, shall be operated upon any road or highway in
this state; provided, however, that there may be operated upon
any road, tractors equipped with caterpillar tread, together with
trailer, trailers, semi-trailer, or semi-trailers, whose combined
weight, including load, shall not exceed eleven tons; and, pro-
vided, further, that in special cases, vehicles, including load, ex-
ceeding the weight herein described, may be operated under
special permits granted as hereinafter provided.
Any person, firm or corporation who shall operate or cause to
be operated on any highway in this state a vehicle whose size or
weight exceeds that herein prescribed, shall be guilty of a mis-
demeanor, and upon conviction thereof shall be punished with
a fine of not less than one hundred, nor more than five hundred
dollars, for the first offense, and not less than five hundred dol-
lars, nor more than one thousand dollars for any subsequent
offense and in addition thereto the license of such person, firm
or corporation shall be revoked as provided in section eighty-
-nine of chapter one hundred and twelve of the acts of the leg-
islature of one thousand nine hundred and twenty-one.
Sec. 94. The special permit herein required for the opera-
tion of a vehicle whose size or weight, with load, exceeds the
limits prescribed in this act, shall be in writing, and be issued
at the discretion of the commission, or of those officials in the
state’s political sub-division who have charge of the high-
ways, roads, streets, alleys and bridges over which such vehicle
is to operate. Such permit may be issued for a single trip or
for a definite period not beyond the date of the expiration of
the vehicle registration, and shall designate the roads and
bridges to be used. Any person operating a vehicle under such
permit shall pay to the commission or other authorities having
charge of the maintenance of said roads or bridges, the amount
of any and all damages that may be caused to any road or
bridge by reason of the operation of such vehicle thereon,
and the possession of such permit shall not relieve any person
from the liability for such damage. The commission or other
authority granting such permit shall require from the person
or corporation receiving same a bond with satisfactory security
conditioned upon the proper repair of all damages done the
roads or streets over which such vehicle is operated. The com-
mission or other authority granting such permits, may also
prescribe such rules and regulations governing the use of
vehicles requiring a special permit under this section as may be
necessary to protect the roads and streets over which same are
operated from unusual damages therefrom. A violation by
any person or corporation having a permit, of the rules and
regulations so prescribed, shall be sufficient cause for the revoca-
tion thereof.

No vehicle of the kinds and weights enumerated in this sec-
tion shall be operated on the open country highways, suburban
streets, or urban streets in this state, at a greater rate of speed
than that prescribed in section ninety-five of chapter one hun-
dred and twelve of the acts of the legislature, one thousand
nine hundred and twenty-one, regular session.

Sec. 95.

<table>
<thead>
<tr>
<th>Maximum Weight, Including Gross Weight of Vehicle and Load</th>
<th>On County Highway</th>
<th>On Suburban Street</th>
<th>On Urban Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Vehicles designed for carrying not more than 7 passengers, 6000 lbs.</td>
<td>35</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>4 Other vehicles equipped with pneumatic tires</td>
<td>25</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>5 Vehicles equipped with solid tires less than 4000 pounds</td>
<td>15</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>6 Over 4000 pounds</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>7 Steel-tired vehicles over 2000 lbs.</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

Any person who shall operate on any highway in this state a vehicle whose size or weight exceeds that herein prescribed or at a greater rate of speed than therein allowed, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, and may be confined in the county jail for fifteen days, or by both fine and imprisonment in the discretion of the court for the first offense; and for a second or subsequent offense he shall be punished with a fine of not less than fifty dollars, nor more than two hundred dollars, and shall be confined in the county jail not less than thirty days nor more than sixty days, and his license shall be revoked as provided in section eighty-nine of chapter twenty-one of one thousand nine hundred and twenty-one.

The trial court shall assess as a part of the costs in the case a
special fee of two dollars for the officer making the arrest and
conviction for any violation of the automobile laws of this state.
Provided, further, that a transcript of the record from the
docket of the trial court covering every violation of the motor
vehicle laws of this state, shall he made up and transmitted to
the automobile department of the state road commission, by such
trial court.
Provided, further, that at the request of the state road com-
mission it shall be the duty of the department of public safety,
its officers and state police, the sheriffs of the several counties of
the state, and duly elected or appointed constables and deputies,
justices of the peace, mayors of cities and towns and city police,
to render to the commission all necessary aid and assistance in
the performance of its duties of maintaining and properly
policing the roads of this state, as the requirements of their
respective offices and positions will permit, without extra charge
of compensation for such service to the state.
Sec. 104. The county court of any county may contract or
pay for making, improving and keeping in order the whole or
any part of any county-district road within the county. The
court may permanently improve by the use of asphaltum, con-
crete, brick, stone, block, or by macadamizing or other process
of equal merit, the county-district road within its county, and
may contract therefor with any contractor for the use of any
of the foregoing systems and take bonds and security in a
penalty equal to fifty per centum of the estimated cost of the
work in question, from any such contractor for the faithful
performance of his contract.
The county court shall have authority to designate as a con-
ecting part of a county-district road any street, or portion of
a street, in any incorporated city, town or village, and may
expend money and labor, thereon as far as may be necessary
to put the same in good condition, and the municipality shall
thereafter maintain the same in good condition; but in case
such municipality is financially unable to maintain the same in
good condition, or to construct and maintain any bridge on any
county-district road within its corporate limits, the county
court shall construct and maintain the same, or aid in con-
structing and maintaining the same to the extent that may be
necessary in order to supplement the funds of the municipality
available or that may be made available for that purpose. A
county court may purchase or construct and maintain, or may
aid any municipality within the county in the purchase or
construction and in the maintenance of any bridge already
constructed or in process of construction or which may here-
after be constructed by such municipality, whether such bridge
be located or intended for location wholly within the county
or across the boundary thereof. The county court of any
county may take over any bridge, road or street theretofore
built by any municipality and lying within its limits and desig-
nated by the county court as a connecting part of a county-
district road, when requested so to do by the authorities of such
municipality, and thereafter maintain the same.

Sec. 123. Such superintendent shall have general police
supervision over all county-district roads within his magisterial
district; including the streets and alleys of unincorporated
villages, and shall have the same authority to make arrests as
duly qualified constables as to the violations of the provisions
of chapter one hundred and twelve of the acts of the legislature,
one thousand nine hundred and twenty-one, regular session,
and amendment thereto, and violations against the laws enacted
for the protection of motor vehicles. He shall have authority
to require abutting property owners to remove, and keep re-
moved, all garbage, refuse, and filth of every kind and charac-
ter that may accumulate on said streets and alleys, and order
opened any street or alley on any town plat which is of record
in the clerk's office of the county court.

Sec. 138. Upon hearing the parties interested in an applica-
tion for a county-district road, said county court shall decide for
or against undertaking the proposed work on behalf of the
county. If it decides in favor of the same and the compensation
for damages, if any, to be paid to any proprietor or tenant be
not fixed by agreement, it shall order proceedings to be instituted
and presented in its corporate name in the circuit court of the
county, pursuant to chapter forty-two of the code of West Vir-
ginia, to ascertain what will be a just compensation, if any, to
each proprietor or tenant for the land proposed to be taken, and
the said court shall lay a sufficient levy for that purpose. But
when such compensation, if any, shall be so ascertained, it shall
be at the option of the county court to pay the same or to aban-
don the proposed undertaking. If it decides to pay the same, it
shall lay a sufficient levy for that purpose as provided in this
act. In any case where the petition is for the establishment or
alteration of a county-district road leading from the main public road or roads, the court may refuse to undertake the proposed work, unless the petitioner or some one for him, shall deposit with said county court a sufficient sum to pay all damages and costs sustained by reason of the establishment or alteration of such road. In such case, if it seems proper so to do, the court may establish any such road, upon conditions that the petitioner shall pay all costs and damages as aforesaid, and make and keep in repair such road, and erect and maintain in good repair one or more gates across such road where the road passes through a fence or fences, as is provided in section one hundred and sixty-nine of this act; and the court may also impose upon such petitioner, his heirs or assigns, and upon the public such other conditions in reference to such road as the court may deem just. In the event that any of the conditions, so imposed by the court are not fully complied with, the court at any time, after giving at least sixty days' notice to the public and to the petitioner, his heirs or assigns, in such manner as the court may prescribe, may discontinue or abandon such road.

But the court, instead of proceeding in the manner hereinbefore provided in this section, is authorized to enter upon any said roads. Within sixty days after such entry the county court shall petition the circuit court to nominate thirteen freeholders, and the said circuit court, or the judge thereof in vacation, shall nominate, within thirty days after the filing of such petition, thirteen freeholders, of whom the county court shall strike off four and the property owners or their representatives, or such of them as appear, shall strike off four, and after eight names are stricken from the list the remaining five shall be commissioners, appointed to assess the damages hereinafter provided. But where there is no appearance for the property owners, or if they appear and do not agree as to any one or more of the names to be stricken off on their behalf, or the right to strike off any one or more names is waived on the part of either of the property owners, or their representatives, or from any cause the full number shall not be stricken off by the court or the parties aforesaid, the names or additional names, as the case may be, to be stricken from the list in order to reduce the number to five, shall be ascertained by lot under the direction of the court.
Vacancies shall be filled, and any commissioner, for good cause shown, may be removed by the court.

The said commissioners shall go upon the land and assess the damages and benefits, taking into consideration the benefits accruing to the property and the damages to it sustained, and shall fix the compensation or damages as said commissioners may seem proper, and the amount so fixed shall be paid out of the road fund of the county or district at the discretion of the court.

If the damage so assessed be not satisfactory to the property owner or owners, proprietor or tenant, or to the court, he or they, or said court, may within six months after the assessment aforesaid, appeal or apply to the circuit court of the county and demand a trial therein, as in other condemnation proceedings; provided, however, before entering upon said land as authorized by this section, it shall be the duty of the county court or its representative to serve notice upon the owner or owners of said land, as provided by law, notifying such owner or owners that the road is to be located upon their land under the authority of this section; provided, however, that when a state road shall be located by the state road commission, in, upon or through any property owned or controlled by the state, no compensation shall be paid for such right-of-way. Any person who shall obstruct said road while in process of construction or repair, or interfere with the engineer or other persons in charge of said work or construction, their agents or employees, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed fifty dollars, and may be imprisoned not to exceed one month, or both, in the discretion of the court.

In any proceeding authorized by this section, the revenues applicable to the payment of any damage assessed shall be deemed sufficient security, and to have been pledged for the payment thereof.

After a public road has been established and constructed heretofore or hereafter and used as such for a period of one year, and no claim for damages or compensation has been made, the right-of-way for such road shall vest in the county court or the state, as the case may be, and they shall not be liable for damage or compensation arising out of the construction of said road.

Sec. 146. Whenever, in the judgment of the state road commission or the county court of any county, the safety of the
3 traveling public demands it, the state road commission as to state
4 roads and bridges may construct and maintain sidewalks along
5 the side or sides thereof, and the county court as to county-
6 district roads and bridges may construct and maintain side-
7 walks along the side or sides thereof, or any person or persons
8 who may desire to do so, with the permission of the state road
9 commission as to state roads, and the county court as to county-
10 district roads, may build a sidewalk, composed of plank, gravel,
11 concrete or other suitable material, along the side of any public
12 road in this state; provided, that the construction and repairing
13 of sidewalks constructed and maintained by persons authorized
14 by the state road commission or county court do so and the use
15 thereof shall be without expense of any kind to the public or any
16 persons who may want to use the same; provided, further, that
17 all persons who may desire, be permitted to use the same and
18 that said sidewalk does not in any way interfere with the travel-
19 ing public on any public road; and such sidewalk shall be remov-
20 ed if ordered by the commission or by the county court as the
21 case may be; provided, further, that if it is desired to build any
22 sidewalk in a city or incorporated town, the consent of the council
23 of such city or town shall be obtained before such walk is built.
24 All acts and parts of acts inconsistent or in conflict herewith
25 are hereby repealed.

CHAPTER 7
(SENATE BILL NO. 65—MR. DARNALL)

AN ACT to amend and re-enact section sixty-three of chapter two
of the acts of the legislature, one thousand nine hundred and
nineteen, regular session, relating to display of United States
flag on schoolhouses.

[PASSED APRIL 27, 1923. IN EFFECT NINETY DAYS FROM PASSAGE. BECAME A LAW
WITHOUT THE GOVERNOR’S APPROVAL]

SEC. 63. United States flags, display of; penalty for failure; person
liable.

BE IT ENACTED BY THE LEGISLATURE OF WEST VIRGINIA:

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

Section 63. Every board of education shall, out of the build-
ing fund, purchase United States flags, four by six feet, of
regulation bunting, for schoolhouses in their district, and re-
quire same to be displayed from the schoolhouses during the
5 time the school is in session, except in inclement weather. And
it shall be the duty of the teacher, custodian or other person in charge of said building during the session to see that this flag is displayed on the schoolhouse as herein provided, and for failure to comply with this duty, such person in charge shall forfeit the sum of fifty cents per day for each day such failure shall continue, payable from the salary of such person to the building fund.

CHAPTER 8

( Senate Bill No. 70—Mr. Suddarth)

AN ACT to amend and re-enact section one hundred and sixty-eight of chapter two of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to the West Virginia industrial school for boys.

[Passed April 27, 1923. In effect from passage. Approved by the Governor May 1, 1923]

Sec. 168. Payment for cost of detention; reimbursement; income from same; how appropriated; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

That section one hundred and sixty-eight of chapter two of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to the West Virginia industrial school for boys, be and the same is hereby amended and re-enacted so as to read as follows:

Section 168. 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 and sixty-three, or, on proper commitment, on any other class. But in all cases of youths received in said school of the first class mentioned in section one hundred and 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 and 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. The income derived from the payment of such costs of detention is hereby appropriated for the current expenses of the said school subject to the requisition of the state board of control.

All acts and parts of acts in conflict with the provisions of this act are hereby repealed.
CHAPTER 9
(Senate Bill No. 71—Mr. Arnold)

AN ACT to provide supplemental aid for districts that provide public schools for children from orphan homes and benevolent institutions.

[Passed April 26, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

SEC. 1. State superintendent of schools required to apportion; amount of; how distributed; per capita for purpose; how determined.

Be it enacted by the Legislature of West Virginia:

The state superintendent of schools is hereby required to apportion supplemental aid to any district or independent district in which is located any institution as a home for orphans or homeless children. The amount of such supplemental aid shall be equal to the product of the per capita cost of education for the preceding year and the total number of pupils from such children’s homes enrolled in the public schools of the district applying for such aid and shall be distributed in the manner prescribed for distribution of supplemental aid to other districts, according to section seven, chapter one hundred and twenty-six, acts of the legislature one thousand nine hundred and nineteen.

The per capita cost of education for this purpose shall be determined on the basis of the enrollment in the elementary and high schools and the total expenditures for elementary and high school teachers and maintenance funds.

CHAPTER 10
(Senate Bill No. 225—Mr. Hugus)

AN ACT to amend section nine of chapter forty-five of Barnes’ code of one thousand nine hundred and sixteen, as amended by chapter two of the acts of one thousand nine hundred and nineteen, regular session, by adding thereto sections nine-a, nine-b, nine-c, and nine-d, making it the duty of the state board of education to prescribe courses in history of the United States, civics and the constitutions of the United States and West Virginia.

[Passed April 24, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

SEC. 9-a. History, civics and constitutions to be taught in all schools; state board of education to prescribe courses for public school.

9-b. Officials of private, parochial and denominational schools to prescribe similar courses.

9-c. Penalty for violation.

9-d. Holding unconstitutional any provisions not to affect other provisions.
Be it enacted by the Legislature of West Virginia:

That chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, as amended by chapter two of the acts of one thousand nine hundred and nineteen, regular session, be and is hereby amended by adding thereto sections nine-a, nine-b, nine-c and nine-d to read as follows:

Section 9-a. In all the public, private, parochial and denominational schools located within the state of West Virginia there shall be given regular courses of instruction in history of the United States, in civics and the constitutions of the United States and the state of West Virginia, for the purpose of teaching, fostering and perpetuating the ideals, principles and spirit of Americanism, and increasing the knowledge of the organization and machinery of the government of the United States and of the state of West Virginia. The state board of education shall prescribe, with and on the advice of the state superintendent of schools, the courses of study covering these subjects for the public elementary and grammar schools, public high schools and the state normal schools.

Sec. 9-b. It shall be the duty of the officials or boards having authority over the respective private, parochial and denominational schools to prescribe similar courses of study for the schools under their control and supervision, as is required by the preceding section for the public schools.

Sec. 9-c. Any person or persons violating the provisions of sections nine-a and nine-b, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding ten dollars for each violation, and each week during which there is a violation shall constitute a separate offense. If the person or persons so convicted occupy a position in connection with the public schools, he or she or they shall also automatically be removed from said position or positions and be ineligible for re-appointment to that or a similar position for the period of one year.

Sec. 9-d. The holding of any of the provisions of sections nine-a, nine-b, and nine-c to be void, ineffective or unconstitutional for any cause, shall not be deemed to affect the validity of any of the other provisions thereof.
CHAPTER 11
(Senate Bill No. 231—Mr. Arnold)

AN ACT creating a public school commission.

[Passed April 27, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

Sec. 1. Creates public school commission; who shall compose term; compensation; appointment by governor.

Sec. 2. Duties.

Sec. 3. Powers.

Sec. 4. Commission to make report; employ secretary.

Sec. 5. Vacancies; how filled.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a public school commission to be composed of seven members, not more than four of whom shall belong to the same political party, whose term shall be for two years, who shall serve without compensation, and who shall be appointed by the governor within thirty days after this act takes effect.

Sec. 2. It shall be the duty of the commission hereby created to study and investigate the laws and conditions in this state relating to the public school system, including all educational institutions which are supported by or receive aid from the state, and such other subjects and conditions as it finds in the course of its examination to be connected therewith.

Sec. 3. In the conduct of its investigation the commission shall have power to summon any teacher, principal, officer or any person or persons having supervision or control over any free school or educational institution herein defined, and to compel by subpoena, the production of any books, papers and documents it may deem necessary in its investigation, at any designated place of hearing; and for this purpose may invoke the aid of any circuit court in requiring the evidence and testimony of witnesses, and the production of papers, books and documents.

Sec. 4. The commission shall make a comprehensive report of the results of its investigations, together with its recommendations, to the next session of the legislature, and shall prepare such bills as may be necessary to carry out its recommendations and submit them with its report. It may employ a secretary and such office held as shall be necessary and may from time to time secure such expert advice as it may deem advisable and may incur such necessary expenses in that connection as may be approved by the governor; but in no case shall the commission incur any expenses beyond the amount of money appropriated by the legislature for this purpose.

Sec. 5. Any vacancies that may occur in the commission shall be filled by the governor.
SPECIAL ELECTIONS FOR SCHOOL LEVY

CHAPTER 12
(House Bill No. 168—Mr. Hood)

AN ACT to authorize school districts or independent school districts in which a majority of the ballots cast at the general election held in the year one thousand nine hundred and twenty-two upon the question of authorizing a levy for the support of free schools were against such a levy, to hold special elections for the purpose of again submitting the question of authorizing a levy for school purposes.

[Passed April 25, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. Board of education authorized to call special levy for school purposes; when and under what conditions; ballot, etc.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the board of education of any district, or independent school district in which the majority of the ballots cast at the general election held in the year one thousand nine hundred and twenty-two, and likewise at any election hereafter to be held, upon the question of authorizing a levy for the support of the free schools were against the authorizing of such levy, shall have authority to call a special election for the purpose of submitting to the voters of such district or independent school district the question of authorizing a levy for school purposes. Provided, not more than one such special election shall be held in any one year.

The special election herein provided for shall be held as provided in section one hundred and eighty-four of chapter two of the acts of the legislature, one thousand nine hundred and nineteen, regular session, and the ballot to be voted at said election shall have printed thereon the following:

Ballot on school levy.
( ) For school levy.
( ) Against school levy.

If a majority of the ballots cast at such special election in any district or independent school district be in favor of school levy, the board of education of such district shall annually thereafter levy for the support of schools in their districts in the manner provided by law for school levies until such time as an election may again be held on the question of school levy as provided by chapter sixteen of the acts of the legislature at its regular session held in the year one thousand nine hundred and twenty-one.
AN ACT to amend chapter forty-five of Barnes’ code of one thousand nine hundred and sixteen as mended by chapter two of the acts of one thousand nine hundred and nineteen, regular session, by adding thereto section eighty-six-a, requiring all teachers to take an oath of allegiance to support the constitution of the United States before being qualified to teach a term of school.

[Passed April 27, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 86-a. Teacher; oath required; penalty; secretary of board guilty of misdemeanor if payment is made to teacher who has not taken oath.

Be it enacted by the Legislature of West Virginia:

That chapter forty-five of Barnes’ code of one thousand nine hundred and sixteen as amended and re-enacted by chapter two of the acts of one thousand nine hundred and nineteen, regular session, be and the same is hereby amended by adding thereto section eighty-six-a to read as follows:

Section 86-a. Every teacher shall at the time of signing the yearly contract to teach take the following oath, that is to say: an oath to support the constitution of the United States and the constitution of the state of West Virginia, and to honestly demean himself or herself in the teaching profession, and to the best of his or her ability execute his or her position of teacher; said oath shall be taken before a notary authorized to take oaths, or by a school trustee or member of the board of education of the district in which said contract is made. Provided, further, that no trustee or member of the board of education shall charge for the taking of said oath. If any such teacher enter upon the discharge of the duties pertaining to his or her employment without having taken the prescribed oath, he or she as the case may be shall be guilty of a misdemeanor and liable to a fine of not less than five dollars nor more than twenty dollars, each month to be classed as a separate offense; and further, if the secretary of the board of education issue and deliver an order or draft to any teacher in payment of his or her compensation, without the said oath having been filed beforehand in his said office, he shall be guilty of a misdemeanor and liable to a fine of not less than ten dollars nor more than twenty dollars; and the order so issued and delivered to said teacher shall be illegal, invalid and of no effect.
CHAPTER 14
(Senate Bill No. 118—Mr. Coffman)

AN ACT to authorize counties, magisterial districts, municipal corporations, school districts, and independent school districts, to become indebted by the issuing and sale of bonds.

[Passed April 26, 1923. In effect ninety days from passage. Approved by the Governor May 2, 1923]

Sec. 1. County courts, magisterial districts, etc. to issue bonds on conditions set out in other sections.

2. Bonds to issue when.

3. Limit bond issue.


5. Investigation by county road engineer before issuance of road or bridge bonds.

6. Order to disclose purpose and amount of.

7. Elections for bond issue: when held.

8. Notice.

9. Registration of voters.

10. Elections, where held.

11. Duties of recorders and secretaries in bond elections for municipalities, etc.

12. Form of ballot.

13. Returns.


15. Form of resolution authorizing bonds.


17. Bonds may be registered; interest: conversion of bonds.

18. Signature on bonds.

Be it enacted by the Legislature of West Virginia:

Section 1. Any county, by and through its county court, 2 either for and on behalf of the county or for and on behalf of 3 any magisterial district, or group of magisterial districts therein; any municipal corporation, by and through its council or 5 other governing body in lieu thereof; any school district, by 6 and through its board of education or any independent school 7 district by and through its board of education or other fiscal 8 body in lieu thereof, may issue and sell its bonds, in the manner, 9 and subject to the limitations and conditions hereinafter con­ 10 tained in this act.

Sec. 2. Debt may be incurred and bonds issued under this 2 act for the purpose of acquiring, constructing and erecting, en­ 3 larging, extending, re-constructing or improving any building, 4 work, utility or undertaking, or for furnishing, equipping and 5 acquiring or procuring the necessary apparatus for any build­ 6 ing, work, improvement or department, and for other similar 7 corporate purpose, for which the political division is authorized 8 to levy taxes or expend public money. But no bonds shall be
issued for the purpose of providing funds for the current expenses of any body or political division. Interest accruing during the construction period, that is to say, the time when an improvement is under construction and six months thereafter, shall be deemed a part of the cost of the improvement, and shall not be deemed current expenses. All engineering and inspection costs, including a proper proportion of the compensation, salaries and expenses of the engineering staff of the political division properly chargeable to any work of improvement, as determined by the governing body, or the estimated amount of such costs, shall be deemed part of the cost of an improvement. All costs and estimated costs of the issuance of bonds shall be deemed a part of the cost of the work or improvement, or of the property, or the carrying out of the purposes for which bonds are to be issued. The power to acquire or construct any building, work or improvement, shall be deemed to include the power to acquire the necessary lands, sites and rights of way therefor. Bonds may be also issued under this act for the purpose of refunding the bonds of any political division which have become or are becoming due and payable, for the discharge of which there are or will be when the bonds mature no funds or insufficient funds available; or when in the opinion of the governing body of the political division obligated to the payment of such bonds, the rate of levy necessary to provide funds for their discharge will impose excessive taxes upon the taxpayers of such political division.

Sec. 3. No political division herein authorized to issue bonds, shall, by any bond issue, become indebted to an amount, including all other indebtedness, exceeding two and one-half per centum of the value of the taxable property therein, as shown by the last assessment thereof for state and county purposes next prior to the issuing of said bonds. Provided, however, that any county, magisterial district, or any group of magisterial districts, for the construction of any county-district road, or bridges thereon, and any municipal corporation of one thousand inhabitants or more, for the purpose of grading, paving, sewer- ing, and otherwise improving its streets and alleys, may become indebted and issue bonds in an additional sum not exceeding two and one-half per centum of the value of the taxable property therein, ascertained as aforesaid.

The term "sewering" as used herein shall be treated in a
16 comprehensive sense, so as to include all mains, laterals, con-
17 nections, traps, incinerating and disposal plants, and other nec-
18 essary and convenient accessories to a modern, sanitary and effi-
19 cient sewerage system; and shall include storm sewers.

Sec. 4. No debt shall be contracted or bonds issued under
2 this act until all questions connected with the same shall have
3 been first submitted to a vote of the qualified electors of the
4 political division for which the bonds are to be issued, and shall
5 have received three-fifths of all the votes cast for and against
6 the same. The governing authority of any political division
7 herein referred to may and when requested so to do by a peti-
8 tion in writing, praying that bonds be issued and stating the
9 purpose and amount thereof, signed by the legal voters of the
10 political division equal to twenty per cent of the votes cast in a
11 county or magisterial district for governor, or in a municipal
12 corporation or school district, for mayor or member of the board
13 of education, as the case may be, shall, by order entered of
14 record, direct that an election be held for the purpose of sub-
15 mitting to the voters of the political division, all questions con-
16 nected with the contracting of debt and the issuing of bonds.
17 Such order shall state:
18 (a) The necessity for issuing the bonds, or, if a petition has
19 been filed as provided herein, that such petition has been filed;
20 (b) If for the construction of a county-district road or
21 bridge thereon, summary of engineer’s report provided for in
22 section five setting forth the approximate extent and the esti-
23 mated cost of the proposed improvement, and the kind or class
24 of work to be done thereon;
25 (c) Purpose or purposes for which proceeds of bonds are to
26 be expended;
27 (d) Valuation of the taxable property as shown by the last
28 assessment thereof for state and county purposes;
29 (e) Indebtedness, bonded or otherwise;
30 (f) Amount of the proposed bond issue;
31 (g) Maximum term of bonds and series;
32 (h) Maximum rate of interest;
33 (i) Date of election;
34 (j) If a special election, names of commissioners for holding
35 same;
36 (k) If registration of voters is necessary, notice of the time,
37 place and manner of making same.
Ch. 14] ISSUE AND SALE OF BONDS

38 (I) That the levying body is authorized to lay a sufficient
39 levy annually to provide funds for the payment of the interest
40 upon the bonds and the principal at maturity, and the approxi-
41 mate rate of levy necessary for this purpose.
42 Any other provisions which do not violate any positive pro-
43 vision of the law, or transgress some principal of public policy
44 may be incorporated in the order.

Sec. 5. Before ordering an election on the question of
2 issuing bonds, to construct a county-district road or bridge,
3 either on its own motion, or on petition, the county court shall
4 instruct the county road engineer or some other engineer desig-
5 nated by it for the purpose, to make an investigation and report
6 to the court an estimate of the probable cost of the proposed
7 improvement.

Sec. 6. The order or ordinance submitting the proposition
2 of issuing bonds to vote may specify more than one purpose for
3 which bonds are to be issued. Provided, that the amount of
4 the proceeds of the issue to be used for each purpose shall also
5 be specified therein.

Sec. 7. Elections for the purpose of voting upon the ques-
2 tion of issuing bonds may be held at any general, primary, or
3 special election, which the fiscal body in its order submitting the
4 same to vote may designate, except, that, when a petition is filed
5 asking that bonds be issued, the fiscal body with which same is
6 filed, if it be not designated in the petition that the election shall
7 be held at a general or primary election, shall order a special
8 election to be held within sixty days from the date of the filing
9 of such petition; or, if it be a petition for bonds for the con-
10 struction of county-district roads or bridges thereon, the elec-
11 tion shall be held within sixty days from the filing of the engi-
12 neer's report as provided for in this act.

Sec. 8. Notice of all bond elections shall be given by the
2 publication of the order provided for in section four of this
3 act at least once each week for four successive weeks prior to the
4 date of the election in two newspapers of different politics, if
5 there be such published in the political division in which the
6 election is to be held. If there be only one newspaper published
7 in such political division, the notice shall be published as afore-
8 said therein. If no newspaper be published therein, then in
9 some newspaper published in the county within which such
political division is embraced. Notice shall also be given by
posting printed copies of such order at the front door of the
meeting place of the body calling the election and at each voting
precinct at which the election is to be held at least ten days be-
fore the election.

Sec. 9. Registration of voters for any election held for the
purpose of voting upon the issuance of bonds, shall be made in
accordance with the provisions of the general registration laws
of this state. Except, that, for amending and correcting the
registration of voters for a special election as provided by the
general registration law, the fiscal body ordering the election
shall do and perform all things thereby imposed upon county
courts. When bond elections are held in connection with any
general or primary elections no registration other than that
made by the county court shall be had.

Sec. 10. Elections for bond issues for counties, districts and
school districts, shall be held at the voting precincts established
for holding general elections; for municipalities, at the precincts
established for the election of municipal officers, and for inde-
pendent school districts, at the precincts used for voting for
boards of education.

Sec. 11. All the provisions of the general election laws of
this state, concerning general, primary or special elections, when
not in conflict with the provisions of this act, shall apply to bond
elections hereunder, insofar as practicable. Provided, that in
bond elections for municipalities, school or independent school
districts, the recorders and secretaries respectfully shall procure
and furnish to the election commissioners at each voting precinct
the tickets, poll books, tally-sheets and other things necessary
for conducting the election and perform all duties imposed by
law upon clerks of the circuit courts in relation to general elec-
tions.

Sec. 12. The ballots to be used at elections hereunder shall
be in substantially the following form:

"Shall ........................................ (Name of political division),
incur debt and issue bonds to the amount of $......................,
to run not more than ......................... years from the date
thereof, with interest not exceeding the rate of ................ per
centum per annum, for the purpose of ........................., and
levy taxes sufficient to pay the interest on and the principal of
said bonds."
Sec. 13. The authorities calling bond elections shall canvass the returns at the same time with reference to the election and in the same manner as is required of county courts for general elections.

Sec. 14. If three-fifths of all the votes cast for and against the same shall be in favor of the proposition to incur debt and issue negotiable bonds, the governing authorities of the political division shall by resolution, authorize the issuance of such bonds in an amount not exceeding the amount stated in the proposition; fix the date thereof; set forth the denominations in which they shall be issued, which denominations shall be one hundred dollars or multiples thereof; to determine the rate of interest which the bonds shall bear, which rate of interest shall be within the maximum rate stated in the proposition submitted to vote and payable semi-annually, and shall in no case exceed six per centum per annum; prescribe the medium with which the bonds shall be payable, require that the bonds shall be made payable at the office of the treasurer of the State of West Virginia and at such other place or places as such governing authorities may appoint; provide for a sufficient levy to pay the annual interest on the bonds and the principal at maturity; fix the times within the maximum period as contained in the proposition submitted to vote, when the bonds shall become payable, which shall not exceed thirty-four years from the date thereof, and prescribe a form for executing the bonds authorized.

Said bonds shall be made payable in annual installments beginning not more than two years after the date thereof, and the amount payable in each year may be so fixed that when the annual interest is added to the principal amount to be paid, the total amount payable in each year in which part of the principal is payable, shall be as nearly equal as practicable. It shall be an immaterial variance if the difference between the largest and smallest amounts of principal and interest payable annually during the term of the bonds shall not exceed three per centum of the total authorized issue. Or, said bonds may be
payable in annual installments beginning not more than two
years after the date thereof, each installment being as nearly
equal in amount as may be practicable.

See. 15. The resolution authorizing the bonds provided for
in the last preceding section may direct that they shall contain
the following recital:
"It is certified that this bond is authorized by and is issued
in conformity with the requirements of the constitution and
statutes of the State of West Virginia."
Such recital shall be deemed an authorized declaration by the
governing authority of the political division and to import that
there is constitutional and statutory authority for incurring the
debts and issuing the bonds; that all the proceedings therefor
are regular; that all the acts, conditions and things required to
exist, happen and be performed precedent to and in the issuance
of the bonds, have existed, happened and been performed in due
time, form and manner as required by law; that the amount
of the bond and the issue of which it forms a part, together
with all other indebtedness, does not exceed any limit or limits
prescribed by the constitution or statutes of this state, and that
all questions connected with incurring the debt and issuing the
bonds have been first submitted to a vote of the people and have
received three-fifths of all the votes cast for and against the
same at an election regularly called and held for the purpose
after notice published and posted in the manner required by
law. If any bond be issued containing the said recital, it shall
be conclusively presumed that said recital construed according
to the import hereby declared, is true, and neither the political
division nor any taxpayer thereof shall be permitted to question
the validity or regularity of the obligation in any court or in
any action or proceeding.

See. 16. Bonds issued hereunder may be either registered or
coupon bonds. Coupon bonds may be registered as to principal
in the holder's name on the books of the financial officer of the
political division, the registration being noted upon the bonds
by such financial officer, after which no transfer shall be valid
unless made on such financial officer's books by the registered
holder and similarly noted on the bond. Bonds registered as to
principal may be discharged from registration by being trans-
ferred to bearer, after which they shall be transferable by de-
livery, but may be again registered as to principal as before.
The registration of the bonds as to principal shall not restrain
the negotiability of the coupons by delivery merely.

Sec. 17. Coupon bonds issued by any municipal corpora-
tion having a population of twenty thousand or more according
to the last federal census, or by any county containing such
municipal corporation, or by any school district or independent
school district whose boundaries are co-terminous with or in-
clude any such municipal corporation, may also be registered as
interest, and the coupons surrendered and the interest
made payable only to the registered holder of the bond.
For that purpose the financial officer of the county, munici-
pal corporation or school district shall detach and cancel
the coupons and shall endorse a statement on the bond that the
coupon sheet issued therewith has been surrendered by the
holder and the coupons cancelled by him, and that the semi-
annual interest is thereafter to be paid to the registered holder
or order by draft check or warrant drawn payable at a place
of payment specified in the bond. Bonds registered under this
section may, with the consent of the county or municipal cor-
poration or school district and the holders of the bonds, be re-
converted into coupon bonds at the expense of the holder there-
to time, as the governing authority of the municipal corporation
or county or school district and the holders of the bonds may
determine. Such counties, municipal corporations and school
districts are authorized to pass all resolutions and ordinances
necessary to give effect to the provisions of this section.

Sec. 18. All bonds issued hereunder by any county shall be
signed by the president of the county court and countersigned
by the clerk of such court; bonds issued by any municipality
shall be signed by the mayor or other chief executive and coun-
tersigned by the clerk, recorder or secretary; bonds issued by a
district or independent school district shall be signed by the
president of the board of education and countersigned by the
secretary thereof. The seal of the political division shall be
affixed to said bonds. Interest coupons shall be signed by the
fac-simile signatures of such officers. The delivery of any bonds
or coupons so executed at any time thereafter shall be valid,
although before the date of delivery the person signing such
bonds or coupons shall have ceased to hold office.
Sec. 19. It shall be the duty of the governing authority of any political division issuing bonds hereunder, to impose and collect annually, in excess of all other taxes, a tax on all property subject to taxation, by the political division under the constitution and laws of the state of West Virginia, sufficient in amount to pay annually the interest on such debt and the principal thereof falling due in each year, such tax to be levied and collected by the same officers, at the same time and in the same manner as the general taxes of the political division. Should any political division neglect or fail for any reason to impose or collect such taxes for the payment of the principal or interest of any bonded indebtedness incurred hereunder, any person in interest or the state tax commissioner may enforce the imposition and collection thereof in any court having jurisdiction of the subject matter, and any suit, action or proceeding brought for such purpose shall be a preferred cause and shall be heard and disposed of without delay.

Sec. 20. The governing authority of the political division issuing the bonds shall sell the same and collect the proceeds, which proceeds shall be deposited with its treasurer. Whenever any bonds are to be sold, the body authorized to sell the same shall, before offering them to the public, offer them in writing to the secretary of state, which shall be held to be an offer to sell the bonds at their par value to each of the governmental agencies of the state authorized by law to purchase such bonds. If, after such offer is made, the governing authorities of the political division making the offer shall be notified in writing that none of such agencies of the state has elected to purchase such bonds, or after ten days have elapsed after such offer of sale has been made without an acceptance by any said agencies of the state, then the governing authority of the political division shall advertise the said bonds for sale, on sealed bids, which advertisement shall be published at least once a week for three weeks, the first publication to be made at least twenty-one days preceding the date fixed for the reception of bids, in a newspaper published in the political division, or if there be none published therein, in a newspaper published in the county in which the political division is situated, and also posted in three public places in the political division at least twenty-one days before the date fixed for the reception of bids, either in a financial paper...
25 published in the city of New York or the city of Chicago, or
26 in a newspaper of general circulation published in the city of
27 the state of West Virginia having a population of not less
28 than twenty thousand inhabitants, according to the last fed-
29 eral census. The governing authority may reject any and all
30 bids. If the bonds be not sold pursuant to such advertise-
31 ment, they may be sold by the governing body at private
32 sale, within sixty days after the date advertised for the re-
33 ception of bids, but no private sale shall be made at a price
34 less than the highest bid which shall have been received.
35 If not sold, said bonds shall be re-advertised in the manner
36 herein provided. In no event shall bonds be sold for less
37 than their par value.
38 The profit accruing upon any bonds offered to the secre-
39 tary of state under the provisions of this act, and purchased
40 by the state sinking fund commission and sold by said com-
41 mission at a premium shall be credited to the sinking fund
42 of the political division issuing the bonds for the payment
43 of said bonds and any interest thereon.

Sec. 21. The proceeds derived from the sale of any bonds
2 shall be used only for the purpose or purposes for which the
3 bonds were issued as set out in the order or ordinance sub-
4 mitting the question to vote, but the purchaser of the bonds
5 shall not be obliged to see to the application thereof.

Sec. 22. This act shall without reference to any other act
2 of the legislature, be full authority for the issuance and sale
3 of bonds in this act authorized. No order, ordinance, reso-
4 lution or proceeding in respect to the issuance of any bond
5 hereunder shall be necessary, except such as are required by
6 this act. No publication of any order, ordinance, resolution
7 or proceeding relating to the issuance of said bonds shall be
8 necessary except such as is required by this act. Any publica-
9 tion prescribed hereby may be made in any newspaper con-
10 forming to the terms of this act, without regard to designa-
11 tion thereof as the official journal of the political division.

Sec. 23. Bonds issued hereunder shall have all the qualities
2 of negotiable paper under the law merchant and shall not be
3 invalid for any irregularity or defect in the proceedings for
4 the issuance thereof, and shall be incontestable in the hands or
5 bona fide purchasers or holders thereof for value.
Sec. 24. The governing authorities of any political division issuing bonds hereunder, shall as soon as practicable after the result of the election authorizing their issuance shall have been officially ascertained, transmit to the attorney general a duly certified copy of all the orders, ordinances, proclamations, notices, advertisements, affidavits, resolutions and records of all the proceedings connected with or pertaining to such bond issue, and any other matters relative thereto which the attorney general may require. The attorney general shall thereupon either approve or disapprove the validity of such bond issue, and shall immediately notify the governing authorities of the political division which authorized the issuance of the bonds of his action by mail, and as soon as practicable notify the people of such political division of his approval or disapproval of such bond issue, by causing notice thereof to be published once each week for two successive weeks, in two newspapers of opposite politics, if there be such, published therein, or if no newspaper be published in said political division, then in some newspaper which is of general circulation therein.

For a period of ten days from and after the date of the last publication of the notice of the attorney general of his action in approving or disapproving the validity of any bond issue as herein provided, any person in interest, or any taxpayer within the political division for which bonds are authorized to be issued, may present his or its petition to the supreme court of appeals or to a judge thereof in vacation, praying that the action of the attorney general in approving or disapproving such bond issue as aforesaid, be reversed or modified; and if the court, or a judge thereof in vacation, be of the opinion to hear and determine the matters in said petition set out, the case shall be proceeded with as in cases of original jurisdiction; but the petitioner shall file with the clerk of the court a bond with security to be approved by him, and in such sum as the court or judge may fix, for the payment of such costs as may be awarded against him in said court. The clerk of the court shall forthwith notify the attorney general of the action taken by the court or judge in vacation upon such petition, and for the hearing thereof the attorney general shall file with the clerk of said court all papers, documents, evidence and records, or certified copies thereof, which were before him and on which he based his approval or disapproval; and
42 before the day fixed for final hearing he shall file with the
43-48 clerk of said court a written statement of his reasons for the
49 approval or disapproval of the bond issue. Upon the sub-
50 mission of the case the court shall decide the matters in con-
51 troversy and enter such order thereon as to it may seem to be
52 just. Hearings upon such cases shall have precedence over those
53 arising upon appeals and writs of error.
54 If no person in interest or taxpayer shall within ten days
55 from and after the date of the last publication of the notice
56 of the attorney general of his action in approving or disap-
57 proving the validity of any bond issue as herein provided,
58 present his or its petition to the supreme court of appeals
59 or to a judge thereof in vacation praying that the action of the
60 attorney general be reversed or modified, as hereinbefore pro-
61 vided, or if such petition be filed and the court or judge be of
62 opinion not to hear and determine the matters in said petition
63 set out, said action of the attorney general shall be final and
64 no other appeal be allowed therefrom; and any bond issue ap-
65-66 proved by him shall become incontestable and shall be a valid
67 and binding obligation upon the authority issuing the same and
68 upon the taxable property within the political division which
69 authorized the bond issue by the vote of the people therein;
70 and no one shall thereafter have the right to contest in any
71 court or in any action or proceeding the legality of any elec-
72 tion held hereunder, the bond issue provided for, or the tax
73 required to pay the same, for any cause whatsoever.
74 After ten days shall have elapsed from and after the date
75 of the last publication of the attorney general's notice herein
76 provided for, and no action be pending to have his approval
77 of the bond issue reversed or modified, the attorney general
78 shall endorse upon each and every bond of the issue so approved
79 by him his certificate to the effect that such bond has been ap-
80 proved by him by virtue of the authority vested in him by this
81 act; that notice of his approval was published as required here-
82 in; that ten days has elapsed since the date of the last publica-
83 tion of said notice; that there has been no appeal from his
84 decision to the supreme court of appeals, and that the bond
85 has become incontestable and is a binding obligation upon the
86 authority issuing the same and upon the taxable property
87 within the political division, and that the validity of said bond
88 shall not be contested thereafter in any court or in any action
89 or proceeding for any cause whatsoever.
The costs of publishing the notice to taxpayers as herein provided, and the costs of certifying and copying all records, papers and proceedings to be used by the attorney general in passing upon the validity of the bond issue, and all necessary expense incurred by the attorney general in connection with any bond issue shall be paid by the authority issuing such bonds out of the proceeds arising from the sale thereof, if the same be finally approved, and if the bond issue be disapproved such expense shall be paid out of the general fund of such authority.

The attorney general shall keep on file in his office the papers pertaining to any bond issue submitted to him, and shall record his findings of approval or disapproval in a well bound book kept for that purpose in his office, which shall be open for inspection of anyone in interest during business hours.

Sec. 25. Nothing contained in this act shall affect in any way proceedings heretofore begun by the governing authority of any political division to issue bonds under the authority of any statutes of this state heretofore in force. Said proceedings may be completed under the statute under which the same were begun under this act so far as the same can be made applicable thereto.

Sec. 26. Sections forty-nine-b (1) to forty-nine-b (11), inclusive, of chapter forty-seven of Barnes’ code of one thousand nine hundred and sixteen, section one of chapter forty-seven-a of Barnes’ code of one thousand nine hundred and sixteen, section one hundred and eighty-three of chapter two of the acts of the legislature of one thousand nine hundred and nineteen, regular session, section nine (c) of chapter eighteen of the acts of the legislature of one thousand and twenty-one, regular session, and chapter fifty-seven of the acts of the legislature of one thousand and seventeen, regular session, are hereby repealed. Section ten of chapter eighteen of the acts of the legislature of one thousand nine hundred and twenty-one, regular session, sections one hundred and eight-four of chapter two of the acts of the legislature of one thousand nine hundred and nine, regular session, sections one hundred and six to one hundred and nine, inclusive, of chapter one hundred and twelve of the acts of the legislature of one thousand nine hundred and
19 and twenty-one, regular session, and all other acts or parts
20 of acts, whether general or special, insofar as the provisions
21 thereof are inconsistent with the provisions of this act, are
22 hereby repealed. *Provided, however,* that when by a special
23 act of the legislature any municipality or independent school
24 district is authorized to become indebted for any purpose or
25 purposes in a greater amount than is fixed by section three of
26 this act, bonds may be issued hereunder by such municipality
27 or independent school district in an amount not exceeding that
28 fixed by such special act. And, *provided, further,* that this
29 act shall not affect any general or special law providing for the
30 issuing of bonds for any improvement to be paid for in whole
31 or in part by assessment against abutting property. And,
32 *provided, further,* that this repealer shall not prevent the com­
33 pletion of proceedings heretofore begun as in this act pro­
34 vided, nor invalidate any indebtedness heretofore incurred
35 under existing law.

**CHAPTER 15**

(Senate Bill No. 163—Mr. Porter)

AN ACT to amend and re-enact sections fifteen-d, thirty-five, thirty-
six, fifty-six and fifty-eight of chapter thirty-four of Barnes’
code of one thousand nine hundred and sixteen, relating to
reports and licenses of insurance companies and agents.

[Passed April 13, 1923. In effect ninety days from passage. Approved by the
Governor April 21, 1923]"
3 company referred to in this chapter except as solicitor under 4 section fifteen-c of this law, without first procuring a certificate 5 of authority as agent from the insurance commissioner, which 6 certificate shall be renewable on the first day of April in each 7 year; and said insurance commissioner shall not issue such cer- 8 tificate of authority to any person who is not a resident of this 9 state, and whom he finds not trustworthy and competent to 10 transact the business for authority to do which application is 11 made; and on conviction of any person acting as such agent, 12 of the violation of any provision of this law the insurance com- 13 missioner shall forthwith revoke the certificate of authority is- 14 sued to him, and no certificate shall be thereafter issued to such 15 convicted person, until one year from the date of conviction. 16 Whenever the insurance commissioner upon investigation is 17 satisfied that any agent acting under his supervision and hold- 18 ing a certificate of authority from him is violating or has viol- 19 ated the insurance laws of West Virginia, or that he is incom- 20 petent or untrustworthy, or whenever he shall proceed to re- 21 voke a certificate or license of such agent under any section of 22 this law he shall notify such agent of his findings, and state in 23 writing the complaint against him and require such person on 24 a date named, which date shall not be less than thirty days 25 after service of notice, to show cause why his license should not 26 be revoked. 27 If on the date named in said notice the said agent does not 28 present good and sufficient reasons why his authority to trans- 29 act business in this state should not be revoked, the said com- 30 missioner may revoke such person's certificate of authority. All 31 decisions and findings of the insurance commissioner made un- 32 der the provisions of this section shall be reviewable by proper 33 proceedings in any court of competent jurisdiction within this 34 state; provided, however, that nothing contained in this section 35 shall be taken or construed as preventing any such agent from 36 doing business under the authority of such certificate during 37 the pending of any proceeding taken to review an adverse de- 38 cision of the insurance commissioner.

Sec. 35. Every fire and every fire and marine insurance com- 2 pany doing business in this state shall annually, on or before 3 March first, render to the insurance commissioner a report, sign- 4 ed and sworn to by its president and secretary, of its condition 5 on the thirty-first of December next preceding, in the following 6 form, namely: first, the amount of its capital stock; second, its 7 assets, specifying—(1) the value of its real estate; (2) the
amount of its cash on hand and in bank, specifying where it is
deposited; (3) the amount of cash in the hands of agents and
in course of transmission; (4) the amount of loans secured by
mortgages on which there shall be less than one year's in-
terest due; (5) the amount of such loans with one year's interest
or more due thereon; (6) the amount due on judgments; (7)
the amount of its stocks and bonds, with the description of
amount, number of shares, and the par and market value of
each; (8) the amount of stocks and bonds held as collateral
security for loans, with the amount loaned on each and the par
and market value thereof; (9) the amount of assessments on
stock or premium notes, paid or unpaid; (10) the amount of
interest accrued and unpaid; (11) the amount of premium notes
on hand on which policies are issued; third, its liabilities, spec-
ifying—(1) the amount of losses due and unpaid; (2) the
amount of unpaid losses not paid; (3) the amount of claims for
losses resisted by the company; (4) the amount of losses in-
curred during the year, including those claimed and not yet
due, and those reported to the company upon which no action
has been taken; (5) the amount of dividends due and unpaid;
(6) the amount of dividends, either cash or script, not yet pay-
able; (7) the amount of money borrowed, and security given
for the payment thereof; (8) the amount of premiums received
on all risks not terminated; (9) the amount required to re-
insure all fire risks in force, computed at fifty per cent of the
gross amount of fire premiums less return premiums and re-
insurance received on risks in force, and not perpetual; ninety-
five per cent of premiums on perpetual risks in force, and one
hundred per cent of the amount of ocean marine premiums re-
ceived on risks in force, excepting on time hull risks which may
be computed at fifty per cent of the amount of premiums re-
ceived on risks in force; (10) the amount of all other claims
against it; fourth, its income during the preceding year, spec-
ifying—(1) the amount of cash premiums received; (2) the
amount of notes received for premiums; (3) the amount of in-
terest money received; (4) the amount of income received from
other sources; fifth, its expenditures during the preceding year,
specifying—(1) the amount of losses paid, stating how much of
the same accrued prior and how much subsequent to its pre-
ceding statement and the amount at which such losses were es-
timated in such statement; (2) the amount of dividends paid;
(3) the amount of expenses paid, including agent's commis-
sions; (4) the amount paid in taxes; (5) the amount of all
other expenditures.

Sec. 36. No fire or fire and marine insurance company or
association incorporated or organized under the laws of this
state or of any other state, territory or county of the United
States or the District of Columbia, or any foreign country shall,
directly or indirectly, take risks or transact any business in
this state unless possessed of at least one hundred thousand dol-
lars cash capital paid up and securely invested, and every such
company shall deposit with the insurance commissioner a cer-
tified copy of its charter and a statement under oath of its
president or vice-president, and secretary or other proper offi-
cer, stating its name and location and other particulars re-
quired by section thirty-five. No such companies or associa-
tions shall make contracts of insurance on property in this state
except through lawfully constituted and licensed resident
agents, nor shall any person act as agent for any such company
directly or indirectly taking risks or transacting the business
of fire insurance in this state, without procuring from the in-
surance commissioner a certificate of authority stating that such
company has complied with all the requirements of the law.
Such certificate shall continue in force as provided in section
fifty-eight unless revoked for cause. The statement required
by this section shall be made annually on or before March first,
and shall specify the amount of premiums received and losses
paid in this state during the preceding year; and said commis-
sioner, on being satisfied that the capital, securities, and in-
vestments, remain secure shall furnish a renewal of his cer-
tificate.

Sec. 56. No person shall act as agent of any insurance com-
pany, corporation, association, partnership, or combination of
persons incorporated, organized, associated, or combined under
or by virtue of the laws of this or any other state of the United
States or any foreign country, directly or indirectly taking risks
or transacting any kind or form of insurance business in this
state, without procuring from the insurance commissioner a cer-
tificate of authority, stating that such company, corporation,
association, partnership or combination of persons, has complied
with all the laws of this state relative to such companies, cor-
porations, associations, partnerships or combinations of per-
sons, which certificate shall continue in force until the first of
April next after its issue, unless revoked for cause.
Sec. 58. All certificates or licenses issued by the insurance commissioner to companies or associations of this state, or to companies or associations, existing under the laws of any other state or foreign government, to an agent of any such company or association, shall continue in force until the first day of April next following their issue, unless the same be sooner revoked. Provided, however, nothing in this act or in chapter thirty-four of Barnes' West Virginia code, one thousand nine hundred and twenty-three edition, shall be held to relate to or apply to farmers' mutual fire insurance companies organized under chapter fifty-five of said code.

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

CHAPTER 16
(Senate Bill No. 164—Mr. Porter)

AN ACT to amend and re-enact section forty of chapter seventy-seven of the acts of the legislature of one thousand nine hundred and seven, (being section forty of chapter thirty-four of Barnes' code of one thousand nine hundred and eighteen) relating to the scope of fire insurance, and repealing chapter eighteen of the acts of the legislature of West Virginia of one thousand nine hundred and seventeen, (being section seventy-seven of chapter thirty-four of Barnes' code of one thousand nine hundred and eighteen) relating to automobile insurance.

[Passed April 12, 1923. In effect ninety days from passage. Approved by the Governor April 21, 1923]

Sec. 40. Kinds of insurance authorized.

Be it enacted by the Legislature of West Virginia:

That section forty of chapter seventy-seven of the acts of the legislature of one thousand nine hundred and seven, (being section forty of chapter thirty-four of Barnes' code of one thousand nine hundred and eighteen) be amended and re-enacted so as to read as follows:

Section 40. Insurance companies authorized under the laws of this state having power to insure against loss by fire, may make insurance against loss or damage to dwelling houses, stores and all kinds of buildings and household furniture, goods, merchandise and chattels of every description, and all
other property by fire, lightning, windstorm, tornado, cyclone,
earthquake, hail, frost or snow, weather or climatic conditions,
including excess or deficiency of moisture, flood, rain or
drought, rising of the waters of the ocean or its tributaries
and rivers, bombardment, invasion, insurrection, riot, strike,
civil war or commotion, military or usurped power, and by
explosion whether fire ensues or not; also against loss or dam-
age by insects or disease to farm crops or products and loss of
rental value of land used in producing such crops or products;
and also against loss or damage by water or other fluid to any
goods or premises arising from the breakage or leakage of
sprinklers, pumps or other apparatus erected for extinguish-
ing fires, or of other conduits or containers, or by water enter-
ing through leaks or openings in buildings and of water pipes,
and against accidental injury to such sprinklers, pumps, ap-
paratus, conduits, containers or water pipes; and against loss
or damage upon vessels, boats, cargoes, goods, merchandise,
freight and other property by all or any of the risks of lake,
river, canal and inland navigation and transportation; and
also loss or damage upon automobiles, and airplanes, seaplanes,
dirigibles or other aircraft whether stationary or being oper-
ated under their own power, which shall include all or any of
the hazards of fire, explosion, transportation, collision, loss by
legal liability for damage to property, resulting from the
maintenance and use of automobiles, air planes, seaplanes,
dirigibles or other aircraft; and loss by burglary or theft,
vandalism or malicious mischief, or the wrongful conversion,
disposal or concealment of automobiles, whether held under
conditional sale contract or subject to chattel mortgages, or
any or more of such hazards, but shall not include insurance
against loss by reason of bodily injury to the person, nor loss
caused by breach of trust; provided, the subject of the insur-
ance and the risk, hazard or peril insured against shall be ex-
pressly set forth in the policy of insurance, and shall include
the right to effect reinsurance of any risks taken by them in
authorized and admitted companies in this state.

All acts and parts of acts inconsistent with the provisions
of this act are hereby repealed, including chapter eighteen of
the acts of the legislature of one thousand nine hundred and
seventeen, the same being section seventy-seven of chapter
thirty-four of Barnes' code of West Virginia of one thousand
nine hundred and eighteen.
CHAPTER 17

(Senate Bill No. 165—Mr. Porter)

AN ACT to amend and re-enact section one of chapter one hundred and twenty-seven of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one, relating to non-resident insurance brokers.

[Passed April 12, 1923. In effect ninety days from passage. Approved by the Governor April 21, 1923]

SEC. 1. License to act as insurance broker; what application for shall show; revocation and expiration of license; renewal of.

Be it enacted by the Legislature of West Virginia:

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

Section 1. The insurance commissioner may, upon receipt of ten dollars, except as hereinafter provided, issue to any suitable person, resident in any other state, a license to act as an insurance broker to negotiate contracts of insurance or reinsurance or place risks or effect insurance or reinsurance with the authorized agent of any qualified domestic insurance company, or with the authorized agent in this state of any foreign insurance company duly admitted to do business in this state, and not otherwise, upon the following conditions:

The applicant for such a license shall file with the insurance commissioner an application which shall be in writing upon a form to be provided by the insurance commissioner, and shall be executed by the applicant under oath and kept on file by the insurance commissioner. Such application shall state the name, age, residence and occupation of the applicant at the time of making application, his occupation for five years next preceding the date of filing the application and shall state that the applicant intends to hold himself out and carry on business in good faith as an insurance broker and shall give such other information as the commissioner may require. The application shall be accompanied by a statement, upon a blank furnished by the insurance commissioner, as to the trustworthiness and competency of the applicant, signed by at least three reputable citizens of this state. If the insurance commissioner is satisfied that the applicant is trustworthy and competent and...
26 intends to hold himself out and carry on business in good faith
27 as an insurance broker, he may issue to him the license applied
28 for. The commissioner may at any time after the granting of
29 broker’s license, for cause shown and after a hearing determine
30 that the licensee has not complied with the insurance laws or
31 is not trustworthy or competent, or is not holding himself out
32 and actually carrying on business as an insurance broker, or is
33 not a suitable person to act as such broker, or has placed in-
34 surance on risks in this state in companies or other insurers not
35 authorized to transact business in this state, and he shall there-
36 upon revoke the license of such broker and notify him that the
37 license has been revoked. Such broker’s license shall expire
38 on the last day of March after its issue unless sooner revoked
39 by the insurance commissioner for cause, as above provided.
40 The insurance commissioner shall publish a notice of the re-
41 vocation of a broker’s license in such manner as he deems prop-
42 er for the protection of the public. Broker’s licenses issued on
43 application as herein provided, may in the discretion of the
44 insurance commissioner, be renewed upon the payment of the
45 proper fees without his requiring anew the details required in
46 the original application.

CHAPTER 18
(Senate Bill No. 166—Mr. Porter)

AN ACT to amend and re-enact section sixty-eight of chapter
thirty-four of Barnes’ code of West Virginia of one thousand
nine hundred and eighteen, relating to the form of fire insur-
ance policies and repealing sections sixty-seven and sixty-nine
of said chapter.

[Passed April 16, 1923. In effect ninety days from passage. Approved by the
Governor April 21, 1923]

Be it enacted by the Legislature of West Virginia:

That section sixty-eight of chapter thirty-four of Barnes’ code
of west Virginia of one thousand nine hundred and eighteen be
amended and re-enacted so as to read as follows:
Section 68. On and after January first, one thousand nine
2 hundred and twenty-four, no fire insurance company, its officers
3 or agents, shall make, issue or deliver for use any fire in-
4 surance policy, or the renewal of any such policy, on property
5 in this state, other than such as shall conform in all particulars
6 as to blanks, size of type, context, provisions, agreements and
7 conditions as set forth herein.
8 No..................
9 [Space for insertion of name of company or companies issuing
10 the policy and other matter permitted to be stated at the head
11 of the policy.]
12 Amount $.................. Rate.................. Premium $..............
13 In consideration of the stipulations herein named
14 and of..................................................................................dollars premium
15 does insure...............................................................................
16 and legal representatives, to the extent of the actual cash value
17 (ascertained with proper deductions for depreciation) of the
18 property at the time of loss or damage, but not exceeding the
19 amount which it would cost to repair or replace the same with
20 material of like kind and quality within a reasonable time after
21 such loss or damage, without allowance for any increased cost
22 of repair or reconstruction by reason of any ordinance or law
23 regulating construction or repair and without compensation for
24 loss resulting from interruption of business or manufacture,
25 for the term of..............................................................................
26 from the..........................day of..........................19......, at noon,
27 to the...........................day of..........................19......, at noon,
28 against all direct loss and damage by fire and by removal from
29 premises endangered by fire, except as herein provided, to an
30 amount not exceeding....................................................................dollars
31 to the following described property while located and con-
32 tained as described herein, or pro rata for five days at each
33 proper place to which any of the property shall necessarily be
34 removed for preservation from fire, but not elsewhere, to-wit:
35 [Space for description of property.]
36 This policy is made and accepted subject to the foregoing
37 stipulations and conditions, and to the stipulations and con-
38 ditions printed on the back hereof, which are hereby made a
39 part of this policy, together with such other provisions, stipu-
40 lations and conditions as may be endorsed hereon or added
41 hereto as herein provided.
In Witness Whereof, this company has executed and attested these presents.

This entire policy shall be void if the insured has concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof; or in case of any fraud or false swearing by the insured touching any matter relating to this insurance or the subject thereof, whether before or after a loss.

This policy shall not cover accounts, bills, uninsurable currency, deeds, evidences of debt, money, notes or securities; nor, unless specifically excepted property, named hereon in writing, bullion, manuscripts, mechanical drawings, dies or patterns.

This Company shall not be liable for loss or damage caused directly or indirectly by invasion, insurrection, riot, civil war or commotion, or military or usurped power, or by order of any civil authority; or by theft; or by neglect of the insured to use all reasonable means to save and preserve the property at and after a fire or when the property is endangered by fire in neighboring premises.

This entire policy shall be void, unless otherwise provided by agreement in writing added hereto, (a) if the interest of the insured be other than unconditional and sole ownership; or (b) if the subject of insurance be a building on ground not owned by the insured in fee simple; or (c) if, with the knowledge of the insured, foreclosure proceedings be commenced or notice given of sale of any property insured hereunder by reason of any mortgage or trust deed; or (d) if any change, other than by the death of an insured, take place in the interest, title or possession of the subject of insurance (except change of occupants without increase of hazard); or (e) if this policy be assigned before a loss.

Unless otherwise provided by agreement in writing added hereto this Company shall not be liable for loss or damage occurring.

(a) while the insured shall have any other contract of insurance, whether valid or not, on property covered in whole or in part by this policy; or

(b) while the hazard is increased by any means within the control or knowledge of the insured; or

(c) while mechanics are employed in building, altering or repairing the described premises beyond a period of fifteen days; or

(d) while illuminating gas or vapor is generated on the described premises; or while gas, etc. (any usage or custom to the contrary notwithstanding) there is kept, used or allowed on the described premises fireworks, greek fire, phosphorus, explosives, benzine, gasoline, naphtha or any other petroleum product of greater inflammability than kerosene oil, gunpowder exceeding twenty-five pounds, or kerosene oil exceeding five barrels; or

(e) if the subject of insurance be a manufacturing establishment while operated in whole or in part between the hours of ten P.M. and five A.M., or while it ceases to be operated beyond a period of ten days; or
56 (f) while a described building, whether in-
57 tended for occupancy by owner or tenant, is
58 vacant or unoccupied beyond a period of ten days; or
59 (g) by explosion or lightning, unless fire
60 ensue, and, in that event, for loss or dam-
61 age by fire only.
62 Unless otherwise provided by agreement in
63 Chattel mortgage, writing added hereto this Company shall
64 not be liable for loss or damage to any property insured here-
65 under while incumbered by a chattel mortgage, and during the
66 time of such incumbrance this Company shall be liable only
67 for loss or damage to any other property insured hereunder.
68 If a building, or any material part thereof,
69 Fall of building. fall except as the result of fire, all insurance
70 by this policy on such building or its contents shall immediately
71 cease.
72 The extent of the application of insurance
73 under this policy and of the contribution to
74 be made by this Company in case of loss or damage, and any
75 other agreement not inconsistent with or a waiver of any of
76 the conditions or provisions of this policy, may be provided for
77 by agreement in writing added hereto.
78 , No one shall have power to waive any pro-
79 vision or condition of this policy except such
80 as by the terms of this policy may be the subject of agreement
81 added hereto, nor shall any such provision or condition be held
82 to be waived unless such waiver shall be in writing added hereto,
83 nor shall any provision or condition of this policy or any for-
84 feiture be held to be waived by any requirement, act or proceed-
85 ing on the part of this Company relating to appraisal or to any
86 examination herein provided for; nor shall any privilege or per-
87 mission affecting the insurance hereunder exist or be claimed by
88 the insured unless granted herein or by rider added hereto.
89 This policy shall be cancelled at any time
90 Cancellation at the request of the insured, in which case
91 of policy. the Company shall, upon demand and sur-
92 render of this policy, refund the excess of paid premium above
93 the customary short rates for the expired time. This policy
94 may be cancelled at any time by the Company by giving to the
95 insured a five days' written notice of cancellation with or with-
96 out tender of the excess of paid premium above the pro rata
97 premium for the expired time, which excess, if not tendered,
98 shall be refunded on demand. Notice of cancellation shall state
99 that said excess premium (if not tendered) will be refunded on
100 demand.
101 This Company shall not be liable for a
102 Pro rata liability. greater proportion of any loss or damage
103 than the amount hereby insured shall bear to the whole
104 insurance covering the property, whether valid or not and
105 whether collectible or not.
106 The word "noon" herein means noon of
107 Noon. standard time at the place of loss or damage.
108 If loss or damage is made payable, in whole
109 or in part, to a mortgagee not named herein
110 interests. as the insured, this policy may be cancelled
111 as to such interest by giving to such mortgagee a ten days'
112 written notice of cancellation. Upon failure of the insured to
113 render proof of loss such mortgagee shall, as if named as insured
114 hereunder, but within sixty days after notice of such failure, ren-
115 der proof of loss and shall be subject to the provisions hereof as
to appraisal and times of payment and of bringing suit. On pay-
ment to such mortgagee of any sum for loss or damage here-
under, if this Company shall claim that as to the mortgagor or
owner, no liability existed, it shall, to the extent of such pay-
ment be subrogated to the mortgagee's right of recovery and
claim upon the collateral to the mortgage debt, but without im-
pairing the mortgagee's right to sue; or it may pay the mortgage
debt and require an assignment thereof and of the mortgage.

Other provisions relating to the interests and obligations of such
mortgagee may be added hereto by agreement in writing.

The insured shall give immediate notice, in
Requirements in case of loss, protect the property from further
damage, fortwith separate the damaged and undamaged
personal property, put it in the best possible order, furnish a
complete inventory of the destroyed, damaged and undamaged
property, stating the quantity and cost of each article and the
amount claimed thereon; and, the insured shall, within sixty
days after the fire, unless such time is extended in writing by
this Company, render to this Company a proof of loss, signed
and sworn to by the insured, stating the knowledge and belief
of the insured as to the following: the time and origin of the fire,
the interest of the insured and of all others in the property, the
cash value of each item thereof and the amount of loss or dam-
age thereto, all incumbrances thereon, all other contracts of in-
surance, whether valid or not, covering any of said property,
any changes in the title, use, occupation, location, possession, or
exposures of said property since the issuing of this policy, by
whom and for what purpose any building herein described and
the several parts thereof were occupied at the time of fire; and
shall furnish a copy of all the descriptions and schedules in all
policies and if required, verified plans and specifications of any
building, fixtures or machinery destroyed or damaged. The
insured, as often as may be reasonably required, shall exhibit
to any person designated by this Company all that remains of
any property herein described, and submit to examinations
under oath by any person named by this Company, and
subscribe the same; and, as often as may be reasonably
required, shall produce for examination all books of account,
bills, invoices, and other vouchers, or certified copies thereof,
if originals be lost, at such reasonable time and place as may
be designated by this Company or its representative, and shall
permit extracts and copies thereof to be made.

In case the insured and this Company shall
fail to agree as to the amount of loss or
damage, each shall, on the written demand of either, select
a competent and disinterested appraiser. The appraisers
shall first select a competent and disinterested umpire; and
failing for fifteen days to agree upon such umpire then, on
request of the insured or this Company, such umpire shall be
selected by a judge of a court of record in the state in which
the property insured is located. The appraisers shall then
appraise the loss and damage stating separately sound value
and loss or damage to each item; and failing to agree, shall
submit their differences only, to the umpire. An award in
writing, so itemized, of any two when filed with this Company
shall determine the amount of sound value and loss or
damage. Each appraiser shall be paid by the party selecting
him and the expenses of appraisal and umpire shall be paid
by the parties equally.
It shall be optional with this Company to take all, or any part, of the articles at the agreed or appraised value, and also to repair, rebuild, or replace the property lost or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within thirty days after the receipt of the proof of loss herein required; but there can be no abandonment to this Company of any property. The amount of loss or damage for which this Company may be liable shall be payable sixty days after proof of loss, as herein provided, is received by this Company and ascertainment of the loss or damage is made either by agreement between the insured and this Company expressed in writing or by the filing with this Company of an award as herein provided. No suit or action on this policy, for the recovery of any claim, shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, nor unless commenced within twelve months next after the fire. This Company may require from the insured an assignment of all right of recovery against any party for loss or damage to the extent that payment therefor is made by this Company.
Standard Fire Insurance Policy of the State of West Virginia

<table>
<thead>
<tr>
<th>Expires</th>
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<tbody>
<tr>
<td>Property</td>
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<tr>
<td>Amount</td>
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<tr>
<td>Premium</td>
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<tr>
<td>No.</td>
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</table>

It is important that the written portions of all policies covering the same property read exactly alike. If they do not they should be made uniform at once.
Sec. 68-continued. No other or different provision, agreement, condition or clause shall be in any manner made a part of such contract or policy or indorsed thereon or added thereto or delivered therewith, except as follows, to-wit:

First. There may be printed at the head of said policy in the space indicated by the words “space for insertion of name of company or companies issuing the policy and other matter permitted to be stated at the head of the policy” the name of the company, or companies, issuing the policy; the location and place of business thereof; the date of incorporation or organization thereof; whether said company, or companies, are stock or mutual corporations; and such device or devices as the company, or companies, issuing said policy shall desire.

Second. There may be printed at the end of the first page of said policy in the space indicated therefor by the words “space for date and for signatures and titles of officers and agent,” the names and titles of the officers executing and attesting the policy, and the words “but this policy shall not be valid until countersigned by the duly authorized agent of the company at .......................” (or the word “manager” in place of the word “agent”) and the words “countersigned at ........................................ this ............ day of .........................,” followed by a blank space for the signature of such duly authorized agent or manager, and the word “agent” or “manager.”

Third. There may be printed in the space indicated by the words “space for description of property,” or added to the policy at such space by agreement in writing thereon or by rider attached thereto the following: (1) Descriptions and specifications, by schedule or otherwise, of the property covered by the policy; (2) The extent of the application of insurance under the policy; (3) The extent of the contribution to be made under the policy in case of loss or damage; (4) Any other matter necessary clearly to express all the facts and conditions of insurance on any particular risk. Provided, however, that no such agreement or rider shall be inconsistent with or a waiver of any of the conditions or provisions of the standard fire insurance policy hereby established, except that in the case of a mortgagee not named in the policy as the insured, such provisions may be added as
shall not be inconsistent with or a waiver of any of the pro-
visions of the said standard policy relating to mortgage in-
terests, but if so added, shall include the provisions of a
standard rider or indorsement relating to such interest the
form of which shall have been approved by the insurance
commissioner and filed in his office as hereinafter provided.

Fourth. There may be added to the policy, with the ap-
proval of the insurance commissioner, any provision which
any company issuing a policy is required by law to insert in
its policies, not in conflict with the provisions of such "stand-
ard fire insurance policy." All such provisions shall be
printed in a group apart from the other provisions, agree-
ments or conditions of the policy under separate title as fol-
lows: "Provisions required by law to be stated in this
policy."

Fifth. If the policy be made by a mutual or other com-
pany having special regulations lawfully applicable to its
organization, membership, policies or contracts of insurance,
such regulations may, with the approval of the insurance
commissioner, be written or printed upon, attached or append-
ed to the policy, upon the third page of such standard policy,
but shall be preceded by the words "This policy is issued by
a mutual company having special regulations lawfully appli-
cable to its organization, membership, policies or contracts of
insurance of which the following shall apply to and form a
part of this policy."

Sixth. Contracts for temporary insurance may be made
for a period not exceeding fifteen days, which shall be deemed
to include all of the provisions of the standard policy with
such agreements and riders in writing added thereto as may
be necessary to effect valid insurance of the described prop-
erty and such other agreements not inconsistent with or a
waiver of any condition or provision of the standard policy
as may be expressed in such contract, except that the cancella-
tion clause of the standard policy shall be superseded by the
provisions of any such temporary contract regulating con-
cellation or termination of insurance thereunder, and except
that where any such contract for temporary insurance shall
specify the hour of the day when liability shall commence,
such statement of time shall supersede the provisions of such
standard fire insurance policy to the contrary, and such statement shall be deemed to refer to standard time at the place of loss or damage.

Seventh. The standard policy provided for herein need not be used for effecting reinsurance between insurers.

Eighth. There may be printed upon the filing back of said policy the name of the company or companies issuing the policy; the location and place of business thereof; statement of the amount of capital thereof; such device or devices as the company or companies issuing said policy shall desire, and if the policy be a combination policy, such distinctive title therefor as may be authorized for use as herein provided. There may also be printed, stamped or otherwise indorsed upon the filing back of said policy the name with the word "agent" or "agents" and place of business of any insurance agent or agents. The words at the top of the filing back of said policy, "standard fire insurance policy of the state of West Virginia" may be changed by the use of the word "states" instead of "state" and by adding after the words "West Virginia" the names of any states in which the said policy form shall be standard when the policy is issued.

Ninth. There may be printed upon said policy form, elsewhere than upon the first and second pages or the filing back thereof, the names of the officers and directors of the company or companies issuing the said policy, and any form providing for assignment of interest or removal, and any blank form of receipt, approved by the insurance commissioner. The insurance commissioner, either in person or by one or more competent and disinterested persons specially appointed by him for that purpose, shall have access to and may at any time examine the books, papers and documents of any fire insurance corporation doing business in this state, or of any corporation, association or bureau maintained for the purpose of suggesting, approving or making rates to be used by more than one underwriter for insurances on property located in this state, for the purpose of determining the number and extent of use of any riders, indorsements, clauses, permits, forms or other memoranda attached to and made a part of any fire insurance contract relating to property located in this state; and after such examination and inspection such insurance commissioner may determine that the use of any such rider, indorsement, clause, permit, form or other memo-
125 randa is so extensive that there should be in his judgment a
126 standard form thereof, and he shall thereupon prepare and
127 file in his office such standard form of rider, indorsement,
128 clause, permit, form or other memoranda, and thereafter no
129 fire insurance corporation shall attach to any such standard
130 policy of insurance, any rider, indorsement, clause, permit,
131 form or other memoranda covering substantially the same
132 agreement provided for by such standard rider, indorsement,
133 clause, permit, form or other memoranda except it be in the
134 precise language of the form so filed by the insurance com-
135 missioner. Forms of riders, indorsements, clauses, permits,
136 forms or other memoranda to be attached to and made a part
137 of fire insurance contracts relating to property located in this
138 state may be presented for filing in the office of the insurance
139 commissioner by any corporation, association or bureau main-
140 tained for the purpose of suggesting, approving or makin-
141 rates to be used by more than one underwriter for insurances
142 on property located in this state, and when approved and filed
143 by such insurance commissioner, shall thereupon become
144 standard forms of riders, indorsements, clauses, permits,
145 forms or other memoranda and their use shall be required, as
146 hereinbefore provided. Whenever, in the judgment of the
147 insurance commissioner, there shall be no further necessity
148 for requiring the use of any standard form of rider, indorse-
149 ment, clause, permit, form or other memorandum in the pre-
150 cise language theretofore required, he may give notice in
151 writing of such determination, to each fire insurance cor-
152poration doing business in this state, and to each such corpora-
153 tion, association or bureau maintained for the purpose of sug-
154 gesting, approving or making rates, as aforesaid, and there-
155 after the use of such standard form shall not be required as
156 herein provided.
157 Appropriate forms of supplemental contract or contracts
158 whereby the property described in such policy shall be in-
159 sured against one or more of the risks specified in section
160 forty of chapter thirty-four of Barnes' code of West Virginia
161 of one thousand nine hundred and sixteen and chapter
162 eighteen of the acts of the legislature of one thousand nine
163 hundred and seventeen, in addition to the risk of direct loss
164 or damage by fire, may be approved by the insurance commis-
165 sioner, and their use in connection with a standard fire insur-
Ch. 19] ACCIDENT AND HEALTH

166 ance policy may be authorized by him. Provided, however,
167 that nothing in this act shall relate or apply to farmers’
168 mutual insurance companies organized under chapter fifty-five
169 of Barnes’ code, one thousand nine hundred and sixteen edi-
170 tion. The state insurance commissioners may, upon com-
171 plaint, after hearing, reduce any fire insurance rate that is
172 excessive.
173 All acts or parts of acts inconsistent with the provisions
174 of this act are hereby repealed, including sections sixty-seven
175 and sixty-nine of chapter thirty-four of Barnes’ code of West
176 Virginia of one thousand nine hundred and eighteen.

CHAPTER 19
(Senate Bill No. 239—Mr. Johnson)

AN ACT to amend and re-enaet section sixty-one of chapter thirty-
four of Barnes’ code of one thousand nine hundred and
eighteen, relating to the capital and reserve of domestic in-
surance companies other than fire or life, and to add to said
chapter thirty-four, section sixty-two-a, relating to the ad-
justment of claims of companies doing accident and health
insurance business.

[Passed April 26, 1923. In effect ninety days from passage. Approved by the
Governor May 1, 1923]

SEC. 61. Provisions relating to insurance companies other than fire or
life: requirements before doing business in state.

SEC. 62-a. Commissioner empowered to investigate method of adjusting
claims; penalty for agent’s failure to comply.

Be it enacted by the Legislature of West Virginia:

That section sixty-one of chapter thirty-four of Barnes’ code
be amended and re-enacted, and that section sixty-two-a be added
to said chapter so as to read as follows:

Section 61. Every insurance company or association, other
2 than fire or life, incorporated under the laws of this state, and
3 having its principal office or place of business within this state
4 shall have a paid-up capital stock of at least one hundred thou-
5 sand dollars invested in securities as prescribed in section
6 twenty-eight, whose market value shall be at par, and in ad-
7 dition thereto shall maintain a reserve equal to the unearned
8 portion of the gross premium charged for covering all risks
9 written, and shall state on the face of its policies or certificates
10 the agreements with the assured; provided, however, that acci-
11 dent or accident and health insurance companies which under
12 their policies agree to pay a weekly indemnity, not to exceed
13 thirty dollars per week, and a principal sum not to exceed
14 three thousand dollars, may be licensed to transact business
15 within this state by having a paid-up capital in cash of fifty
16 thousand dollars and, provided, their assets are in the opinion
17 of the insurance commissioner, fully sufficient to protect their
18 policy holders, and in other respects they comply with the pro-
19 visions of this section; and provided, further, that no insur-
20 ance company shall advertise a greater amount of capital stock
21 than the actual paid-up capital stock of such company, nor
22 print, stamp or otherwise place any advertising matter upon
23 the face of any policy issued.

Sec. 62-a. The insurance commissioner is hereby given
2 power to investigate the method of adjusting all claims and
3 to examine adjusting agents of any company doing accident
4 and health insurance business in the state, and if it be ascer-
5 tained from such investigation and examination, or otherwise,
6 that the profit or pay of any such agent is in any manner con-
7 tingent upon the amount paid upon any claim adjusted by
8 such agent, then the insurance commissioner shall forthwith
9 serve notice upon the agent and such insurance company to
10 discontinue the adjustment of claims by or through such agent,
11 and if the insurance company, after the receipt of such notice,
12 fails to discontinue adjusting claims through such agent the
13 commissioner may cancel the agent's commission and shall re-
14 fuse to renew the authority of such insurance company to
15 transact business within the state.

CHAPTER 20
(Senate Bill No. 401—Mr. Porter)

AN ACT to amend and re-enact section fifteen of chapter thirty-
four of Barnes' code of West Virginia of one thousand nine
hundred and sixteen, relating to discrimination and rebating
by insurance companies and agents.
Sec. 15. No life insurance company to make discriminations, etc.; penalty; insurance commissioner to investigate; compel attendance of witnesses, etc.

Be it enacted by the Legislature of West Virginia:

That section fifteen of chapter thirty-four of Barnes’ code of West Virginia of one thousand nine hundred and sixteen be amended and re-enacted so as to read as follows:

Section 15. No life insurance company doing business in this state shall make or permit any distinction or discrimination in favor of individuals of the same class, or of equal expectations of life, in the amount of payment or return of premiums or rates charged for policies of insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes, nor shall any such company permit, or agent thereof offer or make any contract of insurance or agreement as to such contract other than is plainly expressed in the issued policy thereon; and no company authorized or permitted to do an insurance business within this state, or any officer, agent, solicitor or representative thereof shall make any contract for such insurance on property or risk located within the state or against liability, casualty, accident or hazard that may arise or occur thereon, or agreement as to such contract other than as plainly expressed in the policy issued, or to be issued thereon; and no insurance company, association or society, by itself or any other party, and no insurance agent, solicitor or broker personally, or by any other party, shall offer, promise, allow, give, set off or pay, directly or indirectly, any rebate of, or part of the premium payable on the policy, or on any policy, or agent’s commission thereon, earnings, profits, dividends, or other benefits founded, arising, accruing or to accrue thereon, or any other valuable consideration or inducement to or for insurance, on any risk in this state now or hereafter to be written, which is not specified in the policy contract of insurance; nor shall any such company, association, or society, agent, solicitor, or broker, personally or otherwise, offer, promise, give, sell or purchase any stocks, securities or property, or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever as inducement to insurance, or in connection therewith which is not
34 specified in the policy. And no insurance agent, solicitor or
35 broker personally, or by any other party, shall directly or in-
36 directly offer a loan through any building association or bank,
37 or in any other way, as an inducement to insurance; nor shall
38 any insurance agent, solicitor or broker require an applicant
39 for a loan to cancel outstanding insurance in admitted and
40 solvent companies; nor shall any insurance agent, solicitor or
41 broker refuse to accept a renewal of a policy offered by the
42 insured because said insurance agent, solicitor or broker rep-
43 resents a building association, bank or other party making
44 the insured a loan; provided, the insured protects the lender
45 by proper forms and endorsements on said policies. Upon
46 satisfactory evidence of the violation of the provisions of this
47 section, by any solicitor or agent of any insurance company,
48 the insurance commissioner shall forthwith revoke the cer-
49 tificate of authority of such solicitor or agent, and no license
50 shall be issued to such agent or solicitor within one year from
51 the date of the revocation of such license; and any insur-
52 ance company, association, or society, its officers, solicitors
53 or agents, or any insurance broker violating the provisions
54 of this section of this act, shall be guilty of a misdemeanor,
55 and upon conviction thereof, the offender shall be sentenced
56 to pay a fine of one hundred dollars for each and every vio-
57 lation, or, in the discretion of the court, imprisoned in the
58 county jail of the county in which the offense is committed.
59 for a period of not less than ninety days nor more than six
60 months. No insured person or party shall receive or accept,
61 directly or indirectly, any rebate or premium or part thereof,
62 or agent’s, solicitor’s or broker’s commission thereon, pay-
63 able on the policy, or on any policy of insurance or any favor
64 or advantage or share in the dividend or other benefit to ac-
65 crue thereon, or any valuable consideration or inducement, not
66 specified in the policy contract of insurance. The amount
67 of the insurance whereon the insured has received or accepted,
68 either directly or indirectly, any rebate of the premium,
69 or agent’s, solicitor’s or broker’s commission thereon, shall
70 be reduced in such proportion as the amount or value of such
71 rebate, commission, dividend, or other consideration so re-
72 ceived by the insured, bears to the first premium paid on such
73 policy, and any person insured, in addition to having the
74 insurance reduced, shall be guilty of a misdemeanor, and upou
conviction thereof, shall be sentenced to pay a fine of not more than one hundred dollars. It shall be the duty of the insurance commissioner to investigate any charges of rebating submitted to him. Said charges shall specify the agent, the company and the party receiving the rebate, and all facts in connection with the transaction within his knowledge. Immediately upon the filing of said charges the insurance commissioner shall proceed to investigate the same. He shall have power to compel the attendance of witnesses and may examine under oath any person whom he has reason to believe has knowledge of the facts alleged, and the making of any false statements on such examination shall be perjury and punishable as a felony. Nothing in this section shall be so construed as to prohibit any company issuing non-participating insurance from paying bonuses to policy-holders or otherwise abating their premium in whole or in part out of surplus accumulated from non-participating insurance, nor to prohibit any company transacting industrial insurance on the weekly or monthly payment plan from returning to policy-holders who have made premium payments for a period of at least one year directly to the company at its home or district office, a percentage of the premium which the company would have paid for the weekly or monthly collection of such premium, nor to prohibit any life insurance company doing business in this state from issuing policies of life or endowment insurance with or without annuities at rates less than the usual rates of premiums for such policies, insuring members of organizations or employes of any employer, who through their secretary or employer may take out insurance in an aggregate of not less than fifty members and pay their premiums through such secretary or employer, nor to prohibit any person, partnership or corporation or stockholders thereof, from carrying their insurance, at the full premium rate, with and through an insurance agency in which they are interested.
CHAPTER 21
(Senate Bill No. 402—Mr. Porter)

AN ACT to amend chapter thirty-four of Barnes' code of one thousand nine hundred and sixteen, by adding thereto section sixty-a-(9), making it unlawful for any domestic insurance company to do business in any other state or territory of the United States in which it has not first been legally admitted and authorized by the laws of said state or territory.

[Passed April 12, 1923. In effect ninety days from passage. Became a law without approval of the Governor]

Sec. 60-a. (9) License required to do business in other states; penalty for violation.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-four of Barnes' code of West Virginia of one thousand nine hundred and sixteen be amended by adding thereto section sixty-a-(9), to read as follows:

Section 60-a-(9). It shall be unlawful for any domestic insurance company, duly qualified under the laws of this state, to do business in any other state or territory of the United States without being first legally admitted and authorized so to do under the laws of said state or territory. For violation of this section by any such insurance company, the insurance commissioner may revoke the license or authority of such company doing business in this state, and may require said company to pay the taxes upon said business so unlawfully written to the state or territory in which said business was so written as provided by the laws of such said state or territory.

CHAPTER 22
(Senate Bill No. 206—Mr. Darnall)

AN ACT authorizing courts having jurisdiction of criminal cases, also justices of the peace, to credit any person convicted of crime, with the days of imprisonment served by such person awaiting trial.
[Passed April 20, 1923. In effect from passage. Approved by the Governor April 26, 1923]

Sec. 1. Time spent in jail awaiting trial to be credited on sentence.

Be it enacted by the Legislature of West Virginia:

Section 1. Whenever any person is convicted of an offense in a court of this state having jurisdiction thereof, and sentenced to confinement in any jail or the penitentiary of this state, or by a justice of the peace having jurisdiction of the offense, such person may, at the discretion of the court or justice, be given credit on any sentence imposed by said court or justice for the term of confinement spent in jail awaiting such trial and conviction.

CHAPTER 23
(Senate Bill No. 246—Mr. White of Mingo)

AN ACT to amend and re-enact section three of chapter twenty-six of the acts of one thousand nine hundred and fifteen, as amended by the acts of one thousand nine hundred and nineteen, concerning the election and duties of political committees.

[Passed April 25, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

Sec. 3. Political parties; executive committees thereof; term of office; vacancies; meetings; powers and duties.

Be it enacted by the Legislature of West Virginia:

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 committeemen and two committeewomen from each senatorial district to be selected by the party voters in such district, and not more than two of whom shall be residents of the same county; provided, however, that the committee elected shall appoint three additional committeemen at large and there shall be 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 committeeman and one committeewoman 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 committeemen and two committeewomen from each magisterial district therein, except that in any county containing a city of ten thousand or more population there shall be chosen one committeeman and one committeewoman 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-nine 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 and committeewomen so elected shall begin on the fifteenth day of June, succeeding said May primary, and shall continue for four years thereafter and until their successors are elected and qualified. Vacancies in the state executive committee shall be filled by the members of the committee for the unexpired term. Vacancies in the congressional, judicial, senatorial and county executive committee 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 election 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 provided until their successors are chosen in accordance with this act.
CHAPTER 24
(Senate Bill No. 420—Mr. Hill)

AN ACT to amend and re-enact section six of chapter two of the acts of the legislature of one thousand nine hundred and twenty, extraordinary session, relating to compensation of election officers.

[Passed April 26, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

Sec. 6. Salaries of election officers.

Be it enacted by the Legislature of West Virginia:

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

Section 6. Every commissioner of election, poll clerk, challenger and ballot commissioner shall be allowed a sum to be fixed by the county court, but not to exceed five dollars for each day he shall serve as such, including the time necessary to receive and deliver the ballots, ballot boxes, poll books and tally sheets; provided, the ballot commissioners shall not receive an allowance for more than two days.

CHAPTER 25
(House Bill No. 109—Mr. Beneke)

AN ACT to amend and re-enact sections five and twenty-six-a (33), of chapter three of Barnes’ code of West Virginia, of one thousand nine hundred and twenty-three, relating to election precincts and double election boards.

[Passed April 27, 1923. In effect ninety days from passage. Became a law without approval of the Governor]

Sec. 5. Election precincts.

26-a (33) Double election boards; creation of; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 5. The county court of each county in this state shall, at their first session after the taking effect of this act, divide the magisterial districts of their respective counties into election precincts, number the same, establish the boundaries thereof, and designate at least one place of holding elections in each magisterial district. Every magisterial district, in which only one
place of holding elections is designated, shall constitute a precinct. There shall be but one voting place in a precinct, which
shall be established as near as possible at the place most convenient for the voters of the precinct.

Each precinct within any incorporated city or town shall contain as nearly as practicable six hundred electors, based on the
number of votes cast at the last general election; but no precinct in any incorporated city or town shall contain more than
six hundred electors. Each precinct outside of the limits of any incorporated city or town shall contain as nearly as practical
two hundred electors, based on the number of votes cast at the last general election; but no precinct outside of the limits of
any incorporated city or town shall contain more than five hundred and fifty electors and not less than one hundred electors. If,
at any election hereafter held, six hundred or more votes shall be cast at any voting place within any incorporated city or town,
or five hundred and fifty and not less than one hundred votes shall be cast at any voting place outside of the limits of any incorporated city or town, it shall be the duty of the county court to, and it shall within sixty days after such election re-arrange the precincts within the political division so that the new precincts formed therefrom, or from any part thereof, shall each contain, within the limits of any incorporated city or town, not to exceed six hundred electors and outside of the limits of any incorporated city or town not to exceed five hundred and fifty electors and not less than one hundred electors, as nearly as practicable. If such county court fail to act within sixty days after the date of such election as herein directed any qualified voter of the county may apply for a writ of mandamus to compel a performance of this duty.

Sec. 26-a (33). At all general and primary elections in this state, for every voting precinct in which were cast an aggregate of two hundred or more votes by all parties voting in said primary or general election in any general election held, there shall be two boards of election officers, each board consisting of three election commissioners and two poll clerks, one board to be known as the "receiving board" and the other board to be known as the "counting board". Not more than two commissioners and one poll clerk of each board shall be appointed from the same political party.

All acts or parts of acts inconsistent herewith are hereby repealed.
CHAPTER 26

(Senate Bill No. 271—Mr. White of Lewis)

AN ACT to amend and re-enact section twenty-one of chapter fifty-four of Barnes' code of one thousand nine hundred and eighteen, relating to the increase or decrease of capital stock, change of name, chief works or principal office of corporations.

[Passed April 26, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

SEC. 21. Corporation may change office; change name, chief works; reduce or increase stock or par value of same; notice and publication; license tax to be paid.

Be it enacted by the Legislature of West Virginia:

That section twenty-one of chapter fifty-four of Barnes' code of one thousand nine hundred and eighteen, relating to the increase or decrease of capital stock, change of name, chief works or principal office of corporations, be amended and re-enacted so as to read as follows:

Section 21. Any corporation formed, or which may hereafter be formed, or which has accepted or may accept the provisions of this chapter, may, by resolution at any general or special meeting of the stockholders thereof, change the place of its principal office, or its chief works, or change its name, or make such reduction or increase in the number of shares of its capital stock, or the par value of each share, as may be decided upon by said stockholders, a majority of the stock of such company being represented by the holders thereof at such meeting in person, or by proxy, and voting therefor; provided, that notice be given by advertisement published at least two weeks before such action in some newspaper of general circulation printed in the county wherein the principal office of such corporation is located, if such office be within this state, and if such office be not within this state, then in some newspaper printed at the capital of this state, of the intention to offer such resolution; and, provided, further, that said resolution may be adopted without such notice being published, if the meeting at which it be adopted be assented to in writing by all the stockholders of the company at the time or before the meeting is held; provided, however, that no corporation shall be allowed to change its name, increase or decrease its capital stock, or do
CHAPTER 27
(Senate Bill No. 274—Mr. Bowers)

AN ACT to amend and re-enact sections three, four, nine and ten of chapter one hundred and thirty-four, of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one, relating to neglected or dependent children, and to add thereto a new section to be known as section twenty-three, and provide for punishment of superintendents of county infirmaries.

Passed April 26, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923.

Sec. 3. Board to make by-laws, etc; appoint officers, etc., number and sex of agents.

Sec. 4. To take custody and control of children as follows:
   (a) Neglected children; definition of.
   (b) Dependent children; definition of.
   (c) (a) and (b) on petition to courts may be placed in custody of board; notice; physical and mental examination.
   (d) Expenses of; county court to pay.
   (e) Investigation by board of application.

Sec. 6. Acts construed for proper guardianship.

Sec. 7. Children declared public wards to remain so until they reach majority.

Sec. 9. Board may place children in private homes.

Sec. 10. Investigation and reports of paroled youths by board; other investigations by board when requested; cases covered to have medical and surgical examinations; expenses paid by county court.

Sec. 23. No child to be placed in infirmary for other than temporary care; notice to board and board of control; penalty for violations; acts in conflict repealed.
Be it enacted by the Legislature of West Virginia:

That sections three, four, nine and ten of chapter one hundred and thirty-four of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one be amended and re-enacted so as to read as follows, and that a new section be added thereto to be known as section twenty-three, to read as hereinafter set forth.

Section 3. The board shall make such by-laws, rules and regulations, relative to its management, government and work not contrary to law as it may deem proper, and shall appoint such officers, employees and general and district agents as it may deem necessary to carry on the operations of said board, designating their duties and fixing their compensation; provided, that at least one-half such agents shall be women.

Sec. 4. It shall be lawful for the board, its officers or agents, to take or receive into custody or control children as hereinafter provided.

(a) The term dependent children, as used herein or in any statute concerning the care, custody or control of children, shall mean any boy under the age of sixteen years and any girl under the age of eighteen years, who is dependent upon public charity or who is destitute, homeless, or abandoned.

(b) The term neglected children as used herein shall mean any boy sixteen years or under or any girl eighteen years or under who has not proper parental care or guardianship; or who habitually begs or receives alms, or who is found living in any house of ill-fame, or with any vicious or disreputable persons; or whose home by reason of neglect, cruelty or disrepute on the part of its parents, guardians or other persons in whose care it may be, is an improper place for a child to live, or whose environment is such as to warrant the state in the interest of the child in assuming its guardianship.

(c) Whenever the board, any member, officer or agent thereof or any reputable person shall have probable cause to believe that a child is dependent, neglected, abandoned or cruelly treated, said board member, officer, agent or person may at any time present a petition setting forth such facts, verified by the oath of some credible person having a personal knowledge thereof, to the circuit, common pleas, criminal, intermediate or juvenile court (or to the judge thereof in vacation) of the county in which said child resides, which or who
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28 may require such child to be delivered into the custody of said board, or such other custody as the court or judge may deem proper, to care for such child until a hearing can be had upon such petition; and reasonable notice of the time and place of such hearing shall be given to the local district agent of such board and served upon the person from whose custody said child was taken, or who is sought to be deprived of the custody of said child; and such agent or any parent or other persons legally entitled to stand in loco parentis or other relative of such child may appear and be heard at such hearing.

38 If the facts set forth in said petition, constituting dependency or neglect, shall, on the hearing, be maintained, and it shall appear to the judge or court that the interest and welfare of such child require the custody thereof to be changed, the judge or court shall order the custody thereof changed, and may by order commit the child to the care of said board.

44-45 All children committed to the board shall first receive a physical and mental examination based upon blank forms to be provided by said board. All pertinent information adduced or developed at such hearing regarding the history and situation of the child, its parents and forebears shall be supplied by the court or judge 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 to provide the 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 its secretary. Such record shall be open to inspection only by permission granted by said board.

58 (d) The costs and expenses necessary for proper work in connection with family case work investigation and a hearing or commitment under this act shall be a proper charge against the county in which the hearing is held, and shall be paid by the county court thereof upon submission to it of any itemized statement thereof verified by affidavit of an agent of the board. 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.

67 (e) Whenever application is made to the board to accept the care and custody of children hereunder, said board 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 guar-
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71 dian, the board may upon application to said court or judge
72 secure an order for the maintenance of said parent and chil-
73 dren, which maintenance, when so fixed, shall be a proper
74 charge against the county in which such parent and children
75 reside and shall be paid by the county court thereof, and fur-
76 nished under the mother's pension act or otherwise according
77 to law.
78 (f) This act shall be liberally construed to the end that
79 proper guardianship may be provided for such children as are
80 hereinbefore described, and that said children may be edu-
81 cated, and cared for, as far as practicable, in such manner as
82 best subserves their moral, intellectual and physical welfare.
83 and as far as practicable in proper cases that the parent or
84 persons having such children in their care, custody or control
85 may be enabled and compelled to perform their moral and
86 legal duty in the interests of such children.
87 (g) All children declared public wards under the pro-
88 visions of this act shall remain public wards until they reach
89 the age of twenty-one years, unless they shall upon a proper
90 showing made be returned by order of the board to their par-
91 ents, or other guardian, or shall be appointed in the manner pre-
92 scribed by law.
93 (h) All children declared public wards under provisions
94 of this act who afterward become delinquent, shall be returned
95 to the committing officer of the county from which the child
96 was received, and all such children who are found to be men-
97 tally defective, shall be returned to the county from which re-
98 ceived to be examined by the county mental hygiene committee.

Sec. 9. Said board may, when in its discretion it shall ap-
2 pear proper, place any of said children in suitable private
3 homes, and in such cases the said board and the person or per-
4 sons with whom said child or children are placed, shall ob-
5 serve and be governed by all of the provisions of the laws of
6 this state concerning the placing of children in private homes,
7 and the rules and regulations of said boards, and when neces-
8 sary said board may place such children as need special care
9 or supervision in private boarding homes temporarily.

Sec. 10. The said board shall, upon the request of the state
2 board of control, make investigation, visitation and reports to
3 the state board of control, as to all youths paroled from the
4 state industrial home for girls, the state industrial school for
5 boys or the state colored orphans' home or the home to or in
6 which youths from said institutions are about to be or have
7 been paroled or placed. Said board shall also, upon the re-
8 quest of the state board of control, make family case work in-
9 vestigation of youths who are mentally defective.
10 Said board may upon the request of the principal of the
11 schools for the deaf, dumb and blind, also investigate applica-
12 tions for admission to such schools and, upon request of the
13 state board of control, investigate applications for admission
14 to the state hospitals for orthopedic treatment, and in all such
15 cases covered by this paragraph said board shall have authority
16 to procure proper medical and surgical examinations; and all
17 expenses of such examinations and of transportations of the
18 applicant to the hospital and therefrom to the home of the
19 applicant shall be a proper charge against the county from
20 which the applicant comes, and shall be allowed by the county
21 court thereof, upon the submission to it of an itemized state-
22 ment of such expenses, verified by the affidavit of an agent of
23 said board.

Sec. 23. No alleged dependent, neglected or abandoned child
2 shall be placed in a county or district infirmary in the state for
3 other than temporary care, and then only when a written noti-
4 fication is made to the state board of children's guardians not
5 later than three days after a child enters the home.
6 In like manner the state board of control must be notified
7 of the placement of any mental defective in the county or dis-
8 trict home.
9 If the superintendent of the county or district infirmary
10 fails to make such notification to the state board of children's
11 guardians or the state board of control, he or she shall be guilty
12 of a misdemeanor and shall be fined not less than ten dollars
13 nor more than twenty-five dollars for each offense.
14 All acts and parts of acts in conflict herewith are hereby
15 repealed.

CHAPTER 28
(Senate Bill No. 295—Mr. Hill)

AN ACT to amend and re-enact sections two, nine, ten and eleven
of chapter forty-six-b of Barnes' code of one thousand nine
hundred and eighteen, relating to mothers' pensions:
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[Passed April 26, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

Sec. 2. Who may file application for relief.
Sec. 9. Hearing; order of payment duty of court.
Sec. 10. Amount of allowance.
Sec. 11. Conditions upon which relief is granted; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

That sections two, nine, ten and eleven of chapter forty-six-b of Barnes' code of one thousand nine hundred and eighteen be amended and re-enacted so as to read as follows:

Section 2. A woman whose husband is dead or whose husband has been permanently incapacitated for work by reason of mental or physical infirmity or a woman who has been abandoned, a woman who is the mother of one or more children under the age of fourteen years or is the mother of one or more children under the age of sixteen years who are not eligible for a working permit under the acts of one thousand nine hundred and nineteen, chapter seventeen, may file application for relief under this act, provided, such mother is a citizen of the United States of America, has a bona fide residence in this state for a period of two years, and in the county in which application is made for a period of one year previous to the filing of such application.

Sec. 9. Upon the hearing in court of an application under this act the court, being advised in the premises, finding the facts alleged in the application to be true, shall make an order to pay the mother of said children in whose behalf the application is filed, the amount of money necessary to enable the mother to properly care for such children, such sum however shall not exceed the amount hereinafter fixed and it shall be the duty of the county court to provide for the payment thereof to such mother, at such time as said order may designate. The amount so specified in said order for the care of such children until further order of the court. During the month preceding the end of each fiscal year the county court shall reconsider all cases that are then receiving mothers' pensions or poor relief and shall enter orders fixing the aid to be given during the ensuing fiscal year. Such payments shall be made by order drawn by the court on the sheriff of said county payable out of the county fund.

Sec. 10. The allowance made to such mother shall be such as in the judgment of the court will provide such mother and
3 her children with the necessities of life, and to enable her to
4 keep her children at home, not to exceed a maximum of forty-
5 five dollars per month.

Sec. 11. Such relief shall be granted by said court upon the
2 following conditions only:
3  (a) The children for whose benefit the relief is granted
4 must be living with such mother.
5  (b) The court must find that it is for the welfare of the
6 children to remain at home with the mother.
7  (c) The relief shall be granted only when in the absence
8 of such relief the mother would be required to work regularly
9 away from her home and children and when by means of such
10 relief she will be able to remain at home except she may be
11 absent at work a definite number of days each week to be
12 specified in the court’s orders when such work can be done
13 without the sacrifice of her health and the neglect of home
14 and children.
15  (d) Such mother must in the judgment of the court, be
16 a proper person physically, mentally and morally to bring up
17 her children.
18  (e) The relief granted shall be in the judgment of the court
19 necessary to save the children from neglect.
20  (f) A mother shall not receive such relief who is receiving
21 from the workmen’s compensation fund, from property, rela-
22 tives or any other source an amount equal to the maximum
23 amount which may be allowed under this law.
24  (g) The mother shall not receive relief who has not re-
25 sided in the state of West Virginia at least two years next
26 preceding the filing of such application and who has not been
27 a bona fide resident of the county in which application is
28 made for a period of one year preceding the filing of such ap-
29 plication.
30  (h) A mother shall not receive such relief if she harbors
31 or permits to remain in her home any adult person not a
32 member of her family.
33  (i) Satisfactory reports must be given by the teacher of
34 the district school stating that the children of the recipient of
35 this fund are attending school provided they are of the proper
36 age and physically able to do so.
37 All acts in conflict with this act are hereby repealed.
CHAPTER 29

An Act to amend and re-enact sections four and thirty-seven of chapter thirty-two-a of Barnes' code of one thousand nine hundred and eighteen as amended by chapter one hundred and fifteen of the acts of one thousand nine hundred and twenty-one, and section fourteen of chapter thirty-two-a of the said code as amended by chapter one hundred and eight of the acts of one thousand nine hundred and nineteen, and section thirty-two of chapter thirty-two-a of the said code, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of liquors, and the confiscation of property used for the unlawful transportation of such liquors; and to further amend said chapter thirty-two-a of the code by enacting as additional thereto three sections to be numbered sections thirty-eight, thirty-nine and forty, relating to possession of weapons in connection with violations of the prohibition laws, manufacture and sale of stills, and impersonation of prohibition officers, and providing penalties in relation thereto.

Passed April 25, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923.

Sec. 4. What things act does not prohibit; affidavit required of purchaser of wine for sacramental purposes; sales to certain persons prohibited; permits and fees for same; form of indictment; possession of moonshine liquor a misdemeanor; penalty; violator immune from prosecution, when; making of other concoctions prohibited; penalty; form of indictment; other sections to apply as far as applicable; justice authorized to accept bond from person held for felony; moonshine stills, etc. to be destroyed; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

That sections four and thirty-seven of chapter thirty-two-a of Barnes' code of one thousand nine hundred and eighteen as amended by chapter one hundred and fifteen of the acts of one thousand nine hundred and twenty-one, and section fourteen of chapter thirty-two-a of the said code as amended by chapter one hundred and eight of the acts of one thousand nine hundred and nineteen, and section thirty-two of chapter thirty-two-a of the code, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of liquors, and the confiscation of property used for the unlawful transportation of such liquors; and to further amend said chapter thirty-two-a of the code by enacting as
additional thereto three sections to be numbered sections thirty-eight, thirty-nine and forty, relating to intoxication in public, possession of weapons in connection with violations of the prohibition laws, manufacture and sale of stills, and impersonation of prohibition officers, be amended, re-enacted and added so as to read as follows:

Section 4. The provisions of this act shall not be construed to prevent any one from manufacturing (other than by "moonshine still") from fruit grown exclusively in this state, non-intoxicating wine for his own domestic consumption; or to prevent the manufacture from fruit grown exclusively within this state of vinegar and non-intoxicating cider for use or sale; or to prevent the manufacture and sale of pure grain alcohol, at wholesale to druggists, hospitals, sanitariums, laboratories and manufacturers for medicinal, pharmaceutical, scientific and mechanical purposes, or of wine for sacramental purposes by religious bodies. or to prevent the sale and keeping and storing for sale by druggists 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; or to prevent the sale by druggists, through pharmacists of pure grain alcohol for medicinal, scientific, pharmaceutical and mechanical purposes; or to prevent the use of such alcohol by physicians, dentists and veterinarians in the practice of their profession; or to prevent the medication and sale of pure grain alcohol according to formulae and under regulations of the national prohibition act; or to prevent the purchase and use in the manufacture of medicinal preparations and compounds by wholesale druggists only of sherry wine in quantities not exceeding twenty-five wine gallons during any period of ninety days; provided, that no one shall manufacture, sell, keep for sale, purchase or transport any liquors, as defined in section one of this act and as herein excepted, without first obtaining a permit from the commissioner so to do. Forms of application and permits shall be prepared by the commissioner and a fee for each permit issued shall be collected by him as follows: (a) all manufacturers of liquors and wholesale dealers therein shall pay a fee of fifty dollars for each permit; (b) all purchasers in wholesale
 quantities of ethyl alcohol in any form, whether pure, medi-
cated, or denatured for use as herein provided, shall pay a fee
de of ten dollars for each permit; (c) all purchasers in wholesale
terms of liquors as defined in section one, for sale at retail,
except duly licensed druggists, shall pay a fee of two dollars for
each permit; (d) all persons except duly licensed druggists
registering stills and given permits to use the same for lawful
purposes shall pay a fee of five dollars for each permit. No
fee shall be required for a permit to obtain wine for sacra-
mental or religious rites.

Permits shall be issued for the calendar year and shall expire
on the thirty-first day of December next following the issuance
thereof. All moneys received by the commissioner under this
section shall belong to the state and shall be by him immediately
paid into the state treasury; and, provided further, that such
liquors are manufactured, sold, kept for sale, transported and
used under permits issued by the federal prohibition commis-
sioner and in accordance with regulations issued in pursuance
of the "national prohibition act."

It shall be lawful for a druggist to sell wine for sacramental
purposes of religious bodies, to any person, not a minor, and
who is not of intemperate habits, or addicted to the use of nar-
cotic 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 wine is to be
used; that affiant is not of intemperate habits or addicted to
the use of any narcotic drug; and that such 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 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 affidavit, or otherwise, knowingly sell or give any such wine to any person who is of in-temperate 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 who shall sell or give any wine without such affidavit, he shall be deemed guilty of a misdemeanor and punished by a 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 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 affidavit and statements therein were true; and, provided, further, that such druggist, owner of a drug store, registered pharmacist, clerk or employe shall have complied with all other provisions of this act relating to the sale or gift. An indictment against any druggist, registered pharmacist, clerk or employe, for any offense committed under the provisions of this section, shall be sufficient, if in the form and effect following:

State of West Virginia,

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

In the circuit court of said 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 filing of this indictment, in the said county of ........................................, did unlawfully, sell, give, offer, expose, keep and store for sale and gift, liquors, against the peace and dignity of the state.

Sec. 14. All houses, boat houses, buildings, club rooms, and places of every description, including drug stores, where liquors are manufactured, stored, sold or vended, given away, or furnished in any way contrary to law (including houses in which clubs, orders, or associations, shall barter, give away,
6 distribute, or dispense liquors to their members by any means
7 or device whatever, as provided in section six of this act),
8 shall be held, taken and deemed common and public nuisances.
9 All boats, cars, automobiles, wagons, water and air craft, beasts
10 of burden, or vehicles of any kind in connection with which
11 liquors are had, kept or possessed for the purpose of trans-
12 portation, or carrying, in any way, contrary to law shall be
13 held, taken and deemed common and public nuisances. Boats,
14 cars, (including railroad and traction passenger cars operating
15 in this state), automobiles, wagons, water and air craft,
16 beasts of burden, or vehicles of any kind, shall be taken and
17 deemed as places within the meaning of this act, and may be
18 proceeded against under the provisions of section seventeen.
19 Any person who shall maintain, or shall aid or abet, or know-
20 ingly be associated with others in maintaining such common
21 and public nuisances, 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 of such liquors contrary to law, as the court may determine.
29 All automobiles, cars, boats, (other than railway cars, street
30 cars and steamboats), wagons, water and aircraft, beasts of
31 burden, or vehicles of any kind that are used to bring or carry
32 liquors into the state, or from one place to another within the
33 state, or that are known or found to contain liquors while in,
34 on, or operating upon any street, alley, road, highway, or water
35 course or stored in any garage or other storage place, or in any
36 other place, whether such liquors are in possession of passen-
37 gers or occupants of any such vehicle or otherwise, shall be sub-
38 ject to seizure, forfeiture, and confiscation by the state. Any
39 state, county, district, or municipal officer whose duty it is to
40 enforce the provisions of chapter thirty-two-a of Barnes' code
41 of West Virginia, shall seize and take into his custody any
42 automobile, car, boat (other than railway cars, street cars and
43 steamboats), wagon, water and aircraft, beast of burden, or
44 other vehicle that is being used as a container or conveyance of
45 liquor, whether said liquors are upon the persons and in the
46 actual custody of the passengers or occupants of any such ve-
47 hicle of conveyance or otherwise. Upon the seizure of any prop-
under the provisions of this section, any person in charge thereof or any one transporting, possessing, or storing liquors therein or thereon, shall be arrested. The officer making the seizure shall immediately make report in triplicate giving the officer’s name, time and place of seizure, inventory of property, articles and liquors taken into possession, and one copy thereof shall be given to the person from whom the goods are taken, one copy shall be filed with the circuit clerk of the county in which the property is seized and one shall be forwarded to the state commissioner of prohibition. Said officer, if not the sheriff, shall immediately deliver to the sheriff of the county the property seized and take the sheriff’s receipt therefor in duplicate, and such sheriff shall hold the property so seized until the same shall be disposed of by proper orders of the court having jurisdiction. All liquors so seized shall be destroyed as the law provides, and the sheriff shall be liable on his bond for the safe keeping of all such property so turned over to him. The proper costs of seizing and holding said property shall be paid out of the funds arising from confiscations under this section as hereinafter provided. The prosecuting attorney shall at once proceed against the persons arrested in connection with the property so seized in violation of the provisions of this section. The court upon conviction of the person or persons so arrested, shall, unless good cause to the contrary be shown by the owner, declare the property so seized to be forfeited to the state, and order the same to be sold at public auction by the sheriff of the county; whereupon the clerk shall certify the court’s order to the sheriff, who shall make sale of the property thereunder, in the manner provided by law for sales under execution, and after deducting the expenses of keeping the property, the fee for the seizure, and the costs of the sale, shall pay all liens, according to their priorities, which are established by intervention or otherwise at said trial, or in other proceedings brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the said vehicle or container was being used for such illegal transportation or storage of liquors, and the net proceeds shall then be paid to the auditor of the state for the benefit of the general school fund. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property, if, however, no one
89 shall be found claiming the seized property, the taking of the
90 same, with a description thereof, shall be advertised in some
91 newspaper published in the county where taken once a week
92 for two weeks and by notices posted in three public places, near
93 the place of seizure, and if no claimant shall appear within ten
94 days after the last publication of the advertisement, the prop-
95 erty shall be sold and the proceeds after deducting expenses,
96 fees and costs, be paid to the auditor as aforesaid. The officer
97 making the seizure, shall be allowed a fee of ten dollars to be
98 taxed as costs against said property.
99 It shall be unlawful for any person to hire, secure or use
100 any automobile or other vehicle mentioned in this section for
101 the purpose of bringing or carrying into the state, or from one
102 place to another within the state, liquors as defined in section
103 one, whether carried upon his person or otherwise while in
104 such vehicle or conveyance, without the consent of the owner,
105 lienor or holder of a reservation of title of such vehicle or con-
106 veyance, and any person so hiring, securing and using such
107 vehicle or conveyance without such consent first obtained
108 shall be guilty of a misdemeanor and upon conviction thereof
109 shall be fined not less than two hundred dollars nor more
110 than one thousand dollars and be confined in the county jail
111 not less than four months nor more than one year. The com-
112 missioner shall have authority to employ an attorney if neces-
113 sary, in enforcing the provisions of this section, the compen-
114 sation to be paid from the amount collected, and in no case to
115 exceed ten per centum of the sale of the confiscated property.

Sec. 32. Justices of the peace shall have concurrent juris-
2 diction with the circuit court and other courts having criminal
3 jurisdiction in their county for the trial of all misdemeanors
4 arising under the prohibition laws of this state. The defendant
5 shall be entitled to a trial by jury, if he shall demand same,
6 upon depositing with the justice the amount as fixed by law,
7 for payment for attendance of the jurors. The state shall have
8 the same right as the defendant to pre-emptorily challenge any
9 two of the jurors selected and returned by the officer under
10 the writ issued by the justice commanding the summoning of
11 the same. Upon conviction of the accused, the justice shall
12 impose the fines and penalties and commit him to jail as pro-
13 vided by section fifty-three of chapter one hundred and twelve,
14 acts of the regular session of one thousand nine hundred and
and shall thereupon certify to the clerk of the circuit court, for filing in his office, a transcript of his docket, of the judgment in the case. Such transcript shall be admissible evidence upon the trial of the accused for any second offense alleged in any indictment found and returned against him. The justice shall also certify to the clerk of the circuit court, copies of all bonds given by the defendant, and for certifying the transcript and copies of bonds, in each case as herein required, the justice shall be allowed a fee of one dollar for each transcript or copy so certified, to be taxed in costs of the case and collected as other costs are collected.

Every justice of the peace, mayor, police judge, and clerk of any court having jurisdiction of such cases shall on the first day of each month, mail a written report to the state commissioner of prohibition, of all cases arising from violations of the prohibition law, had in his said court for the preceding month, on forms to be prepared and furnished by the commissioner. Such report shall state the name of the person arrested, date of the complaint, the specific charge against him, disposition of the case and such other information as the commissioner may require. A fee of fifty cents, "for reporting case", shall be taxed against each defendant and collected as other costs therein. The commissioner shall file and preserve said reports and shall make annual report to the governor, not later than the first day of October, which report shall cover the work of his office for the preceding fiscal year and shall show the number of arrests, under this act, in each county, the number of convictions had in each county, the amount of fines imposed therefor, together with such other matters that may be required by the governor, or deemed pertinent by the commissioner. It shall be the duty of the sheriff and deputy sheriffs of every county, the constables of every district, the police department of every municipality, all conservators of the peace, and the department of public safety and each and every member thereof, to co-operate with the state prohibition commissioner in the strict enforcement of the prohibition laws within this state. There shall be taxed as part of the costs against every person convicted of any violation of the prohibition laws, and payable direct to the officer making the arrest, except as hereinafter provided, a fee of ten dollars. Provided, however, that in case the officer making such arrest be one who
receives a regular salary or compensation for his services from the state or from any county or municipality, the fee of ten dollars aforesaid shall be paid by the justice or the clerk of the court as the case may be, into the treasury of the state, county or municipality as the case may be. All fines, forfeitures and penalties, that may be imposed and collected under any provisions of the prohibition law, shall be paid to the sheriff of the county wherein the same are collected, who shall enter the sums so paid to the credit of an account to be kept by him under the heading "general school fund (prohibition cases)". Twenty-five per cent of this fund may, if necessary, be applied to the payment of claims under the provisions of section two hundred twenty-nine of chapter fifty of the code, and the remaining seventy-five per cent thereof shall be paid by the sheriff into the treasury of the state as net proceeds according to the provisions of section two hundred and twenty-nine. The provisions of section twenty of this act, shall apply to trials before justices of the peace, provided, however, that in any prosecution before a justice, the prosecuting attorney, or the state commissioner of prohibition, or any of his deputies, shall have the right, before trial, to elect whether the case shall be tried and judgment entered, or whether the justice shall hold a preliminary hearing to determine whether the accused shall be held for the grand jury. Provided, however, that, should the defendant desire to confess, then neither the prosecuting attorney, nor the state commissioner of prohibition, or any of his deputies shall have such power to elect, and the justice shall enter judgment upon the confession. In addition to other penalties herein provided for the violation of any of the provisions of the prohibition laws, there shall be added to and included in every sentence and judgment upon conviction under said laws and allowed and taxed as part of the costs, a fee of twenty-five dollars for expense of enforcement of this act, which shall be paid by the sheriff into the treasury of the state and credited to the general fund.

Sec. 37. It shall be unlawful for any person to own, operate, maintain or have in his possession, or have any interest in any apparatus for the manufacture of liquors, commonly known as a "moonshine still". For the purpose of this act any mechanism, apparatus, or device that is used or is capable of being used for manufacturing, distilling, or making liquors shall be taken and deemed to be a "moonshine still," and the owner and oper-
ator shall be deemed a "moonshiner". Any person owning, operating, maintaining or having in his possession, or having any interest in a 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 be confined in the penitentiary not less than one nor more than three years.

An indictment of a principal 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 said county:

The grand jurors of the state of West Virginia, in and for the body of the county of .............................................., and now attending said court, upon their oaths do present that A. B., on the .................. _ .......... day of ....................... , ............ , 19 ........ , and in the county of ............................................ , did unlawfully and feloniously own, operate, maintain, possess and have an interest in a certain apparatus, mechanism and device for the manufacture of liquors, commonly known as a moonshine still, against the peace and dignity of the state."

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 days nor more than ninety days, provided, that the finding of any quantity of liquor as defined in section one of this act, in the possession of any person, other than commercial whiskies which were obtained and stored in homes for domestic use at a time when it was lawful so to do, shall be prima facie evidence that the same is moonshine liquor.

It shall be unlawful for any person to make, or to have in his possession, or on his premises, or on the premises of another, or elsewhere, or to have under his control, or an interest in any mixture of fermenting substances or materials, such as corn meal, or other crushed or ground cereals, fruit or roots com-
49 bined with water or other liquids or substances, commonly
50 known as "mash" or any mixture of like kind or character,
51 for the purpose of making intoxicating liquors.
51-a If any person who makes, has, or has in his possession, or
51-b on his premises, or on the premises of another, or who has un-
51-c der his control, or an interest in any mixture of fermenting
51-d substances or materials, such as corn meal, other crushed
51-e cereals, fruits or roots combined with water or other liquids
51-f and substances, commonly known as "mash" or any mixture
51-g of like kind or character, shall be guilty of a mis-
51-h demeanor, and upon conviction thereof, shall be con-
52 fined in the county jail not less than two months
53 nor more than six months, and fined not less than one hundred
54 dollars nor more than five hundred dollars.
55 An indictment for an offense hereunder shall be sufficient if
56 in the form and effect following:
57 "State of West Virginia,
58 County of .............................................., to-wit:
59 In the circuit court of said county:
60 The grand jurors in and for the body of the said county of
61 ................................................, upon their oaths do present that
62 A. B., within one year next prior to the finding of this indict-
63 ment in the said county of ..........................................., did unlaw-
64 fully make, and have in his possession, and under his control,
65 and have an interest in a certain mixture of fermenting
66 substances and materials, commonly known as "mash", against
67 the peace and dignity of the state."
68 Upon the conviction of any person for the second offense of
69 making, or having in his possession "mash", or any mixture of
70 like kind or character he shall be guilty of a misdemeanor, and
71 shall be confined in the county jail not less than six months nor
72 more than one year and in addition thereto may be fined not
73 less than one hundred nor more than five hundred dollars, and
73-a the provisions of section three relating to second offense shall
73-b be applicable hereto.
74 Sections three, ten, eleven, twelve, thirteen and thirty-two of
75 chapter thirty-two-a of Barnes' code, one thousand nine hun-
76 dred and sixteen, relating to searches and seizures and proceed-
77 ute, shall apply to and govern the offense under this section, so
78 far as they are applicable; provided, that any person held by a
79 justice under this section to answer for a felony, shall give a
80 bond in the penalty of not less than one thousand dollars to
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81. appear at the next term of the circuit, criminal or intermediate
82. court having jurisdiction, to answer an indictment, if one be
83. preferred against him, and provided, further, that it shall be
84. the duty of the officers to seize and forthwith destroy all moon-
85. shine stills and liquors and paraphernalia found in connection
86. therewith.

Sec. 38. If any person shall unlawfully manufacture, trans-
2. port, or sell liquor, as defined in section one of this act, and at
3. the time of such manufacturing, transporting or selling, or aid-
4. ing or assisting in any manner in such act, shall carry on or
5. about his person, or have on or in any vehicle or conveyance
6. of any kind which he may be using to aid him in any such pur-
7. pose or have in his possession, actual or constructive, at or
8. within one hundred yards of any place where any such intoxi-
9. cating liquor is being unlawfully manufactured, transported
10. or sold, any firearm, dirk, bowie-knife, razor, slung shot, metal
11. knucks or any weapons of like kind or character, with the pur-
12. pose of using same in assistance of any violation of the pro-
13. hibition laws of this state, he shall be guilty of a felony, and on
14. conviction shall be confined in the penitentiary not less than
15. one year nor more than three years. Any such firearms, dirk,
16. bowie-knife, razor, slung shot, metal knucks or any weapons of
17. like kind and character shall be seized and confiscated as pro-
18. vided by law.

Sec. 39. It shall be unlawful for any person to manufac-
2. ture, sell or advertise any still, or distilling apparatus or
3. material for the manufacture of liquors, as defined in this act,
4. or to ship or transport into this state, or from one place to
5. another within the state, any still, or distilling apparatus, or
6. material for the manufacture of the same, and any person
7. found with any material in his possession acquired for use in
8. the manufacture of a still, or distilling apparatus, shall be
9. deemed prima facie guilty of manufacturing such apparatus;
10. provided, however, that duly licensed druggists and others who
11. may have legitimate use for distilling apparatus as above de-
12. fined, may obtain a permit from the commissioner authorizing
13. such use. All stills in this state not so registered under a per-
14. mit as herein required and all paraphernalia, materials and
15. products employed in the manufacture of liquors or intended
16. to be used in connection with the operation of such stills are
17. hereby declared contraband and shall be subject to seizure
18. and confiscation as provided by law. Any person violating
any of the provisions of this section, shall be guilty of a mis-
demeanor, and upon conviction thereof, shall be fined not less
than fifty dollars, nor more than five hundred dollars and im-
prisoned in the county jail not less than thirty days nor more
than six months.

Sec. 40. Any person, not an officer, agent or employee of the
United States, or of the state of West Virginia, charged with
the enforcement of the prohibition laws of this state, who shall
falsely represent himself to be such officer, agent or employee
and in such assumed character, shall arrest or detain any per-
son, or shall in any manner search the person, buildings, or
other property of any person, or do any act in impersonation
of such officer, shall be guilty of a misdemeanor, and upon con-
viction thereof, shall be punished by a fine of not less than one
hundred dollars nor more than one thousand dollars and im-
prisoned for not less than thirty days nor more than one year.

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

CHAPTER 30
(Senate Bill No. 348—Mr. Helmick)

AN ACT to create and maintain “The West Virginia school of
mines” and to provide for the education of the mining indus-
try in the state.

[Passed April 24, 1923. In effect ninety days from passage. Approved by the
Governor May 1, 1923]

Sec. 1. Object.
2. (a) Departments contained; (b) Organization of same;
3. (c) Cost, by whom borne; (d) Appointment of commission; duties.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a mining school to be
known as “The West Virginia school of mines” whose purpose
and object shall be the education of the youth of the state along
mining lines in order that the natural resources of the state may
be developed and utilized in a safer and more efficient manner.

Sec. 2. (a) The said West Virginia school of mines shall
contain departments of mining engineering, mining extension,
mining geology and chemical engineering, as well as the mining
4 experiment station already authorized by section eighty-four
5 of the mining laws of West Virginia.
6 (b) The West Virginia school of mines shall be organized
7 under the direction of a dean and with a suitable staff of in-
8 struction, and shall have the same rank and standing as the
9 colleges of engineering, law, agriculture, medicine and arts and
10 sciences.
11 (c) The cost of establishing and maintaining the WestVir-
12 ginia school of mines as created by this act shall be paid out of
13 an appropriation hereafter to be made by the legislature for
14 such purpose.

Sec. 3. The governor is hereby authorized to appoint a com-
2 mission of five to determine where the school of mines shall be
3 located that might best serve the mining interests of the state,
4 and with the view of avoiding unnecessary duplication of work.
5 The said commission shall be composed of one member of the
6 senate, one member of the house of delegates, and three promi-
7 nent coal mining men who shall serve without pay.
8 The commission shall repo\- whether in its opinion the school
9 shall be carried on as an independent institution or in connec-
10 tion with one or more of the present existing educational insti-
11 tutions of this state.

CHAPTER 31
(Senate Bill No. 403—Mr. White of Lewis)

AN ACT to amend and re-enact sections seventy-eight-a-(5), seventy-eight-a-(6), seventy-eight-a-(7) and seventy-eight-a-(8) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, relating to savings banks, banking associations, trust companies and building and loan associations and providing for supervision and examination by the state banking commissioner.

[Passed April 26, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

**SEC. 78-a (5)** What associations subject to provisions hereof.

**SEC. 78-a (6)** Association shall file copy of charter and receive certificates before doing business; penalty for violation; building and loan associations to file statements; penalty for false statements.

**SEC. 78-a (7)** Commissioner of banking shall examine books and affairs of associations.

**SEC. 78-a (8)** Unlawful for foreign associations to transact business in state without certificate; how to secure certificate; penalty for failure to secure certificate; acts in conflict repealed.
Be it enacted by the Legislature of West Virginia:

That sections seventy-eight-a (5), seventy-eight-a (6), seventy-eight-a-(7) and seventy-eight-a-(8) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 78-a-(5). It is further expressly provided that all savings banks, co-operative banking associations and trust companies engaged in a general banking business shall be subject to the provisions of this chapter, but nothing herein contained shall be construed to authorize any trust company to do business in this state with a capital of less than one hundred thousand dollars, paid up and unimpaired, as provided by section six of chapter seven of the acts of one thousand nine hundred and three; and that all building and loan associations, mutual investment associations, mortgage companies, mortgage and discount companies, and all associations and corporations of a like kind or character doing business in this state, and all associations and corporations, except licensed stock brokerage companies, organized for the purpose or engaging in the business of buying, selling, discounting or dealing in mortgages, bonds, notes, or other securities or commercial paper, shall be subject to a state supervision as follows:

Sec. 78-a-(6). Every such association or corporation organized under the laws of this state, and desiring to operate within the state, shall file with the commissioner of banking a certified copy of its charter, constitution, and by-laws. Said commissioner shall carefully examine the same and if he find that they provide a safe, just and equitable plan for the management of the business of the association or corporation, he shall issue to such association or corporation a certificate of authority permitting it to begin business. But if he find the provisions of said charter, constitution and by-laws to be impracticable, unjust or inequitable, or oppressive, or lacking in security to any class of shareholders or stockholders, he shall withhold his certificate of authority. It shall not be lawful for any association or corporation hereafter organized under the laws of this state, for any of the purposes above set forth, to transact any business except the execution of its articles of incorporation, the adoption of its constitution and by-laws, and the election of directors and officers, until it shall have procured the certificate of authority above
provided for, nor shall any amendment of the charter, constitution or by-laws of any such association or corporation become operative until a copy of the same shall have been filed, and a certificate of authority obtained as above provided in regard to original charter, constitution and by-laws. Any bank, association or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars, and in addition thereto the officer or officers of any such bank, association or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars, and, in the discretion of the court, imprisoned in the county jail not more than six months. Every building and loan association, mutual investment association, mortgage company, and mortgage and discount company, and every association or corporation, except licensed stock brokerage companies, of like kind or character, or organized for the purpose or engaging in the business of buying, selling or dealing in mortgages, bonds, notes, or other securities or commercial paper, organized under the laws of this state, and operating within the state, shall at least twice a year, at such times as may be designated by the commissioner of banking, file in the office of said commissioner of banking within ten days after the receipt of his request for same, a statement verified by its president or secretary and approved by three of its directors, in such form as may be prescribed by said commissioner, setting out its actual financial condition and the amount of its assets and liabilities, and furnish such other information as to its affairs as the said commissioner may require, which reports, in the same form in which they are transmitted to the commissioner of banking, shall be printed and circulated among all the stockholders of the association or corporation. Every person who shall wilfully or knowingly subscribe or make, or cause to be made, any false statement or any false entry in any books of any association or corporation above mentioned, or exhibit false papers with the intent to deceive any person authorized to examine into the affairs of such association or corporation, or shall make, state or publish any false statement of the financial condition of such association or corporation, shall be deemed guilty of a felony and upon conviction thereof shall be fined not exceeding ten
61 thousand dollars, and in the discretion of the court, be im-
62 prisoned in the state penitentiary not less than one nor more
63 than five years.

Sec. 78-a-(7). At least twice in every year the commis-
2 sioner of banking, either in person or by competent assistant, 
3 shall make a thorough examination of the books and affairs of 
4 every association or corporation mentioned in the next preceding 
5 section of this act. He shall carefully examine all bonds, notes 
6 and mortgages, and all other securities and assets of every such 
7 association or corporation, and shall ascertain the full amount of 
8 its liabilities. He shall see that the books are kept properly 
9 posted and balanced, and that complete trial balances are struck 
10 at regular intervals. Whenever it shall appear to the commis-
11 sioner of banking that any institution which by law is required to 
12 obtain from him a certificate, or permit, to begin business, does 
13 not keep its books and accounts in such manner as to enable him 
14 readily to ascertain its true condition, he may issue an order 
15 requiring such institution, or the officers thereof, or any of them, 
16 to open and keep such books or accounts as he may, in his dis-
17 cretion, determine and prescribe for the purpose of keeping ac-
18 curate and convenient records of the transactions and accounts 
19 of such institution; and the expense thereof shall be paid by said 
20 institution. Every such bank, association and corporation men-
21 tioned in section 78-a-(5) of this chapter shall preserve all its 
22 records of final entry, including cards used under the card sys-
23 tem and deposit tickets, for a period of at least six years from 
24 the date of making the same or from the date of the last entry 
25 thereon. Each official communication directed by the commis-
26 sioner of banking or one of his assistants to a bank or to any 
27 officer thereof, relating to an examination or investigation con-
28 ducted by the banking department or containing suggestions or 
29 recommendations as to the conduct of the business of the bank, 
30 shall be submitted, by the officer receiving it, to the board of 
31 directors at the next meeting of such board, and duly noted in 
32 the minutes of the meetings of such board. If at any time he 
33 shall find one of these institutions in an insolvent condition, 
34 he shall deal with it according to the manner prescribed in sec-
35 tion eighty-one-a-(7) of this act.

Sec. 78-a-(8). It shall be unlawful for any foreign build-
2 ing and loan association, mutual investment association, trust 
3 company, mortgage company, mortgage and discounty company,
or association or corporation of like kind and character, or
association or corporation, except licensed brokerage com-
panies, organized for the purpose or engaging in the business
of buying, selling, discounting or dealing in mortgages, bonds,
notes, or other securities or commercial paper, to transact any
business or offer its capital stock for sale in this state, directly
or indirectly, without first procuring a certificate of authority
from the commissioner of banking. Before obtaining such cer-
tificate such foreign association or corporation shall furnish the
commissioner of banking an itemized statement of its financial
condition and all such other information touching its affairs as
the said commissioner may require, which statement and infor-
mation shall be verified by the oath of the president or secretary
of the association or corporation. Such foreign association or
 corporation shall also file with the commissioner of banking a
certified copy of the laws of the state, territory or government
under which it is incorporated, and of its constitution and by-
laws and all amendments thereto; and shall appoint an attorney
in each county in which it transacts or solicits business, who
shall be a resident of such county. It shall file with the com-
missioner of banking a written instrument, duly signed and
sealed, authorizing such attorney of such association or corpora-
tion to acknowledge service of process in behalf of such associa-
tion or corporation, consenting that the service of process, mesne
or final, upon such attorney shall be taken and held as if served
upon the association or corporation according to the laws of this
or any other state, and waiving all claim or right of error by
reason of such acknowledgment of service. If, after examination
of such statement, and certified copy of instruments, and after
such association or corporation shall have complied with the
provisions of this act with reference to the appointment of an
attorney or attorneys, the commissioner of banking shall be satis-
fied that said association or corporation is solvent and that the
capital and investments are secure, and that the laws, charters,
articles of incorporation, constitution and by-laws governing it
afford as ample protection to the interests of its members or
stockholders as is afforded by the laws of this state to members
or stockholders of like associations or corporations chartered by
and doing business in this state, he may grant such association or
corporation a certificate of authority permitting it to transact
business in this state until the thirty-first day of the next suc-
44 ceeding December; but the same statements and the same cer-
45 tificates shall be renewed every year as long as such association
46 or corporation shall continue to do business in this state; and
47 and for every certificate issued the commissioner of banking
48 shall collect a sum of twenty-five dollars and pay the same into
49 the treasury of the state. Any person, agent or corporation
50 doing business or attempting to do business in this state for any
51 foreign building association, mutual investment company or
52 trust company, mortgage company, mortgage and discount com-
53 pany, or association or corporation of like kind and character,
54 or association or corporation, except licensed stock brokerage
55 companies, organized for the purpose of engaging in the busi-
56 nes of buying, selling, discounting or dealing in mortgages,
57 bonds, notes, or other securities or commercial paper, which
58 shall not at that time be a holder of a valid certificate of au-
59 thority, as provided for in this act, shall be deemed guilty of a
60 misdemeanor, and on conviction thereof shall be fined not less
61 than five hundred dollars nor more than one thousand dollars
62 for each and every offense.
63 All acts and parts of acts in conflict herewith are hereby re-
63 pealed.

CHAPTER 32

(House Bill No. 556—Mr. Read)

AN ACT giving a bank the option to refuse payment of a check presented one year after date.

[Passed April 19, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec.
1. Check; when bank may refuse payment; no liability to rest on maker; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Where a check or other instrument payable on demand at any bank or trust company doing business in this state is presented for payment more than one year from its date, such bank or trust company may, unless expressly in-
structed by the drawer or maker to pay the same, refuse pay-
ment thereof and no liability shall thereby be incurred to the
drawer or maker for dishonor of the instrument by non-
8 payment.
9 All acts and parts of acts inconsistent herewith are hereby
10 repealed.

CHAPTER 33
(House Bill No. 10—Mr. Kuhn)
AN ACT to amend chapter fifty-seven of the code by adding
ereto section twelve, relating to the sale of real estate by
trustees for labor unions.

[Passed January 24, 1923. In effect from passage. Approved by the Governor
April 24, 1923]
SEC.
12. Sale of lands by trustees for
labor unions, etc.

Be it enacted by the Legislature of West Virginia:
That chapter fifty-seven of the code be amended by adding
ereto section twelve, as follows:

Section 12. The provisions of section nine of this chapter
shall apply to and govern the sale of real estate held by trustees
for any labor union, or similar association or brotherhood of
craftsmen or employees, or any local or branch thereof; but
nothing herein contained shall make such labor union or other
association, or the trustees therefor, a corporation.

CHAPTER 34
(House Bill No. 14—Mr. McLaughlin)
AN ACT imposing a state tax on gasoline, and on all other liquids
containing any derivative of petroleum or natural gas, pro-
duced, prepared or compounded or usable for the purpose of
generating power by means of internal combustion and sold
at wholesale in this state as the words "at wholesale" are
defined in this act; and providing for the collection of such
tax and for the distribution and use of the revenues derived
therefrom; making an appropriation; and fixing penalties.
TAX ON GASOLINE

Sec. 1. Gasoline; definition of; tax on the sale or at wholesale; wholesale defined.

Sec. 2. Taxes collected to be used solely for road purposes.

Sec. 3. Record to be kept of sales; monthly statement to be transmitted to tax commissioner with payment of taxes due; penalty.

Sec. 4. Tax commissioner may examine books of dealers; information to be confidential; penalty.

Sec. 5. Penalty for false returns.

Sec. 6. Provisions severable; legislative intent.

Passed April 27, 1923. In effect ninety days from passage. Became a law without approval of the Governor.

Be it enacted by the Legislature of West Virginia:

Section 1. That the word "gasoline" as used in this act, shall include the liquid, derived from petroleum or natural gas, commonly known or sold as gasoline, and all other liquids, by whatsoever name known or sold, containing any derivative of petroleum or natural gas, and produced, prepared, or compounded for the purpose of generating power by means of internal combustion, or which may be used for such purpose. A state tax of two cents for each gallon, is hereby imposed on all gasoline sold in this state at wholesale as the words "at wholesale" are hereinafter defined. The tax hereby provided for shall be paid by the person, firm, association, or corporation, so selling gasoline, and shall be paid by said person, firm, association, or corporation into the general fund of the state treasury, in the manner and within the time hereinafter specified. The words "at wholesale," as used in this act, shall be held and construed to mean and include any and all sales made for the purpose of re-sale or distribution, or for use, and, as well, to gasoline furnished or supplied for distribution within this state, whether the distributor be the same person who so furnished the same, his agent or employee, or another person; and also to mean and include any person who shall purchase or obtain such gasoline without the state and sell or distribute or use the same within the state. Provided, that nothing herein contained shall be construed as authorizing or requiring the collection of such tax upon any gasoline after the same shall have been already once taxed under the provisions of this act.

Sec. 2. All taxes collected under the provisions of this act shall be paid into the state treasury and shall be used only for the purpose of the re-construction, maintenance, and repair of roads and highways, and for the payment of the interest on state bonds issued for road purposes.
Sec. 3. Every person, or the treasurer or other proper officer
2 or agent of every association, co-partnership, or corporation,
3 selling gasoline at wholesale, shall keep and preserve an accu­
32 rate record of all such sales, and shall, on or before the last day
4 of each month, transmit to the tax commissioner a statement,
5 under oath or affirmation, on such forms as the tax commissioner
6 shall prescribe, of the total number of gallons of gasoline sold
7 during the preceding calendar month and made taxable by this
8 act, and shall, at the same time pay to the tax commissioner the
9 amount of tax due for such preceding calendar month.
10 If any such person, association, co-partnership, or corpora­
11 tion neglects or refuses to make said return, or to pay the tax
12 at the time hereinbefore provided, the amount thereof, with
13 an addition of ten per centum thereof, shall be collected on an
14 account settled by the tax commissioner, as other taxes are set­
15 tled and collected, by any appropriate legal proceeding.

Sec. 5. The tax commissioner, or any agent appointed in
2 writing by him, is hereby authorized to examine the books and
3 papers of any person, association, co-partnership, or corpora­
4 tion, pertaining to the business made taxable by this act, to
5 verify the accuracy of any return made under the provisions
6 of this act, and, in the collection of said tax, the tax commis­
7 sioner shall have all the powers now vested in him by the laws
8 of the state for the collection of taxes; but any information
9 gained by the tax commissioner, or any other person as a re­
10 sult of the reports, investigations, or verifications herein re­
11 quired to be made, shall be confidential, and any person divulg­
12 ing such information shall be guilty of a misdemeanor, and,
13 upon conviction, shall be sentenced to pay a fine of not more
14 than one thousand dollars, or to undergo an imprisonment of
15 not more than one year, or both.

Sec. 6. Any person, association, co-partnership, or corpora­
2 tion, or the officers, directors, trustees, or members of any as­
3 sociation, co-partnership, or corporation, who shall fail, neglect,
4 or refuse to make the returns and to pay the tax herein pre­
5 scribed, or who shall refuse to permit the tax commissioner, or
6 any agent appointed by him in writing, to examine the books or
7 papers of such person, association, or co-partnership, or corpora­
8 tion, pertaining to the business made taxable by this act, or who
9 makes any incomplete, false, or fraudulent return hereunder, or
10 who does, or attempts to do, anything whatsoever to avoid a full
11 disclosure of the amount of business done, or to avoid the pay-
12 ment of the whole or any part of the tax due, shall be guilty
13 of a misdemeanor, and, upon conviction, shall be fined not ex-
14 ceeding one thousand dollars, or in the case of an individual, he
15 may be imprisoned not exceeding six months, or both. Such
16 penalty shall be in addition to the penalty imposed by section
17 three of this act.

Sec. 7. The provisions of this act are severable, and, if any
2 of its provisions shall be held unconstitutional, the decision of
3 the court shall not affect or impair any of the remaining pro-
4 visions of the act. It is hereby declared as a legislative intent
5 that this act would have been adopted had such unconstitutional
6 provisions not been included therein.

CHAPTER 35

(House Bill No. 358—Mr. Morris)

AN ACT to relieve soldiers and sailors of the civil war from the
payment of capitation taxes.

[Passed April 13, 1923. In effect ninety days from passage. Became a law
without the approval of the Governor]

Sec.
1. Soldiers and sailors of civil war
exempt from payment of capi-
tation tax.

Be it enacted by the legislature of West Virginia:

Section 1. That on and after the first day of January, one
2 thousand nine hundred and twenty-four, all soldiers and sailors
3 who are residents of West Virginia, and who served in either
4 army during the civil war, union or confederate, shall be ex-
5 empt from paying capitation taxes of any kind in the state of
6 West Virginia.

CHAPTER 36

(House Bill No. 219—Mr. Oldham)

AN ACT to amend and re-enact section one hundred and nine of
chapter thirty-two of the code of West Virginia, imposing a
license tax on roller skating rinks, parks, fortune tellers and
labor agencies.
Be it enacted by the Legislature of West Virginia:

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

Section 109. On every license to keep a roller skating rink for public use or resort in a city or town with a population of ten thousand or more, one hundred dollars; in a city or town with a population of more than five thousand, but less than ten thousand, fifty dollars; and in a city or town with a population not exceeding five thousand, twenty-five dollars.

On every license to keep or maintain a public park to which admission is obtained for money or reward, in counties of over thirty thousand inhabitants, twenty-five dollars; in counties of less than thirty thousand and more than twenty thousand inhabitants, fifteen dollars; in counties of less than twenty thousand inhabitants, ten dollars; but such license for such public park shall not be construed to be in lieu of, or to include any other license now required by law on any subject of taxation located at or in said park or elsewhere, and every park to which admission is obtained for money or other reward shall be construed and held to be subject to the provisions of this chapter. The furnishing of foods and drinks, if a state license has been obtained therefor, to visitors is allowed as well as any other licensed subject the sale or use of which is now authorized by law.

On every license to act as a fortune teller, palmist, mind-reader, or any one who practices the profession of telling the past or future, five hundred dollars; on every license to conduct a business of a labor agency, two hundred and fifty dollars; any person or corporation who hires or contracts with laborers, male or female, to be employed outside the state of West Virginia, either by said person or corporation or some other person or persons, corporation or corporations, and to be transported out of the state for employment in another state, shall be deemed a labor agency within the meaning of this clause. Any municipality within the state, including the city of Wheeling, shall be and is hereby empowered to impose a similar tax on any such labor agency, to limit the number of labor
32 agencies to operate in said municipalities (but in no event shall 33 the number of said labor agencies be restricted to fewer than 34 three in any city, town or village), and, at its option, to include 35 within its definition of a labor agency any person or corpora- 36 tion who hires or contracts with laborers, male or female, to be 37 employed by persons outside of said municipality, whether such 38 person be the same person or corporation hiring or contracting 39 or other person or persons, corporation or corporations.

40 Any person or corporation carrying on the business of a labor 41 agency as defined in this act without first fully complying with 42 all the provisions thereof, shall be deemed guilty of a misde- 43 meanor and shall, upon conviction thereof, be fined not less than 44 one hundred dollars nor more than five hundred dollars, or im- 45 prisoned not less than thirty days or more than six months, or 46 both, at the discretion of the court. For the purpose of the penal 47 section of this act, any individual acting on behalf of a corpora- 48 tion carrying on the business of a labor agency, as herein defined, 49 when said corporation has not complied with the terms of this 50 act, shall likewise be deemed guilty of a misdemeanor and sub- 51 ject to the same penalties as hereinabove set forth.

CHAPTER 37

(House Bill No. 22—Mr. Hall of Wetzel)

AN ACT to amend and re-enact section twenty-five of chapter thirty 4 of the code of West Virginia, one thousand nine hundred and 16 sixteen, relating to correction of delinquent records.

[Passed April 11, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

SEC. 25. Duty of auditor as to delinquent lists.

Be it enacted by the Legislature of West Virginia:

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

Section 25. The copies directed by the preceding section to 2 be certified to the auditor shall be sealed up by the clerk in an 3 envelope, addressed to the auditor and delivered to the sheriff 4 or collector by whom they were presented. It shall be the duty
5 of the auditor to examine into such lists, and if he have reason
6 to believe that they or any of them are not correct, he shall
7 return them to the court for correction, pointing out where-
8 in they are not correct, and giving his reason why they should
9 be corrected as to any person or subject therein. If, how-
10 ever, after said lists have been recorded in his office by the
11 auditor it appears therefrom that there are clerical errors
12 still remaining therein affecting a proper return of any of
13 the real estate entered in said lists, it shall be the duty of the
14 clerk of the county court of the county in which such real es-
15 tate is located, to certify to the auditor a copy of such de-
16 linquency as it appears from the original delinquent list on
17 file in his office and the auditor shall correct his records in
18 accordance therewith. Should such errors also appear on the
19 original delinquent list filed by the sheriff in the office of the
20 clerk of the county court it shall be the duty of the sheriff to
21 enter proper corrections thereon before the copy hereinbe-
22 fore provided for is certified to the auditor. The auditor shall
23 credit the sheriff or collector with the amount of all state and
24 state school taxes mentioned in said lists, if the same be pre-
25 sented at his office before the first day of September in the
26 year next succeeding that for which said taxes were assessed.
27 All taxes paid to the auditor under the preceding section shall
28 be paid by him into the treasury of the state, and he shall draw
29 his warrant on the treasurer, payable to the order of the sher-
30 iff of the proper county, for the county and district taxes so
31 received by him. He shall at the same time certify to the clerk
32 of the county court of the same county, the amount of any
33 such warrant and the portions thereof which are due to the
34 county and the district in which the land is situated, respec-
35 tively. The said clerk shall, in turn, notify the proper board
36 of education of the amount due the district.

CHAPTER 38

(House Bill No. 23—Mr. Hall of Wetzel)

AN ACT to amend and re-enact section three of chapter thirty-one of the code of West Virginia, one thousand nine hundred and sixteen, relating to redemption of delinquent lands.
SEC. 3. Record to be kept; by whom; of what.

Be it enacted by the Legislature of West Virginia:

That section three of chapter thirty-one of the code of West Virginia, one thousand nine hundred and sixteen, be amended and re-enacted so as to read as follows:

Section 3. Of the real estate mentioned in the preceding section, except as therein otherwise provided, and of all real estate hereafter returned delinquent for nonpayment of taxes, a record shall be kept by the auditor in his office. And at any time prior to the first day of October before the lists provided for in section four of this chapter have been certified and delivered by the auditor to the sheriff or collector of taxes of the county in which such real estate is situated, any person having the right to redeem the same may do so by paying into the treasury the amount of taxes on any such real estate as hereinafter provided. But after such lists are delivered to the sheriff or collector of taxes of a county, no further redemption shall be made except by payment to the sheriff or collector of taxes of the county, of the amount of taxes and interest due thereon, with such additional costs as may have been incurred by him in proceeding to sell the real estate sought to be redeemed.

CHAPTER 39

(House Bill No. 25—Mr. Jones)

AN ACT to amend and re-enact chapter one hundred thirty-six of the acts of one thousand nine hundred and twenty-one, relating to qualifications of those desiring to practice medicine in the state of West Virginia.

Sec. 9. Requirements necessary to practice medicine in state; public health council may accept certificates; public health council to hold examinations; duties and powers of public health council as to examinations; physicians living in other states, called in consultation; midwifery; medical officers of the United States army or navy.
Be it enacted by the Legislature of West Virginia:

That section nine, chapter one hundred fifty Barnes' code of the year one thousand nine hundred and sixteen be amended and re-enacted to read as follows:

Section 9. The following persons and no others shall hereafter be permitted to practice medicine in this state. (1) All such persons as shall be legally entitled to practice medicine in this state at the time of the passage of this act. (2) All such persons as shall be graduates of class "A" medical schools as classified by the council on education of the American Medical Association and American Association of Medical Colleges (and the American Institute of Homeopathy and the National Eclectic Medical Association) and American Osteopathic Association and then only from such schools when so classified as do require a condition to entrance upon the study of medicine at least two years of academic work of collegiate grade in a standard college of arts and sciences of equal rank with the college of arts and sciences in the University of West Virginia, who shall pass an examination before said public health council and shall receive a certificate therefrom as hereinafter provided; provided, however, that the public health council, or a majority of them, may accept, in lieu of an examination, the certificate of license to practice medicine legally granted by the state board of registration or examination or licensing board of another state, territory or any foreign country whose standard of qualification for the practice of medicine is equivalent to that of this state, and grant to the said applicant a certificate of license to practice medicine in this state; provided such states, territories or foreign countries accord like privileges to licentiates of this state. The public health council shall at such times as a majority of them deem proper, hold examinations for the licensing of practitioners of medicine; such examinations shall not be less than two during the year, and shall be held at such points in the state as shall be most convenient for those presenting themselves for examination, or to the public health council; at such examination, written and oral questions shall be submitted for the applicants for license, covering all the essential branches of the sciences of medicine and surgery, and the examination shall be a thorough and decisive test of the knowledge and ability of the applicants. The president and secretary of the public health council shall issue certi-
ficates to all who successfully pass the said examination and to all those certificates said public health council or a majority of them shall accept in lieu of an examination as hereinbefore provided, except that in all the certificates issued to applicants who adhere to the osteopathic school it shall appear that it is for the practice of osteopathy, and such certificates after being duly recorded as hereinafter provided, shall be deemed licenses to practice medicine, surgery and osteopathy in all their branches in this state. The public health council shall give timely notice of the time and place of holding such examinations in at least three newspapers of general circulation in this state, and all such persons wishing to present themselves for examination shall notify the secretary and comply with the rules of the public health council. No applicant for license to practice medicine in this state shall be rejected because of his or her adherence to any particular school or theory of medicine. The public health council shall call to their assistance in the examination of any applicant who professes the homeopathic, osteopathic or eclectic school of medicine, a homeopathic, osteopathic or eclectic physician entitled to practice medicine in this state under this act, and such homeopathic, osteopathic, or eclectic physician so called to the assistance of the public health council, shall be allowed per diem and actual expenses incurred hereinbefore allowed the regular members of the public health council; provided, however, that the provisions of this and the preceding section shall not apply to physicians living in other states and duly qualified to practice medicine therein, who shall be called in consultation into this state, by a physician legally entitled to practice medicine in this state under this chapter, and, provided, further, that the provisions of this chapter shall not apply to females practicing midwifery, or to commissioned officers of the United States army and navy and marine hospital service when in the actual discharge of their duties as such commissioned officers.

CHAPTER 40
(House Bill No. 116—Mr. Read)

AN ACT to define osteopathy and to authorize and regulate the practice of osteopathic physicians and surgeons and to provide penalties for the violation of this act and to repeal all acts and parts of acts in conflict herewith.
Be it enacted by the Legislature of West Virginia:

Section 1. The word "osteopathy" as used in this act is the name of that system of the healing art which places the chief emphasis on the structural integrity of the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease.

Sec. 2. It shall be unlawful for any person to practice medicine as an osteopathic physician or osteopathic physician and surgeon in this state, without a license issued by the state board of osteopathy hereinafter created; provided, that any certificate or license heretofore issued under the laws of this state, authorizing its holder to practice osteopathy and surgery shall in no wise be affected by the provisions of this act.

Sec. 3. The practice of medicine and surgery by persons authorized under the laws of this state to practice medicine and surgery shall in no way be affected by the provisions of this act.
Sec. 4. Within thirty days after this act shall take effect, the governor of the state shall appoint three examiners who shall be regularly licensed osteopathic physicians in good standing, recommended by the state osteopathic organization, and who have been engaged in the practice of their profession for a period of at least five years immediately prior to such appointment. Of the members first appointed, one shall hold office for one year, one for two years, and one for three years. The term of office of members thereafter appointed except to fill vacancies, shall be three years. Vacancies shall be filled by appointment for the unexpired term. Each examiner shall continue in office until his successor has been appointed and has qualified. Said examiners shall be known as, and constitute, the state board of osteopathy. Said board shall have and use a common seal and may make and adopt all necessary rules, regulations and by-laws relating to the enforcement of the provisions of this act not inconsistent herewith. Examinations shall be held at least twice a year at the time and place fixed by said board, of which examination all applicants shall be notified in writing.

The compensation of examiners shall be fixed by the by-laws of said board but the total paid out for compensation and for all expenditures authorized by this act shall not exceed the fees received from applicants for license, and all sums of money derived from said fees remaining in the hands of said board after the payment of such compensation and other expenditures authorized by this act shall be turned over to the state treasurer on or before the last day of each fiscal year.

Sec. 5. Each member of said board shall, before entering upon the duties of his office, take the oath of office prescribed by the constitution before some one qualified to administer oaths, and shall, in addition thereto, make oath that he is a legally qualified practitioner of osteopathy in this state; and that he has been engaged in the active practice of his profession in this state for at least five years preceding his appointment.

Sec. 6. Each applicant for the examination, provided for in this act, shall comply with the following requirements:

1. Make application for examination on blank forms prepared and furnished by the state board of osteopathy.
(2) Submit evidence verified on oath and satisfactory to the board that applicant is twenty-one years of age or over and has the preliminary and professional education required by this act.

(3) Pay in advance to the board, fees as follows:

(a) For examination of an osteopathic physician and surgeon, twenty-five dollars.
(b) For the license to one applying therefor under the provisions of section ten hereof, twenty-five dollars.

Sec. 7. Standards of professional education are fixed as follows:

To practice as an osteopathic physician and surgeon, the applicant shall be a graduate of a professional school or college of osteopathy which requires as a prerequisite to graduation, a four years course of nine months each, covering the standard curriculum, as defined in section eight of this bill, and giving instructions in all the subjects necessary to educate a thoroughly competent general osteopath practitioner.

Sec. 8. The term school or college of osteopathy in good standing shall be defined as follows: A legally chartered osteopathic school or college requiring for admission to its course of study a preliminary education equal to the requirements for graduation of an accredited high school, and shall further require before granting the degree of doctor of osteopathy, an actual attendance at such osteopathic school or college of at least thirty-six months or four terms of nine months each, no two of which shall be given in any one year, its course of study to include the subjects and the minimum hours taught in each thereof as follows:

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anatomy (descriptive, regional, applied, surgical and dissection)</td>
<td>600</td>
</tr>
<tr>
<td>Embryology</td>
<td>70</td>
</tr>
<tr>
<td>Chemistry (advanced to include organic and physiological chemistry and toxicology)</td>
<td>300</td>
</tr>
<tr>
<td>Histology</td>
<td>180</td>
</tr>
<tr>
<td>Physiology</td>
<td>300</td>
</tr>
<tr>
<td>Pathology</td>
<td>240</td>
</tr>
<tr>
<td>Bacteriology</td>
<td>150</td>
</tr>
<tr>
<td>Hygiene</td>
<td>60</td>
</tr>
<tr>
<td>Hydrotherapy</td>
<td>16</td>
</tr>
<tr>
<td>X-Radiance and electrical diagnosis</td>
<td>36</td>
</tr>
</tbody>
</table>
25 Dietetics ................................................................. 32
26 Osteopathy:
27 (a) Principles of osteopathy.
28 (b) Osteopathic technique.
29 (c) Practice of osteopathy, to include diseases of
30 nervous system, alimentary tract, heart and vascular
31 system, genito-urinary diseases, ductless glands and
32 metabolism, respiratory tract, bone and joint diseases,
33 corrective gymnastics, acute and infectious diseases,
34 pediatrics, dermatology, syphilis, psychiatry, diagnosis
35 (physical, laboratory and differential), clinical practice
36 case recording ...................................................... 1446
37 Surgery with emphasis on fractures and dislocations,
38 principles of surgery, and surgical diagnosis, ortho-
39 pedics, orificial and chemical .................................. 400
40 Eye, ear, nose and throat ........................................ 180
41 Gynecology ............................................................ 160
42 Obstetrics .............................................................. 200
43 Professional ethics and efficiency ............................. 16
44 Jurisprudence ......................................................... 16
45
46 Total ................................................................. 4422
47 The number of hours herein prescribed for the study of any
48 subject may be reduced not more than thirty per cent, but the
49 total number of hours prescribed shall not be reduced. The
50 foregoing requirements shall be published in each catalogue of
51 such osteopathic school or college.

Sec. 9. The president and secretary of the state board of
2 osteopathy shall issue certificates of license to all who success-
3 fully pass the said examination and to all those whose certifi-
4 cates said board, or a majority of them, shall except in lieu of
5 an examination as hereinafter provided.

Sec. 10. The state board may at its discretion issue a license
2 without examination to a practitioner who has been licensed
3 in any county, state, territory, or province, upon the follow-
4 ing conditions:
5 (1) That the requirements of registration in the country,
6 state, territory or province, in which the applicant is licensed,
6 are deemed by the state board to have been practically equiva-
8 lent to the requirements of registration in force in this state
9 at the date of such license.
(2) The state board may also at its discretion issue a
license without examination to an osteopathic physician who
is a graduate of an osteopathic college in good standing and
who has passed examination for admission into the medical
corps of the United States army, United States navy, or the
United States public health service.

Sec. 11. Every person holding a license authorizing him to
practice osteopathy and surgery in this state must have the
same recorded in the office of the county clerk of the county of
his residence. Every such person upon a change of residence
must have his certificate recorded in like manner in the county
to which he may have changed his residence, and such license
shall be displayed in his office, place of business or employ-
ment.

Sec. 12. Osteopathic physicians shall observe and be subject
to all state and municipal regulations relative to reporting all
births and deaths and all matters pertaining to the public
health, with equal right and obligations as physicians of other
schools of medicine, and such reports shall be accepted by the
officers of the department to which the same are made.

Sec. 13. The state board may either refuse to issue or may
suspend or revoke any license for any one or any combination
of the following causes:

(a) Conviction of a felony, as shown by a certified copy of
the record of the court.

(b) The obtaining of or an attempt to obtain a license, or
practice in the profession for money, or any other thing of
value, by fraudulent misrepresentations.

(c) Gross malpractice.

(d) Advertising by means of knowingly false or deceptive
statements.

(e) Advertising, practicing or attempting to practice
under a name other than one's own.
14 (f) Habitual drunkenness, or habitual addiction to the use
15 of morphine, cocaine, or other habit-forming drugs.
16 The state board may neither refuse to issue, nor refuse to
17 renew, nor suspend, nor revoke any license, however, for any
18 of these causes, unless the person accused has been given at
19 least twenty days' notice in writing of the charge against him
20 and a public hearing by the state board.
21 The state board of osteopathy shall have the power to compel
22 the attendance of witnesses and the production of relevant
23 books and papers for the investigation of matters that may
24 come before them and the presiding officer of said board may
25 administer the requisite oaths and such board shall have the
26 same authority to compel the giving of testimony as is con-
27 ferred on courts of justice.

Sec. 14. Each of the following acts shall constitute a mis-
2 demeanor, punishable, upon conviction, by a fine of not less
3 than fifty dollars nor more than five hundred dollars.
4 (a) The practice of osteopathy or an attempt to practice
5 osteopathy without license.
6 (b) The obtaining of, or an attempt to obtain a license, or
7 practice in the profession for money, or any other thing of
8 value, by fraudulent misrepresentation.
9 (c) The making of any wilfully false oath or affirmation
10 whenever an oath or affirmation is required by this act.
11 (d) Advertising, practising or attempting to practice
12 under a name other than one's own.

Sec. 15. The state board shall keep a record, which shall
2 be open to public inspection at all reasonable times, of its
3 proceedings relating to the issuance, refusal, renewal, sus-
4 pension and revocation of licenses to practice osteopathy and
5 surgery. This record shall also contain the name, known
6 place of business and residence, and the date and number of
7 the license of every registered osteopath.

Sec. 16. Should the courts declare any section or any part
2 of a section of this act unconstitutional or unauthorized by law,
3 or in conflict with any other section or part or subdivision of
4 a section or provision of this act, then such decision shall affect
5 only the section or part or subdivision of a section, or provision
6 so declared to be unconstitutional, and shall not affect any
7 other section or any other part or subdivision of a section or
8 provision or part of this act. It is further expressly provided
9 that each section and each part or subdivision of a section here-
10 in, so far as an inducement for the passage of this bill is con-
11 cerned, is independent of every other section and every other
12 part or subdivision of a section, and not any section or any part
13 or subdivision of a section is an inducement for the enactment
14 of any other section or part or subdivision of a section.
15 All acts and parts of acts conflicting herewith are hereby
16 repealed.

CHAPTER 41
(House Bill No. 195—Mr. Estep)

AN ACT authorizing registered nurses to administer anesthetics
for and in the presence of licensed physicians in certain cases.

[Passed April 11, 1923. In effect ninety days from passage. Became a law
without the approval of the Governor]

Sec. 1. Duly registered nurses authorized
to administer anesthetics; in-
consistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That in any case where it is now lawful for a
duly licensed physician and surgeon practicing medicine and
surgery under the laws of this state to administer anesthetics,
such anesthetics may be lawfully given and administered by any
nurse, who shall have been duly registered as such under the
laws of this state, provided, that such anesthetic is administered
by such nurse in the presence and under the supervision of
such licensed physician or surgeon.

Sec. 2. All acts or parts of acts coming within the purview
hereof and inconsistent herewith are hereby repealed.

CHAPTER 42
(House Bill No. 325—Mr. Eubank)

AN ACT to amend and re-enact section three of chapter one hun-
dred and sixty-one of the code of West Virginia, relating to
jail physicians.
CH. 43]  TWO PLATOON SYSTEM  129

[Passed April 25, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]


Be it enacted by the Legislature of West Virginia:

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

Section 3. The county court for every county may appoint a physician to attend all persons confined in jail as lunatics, or persons charged with felony or misdemeanor, and such physician shall furnish all medicines and drugs for, and give proper attention to, all such persons at a stipulated, fixed and exclusive annual allowance. The appointment of such physician shall be made in open court. The court, or president thereof in vacation, shall cause notice to be given in some newspaper published in the county, and by posting at the front door of the court house, or, if no such paper be published, by posting as aforesaid alone, of the days during court, when sealed bids will be received. The bids shall be opened only in court, on the day specified in the notice, if the court then be in session, and, if not, on the first day of the session thereafter, and the appointment awarded to the lowest responsible bidder; and such court shall have the right to reject any or all bids. The person receiving the appointment shall give bond with sufficient surety, to be approved by the court, for the faithful performance of the trust and agreement. The court shall have power to vacate the appointment for failure or neglect of duty; but such vacation shall in no manner affect the liability on the bond. All of the proceedings shall be entered in the order book of the court. The county court may also, after examination, when a person in its jail charged with or convicted of an offense is unable to provide himself with sufficient clothing, direct the jailer to provide him clothing, and allow therefor not exceeding twenty dollars in one year. Allowances under this section, on being certified by the court, shall be paid out of the county treasury.

CHAPTER 43
(House Bill No. 27—Mr. Huber)

AN ACT to provide for the establishment of the two-platoon system of city fire department.
Sec. 1. Two platoon system city fire department; how and when established; hours.

Sec. 2. Assignment of members to service; periods of service.

Sec. 3. To whom act applies.

Be it enacted by the Legislature of West Virginia:

Section 1. In any municipal corporation in this state having a population of more than eighteen thousand inhabitants, having, or which may hereafter have, a fire department supported in whole or in part at public expense, the city council or other legislative body of such municipality, may declare the necessity of said service to each twenty-four hours shall be as follows, to-wit: from eight a. m. to six p. m. and from six p. m. to eight a. m.

Section 2. Upon such declaration being made by the city council or other legislative body, the members of the fire department shall be divided into two platoons, and the members of said departments shall be assigned to service in said platoons by the superintendent of the department of public safety or chief. The periods of service to each twenty-four hours shall be as follows, to-wit: from eight a. m. to six p. m. and from six p. m. to eight a. m. The superintendent of the department of public safety or chief, shall assign one platoon of officers and members to the period from eight a. m. to six p. m. and the other platoon of officers and members from six p. m. to eight a. m., and the officers and members assigned to each platoon shall alternate on the two hours of duty at intervals of not more than two weeks.

No officer or member shall be required to remain on duty for more than fourteen consecutive hours except when changing from one tour of duty to the other, or in case of a conflagration requiring the services of more than one-half of the department. The superintendent of the department of public safety or chief is hereby authorized and directed to make the necessary assignments to the two respective platoons.

Section 3. Nothing in this act shall apply to any city or town which does not maintain and pay for a fire department and employees thereof for full time.

This bill shall not affect cities or towns having a population of ten thousand or less.
AN ACT to amend and re-enact sections one, two, three, four, five, six, nine, ten, eleven and twelve of chapter forty-five of the acts of the Legislature of one thousand nine hundred and seventeen, relating to firemen's pension or relief fund and providing for a policemen's pension or relief fund and for the levy of taxes in municipalities therefor.

[Passed April 27, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

SEC. 1. Relief fund for firemen and policemen authorized; administration by board of trustees.

2. Board of trustees a corporation. 

3. Election to be held second Monday in month following passage of ordinance; how conducted; term of office one year; board to consist of four members; secretary shall keep record; compensation fixed by board.

4. Establishment of policemen's relief fund same as in section three.

5. Relief fund how maintained; tax not to exceed seven and one-half mills per one hundred dollars taxable property; fines turned into fund in addition to one dollar each month from each fireman or policeman.

6. Treasurer, custodian of fund; to be paid on order of trustees.

7. Funds to be invested in interest-bearing bonds or in real estate to fifty per cent of assessed value, board shall report to legislative body December thirty-first each year.

8. No payments to be made until five years from creation of corporation except from income from fund; if amount is not sufficient to be pro rated among those entitled to same.

9. Twenty-three years' service necessary to entitle applicant to retirement; must be fifty years of age; shall receive the sum equal to half of salary monthly; applicant permanently disabled shall receive one dollar and twenty-five cents per day; service ten to twenty years, ten-sixteenths of salary; over twenty years service, eleven-sixteenths.

10. Compensation in case of death after five years service, to widow twenty dollars, to child five dollars monthly, amount not to exceed thirty dollars.

11. Compensation of other dependents; conflicting acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four, five, six, nine, ten, eleven and twelve of chapter forty-five of the legislature of one thousand nine hundred and seventeen be amended and re-enacted so as to read as follows:

Section 1. In any municipal corporation in this state having, or which may hereafter have, fire department and a police department, or either of said departments, supported in whole or in part at public expense, the council or other legislative body thereof may, by ordinance, declare the necessity for the establishment and maintenance of a firemen's pension or relief fund, and for a policemen's pension or relief fund, or either of such funds, for the purpose hereinafter enumerated; and thereupon shall be created a board of trustees, or boards of trustees, as the case may be, who shall administer and dis-
tribute the funds authorized to be raised by this act and suc-
ceeding sections.

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

Sec. 3. The said board of trustees of the firemen’s pension or relief fund shall consist of the executive officer of any municipal corporation availing itself of the privileges of this act, the chief of the fire department and three other persons, members of the fire department, to be chosen as follows:
The executive officer of said municipal corporation shall give notice of an election to be held on the second Monday of the month following the passage of the ordinance mentioned in the first section hereof, which notice shall be served upon each member of the fire department and which shall notify each member that between the hours of nine in the forenoon and six in the afternoon, on the day designated for such election, the election will be held for such purpose and that each member shall send under seal, in writing, the names of three persons, members of such fire department voted for, and all votes so cast shall be counted and canvassed by the said executive officer together with the chief of the fire department, who shall announce the result, and the three members of the fire department receiving the highest number of votes shall, with the said executive officer and the chief of the fire department, constitute “The Board of Trustees of the said Firemen’s Pension or relief fund” for the ensuing year. In case of a tie vote being received by any two persons for the office of trus-
24 tee, such tie vote shall be decided by casting lots, or in any other way which may be agreed upon by the persons for whom such tie vote was cast. The result of such election shall be entered in the record of the proceedings of said board and the members so elected shall serve for one year and until their successors are elected. The election for such members of the board of trustees shall be held annually upon the second Monday of the same month upon which the first election occurred. In case of vacancy by death, resignation, or otherwise, among the members so elected, the remaining members shall choose the successor, or successors, until the next annual election. The presiding officer of the board of trustees shall be the executive officer of the municipal corporation availing itself of the benefits of this act, and the secretary thereof shall be appointed by said board.

It shall be the duty of such secretary to keep a full and perfect record of all the proceedings of the board, and said trustees may fix his compensation for this work, which shall be paid out of the funds of said firemen’s pension or relief fund.

Sec. 4. Where it is desired to establish also a policemen’s pension or relief fund, the method of procedure shall be in all respects the same as provided for the formation of the firemen’s pension or relief fund in the preceding section; provided, however, that there shall be a separate board of trustees, composed of the executive officer of the municipal corporation, the chief of police and three members from the police department, the three members to be elected in the same manner as provided for the election of firemen to the firemen’s pension or relief fund in the preceding section.

Sec. 5. In every municipality availing itself of the provisions of this section, there shall be a firemen’s pension or relief fund or a policemen’s pension or relief fund, or both, as the case may be, which shall be maintained as follows:

The council or other legislative body of such municipality is hereby authorized to levy annually, and in the manner provided by law for other municipal levies, and in addition to all of such municipal levies, a tax not to exceed seven and one-half mills on each one hundred dollars of all the real and personal property as listed for taxation in such municipality for the firemen’s pension fund, and a like levy not to exceed seven
12 and one-half mills on each one hundred dollars of all the real
13 and personal property as listed for taxation in said munici-
14 pality for a policemen's pension fund, or either of them. The
15 amount of tax to be levied shall be fixed and determined by
16 said board of trustees as aforesaid, and certified to the coun-
17 cil or other legislative body of such municipality.
18 All fines imposed upon any member of the fire department
19 and the police department, or either of them, by way of dis-
20 cipline or punishment shall be credited to said pension or re-
21 lief fund of the department to which the member so fined
22 belongs; and said corporation is authorized to take by gift,
23 grant, devise or bequest, any money or real or personal prop-
24 erty, upon such terms as to the investment and expenditure
25 thereof as may be fixed by the grantor or determined by said
26 trustees.
27 In addition to all other sums provided for pension in this
28 section, it shall be the duty of the municipal corporation avail-
29 ing itself of the privileges of this act to assess and collect from
30 each member of said fire department or police department, or
31 both of them, as the case may be, the sum of one dollar each
32 month, which sum shall be deducted from the monthly pay of
33 said person and the amount so collected shall become a regular
34 part of the firemen's pension fund, if collected from a fire-
35 men, and of the policemen's pension fund, if collected from a
36 policeman; provided, however, that all sums assessed against
37 and collected from any employee shall, in case said employee
38 be discharged or voluntarily leave his employment with said
39 municipal corporation without receiving the benefit of said
40 pension fund, be returned to him together with all its accrued
41 interest, and no fireman or policeman shall be entitled to the
42 benefits of this act unless and until he pay into his respective
43 pension or relief fund the said sum of one dollar per month,
44 as provided in this section.

Sec. 6. The treasurer of every municipality having a fire-
2 men's or a policemen's pension or relief fund, or both, shall
3 be the custodian of said fund, or funds, and shall pay out
4 the same upon the proper order of the board of trustees, who
5 shall be liable upon his official bond as treasurer for the faith-
6 ful performance of his duties in respect to this fund or funds.
7 This fund or funds shall not be used for any other purpose
8 than provided herein.
Sec. 7. The said board of trustees shall invest any moneys received by them either in interest-bearing bonds of the United States, of the State of West Virginia, or of county, school district or municipal corporation in which said municipality may be situated, or upon approved real estate security to the extent of not more than fifty per cent of the assessed value of such real estate. Said board of trustees shall make a report to the council, or other legislative body of the municipality on the condition of said fund on the thirty-first day of December of each year.

Sec. 8. Until the expiration of five years from the time of the creation of said corporation, unless otherwise authorized by ordinance of said municipal corporation, no payment shall be made to any member except from the income arising from said fund; and if at any time there shall not be sufficient money to the credit of said pension fund to pay each person entitled to the benefit thereof the full amount per month, as herein provided, then, and in that event, an equal percentage of said monthly payments shall be made to each beneficiary thereof, until said fund is so replenished as to warrant payment in full to each of said beneficiaries.

Sec. 9. Any member of a municipal fire department or police department who is entitled to the benefits under this act, and who has been in continuous service of such department for twenty-three years, may, upon written application to the chief of said department, be retired from all service from such department without medical examination or disability, and on such retirement the board of trustees shall authorize the payment to such retired member during the remainder of his life of a sum equal to one-half the wages or salary he received upon retirement from such department. But no member of such department may be retired until he shall have attained the age of fifty years. A member of such department who may have served twenty-three years, but not continuously, will be entitled to the benefits of this act, provided he shall not have been out of the service for a period longer than two years.

In no event shall the sum to be paid to permanently disabled members exceed the following amount: Those in continuous service of the fire department or police department over one and under ten years, shall, upon retirement, receive
21 not to exceed one dollar and twenty-five cents per day; and
22 those in the service continuously for over ten years and under
23 twenty years, shall, upon retirement, received ten-sixteenth of
24 their salary per month; and those in the service over twenty
25 years, shall, upon retirement, receive, eleven-sixteenths of
26 their salary per month.

Sec. 10. In case any such municipal employee who has
2 been in continuous service for over five years shall be killed or
3 die, then, and in that case, the board of trustees of said pen-
4 sion fund shall pay to the dependent wife or dependent minor
5 children or dependent mother or father, or brothers and sis-
6 ters, if there be any such one or ones, the following pensions,
7 viz:
8 To the widow, the sum of twenty dollars per month until
9 her death or re-marriage; for the support and maintenance
10 of any dependent children, the sum of five dollars per month
11 for each child until said child shall have attained the age of
12 sixteen years; provided that said widow shall not receive from
13 said fund for the support and maintenance of herself and
14 said children an amount in excess of thirty dollars per month;
15 to a dependent mother and father, or either, the sum of ten
16 dollars per month to each; to dependent brothers and sisters,
17 until they shall have attained the age of sixteen years, the
18 sum of five dollars per month for each, but in no case to ex-
19ceed the total amount paid to brothers and sisters the sum of
20 thirty dollars per month. And provided further that the
21 total payments to the dependents of any such municipal em-
22 ployee shall not exceed an amount in the sum of thirty dollars
23 per month.

Sec. 11. The dependent wife, child or children, or de-
2 pendent father or mother, brothers or sisters of any such muni-
3 eipal employee who shall be killed in the performance of his
4 duties shall, regardless of the length of his service, receive a
5 pension as provided for in that portion of section ten fixing
6 the amount to be paid to the dependents, but in no case to
7 exceed the sum of thirty dollars per month.
8 All acts or parts of acts inconsistent with this act are hereby
9 repealed.
AN ACT to amend section twenty-seven of chapter sixteen of the acts of the legislature of one thousand nine hundred and fifteen, as amended by section twenty-seven of chapter fifty-three of the acts of one thousand nine hundred and nineteen, relating to weights and measures.

[Passed April 25, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 27. Standard weights and measures of commodities defined; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section twenty-seven of chapter sixteen of the acts of the legislature of one thousand nine hundred and fifteen as amended by section twenty-seven of the acts of one thousand nine hundred and nineteen, chapter fifty-three, be amended and re-enacted to read as follows:
A bushel, half bushel, peck, half peck, quarter peck, quart and pint of the respective articles hereinafter mentioned shall be the amount of weight, avoirdupois, as shown by the following table:

<table>
<thead>
<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>8</td>
<td>12</td>
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<tr>
<td>Alfalfa Seed</td>
<td>60</td>
<td>30</td>
<td>15</td>
<td>7</td>
<td>8</td>
<td>3</td>
<td>12</td>
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<tr>
<td>Apple Seed</td>
<td>40</td>
<td>20</td>
<td>10</td>
<td>5</td>
<td>2</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Beans (dried shell)</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>Beans, castor</td>
<td>46</td>
<td>23</td>
<td>11</td>
<td>8</td>
<td>5</td>
<td>12</td>
<td>2</td>
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<tr>
<td>Beans (unshelled)</td>
<td>38</td>
<td>19</td>
<td>9</td>
<td>8</td>
<td>4</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Beans (stringed)</td>
<td>24</td>
<td>12</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>8</td>
<td>12</td>
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<tr>
<td>Beans (limas)</td>
<td>56</td>
<td>28</td>
<td>14</td>
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<tr>
<td>14</td>
<td>Beans, soy</td>
<td>58</td>
<td>29</td>
<td>14</td>
<td>8</td>
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<td>15</td>
<td>Beans, scarlet pole</td>
<td>50</td>
<td>25</td>
<td>12</td>
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</tr>
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<td>16</td>
<td>Beets</td>
<td>56</td>
<td>28</td>
<td>14</td>
<td>7</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>17</td>
<td>Blackberries</td>
<td>48</td>
<td>24</td>
<td>12</td>
<td>6</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>18</td>
<td>Blue grass seed</td>
<td>14</td>
<td>7</td>
<td>3</td>
<td>8</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>19</td>
<td>Blue grass seed (English)</td>
<td>22</td>
<td>11</td>
<td>5</td>
<td>8</td>
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</tr>
<tr>
<td>20</td>
<td>Broom corn seed</td>
<td>57</td>
<td>28½</td>
<td>14</td>
<td>4</td>
<td>7</td>
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</tr>
<tr>
<td>21</td>
<td>Buckwheat</td>
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<td>12</td>
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<td>Barley</td>
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<td>23</td>
<td>Bran</td>
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<tr>
<td>24</td>
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<tr>
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<td>Canary seed</td>
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<tr>
<td>26</td>
<td>27</td>
<td>28 Carrots</td>
<td>29 Cement</td>
<td>30 Charcoal</td>
<td>31 Cherries (with stems)</td>
<td>32 Cherries (without stems)</td>
<td>33 Chestnuts</td>
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<td>Bu.</td>
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<td>68</td>
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<td>8 8</td>
<td>4 4</td>
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</table>

**Weights and Measures**
<table>
<thead>
<tr>
<th>Item Description</th>
<th>Weights and Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>39 Corn (ear green)</td>
<td>72 36 18 9 4 8 2 4 1 2</td>
</tr>
<tr>
<td>40 Corn (shelled)</td>
<td>56 28 14 7 3 8 1 12 14</td>
</tr>
<tr>
<td>41 Corn (sweet)</td>
<td>50 25 12 8 6 4 3 2 1 9 12½</td>
</tr>
<tr>
<td>42 Corn meal</td>
<td>48 24 12 6 3 1 8 12</td>
</tr>
<tr>
<td>43 Corn meal (bolted)</td>
<td>46 23 11 8 5 12 2 14 1 7 11½</td>
</tr>
<tr>
<td>44 Cotton seed</td>
<td>32 16 8 4 2 1 8</td>
</tr>
<tr>
<td>45 Cotton seed (S. I.)</td>
<td>44 22 11 5 8 2 10 1 6 11</td>
</tr>
<tr>
<td>46 Cranberries</td>
<td>36 18 9 4 8 2 4 1 2 9</td>
</tr>
<tr>
<td>47 Cucumbers (green)</td>
<td>50 25 12 8 6 4 3 2 1 9 12½</td>
</tr>
<tr>
<td>48 Currants</td>
<td>40 20 10 5 2 8 1 4 10</td>
</tr>
<tr>
<td>49 Flax seed</td>
<td>56 28 14 7 3 8 1 12 14</td>
</tr>
<tr>
<td>50 Gooseberries</td>
<td>40 20 10 5 2 8 1 4 10</td>
</tr>
<tr>
<td></td>
<td>Commodity</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>53</td>
<td>Grapes (with stems)</td>
</tr>
<tr>
<td>54</td>
<td>Grapes</td>
</tr>
<tr>
<td>55</td>
<td>Hair (washed)</td>
</tr>
<tr>
<td>56</td>
<td>Hair (unwashed)</td>
</tr>
<tr>
<td>57</td>
<td>Hemp seed</td>
</tr>
<tr>
<td>58</td>
<td>Herds grass</td>
</tr>
<tr>
<td>59</td>
<td>Hickory Nuts</td>
</tr>
<tr>
<td>60</td>
<td>Hominy</td>
</tr>
<tr>
<td>61</td>
<td>Horse radish</td>
</tr>
<tr>
<td>62</td>
<td>Huckleberries</td>
</tr>
<tr>
<td>63</td>
<td>Hungarian grass</td>
</tr>
<tr>
<td>Item</td>
<td>64</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Kaffir corn</td>
<td>56</td>
</tr>
<tr>
<td>Kale</td>
<td>15</td>
</tr>
<tr>
<td>Lime (unslaked)</td>
<td>70</td>
</tr>
<tr>
<td>Lime (slaked)</td>
<td>40</td>
</tr>
<tr>
<td>Malt</td>
<td>34</td>
</tr>
<tr>
<td>Millet</td>
<td>50</td>
</tr>
<tr>
<td>Millet (Japan)</td>
<td>35</td>
</tr>
<tr>
<td>Oats</td>
<td>32</td>
</tr>
<tr>
<td>Onions</td>
<td>55</td>
</tr>
<tr>
<td>Onions (bottom sets)</td>
<td>32</td>
</tr>
<tr>
<td>Onions (top sets)</td>
<td>28</td>
</tr>
<tr>
<td>Orchard grass</td>
<td>14</td>
</tr>
<tr>
<td>----------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Osage orange seed</td>
<td>33</td>
</tr>
<tr>
<td>Parsnips</td>
<td>42</td>
</tr>
<tr>
<td>Peaches</td>
<td>48</td>
</tr>
<tr>
<td>Peaches (dried)</td>
<td>33</td>
</tr>
<tr>
<td>Peanuts</td>
<td>23</td>
</tr>
<tr>
<td>Pears</td>
<td>50</td>
</tr>
<tr>
<td>Peas (dry)</td>
<td>60</td>
</tr>
<tr>
<td>Peas (green, shelled)</td>
<td>50</td>
</tr>
<tr>
<td>Peas (green, unshelled)</td>
<td>30</td>
</tr>
<tr>
<td>Peas (wrinkled)</td>
<td>56</td>
</tr>
<tr>
<td>Plums</td>
<td>60</td>
</tr>
<tr>
<td>Item</td>
<td>Weight per dozen in Lb.</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>89 Potatoes (Irish)</td>
<td>56</td>
</tr>
<tr>
<td>90 Potatoes (sweet)</td>
<td>50</td>
</tr>
<tr>
<td>91 Quinces</td>
<td>48</td>
</tr>
<tr>
<td>92 Rape seed</td>
<td>50</td>
</tr>
<tr>
<td>93 Raspberries</td>
<td>48</td>
</tr>
<tr>
<td>94 Red Top grass seed</td>
<td>14</td>
</tr>
<tr>
<td>95 Rice corn (shelled)</td>
<td>56</td>
</tr>
<tr>
<td>96 Rice corn (unshelled)</td>
<td>45</td>
</tr>
<tr>
<td>97 Rutabagas</td>
<td>50</td>
</tr>
<tr>
<td>98 Rye</td>
<td>56</td>
</tr>
<tr>
<td>99 Rye meal</td>
<td>50</td>
</tr>
<tr>
<td>100 Salt (coarse)</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>Bu.</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>103</td>
<td>Salt (fine)</td>
</tr>
<tr>
<td>104</td>
<td>Sand</td>
</tr>
<tr>
<td>105</td>
<td>Shorts</td>
</tr>
<tr>
<td>106</td>
<td>Sorghum seed</td>
</tr>
<tr>
<td>107</td>
<td>Spelt or Speltz</td>
</tr>
<tr>
<td>108</td>
<td>Spinach</td>
</tr>
<tr>
<td>109</td>
<td>Strawberries</td>
</tr>
<tr>
<td>110</td>
<td>Timothy seed</td>
</tr>
<tr>
<td>111</td>
<td>Tomatoes</td>
</tr>
<tr>
<td>112</td>
<td>Turnips</td>
</tr>
<tr>
<td>113</td>
<td>Walnuts</td>
</tr>
<tr>
<td>114</td>
<td>Wheat</td>
</tr>
</tbody>
</table>
115 One barrel of flour shall contain one hundred and ninety-six pounds, one-half barrel ninety-eight pounds, one-quarter barrel forty-nine pounds, one-eighth barrel twenty-four and one-half pounds and one-sixteenth barrel twelve and one-quarter pounds, net weight.

118 One barrel of lime shall contain two hundred pounds.

119 A ton shall contain two thousand pounds.

120 The standard barrel for fruit, vegetables and produce shall be of the following dimensions: Inside staves at ends, seventeen and one-eighth inches; distance between heads, inside, twenty-six inches; circumference over bilge, sixty-four inches, and capacity seven thousand and fifty-six cubic inches.

123 All acts and parts of acts inconsistent herewith are hereby repealed.
CHAPTER 46
(House Bill No. 90—Mr. Everhart)

AN ACT to amend and re-enact section three of chapter fifty-seven of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, relating to the property of religious, educational and benevolent institutions.

[Passed April 25, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

Sec. 3. Conveyances for benefit of educational or benevolent institutions.

Be it enacted by the Legislature of West Virginia:

That section three of chapter fifty-seven 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 3. Where any conveyance of land or personal property has been made or shall be made to trustees for the use of any college, academy, high school or other seminary of learning, or for use of any society of Free Masons, Odd Fellows, Sons of Temperance or Good Templars, or for an orphans' asylum or children's home, Daughters of the American Revolution, United Daughters of the Confederacy, or other benevolent association or purpose; or if without the intervention of trustees such conveyance has been made since the thirty-first day of March, one thousand eight hundred and forty-eight or shall be hereafter made for such use or purposes, same shall be valid and the land shall be held for such use or purpose only.

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

CHAPTER 47
(House Bill No. 107—Mrs. Gates)

AN ACT to amend and re-enact chapter one hundred and eighteen of the acts of the legislature of West Virginia for the year one thousand nine hundred and nineteen, and to add thereto additional sections to be known as sections fourteen-h, fourteen-i, fourteen-j and fourteen-k.
Ch. 47]  HUMANE OFFICERS  149

[Passed April 25, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

Sec. 14-a. Sheriff shall designate deputy as humane officer.

14-b. Duties of officers; obstruction or interference with officer in discharge of duties, misdemeanor; penalty, fine or imprisonment or both.

14-c. Animals abandoned or neglected taken in charge by officer; expenses constitutes lien, recovery by civil action.

14-d. Officer to keep in possession animal until expenses are paid.

14-e. May destroy animal upon certificate of veterinary surgeon in certain cases.

14-f. Expenses collected from owner in action therefor.

Sec. 14-g. Holder of lien may sell animal at public auction; notice required.

14-h. Issuance of warrants authorized; search prohibited after sunset.

14-i. Shooting of live birds to test marksmanship a misdemeanor; penalty, fine or imprisonment or both.

14-j. Training of birds or animals for fighting prohibited.

14-k. Officers may, without warrants, enter place or building and seize birds or animals kept for fighting.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and eighteen of the acts of the legislature for the year one thousand nine hundred and nineteen be amended so as to read as follows:

Section 14-a. The sheriff of each county of this state shall annually designate, by a record made in the office of the clerk of the county court, one of his deputies to act as humane officer of said county, and it shall be the duty of the deputy sheriff so designated to act as humane officer, as well as all peace officers as designated by law, to investigate all complaints made to him of cruel or inhuman treatment of animals within his county, and to personally see that the law relating to the prevention of cruelty to animals is enforced; and failure to investigate any complaint made to him and to take proper measures in such case or to perform his duty in any other respect shall constitute good cause for removal from office.

Sec. 14-b. It shall be the duty of such officers to prevent the perpetration or continuance of any act of cruelty upon any animal in his presence, and to arrest and prosecute any person engaging in such cruel and forbidden practices in his presence or whom he finds reasonable cause to believe guilty thereof after investigating any complaint made to him, and any 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 or imprisoned in the county jail not more than thirty days, or both, and this shall be in addition to any penalty such person may incur for cruel or inhuman treatment of any animal.
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, if the person in charge thereof be not the owner, give notice of such seizure to the owner, and provide for them until their owner shall take charge of the same; and if the person in charge of or driving such animals be the owner thereof the same shall not be returned to him until he has been tried for the offense and acquitted, or if convicted, until he shall give bond in the penalty of five hundred dollars with approved security before the tribunal trying the case conditioned not to again cruelly treat such animals; and the officer shall have a lien upon such animals and the 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. Such officers shall 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 and a lien upon the animal, and such animal shall not be turned over to such owner until the same is paid; provided, that if it shall appear to such officers that the owner of such animal has wilfully abandoned, neglected or cruelly treated the same, such animal shall not be returned to him until he has been acquitted of the charge, or if convicted thereof until he has given bond as provided in the last preceding section, and not then until he has fully paid all charges for the care and provisions for such animal during the time it shall have been in the possession of such humane officer.

Sec. 14-e. Any such officers 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 a regularly licensed veterinary surgeon, that such animal appears to be injured, disabled, diseased past recovery or unfit for any useful purpose.

Sec. 14-f. When said officers 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
Sec. 14-g. The said officers 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.

Sec. 14-h. If complaint is made to a court or magistrate which is authorized to issue warrants in criminal cases that the complainant believes and has reasonable cause to believe that the laws relative to cruelty to animals have been or are violated in any particular building or place, such court or magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, constable or police officer to search such building or place; but no such search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown.

Sec. 14-i. Whoever keeps or uses a live bird to be shot at either for amusement or as a test of skill in marksmanship, or shoots at a bird kept or used as aforesaid, or is a party to such shooting, or lets any building, room, field, or premises, or knowingly permits the use thereof, for the purpose of such shooting, shall be punished by fine of not more than fifty dollars or by imprisonment for not more than one month, or by both. Nothing herein contained shall apply to the shooting of wild game.

Sec. 14-j. If complaint is made to a court or magistrate authorized to issue warrants in criminal cases that the complainant believes and has reasonable cause to believe that preparations are being made for an exhibition of the fighting of birds, dogs, or other animals, or that such exhibition is in progress, or that birds, dogs, or other animals are kept or trained for fighting at any place or in any building or tenement, such court or magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, constable, or police officer, to search such place, building, or tenement at any hour of the day or
12 night, and take possession of all such birds, dogs or other ani-
13 mals there found and to arrest all persons there present at any
14 such exhibition or where preparations for such an exhibition are
15 being made, or where birds, dogs, or other animals are kept or
16 trained for fighting.

Sec. 14-k. Any officer authorized to serve criminal process,
2 may, without warrant, enter any place, building, or tenement in
3 which there is an exhibition of the fighting of birds, dogs, or
4 other animals, or in which preparations are being made for such
5 an exhibition and arrest all persons there present and take pos-
6 session of and remove from the place of seizure the birds, dogs,
7 or other animals engaged in fighting, or there found and in-
8 tended to be used or engaged in fighting, or kept or trained
9 for fighting and hold the same in custody subject to the order
10 of the court as hereinafter provided.

CHAPTER 48

(House Bill No. 177—Mr. Huber)

AN ACT to amend and re-enact section six, chapter thirty, of the
acts of one thousand nine hundred and nineteen relating to in-
spension of factories, mercantile establishments, mills or work-
shops.

[Passed April 24, 1923. In effect ninety days from passage. Approved by the
Governor May 1, 1923]

Sec.

6. Factory equipment and inspec-
tion; salary of commissioner,
clerks, etc.; acts in conflict re-
pealed.

Be it enacted by the Legislature of West Virginia:

That section six of chapter thirty, acts of one thousand nine hun-
dred and nineteen, relating to the inspection of factories, mercantile
establishments, mills or workshops be amended and re-enacted so as
to read as follows:

Section 6. All rooms, buildings and places in this state where
2 labor is employed or shall hereafter be employed, in any fac-
3 tories, mercantile establishments, mills or workshops, shall be so
4 constructed, equipped and arranged, operated and conducted, in
5 all respects, as to provide reasonable and adequate protection
6 for the life, health, safety and morals of all persons employed
7 therein. Where accidents occur in any factories, mercantile estab-
8 lishments, mills or workshops, causing employees, from the
9 nature of the accident, to be away from his or her duties for a
10 period of ten consecutive days, a report shall be made to the
11 bureau of labor of said accident on blanks to be furnished by the
12 commissioner of labor. If death occurs, report shall be made
13 within ten days thereafter. For the carrying into effect of these
14 provisions, and the provisions of all the laws of this state, the
15 enforcement of which is now or shall hereafter be intrusted to or
16 imposed upon the bureau of labor, the commissioner of labor
17 shall appoint six factory inspectors. The commissioner of labor
18 may at any time divide the state into inspection districts as
19 to him may seem advisable and assign the inspectors to the
20 several districts. The commissioner of labor shall appoint a
21 chief clerk and such other clerks and stenographers as the good
22 of the service requires and within the appropriation made by
23 the legislature. The salary of the commissioner of labor pro-
24 vided for in this act shall be four thousand dollars per annum.
25 All acts and parts of acts inconsistent with this act are here-
26 by repealed.

CHAPTER 49

(House Bill No. 307—Mr. Huber)

AN ACT to amend and re-enact chapter fifteen of the acts of one
thousand nine hundred and one, relating to an employment bureau.

[Passed April 25, 1923. In effect ninety days from passage. Approved by the
Governor May 1, 1923]

Sec. 1. Employment bureau, commissioner of labor authorized to estab-

lish.

Sec. 2. No compensation, etc.; assistance and expense, limit.

Sec. 3. Expenses, how paid; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

That chapter fifteen, acts of one thousand nine hundred and one,
relating to an employment bureau, be amended and re-enacted so as to read as follows:

Section 1. The commissioner of labor is hereby authorized
2 to organize and establish in connection with the bureau of
3 labor and in co-operation with the United State employment
service of the United States department of labor, a free em-
ployment bureau for the purpose of receiving applications
from persons seeking employment and applications from per-
sons seeking to employ labor.

Sec. 2. No compensation or fee shall be charged or received
directly or indirectly from persons applying for work, infor-
mation or help through said department. The commissioner
of labor is hereby authorized to employ such assistance and
incur such expense as may be necessary to carry into effect
the purpose of this act. But such assistance and expense shall
not exceed twenty-five hundred dollars per annum.

Sec. 3. The expenses of the employment bureau shall be
paid in the same manner and way as other expenses of the
bureau of labor.

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

CHAPTER 50

(House Bill No. 188—Mr. Huber)

AN ACT to amend section sixty-five-a of chapter fifty-four of the
code of West Virginia as amended, relating to completion of
railroads.

[Passed April 19, 1923. In effect ninety days from passage. Approved by the
Governor May 1, 1923]

Sec. 65-a. Limit of time within which rail-
roads shall be completed and
put in operation.

Be it enacted by the Legislature of West Virginia:

That section sixty-five-a, chapter fifty-four of the code of West
Virginia be amended so as to read as follows:

Section 65-a. Notwithstanding the provisions of any of
the sections of the code of West Virginia prescribing the time
for construction or completion of railroads within this state, any
railroad company heretofore organized under the laws of this
state since January first, one thousand nine hundred and two,
which shall have heretofore spent twenty per centum of its stock
actually subscribed shall have five years from and after the
present expiration date for such completion within which to
complete its railroad and put the same in operation.
CHAPTER 51

(House Bill No. 189—Mr. Cooper)

AN ACT to co-ordinate the functions of the commissioner of agriculture and the extension department of the state university and to create the state bureau of agriculture.

[Passed April 24, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Be it enacted by the Legislature of West Virginia:

Section 1. That a state bureau of agriculture be and the same is hereby created to consist of the commissioner of agriculture and the director of the agricultural extension of the 3-a university, ex-officio. It shall be the duty of the members of said bureau to meet together at the seat of government at least four times each year at regular intervals and to consider the conditions and needs of the agricultural interests of the state and as to how and in what manner the functions, powers and duties assigned by law to each department of agriculture may be most efficiently and economically administered for the benefit of the state and so that there may be neither overlapping, duplication nor interference of, by or with the work of the one department with that of the other, and that the department best calculated to exercise and discharge certain powers, duties or functions be thereunto appointed and authorized, and that the other department shall desist from further activities in that behalf. In case the members of said bureau shall fail to agree upon any matter in issue hereunder, the governor shall be and is hereby constituted the umpire, and shall decide the matter of difference between them, and his decision shall be final. The department against which such decision shall be, shall cease all activities not in conformity with such decision, and the other department shall proceed to carry on the work in conformity therewith.

All acts and parts of acts coming within the purview of this act and inconsistent with its terms, are hereby repealed.
AN ACT to amend and re-enact chapter forty-four of the acts of the legislature of one thousand nine hundred and seventeen, regulating the sale of commercial fertilizers.

(Passed April 25, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923)

SEC. 1. Terms defined: "fertilizer", "person".

SEC. 2. Affidavit filed with commissioner of agriculture.

SEC. 3. Analysis as set out in section two.

SEC. 4. Commissioners shall take or cause samples to be taken, analyze same and publish results.

SEC. 5. Inspection authorized; shall report offenses to Prosecuting Attorney; offender subject to penalties of act.

SEC. 6. Violation, misdemeanor; penalty, first offense fine twenty to three hundred dollars; second offense, fine of fifty to five hundred dollars.

Be it enacted by the Legislature of West Virginia:

That chapter forty-four of the acts of the legislature of one thousand nine hundred and seventeen is hereby amended and re-enacted so as to read as follows:

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

Sec. 2. Every person who shall offer or expose for sale or sell in this state any fertilizer, shall, before the same is sold, offered or exposed for sale, file with the commissioner of agriculture an affidavit clearly and truly setting forth the name, brand or trade mark, and burnt lime and ground limestone and marl when sold with or without brand, name or trade mark; and the term "person" shall be held to include corporations, companies, societies, and associations, whether acting through an agent or servant.

SEC. 3. The composition of the fertilizer, including the percentum of every constituent relied upon as contributing to the value of the fertilizer, and the materials from which said constituents are derived, said statements as to materials shall be quantitative; provided, that when the manufacturer, jobber or importer of any fertilizer shall file the affidavit required by this section, no agents or dealers selling the same fertilizer for him under his name and brand shall be required so to do; provided, that no
fertilizer shall be offered or exposed for sale in this state unless
the same contains twelve per cent or more of total available plant
food.

The affidavit required by this section shall be made annually,
but may be made at any time for the calendar year, and may be
filed in the month of December for the year following.

Sec. 3. Every bag, barrel or other package of fertilizer sold,
offered or exposed for sale in this state shall have branded on
or conspicuously attached to it a statement that the manufac-
turer thereof has complied with this act, the brand name of the
fertilizer, the net weight of the package, the name and address
of the manufacturer, and the guaranteed analysis of the ferti-
lizer set out as required in the affidavit required in section two;
provided, that this act shall not apply to fertilizer materials
sold to fertilizer manufacturers to be prepared or treated by
themselves and resold.

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

Sec. 5. In the discharge of his duties in behalf of agriculture
in this state, the commissioner shall seek to make the inspection
of fertilizers hereby intrusted to him as helpful as possible to
the purchasers of fertilizers in this state and is hereby author-
ized to make such rules and regulations as may be necessary to
carry into effect the full intent and meaning of this act; the said
commissioner shall report promptly to the prosecuting attorney
of the county in which the offense was committed, any violations
of this act and all failures to comply therewith and a copy of
any label, statement or tag required to be filed with the said
commissioner or prepared by him and any analysis made or
caused to be made by him when duly certified by the said com-
missioner shall be admissible in evidence to the same extent as
if it were his deposition taken in the manner prescribed by law
for the taking of depositions, in any prosecution or suit for any
violation of the provisions of this act.

Any manufacturer, dealer or agent who shall sell, offer or ex-
pose for sale in this state any fertilizer without first having
complied with the requirements of this act regarding such fertil-
erizer, or any person who shall receive or remove any fertilizer
without its having been registered and branded as required by
this act, shall be guilty of a misdemeanor and be subject to
penalties prescribed under this act.

Sec. 7. Any person who shall violate any of the provisions of
this act or who shall fail to comply therewith, shall be guilty of
misdemeanor and on conviction thereof shall be fined not less
than twenty dollars and not more than one hundred dollars for
the first offense, and not less than fifty dollars and not more
than five hundred dollars for each subsequent offense.

CHAPTER 53
(House Bill No. 222—Mr. Patton)

AN ACT to amend and re-enact chapter one hundred and twenty-
one of the acts of the legislature of one thousand nine hun-
dred and twenty-one, regular session, all relating to the au-
thorization and the formation of non-profit, co-operative as-
sociations, with or without capital stock, for the purpose of
encouraging the orderly marketing of agricultural products
through co-operation; defining the various terms used therein;
enumerating the activities and powers of such an association;
prescribing the right and privileges of membership; provid-
ing for articles of incorporation, declaring what they shall
contain, manner of executing and filing, method of amending
same; providing for by-laws and what they may contain; pro-
viding for method of election of directors, filling of vacancies;
powers and duties of directors; division into election dis-
tricts; appointment of executive committees and allotment of
functions of powers; providing for officers, qualifications,
elections and functions; regulating issuance of member-
ship certificates or stock and payment therefor; limiting personal liability of members for debts of association; regulating voting power of members and stockholders; authorizing issuance of preferred stock, with or without right to vote; and the retirement thereof; providing for removal of officers and directors; providing for referendum to members; providing for a marketing contract; and prescribing remedies for breach of contract; authorizing general equitable remedies in the event of breach of agreement; stating presumption of control of products by landlords who have signed marketing agreements; providing for annual reports; providing that no provision of law in conflict with this act shall be construed as applying to such association; limiting the use of the word "co-operative" in names for producers' co-operative marketing activities; permitting associations to organize other corporations or to own stock in other corporations; providing for agreements with other co-operative associations in this or other states and stating the purposes or reasons therefor; providing that associations heretofore organized may reorganize hereunder; providing for similar rights and remedies for co-operative associations organized under generally similar laws in other states; making it a misdemeanor to spread false reports about it and prescribing a fine for each offense; making such offender liable to the association therefore in a civil suit; providing liability to the association; providing that no such association shall be deemed a conspiracy or an illegal combination or monopoly; and providing that marketing contracts shall not be considered illegal; providing that if any section of this act shall be declared unconstitutional, the remainder of this act shall not be thereby affected; and providing that the general corporation laws of this state shall apply to such associations, except where inconsistent with express provisions hereof.

[Passed April 18, 1923. In effect ninety days from passage. Approved by the Governor May 2, 1923]
16. Removal of officer or director.

17. Referendum.

18. Marketing contract.


22. Conflicting laws not to apply.

23. Limitations of the use of term "Corporation".

24. Interest in other Corporations or Associations.

25. Contracts and agreements with other associations.

26. Rights and remedies apply to similar associations of other states.

27. Associations heretofore organized may adopt the provisions of this act.


29. Warehousemen liable for damages for encouraging or permitting delivery of products in violations of marketing agreements.

30. Associations are not in restraint of trade.

31. Constitutionality.

32. Application of general corporation laws.

Ise it enacted by the Legislature of West Virginia:

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

Declaration of Policy.

Section 1. In order to promote, foster and encourage the intelligent and orderly marketing of agricultural products through co-operation; and to eliminate speculation and waste; and to make the distribution of agricultural products between producer and consumer as direct as can be efficiently done; and to stabilize the marketing of agriculture products to provide for the organization and incorporation of co-operative marketing associations for the marketing of such products, this act is passed.

Definitions As Used in This Act.

Sec. 2. (a) The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, live stock, poultry, bee and any farm products.

(b) The term "member" shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock.

(c) The term "association" means any corporation organized under this act; and

(d) The term "person" shall include individuals, firms, partnerships, corporations and associations.

Associations organized hereunder shall be deemed "non-profit", inasmuch as they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers.
(e) For the purposes of brevity and convenience this act may be indexed, referred to and cited as "The Co-operative Marketing Act."

Who May Organize.

Sec. 3. Eleven or more persons, a majority of whom are residents of this state, engaged in the production of agricultural products, may form a non-profit, co-operative association, with or without capital stock, under the provisions of this act.

Purposes.

Sec. 4. An association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, canning, packing, grading, storing, handling, shipping or utilization thereof, or the manufacturing or marketing of the by-products thereof; or in connection with the manufacturing, selling or supplying to its members of machinery, equipment or supplies; or in the financing of the above enumerated activities; or in any one or more of the activities specified herein.

Preliminary Investigation.

Sec. 5. Every group of persons contemplating the organization of an association under this act is urged to communicate with the dean of the college of agriculture at Morgantown, who will inform them whatever a survey of the marketing conditions affecting the commodities proposed to be handled may indicate regarding probable success. It is here recognized that agriculture is characterized by individual production in contrast to the group, or factory system that characterizes other forms of industrial production; and that the ordinary form of corporate organization permits industrial groups to combine for the purpose of group production and the ensuing group marketing and that the public has an interest in permitting farmers to bring their industry to the high degree of efficiency and merchandising skill evidenced in the manufacturing industries; and that the public interest urgently needs to prevent the migration from the farm to the city in order to keep up farm production and to preserve the
agricultural supply of the nation; and that the public interest
demands that the farmer be encouraged to attain a superior
and more direct system of marketing in the substitution of mer-
chandising for the blind, unscientific and speculative selling
of crops; and that for this purpose, the farmers should secure
special guidance and instructive data from the dean of agri-
culture at the university of West Virginia at Morgantown.

Powers.

Sec. 6. Each association incorporated under this act shall
have the following powers:
(a) To engage in any activity in connection with the
marketing, selling, preserving, harvesting, drying, processing,
manufacturing, canning, packing, grading, storing, handling or
utilization of any agricultural products produced or delivered
to it by its members, or the manufacturing or marketing of the
by-products thereof; or any activity in connection with the
purchase, hiring or use by its members of supplies, machinery
or equipment; or in the financing of any such activities; or in
any one or more of the activities specified in this section. No
association, however, shall handle the agricultural products of
any non-member, except for storage.
(b) To borrow money without limitation as to amount of
corporate indebtedness or liability; and to make advance pay-
ments and advances to members.
(c) To act as the agent or representative of any member
or members in any of the above mentioned activities.
(d) To purchase or otherwise acquire, and to hold, own,
and exercise all rights of ownership in, and to sell, transfer
or pledge, or guarantee the payment of dividends or interest
on, or the retirement or redemption of, shares of the capital
stock or bonds of any corporation or association engaged in
any related activity or in the warehousing or handling or
marketing of any of the products handled by the association.
(e) To establish reserves and to invest the funds thereof
in bonds or in such other property as may be provided in the
by-laws.
(f) To buy, hold and exercise all privileges of ownership,
over real or personal property as may be necessary or conven-
ient for the conduct and operation of any of the business of the
association, or incidental thereto.
To establish, secure, own and develop patents, trade-marks and copyrights.

To do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the subjects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition, any other rights, powers and privileges granted by the laws of this state to ordinary corporations, except such as are inconsistent with the express provisions of this act; and to do any such thing anywhere.

Members.

Sec. 7. (a) Under the terms and conditions prescribed in the by-laws adopted by it, an association may admit as members, (or issue common stock to), only persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent all or any part of the crop raised on the leased premises.

(b) If a member of a non-stock association be other than a natural person, such members may be represented by any individual, associate, officer or manager or member thereof, duly authorized in writing.

(c) One association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

Articles of Incorporation.

Sec. 8. Each association formed under this act must prepare and file articles of incorporation, setting forth:

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The place where its principal business will be transacted.

(d) The term for which it is to exist, not exceeding fifty years.
9 (e) The number of directors thereof, which must be not less
10 than five and may be any number in excess thereof; the term of
11 office of such directors; and the names and addresses of those
12 who are to serve as incorporating directors for the first term,
13 and or until the election and qualification of their successors.
14 (f) If organized without capital stock, whether the
15 property rights and interest of each member shall be equal or
16 unequal; and if unequal, the general rule or rules applicable
17 to all members by which the property rights and interests, re
18 spectively, of each member may and shall be determined and
19 fixed; and provision for the admission of new members who
20 shall be entitled to share in the property of the association with
21 the old members, in accordance with such general rule or rules.
22 This provision or paragraph of the articles of incorporation
23 shall not be altered, amended, or repealed except by the written
24 consent or vote of three-fourths of the members.
25 (g) If organized with capital stock, the amount of such
26 stock and the number of shares into which it is divided and
27 the par value thereof.
28 The capital stock may be divided into preferred and com-
29 mon stock. If so divided, the articles of incorporation must
30 contain a statement of the number of shares of stock to which
31 preference is granted and the number of shares of stock to
32 which no preference is granted and the nature and definite
33 extent of the preference and privileges granted to each.
34 The articles must be subscribed by the incorporators and ac-
35 knowledged by one of them before an officer authorized by the
36 law of this state to take and certify acknowledgments of deeds
37 and conveyances; and shall be filed in accordance with the provi-
38 sions of the general corporation law of this state; and when
39 so filed, the said articles of incorporation, or certified copies
40 thereof, shall be received in all the courts of this state and other
41 places as prima facie evidence of the facts contained therein
42 and of the due incorporation of such association. A certified
43 copy of the articles of incorporation shall also be filed with the
44 dean of the college of agriculture at Morgantown.

Amendments to Articles of Incorporation.

Sec. 9. The articles of incorporation may be altered or
2 amended at any regular meeting or any special meeting
3 called for that purpose. An amendment must first be ap-
proved by two-thirds of the directors and then adopted by a
vote representing a majority of all the members of the associa-
tion. Amendments to the articles of incorporation, when so
adopted, shall be filed in accordance with the provisions of the
general corporation law of this state.

**By-Laws.**

Sec. 10. Each association incorporated under this act must,
within thirty days after its incorporation, adopt for its govern-
ment and management, a code of by-laws, not inconsistent with
the powers granted by this act. A majority vote of the mem-
bers or stockholders, or their written assent, is necessary to
adopt such by-laws. Each association, under its by-laws, may
provide for any or all of the following matters:
(a) The time, place and manner of calling and conducting
its meetings.
(b) The number of stockholders or members constituting
a quorum.
(c) The right of members or stockholders to vote by proxy
or by mail or both; and the conditions, manner, form, and ef-
fects of such votes.
(d) The number of directors constituting a quorum.
(e) The qualifications, compensation and duties and term
of office of directors and officers; time of their election and the
mode and manner of giving notice thereof.
(f) Penalties for violation of the by-laws.
(g) The amount of entrance, organization and membership
fees, if any; the manner and method of collection of the same;
and the purposes for which they may be used.
(h) The amount which each member or stockholder shall
be required to pay annually or from time to time, if at all, to
carry on the business of the association; the charge, if any, to
be paid by each member or stockholder for services rendered
by the association to him and the time of payment and the
manner of collection; and the marketing contract between the
association and its members or stockholders which every mem-
ber or stockholder may be required to sign.
(i) The number and qualifications of members or stock-
holders of the association and the conditions precedent to mem-
ership or ownership of common stock; the method, time and
manner of permitting members to withdraw or the holders of
35 common stock to transfer their stock; the manner of assign-
36 ment and transfer of the interest of members and of the shares
37 of common stock; the conditions upon which and time when
38 membership of any member shall cease; the automatic suspen-
39 sion of the rights of a member when he ceases to be eligible to
40 membership in the association; and the mode, manner and effect
41 of the expulsion of a member; the manner of determining the
42 value of a member’s interest and provision for its purchase by
43 the association upon the death or withdrawal of a member or
44 stockholder, or upon the expulsion of a member or forfeiture of
45 his membership, or, at the option of the association, the pur-
46 chase at a price fixed by conclusive appraisal by the board of
47 directors. In case of the withdrawal or expulsion of a member,
48 the board of directors shall equitably and conclusively ap-
49raise his property interests in the association and shall fix the
50 amount thereof in money, which shall be paid to him within
51 one year after such expulsion or withdrawal.

General and Special Meetings—How Called.

Sec. 11. In its by-laws, each association shall provide for
2 one or more regular meetings annually. The board of directors
3 shall have the right to call a special meeting at any time; and
4 ten per cent of the members or stockholders may file a petition
5 stating the specific business to be brought before the association
6 and demand a special meeting at any time. Such meeting must
7 thereupon be called by the directors. Notice of all meetings,
8 together with a statement of the purposes thereof, shall be
9 mailed to each member at least ten days prior to the meeting;
10 provided, however, that the by-laws may require instead that
11 such notice may be given by publication in a newspaper of
12 general circulation, published at the principal place of busi-
13 ness of the association.

Directors—Election.

Sec. 12. The affairs of the association shall be managed by
2 a board of not less than five directors, elected by the members
3 or stockholders from their own number. The by-laws may pro-
4 vide that the territory in which the association has members
5 shall be divided into districts and that the directors shall be
6 elected according to such districts, either directly or by district
7 delegates elected by the members in that district. In such a
8 case the by-laws shall specify the number of directors to be
Elected by each district, the manner and the method of reapportioning the directors and of redistricting the territory covered by the association. The by-laws may provide that primary elections shall be held in each district to elect the directors apportioned to such districts and that the result of all such primary elections may be ratified by the next regular meeting of the association or may be considered final as to the association. The by-laws may provide that one or more directors may be appointed by any public official or commission or by the other directors selected by the members or their delegates. Such directors shall represent primarily the interest of the general public in such associations. The directors so appointed need not be members or stockholders of the association; but shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

An association may provide a fair remuneration for the time actually spent by its officers and directors in its service and for the service of the members of its executive committee. No director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of common stock of the association or other, or differing from terms generally current in that district.

The by-laws may provide that no director shall occupy any position in the association, except the president and secretary on regular salary or substantially full time pay.

The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board.

When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, unless the by-laws provide for an election of directors by district. In such a case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

Election of Officers.

Sec. 13. The directors shall elect from their number a president and one or more vice-presidents. They shall also elect a secretary and a treasurer, who need not be directors or
4 members of the association; and they may combine the two latter offices and designate the combined office as secretary-treasurer; or unite both functions and titles in one person. The treasurer may be a bank or any depository, and as such, shall not be considered as an officer, but as a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as and where authorized by the board of directors.

**Officers, Employes and Agents to Be Bonded.**

Sec. 14. Every officer, employe and agent handling funds or negotiable instruments or property of or for any association created hereunder shall be required to execute and deliver adequate bonds for the faithful performance of his duties and obligations.

**Stock—Membership Certificate—When Issued—Voting—Liability—Limitations on Transfer and Ownership.**

Sec. 15. When a member of an association established without capital stock has paid his membership fee in full, he shall receive a certificate of membership. No association shall issue stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note; but such retention as security shall not affect the member's right to vote. No member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory notes given in payment thereof. No stockholder of a co-operative association shall own more than one-twentieth of the common stock of the association; and an association, in its by-laws, may limit the amount of common stock which one member may own to any amount less than one-twentieth of the common stock. No member or stockholder shall be entitled to more than one vote, regardless of the number of shares of common stock owned by him.
Any association organized with stock under this act may issue preferred stock, with or without the right to vote. Such stock may be sold to any person, member or non-member, and may be redeemable or retireable by the association on such terms and conditions as may be provided for by the articles of incorporation and printed on the face of the certificate. The by-laws shall prohibit the transfer of the common stock of the association to persons not engaged in the production of the agricultural products handled by the association; and such restrictions must be printed upon every certificate of stock subject thereto.

The association may, at any time, as specified in the by-laws, except when the debts of the association exceed fifty per cent of the assets thereof, buy in or purchase its common stock at the book value thereof, as conclusively determined by the board of directors, and pay for it in cash within one year thereafter.

Removal of Officer or Director.

Sec. 16. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by five per cent of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer, against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity.

In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per cent of the members residing in the district from which he was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director; and by a vote of the majority of the members of that district, the director in question shall be removed from office.
Referendum.

Sec. 17. Upon demand of one-third of the entire board of directors, made immediately and so recorded, at the same meeting at which the original motion was passed, any matter of policy that has been approved or passed by the board must be referred to the entire membership or the stockholders for decision at the next special or regular meeting; and a special meeting may be called for the purpose.

Marketing Contract.

Sec. 18. The association and its members may take and execute marketing contracts, requiring the members to sell, for any period of time, not over ten years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association, or any facilities to be created by the association. If they contract a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly, except for recorded liens, to the association upon delivery; or at any other specified time if expressly and definitely agreed in the said contract. The contract may provide, among other things, that the association may sell or resell the products delivered by its members, with or without taking title thereto; and pay over to its members the re-sale price, after deducting all necessary selling, overhead and other costs and expenses, including interest or dividends on stock, not exceeding eight per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; or any other deductions.

Remedies for Breach of Contract

Sec. 19. (a) The by-laws or the marketing contract may fix, as liquidated damages, specific sums to be paid by the members or stockholders to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees, in case any action in which it shall prevail, brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this state; and such clauses providing for liquidated damages shall be enforceable as such and shall not be regarded as penalties.
12 (b) In the event of any such breach or threatened breach
13 of such marketing contract by a member, the association shall
14 be entitled to an injunction to prevent the further breach of the
15 contract and to a decree of specific performance thereof.
16 Pending the adjudication of such an action and upon filing a
17 verified complaint showing the breach or threatened breach,
18 and upon filing a sufficient bond, the association may be en-
19 titled to a temporary restraining order and preliminary injunc-
20 tion against the member.
21 (c) In any action upon such marketing agreement, it
22 shall be presumed as between the parties that the landowner or
23 landlord or lessor claiming therein so to be, is able to control the
24 delivery of products produced on his land by tenants or others,
25 whose tenancy or possession or work on such land or the terms of
26 whose tenancy or possession or labor thereon were created or
27 changed after execution by the landowner or landlord or lessor,
28 of such a marketing agreement; and in such actions, the fore-
29 going remedies for non-delivery or breach shall lie and be en-
30 forceable against such landowner, landlord or lessor.

Purchasing Business of Other Associations, Persons, Firms or
Corporations—Payment—Stock Issues.

Sec. 20. Whenever an association, organized hereunder with
2 preferred capital stock, shall purchase the stock or any prop-
3 erty, or any interest in any property of any person, firm or
4 corporation or association, it may discharge the obligations so
5 incurred, wholly or in part, by exchanging for the acquired in-
6 terest, shares of its preferred capital stock to an amount which
7 at par value would equal the fair market value of the stock or
8 interest so purchased, as determined by the eleven board of
9 directors. In that case the transfer to the association of the
10 stock or interest purchased shall be equivalent to payment in
11 cash for the shares of stock issued.

Annual Reports.

Sec. 21. Each association formed under this act shall pre-
2 pare and make out an annual report on forms to be furnished
3 by the dean of the college of agriculture at Morgantown, con-
4 taining the name of the association; its principal place of busi-
5 ness; and a general statement of its business operations during
6 the fiscal year, showing the amount of capital stock paid up
7 and the number of stockholders of a stock association or the
8 number of members and amount of membership fees received,
9 if a non-stock association; the total expenses of operations; the
10 amount of its indebtedness or liabilities, and its balance sheets.

Conflicting Laws Not to Apply.

Sec. 22. Any provisions of law which are in conflict with
2 this act shall be construed as not applying to the associa-
3 tion herein provided for.
4 Any exemptions whatsoever under any and all existing laws
5 applying to agricultural products in the possession or under
6 the control of the individual producer, shall apply similarly
7 and completely to such products delivered by its former mem-
8 bers, in the possession or under the control of the association.

Limitation of the Use of Term "Co-operative".

Sec. 23. No person, firm, corporation or association, here-
2 after organized or hereafter applying to do business in this
3 state as a farmers’ marketing association for the sale of farm
4 products, shall be entitled to use the word "co-operative" as
5 part of its corporate or other business name or title, unless
6 it has complied with the provisions of this act.

Interest in Other Corporations or Associations.

Sec. 24. An association may organize, form, operate, own,
2 control, have interest in, own stock of, or be a member of any
3 other corporation or corporations, with or without capital stock,
4 and engaged in preserving, drying, processing, canning, pack-
5 ing, storing, handling, shipping, utilizing, manufacturing,
6 marketing or selling of the agricultural products handled by
7 the association, or the by-products thereof.
8 If such corporations are warehousing corporations, they may
9 issue legal warehouse receipts to the association against the
10 commodities delivered by it, or to any other person and such
11 legal warehouse receipts shall be considered as adequate col-
12 lateral to the extent of the usual and current value of the com-
13 modity represented thereby. In case such warehouse is
14 licensed or licensed and bonded under the laws of this or any
15 other state or the United States, its warehouse receipt delivered
16 to the association on commodities of the association or its mem-
bers, or delivered by the association or its members, shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Costracts and Agreements With Other Associations.

Sec. 25. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other co-operative corporation, association or associations, formed in this or in any other state, for the co-operative and more economical carrying on of its business or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same personnel, methods, means and agencies for carrying on and conducting their respective business.

Rights and Remedies Apply to Similar Associations of Other States.

Sec. 26. Any corporation or association heretofore or hereafter organized under generally similar laws of another state shall be allowed to carry on any proper activities, operations and functions in this state upon compliance with the general regulations applicable to foreign corporations desiring to do business in this state and all contracts which could be made by any association incorporated hereunder, made by or with such associations shall be legal and valid and enforceable in this state with all of the remedies set forth in this act.

Associations Heretofore Organized May Adopt the Provisions of This Act.

Sec. 27. Any corporation or association, organized in this state under previously existing statutes, may, by a majority vote of its stockholders or members, be brought under the provisions of this act by limiting its membership and adopting the other restrictions as provided herein. It shall make out in duplicate a statement signed and sworn to by its directors to the effect that the corporation or association has, by a majority vote of the stockholders or members, decided to accept the benefits and
9 be bound by the provisions of this act and has authorized all
10 changes accordingly. Articles of incorporation shall be filed as
11 required in section eight, except that they shall be signed by
12 the members of the then board of directors. The filing fee
13 shall be the same as for filing an amendment to articles of
14 incorporation.
15 (a) Where any association may be incorporated under this
16 act, all contracts heretofore made by or on behalf of same by
17 the promoters thereof in anticipation of such associations be
18 coming incorporated under the laws of this state, whether or not
19 such contracts be made by or in the name of some corporation or
20 organized elsewhere, and when same would have been valid if en-
21 tered into subsequent to the passage of this act, are hereby
22 validated as if made after the passage of this act.

Misdemeanor to Spread False Reports About the Finances or the
Management of Co-operative Associations.

Sec. 28. Any person or persons or any corporation whose
2 officers maliciously and knowingly spreads false reports about
3 the finances or management or activity of any co-operative as-
4 sociation, shall be guilty of a misdemeanor and be subject to a
5 fine of not less than one hundred dollars and not more than one
6 thousand dollars for each such offense; and shall be liable to
7 the association aggrieved in a civil action for damages therefor.

Warehousemen Liable for Damages for Encouraging or Permitting
Delivery of Products in Violation of Marketing Agreements.

Sec. 29. Any person, firm or corporation conducting a ware-
2 house within this state who solicits or persuades or permits
3 any member of any association organized hereunder to breach
4 his marketing contract with the association by accepting or
5 receiving such member’s products for sale or for auction or
6 for display for sale, contrary to the terms of any marketing
7 agreement of which said person or any member of the said firm
8 or any active officer or manager of the said corporation has
9 knowledge or notice, shall be liable to the association aggrieved
10 in a civil suit for damages therefor, courts of equity shall have
11 jurisdiction to enjoin further breaches of such contracts.
**Associations Are Not in Restraint of Trade.**

Sec. 30. No association organized hereunder and complying 2 with the terms hereof shall be deemed to be a conspiracy or a 3 combination in restraint of trade or an illegal monopoly; or 4 an attempt to lessen competition or to fix prices arbitrarily nor 5 shall the marketing contracts and agreements between the 6 association and its members or any agreements authorized in 7 this act be considered illegal as such or in unlawful restraint 8 of trade or as part of a conspiracy or combination to accom- 9 plish an improper or illegal purpose.

**Constitutionality.**

Sec. 31. If any section of this act shall be declared uncon- 2 stitutional for any reason, the remainder of this act shall not 3 be affected thereby.

**Application of General Corporation Laws.**

Sec. 32. The provisions of the general corporation laws of 2 this state and all powers and rights thereunder, shall apply 3 to the associations organized hereunder, except where such pro- 4 visions are in conflict with or inconsistent with the express 5 provision of this act.

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**CHAPTER 54**

*(House Bill No. 240—Mr. Paugh)*

AN ACT to amend and re-enact sections one hundred and one, one hundred and three, one hundred and six and one hundred and seven of chapter fifteen-d of Barnes’ code, edition of one thousand nine hundred and twenty-three, and to repeal section one hundred and eight of said chapter.

[Passee April 26, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]


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

That section one hundred and eight of chapter fifteen-d of Barnes’ code, edition of one thousand nine hundred and twenty-three is hereby repealed, and that sections one hundred and one, one hun-
dred and three, one hundred and six and one hundred and seven of said chapter are hereby amended and re-enacted so as to read as follows:

Section 101. Whenever any commercial feeding stuffs as defined in section one is offered or exposed for sale in bulk or otherwise stored, the manufacturer, importer, jobber, firm, association, corporation or person keeping the same for sale shall keep on hand cards upon which shall be printed the statement required by the provisions of section two, and when such feeding stuffs are sold at retail in bulk or in packages belonging to the purchaser, the manufacturer, jobber, firm, association, corporation or person shall furnish the purchaser, upon request, with a card or cards upon which appears the statement required by the provisions of section two.

Sec. 103. Whenever a manufacturer, importer, jobber, firm, association, corporation or person manufacturing or selling a brand of commercial feeding stuffs shall have filed the statement required by section three, as required by section four of this act, no other agent, importer, jobber, firm, association, corporation or person shall be required to file such statement.

Sec. 106. Any manufacturer, importer, jobber, firm, association, corporation or persons who shall sell, offer or expose for sale, or distribute in this state, any commercial feeding stuffs without having attached thereto or furnished therewith such labels or tags, as required by this act, or who shall use the required labels or tags, or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent said commissioner or his authorized agent in the performance of his duty in connection with the provisions of this act, or who shall sell or expose for sale or distribute in this state any commercial feeding stuffs as defined in section one without complying with the requirements of the provisions of this act; or who shall sell, offer, or expose for sale or distribute in this state any commercial feeding stuffs which contains a smaller per centum of crude protein or crude fat, or a larger per centum of crude fiber than is certified to be contained therein, or who shall fail to properly state the specific name of each and every ingredient used in its manufacture, shall be deemed guilty of a violation of the provisions of this act and upon conviction thereof shall be fined not more than one hundred dollars for the first violation, and not less than one hundred dollars for each subsequent violation.
Sec. 107. The commissioner of agriculture is hereby empowered to enforce the provisions of this act, and to prescribe and enforce such rules as he may deem necessary to carry into effect the full intent and meaning of this act.

CHAPTER 55

(House Bill No. 244—Mr. Farris)

AN ACT to amend and re-enact chapter twenty-four of the acts of the West Virginia legislature of one thousand nine hundred and seventeen, relating to the grading and packing of apples for sale.

[Passed April 23, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. West Virginia Fancy; West Virginia Grade A; Grade B; Grade C; Orchard run grade; unclassified; minimum size; facing; color; solid red varieties; striped or partial red varieties; red checked or blushed varieties; yellow or green varieties; definitions of grade terms; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-four 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 standard grades or classes for apples grown in West Virginia, when packed in closed packages shall be as follows:

West Virginia Fancy.

West Virginia Fancy shall consist of hand-picked apples of one variety which are well formed, uniform in size, firm, and mature, and which are free from decay, dirt, disease, bruises, insect, or mechanical injury, and other blemishes or defects, except those necessarily caused in proper packing. Each apple shall have the amount of color hereinafter specified for apples of its grade. In order to allow for proper variations incidental to commercial grading and handling, not more than ten per cent by weight of the apples in any container may be below the requirements of this grade.

West Virginia Grade A.

West Virginia Grade A shall consist of apples of one variety which are firm and mature, free from decay and practically free from dirt, disease, insect, or mechanical injury, and
19 other blemishes or defects, except those necessarily caused in
20 proper packing. Each apple shall have the proper amount of
21 color, hereinafter specified, for apples of its grade.
22 In order to allow for variations properly incident to com-
23 mercial grading and handling, not more than ten per cent by
24 weight of the apples in any container may be below the re-
25 quirements of this grade.
26 West Virginia Grade B.
27 West Virginia Grade B shall consist of apples of one
28 variety which are firm and mature, free from decay, worm
29 holes, and serious bruises, and which are not materially de-
30 formed, or materially discolored. In order to allow for va-
31 riations properly incident to commercial grading, and
32 handling, not more than ten per cent of the weight of the
33 apples in any container may be below the requirements of
34 this grade.
35 West Virginia Grade C.
36 West Virginia Grade C shall consist of apples which
37 do not meet the requirements of West Virginia
38 Grade B.
39 Orchard Run Grade.
40 West Virginia Orchard Run shall consist of apples of one
41 variety from which all apples not meeting the requirements
42 of West Virginia Grade B have been removed. No
43 lot from which apples meeting the requirements of West
44 Virginia Grade A or better have been removed shall be
45 designated as West Virginia Orchard Run. In order to allow
46 for variations incident to commercial grading and handling
47 not more than ten per cent by weight of the apples in any
48 container may be below the requirements of this grade.
49 Unclassified.
50 Any apples not represented as meeting the requirements of
51 the grades herein described shall be designated as ‘‘unclassi-
52 fied.’’
53 Minimum Size.
54 The minimum size of any of the apples in any container
55 shall be plainly labeled, stenciled, or otherwise marked on
56 the container. In order to allow for variations properly in-
57 cident to commercial grading and handling, not more than
58 five percent of the apples in any container may be below the
59 minimum size specified.
60  
61 The apples forming the facing or exposed surface in any container shall fairly represent the average of the apples in the container; that is not more than one-half of the apples in the container may be smaller than, or inferior to those in such face or exposed surface.

66  
67 In order that the requirements of the grade specified may be met each apple shall have color to the extent of the percentage of its surface stated below for its variety.

70  
71 SOLID RED VARIETIES.

72 West Va. Fancy.  
73 65% Aiken Red ........................................................ 25%
74 65% Arkansas Black .............................................. 25%
75 65% Baldwin ............................................................ 25%
76 65% Black Ben Davis ............................................ 25%
77 65% Gano ................................................................. 25%
78 65% King David ........................................................ 25%
79 65% Red June ............................................................ 25%
80 65% Spitzenburg ...................................................... 25%
81 Other solid red varieties.......................................... 25%
82 STRIPED OR PARTIAL RED VARIETIES

83 West Va. Fancy.  
84 50% Alexander ........................................................ 25%
85 50% Arkansas ....................................................... 25%
86 50% Delicious ........................................................ 25%
87 50% Fameuse .......................................................... 25%
88 50% King ................................................................. 25%
89 50% Lawyer ............................................................. 25%
90 50% Jonathan ........................................................... 25%
91 50% McIntosh .......................................................... 25%
92 50% Stayman ............................................................ 25%
93 50% Wealthy ............................................................ 25%
94 50% Missouri Pippin ............................................. 25%
95 West Va. Fancy.  
96 50% Ben Davis ........................................................ 15%
97 50% Geniton ............................................................ 15%
98 50% Northern Spy ................................................. 15%
99 50% Oldenburg ..................................................... 15%
100 50% Rome .............................................................. 15%
GRADING AND PACKING APPLES

180

101 50% Wagner ...................................................... 15%
102 50% Willow Twig .............................................. 15%
103 50% York Imperial ............................................. 15%
104 25% Gravenstein .............................................. 10%
105 25% Jeffries .................................................... 10%
106 25% Twenty Ounce ........................................... 10%
107 25% Wolf River .............................................. 10%
108 RED CHEEKED OR BLUSHED VARIETIES.


110 Blushed Cheek Hyde King .................................. West Va. Grade A.
111 " " Maiden Blush " " "
112 " " Red Cheeked " " "
113 " " Pippin " " "
114 " " Winter Banana " " "
115 " " Other Red Cheeked " " "
116 " " or Blushed Varieties " " "

117 YELLOW OR GREEN VARIETIES.

118 West Va. Fancy.

119 Rhode Island Greening ........................................ West Va. Grade A.
120 Albemarle Pippin ............................................. Characteristic Color
121 Other Yellow or Green Varieties ......................... " "

122 Definitions of Grade Terms.
123 The grade terms used in this act are hereby defined as follows: "Well formed" means having the shape characteristic of the variety. "Uniform in size" means that there shall not be more than one-half inch variation between the maximum and minimum diameters of the apples in any container. "Practically free" means that the appearance of the keeping quality of the fruit shall not be injured to any extent readily apparent in the process of grading or sorting. "Materially deformed" means sufficiently deformed to cause a loss of twenty-five per cent or more by volume in paring. "Materially discolored" means having more than fifty per cent of the surface sufficiently discolored to injure the appearance of the fruit. "Colored" means the color characteristic of the variety when mature. "Mature" means having reached the stage of maturity which will insure proper completion of the ripening process. "Minimum size" means the transverse diameter of the smallest fruit at right angles to a line running from the stem to the blossom end. Minimum size shall be stated in terms of whole or quarter inches, as two
inches, two and one-quarter inches, two and one-half inches, and so on in accordance with the facts. The word "minimum" may be abbreviated thus "min."

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

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

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

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

For the purpose of this act apples shall be deemed to be misbranded.

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

Second, if the package shall be falsely branded or shall bear any statement, design or device regarding such apples which is false or misleading, or if the package bears a statement, design or device indicating that the apples therein contained are a given grade, and said apples when packed or repacked do not conform to said grade.

For the purposes of this act apples shall be deemed to be adulterated if their quality or grade when packed or repacked does not conform to the marks upon the package.
Any person who misbrands or adulterates apples within the meaning of this act, or who violates any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars, for the first offense, and not less than twenty-five nor more than two hundred for each subsequent violation.

No person shall be prosecuted under the provisions of this act when such person can establish satisfactory evidence to the effect that he was not a party to the packing and grading of such apples illegally packed or misbranded, and that he had no knowledge that same were illegally packed or misbranded, or when he can establish a guaranty, signed by the person from whom he received such apples, to the effect that same are not misbranded or adulterated within the meaning of this act. Such guaranty, or satisfactory evidence to afford protection, shall contain the true name and address of the party or parties from whom said apples were received, or who made the sale or shipment of such apples to such person.

Definitions. The word person as used herein shall be construed to include both singular and plural, individuals, corporations, co-partnerships, companies, societies, and associations. The act, omission or failure of any officer, agent, servant, or employe acting in the scope of his employment shall be deemed to be the act, omission or failure of his principal.

The words "closed package" shall mean a box, barrel, or other package, the contents of which cannot be easily inspected when such package is closed.

This act shall not apply to apples actually transported to storage within the state until the same are sold, offered or exposed for sale, packed or transported for sale, nor shall the provisions of this act as regards transportation apply to common carriers.

The enforcement of this act shall be vested in the state department of agriculture, and its officers, agents, and employes are authorized and empowered to enter upon the lands of any person within this state for the purpose of inspecting the package of apples and securing evidence in relation to violations of this act, and the said department of agriculture shall promulgate such rules and regulations as may be necessary in construing and enforcing this act; provided, however, that any such grades or classes for apples packed in closed packages which may hereafter be prescribed by any act of con-
CHAPTER 56

(House Bill No. 252—Mr. Smith of Berkeley)

AN ACT to amend chapter one hundred and fifty of the code of West Virginia, by adding thereto sections thirty and thirty-one, relating to the manufacture, sale and exposing for sale or exchange, of milk products.

[Passed April 26, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

SEC. 30. Sale of milk, blended or compounded, prohibited; penalty. Line twenty-five to one hundred dollars, first offense; not to exceed two hundred and fifty dollars for subsequent offense.

SEC. 31. Milk products, offered for sale, must conform to the following standards: (a) Milk defined; (b) pasteurized milk; (c) skim milk; (d) buttermilk; (e) condensed evaporated or concentrated milk; (f) sweetened condensed, evaporated concentrated milk; (g) condensed, evaporated, concentrated skimmed; (h) condensed, evaporated, concentrated skimmed milk-sweetened; (i) dried milk; (j) dried skim milk; (k) cream, sweet cream; whipped cream; (l) butter; (m) cheese; (n) ice cream; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and fifty of the code of West Virginia be amended by adding thereto sections thirty and thirty-one which sections shall read as follows:

Section 30. That it shall be unlawful for any person, firm or corporation by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employees to manufacture, offer or expose for sale or exchange or have in his possession with intent to sell, offer or expose for sale or exchange either in bulk or in containers, sealed or unsealed, under any name whatever any condensed, evaporated, concentrated, powdered, dried or dessicated milk, cream or skim milk to which has been added or with which has been blended or compounded any fats or oils other than milk fats producing what is known as filled milk.

Any person, firm or individual violating the provisions of this section shall be guilty of a misdemeanor and upon con-
viction thereof shall be fined not less than twenty-five ($25.00) dollars and not more than one hundred ($100.00) dollars for first offense and not less than one hundred ($100.00) dollars and not more than two hundred and fifty ($250.00) dollars for each subsequent offense.

Sec. 31. It shall be unlawful for any person, firm or corporation by himself, herself, itself, or themselves, or by his, her, its or their agents, servants or employees to manufacture, offer or expose for sale or exchange or have in his possession with intent to sell, offer or expose for sale or exchange any milk or milk products that do not conform to the following standards or definitions:

(a) Milk is the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum-free, and shall contain not less than three (3) per cent of milk fat and not less than eight and one-half (8½) per cent of solids, not fat and eleven and one-half (11½) per cent total solids.

(b) Pasteurized Milk is milk that has been subjected to a temperature not lower than 145 degrees Fahrenheit for not less than thirty (30) minutes. Unless it is bottled hot, it is promptly cooled to 50 degrees Fahrenheit, or lower.

(c) Skim Milk is milk from which a part or all of the cream has been removed, and contains not less than nine (9) per cent of milk solids.

(d) Buttermilk is the product that remains when fat is removed from milk or cream, sweet or sour, in the process of churning. It contains not less than eight (8) per cent of milk solids not fat.

(e) Condensed Milk, Evaporated Milk, Concentrated Milk, is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains, all tolerances being allowed for, not less than twenty-five and five-tenths (25.5) per cent of total solids and not less than seven and eight-tenths (7.8) per cent of milk fat.

(f) Sweetened Condensed Milk, Sweetened Evaporated Milk, Sweetened Concentrated Milk, is the product resulting
from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than twenty-eight (28%) per cent of total milk solids and not less than seven and eight-tenths (7.8) per cent of milk fat.

\((g)\) Condensed Skimmed Milk, Evaporated Skimmed Milk, Concentrated Skimmed Milk, is the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and contains, all tolerances being allowed for, not less than twenty (20) per cent of milk solids.

\((h)\) Sweetened Condensed Skimmed Milk, Sweetened Evaporated Skimmed Milk, Sweetened Concentrated Skimmed Milk, is the product resulting from the evaporation of a considerable portion of the water from skimmed milk to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than twenty-eight (28) per cent of milk solids.

\((i)\) Dried Milk is the product resulting from the removal of water from milk, and contains, all tolerances being allowed for, not less than twenty-six (26) per cent of milk fat, and not more than five (5) per cent of moisture.

\((j)\) Dried Skimmed Milk is the product resulting from the removal of water from skimmed milk, and contains, all tolerances being allowed for, not more than five (5) per cent of moisture.

\((k)\) Cream, Sweet Cream, is that portion of milk rich in milk fat, which rises to the surface of milk on standing, or if separated from it by centrifugal force. It is fresh, clean. It contains not less than eighteen (18) per cent of milk fat. Whipping Cream is cream which contains not less than thirty (30) per cent of milk fat.

\((l)\) Butter is the clean, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than eighty (80) per cent of milk fat and not more than sixteen (16) per cent moisture. The addition of vegetable butter coloring is permitted.
74 (m) Cheese is the sound, solid, and ripened product made
75 from milk or cream by coagulating the casein thereof with
76 rennett of lactic acid, with or without the addition of ripening
77 ferments and seasoning, and contains, in the water-free sub-
78 stance, not less than fifty (50) per cent of milk fat. The addi-
79 tion of harmless coloring matter is permitted.
80 (n) Ice cream is a frozen substance made from pure whole-
81 some milk products sweetened with sugar and may contain not
82 to exceed one half of one percent of gelatine, vegetable gum or
83 other wholesome stabilizer.
84 When wholesome and harmless flavoring extracts are used,
85 ice cream shall contain not less than eight percent of milk fats
86 and ten percent of milk solids not fats. When eggs, fruits,
87 nuts, chocolate or cake are used, such reduction in the per-
88 centage of milk fat and milk solids not fat, shall be allowed
89 as may be caused by the addition of such ingredients.
90 Any person, firm, or corporation violating the provisions of
91 this section shall be guilty of a misdeemeanor and on conviction
92 thereof shall be fined not less than twenty-five dollars and not
93 more than fifty dollars for the first offense and not less than
94 fifty dollars and not more than two hundred dollars for each
95 subsequent offense.
96 All acts or parts of acts inconsistent herewith are hereby
97 repealed.

CHAPTER 57
(House Bill No. 236—Mr. Hunter)

AN ACT prohibiting the use of vehicles in aid of prostitution, and
providing penalties for the violation thereof.

[Passed April 25, 1923. In effect ninety days from passage. Approved by the
Governor May 1, 1923]

Sec. 1. Vehicles in aid of prostitution; penalty; justices to try cases.

Be it enacted by the Legislature of West Virginia:

Section 1. That any owner, lessee, operator, or person in
2 charge or control of any taxicab, jitney bus, or other vehicle
3 who shall knowingly use the same or knowingly permit it to be
4 used in any manner as a means or aid in promoting prostitu-
5 tion or illicit sexual intercourse, shall be guilty of a misde-
6 meanor, and upon conviction thereof shall be punished by a fine
7 of not less than ten dollars nor more than one hundred dollars,
8 or by imprisonment in the county jail for a period of not to
9 exceed thirty days, or by both such fine and imprisonment in
10 the discretion of the court. Justices of the peace shall have
11 jurisdiction to try and determine cases arising under this
12 section.

CHAPTER 58

(House Bill No. 260—Mr. Oldham)

AN ACT to amend and re-enact sections nine, eighteen, twenty-
seven, thirty-one, thirty-three 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, chapter one of the acts of the ex-
traordinary session of one thousand nine hundred and fifteen,
and chapter one thirty-one of the acts of one thousand
nine hundred and nineteen, and to add to said chapter section
thirty-eight, relating to a workmen’s compensation law.

(Passed April 26, 1923. In effect ninety days from passage. Approved by the
Governor May 1, 1923)

Be it enacted by the Legislature of West Virginia:

That sections nine, eighteen, twenty-seven, thirty-one, thirty-
three 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, chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen, and chapter one hundred thirty-one of the acts of one thousand nine hundred and nineteen, be amended and re-enacted, and that section thirty-eight be added thereto, to read as follows:

Section 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 election 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 "regularly employing" within the meaning of this act, may elect to
pay into the workmen's compensation fund the premiums herein provided for, and at the time of making application to the commissioner, such employer shall furnish statement under oath showing the probable length of time the employment will continue in this state, the character of the work, an estimate of the monthly payroll, and any other information which may be required by the commissioner. At the time of making application such employer shall deposit with the state compensation commission to the credit of the workmen's compensation fund the amount required by section twenty-four of this act, which amount shall be returned to such employer if his application be rejected by the commissioner. Upon notice to such employer of the acceptance of his application by the commissioner, he shall be an employer within the meaning of this act, and subject to all of its provisions.

Any foreign corporation employer electing to comply with the provisions of this act and to receive the benefits hereunder, shall at the time of making application to the commissioner, in addition to the other requirements of this act, furnish such commissioner with a certificate from the secretary of state showing that it has complied with all 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.

For the purpose of this act a mine shall be adjudged within this state when the main opening, drift, shaft or slope is located wholly within this state.

Any employee, within the meaning of this act, whose employment necessitates his temporary absence from this state in connection with such employment and such absence is directly incidental to carrying on an industry in this state who shall have received injury during such absence in the course of and resulting from his employment, shall not be denied the right to participate in the workmen's compensation fund.

Sec. 18. The commissioner shall distribute into groups, or schedules, the industries subject to this act, in accordance with the nature of the business and the degree of hazard incident thereto. And the commissioner shall have power, in like manner, to re-classify into groups, or schedules, at any time, said industries, and to create additional groups or schedules.
7 (a) The commissioner shall keep an accurate account of all
8 money or moneys paid or credited to the compensation fund,
9 and of the liability incurred and disbursements made against
10 same; and an accurate account of all money or moneys re-
11 ceived from each individual subscriber, and of the liability
12 incurred and disbursements made on account of injuries and
13 death of the employees of each subscriber; and of the receipts
14 and incurred liability of each schedule and class.
15 In fatal cases and permanent disability cases exceeding
16 eighty-five per centum disability, the amount charged against
17 the employer's account shall be such sum as is estimated to be
18 the average cost of such cases to the fund; providing, the com-
19 missioner decides that the injury or injuries causing death or
20 permanent disability was received in the course of and result-
21 ing from the employee's employment.
22 (b) It shall be the duty of the commissioner to fix and main-
23 tain the lowest possible rates of premiums consistent with the
24 maintenance of a solvent workmen's compensation fund and
25 the creation and maintenance of a reasonable surplus in each
26 schedule after providing for the payment to maturity of all
27 liability incurred by reason of injury or death to employees
28 entitled to benefits under the provisions of this act. A read-
29 justment of rates shall be made yearly on the first day of Oc-
30 tober, or at any time same may become necessary.
31 The commissioner may fix a rate of premium applicable
32 alike to all subscribers forming a schedule or class and such
33 rates shall be determined from the record of such schedule or
34 class shown upon the books of the commissioner; provided,
35 that if any schedule has a sufficient number of employers with
36 considerable difference in their degrees of hazard, the commis-
37 sioner may fix a rate for each subscriber of such schedule, such
38 rate to be based upon the subscriber's record on the books of
39 the commissioner for the twelve months last ending June
40 thirtieth of the year in which the rate is to become effective;
41 and the liability part of such record shall include such cases
42 as have been acted upon by the commissioner during said
43 twelve months' period, irrespective of the date the injury was
44 received; and any subscriber, in a schedule so rated, whose
45 record for said twelve months' period cannot be obtained, shall
46 be given a rate based upon his record for any part of said
47 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.

Ten per centum of all that shall hereafter be paid into the
workmen's compensation fund shall be set aside for the cre-
ation of a surplus fund until such surplus shall amount to the
sum of five hundred thousand dollars, after which time the
sum of five per centum of all the money paid into the said fund
shall be credited to such surplus fund, until such time as in
the judgment of the commissioner, such surplus fund shall be
sufficiently large to cover the catastrophe hazard and all losses
not otherwise specifically provided for in this act.

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

(a) Such sums for medical, surgical and hospital treat-
ment as may in the opinion of the commissioner, be reason-
ably required, not, however, in any case to exceed the sum of
three hundred dollars.

(b) Payment for such medical, surgical, or hospital treat-
ment authorized under paragraph (a) hereof may be made to
the injured employee, or to the person or persons who have fur-
nished such service, or who have advanced payment for same,
as the commissioner may deem proper.

(c) Notwithstanding anything hereinbefore contained, no
payment shall be made out of the workmen's compensation
fund for medical, surgical or hospital treatment for an in-
jured employee, if said employee be entitled under contract con-
nectcd with his employment, or by reason of a subscription
list to medical, surgical or hospital treatment without further
charge to him.
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 sixty-six and two-thirds per centum of his average weekly earnings, not to exceed a maximum of sixteen dollars per week nor to be less than a minimum of five dollars per week.

(b) Paragraph (a) of this sub-division shall be limited as follows: Aggregate award for a single injury causing temporary disability shall be for a period not exceeding fifty-two weeks; provided, that in case an injured employee, by reason of having an un-united fracture, or having undergone a surgical operation to correct a vicious union following a fracture, or for the repair of an un-united fracture, or having suffered an injury to the spine or pelvic bones which is of a temporary nature, or for an ankylose 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 percentage of disability to total disability shall be determined and the award computed and allowed as follows:

For a two per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of eight weeks;

For a five per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of twenty weeks;

For a ten per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of forty weeks;

For a fifteen per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of sixty weeks;

For a twenty per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of eighty weeks;

For a thirty per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of one hundred and twenty weeks;
For a forty per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of one hundred and sixty weeks;

For a fifty per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of two hundred weeks;

For a sixty per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of two hundred and forty weeks;

For a seventy per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of two hundred and eighty weeks;

For an eighty per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of three hundred and twenty weeks;

For an eighty-five per centum disability, sixty-six and two-thirds per centum of the average weekly earnings for a period of three hundred and forty weeks;

For a disability from eighty-five to one hundred per centum, sixty-six and two-thirds per centum of the average weekly earnings during the remainder of life.

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.

(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:

The loss of a great toe shall be considered a ten per centum disability.

The loss of a great toe (one phalange) shall be considered a five per centum disability.

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.
82 The loss of forepart of foot shall be considered a thirty per centum disability.
84 The loss of a foot shall be considered a thirty-five per centum disability.
86 The loss of leg shall be considered a forty-five per centum disability.
88 The loss of thigh shall be considered a fifty per centum disability.
90 The loss of thigh at hip joint shall be considered a sixty per centum disability.
92 The loss of little or fourth finger (one phalange) shall be considered a three per centum disability.
94 The loss of little or fourth finger shall be considered a five per centum disability.
96 The loss of ring or third finger (one phalange) shall be considered a three per centum disability.
98 The loss of ring or third finger shall be considered a five per centum disability.
100 The loss of middle or second finger (one phalange) shall be considered a three per centum disability.
102 The loss of middle or second finger shall be considered a seven per centum disability.
104 The loss of index or first finger (one phalange) shall be considered a six per centum disability.
106 The loss of index or first finger shall be considered a ten per centum disability.
108 The loss of thumb (one phalange) shall be considered a twelve per centum disability.
110 The loss of thumb shall be considered a twenty per centum disability.
112 The loss of thumb and index finger shall be considered a thirty-two per centum disability.
114 The loss of index and middle finger shall be considered a twenty per centum disability.
116 The loss of middle and ring finger shall be considered a fifteen per centum disability.
118 The loss of ring and little finger shall be considered a ten per centum disability.
120 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 forearm shall be considered a fifty-five per centum disability.
The loss of arm shall be considered a sixty per centum disability.

(e) 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.

(f) The award for permanent disabilities intermediate to those fixed by the foregoing schedule and permanent disability or from two per centum to eighty-five per centum shall be in the same proportion and shall be computed and allowed by the commissioner.

(g) 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.

(h) Compensation payable under any paragraph of this section shall be limited as follows: Not to exceed a maximum of sixteen dollars per week, nor to be less than a minimum of five dollars per week.

(i) Where an injury results 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 (c), the amount of compensation so paid shall be considered as payment of the compensation payable for such injury in accordance with the schedule in paragraph (c). Compensation under this sec-
163 tion shall be payable only to the injured employee and the
164 right thereto shall not vest in his or her estate; except that
165 such compensation as may have accrued to the date of his or
166 her death, shall be paid to the dependents of such injured
167 employee, if there be such dependents at the time of death.
168 (j) The following permanent disabilities shall be con-
169 elusively presumed to be total in character:
170 Loss of both eyes or the sight thereof;
171 Loss of both hands or the use thereof;
172 An injury resulting in practically total paralysis.
173 In all other cases permanent disability shall be determined
174 by the commissioner in accordance with the facts in the case,
175 and award made in accordance with the schedule in para-
176 graph (c).

Sec. 33. In case the personal injury causes death within the
2 period of one year from the date of original injury and disa-
3 bility is continuous from date of such injury until date of
4 death the benefits shall be in the amounts, and to the persons,
5 as follows:
6 (a) If there be no dependents, the disbursements shall be
7 limited to the expense provided for in sections twenty-seven
8 and twenty-nine of this act.
9 (b) If the deceased employee be under the age of twenty-
10 one years and unmarried and leave a wholly dependent father
11 or mother, the father, or if there be no father, the mother shall
12 be entitled to a payment of sixty-six and two-thirds per centum
13 of the average weekly wages of the deceased employee, not to
14 exceed a maximum of seven dollars per week, to continue for
15 such period of six years after the date of death as the commis-
16 sioner in the case may determine; provided, however, that in
17 ease the deceased employee be under the age of sixteen years
18 at the time of death, payment shall continue until such em-
19 ployee would have been twenty-one years of age; and provided,
20 further, payment of compensation awarded under this sub-
21 section to a dependent father shall be continued and paid to
22 his surviving widow, mother of the deceased employee, to con-
23 tinue as per original award to father.
24 Compensation in either case to cease upon the death of the
25 dependent.
26 (c) If the deceased employee be under the age of twenty-
27 one and unmarried and leave a partially dependent father or
28 mother, the father, or if there be no father, the mother shall
29 be entitled to a payment of sixty-six and two-thirds per centum
30 of the average weekly wages, not to exceed a maximum of seven
31 dollars per week, to continue until the employee would have
32 been twenty-one years of age.
33 (d) If the deceased employee leaves a dependent widow or
34 invalid widower, the payment shall be thirty dollars per month
35 until death or remarriage of such widow or widower, and in
36 addition five dollars per month for each child under sixteen
37 years of age, to be paid until such child reaches such age;
38 provided, if such widow or invalid widower shall remarry
39 within two years from date of the death of such employee, such
40 widow or widower shall be paid at the time of remarriage
41 twenty per centum of the amount that would be due for the
42 period remaining between the date of such remarriage and the
43 end of ten years from the date of death of said employee; pro-
44 vided, further, that if upon investigation it shall be ascertained
45 that said widow or widower is living with a man or woman,
46 as the case may be, as man and wife and not married, or the
47 widow living a life of prostitution, the commissioner may stop
48 the payment of the benefits herein provided to said widow or
49 widower.
50 If the deceased employee be a widow or widower and leave
51 a child or children under the age of sixteen years the payment
52 shall be ten dollars per month to each child until he or she
53 reaches the age of sixteen years.
54 In all awards of compensation to children, the award shall
55 be until they reach the age of sixteen years or their death prior
56 thereto.
57 (c) If the deceased employee be an adult and there be no
58 dependent widow or widower, or child under sixteen years of
59 age, but there are wholly dependent persons at the time of
60 death, the payment shall be fifty per centum of the average
61 monthly support actually received from the employee during the
62 preceding twelve months, to continue for the remainder of the
63 period between the date of death and six years after the date
64 of injury, and shall not amount to more than a maximum of
65 twenty dollars per month.
66 (f) If the deceased employee be an adult and there be no
67 dependent widow, widower or child under sixteen years of age,
68 or wholly dependent person, 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 employe 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 sixteen 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 part for his or her support upon the earnings of the employee; also, the following persons who are and continue to be residents of the United States or its territorial possessions: step-child under sixteen years of age, child under sixteen years of age legally adopted prior to the injury causing death; father, mother, grandfather or grandmother, 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; an invalid brother or sister wholly dependent for his or her support upon the earnings of the employe at the time of the injury causing death.

Sec. 38. The commissioner shall have authority in certain cases where an employee has sustained a permanent disability, and such fact having been so determined by the commissioner, and in his opinion the per centum of said permanent disability can be materially reduced or made negligible by medical, surgical or hospital treatment, expend an amount not to exceed the sum of six hundred dollars for such medical, surgical or hospital treatment, regardless of any other provision in this act providing for the payment of medical, surgical or hospital treatment. No payment shall be made for such medical, hospital or surgical treatment provided for in this section unless such treatment has been duly authorized by the commissioner prior to the rendering of such treatment.

All acts and parts of acts in conflict herewith are hereby repealed.
Sec. 56. This act shall be in effect from and after the first 2 day of July, one thousand nine hundred and twenty-three, 3 and all other acts and parts of acts in conflict with this act 4 are hereby repealed.

CHAPTER 59
(House Bill No. 376—Mr. Aleshire)

AN ACT to amend and re-enact chapter sixteen of Barnes' code of one thousand nine hundred and eighteen, and to repeal certain sections thereof, relating to public printing, binding, paper and stationery.

[Passed April 25, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 1. The state board of control shall be ex officio superintendant of public printing.

Sec. 2. The superintendent of public printing shall enter into contracts for the execution of the state printing and binding and for supplying the state with printing, paper and stationery. All contracts for printing and binding and for printing paper and stationery as needed shall be let on competitive bids from two or more printing establishments or printing paper and stationery supply houses, and shall be awarded to the lowest responsible bidder who shall be required to give bond in the full sum of the contract, and in no case shall a general contract be let except after notice of such letting of contract has been given...
11 by publication in four newspapers of general circulation pub-
lished within this state and specifications have been mailed to all
printing establishments and contractors whose names have been
filed with said superintendent of public printing requesting the
right to bid upon any printing, binding and printing paper and
stationery.

Sec. 3. In order to conserve the printing fund and eliminate
the unnecessary publication of biennial reports, bulletins and
other publications, the superintendent of public printing is
hereby given authority to limit the number of copies of such
reports, bulletins and other publications ordered to be printed by
each department, subject, however, to the final approval of the
governor. Provided, that no report of the proceedings of any
private organization or association shall be paid for out of the
appropriation for printing, binding and stationery.

Sec. 4. All printing paper and stationery must be delivered
to the superintendent of public printing, who shall have charge
of the same, and issue it as needed.

Sec. 5. All printing, binding, printing paper and stationery
for the state superintendent of free schools shall be paid for
out of the general school fund. No printing, binding, or print-
ing paper or stationery for the following named boards, officers
or institutions shall be paid for out of the appropriation for
public printing, public binding, or for supplying paper or sta-
tionery, but shall be paid for out of the appropriations therefor,
or out of the expense fund or current general expense fund
thereof, namely: the public service commission, the state road
commission, the workmen’s compensation department, the game
and fish commission, the board of dental examiners, state vac-
cine agents, commissioners of pharmacy, state board of examin-
ers, state board of embalmers, Welch Hospital No. 1, McKendree
Hospital No. 2, Fairmont Hospital No. 3, state fire marshal,
normal schools, schools for the deaf and blind, the university
and all its branches, including the experiment station, Hunting-
ton, Weston and Spencer state hospitals, industrial school
for boys, West Virginia Collegiate institute, industrial home
for girls, the geological survey, Berkeley Springs board, state
colored hospital for insane, state tuberculosis sanitarium, state
colored tuberculosis sanitarium, children’s homes, the Potomac
state school, the New River state school, Bluefield colored insti-
tute, and all private schools and hospitals receiving state ap-
propriations and such other boards, commissions, bureaus and
25 departments that may be created by this or succeeding legisla-
tures whose printing, binding and stationery supplies is ex-
pressly provided for in the act creating it.

Sec. 6. The superintendent of public printing shall be cus-
todian of the printed reports of the supreme court of West Vir-
3

ginia and of such session laws remaining after the distribution
4 provided by law is made, and shall sell such reports and session
5 laws at a price to be fixed by the superintendent of public print-
ing, with the approval of the governor, but in no case shall the
7 price so fixed be less than the actual cost of the publication to
8 the state.

Sec. 7. Any person, firm or corporation who shall falsely
2 swear to the correctness of any bill or account shall be guilty of
3 perjury and punished accordingly. Any officer who shall will-
4 fully or fraudulently falsely certify any such bill or account
5 for payment, or wilfully make any other false certificate in re-
6 lation thereto, shall be guilty of perjury, and shall be punished
7 accordingly, and shall moreover be fined not exceeding five hun-
8 dred dollars for each offense. Any officer failing to perform
9 any duty required by this act, shall be guilty of a misdemeanor;
10 and upon conviction thereof, shall be fined not less than twenty
11 nor more than five hundred dollars for each offense.

Sec. 8. All appropriations made for printing, binding and
2 stationery shall be disbursed on requisition drawn on the auditor
3 by the superintendent of public printing. Forms for disburse-
4 ments and records of account shall be such as are prescribed by
5 the state tax commissioner.

Sec. 9. Sections nine, ten, eleven, twelve, thirteen, fourteen,
2 fifteen, sixteen, seventeen, eighteen, nineteen, twenty-
3 one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-
4 six, twenty-seven and twenty-eight of chapter sixteen of
5 Barnes’ code of one thousand nine hundred and eighteen and
6 all acts and parts of acts inconsistent with the provisions of
7 this act are hereby repealed.

CHAPTER 60
House Bill No. 428—Mr. Read)

AN ACT to create county child welfare boards at the option of the
counties.
Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created for each of the counties of the state a county child welfare board which shall be a body corporate and as such may contract and be contracted with, sue and be sued, plead and be impleaded, and have a common seal. The board shall consist of three members, of whom the president of the county court shall be ex officio member, and the other two members shall be residents of the county and shall be appointed by the judge of the court having juvenile jurisdiction in the county, and shall be appointed by the judge of the court having juvenile jurisdiction in the county, and all members shall serve without pay. At least one member of said board shall be a woman. The members first appointed shall hold office for one and two years, the term of each being designated at the time of his or her appointment. All subsequent appointments shall be for the term of two years. The board shall meet as soon as convenient to organize. Subsequent regular meetings of the board shall be held monthly at such time and place as the board may designate. Any vacancy on the board shall be filled by the judge of the juvenile court presiding in the county where such vacancy occurs.

Sec. 2. The duties of the board shall be to advise and cooperate with and assist the state board of children's guardians in its work in the county and to make such visitations and reports as the state board of children's guardians may request; to act in a general advisory capacity to the county and municipal authorities in dealing with questions of dependency and delinquency, distribution of poor funds and social conditions generally. The county board may appoint a secretary subject to the approval of the state board of children's guardians which welfare secretary shall be secretary of the board and receive such salary as the board shall determine with the approval of the county court. The salary of the secretary shall be paid not more than one half by the state board of children's
14 guardians and the remainder by the county. Said secretary 15 may and when deemed advisable by said county court should 16 be the county probation officer.

Sec. 3. A board shall not be appointed in any county un- 2 less the county court of the county shall, by order, entered on 3 record, direct the same, fixing in said order the time when the 4 same shall become effective; provided, however, that said order 5 shall take effect not more than sixty days from the date of its 6 entry by the county court.

Sec. 4. The county court shall provide office quarters, equip- 2 ment and supplies for the board.
3 The secretary of the board shall fully investigate all appli- 4 cations for poor relief and report on and investigate such cases 5 and shall supervise the distribution of the poor fund. The 6 secretary shall hold his office at the pleasure of, and subject 7 to removal by, the county board.

Sec. 5. In counties where no board is appointed the judge 2 having juvenile jurisdiction in the county may appoint a sec- 3 retary of county welfare to co-operate with the county court 4 and the state board of children’s guardians in furtherance of 5 the purposes of this act. Such secretaries shall receive such 6 salary as may be fixed by such judge with the approval of the 7 county court and the state board of children’s guardians.

Sec. 6. Secretaries appointed under this act shall, when so 2 directed by the Judge of the juvenile court of the county to 3 perform the duties of probation officers, aid in the investigation 4 and supervision of county allowance to mothers under the 5 mothers’ pension law and shall co-operate with the state labor 6 inspectors in furtherance of their duties.

Sec. 7. It shall be the duty of all county agricultural agents, 2 local health officers, school teachers and county superintendents 3 of schools to report to the county welfare boards of their re- 4 spective counties all cases needing attention under this act 5 which shall come to their attention.

Sec. 8. The traveling and other necessary expenses of the 2 several members of the board when acting officially as mem- 3 bers thereof and similar expenses of the secretary while em- 4 ployed in the business of the board shall be paid by the county 5 court on presentation to it of itemized accounts of such ex- 6 penses duly verified by affidavit.
7 All acts and parts of acts in conflict herewith are hereby 8 repealed.
CHAPTER 61
(House Bill No. 445—Mr. Scanlon)

AN ACT to repeal section eleven of chapter seventy-four of the code of West Virginia, added thereto by chapter sixty-one of the acts of the legislature of one thousand nine hundred and twenty and one thousand nine hundred and twenty-one, relating to recording assignments.

[Passed April 11, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec.
1. Repealing section eleven of chapter seventy-four.

Be it enacted by the Legislature of West Virginia:

Section 1. That section eleven of chapter seventy-four of the code of West Virginia, added thereto by chapter sixty-one of the acts of the legislature of one thousand nine hundred and twenty-one, be, and the same is hereby repealed.

CHAPTER 62
(House Bill No. 470—Mr. Garvin of Fayette)

AN ACT to promote the efficiency of the West Virginia national guard and to bring the military laws of the state in conformity with the laws and regulations of the United States and to amend chapter eighteen of Barnes' code of one thousand nine hundred and sixteen, as amended, by adding thereto sections forty-five, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, and one hundred and eight; by amending and re-enacting sections eight, nine, twenty, thirty-two, thirty-five, thirty-seven, thirty-eight, forty-one, forty-four, forty-six, forty-eight, sixty-five, sixty-six, seventy and seventy-two; and by repealing section one hundred and a of chapter eighteen of Barnes' code of West Virginia of one thousand nine hundred and sixteen, as amended.
Be it enacted by the Legislature of West Virginia:

That chapter eighteen of Barnes’ code of one thousand nine hundred and sixteen, as amended, be amended by repealing section one hundred-a; by the addition thereto of sections forty-five, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, and one hundred and eight; and that sections eight, nine, twenty, thirty-two, thirty-five, thirty-seven, thirty-eight, forty-one, forty-four, forty-six, forty-eight, sixty-five, sixty-six, seventy and seventy-two of chapter eighteen of Barnes’ code of one thousand nine hundred and sixteen, as amended, be amended and re-enacted to read as follows:

Section 8. The staff of the commander-in-chief shall consist 2 of one adjutant general, with rank of brigadier general; and 3 in addition thereto six aides with rank not above that of colonel, 4 may be detailed from the line. Such details to be made at the 5 pleasure of the commander-in-chief. The commander-in-chief 6 may also appoint and commission an honorary staff to serve 7, during his term of office of such number as he may deem ad- 8 visable, with such rank as he may fix; which honorary staff 9 will not be held to be a part of the national guard. The ad- 10 jutant general shall be appointed and commissioned by the gov- 11 ernor, but no person shall be appointed adjutant general unless 12 such person has had at least one year’s service in the national 13 guard of this or some other state, or the army of the United
14 States, or all combined. In time of peace he shall perform the 
15 duties of chief of the pay, quartermaster and ordnance depart- 
16 ments, unless otherwise ordered by the governor, and shall give 
17 bond in such sum as the commander-in-chief may require, such 
18 bond to be provided in like manner as the bonds of other offi- 
19 cers. He shall receive a compensation of thirty-six hundred 
20 dollars per annum, which shall be paid to him in equal monthly 
21 instalments, and his term of office shall be for four years. He 
22 shall attest, record and seal, with the seal of the state, all com- 
23 missions issued by the governor and keep a register of all com- 
24 missioned officers with dates of commission and all changes oc- 
25 curring in the commissioned force and shall keep a full and com- 
26 plete record at all times of the national guard of the state. He 
27 shall as soon as possible after the first day of October in each 
28 year, make a report to the commander-in-chief of the transac- 
29 tions and the expenditures of his department and the condition 
30 of the national guard. Said report shall show all receipts into 
31 the military or militia fund of the state from every source, in- 
32 cluding fines, appropriations from the state and of all moneys 
33 received from the federal government and from every other 
34 source; all such funds and moneys shall be paid into the state 
35 treasury as soon as received, and shall be credited to the military 
36 fund. Said statement shall also show in detail, all expenditures 
37 made from each fund and the purpose of expenditure; and shall 
38 state such other details as the governor may order, and said 
39 report shall be communicated by the governor to the next ses- 
40 sion of the legislature. He shall also make such other reports 
41 and returns as may be required by the commander-in-chief 
42 from time to time. He shall cause to be prepared and issued to 
43 the different organizations of the national guard all necessary 
44 books and blanks for reports, records, returns, and general ad-
45 ministration, and shall, at the expense of the state, cause the 
46 military laws, military code and rules and regulations in force 
47 to be printed, bound in proper form and distributed; one copy 
48 to each commissioned officer and one each to all the circuit, in- 
49 termediate and criminal court judges, sheriffs, assessors, and 
50 justices of the peace in the state requiring them, and shall pro- 
51 cure and supply all necessary text books of drill and instruction. 
52 He shall keep in his office an accurate account of all official 
53 bonds, except the bond of the adjutant general, which shall be 
54 filed with the auditor of the state, the reports and returns of 
55 troops and heads of military departments and all other writings
and papers which are required to be transmitted to and pre-
vided at the general headquarters of the state militia. He shall
employ such clerical force and assistants as may be required in
the military department, provided that not to exceed the sum
of five thousand dollars shall be expended for this purpose in
any one year. He shall keep all records of volunteers from the
state of West Virginia, commissioned or enlisted in any of the
wars of the United States and on individual claims of citizens
of West Virginia for service rendered in such wars. He shall
assist all persons residing in the state of West Virginia having
claims against the United States for pensions, bounty or back
pay or such claims as have arisen out of, or by reason of service
in any of said wars. To this end he shall cooperate with the
agents or attorneys of said claimants, furnish to claimants only,
all necessary certificates or certified abstracts from or copies
of records or documents in his office, and shall in all practicable
ways seek to secure speedy and just action in all claims now
pending or which may hereafter be filed; provided, that any and
all the above services shall be rendered without charge to the
claimant. He shall establish and maintain as a part of his of-
fee a bureau of records of the services of the West Virginia
troops during the said wars and shall keep, arranged in proper
and convenient form, all records and papers pertaining thereto.
The provisions of this section shall not be held to effect the
commission of any officer serving on the governor’s staff at the
date of the passage of this act, nor until the expiration of the
term for which such officer was appointed; nor shall any such
officer be deprived of any compensation allowed to him by law
at the time of the passage of this act, nor until the expiration
of the term for which such officer was appointed.

Sec. 9. The national guard of West Virginia shall consist
of the commissioned officers, enlisted men, staff corps and de-
partments of West Virginia regularly organized and maintained
pursuant to law. The governor shall have power to alter, di-
vide, annex, consolidate, disband, or reorganize the same and
create new organizations whenever, in his judgment the effi-
ciency of the state force will be thereby increased, except in
so far as such action would be contrary to the provisions of
the regulations of the war department governing the national
guard; and he shall at any time have power to change the or-
organization of departments, brigades, regiments, battalions, and
companies so as to conform to any organization, system of drill,
or instruction now or hereafter adopted for the army of the United States, and for that purpose the number of officers of the brigades, regiments, battalions and companies may be increased or diminished and their rank increased or reduced to the extent made necessary by such change. The officers of the foregoing departments shall be of like rank as officers of similar departments of the army of the United States and shall perform like duties; the number of such officers to be determined by the commander-in-chief, but this number shall be limited to the actual requirements of the different departments, and the commander-in-chief may designate one officer as chief of a number of different departments, unless such action would be contrary to the regulations provided by the war department for the government of the national guard. The governor shall have the power in case of war, insurrection, invasion or imminent danger thereof to increase the force beyond the maximum now established by law and to organize the same with the proper officers as the exigencies of the service may require. In the event of the formation of any such new organizations, officers holding commissions in the national guard as organized at such time, shall be eligible for commission in said new organizations with like, or higher grade and rank, if found capable, after examination by a regular authorized board and shall be given preference over the one not holding commission at the time.

Sec. 20. A vacancy in the office of the brigade commander may be filled by the commander-in-chief by appointment, or he may issue an order for an election to fill the vacancy. In case an election is ordered, the field officers of each regiment and the commanding officers of companies shall be the electors, but no person shall be eligible to appointment or election to this office who has not served in some recognized military establishment for at least five years.

Sec. 32. Able-bodied men of good character, eighteen years of age and upwards, who can read and write, may be enlisted in the national guard, in the first instance for a term of three years; and on the expiration of that term they may be re-enlisted, either immediately or at any time thereafter, for a term of one or more years, not exceeding three years; but unless they re-enlist within sixty days from the date of their discharge, their service shall not be considered as continuous. No person above the age of forty-five years shall be enlisted or re-enlisted, except by permission of the commander-in-chief,
nor any person under the age of eighteen years; nor any person
who has been expelled or dishonorably discharged from any mil-
itary organization. Every enlisted man, if in active service,
may continue to be held for duty for a period not exceeding
three months after the expiration of his term of enlistment or
re-enlistment, and shall retain rank and be eligible to promo-
tion until he is actually discharged. When an organization is
consolidated or disbanded, its enlisted men discharged by rea-
son thereof who shall thereafter re-enter the service shall have
allowed to them as part of their term of service the time al-
ready served.

Sec. 35. Commissioned officers who shall be rendered sur-
plus by reduction, consolidation, or disbandment of organiza-
tions or in any manner provided by law, now or hereafter, shall
be withdrawn from active service and placed upon the reserve
list; provided, such officer shall have had four years continuous
service in the national guard of this state immediately preced-
ing his being placed on the reserve list, and, provided, further,
that the governor is authorized to honorably discharge such offi-
cer having less than four years service at the time they are
rendered surplus, in any manner provided by law. Such offi-
cers now on the reserve list as have not had four years service
immediately preceding their being placed on such list shall in
like manner be discharged. Officers placed on the reserve list
shall be removed from the line of promotion while on such list,
except that officers who may be detailed or promoted from the
line to staff duty, or to duty in any of the departments who
may be relieved of such staff duty, or department duty shall
be placed on the reserve list with rank held at the time of such
detail or transfer and promotion and shall retain the right to
promotion the same as if they had remained in the line. The
governor, upon request of organization commanders may order
reserve officers to active duty, in which case they shall rank in
their grade from the date of such orders and he may relieve
them from such duty and return them to the reserve list at his
discretion. Officers who have tendered their resignations may
be placed on the reserve list pending settlement of their prop-
erty accounts, under such regulations as may be prescribed by
the commander-in-chief.

Sec. 37. Any commissioned officer who shall have served for
the continuous period of ten years, may, upon his own request,
be placed upon the reserve list and withdrawn from active ser-
vice and command, by order of the commander-in-chief; and the
vacancy thereby created shall be filled in the same manner as
other vacancies. Any commissioned officer who has become or
shall become disabled, and thereby incapable of performing the
duties of his office, shall be withdrawn from service and com-
mand, and placed on the reserve list, and any commissioned of
ficer who has become or who shall hereafter become unfit or in-
competent, and thereby incapable of performing the duties of
his office, shall be dismissed. Such transfer or dismissal shall
be by order of the commander-in-chief, and before making such
order, the commander-in-chief shall appoint a board of not less
than three nor more than five commissioned officers, one of whom
shall be a medical officer, whose duty it shall be to determine
the facts as to the nature and cause of incapacity of such offi-
cer as appears disabled, unfit or incompetent from any cause,
to perform military service, and whose case shall be referred
to it by the commander-in-chief. No officer whose rank or pro-
motion would be affected by the decision of such board, in any
case that may come before it, shall participate in the examina-
tion or decision of the board in such case. Such board is hereby
invested with the powers of courts of inquiry and courts-
martial, and whenever it finds an officer incapacitated for active
service, shall report such facts to the commander-in-chief, stat-
ing cause of incapacity, whether from disability, unfitness or
incompetency and if he approves such findings, such officer
shall be placed on the reserve list or dismissed as provided for
in this section. The members of the board shall, before entering
upon the discharge of their duties, be sworn to an honest and
impartial performance of their duties as members of such board.
No officer shall be placed upon the reserve list or dismissed by
the action of such board without having had a fair and full
hearing before the board, if upon due notice he shall demand
it. It shall not be necessary to refer any case for the action of
such board arising under this section, unless the officers desig-
nated by the commander-in-chief to be placed on the reserve
list, or dismissed, shall within twenty days after being notified
that they will be so transferred or dismissed, serve on the ad-
jutant general a notice in writing that they demand a hearing
and examination before such board.

Sec. 38. Whenever any enlisted man of the national guard
shall have performed service therein for the term of his enlist-
ment or re-enlistment and has turned in to the proper officer
all state or military property for which he is responsible, the
commanding officer of his battery, company or corps shall grant
him a full and honorable discharge from the military service
of the state, except in time of insurrection or invasion. Dis-
charge for physical disability shall be granted upon the cer-
tificate of a medical officer. The commander-in-chief may, for
sufficient reason, and in his discretion, discharge enlisted men
under his command, with or without their consent, at any time,
upon the recommendation of the commanding officer of the bat-
tery, company or corps, regiment or battalion to which they
belong; but no enlisted man shall be honorably discharged from
service unless he produces the certificate of his immediate com-
manding officer that he has turned over or satisfactorily account-
ed for all property issued to him. Enlisted men may be hon-
orably discharged, discharged, or discharged dishonorably; but
in no case may an enlisted man be dishonorably discharged, un-
less by sentence of a general court-martial except as hereinafter
provided.

Sec. 39. The officer warranting a non-commissioned officer
shall have power to reduce, or reduce to the ranks, on the ap-
plication of the immediate commanding officer of the organiza-
tion to which he belongs, for good and sufficient reasons, the
non-commissioned officers of his command, provided, however,
that in cases requiring immediate example a non-commissioned
officer may be reduced, or reduced to the ranks, by his imme-
diate commander, subject to appeal to, and review and approval
by the officer warranting him; and an enlisted man who cannot,
after due diligence be found, or who shall remove his residence
from the state, or to such a distance from the armory of his or-
organization as to render it impracticable for him to properly per-
form military duties, or who shall be convicted of felony, or
who shall be expelled from his organization in accordance with
by-laws lawfully adopted, may be discharged by order of the
commander-in-chief.

Sec. 41. All officers shall be responsible for the safe-keeping
and return of all military property committed to their charge,
but no such property shall be issued until suitable bond shall
be given by such officers, in amount and with security approved
by the commander-in-chief, for the safe-keeping and return of
the same. Whenever property is ordered transferred by the
commander-in-chief from one company or corps to another the
officer turning the property over shall be held responsible for
9 the same until he has received a receipt from the officer to whom
10 the transfer is ordered to be made. In case of state property
11 worn out and rendered worthless in the service of the state,
12 an inspector shall have power to condemn the same and author-
13 ize the officer responsible to drop it from his returns, but no in-
14 specting officer shall exercise this power except when inspecting
15 said property under authority of the commander-in-chief.
16 Any officer who shall neglect or refuse to properly account for
17 any military property he shall have received, shall be guilty of
18 a misdemeanor and upon conviction thereof, shall be punished
19 as prescribed in section ninety-nine of this chapter.

Sec. 44. The pay for officers and enlisted men of the West
2 Virginia national guard for service at camps of instruction,
3 rifle practice, practice marches and maneuvers, or other duties
4 ordered by the president of the United States shall be such as
5 are provided in the national defense act or amendments thereto.
6 Officers and enlisted men, when employed in the actual service
7 of the state, as defined and provided in this act, beginning on
8 the day they assembled at their armories, or other designated
9 places, until the day they have returned thereto and been prop-
10 erly relieved inclusive, fractional parts of a day counting as a
11 full day, shall receive pay and allowance at the following daily
12 rates:
13 Officers, the same pay which is now in effect, or which may
14 hereafter be provided for like grades in the army of the United
15 States. Transportation and subsistence will be provided by the
16 state; provided, officers detailed in the adjutant general’s office
17 shall not receive subsistence.
18 Enlisted men—
19 First grade
20 Master sergeants, etc., .............................. $4.50 per day
21 Second grade
22 Technical and first sergeants, etc., ...... $3.75 per day
23 Third grade
24 Staff sergeants, etc., ............................... $3.50 per day
25 Fourth grade
26 Sergeants, etc., .......................... $3.00 per day
27 Fifth grade
28 Corporals, etc., .............................. $2.50 per day
29 Sixth grade
30 Privates 1st class, etc., ....................... $2.25 per day
Seventh grade

<table>
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</tr>
<tr>
<td>Assistant cooks</td>
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Transportation and subsistence will be provided by the state.

All payments made under the provisions of this chapter except for active service, shall be paid out of the military fund and all expenses incurred in active service shall be paid out of any moneys in the treasury not otherwise appropriated. The military fund shall be disbursed on warrant of the adjutant general, properly drawn and in such manner as the governor may order, but no warrant for funds signed by him shall be honored by the auditor until such adjutant general shall have executed and filed such bond as may be required by the commander-in-chief. Payments shall be made on proper vouchers, which vouchers shall show the authority under which the expenditure is made, contain an itemized statement of the transaction and be filed for record in the office of the adjutant general. All claims for services rendered or material furnished shall be approved by the officers ordering the work or material and shall be over his certificate to the effect that the amount is just and reasonable and that it had not been previously paid. No expenditures shall be made by any officer until an estimate of the amount and a statement of the necessity therefor shall have been laid before the adjutant general and his approval received. Where practicable, competitive bids shall be received for all work or material involving an expenditure of more than two hundred dollars and the contract will be let to the lowest responsible bidder, who, if required by the commander-in-chief, shall enter into a good and sufficient bond for the proper performance of his contract.

The several railroads and other transportation companies in this state shall furnish transportation for all officers and enlisted men in the national guard, together with the stores, ammunition, and equipment when traveling on duty under orders from competent authority, under request of the officer desiring transportation, which request will state the number of persons to be carried and their destination, and for such transportation said companies shall be entitled to receive compensation from the state at the rate specified.
Sec. 45. There shall be allowed to each regimental head- 
quarters for clerical service the sum of fifty dollars per month 
and to each company or corresponding unit the sum of twenty 
dollars per month for like service.

There shall be paid to the enlisted man who is directly re-
sponsible for the care and custody of the quartermaster and 
ordnance property of each organization and to the chief me-
chanic of each battery of artillery, the sum of ten dollars per 
month upon the certificate of his commanding officer that he has 
faithfully and satisfactorily performed the duties of his office 
and accounted for all property entrusted to his care. Such 
payments to be made quarterly upon vouchers approved by the 
adjutant general.

Sec. 46. The sums of money which may be appropriated by 
the legislature for carrying into effect the provisions of this act 
and the fines and penalties required thereby to be paid to the 
treasurer of the state shall constitute the military fund of the 
state for the uses and purposes set forth in this chapter. The 
state treasurer shall, at the end of each quarter, render to the 
adjutant general a statement of the condition of the military 
fund, showing the amount on hand at the beginning of the 
quarter, the amount received, and expended during the quarter 
and balance on hand at the end of the quarter. The adjutant 
general shall furnish the commander-in-chief a copy of this 
quarterly report and if the sum appropriated by the legislature 
for any year shall not be sufficient to pay for duty at the annual 
encampment for the number of days provided in this chapter, 
then either such encampment shall not be held for that year, 
or held without pay, or held for less number of days than pro-
vided in this chapter, as the commander-in-chief may deter-
mine, so that no deficiency shall be created by reason of holding 
of such encampment.

Sec. 48. An annual inspection and muster of each organiza-
tion of the national guard shall be made by an inspector at such 
time and place as the commander-in-chief shall order and direct.

Sec. 65. The military courts of this state shall be: first, gen-
eral courts-martial; second, special courts-martial; third, sum-
mary courts-martial; fourth, courts of inquiry.

Sec. 66. (a) General courts-martial may be appointed by 
the commander-in-chief and shall consist of not less than five 
or more than nine officers, and at all times a majority of the 
court must be of a grade at least equal to that of the accused.
While a number less than five cannot be organized as a general courts-martial and proceed with a trial, they may perform such acts as are preliminary to the organization or action of the court.

(b) Special courts-martial may be appointed by the commander-in-chief or the commanding officer of a brigade, regiment or detached battalion, and shall consist of not less than three officers.

(c) Summary courts-martial may be appointed by the commander-in-chief or as provided in the manual for courts-martial, United States army.

(d) Courts of inquiry shall consist of not less than three officers, and may be appointed by the commander-in-chief or as provided in the manual of courts-martial, United States army.

Sec. 70. The president or judge advocate of any military court, both before and after being sworn, may issue subpoenas requiring the evidence of witnesses and the production of documentary evidence at any designated place of hearing of court; and may direct the commanding officer of any organization to cause such subpoena to be served. The president of any military court may, in case of refusal or failure to obey the subpoena issued to any person, issue attachments to compel the attendance of witnesses which may be served by any peace officer or other person, or persons, designated by the president of the court. The person attached for refusal or failure to obey such subpoena shall pay the fees for such service, and a penalty of twenty-five dollars to be paid into the state treasury, unless he satisfies the court that his failure to obey was excusable. The court may issue execution for such fees and penalty which shall be levied in the same manner as other executions under the law of this state.

Sec. 72. When an officer or enlisted man is put in arrest for the purpose of trial, a copy of the charges and specifications upon which he is to be tried, shall be delivered to him or left at his last known place of abode or business, within twenty days after arrest, and a court shall be ordered for his trial within thirty days after the notice of arrest is received by the officer authorized to order the court. He may be held in any jail or other place of detention or released upon his own recognizance or upon such bail as deemed necessary by the circuit court of the county in which he is detained. If a copy of the charges and specifications be not served, or a court be not ordered within
12 the time herein limited then arrest shall cease; but such charges
13 and specifications may be served, a court ordered and the officer
14 or enlisted man be brought to trial within twelve months after
15 such release from arrest. The appearance of the accused, with-
16 out objection, and pleading to the charges shall be deemed a
17 waiver of any defect or irregularity of such service of any of
18 the papers mentioned in this section. If any officer or enlisted
19 man who has been ordered or duly summoned to appear before
20 a military court for trial fail to appear, the court may enter a
21 plea of not guilty for him and proceed to trial in his absence.

Sec. 101. All officers and employees of the state or sub-
2 division or municipality thereof who shall be members of the
3 national guard shall be entitled to leave of absence from their
4 respective office or employment without loss of pay, status, or
5 efficiency rating, on all days during which they shall be en-
6 gaged in drills or parades during business hours ordered by
7 proper authority or for field training or active service ordered
8 or authorized under the provisions of state law.

Sec. 102. A dishonorable discharge from service in the na-
2 tional guard shall operate as a complete expulsion from the
3 guard, a forfeiture of all exemptions and privileges acquired
4 through membership therein and disqualification for any mil-
5 itary office under the state. The names of all persons dishonor-
6 ably discharged shall be published in orders by the adjutant
7 general at the time of such discharge and in two newspapers of
8 opposite politics, and general circulation, if such there be in
9 the locality in which such dishonorably discharged person re-
10 sides and a complete list of all such dishonorably discharged
11 persons shall be kept posted in all the armories in the state.
12 No person so discharged shall be admitted to any armory or
13 other meeting place of the national guard or to the immediate
14 vicinity of any encampment, drill or parade of troops. All
15 commanding officers are hereby required to enforce these pro-
16 hibitions.

Sec. 103. The commander-in-chief, the secretary of state
2 and the state auditor shall constitute the state armory board,
3 whose duties it shall be to approve the selection of all armory
4 sites and plans and specifications, and to contract for the erec-
5 tion of all armories, for the purchase of buildings suitable, or
6 which can be made suitable for armory purposes and the ac-
7 quisition of armories already constructed; and to audit and ap-
8 prove all bills, claims and accounts in connection with the con-
9 structure or purchase of all armories before such bills, claims
10 and accounts shall be paid, and to perform such other duties as
11 this act may require, but without compensation except that their
12 actual and necessary traveling expenses shall be paid; and al-
13 lowance shall be made for the necessary clerical assistance,
14 printing, stationery and postage, which shall be paid out of the
15 fund appropriated for the maintenance of the national guard.

Sec. 104. The state armory board shall have control of any
2 arsenal, armory, or other quarters of the national guard, camp
3 ground and rifle range owned by the state, and shall cause the
4 same to be kept in good repair, and all money which may be ap-
5 propriated for the erection, acquisition or repair of such build-
6 ings, grounds or ranges shall be expended and accounted for
7 by said armory board. The said armory board may procure
8 by purchase or condemnation sufficient ground for armories,
9 arsenals, quarters, camp grounds or rifle ranges, when funds
10 are available for the purpose, the title of same to be in the
11 name of the state and may when the state shall be reimbursed
12 for its expenditures, transfer title of such camp grounds and
13 rifle ranges to the United States, but may provide for the re-
14 tention by the state of civil and police jurisdiction through
15 such ranges and camp grounds and a right to tax persons re-
16 siding thereon; the government of the United States being au-
17 thorized to hold, not to exceed in all one thousand acres of land
18 in the state, for this purpose.
19 The said state armory board shall expend from state funds
20 not to exceed seventy-five thousand dollars in any one year for
21 the purposes of this act, and shall designate as near equally as
22 possible from the several military organizations of the national
23 guard which of them shall receive aid in any one year, taking
24 into consideration the proficiency of the organization asking for
25 aid, and its needs, and giving preference to organizations not
26 already provided with a suitable armory.
27 Any city or village, or two or more cities or villages jointly,
28 in which an armory has been heretofore, is now or may hereafter
29 be erected or authorized under the provisions of this act, may
30 raise and appropriate money and funds in the aid of the con-
31 struction, repair or improvement thereof, and to that end may
32 issue bonds payable not more than thirty years after their issue
33 and bearing interest at a rate not exceeding six per cent per
34 annum, and may deposit such money and funds and the pro-
35 ceeds of the sale of such bonds with the state treasurer to the
credit of the proper construction fund, and may make such fur-
ther provisions for the maintenance and improvement of such
armory as may be deemed necessary; provided, that whenever
the board deems it expedient, and in furtherance of the purposes
of this act, it may purchase and finish armories already built
or partly built.

All moneys raised for the building of any armory shall be
paid to the state treasurer, who shall keep separate account with
each company or battery which shall avail itself of the provi-
sions of this act credit the same with the amount of money de-
posited by such organization together with the appropriation
made under the provisions of this act; and all bills for the con-
struction or purchase of armories shall after being approved by
the said board, be paid out of said account or fund, and charged
to the proper organization, upon the warrant of the state au-
ditor, and the state auditor shall issue his warrant upon said
fund upon the certificate of said board.

All money returned and repaid to the state treasury from
armory property sold, damaged or destroyed, or otherwise, shall
be credited to a general armory fund and may be expended for
the building and construction or the purchase of armories for
military organizations not having armory accommodations un-
der the provisions and limitations of this act.

Whenever any such military organization which has availed
itself of the provisions of this act and has received the appro-
priation provided herein, shall be called or drafted into the
federal service or shall be mustered out of the service of this
state, and it shall appear probable that no new military organ-
ization will be organized in the city or village in which the ar-
mory is located, and there is no other military organization oc-
cupying said armory the adjutant general shall immediately
take possession and close the same, and not permit its use for
other than military purposes, but the said board shall have the
authority and they are hereby expressly empowered to sell,
transfer and convey said property to the municipality in which
the same is located, for public purposes, upon the re-payment
to the state for credit to the general armory fund, of the ap-
propriation expended thereon, without interest; provided, that
if such municipality shall not purchase said property the said
board shall then be authorized to sell, transfer and convey the
same to any individual, firm or corporation, repaying to the
state at least the full appropriation expended therefor; and
provided, further, that if the said armory cannot be sold in this manner the armory board may lease the armory to the municipality for public purposes at an annual rental which shall not be less than ten per cent of the amount invested by the state in such armory; and, provided, further, that the said armory board, subject to the approval of the governor, is hereby authorized and empowered to sell, transfer and convey on behalf of the state any state armory site and buildings which in the judgment of the board are unsuitable for military purposes or which has been condemned by the state fire marshal. The moneys so received from the sale of such armories shall be paid into the state treasury and by the treasurer accredited to the general armory fund.

Sec. 108. Upon the completion of any new armory building or the purchase of any armory building property, the control and use of said armory shall vest in the armory board as provided by this act; provided, that the proceeds of rentals and other revenue derived from such armories may be devoted and applied by the armory board to the maintenance, extension, improvement and equipment thereof. The said armory board may make and alter rules and regulations for the government of all officers and persons having charge of armories, arsenals, or other military property in this state.

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

CHAPTER 63

(House Bill No. 475—Mr. Strother)

AN ACT to amend and re-enact chapter one hundred and six of the acts of the legislature, one thousand nine hundred and twenty-one, regular session, entitled, "an act to regulate the practice of the profession of engineering, and to create a state board of registration for engineers, and to prescribe penalties for the violation of the provisions thereof."
REGISTRATION FOR ENGINEERS

[Ch. 63

Passed April 19, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec.

1. Professional engineering, requirements.

2. State board of registration for engineers created; appointed by Governor; term expires June thirtieth.

3. Qualification of members.


5. Regular and special meetings; shall elect president; three necessary for quorum.

6. Fund of board of registration for engineers; compensation; secretary to give bond.

7. Record of board; roster of engineers; report to Governor.

8. Registration fee; eligibles; certain established facts prima facie evidence of qualification.


10. Certificates of registration.

11. Fraudulent practice punishable by fine from one hundred to five hundred dollars.

12. Exemptions from provisions of act.


14. Act not to affect present members; conflicting acts repealed.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and six of the acts of the legislature of one thousand nine hundred and twenty-one, regular session, entitled, "an act to regulate the practice of the profession of engineering, and to create a state board of registration for engineers, and to prescribe penalties for the violation of the provisions thereof," be amended and re-enacted so as to read as follows:

Section 1. In order to safeguard life, health and property, any person practicing or offering to practice as a professional engineer in this state shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter provided, and it shall be unlawful for any person to practice or to offer to practice in this state as a professional, civil, mining, electrical, structural or mechanical engineer, hereinafter called engineer, except under the provisions thereof.

Sec. 2. To carry out the provisions of this act there is hereafter created a state board of registration for engineers herein- after called the board, consisting of five members, who shall be appointed by the governor. All members shall be registered engineers. The members of the first board shall be appointed to serve for the following terms: two members for one year; two members for two years; one member for three years; said terms ending on the thirtieth day of June of the succeeding years. On the expiration of each of said terms, the term of office of each newly appointed or reappointed member of the board shall be for a period of four years and shall terminate on the thirtieth day of June. Each member shall hold over after the expiration of his term until his successor shall have been duly appointed and qualified. The governor may remove any member of the board at his will and pleasure. Vacancies
in the membership of the board, however created, shall be filled by appointment by the governor for the unexpired term. The chief office of said board shall be at the capitol.

Sec. 3. Each member of the board shall be a citizen of the United States and a resident of this state at the time of his appointment. He shall have been engaged in the practice of his profession for at least ten years and shall have been in responsible charge of work for at least five years. He shall be a member in good standing of a recognized society of engineers.

Sec. 4. Each member of the board shall receive a certificate of appointment from the governor, and before beginning his term of office he shall file with the secretary of state the constitutional oath of office. The board or any committee thereof shall be entitled to the services of the attorney general, in connection with the affairs of the board, and the board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The board shall adopt and have an official seal which shall be affixed to all certificates of registration granted; and shall make by-laws and rules not inconsistent with law needed in performing its duty.

Sec. 5. The board shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The board shall elect annually from its members a president and secretary. A quorum of the board shall consist of not less than three members.

Sec. 6. The secretary of the board shall receive and account for all moneys derived from the operation of this act and shall pay them to the state treasurer, who shall keep such moneys in a separate fund to be known as the "fund of the board of registration for engineers," which fund shall be continued from year to year and shall be drawn against only for the purpose of this act as herein provided.

Each member of the board shall receive ten dollars per day for attending sessions of the board or of its committees, and for the time spent in necessary travel, and, in addition, shall be reimbursed for all necessary traveling, incidental and clerical expenses incurred in carrying out the provisions of this act, and in addition thereto the secretary shall receive such
salary as may be fixed by the board, but in proceedings relative to the fixing of said salary, the secretary shall have no vote. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, shall be paid out of said fund on the warrant of the auditor of the state issued on requisitions signed by the president and the secretary of the board; provided, however, that at no time after this act shall have been in effect for one year shall the total of warrants issued exceed the total amount of funds accumulated under this act. The secretary of the board shall give a surety bond satisfactory to the state treasurer conditioned upon the faithful performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the board.

Sec. 7. The board shall keep a record of its proceedings and a register of all applicants for registration showing for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected, or a certificate of registration granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered engineers shall be prepared by the secretary of the board during the month of July of each year. On or before the thirty-first day of August of each year the board shall submit to the governor a report of its transactions for the preceding year, together with a complete statement of receipts and expenditures of the board, certified by the president and the secretary, and a copy of the said roster of registered engineers. A copy of this report and roster shall be filed with the secretary of state. Such report and roster shall be printed out of the funds of the board as provided in section six.

Sec. 8. The board shall, on application therefor on prescribed form, and the payment of a fee of twenty dollars, issue a certificate of registration as an engineer:

(a) To any person who submits evidence satisfactory to the board that he is fully qualified to practice engineering.

(b) To any person who holds a like unexpired certificate of registration issued to him by proper authority in the Dis-
8 District of Columbia, in any state or territory of the United States, or in any province of Canada, in which the requirements for the registration of engineers are of a standard satisfactory to the board.

12 Provided, however, that no person shall be eligible for registration who is under twenty-one years of age, who is not a citizen of the United States or Canada, or who has not made declaration of his intention to become a citizen of the United States, who does not speak and write the English language, who is not of good character and repute and who has not been actively engaged for six or more years in engineering work of a character satisfactory to the board. However, each year of teaching, or of study satisfactorily completed in engineering in a school of engineering of standing satisfactory to the board, shall be considered equivalent to one year of such active engagement.

24 Unless disqualifying evidence be before the board, the following facts established in the application shall be regarded as prima facie evidence satisfactory to the board, that the applicant is fully qualified to practice engineering:

(a) Ten or more years of active engagement in engineering.

(b) Graduation, after a course of not less than four years in engineering from a school or college approved by the board as of satisfactory standing, and an additional four years of active engagement in engineering.

(c) Full membership in the American Association of Engineers, American Institute of Chemical Engineers, American Society of Civil Engineers, American Institute of Electrical Engineers, American Society of Mechanical Engineers, American Institute of Mining and Metallurgical Engineers, Society of Naval Architects and Marine Engineers, or such other national or state engineering societies as may be approved by the board, the requirements for full membership in which are not lower than the requirements for full membership in the professional societies named above.

(d) Certificate of reciprocal registration issued under articles of agreement of the council of state board of engineering examiners providing the requirements for such certificate are of a standard satisfactory to the board.
Applicants for registration, in cases where the evidence originally presented in the application does not appear to the board conclusive or warranting the issuance of a certificate, may present further evidence, which may include the results of a required examination, for the consideration of the board. In determining the qualifications of applicants for registration a majority vote only of the board shall be required.

In case the board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the board to the applicant.

Certificates of registration shall expire on the thirtieth day of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of June by the payment of a fee of ten dollars. The failure on the part of the registrant to renew his certificate annually in the month of June as required above shall not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of June shall be increased ten per cent for each month or fraction of a month, that payment for renewal is delayed; provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

Sec. 9. The board shall have the power to revoke the certificate of registration of any engineer registered hereunder who is found guilty of any fraud or deceit in obtaining a certificate of registration or of gross negligence, incompetency or misconduct in the practice of engineering. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any engineer registered hereunder; such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the board.
14 A copy of the charges, together with a notice of the time and
15 place of hearing, shall be legally served on the accused at
16 least thirty days before the date fixed for such hearing and
17 in the event that such service can not be effected thirty days
18 before such hearing then the date of hearing and determina-
19 tion shall be postponed as may be necessary to permit the
20 carrying out of this condition. At said hearing the accused
21 shall have the right to appear personally and by counsel and
22 to cross-examine witnesses against him and to produce evi-
23 dence and witnesses in his defense. If after said hearing
24 three or more members of the board vote in favor of finding
25 the accused guilty of any fraud or deceit in obtaining a cer-
26 tificate, or of gross negligence, incompetency or misconduct in
27 the practice of engineering, the board shall revoke the certifi-
28 cate of registration of the accused.
29 The board may re-issue a certificate of registration to any
30 person whose certificate has been revoked; provided, three or
31 more members of the board vote in favor of such re-issuance
32 for reasons the board deem sufficient.
33 The board shall immediately notify the secretary of state
34 and the clerk of each county, town, and city in the state, of
35 its findings in the case of the revocation of a certificate of reg-
36 istration or of its re-issuance of a revoked certificate of regis-
37 tration.
38 A new certificate of registration to replace any certificate
39 lost, destroyed or mutilated, may be issued, subject to the
40 rules and regulations of the board. A charge of one dollar
41 shall be made for such re-issuance.

Sec. 10. The issuance of a certificate of registration by
2 this board shall be evidence that the person named therein is
3 entitled to all rights and privileges of a registered engineer
4 while the said certificate remains unrevoked or unexpired.
5 Each registrant hereunder may, upon registration obtain
6 a seal of the design authorized by the board, bearing the reg-
7 istrant’s name and legend “Registered professional engineer.”
8 Plans, specifications, plats and reports issued by a registrant
9 may be stamped with the said seal during the life of regis-
10 trant’s certificate, but it shall be unlawful for any one to
11 stamp or seal any document with said seal after the certificate
12 of the registrant named thereon has expired, or has been re-
Sec. 11. Any person who is not legally authorized to practice as an engineer in this state according to the provisions of this act and shall so practice, or offer so to practice in this state except as provided in section twelve of this act, and any one presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor and shall, for each such offense of which he is convicted, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment for three months, or by both fine and imprisonment.

Sec. 12. The following shall be exempted from the provisions of this act:

(a) Persons offering to practice in this state as an engineer, by any one not a resident of and having no established place of business in this state.

(b) Practice as an engineer in this state by any person not a resident of and having no established place of business in this state, which this practice does not aggregate more than thirty days in any calendar year; provided, that said person is legally qualified for such professional service in his own state or country.

(c) Practice as an engineer in this state by any person not a resident of and having no established place of business in this state or any person resident in this state, but whose arrival in the state is recent; provided, however, such person shall have filed an application for registration as an engineer, and shall have paid the fee provided for in section eight of this act. Such exemption shall continue for only such reasonable time as the board requires in which to consider and grant or deny said application for registration.

(d) Engaging in engineering work as an employee of a registered engineer, or as an employee of an engineer, authorized by paragraphs (b) and (c) of this section; provided, that said work may not include responsible charge of design or supervision.
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27 (e) Practice of engineering by any person not a resident of and having no established place of business in this state, as a consulting associate of an engineer registered under the provisions of this act; provided, the non-resident is qualified for such professional service in his own state or country.

32 (f) Practice of engineering solely as an officer or as an employe of the United States or of a common carrier engaged in interstate business.

35 (g) Practice of engineering solely as an employe of this state or any political sub-division thereof, or of any corporation, firm or individual when such engineer's time is devoted exclusively to such employment, and such engineer does not offer his services to the public generally for hire.

40 (h) Any engineer who shall not represent himself as, or use the title of, "Registered professional engineer," unless such person is qualified by registration under this act.

Sec. 13. A corporation or partnership may engage in the practice of engineering in this state; provided, the person or persons connected with such corporation or partnership in responsible charge of such practice is or are registered as herein required of engineers, or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnerships as apply to individuals under this act.

Sec. 14. The provisions of this act shall not affect the term of office of the present members of the state board of registration for engineers appointed under the provision of section three of chapter one hundred and six of the acts of the legislature of one thousand nine hundred and twenty-one, regular session, but said members so appointed shall continue to hold under such appointments as though said act were to continue in full force and effect, but in all other respects said members shall be governed by the provisions of this act.

10 All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

CHAPTER 64

(House Bill No. 511—Mr. Hall of Mingo)

AN ACT providing for the establishment of a state home for aged and infirm colored men and women.
Section 1. There is hereby established a state institution to be known as the state home for aged and infirm colored men and women. It shall belong to that class of institutions mentioned in section three of chapter fifty-eight of the acts of one thousand nine hundred and nine and shall be managed and controlled as provided in said act. All the provisions whereof shall be as applicable to said home as if the same were named in section three of said act. The chief executive officer thereof shall be the superintendent, who shall be a citizen of the state of West Virginia and a person of good executive ability and shall be appointed by the governor with the advice and consent of the senate.

Sec. 2. The state board of control and the advisory council to the state board of education shall jointly select a suitable site for such home and provide plans for the necessary buildings as soon as practicable after this act shall go into effect; and thereupon all the provisions of said chapter fifty-eight of the acts of one thousand nine hundred and nine, and of chapter twenty-seven of the acts of one thousand nine hundred and eight and of Barnes' code of one thousand nine hundred and sixteen shall govern herein as far as applicable.

Sec. 3. Colored men and women who because of their extreme old age, or who because of their feeble, infirm and impaired physical condition and who are without means to support themselves, and who have no relatives, friends or organization upon whom, or which, they can depend for care and support shall become eligible for admission to this home, provided their admission to this home shall have been first recommended by a majority of the members of the county court, or the clerk thereof in vacation, of the county in which such individual seeking admission last resided preceding their admission to said home.

Sec. 4. The pay for care and accommodation of such persons who may be admitted to this home, shall be provided by the county court of the county from which they were sent to this home; who shall also pay all just and proper charges for their transportation, from the place from which they may be sent to
6 this home according to the provisions of chapter forty-six, of 
7 Barnes’ code of the year of one thousand nine hundred and 
8 eighteen, as far as the same may be applicable. 
9 All acts and parts of acts inconsistent herewith are hereby 
10 repealed.

CHAPTER 65

(House Bill No. 598—Mr. Beneke)

AN ACT to prevent the unlawful taking of gas, electric energy or 
water and the unlawful injury, alteration or obstruction of 
any gas, water or electric meter and prescribing punishment 
and penalties for violation.

[Passed April 25, 1923. In effect ninety days from passage. Approved by the 
Governor May 1, 1923]

SEC. 1. Procuring gas, water or electric-
city, by device, with intent to 
defraud, misdemeanor; penalty, fine or or imprisonment or both.

SEC. 2. Tampering with pipes, tubes, 
wires or electrical conductors, 
misdemeanor; penalty, fine or 
imprisonment or both.

Be it enacted by the Legislature of West Virginia:

Section 1. Every person who, with intent to injure or de-
2 fraud, procures, makes, or causes to be made, any pipe, tube, 
3 wire, or other conductor of gas, water or electric energy and con-
4 nects the same, or causes it to be connected, with any main, 
5 service pipe or other pipe for conducting or supplying gas, or 
6 water or any wires or other conductor of electric energy, in such 
7 manner as to supply gas, water or electric energy to any lamp, 
8 motor, burner, orifice, or any other device, by or at which gas, 
9 water or electric energy is consumed, around or without pass-
10 ing through the meter provided for the measuring and register-
11 ing of the quantity of gas, water or electric energy consumed, 
12 or in any other manner so as to evade payment therefor, and 
13 every person who with like intent, injuries or alters any gas, 
14 water or electric meter, or obstructs its action, shall be guilty of 
15 a misdemeanor and upon conviction thereof shall be punished 
16 by imprisonment in the county jail not exceeding twelve 
17 months, or by a fine not exceeding one thousand dollars, or 
18 both, at the discretion of the court.

Sec. 2. Every person who, with intent to injure or de-
2 fraud connects or causes to be connected, any pipe, tube, wire, 
3 electrical conductor or other instrument with any main, ser-
4 vice pipe, or other pipe or conduit or flume for conducting 
5 water, or with any main service pipe, or other pipe or conduit 
6 for conducting gas, or with any main, service wires or other 
7 electric conductor, used for the purpose of conducting electric
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8 energy for light, heat, or motive services, for the purpose
9 of taking therefrom, water, gas or electric energy, without
11 the knowledge of the owner thereof and with intent to evade
12 payment therefor shall be guilty of a misdemeanor and upon
13 conviction thereof, shall be punished by imprisonment in the
14 county jail not exceeding twelve months, or by a fine not
15 exceeding one thousand dollars, or both, at the discretion of the
16 court.

CHAPTER 66

(House Bill No. 651—Mr. Oldham)

AN ACT providing for the propounding and prosecution of a
1 claim by and in the name of the state of West Virginia against
2 the government of the United States of America for the re-
3 covery, under the present laws of the United States or such as
4 may be hereafter enacted, from said government of all moneys
5 heretofore paid illegally into the federal treasury as a direct
tax upon property situated in the state of West Virginia,
6 providing for the recovery of same, authorizing the state board
7 of control to employ counsel and enter into the necessary
8 contracts and agreements for the carrying out of the object
9 of this act, providing for notice to and procure by claimants
10 of such moneys and fixing a prescription period after which
11 such moneys shall escheat to and become the property of the
12 state of West Virginia.

[Passed April 27, 1923. In effect ninety days from passage. Became a law
without the approval of the Governor]

Sec. 1. Board of control authorized to
1 take steps for the collection of
2 moneys illegally paid to the
3 United States.

Sec. 2. Direct tax commission created;
duties.

Sec. 3. Funds turned into State Treas-
ury.

Be it enacted by the Legislature of West Virginia:

Section 1. That the state board of control be and it is
2 hereby directed to propound to and against the government of
3 the United States of America and to prosecute to collection a
4 claim by and in the name of the state of West Virginia for all
5 moneys heretofore paid illegally into the federal treasury as
6 a direct tax upon property situated in the state of West
7 Virginia.

Sec. 2. That if the state board of control finds that there
2 is no federal statute or law now existing providing for the
3 payment of such funds into the treasury of the state of West
4 Virginia, it is hereby directed to seek, in such manner as to
it shall appear necessary and proper, legislation at the hands
of the Congress of the United States, providing for the pay-
ment of such moneys into the treasury of the state of West
Virginia.

Sec. 3. That all such moneys, so collected and paid by the
government of the United States, shall be paid into the treas-
ury of the state of West Virginia, less the commission for
the collection thereof, and shall be held by the state of West
Virginia for a period of five years in trust for the claimants of
such funds.

Sec. 4. That the state board of control is hereby authorized
to employ counsel and to enter into the necessary contracts
and agreements with such counsel for the propounding and
prosecution of such claim against the government of the United
States of America, and fixing the commission to be allowed said
counsel for such work, such commission to be contingent upon
the collection of such moneys from the United States and to be
payable out of the same, and not to exceed twenty-five per cen-
tum thereof; provided, however, that the state shall incur no
cost or expense in the propounding or prosecution of such
claim other than such commission.

Sec. 5. That upon receipt of such funds from the United
States by the treasurer of the state of West Virginia, it
shall be the duty of the state board of control to give notice
to all claimants thereof by publication once each week for a
period of eight successive weeks in a newspaper published in
each of the counties of the state of West Virginia, and, if
there be no newspaper in any county, then by posting at the
front door of the court house of such counties for such period
of time, which notices shall set forth that such moneys have
been collected and shall notify all claimants of same to pro-
pound their claims in writing by filing same with said board
and it shall warn all claimants and persons interested therein
that a failure so to file their respective claims within a
period of two years from the date on which such moneys were
paid into the treasury of the state of West Virginia, shall
forever bar their respective right to such funds or any part
thereof, and that in default of the filing of such claims such
funds shall escheat to and become the absolute property of the
state of West Virginia.

Sec. 6. That all such claimants of such moneys shall file
their claims in writing with the state board of control on such
3 forms as it shall provide and shall submit their proofs and
evidence to a commission to be known as the direct tax commis-
sion, which is hereby created, and shall be composed of the
governor, the treasurer and the auditor of the state of West
Virginia. If such claims are approved by said commission, the
auditor of the state of West Virginia shall draw a warrant on
the treasurer of the state of West Virginia, payable to the
order of such claimant and the treasurer shall pay such war-
rants out of the funds so collected from the government of the
United States and held in trust for such purpose. Either such
claimants or the state of West Virginia through its attorney
general may appeal from the decision of the direct tax com-
mission to any court of competent jurisdiction.

Sec. 7. That at the end of a period of five years from the
date on which said moneys so collected from the United States
shall be paid into the treasury of the state of West Virginia,
said funds, to the extent to which no claims have been filed
against same, shall escheat to and become the absolute property
of the state of West Virginia. Said funds, to the extent that
any claims have been filed against same, shall remain in the
state treasury subject to the final determination of such claims
and all such funds not finally determined to belong to the
claimants thereof shall at that time escheat to and become the
absolute property of the state of West Virginia.

CHAPTER 67
(Senate Bill No. 12—Mr. Sudderth)

AN ACT to amend and re-enact section two of chapter seventy-
nine of the acts of the legislature of one thousand nine hun-
dred and thirteen, relating to the charter of the city of Graft-
ton, and making a change in the corporate boundary of said
city of Grafton.

[Passed April 17, 1923. In effect from passage. Approved by the Governor
April 24, 1923]

Sec. 2. Corporate limits.

Be it enacted by the Legislature of West Virginia:

That section two of chapter seventy-nine of the acts of the leg-
islature of one thousand nine hundred and thirteen be amended
and re-enacted so as to read as follows:
Section 2. The corporate limits of the city of Grafton shall hereafter be as follows: Beginning at the southeast corner of Roger's mill; thence in a southerly direction to the eastern pier of the boom; thence crossing the Valley river to a point on the west bank thereof, where the boundary line of the former town of West Grafton intersected said river, at a point near said boom; thence with the former boundary line of the western portion of Grafton, formerly West Grafton, to a spring in Warder's field; thence in a straight line to the county road at the southwestern corner of Cobb's lot; thence with the county road to Amon Martin's line, corner of Beaumont addition to the corner of Judkin's land; thence in a straight line southwesterly to three service bushes, corner to McWilliams; thence in a straight line to Bartlett creek, where the branch railroad built to the box factory crosses said creek; thence with the meanderings of said creek to the western line of the Atlantic Refining company's tank property; thence in a straight line to a chestnut on the ridge in Willhide's field; thence in a straight line to the Tygarts Valley river near three linns, corner to St. Clair and Yates; thence with the last mentioned line extended to a point on the opposite side of said Tygarts Valley river; thence with the meanderings of said river, following low water on the eastern side thereof, to a willow on the river edge, corner of the former corporation of Fetterman, below the old Huffman mill dam; thence following the northerly boundaries of the former corporation of Fetterman to the big spring at the Northwestern turnpike; thence in a straight line to the intersection of the county road and the said turnpike, near the old John K. Knotts residence; thence with the southern meanderings of said turnpike to the intersection with the Grafton road near the dwelling of the late John W. Blue; thence to the eastern boundary line of said Grafton road; thence with the eastern boundary line of said Grafton road to the point of intersection of the western line of the Anna V. L. Drennan lot now owned by Mary E. Sommerville with the eastern line of said Grafton road; thence in a southerly direction to the railroad bridge at the cut-off; thence with the northern bank of Three Fork creek to the beginning.
CHAPTER 68
(Senate Bill No. 92—Mr. Yoho)

AN ACT to amend and re-enact sections two, three, four-a, seven, twenty-nine, thirty, thirty-five, thirty-seven, forty, forty-one, forty-seven, forty-eight and fifty-one of chapter eighteen of the acts of legislature for the year one thousand nine hundred and fifteen as amended and re-enacted by chapter twelve of the acts of legislature for the year one thousand nine hundred and nineteen, and adding thereto additional sections to be known as two-a, three-a, and thirty-three-a relating to the charter of the city of Cameron, in the county of Marshall, granting to said city additional charter powers.

[Passed January 23, 1923. In effect from passage. Became a law without the approval of the Governor]

Be it enacted by the Legislature of West Virginia:

That section two, three, four-a, seven, twenty-nine, thirty, twenty-five, thirty-seven, thirty-eight, forty, forty-one, forty-seven, forty-eight and fifty-one of chapter eighteen of the acts of the legislature of West Virginia for the year one thousand nine hundred and fifteen, as amended and re-enacted by chapter twelve of the acts of one thousand nine hundred and nineteen, be amended and re-enacted so as to read as follows: and that sections two-a, three-a, thirty-three-a be added thereto, the same relating to the charter of the city of Cameron, county of Marshall shall.

Section 2-a. The territory of said city is hereby divided into three wards as follows:

First Ward—All that part of the city lying south of the Baltimore & Ohio railroad right-of-way.

Second Ward—All that part of the city lying east of Bridge street and North avenue and north of the Baltimore and Ohio railroad right-of-way.

Third Ward—All that part of the city lying west of Bridge street and North avenue and north of the Baltimore and Ohio railroad right-of-way.
11 The council may change the different wards, but regard shall be given to equality of population in making such changes.

Officers.

Sec. 3. The officers of said city shall be mayor, clerk, chief of police, and six councilmen. The clerk shall be ex-officio assessor and collector, and the chief of police shall be ex-officio street commissioner for said city. The said officers shall be elected by the qualified voters of the said city. The mayor, clerk, and the six councilmen shall constitute the common council of said city, which council, may at its discretion, appoint a superintendent of water works, city solicitor and such other officers as may be deemed necessary from time to time, and fix the term, duties and compensation therefor. No person shall be eligible to any elective office in said city unless he is a qualified voter thereof, nor unless he has resided therein for at least one year next preceding his election, nor who shall not have been assessed during the current year for taxation with real estate or personal property of the value of at least five hundred dollars.

Sec. 3-a. Each ward shall be represented by two councilmen, who shall be nominated and elected by the voters of the ward they are to represent; but no person shall be a candidate for councilman unless he is a bona-fide resident of the ward in which he was elected shall vacate his office; and no person shall be eligible to any city office unless he is a taxpayer and a qualified voter thereof.

Sec. 4. The municipal authorities of said city shall consist of the mayor, clerk, and six councilmen, who, together, shall constitute a common council as herein before set out; and all the corporate powers of said corporation shall be exercised by said council, or under its direction, except where otherwise provided herein.

Elections

Sec. 4-a. At the election to be held in the month of January in the year one thousand nine hundred and twenty-four, the mayor, clerk, and chief of police shall be elected for a term of two years; three councilmen shall be elected for a term of two years; and three councilmen for a term of four years, that is to say, one councilman from each ward shall be elected for a term of two years, and one councilman from each ward shall
8 be elected for a term of four years, and the term to be held
9 shall be determined by the number of votes each received, that
10 is to say, the candidate receiving the greatest number of votes
11 in his ward shall be elected for the long term and the candidate
12 receiving the next highest number of votes in his ward shall
13 be elected for the short term. After the election before men-
14 tioned, all councilmen shall be elected for a term of four years,
15 and the mayor, clerk, and chief of police shall be elected for
16 the terms hereinbefore provided.

Term of Office

Sec. 7. The term of office of the mayor, clerk, chief of police
2 and the councilmen shall begin on the first day of February next
3 succeeding their election and shall continue as hereinbefore pro-
4 vided. The appointive officers herein mentioned shall hold their
5 offices during the pleasure of the council. Any former incum-
6 bent shall be ineligible for reappointment unless he shall have
7 settled up the business of his former term or terms as far as
8 possible at the time such re-appointment is made.

Taxes

Sec. 29. The clerk shall, when the extended copies of the as-
2 sessor's books are completed and returned to the clerk of the
3 county court, have access to the same for the purpose of making
4 out tax bills of the taxes therein extended, and it shall be the
5 duty of the clerk, who shall be the ex-officio assessor of said city,
6 to make out all tax tickets, and, when the same have been ex-
7 amined, compared and approved by the finance committee of the
8 council and found to be correct, the said clerk, who is the ex-
9 officio collector, shall proceed to collect said taxes.

Sec. 30. The clerk shall prepare bills for all license taxes due
2 said city, whenever the same shall become due and payable, and
3 he shall then proceed to collect the same. The clerk shall ac-
4 count to the treasurer therefor, as required herein for other
5 collections. All provisions in section thirty-three of chapter
6 eighteen of the acts of the legislature of West Virginia, one
7 thousand nine hundred and fifteen, in conflict herewith are
8 hereby repealed.
9 The said clerk shall keep his office at the office of the mayor,
10 unless otherwise ordered by council, and shall keep his office
11 open for the transaction of business during such business hours
12 as may be necessary for the proper performance of his several
It shall be his duty to prepare the annual financial statement of said city, and when approved by the committee on finance, cause same to be published in some newspaper published in said city; and if there be no newspaper so published, then in some newspaper published in Marshall county, West Virginia.

The said clerk shall receive such compensation as may be fixed by council from term to term, which shall not be less than six hundred nor more than one thousand dollars per annum.

Chief of Police

Sec. 33-a. The chief of police shall receive such compensation as may be fixed by council from term to term, which shall not be less than one thousand dollars nor more than sixteen hundred dollars per annum.

Clerk—Ex-Officio Collector

Sec. 35. The clerk as ex-officio collector, shall give notice that the tax bills are in his hands for collection, stating the penalty for non-payment thereof and the time and the place where the same may be paid, which notice shall be given by publication in some newspaper published in said city, or in Marshall county should there be none in said city, and by notices carefully posted in public places therein; to all persons who shall pay their taxes in full before the first day of December next succeeding said levy, there shall be allowed a discount of two and one-half per centum on the whole amount of taxes so paid, and not otherwise.

The said collector shall proceed immediately to collect from the persons so charged, by distraint or otherwise, the entire amount of taxes with which they are severally charged therein, and remaining unpaid on the first day of January next succeeding said levy, with interest at the rate of one per centum per month from said first day of January until they are fully paid.

Sec. 37. Amending section thirty-seven of chapter eighteen of the acts of the legislature of West Virginia one thousand nine hundred and fifteen, by striking out the words "chief of police" in line thirty-one and substituting therefor the word "clerk"; and by striking out lines thirty-four, thirty-five, thirty-six and thirty-seven, relating to salary.

Sec. 38. Section thirty-eight of the acts of the legislature of West Virginia one thousand nine hundred and fifteen chapter...
3 The words “chief of police” in line number one shall be striken out and the word “clerk” substituted therefor.

**Water Rents**

Sec. 40. All water rents due said city shall be ascertained from time to time as may now or hereafter be provided by council by proper ordinance or order passed thereby, and the bills for such water rent shall be prepared by the clerk and collected by him. The clerk shall account to the treasurer for all the collections.

**Street Commissioner**

Sec. 41. The chief of police shall be *ex-officio* street commissioner for said city, and he shall perform such duties as may now or hereafter, by ordinance, be imposed upon him.

**Sidewalks**

Sec. 47. The council may lay out and establish sidewalks or footways on the streets, avenues or alleys of the said city, and may require the same to be paved with brick, stone or other suitable material, as the council may determine, under the direction of the chief of police, by the owners respectively of the lots or fractional parts of lots, facing or abutting on such sidewalks or footways; and, if the owner of any such sidewalks or footwalk, or of the real property next adjacent thereto, shall fail or refuse to pave the same in the manner or within the time required by the council, it shall be the duty of the council to cause the same to be done at the expense of the city, and to assess the amount of such expense upon such owners, and if the said assessment be not paid within thirty days from the date of said notice, the clerk shall turn the same over to the city collector for collection, and said collection may be made in the same manner as is now provided for the collection of city taxes, or by an action in the circuit court of Marshall county, West Virginia, or before any justice of the peace of said county having jurisdiction in the matter, and a judgment obtained before said court of justice may be recorded in the office of the clerk of the county court of Marshall county, West Virginia, in the judgment lien docket and may be enforced in the same
The provisions of this section shall be applicable to needed repairs to any of the sidewalks of the city, and to the substitution of new sidewalks for any which may have been herefore, or which may be hereafter laid and completed, and which may be deemed insufficient.

Street Paving.

Sec. 48. The council shall have authority to provide that any street, avenue or alley, or any portion thereof, between the curbstones, shall be macadamized or paved with brick, cobblestones, or other suitable material, upon the lowest and best terms obtainable, after advertisement for two weeks in one or more newspapers in the city, for bids and proposals for the work; and two-thirds of the cost of such macadamizing or paving, from curb to curb of such streets, avenue, or alley, shall be assessed to the owners of lots, or fractional parts of lots, fronting or abutting on such street, avenue or alley, that is to say: The property owners on each side of said street, avenue or alley shall be assessed one-third of the cost of said improvements, to each property owner or sum proportionate to the distance, or extent in feet by him owned, and one-third of the sum so assessed shall be paid by each property owner to the city within thirty days after the completion of the work, and the remainder in two equal installments in six and twelve months thereafter, with interest thereon at the rate of six per centum per annum, or at such other times as the council may prescribe. The remaining one-third of such expense, as well as the expense of macadamizing or paving at the intersections of streets, avenues and alleys shall be defrayed by the city. The council shall cause a notice to be published for two weeks in some newspaper published in said city, showing the owners of the property and the number of feet fronting on said improvements, as well as the time and the place where the said council will proceed to fix said assessments as above provided, and giving notice to any person having an interest in said property to appear and show cause, if any he can, why such assessment shall not be made; and the council may, in making such assessments, consider the petition of any person or corporation relative to the inequality of said assessment, and may equalize and adjust the same. And if the said installment be not paid within thirty
34 days from the date it falls due, the clerk of the said city shall
35 cause a memorandum showing the name of the owner of said
36 lot, a description of the lot, and the amount of the assessment,
37 to be filed in the office of the clerk of the county court of Mar-
38 shall county, which shall be entered of record in the judgment
39 lien docket in said office, and the same shall constitute a lien
40 on such property, which may be enforced by a suit in the name
41 of the said city, in the circuit court of Marshall county, as
42 other liens against real estate are enforced; and upon payment
43 of said installment, the clerk shall issue to the person entitled
44 thereto a release of said lien. The provisions of this section
45 shall also apply to needed repairs to any of the payments of
46 the said city, and to the substitution of new payments for any
47 which may have heretofore, or which may be hereafter laid.
48 and completed, and which may be deemed insufficient. The
49 council of said city may cause an additional levy, to be made
50 annually, of fifteen cents on the one hundred dollars valua-
51 tion of all the real and personal property within said city, or
52 subject to taxation, for the purpose of defraying the expense of
53 paving the streets, avenues and alleys of the said city as herein
54 provided; such levy shall be made at the time the general levy
55 is laid, and shall be collected in like manner, but a separate
56 account shall be kept of the receipts and expenditures of such
57 fund.

Bonds—Additional Levy

Sec. 51. Section fifty-one of chapter eighteen of the acts of
2 the legislature of West Virginia, one thousand nine hundred and
3 fifteen, shall be amended as follows: The words “for four con-
4 secutive weeks” shall be striken out, in lines twenty and twen-
5 ty-one, and the words “for two consecutive weeks” substituted
6 therefor.

CHAPTER 69

(Senate Bill No. 103—Mr. White of Mingo)

AN ACT to amend and re-enact section twenty-eight of chapter
fourteen of the acts of the regular session of the legislature
of one thousand nine hundred and fifteen, and to add section
twenty-eight-a to said chapter.
Ch. 69] PAVING CERTIFICATES 

[Passed April 17, 1923. In effect from passage. Approved by the Governor April 26, 1923]

Sec. 28. Sidewalks, street paving, etc. | Improvements: cost: how assessed: how collected: acts in conflict repealed.

28-a. Petition of owners asking for

Be it enacted by the Legislature of West Virginia:

That section twenty-eight of chapter fourteen of the acts of the regular session of the legislature of one thousand nine hundred and fifteen be amended and re-enacted, and section twenty-eight a be added thereto, as follows:

Section 28. If the owner or occupant of the real property
2 abutting on any sidewalk, footway or gutter in such city, shall
3 fail or refuse to curb, pave or keep the same clean, in the man-
4 ner or within the time required by the commission, it shall be
5 the duty of the commission to cause the same to be done at the
6 expense of the city, and to assess the amount of such expense
7 on such property, or upon the owner or occupant thereof, and
8 the same may be collected by the collector in the manner pro-
9 vided herein for the collection of city taxes.
10 The commission may, if it so elect, upon the refusal of the
11 owner or occupant to curb, pave or keep clean any sidewalk,
12 footway or gutter as aforesaid, let said work to contract, and
13 certificates may be issued for the amount of said assessments
14 which may be sold to the contractor doing the workk, or other
15 person, in full of the total cost of said work; provided, the city
16 in negotiating and selling such certificates shall not be held as
17 guarantor or in any way liable for payment thereof, except
18 upon the direct action of the commission as expressed by reso-
19 lution of record before such sale. Said certificates shall be in
20 such form and be payable at such time, with or without interest,
21 as the commission may, by ordinance, direct. If the said certi-
22 ficates remain unpaid for more than sixty days after they be-
23 come due and payable, it shall be the duty of the
24 clerk of the commission upon being requested so to do
25 by the owner of said certificates to certify said as-
26 sessments to the clerk of the county court of Mingo
27 county, who shall record and index the same as other
28 liens of like kind are recorded and indexed, and the same
29 shall be and remain a lien upon the real estate against which
30 said assessments are made; and, said assessments shall, in addi-
31 tion, be the personal obligation or debt of the owner or occu-
32 pant of said property, and said lien and said debt or obligation
33 may be enforced in the name of the owner of said certificates in
34 like manner as other liens and debts are enforced.
Before letting such work to contract the commission shall advertise for bids for a reasonable length of time to be fixed in ordinance directing said work, and the same shall be awarded to the lowest responsible bidder therefor. Such work shall be done in accordance with plans and specifications made by the city engineer and shall be done under the supervision of the said engineer.

If the owner or occupant of any such lot or land shall be required by the commission to curb, pave or keep clean any sidewalks, footway or gutter in the city, written notice shall be given such owner or occupant in a manner to be provided by ordinance, and neglect or refusal of such owner or occupant to do the work in the manner and within the time required by the commission, as set out or referred to in said notice, shall be an offense and may be punished as provided by ordinance.

Sec. 28-a. Upon the petition, in writing, of the persons owning the greatest amount of frontage of the lots abutting on any street or alley, between any two cross streets, or between a cross street and an alley, the commission of the city, by a lawful majority thereof, may order such part of any street or alley to be paved between the sidewalks with cobblestone, brick, belgian blocks, asphalt, or other suitable material, from one of such cross streets or alleys to the other, under such regulations as may be fixed by ordinance duly passed by the commission; two-thirds of the cost of such paving shall be assessed to the owners of the lots or fractional parts of lots abutting on that part of the street or alley so paved in proportion to the distance such lot or part of a lot abuts on such street or alley, and the remaining one-third of the cost of such paving shall be paid by the city. In making such assessments the basis shall be the cost of paving that part of the street or alley on which the property lies, included between the adjoining cross streets or alleys, and the amounts assessed against the owners of each lot or fractional part of a lot, shall be in the proportion which the frontage of such lot or part of lot bears to the whole cost of paving said street or alley between said cross streets or alleys as aforesaid; and the same may be collected in the manner provided herein for the collection of city taxes. All acts and parts of acts inconsistent herewith, are hereby repealed.
CHAPTER 70
(Senate Bill No. 105—Mr. Reynolds)

AN ACT to amend and re-enact section two of article two, section three of article three, section four of article four, section ten of article seven, sections fourteen and fifteen of article eight and section twenty-nine of article eighteen of chapter seventy-eight of the acts of the legislature of West Virginia for the year one thousand nine hundred and thirteen relating to the charter of the city of Piedmont.

[Passed April 17, 1923. In effect from passage. Approved by the Governor April 25, 1923]

SEC. 2. Corporate limits.
3. Municipal authorities; council.
4. Officers; appointment by council.
10. Elections; registration of voters.
14. Election and terms of councilmen.
15. Eligibility of councilmen.
29. City clerk; term, bond, duties; custodian of records; to make assessments; to be police clerk, collector and treasurer; other duties; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

That section two of article two, section three of article three, section four of article four, section ten of article seven, sections fourteen and fifteen of article eight, and section twenty-nine of article eighteen of chapter seventy-eight of the acts of the legislature of West Virginia for one thousand nine hundred and thirteen, be amended and re-enacted so as to read as follows:

ARTICLE II.

Corporate Limits.

Section 2. The corporate limits of the city of Piedmont shall be as follows, to-wit:

3 Beginning at a stone marked "No. 1" on the south side of the county road leading from Piedmont to Keyser, Mineral county, West Virginia, said beginning being south 60° west 280 feet from a stone in the center of the county road about 800 feet east of where Odel spring run crosses the county road, it being the original beginning of the corporate line of the city of Piedmont as located in one thousand nine hundred and thirteen, and running thence with part of the first line of said survey; 10 north 60° east 260 feet to a peg on the south side of the county road leading from Piedmont to Keyser and 20 feet from the center line of said road; thence north 29° west 630 feet;
14 north 43° 45' west 120 feet; north 33° 45' west 95 feet; north
15 19° 30' east 292 feet; north 4° 50' west 636 feet; north 6° west
16 132 feet; north 24° west 668 feet; north 18° west 315 feet to a
17 peg on the south side of the county road leading from Piedmont
18 to Keyser and in the center of ....................................... alley, 20
19 feet from the center of said county road; thence across said
20 road north 72° east 40 feet to an iron peg; south 18° east 314
21 feet; south 28° 30' east 120 feet; south 24° 30' east 568 feet;
22 south 10° 45' east 130 feet; south 5° 40' east 645 feet; south
23 16° 30' west 278 feet; south 32° east 178 feet; south 27° 30' east
24 626 feet to a peg on the north side of the county road leading
25 from Piedmont to Keyser at the end of 300 feet on the first
26 line of the corporate line as surveyed in one thousand nine hun-
27 dred and thirteen thence with the lines of said survey north 60°
28 east 364 feet to the Potomac river, crossing the Baltimore and
29 Ohio railroad at 295 feet, and running thence with the Potomac
30 river north 15° 35' west 485 feet; north 3° 30' east 760 feet;
31 north 4° 30' west 208.7 feet; north 10° 24' west 463.5 feet;
32 north 2° 31' east 169.1 feet; north 6° 14' west 97.9 feet; north
33 9° 55' west 158.6 feet; north 9° 40' west 251.3 feet; north 22°
34 37' west 329.7 feet; north 24° 51' west 491.1 feet; north 52°
35 25' west 373.4 feet; north 71° 30' west 140.1 feet; south 80° 32'
36 west 296.9 feet; north 79° 20' west 265.2 feet; north 62° 39'
37 west 137.4 feet; north 79° 24' west 107.5 feet; north 59° 15'
38 west 594 feet; north 54° 5' west 112.7 feet; north 9° 32' west
39 361.4 feet; north 16° 38' west 182 feet; north 21° 44' west 513
40 feet; north 31° 58' west 258.5 feet; north 53° 37' west 132.8
41 feet—(at 70 feet center of abutment of Piedmont and Western-
42 port bridge)—north 69° 48' west 115 feet—(at 100 feet center
43 of abutment of Cumberland and Pennsylvania railroad bridge)
44 —north 86° 49' west 303.3 feet; south 83° 48' west 373.4 feet;
45 south 72° 21' west 288 feet; south 82° 41' west 79 feet; south
46 60° 57' west 198.4 feet; south 48° 49' west 499.1 feet; south 32°
47 44' west 409 feet; south 9° 46' west 412.3 feet; south 8° 49' west
48 499.8 feet; south 11° 27' west 646 feet—(at 15 feet center of
49 abutment Piedmont and Luke bridge; thence leaving the Poto-
50 mac river south 55° 3' east 680 feet to a stone marked "36"'
51 near the old mine opening on hill (at 50 feet on this line crosses
52 the Baltimore and Ohio railroad tracks); north 76° east 1700
53 feet to a stone; south 35° east 2200 feet to a stone; north 22° west
54 20 feet from a maple, (six notches) at 614 feet locust line; at
55 1235 feet, white oak 7 feet to right; south 32° east 1079 feet to a
56 stone on the west side of the road near Odel Spring run, also
57 south 71° west 15 feet from a maple, (six notches); at 747 feet
58 Fire Clay tramroad; at 1020 feet Odel Spring run; thence south
59 41° east 791 feet to the beginning.

ARTICLE III.

Municipal Authorities.

Sec. 3. The municipal authorities of the city of Piedmont
2 shall be mayor and five councilmen, who shall constitute the
3 council.

ARTICLE IV.

Officers.

Sec. 4. In addition to the municipal authorities mentioned
2 in this act, the said city of Piedmont shall have a city clerk,
3 who shall be appointed by the city council, who shall perform
4 the duties of a city treasurer, sergeant and recorder as defined
5 in section twenty-nine of article eighteen as well as a chief of
6 police, building inspector, who may be one of the council, a po-
7 lice judge who shall be the mayor, a city attorney, a health
8 commissioner, an auditor and such other officers and agents as
9 the council may in its discretion from time to time create, ap-
10 point or employ, all of whom shall be appointed by the city
11 council.

ARTICLE VII.

Elections.

Sec. 10. The council may by ordinance provide such regu-
2 tions for the registration of voters as the state law may re-
3 quire.

ARTICLE VIII.

Election of Officers.

Sec. 14. On the second Monday in May, one thousand nine
2 hundred and fourteen, there shall be elected by the qualified
3 voters of the city three councilmen, the two receiving the greater
4 number of votes to hold office from the first day of June, one
5 thousand nine hundred and fourteen until the first day of
June, one thousand nine hundred and sixteen, and the one
receiving the least number of votes shall hold office from the
first day of June, one thousand nine hundred and fourteen
until the first day of June, one thousand nine hundred and
fifteen, or until their successors are elected and qualified. Be-
inning with the first election held under this act, which will
be on the second Monday in May, one thousand nine hundred
and fourteen, and every year thereafter, there shall be elected
three councilmen by the qualified voters of the city, the two
five councilmen receiving the highest or greater number of votes to
hold office for a term of two years, and the one receiving the
least number of votes to hold office for the term of one year;
and so on every year thereafter. The officers of the city elected
under the old charter and at the election held in the year one
thousand nine hundred and thirteen shall hold over until their
successors are elected and qualified.

Sec. 15. No person shall be eligible to the office of council-
men except he be assessed with and own at least three hundred
dollars’ worth of real or personal property, and be a citizen en-
titled to vote at the election at which he is elected.

**ARTICLE XVIII.**

**Duties of the City Clerk.**

Sec. 29. The city clerk shall serve for a term of one year,
unless sooner removed for cause. He shall, before entering
upon the discharge of his duties, as such clerk, take and sub-
scribe to the oath of his office which is prescribed for other
city officials, and shall execute such bond as shall be fixed by
the council, which bond shall be approved by the council and
recorded in its proceedings and the same filed.

In addition to all the other duties prescribed for the city
clerk he shall perform all the duties now performed by the
city recorder, and the city clerk shall keep the records of the
council, and he shall be present at all regular and special
meetings of that body. It shall be his duty to properly record
in a well-bound book all the proceedings of the council, as
well as a complete record of all ordinances, franchises, bonds,
permits and resolutions adopted or passed by the council, and
properly index the same, for the convenience and inspection
of the council or any city official or taxpayer.
Before any business at any regular meeting of the council is undertaken it shall be the duty of the clerk to read publicly to the council the minutes of all regular or special meetings of that body, not theretofore read or approved, and upon approval of the same by the council the signatures of the mayor and clerk shall forthwith be affixed. All records of the council so approved and signed or duly authenticated copy thereof, signed by the clerk and under the seal of the city shall be admitted as evidence in any proper case in any court of this state.

The city clerk, except as may be otherwise herein provided, shall be the custodian of the records and papers of the city and the seal of the city, which shall be kept by him at his office, and the records and papers shall be opened to public inspection at all proper hours. He shall, acting under existing laws in so far as they are not inconsistent with this act, perform such duties relating to all city elections held under this act, as the clerks of the circuit court or county courts perform, under state laws, in relation to the holding of general or special elections; and he shall likewise be the custodian of all registration books, ballot boxes, ballots, tally sheets, and all other papers pertaining to all municipal elections.

The city clerk shall have power within the municipality to administer oaths and take acknowledgments of deeds and other instruments required by law to be acknowledged, in the same manner and with like effect and under the same penalties as notaries public, justices of the peace and other officers of the state who are authorized to administer oaths or take acknowledgments under state laws.

It shall be the duty of the city clerk, who shall be the assessor, to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and return the same to the council on or before the first day of August in each year, and for this purpose he shall have all the powers conferred by law on county assessors. He shall also list the number of dogs in the city and the names of the persons owning the same, which list shall be returned to the council. In order to aid the said council in ascertaining the property subject to taxation by said city, the city clerk (who shall act as assessor) of said city shall have access to all books...
and public records of said county without expense to said city or assessor, and he shall also have the same power and be subject to the same penalties in ascertaining and assessing property and subjects of taxation in said city as are granted and imposed upon the county assessors throughout the state by the state law, and the council shall also have authority to prescribe by order such other rules and regulations as may be necessary to enable and require such assessor to ascertain and properly assess all property liable to be taxed by said city so that such assessments and taxation shall be uniform, and to enforce such ordinances by reasonable fines and penalties.

The city clerk shall have an office in the city hall, council chamber or such other place as the council shall designate and provide, and he shall keep his office open for at least four consecutive hours in the forenoon and four consecutive hours in the afternoon of each day.

In addition to the other duties of the city clerk as herein set forth he shall, whenever required by the mayor, attend the police court and attend to all the duties as clerk of the police court of the city. In the absence of the mayor or police judge, he shall exercise the functions of the police judge and he shall perform all other duties required of him by order or by ordinance of the council.

In addition to the other duties to be performed by the city clerk he shall also be the city collector, charged with the duty of collecting all taxes, levies, assessments, water rents and all other funds due the city, and as such collector shall have and exercise all of the rights, authority and powers conferred upon town sergeants by the general law of the state with reference to the collection of taxes and funds of cities, towns and villages, and upon sheriffs with reference to the collection of state and county taxes and funds. He shall at least once in each week, or oftener if the council so require, submit a report of all moneys received by him as such collector.

In addition to these duties of the said city clerk he shall also act as treasurer of the city of Piedmont and shall receive and account for all moneys from all sources of municipal revenue, all license taxes and fees shall be paid to him direct by the person to whom such license is issued, and no license shall be valid without the receipt of the city clerk for such tax and fees endorsed thereon. All officers and agents of the
city, authorized to receive money for the city, or revenues thereof, from any source whatsoever, shall pay the same over to the city clerk within one week after the receipt thereof or sooner if required by the council.

The city clerk shall keep the funds of the city in some bank or banks within the city, which shall pay to the city three per centum or more per annum interest on such deposits, payable quarterly, based on the average daily balance on such funds in all accounts. If no bank within the city is willing at any time to receive the deposits of the city clerk and to pay such interest thereon, the city clerk shall report this fact to the council, which shall thereupon designate a bank or banks in which he shall deposit such funds for the time being and until some bank in the city will receive deposits at the rate of interest so fixed.

Said bank or banks shall give bond if required by the council in the penalty prescribed by the council, and with sureties to be approved by the council conditioned for the prompt payment, whenever lawfully required, of all public moneys, or parts thereof which may be deposited with them.

The city clerk shall pay all warrants or other proper orders legally drawn and presented, out of any moneys at the time in the fund on which such warrant or order is drawn, but no money shall be paid by him except as the same shall have been appropriated by the council and upon an order signed by the mayor and city clerk.

If no money is in the fund with which to pay such warrant or order, the city clerk shall endorse on the back thereof the words "no funds" and affix the date of such endorsement, and shall preserve a record of such endorsement in his office. The city clerk shall perform any other duties which the council may from time to time prescribe and which are not inconsistent with the general scope of his duties.

Before entering upon the duties of his office the city clerk shall give the bond hereinbefore required, payable to the city of Piedmont in the penalty of not less than five thousand dollars, conditioned for the faithful performance of the duties of the office of city clerk, collector, treasurer, recorder and police judge and to account for and pay over as required by law all moneys which may come into his hands by virtue of any and all of said offices, and shall be chargeable with all of
141 the city taxes, levies, assessments, rents and water rents, from 
142 the time the bills therefor are required to be made up and 
143 collected, and with all moneys of the city, including fines, fees 
144 and penalties that may come into his hands. The city clerk 
145 shall receive no fees or commission for his services, but shall 
146 account to the city for all fees received by him. And in ad-
147 dition to the report herein required he shall at the first stated 
148 meeting of the council in each month make a monthly report 
149 to the council of all moneys and credits coming to his hands as 
150 city clerk, recorder, police judge, treasurer and collector and 
151 he shall publish once in every six months a detailed itemized 
152 statement of all receipts and expenses of the city for the pre-
153 ceding six months. 
154 The city clerk may appoint deputies and assistants, with 
155 the consent and approval of the council, as the duties of his 
156 office render necessary. The deputies shall take the oath re-
157 quired of the city clerk and shall give such bond as the clerk 
158 and the council may require, but such deputies or assistants 
159 shall not perform any duties as police judge in the absence of 
160 the mayor. 
161 The salary fixed by the council for the city clerk shall not be 
162 increased or diminished during his term of office and shall be 
163 deemed to include all the services of all deputies, clerks, assist-
164 ants or agents employed by him and no additional allowance 
165 shall be made for or on account of any services so rendered by 
166 the city clerk as herein enumerated and set forth. 
167 The duties of the sergeant, treasurer, recorder and those of 
168 the city auditor relating to assessments and the preparation of 
169 the tax books for the city are intended by this section to be 
170 combined and transferred to the office of the city clerk hereby 
171 created and all such duties heretofore and now performed by 
172 said officers shall from the time of this act takes effect devolve 
173 upon and be performed by the city clerk. 
173 All acts or parts of acts and provisions of the charter of the 
175 city of Piedmont inconsistent herewith are hereby repealed.

CHAPTER 71
(Senate Bill No. 157—Mr. Byrer)
AN ACT to amend and re-enact chapter thirteen of the acts of the 
legislature of one thousand nine hundred and five, as amended 
by chapter seven of the acts of the legislature of one thousand
nine hundred and seven, and as amended by chapter eleven of the acts of the legislature of one thousand nine hundred and fifteen, concerning the charter of the city of Philippi.

Be it enacted by the Legislature of West Virginia:

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

Section 1. The inhabitants of that portion of Barbour county, this state, now and hereafter residing within the boundaries described in the next section hereof, shall be and they are hereby constituted a body politic and corporate, by and under the name of "The City of Philippi", and as such and by and in that name, shall have perpetual succession and a common seal and may sue and be sued, contract and be contracted with, purchase, lease, hold and use real and personal property necessary for corporate purposes and generally shall have all the rights, powers and franchises, belonging to or appertaining to municipal corporations in this state.
Sec. 2. The corporate limits of said city shall be hereafter as follows:

Beginning at a sugar tree on the east bank of the Tygarts Valley river above the present brick and tile factory; thence south sixty-four degrees fifteen minutes east, one thousand three hundred and seven feet to a stake in the county road; thence north seventy-four degrees forty minutes east, one thousand one hundred and eighty-four feet to a stake; thence north forty-eight degrees twenty-two minutes east, one thousand six hundred and sixty-one feet to a chestnut in the W. G. Key's property; thence north nine degrees nine minutes east, one thousand five hundred and five feet to a stake in the divide of the farm of J. Hop. Woods; thence north twenty-five degrees forty-two minutes west, six hundred and twenty-nine feet to a stake; thence north thirty-four degrees fifty-one minutes west, four thousand five hundred and seventy feet to an apple tree in David Smith's farm; thence north seventy-eight degrees twenty-seven minutes west, six hundred and twenty-seven feet to a stake on the said farm; thence south twenty-seven degrees forty-six minutes west, seven hundred and fifty-seven feet to a pear tree; thence south twenty-six degrees thirteen minutes east, one thousand four hundred and sixty feet to a stone in the pike; thence north nine degrees fifty-five minutes east, four hundred and forty-four feet to the east bank of Tygarts Valley river; thence with the low water mark following the meanders of the east bank of said river to the beginning.

Sec. 3. The council of said city, shall divide the territory of said city into wards, of not less than four, and may increase the number of wards from time to time, due regard being had to the increase of population, and shall, by ordinance, bound each ward with reasonable certainty, and give to each ward equal representation in the council.

Sec. 4. The officers of said city shall be a mayor, clerk, chief of police, street commissioner, and one councilman from each ward, and, until the council shall increase the wards in said city to more than four, one councilman-at-large, and upon increasing the wards in said city to five or more, the office of councilman-at-large shall cease. The mayor and clerk shall be elected by the qualified voters of said city, as shall also the
8 councilman-at-large, as long as his office shall exist; but the
9 other councilmen shall be elected by the qualified voters of their
10 respective wards, and the other officers named shall be appointed
11 by the council and hold their offices during the pleasure of the
12 council, and shall be under the supervision and control of the
13 council who may prescribe rules for their regulations. No per-
14 son shall be eligible to any elective office unless he is a qualified
15 voter of the city, nor unless he has resided therein at least six
16 months before his election; and in the case of councilman, he
17 shall be a bona fide resident of the ward from which he is
18 elected; and no person shall be eligible as mayor unless he be a
19 freeholder, within said city; and should a councilman remove
20 from the ward in which he is elected, such removal shall vacate
21 his office.

Sec. 5. The municipal authorities of said city shall consist
2 of the mayor and councilmen, who together shall form a com-
3 mon council, and all the corporate powers of said corporation
4 shall be exercised by said council, or under its authority, except
5 where otherwise provided.

Sec. 6. The first election hereunder shall be held on the
2 second Tuesday in March, one thousand nine hundred and
3 twenty-four, and annually thereafter. Every person who has
4 been a bona fide resident of the city for six months next pre-
5 ceding any election, and otherwise a qualified voter under the
6 constitution and laws of the state, shall be entitled to vote at
7 such election in the ward in which he resides. The election
8 shall be held, conducted and the result thereof ascertained,
9 certified, returned and determined under such rules and regula-
10 tions as may be prescribed by the council, which shall not be
11 inconsistent with the general laws of the state governing munici-
12 pal elections, and shall conform as nearly as practicable to such
13 laws. Contested elections shall conform as nearly as may be
14 to similar proceedings in the case of county and district officers.
15 Not more than five days before such election, or any annual
16 election thereafter in such city, the clerk shall ascertain who are
17 legal voters in such city or any ward thereof and shall make up
18 a list of the qualified voters for each ward and deliver same to
19 the officers appointed to hold such election in the respective
20 wards; but any qualified voter whose name is omitted from such
21 list may cast his vote by making oath before the election officers
22 that he is a qualified voter in such ward. The council shall be
23 the judge of the election, returns and qualifications of its own
24 members. In case two or more persons receive an equal num-
25 ber of votes for the same office, if such number be the highest
26 cast for such office, the council shall determine by lot which of
27 them shall be returned elected, and shall make their return ac-
28 cordingly.

Sec. 7. The term of the office of mayor, clerk, councilmen
2 and the chief of police shall begin on the first Monday in April
3 next succeeding their election or appointment, and, except as to
4 the chief of police, shall be for the term of one year, and until
5 their successors shall have been elected and qualified. The
6 chief of police, assistant police, street commissioner, and all
7 other officers, appointees, and committees, as the council may
8 deem it necessary to appoint, shall be appointed by the council
9 and hold their respective offices during the pleasure of the coun-
10 cil. The same person shall not be chosen clerk for more than
11 one term, unless he shall have fully settled up the business of
12 his former term.

Sec. 8. Every person elected or appointed to any office in
2 said city shall, within twenty days after his election or appoint-
3 ment and before entering upon the discharge of the duties
4 thereof, take and subscribe an oath that he will support the
5 constitution of the United States, and the constitution of this
6 state, and that he will well and truly perform the duties of his
7 office, to the best of his skill and ability, which may be done be-
8 fore the mayor, or clerk of said city, or before any person
9 authorized to administer oaths; and the same together with a
10 certificate of the officer administering the oath shall be filed
11 with the clerk of said city.

Sec. 9. The council shall by ordinance, consistent with this act
2 and general law, prescribe the powers, and define the duties of
3 the chief of police, and other policemen, and of all other officers
4 and appointees of the council; and the council shall require from
5 the chief of police a bond, with good security to be approved
6 by it, in the penalty of not less than one thousand dollars con-
7 ditioned for the faithful performance of his duties as such chief
8 of police, and to account for and turn over all moneys or
9 property coming into his hands as such officer, and the council
10 may require and take from the appointive officers, respectively,
11 bonds payable to the city, in its corporate name, with such se-
12 curity and in such penalties as may be deemed proper, condi-
13 tioned for the faithful performance of their duties.

Sec. 10. The council shall require and take from all officers
2 elected or appointed as aforesaid, whose duty it shall be to re-
3 ceive funds, assets or properties belonging to said city, or hav-
4 ing charge of the same, such bond, obligations or other writings
5 as may be deemed necessary and proper, to secure the faithful
6 performance of their several duties. All bonds, obligations or
7 other writings taken in pursuance of any of the provisions of
8 this act shall be made payable to the city of Philippi, with such
9 sureties and in such penalties as may be deemed proper, condi-
10 tioned for the faithful performance of their duties and for the
11 accounting for and paying over as required by law, all moneys
12 coming into their hands by virtue of their offices, and the re-
13 spective persons and their heirs, executors and assigns bound
14 thereby shall be subject to the same proceedings on said bond,
15 obligations and other writings for enforcing the conditions of
16 the terms thereof by motion or otherwise, before any court of
17 competent jurisdiction held in and for the county of Barbour
18 that collectors of county levies and other sureties are or shall
19 be subject to on their bond for enforcing the payment of the
20 county levies.

Sec. 11. The council shall have authority to remove from
2 office, any officer of the city, whether elected or appointed, or
3 any appointee, for misconduct or neglect of duty, intoxication,
4 or for any wilful violation of the laws of this state, or of the
5 city ordinances, by an affirmative vote of three-fourths of the
6 members of the council; but only after reasonable notice to such
7 officer or appointee, and a hearing of the charges preferred;
8 and any vacancy in office, however occasioned, may be filled by
9 the council for the unexpired term.

Sec. 12. The council shall fix the place and time of holding
2 its regular meetings; may provide for special and adjourned
3 meetings; prescribe rules and regulations not inconsistent here-
4 with for the transaction of business and for its own guidance and
5 government. The council shall be presided over at its meetings
6 by the mayor, or in his absence, by one of the councilmen se-
7 lected by a majority of the council present, who may vote on
8 any question as member of the council. The mayor shall have
9 a vote in case of a tie, and in no case shall the presiding officer
have more than one vote. A majority of the council shall be
necessary to constitute a quorum for the transaction of business.
No member of the council shall vote upon or take part in the
consideration of any proposition in which he is or may be
interested otherwise than as a resident of said city.

Sec. 13. The council shall cause to be kept by the clerk in
a well-bound book, to be called the "minute book", an accurate
record of all of its proceedings, ordinances, acts, orders and reso-
lutions, and in another to be called "ordinance book", accurate
copies of all general ordinances adopted by the council, both of
which shall be fully indexed and open to the inspection of any
one required to pay taxes to the city or who may be otherwise
interested. All oaths and bonds of officers of the city and all
papers of the council, shall be indorsed, filed and securely kept
by the clerk. All printed copies of such ordinances purporting
to be published under authority of the council, and transcripts
of such ordinances, acts, orders and resolutions certified by the
clerk, under the seal of the city, shall be deemed prima facie
correct, when sought to be used as evidence in any court, or be-
fore any justice.

Sec. 14. At each meeting of the council, the proceedings of
the last meeting shall be read, and if erroneous, corrected, and
signed by the presiding officer for the time being. Upon the
call of any member the yeas and nays on any question shall be
taken and recorded in the minute book.

Sec. 15. No ordinance or by-law, and no resolution or
measure for the expenditure of money, other than to defray the
current and incidental expenses of the city, shall be deemed
passed or adopted unless it shall have been fully read at two
consecutive meetings of the council, and shall have received a
majority of the votes of the members present, when it shall
stand and be declared adopted, and not otherwise.

Sec. 16. The council of said city shall have the following
general powers enumerated in the sub-divisions of this section,
as follows:
(1) To lay off, open, close, vacate or maintain public
grounds, parks, public places, name and re-name the same, to
have control and supervision thereover, to protect the same
from damage or other injury by persons or property, to fix
fines and punishments for any injury thereto in violation of
any of the orders of said council, and to maintain good order
and prevent violations of the ordinances of said city therein
or thereon.

(2) To establish, maintain and regulate free public libra-
ries and reading rooms and to purchase books, papers, maps,
manuscripts and other proper things therefor, to receive dona-
tions and bequests of money or property for the same, in trust
or otherwise, and to pay the necessary expenses for establish-
ing, maintaining and regulating the same out of the funds for
general purposes; provided, such expenditure shall not exceed
one hundred dollars per annum unless by a unanimous vote
of all the members of the council.

(3) To protect divine worship within the limits of said city,
and to fix fines and punishment for disturbance of any as-
semble of people, then and there, met for the worship of God,
to prohibit any interference with or disturbance of divine wor-
ship or an assemblage of people met together for the worship
of God by any person or persons loitering about the premises
or places where such worship is being had or such assemblage
is met, or from loitering in the public streets or public places
adjacent thereto in such manner as to interrupt such worship.

(4) To acquire either by purchase, condemnation or any
other modes provided by general law, ground within said city
for such streets and alleys as the council may deem proper; to
locate, lay off, vacate, close, open, alter, grade, straighten,
widow or narrow, pave or re-pave, construct and keep in good
repair, the roads, streets, alleys, pavements, sidewalks, cross-
wells, drains, viaducts and gutters therein, and such bridges
as may be owned or built by the said city, for the use of the
public or of any of the citizens thereof, and to improve and
light the same and to keep the same clean and free from ob-
struction of every kind; provided, the municipality shall not be
liable for, or responsible in damages for injuries to persons or
property caused by or from any defect or obstruction in or on
any street or alley within said city, that has been or may be
taken over by the state road commission, under and by virtue
of the laws of this state; nor shall said municipality be liable
in damages for injuries to persons or property caused by or
from a defect or obstruction in or on the plat of ground be-
tween the gutter or curb of any street and the paved or plank
sidewalks extending there along or between any such side-
walks and the property lying next adjacent thereto, unless the
municipality had actual notice of such defect or obstruction
prior to the time of the injury complained of; and, provided,
further, that where said city shall be required to respond in
damages by reason of injury to persons or property occasioned
by the failure of any abutting owner to so provide or keep
in repair any sidewalk along such property, after being noti-
ied by the council so to do, that such property owner shall be
liable to the city for any sum of money, costs and counsel fees
which it has been required to pay by reason thereof.

(5) To regulate the width of sidewalks and the streets and
the width and the care of the public grounds or grass plots
abutting thereon, and to order the sidewalks, footways, cross-
ways, drains and gutters to be curbed, paved, or re-paved and
kept in good order, free and clean, and to provide for the re-
moval of snow and ice therefrom, and for sprinkling the same
by the owners or occupants of the real property next adjacent
thereto, and to provide and enforce punishments for obstruct-
ing, injuring or preventing the free and proper use thereof,
and to provide and enforce fines and penalties for throwing
therein or thereon any paper, glass, rubbish, decaying sub-
stances or other things that would make said streets, sidewalks,
grass plots, crosswalks, drains, or gutters unsightly or un-
healthy.

(6) To regulate the use of the walks, highways, bridges,
streets, alleys and gutters and the rate of speed of travel
thereon, and to prevent and punish for fast riding or driving
thereon of any horse, bicycle, wheeled vehicle, wagon, steam or
electric or traction engine, motor car or automobile, and to
prevent injury to such streets, alleys, roads and highways
from overloaded or improperly loaded vehicles, and from
dragging logs or other matter therein, and to regulate the
speed of engines or trains or street cars upon or across any
such streets, alleys, highways, bridges, public places or any
other place where the council deems the public safety requires
such regulation.

(7) To regulate the planting, trimming and preservation
of shade-trees, by persons and by corporations, in streets, al-
leys, roads, public grounds and places, and shall require the
owner of adjacent property to trim or remove any shade tree
or ornamental shrubbery or other tree that in the opinion of
the council is an obstruction to the streets, alleys, or sidewalks,
or a menace to public safety.

(8) The council shall have the right to require the owner
or occupier of any property in the city to keep his premises
clean and free from all matters that would endanger the health
of the city, and may require the removal of any waste paper or
waste material of any kind or character upon the private
property of any citizen or property owner that would cause
the spread of fire or when the council deems the same should
be removed; and may require the removal or straightening of
any fence, wire, pailings, or other material enclosing any lot,
when, in the opinion of the council, the same is dangerous or
obstructs or encroaches upon the streets, alleys or sidewalks;
provided, that in all such cases, if the owner or occupier of
such property fails to do any of the things enumerated in this
section required by the council, after notice by the council, the
council may take such action as may be necessary to perform
such acts and the expense thereof shall be charged to the
property owner and collected as taxes are collected.

(9) To regulate the making of division fences of an un-
sightly nature and party walls by the owners of adjoining and
adjacent premises and lots, in so far as the same shall not be
in conflict with general law.

(10) To regulate or require drainage by the owner or
occupier of any lot or other real estate, by proper drains,
ditches, and sewers, and to require the owner or occupier of
any lot to fill the same, at his own expense, so that water will
not collect in a body thereon, or so the same will not become
a menace to public health.

(11) To regulate or prohibit street carnivals, or street
fairs, or street parades, advertising exhibition, or other ex-
hibitions thereon, or the exhibition of goods, wares, merchan-
dise, material or artificial curiosities upon any street, side-
walk, alley or public place of the said town.

(12) To regulate or prohibit the ringing of bells, blowing
of steam whistles, or use of hand-organs, or other instru-
ments of an annoying character, or other music of itinerant
performers in the streets, or public speaking and preaching in
the streets, roads, parks, or public places of the municipality.

(13) To license, regulate or prohibit auctioneering.
(14) To license, regulate or prohibit the sale of goods, wares, merchandise, drugs or medicine on the streets or other public places.

(15) To prevent the illegal sale, offering or exposing for sale, or advertising of spirituous liquors, wine, porter, ale, beer, or drinks of a like nature.

(16) To prevent the illegal sale of tobacco, cigars, snuff, cigarettes, within said municipality, and to prevent the smoking, by any person under twenty-one years of age, of any cigarette, in any public building, or upon any public grounds, street, alley, sidewalk or public place within said city, and to fix fines and punishments for violations thereof.

(17) To regulate, control or prohibit runners for hotels, boarding houses and eating houses, and to regulate draymen or persons hauling or transporting for hire at and about the railroad depots and stations and other public places and in an assemblage of people within the said city.

(18) To regulate, assess and collect a license fee for the said city for the doing of anything or business on which a state license is required, subject to the exceptions provided by general law.

(19) To provide, assess and collect a license tax from residents in said city who own and operate or run an automobile therein, or from any person, whether a resident of said city or not, who shall run or operate an automobile for hire, or keep the same for hire within said city; provided, that any person, not a resident of the said city, who shall run or operate an automobile in said city, not for hire, for a longer period than one month at any time, shall be liable to pay the license tax assessed against resident automobile owners.

(20) To establish, when the council may deem proper, locate and keep in repair, market places, market houses, and regulate markets, prescribe the time for holding the same, to authorize the seizure thereof, and destruction of any and all such foods and drink products, as shall be found unwholesome, dangerous or offensive, and without recourse against the municipality for its cost or value.

(21) To regulate the sale of food and drink products, milk, fresh meats, fish and vegetables, and to provide penalties for the sale of any such that are unwholesome or unfit for use.
(22) To regulate and provide for the weighing of hay, coal and other articles for sale in the markets, or to residents of said city.

(23) To require the merchants and other persons selling goods, foods or materials that must be weighed, to keep correct scales, to seize and destroy such as are found to be incorrect, and not corrected after due and proper notice to the owner or person using the same, without damage or expense to the municipality for the value thereof.

(24) To prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome.

(25) To regulate the keeping, handling and transportation of explosives and dangerous combustibles within the municipality; and to regulate or prohibit the use of firecrackers, skyrockets, toy pistols, air rifles or guns, within the said municipality.

(26) To regulate or prohibit the erection or operation, or maintenance in what the council deems an improper locality within said city, any blacksmith shop, livery stable, barn, stable, cattle pen, poultry house, pig pen, privy, bill board, sign board, gas or other engine, coal mine, coal plant, or coal bin, or any other thing that may in the opinion of the council be a menace to persons or property or public safety, or that would injure private property or annoy citizens of said city.

(27) To regulate or prohibit the use of walls or walks for signs; to regulate or prevent the distribution or posting of any sign, bill or other paper that, in the opinion of the council or mayor, is indecent or immoral.

(28) To define by ordinance what shall constitute a nuisance, and to abate all nuisances whether defined or not, and to require the removal or abatement of any building, obnoxious business, sign board, bill board, signs, or other thing, which in the opinion of the council is a nuisance.

(29) To regulate or prohibit the distribution of hand bills, circulars and other advertisements of like kind, on the streets, roads, alleys and public places, or the placing of same in private yards, buildings or other structures, without having first procured the consent of the owner or occupier of such property.
(30) To regulate or prohibit within the municipality or within one mile of its corporate limits, the erection or main-tenance of any slaughter house, soap factory, glue factory, lamp black factory, tannery, or other house, shop or factory of like kind or character.

(31) To establish within said municipality public drinking fountains and water troughs; and to regulate the time and place and manner of bathing in pools, streams and public waters within the police jurisdiction of said municipal corporation.

(32) To prevent hogs, cattle, sheep, horses, and other animals and fowls of all kinds, from going at large in the municipality; and to establish and maintain places for their detention, make regulations respecting the same, appoint a pound master and define his duties and provide for the sale of such property impounded.

(33) To arrest, convict and punish any person for committing adultery or fornication, or for any lewd or lascivious cohabitation within said city, and for keeping an assignation house, house of ill fame, or for leasing or letting to any other person any house or other building to be kept or used as such, or for knowingly permitting any house, under the control or owned by any person, to be used as an assignation house or house of ill fame; and to convict and punish for frequenting, entering or loitering in any assignation house or house of ill fame within said municipality.

(34) To arrest, convict and punish any person for importing, printing, publishing, selling, giving away, exhibiting, or distributing any book, picture or device, or other thing containing any obscene picture or language, or making any indecent representation.

(35) To restrain, convict and punish vagrants, mendicants, beggars, tramps, common prostitutes, and their associates, and drunken or disorderly persons within the municipality, and to provide for their arrest and manner of punishment.

(36) To prevent and prohibit the use of indecent or profane language within the corporate limits, and to provide and fix punishment therefor.

(37) To prevent and prohibit any tumult, riot, quarrel, angry contention, or abusive language, and to prevent the use of insulting epithets, assaults, assault and battery, and fix fines and punishments therefor.
(38) To prevent and prohibit trespass upon private property or the doing of anything which would annoy the owner or occupier of any premises, and to fix and provide fines and punishments therefor.

(39) To provide against danger or damages by fire, and to that end, to require, when the council may think necessary, an inspection of all the properties within the said city, and to require the owner or occupier of any property in which a defective or dangerous chimney or flue is found, to immediately repair the same, and to prevent the use thereof until repaired as required.

(40) To prohibit and prevent intoxication or drunkenness, and the drinking of intoxicants in any public place, store, street, or alley, and to fix fines and penalties therefor.

(41) To prohibit and punish for larceny where the amount stolen is less than twenty dollars.

(42) To prohibit, prevent and punish for anything that is against the good morals and common decency, or that would tend to corruption, vice or crime.

(43) To protect the public schools in said city, and to prohibit and prevent any disturbance thereof in and about the buildings or upon the grounds, and to prevent injury, destruction or defacement of any school property or building.

(44) To establish a board of health and vest it with the necessary power to maintain its object, and to fix fines and penalties for any violation of its lawful orders.

(45) To establish quarantine, and to erect and maintain pest houses and places of detention, and to make and enforce necessary orders for controlling or preventing the spread of infections and contagious diseases, and for abating pestilences.

(46) To prohibit the bringing into the corporate limits by railroads, carriers, persons, or in any manner, persons, who are paupers or persons who are afflicted with contagious diseases; to punish by fine or imprisonment, or both, any person who shall bring into the corporate limits any such pauper or person afflicted with contagious disease, knowing or having reason to believe, at the time that such person is a pauper or afflicted with such contagious disease, and to collect and recover from any such railroad company, carrier, or
other person, the expense of keeping and maintaining such 287 pauper or diseased person, until such person can be lawfully 288 removed from the corporate limits.

(47) To provide for the poor of the municipality, and 290 to that end, the municipality may contract with the county 291 court of Barbour county, for the keeping of such poor person, 292 or any number of them, at the county poor house, at a price 293 and on such terms as may be agreed upon between the county 294 court and the proper municipal authorities.

(48) To authorize the taking up and providing for the 296 maintenance and safe keeping, and educating of (for such 297 period as may be deemed expedient) all children within said 298 city who are destitute of proper parental and other care.

(49) To arrest, convict and punish any person for cruelty, 300 unnecessarily or needlessly beating, torturing, mutilating, 301 killing, or overloading, or overdriving, or willfully depriving 302 necessary sustenance, any horse or other domestic animal.

(50) To regulate the hitching of horses within the corpor- 304 ate limits, and the driving of cows and cattle through, 305 upon and along the streets and alleys of the said city.

(51) To prohibit, prevent and punish for the pollution of 307 any stream of water running into or through the said municipality; and to prohibit and prevent the throwing into any 309 such stream of any trash, dirt, filth, offal, decayed substances 310 or matters, or anything that would make said water unhealthy 311 or unfit for domestic use.

(52) To prohibit, prevent and punish for any desecration 313 of the Sabbath day; prohibit the playing of any game, ex- 314 hibiting any show, theater, picture show, and the keeping 315 open of business places, except hotels, eating houses, boarding 316 houses, restaurants, drug stores and places where ice cream or 317 soft drinks are furnished.

(53) To restrain, prevent and punish fraudulent prac- 319 tices of any kind or character within the municipality.

(54) To arrest, convict and punish any person for 321 gambling or keeping any gaming table, commonly called "faro 322 bank," or table and chips used in playing such game; crap 323 crap table, chips or dice used in playing such game; or roulette 324 or the wheel, chips, or other equipment used in playing such 325 game; or keno table or table of like kind or device used in 326 playing the same; or table of like kind under any denomina-
tion, whether the game or games be played with cards, dice or otherwise on which anything is bet or wagered, whether the same be played in any public or private room or residence; and may convict and punish any person who shall be a partner or concerned in interest in the keeping of any such gambling devices heretofore enumerated, or in any game played, such as is prohibited hereby, or in keeping or maintaining any gambling house or place of gambling for money or anything of value; and shall have the right to destroy such gambling paraphernalia as may be found in use on any such premises; and any officer armed with a warrant for the arrest of any person engaged in any such unlawful game or for the search of any room in which gambling is suspected, or for the seizure of any gambling paraphernalia, shall have the right to break into any building, other than a private dwelling house, without notice or demand, and into a private dwelling or room, after demand and refusal to open same, to execute any such warrant.

(55) To restrain all felons and persons guilty of offenses against this state or the United States, and deliver them over to the authorities or court having jurisdiction of the offense whereof such persons is accused.

(56) To apprehend and punish any person who, without a state license therefor, is guilty of carrying about his person, within the municipality, any revolver or other pistol, dirk, bowie knife, sling shot, razor, billy, metallic or other false knuckle, or any other dangerous or deadly weapons of like kind and character, as provided by chapter fifty-one of the acts of the legislature of one thousand nine hundred and nine, or any amendment thereof, and the punishment therefor, whether for the first or other offenses, shall be that prescribed by said chapter for any such person guilty under the misdemeanor clause provided therein; provided, that the mayor acting as ex-officio justice of the peace, may, after enforcing this ordinance, hold such offender to answer to an indictment in the circuit court of Barbour county for such offense, under the state law.

(57) To regulate the erection, construction, alteration and repair of dwelling houses, buildings and other structures, within the municipality, to issue permits therefor, and to compel the numbering of such houses and buildings by the owners and
occupiers thereof; and to prescribe by ordinance the distance
which dwelling houses, and other structures in resident dis-
tricts shall be set back from the sidewalk.

(58) To regulate the hanging of doors, the construction
of stairways and elevators, and require fire escapes in theaters,
churches, school buildings, factories and other places deemed
necessary by the council.

(59) To establish fire limits and to regulate the construc-
tion of buildings, and designate materials to be used in the
construction of buildings within such limits.

(60) To regulate the building of fire walls, fire places,
chimneys, boilers, smoke stacks, stove pipes, and the burning
of waste paper, trash or other waste matter, in the corporate
limits.

(61) To require any building that, in the opinion of the
council, is dangerous, to be repaired, altered or removed by the
owners thereof, or put in a safe condition, such as the council
may approve, at the expense of such owner or occupier, and
to provide punishments for failure to comply with any order
of the council concerning same.

(62) To regulate the height, construction and inspection
of all new buildings hereafter erected, the alteration and re-
pair of any buildings now or hereafter erected, to require
permits to be obtained of the council therefor, and the sub-
mission of plans and specifications to the council for its ap-
proval; to regulate the limits within which it shall be lawful
to erect any steps, porticos, bay windows, awnings, signs,
columns, piers, or other projection or structural ornaments of
any kind for the houses or buildings on any street or alley.

(63) To provide for the prevention and extinguishing of
fires, and for this purpose, the council may equip and govern
fire companies, prescribe the powers and duties of such compa-
nies and departments, and of the several officers thereof, or may
authorize volunteer fire companies, under such rules and reg-
ulations as the council may prescribe, and impose on those
who fail to obey any lawful command of the officer in charge
of any such company, or volunteer company, any penalty
which the council is authorized to impose for violation of
an ordinance, and to give authority to any such fire officer to
direct the pulling down or destruction of any building, fence,
wall or other thing, if such officer deem it necessary to prevent
the spreading of any fire which is being extinguished under
the direction of such officer, and without any liability on the
municipality for damages therefor.

412 (64) To protect the persons and property within the cor-
porate limits and preserve the peace and good order therein,
and for this purpose, to appoint, when necessary, a police
force and such other officers as may be deemed necessary;
and to provide a lockup, jail or other suitable place to confine
persons sentenced to imprisonment for violation of the
ordinances of said city; provided, however, that the jail of
Barbour county may be used for that purpose, if authorized
by the county court of said county.

413 (65) To require any person violating any of the
ordinances of said city, or any order for which a fine, im-
prisonment or both is imposed, to work upon the streets of
said city in case of nonpayment of said fine, until the same is
paid by such labor, or in case imprisonment is imposed, to
work upon the streets of said city during the term of such
imprisonment in addition to the payment of such fine, under
such regulations as the council may prescribe.

414 (66) To prescribe the powers, define the duties of the
officers appointed under the corporate authority, fix their
terms of service and compensation, if not otherwise prescribed
by this chapter, and to require and take from them bonds,
when deemed necessary, payable to the state of West Vir-
ginia, or the city of Philippi, with the sureties, and in such
penalties as may be prescribed, conditioned for the faithful
discharge of their respective duties; provided, that the com-
penation of any officer, elected or appointed, shall not be
increased nor diminished during the time for which he is
elected or appointed, unless due notice of such intention is
first served on the officer interested.

415 (67) To make regulations with respect to, and have super-
vision and control over the erection, removal and relocation of
all telephone, telegraph, electric light or other poles within
said city, and the extension of wires, lines or poles by any
individuals or corporations.

416 (68) To require the extension of any electric light wire,
telephone lines, gas line, water system, or other public service
within said corporate limits, to meet the needs of the inhabi-
tants, when, in the opinion of the council, such extension is necessary and justifiable.

(69) To grant and regulate all franchises in, upon, over and under the streets, alleys and public ways of said city, under such restrictions as shall be provided by ordinances and general law; but no exclusive franchise shall be granted by said city council to any individual or corporation; nor shall any franchise be granted for a longer period than twenty years.

(70) To acquire, erect or authorize or prohibit the erection of gas works, electric light works or water works within the city limits; to prevent injury to such works or the pollution of any gas or water used or intended to be used by the public or by individuals; and to do all things necessary to adequately supply said city and the inhabitants thereof with pure, healthful and wholesome water; and to require any company furnishing gas or electricity for sale or distribution in said city, to furnish an adequate supply thereof; to require gas fixtures, electric light wires, telephone wires and all apparatuses used in connection with any of these, to be kept in repair and suitable for use, and free from danger, so far as practicable; to use, generate, distribute, sell and control electricity and gas for heat, light and power, and to furnish light for the streets, highways, buildings, stores and other places in and about said city.

(71) To require any gas company or person furnishing gas for said city or the inhabitants thereof, to put in standard meters for the measurement thereof, and may appoint a competent person to inspect the meters and remove the same if not standard and in good order; to prevent injury to any gas works, electric light works, water system or any gas meter or meter within said municipality.

(72) The council shall have the right to require of any water company or person furnishing water for the use of the inhabitants of said city, for hire, compensation or reward, to obey any order of the council with respect to keeping the reservoir or other source from which said water is furnished, free from filth and in a good, clean condition, and may require said water company to properly filter the water distributed for use, and may require said company to put in such lines as may be necessary to pump the said water into the reservoir or other receptacle therefor, without pumping the same into
the main distributing lines, or in any other way or manner
effecting them; and may fix fines and penalties for any failure
on the part of any corporation, company or other person dis-
tributing water, to obey any order of the council or any
authorized officer of the town, respecting the same, or any
ordinance that may be enacted by the council relative
thereto.

(73) The council shall have the right to own, maintain,
operate and control any electric light plant within said city,
or to provide for, or purchase electric power and to use, gen-
erate, distribute, sell and control electricity and gas for heat,
light and power, and to furnish light for the streets, houses,
buildings, stores and other places in and about said city, and
for such electricity other than that furnished for the munici-
pality in lighting its streets or public places, it may charge
reasonable rates, but such rates in all cases shall be uniform;
and such electric light plant shall be under the supervision
and control of the council, and its wires, poles, distributing
system and machinery shall be kept in such repair so that as
little danger as possible shall arise therefrom, and so that same
will furnish an adequate supply of electricity to all persons
in said city desiring to use same.

(74) The council shall have the right to provide a sewer-
age system for said city, and may require the owner of any
property abutting upon any street or alley in which a sewer
has been laid or placed, to connect a sewer leading from his
or her property or lot into any public sewer which is located
in such street or alley adjoining the same, and if the owner or
occupier of said lot or property fails or refuses so to do, after
having been given a reasonable notice, the council may enter
upon such lot and construct such sewers, and may levy the
actual cost thereof against the lot upon which the same is built
and collect such costs from the owner of such lot in the same
manner as city or state taxes are collected; in addition thereto,
the council may punish by fine, or fine and imprisonment, any
person who permits any drainage from his residence or lot to
enter upon any street or upon any property after a sewer has
been placed in a street or alley adjacent to his property to
which he should connect, after notice has been given to him
by the council to make such connection.
540 (75) The council shall have the right to impose fines and
penalties for any interference with or destruction of the
sewer system or any part thereof in said city, or for the
destruction of or damage to any street, alley or sidewalk in
said city, or any improper use thereof; it shall have the right
to regulate or prevent the use of the sidewalk for bicycles,
push carts, sleds, tricycles, roller skates and other things of
like character, and to fix fines and penalties for violation of the
ordinances respecting same.

549 (76) To grant by ordinance or resolution permits for the
temporary use of such parts of its streets, roads, alleys and
public places as the council may deem proper and right to be
used in the construction, alteration or repair of buildings lo-
cated thereon, or for such other purposes as the council may
deam proper and right, and under such regulations and for
such time as the council may prescribe.

556 (77) The council may buy, lease and operate either with-
in or without the municipality, stone quarries, crushers and
land for said purposes or for the purpose of furnishing a sup-
ply of stone or other material suitable for macadamizing or
paving the streets, sidewalks and alleys, and improving public
property.

562 (78) Whenever in the opinion of the council it is necessary
that any sidewalk be built or repaired, it shall first have a
competent engineer fix a grade line for such sidewalk and
shall then, by order of council, name the character of material
out of which same is to be built, and fix the width thereof,
and put in such curbing as the council may deem necessary,
and shall then give notice, in writing, to the owner or occupier
of said lot, if he be found, and if he be not found, by posting
a notice thereof upon the said lot and at the front door of the
court house of Barbour county for at least ten days, requiring
the construction of said sidewalk in accordance with the re-
quirements of the council, and upon the grade fixed by the
said engineer, and if such sidewalk be not built, altered or
repaired within twenty days after such notice is first given or
posted, the council shall proceed to put in the same under its
supervision and control, and shall charge the expense thereof
against the property along which the same is being placed,
alterned or repaired, and shall cause an itemized account of
the same to be made up and delivered to such property owner
or occupier of such premises, if found, and if he be not found, have the same recorded in the county clerk’s office of Barbour county, and the same shall constitute a lien upon the said lot or property and shall be collected as other taxes are collected; provided, nothing herein contained shall prevent the council from requiring immediate repair of such sidewalks now or hereafter constructed that may become dangerous, and after notice to the property owner along which the same run, the council may make such immediate repairs, if the property owner fails to make same after such notice, and the expense thereof shall be a lien in the manner aforesaid.

(79) The council shall have the right, when, in its opinion, it is necessary or proper to do so, to pave any street or alley of the said city, and to prescribe the materials to be used in such paving and to charge one-third of the total costs of preparing and paving the said street, to the adjacent property owners on each side of the said street or alley, and to pay one-third thereof out of such funds as the council may provide, but such paving shall be done and such assessments and charges made against the property owner as provided by chapter eight of the acts of the legislature of one thousand nine hundred and eight, and any amendments thereto, or hereafter made.

(80) To operate by ordinance such committees or boards, and delegate such authority thereto as may be deemed necessary or advisable by the council; and to employ such legal counsel on behalf of the city, from time to time, as the city may deem necessary to protect the interests of the city.

(81) To provide for the annual assessment of the taxable property in said city, including dogs kept in said city, and to provide a revenue for the city for municipal purposes and appropriate such revenue to its expenses; provided, nothing herein contained shall require the council to keep in repair and maintain any bridge or bridges within said corporation, now or hereafter owned by the county of Barbour, but the officers of said corporation in the preservation of law and order shall have jurisdiction over any such bridges within such corporation; and provided, further, that the police regulations as may be ordained by said city, and the right and power to enforce the same shall extend one mile into the state of West Virginia beyond the corporate limits of said city.
(82) The council may, within any prescribed area, prohibit the erection on any street or in any square, of any building, or of any addition to any building more than ten feet high, unless the outer walls thereof be made of brick and mortar or other fire-proof material. And may require the removal of any building or addition which shall be hereafter erected contrary to this prohibition, at the expense of the owner or owners thereof.

(83) The council shall keep all roads, streets and alleys within its limits passable and in good repair, and may provide the expenses therefor by a direct taxation, as provided under this charter, or in any other manner authorized by law; and the residents of said city who are taxed therein for the purpose of maintaining such streets and alleys shall be exempt from the payment of any county road tax.

(84) In the enforcement of the ordinances, orders, rules, regulations and by-laws of the said city, no fine shall be imposed exceeding five hundred dollars, and no person shall be imprisoned or compelled to labor on the streets of said city, as aforesaid, exceeding six months; provided, that any violation of the prohibition or liquor laws of this state shall be punished by the fines and penalties herein prescribed; and violations of the road law or automobile laws, may be punished by the fines and penalties prescribed by general law, unless different fines and penalties are expressly prescribed by the ordinances of said city. And in all cases where a fine is imposed for an amount exceeding ten dollars, or a person be imprisoned or compelled to labor as aforesaid, an appeal may be taken from such decision upon the same terms and conditions that appeals are taken from the judgment of a justice of this state; and in no case shall a fine of less than ten dollars be imposed where the ordinance prescribes a fine, if the defendant requests that such fine be made at least ten dollars for the purpose of appeal.

(85) The council shall have the right to enforce the attendance of its members at all regular meetings and at all special meetings of which such members have notice, and may cause the arrest and punishment, by fine or fine and imprisonment, of any such member who refuses to attend and take part in its proceedings.
It shall be the express duty of the council to present charges against any of its members, or any officer of the city, who fails to perform, or who does not promptly and diligently perform any duty prescribed by this act, or by any ordinance or resolution of the council, and upon hearing thereof before the council, after notice to such officer, he shall be removed from office by the council, if the charges be found correct.

Sec. 17. To carry into effect these enumerated powers and all others by this act or by general law conferred, or which may hereafter be conferred upon the said city, or its council, or any of its officers, the said council shall have and possess full authority to make, pass and adopt all needful ordinances, by-laws, orders and resolutions, not repugnant to the constitution of the United States, the constitution of West Virginia and laws of this state; and to enforce any and all of such ordinances, by-laws, orders or resolutions, by prescribing for a violation thereof fines and penalties, and imprisonment in either the county jail of Barbour county, or the city prison, if there be one; but no fine shall exceed five hundred dollars and no person shall be imprisoned or compelled to labor on the streets of said city for a longer period than six months; provided, that any violation of the prohibition or liquor laws of this state shall be punished by the fines and penalties prescribed by general law, unless different fines and penalties are prescribed by the ordinances of said city. Said fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced by the judgment of the mayor of said city, or in case of his absence or inability to act then by the clerk of said city; or in case of the absence or inability to act of both of such officers then one of the councilmen appointed for that purpose shall act.

Sec. 18. The council, in their discretion, may fix the compensation of all officers and other persons, whether elective or appointive, and of all persons employed by them; but a councilman shall not receive more than two dollars for each meeting nor more than thirty dollars per annum for his services as a councilman; nor shall the mayor receive more than one hundred dollars per year, exclusive of costs; nor shall the city clerk receive more than fifty dollars per month; nor shall the street commissioner receive more than seventy-five dollars per month; nor the chief of police more than one hundred dollars.
12 per month; and the assistant policemen shall not receive more
13 than three dollars per day. And no officer, agent or employe of
14 said city shall be pecuniarily interested, either directly or indi-
15 rectly, in any contract, sale, or purchase for or on behalf of
16 the city, or in the proceeds of any improvements made by or on
17 behalf of the city, nor shall he receive, directly or indirectly,
18 any compensation for his services rendered on behalf of the
19 city, other than herein specified.

Sec. 19. The mayor shall be the chief executive officer of
2 said city and shall take care that the orders, by-laws, ordinances
3 and resolutions of the council thereof, are faithfully executed.
4 He shall be a conservator of the peace within such city, and
5 shall within the same have, possess, and may exercise, all the
6 powers and perform all of the duties, whether civil or criminal,
7 vested by law in a justice of the peace. Any summons, war-
8 rants or other proceedings issued by him may be executed at
9 any place within the county. He shall have control of the po-
10 lice of the city, and may appoint special police officers whenever
11 he deems it necessary; it shall be his duty especially to see that
12 the peace and good order of the city are preserved, and that
13 persons and property therein are protected; and to this end
14 he may arrest and detain or cause the arrest and detention of
15 all riotous and disorderly persons before taking other proceed-
16 ings in the case. He shall, from time to time, recommend to
17 the council such measures as he may deem needful for the wel-
18 fare of the city. He shall not receive any money due or be-
19 longing to the state, or to corporations, or to individuals, unless
20 and until he shall have given the bond and security required
21 of a justice of the peace by chapter fifty of the code of West
22 Virginia, and all of the provisions of said chapter relating to
23 moneys received by a justice, shall apply in like manner to
24 him.

Sec. 20. The process in proceedings to enforce any ordi-
2 nance prescribing a fine, or imprisonment, or a fine and im-
3 prisonment for the violation thereof, shall be a summons in
4 the name of the city of Philippi, as plaintiff, directed to the chief
5 of police or to any constable of any district within said county,
6 requiring him to summon the person accused of such violation,
7 and who may thereafter be designated as defendant, to appear
8 before the mayor at any time and place therein named, to
9 make answer to such accusation and to be dealt with according
10 to law. Such summons shall contain such a statement of the 
11 facts alleged as will inform such person of the general nature 
12 of the offense against the city with which he stands charged; 
13 and except in case of arrest upon view, shall be issued only 
14 upon complaint, on the oath of some credible person. But for 
15 cause appearing sufficient to the mayor, he may, by endorser- 
16 ment on the summons, order the person so accused to be forth-
17 with apprehended and brought before him for a hearing of the 
18 charge. The clerk of said city, as well as the mayor, shall have 
19 authority to receive any complaint in writing, of the violation 
20 of any ordinance and to sign and issue the proper summon, 
21 based on such complaint. The mayor shall have, possess, and 
22 may exercise the power and authority belonging to a justice 
23 under sections two hundred and twenty-four and two hundred 
24 and twenty-five of chapter fifty of Barnes' code of West Vir-
25 ginia, of one thousand nine hundred and eighteen, in sum-
26 monsing and enforcing the attendance and examination of wit- 
27 nesses, in punishing for contempt, in granting continuances, 
28 and in securing and enforcing the further attendance of the 
29 accused with a view to a trial or hearing. If any recognizance 
30 be taken for such further attendance and is forfeited, the mayor 
31 may record the default and an action may be maintained, in 
32 the name of the city, before the mayor or any justice having 
33 jurisdiction against the accused and his sureties, if any, to re-
34 cover the penalty thereof.

Sec. 21. The mayor shall have power to issue an execution 
2 for any fine and costs assessed or imposed by him, for the viola-
3 tion of any ordinance, or he may at the time of rendering judg-
4 ment therefor or at any time thereafter, and before satisfaction 
5 of such judgment, by his order in writing, require the immedi-
6 ate payment thereof, and in default of such payment he may 
7 commit the person so in default to the jail of Barbour county, 
8 or, in his discretion, to the prison of said city, if one shall have 
9 been provided by the council, until the fine and costs are fully 
10 paid; but such imprisonment shall not exceed ninety days.

Sec. 22. The jailer of Barbour county shall take and receive 
2 into his custody any person sentenced to imprisonment in the 
3 jail of said county, or committed before the non-payment of 
4 a fine and costs, or for the failure to enter into a recognizance 
5 by the judgment or order of the mayor, in proceedings for the
violation of an ordinance; and the expense of maintaining such persons while so in confinement shall be paid by the city.

Sec. 23. A book well bound and indexed, to be denominated the "docket", shall be kept in the office of the mayor, in which shall be noted each case brought or tried by him, together with the proceedings therein, including a statement of complaint, the summons, the return, the fact of appearance or non-appearance, the defense, the hearing, the judgment, the cost and, in case the judgment be one of conviction, the action taken to enforce the same. The record of such case shall be signed by the mayor or other person acting in his stead; and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office.

Sec. 24. In any case for the violation of an ordinance of the said city, in which there is a judgment by the mayor of imprisonment, or for a fine or more than ten dollars (and in all cases the fine shall not be less than ten dollars when the accused requests it) an appeal shall lie at the instance of the person against whom such judgment is rendered to the circuit court of Barbour county. Such appeal shall not be granted by the mayor unless within ten days from the date of the judgment, such person shall enter into a recognizance, with security deemed sufficient, to appear before the said court on the first day of the next term thereof, to answer for the offense against said city with which he stands charged, and not thence depart without leave of said court. The provisions of general law, (chapter one hundred and sixty-two of the code) relating to the recognizance in criminal cases shall be applicable to the recognizance contemplated by this section; but any money recovered thereon or by virtue thereof shall inure to the said city.

Sec. 25. If such appeal be taken the mayor shall forthwith deliver to the clerk of said court the complaint in writing, if any, the summons, a transcript of the record, including the judgment, the recognizance and any other papers belonging to the case; and such clerk shall receive and file the same, and place the case upon the trial docket of the next succeeding term of said court; and said court shall proceed to try the same in its order.

Sec. 26. If the appellant be found guilty of violation of the ordinance in question, whether upon the verdict of a jury or otherwise, the court shall ascertain by its judgment the fine or
imprisonment, or the fine and imprisonment, to be paid or suf-
fered by such defendant, having regard to the punishment pre-
scribed by such ordinance, and shall include in any such judg-
ment the costs incurred by said city, as well in the proceedings
before the mayor, as those in court, and the fee, if any, of the
jailor or the keeper of the city prison; and the proceedings to
enforce the collection of any such fines and costs, may be the
same as provided in sections ten, eleven and twelve of chapter
twelve of the code of West Virginia, except that the writ
mentioned in the tenth section may be issued by the clerk upon
the order of the mayor of the city and the notice contemplated
by the eleventh section shall be given to such officer. If the
judgment be for the defendant he shall recover his costs against
the city.

Sec. 27. From all judgments by the mayor in cases other
than for violation of ordinances, appeals shall be allowed as in
similar cases before justices.

Sec. 28. It shall be the duty of the city clerk to keep a
journal of the proceedings of the council, and have charge of
and preserve the records, bonds, papers, and other documents
belonging to the city. It shall be his duty to attend the ses-
sions of the police court and keep accurate records of its pro-
ceedings, and all judgments shall be entered by him within twen-
ty-four hours after the same are rendered. He shall, in case of
sickness or disability of the mayor to act, or in case of his ab-
sence from the city, or during any vacancy in the office of the
mayor, perform the duties of mayor, and shall be vested with all
powers necessary for the performance of such duties. He shall
also perform such other duties pertaining to the fiscal affairs
of the city or otherwise, as may be required of him by this act
or by the council.

Sec. 29. It shall be the duty of the clerk, who is hereby
made ex-officio assessor for the city, to ascertain the property
within said city subject to taxation, including a capitation upon
each male inhabitant of said city who has attained the age of
twenty-one years, substantially in manner and form as in the
case of assessments by county assessors, and make returns
thereof to the council on or before the first day of June of each
year; he shall also make out the land books for said city in each
year, in accordance with the valuation ascertained by the state
and county, and make proper transfers of such property as
shall have changed ownership within the preceding year, and charge the same on books to the person who by himself has the freehold in his possession whether in fee or for life, on the first day of January in such year. When a tract or lot of land becomes the property of different owners in several parcels, the clerk shall divide the value at which the whole had before been assessed, among the different owners, having regard to the value of each interest as compared with that of the whole, and enter the same upon the land books for said year; he shall also enter in said land books the value of any old building for one or more years, and of any addition or improvement to a building, and of any building newly erected not heretofore assessed, if the same be of the value of one hundred dollars or upwards; he shall have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation in said city, as are conferred and imposed upon county assessors by general law. The council shall have authority to prescribe by general ordinances, such other rules and regulations as may be necessary to enable and require the assessor to ascertain and properly assess all property, subject to taxation by the city, so that such assessment and taxation shall be uniform and equal, and may enforce such rules and regulations by reasonable fines to be imposed upon any one failing or refusing to comply therewith. The said clerk shall also list the number of dogs or other animals subject to license tax in said city, and the names of the persons owning the same, which list shall be returned to the council at the same time the assessment is returned. All property, both real and personal, shall be assessed as of the first day of January at its true and actual value, and shall be assessed annually. Such assessments shall be made according to the provisions of chapter twenty-nine of the code, as amended by chapter one hundred and fifty-two of the acts of one thousand nine hundred and twenty-one, and any amendments thereto hereafter made.

Sec. 30. The council shall hold a session on the second Tuesday of August in each year for the transaction of business generally, at which time it shall ascertain the condition of the fiscal affairs of the city, and make up an itemized statement of the same, which shall set forth in detail:

(a) The amount due the municipality, and the amount that will become due thereto and collectable during the current
8 fiscal year, from every source, but excepting the amount that
9 will be produced by the levy of taxes to be made for the year;
10 (b) The debts and demands owed by the municipality, and
11 the debts and demands that will become due and payable during
12 the current fiscal year, including interest on any indebtedness,
13 funded or bonded or otherwise
14 (c) All other expenditures, under the several heads of ex-
15 penditures, to be made and payable out of the funds of the
16 municipality for the current fiscal year, including the cost of
17 collection of taxes and other claims, with proper allowance for
18 delinquent taxes and contingencies. Said statement shall also
19 set forth the total amount necessary to be raised by the levy of
20 taxes for the current fiscal year, and the proposed rate of levy
21 of taxes on the property of the municipality; and also the ag-
22 regate of the taxable property in the municipality; stating
23 separately the amount of personal property, of real estate, and
24 of the property assessed by the board of public works. A copy
25 of such statement duly certified by the clerk, recorder or other
26 recording officer of such municipality, shall be published as
27 provided in section two of chapter nine of the acts of one
28 thousand nine hundred and ..... , and posted at each voting place
29 in the municipality at least eight days before an adjourned
30 meeting of the common council to be held on the fourth Tues-
31 day in August at which time the council shall reconvene and
32 proceed in all respects as provided by section two. After hav-
33 ing entered the said statement, as finally approved, in its book
34 of record of proceedings, the council shall thereupon levy as
35 many cents on each one hundred dollars of the assessed valua-
36 tion of the property of the municipality, according to the last
37 assessment thereof, as will produce the amount shown by the
38 said statement necessary to be raised for municipal purposes
39 during the fiscal year; provided, that such levy shall not exceed
40 thirty-five cents on each one hundred dollars of valuation of
41 property taxable for city purposes. Additional and special
42 levies may be made according to the provisions of chapter nine
43 of the acts of of the legislature of one thousand nine hundred
44 and eight.

Sec. 31. The clerk of said city before entering upon the dis-
2 charge of his duties, shall execute a bond conditioned for the
3 faithful performance by him of the duties of his office, and for
4 the accounting for and paying over as required by law all
money which may come into his hands by virtue of his office
with sureties satisfactory to the council, payable to the city
of Philippi, in a penalty of not less than three thousand nor
more than ten thousand dollars as the council may prescribe.
He shall be custodian of all moneys, bonds, notes, certificates
and other evidences of indebtedness to the city, together with
all valuable papers which may be placed in his possession by
the council. He shall be chargeable with, and it shall be his
duty, to collect the city taxes, levies and assessments, under
such regulations as may be prescribed by law and the ordi-
nances of the city, and in case the same are not paid within
one month after they are placed in his hands for collection, he
may distrain and sell therefor in like manner, and have the
same power and authority possessed by the officer charged with
the collection of state taxes.

Sec. 32. Immediately after the annual levy of city taxes
is made, it shall be the duty of the city clerk to extend the same
in the property books returned by the assessor, including as
well the proper capitation tax, and make out therefrom proper
tax tickets and the same, after being examined and compared
and approved by the council and found to be correct, shall be
turned over to the clerk on or before the first day of August
following the levy, whose receipt shall be returned to the coun-
cil and entered upon its records, and the clerk shall be charged
therewith. The clerk shall give notice that said tickets are in
his hands for collection, stating the penalty for non-payment
dthereof, and the time and place where the same may be paid,
which notice shall be published for twenty days in two or more
newspapers, published in said city. To all persons who shall
pay their taxes in full before the first day of November next
succeeding said levy, there shall be allowed a discount of two
and one-half per centum on the whole amount of taxes so paid
and not otherwise. To all taxes remaining unpaid on the first
day of January next succeeding said levy, a penalty of ten
per centum shall be levied, and the clerk shall forthwith pro-
cceed to collect from the parties by distraint or otherwise the
total amount of the taxes with which they are severally
charged therein with interest at the rate of one per centum per
month from the said first day of January, until they are fully
paid, together with the penalty herein provided to be added
tereto.
Sec. 33. It shall be the duty of the clerk, at least once in six months during his continuance in office, and oftener when required by the council to render an account of the taxes, levies, assessments and other claims in his hands for collection, and return a list of such as he shall not have been able to collect by reason of insolvency, removal or other cause, to which list he shall append an affidavit that he has used due diligence to collect the claims therein mentioned, but has been unable to do so, and if the council shall be satisfied with the correctness of said list, it shall allow him a credit for said claim, but may thereafter take such lawful measures to collect the same as may be prescribed. He shall keep regular books of account to be examined and approved by the council, of all moneys received and disbursed by him, and of other matters pertaining to his office. Which books shall at all times be open to the inspection of the council, or any committee appointed by it for such purpose. All moneys belonging to the city shall be paid over to the clerk, and no moneys shall be paid out by him except upon the order of the council, countersigned by the mayor. If the clerk shall fail to collect, account for and pay over all or any of the moneys with which he may be chargeable, belonging to the city, according to the conditions of his bond and the orders of the council, the same may be recovered by action or by motion, upon ten days' notice in the corporate name of the city, in the circuit court of Barbour county, against him and his sureties or any or either of them or his or their executors or administrators. If the sum claimed does not exceed three hundred dollars, such recovery may be had before the mayor or any justice of said county.

Sec. 34. There shall be a lien on real estate, within said city, for the city taxes assessed thereon, and for all fines and penalties assessed to, or imposed upon the owners thereof by the authorities of such city from the time the same are so assessed or imposed, which shall have priority over all other liens, except the lien for taxes due the state, county and district; and which may be enforced by the council in the same manner provided by law for the enforcement of the lien for county taxes. And there shall also be a lien on the real estate of adjoining property owners, for the amount due from such owner or owners for building or repairing sidewalks and paving streets or alleys, under sub-sections seventy-eight and
seventy-nine of section sixteen of this act, which lien may be enforced in a court of equity. If any real estate within said city be returned delinquent for the non-payment of the delinquent taxes thereon a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for the city taxes, interest and commissions thereon, in the same manner, at the same time and by the same officer as real estate is sold for the non-payment of state taxes.

Sec. 35. It shall be the duty of the chief of police to preserve order and quiet in said city, and to see that all subordinate police officers faithfully perform their official duties. He shall be present in the police court, whenever the same shall be in session, and see that all its orders and requirements are properly executed. He shall, before entering upon the discharge of his duties, execute a bond conditioned for the faithful performance by him of the duties of his office, and for the accounting for and paying over, as required by law, all money which may come into his hands by virtue of his office, with securities satisfactory to the council in a penalty of not less than one thousand dollars nor more than three thousand dollars as the council may prescribe.

Sec. 36. In case a violation of any ordinance of said city is committed in the presence or within view of the chief of police or other police officer, the offender may be forthwith apprehended and taken before the mayor, and a complaint under oath, stating such violation there lodged and filed; and thereupon such offender may be tried and dealt with according to law, without summons. The chief of police shall execute within the county of Barbour, any proper process issued by the mayor in proceedings for the enforcement of ordinances; and shall collect by a levy of execution or otherwise, and duly account for all fines assessed and costs imposed in such proceedings. He shall also have the rights and powers, within said city, in regard to the arrest of persons, the collection of claims and the execution and return of process, that are or may be lawfully exercised by a constable of the district within the same, and shall be entitled to the compensation therefor; and he and his sureties shall be liable for all fines, penalties and forfeitures for which a constable is liable, and for dereliction of duty in office, to be recovered in the same manner and in the same
20 courts, that such fines, penalties and forfeitures are recovered
21 against constables.

Sec. 37. The council shall have the right to institute pro-
ceedings in the name of the city, for the condemnation of real
3 estate for streets, alleys, drains, market grounds, parks, play-
4 grounds, landings, wharfs, city prison, or other work of public
5 utility. Such proceedings shall conform to the general laws
6 of the state of West Virginia; and the costs thereof shall be
7 borne by the city, except that in contests involving a hearing
8 in the circuit court, costs shall be recovered by the prevailing
9 party.

Sec. 38. The council of said city shall have power to issue
2 bonds in behalf of the city for the payment of its debts or for
3 future improvements, and to establish a sinking fund for the
4 payment thereof; provided, the same shall be in accordance
5 with section eight of article ten of the constitution, and general
6 laws of this state.

Sec. 39. All officers elected under the present charter of
2 "The City of Philippi" shall be subject to the provisions of
3 this act, and receive the emoluments herein mentioned, and
4 shall continue in office until the first Monday in April, one
5 thousand nine hundred and twenty-four, or until their suc-
6 cessors are elected or appointed and qualified, and shall exer-
7 cise all the powers conferred on them by this act and by gen-
8 eral law.
9 All acts inconsistent with this act are hereby repealed.

CHAPTER 72
Senate Bill No. 172—Mr. Kee)

AN ACT to amend and re-enact chapter one hundred and fourteen
of the act of the legislature of one thousand nine hundred and
seventeen, relating to the charter of the city of Princeton, in
the county of Mercer.

[Passed April 17, 1923. In effect ninety days from passage. Approved by the
Governor April 24, 1923]
Be it enacted by the Legislature of West Virginia:

That chapter one hundred and fourteen of the acts of the legislature of one thousand nine hundred and seventeen, relating to the charter of the city of Princeton, be amended and re-enacted so as to read as follows:

Section 1. That the inhabitants of so much of the county of Mercer, in the state of West Virginia, included in the boundary described in section two of this act, be and they are hereby constituted to remain and continue a municipal corporation by the name of "The City of Princeton", by which name they shall have perpetual succession and a common seal, and by which name they may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and otherwise acquire and hold real estate either within or without the corporate limits of the city and personal property needed or useful in discharge of the functions of government conferred by this charter, and to sell and convey the same to the purchaser.

Corporate Limits.

Sec. 2. The corporate limits of the city of Princeton shall be as follows, that is to say: Beginning at the bridge where the Raleigh and Kanawha turnpike crosses Glady fork, and running thence down Glady fork to Brush creek; thence down Brush creek to the mouth of Board Camp branch; thence due east, crossing the center line of the Deepwater railroad, as shown by the map and profile of the location of said road filed in the office of the county clerk of Mercer County, West Virginia, on the twenty-third day of March, one thousand nine hundred and
10 four, to a point fifty feet beyond the said center line at right
11 angles thereto; thence parallel to the center line of the location
12 of said railroad as shown upon said map, and fifty feet distant
13 therefrom to Christian’s fork, which is a point eastward from
14 the residence of William Oliver; thence eastwardly to the Carr
15 and Bratton cattle scales on the old Pisgah road and including
16 the said scales; thence northwesterly, in a straight line, to two
17 large old willow trees by an abandoned spring by the side of an
18 old house-seat in an old apple orchard, which point is up a
19 hollow in an eastern direction from the northern end of the
20 present Virginian railway shops; thence a straight line, in a
21 southwesterly direction, to the residence formerly owned by
22 Elliott Blankenship on the Low Gap road, including the said
23 residence within the corporate limits; thence a straight line,
24 including the said former residence of said Blankenship within
25 the corporate limits as aforesaid, touching the residence of
26 the late Saunders Lewis, and including the same within the
27 corporation, to a point in the center line of the Raleigh and
28 Kanawha turnpike road; thence a straight line touching the
29 residence of I. W. Walker, now owned by W. B. Honaker, and
30 including the same within the corporate limits to Glady fork;
31 thence down Glady fork to the point of beginning.

Wards and Their Boundaries.

Sec. 3. The said city of Princeton shall consist of three
2 wards, which shall be bounded as follows:

First Ward.

4 All the following described boundary shall constitute the first
5 ward of the said city, that is to say: Beginning at a point on
6 the corporate limits of said city in the center of the bridge over
7 Brush creek, on the road leading from Princeton to Ingleside;
8 thence in a northern direction and with said Ingleside road to
9 the center of Princeton avenue; thence with the center of said
10 Princeton avenue, in a western direction, to the intersection of
11 the center line of said avenue with the center line of Fellers
12 street; thence with the center of Fellers street, in a northern
13 direction, to its intersection with the center line of Main street;
14 thence with the center line of Main street, in a western direction,
15 to its intersection with the center line of Mercer street; thence
16 with the center line of Mercer street, in a north-east direction, to
17 the intersection with the center line of Center street; thence with
the center line of Center street, in a western direction to its in-
tersection with the center line of Hale avenue; thence with the
center line of Hale avenue, in a northern direction, to the corpor-
ate line; thence with the corporate line, in a western direction
and south-western direction, to Glady fork; thence down Glady
fork to Brish creek; thence down Brush creek to the point of
beginning.

Second Ward.

All the following described boundary shall constitute the sec-
ond ward of said city, that is to say: Beginning at the begin-
ing corner of the first ward, at a point in the center of the
bridge across Brush creek, on the Ingleside road; thence down
Brush creek, in a north-west direction, to the railroad bridge
across Brush creek south of the Virginian railway freight sta-
tion; thence with the center of the survey for the Mercer Elec-
tric Railway Company’s line in a western and north-western di-
rection to First street; thence with the center of First street,
in a northern direction to its intersection with the east end of
the center line of Harrison street; thence with the center line of
Harrison street in a western direction to its intersection with the
center line of Third street; thence with the center line of Third
street in a northern direction to the northern end of Third
street; thence continuing in the same direction, and on the same
degree as the last named line to the corporate line; thence with
the corporate line in a south-west direction, to the center of Hale
avenue, at the northeast corner of the first ward; thence with the
center of Hale avenue, in a southeast direction, to Center street;
thence with Center street, in an eastern direction, and with the
line of the first ward, reversing its course to the intersection of
the center line of Center street with the center line of Mercer
street; thence with the center line of Mercer street, in a south-
west direction to its intersection with the center line of Main
street; thence with the center line of Main street to its intersec-
tion with the center line of Fellers street; thence with the center
line of Fellers street, in a southern direction, to its intersection
with the center line of Princeton avenue; thence with the center
line of Princeton avenue, in an eastern direction, to its inter-
section with the center of the Ingleside road; thence with the
center of the Ingleside road, in a south-east direction, to the
point of beginning.
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Third Ward.

All the following described boundary shall constitute the third ward of the said city, that is to say: All that territory lying within the corporate limits of said city, east, north-east and south-east of the second ward, and not included in the boundaries of either the first or second wards.

Municipal Authorities.

Sec. 4. The municipal authorities of the said city of Princeton shall consist of a mayor, recorder and six councilmen, who shall constitute the council of said city, in the corporate name of said city, unless otherwise provided by state law or municipal ordinance.

Exercise of Corporate Powers.

Sec. 5. All the corporate powers and functions pertaining to said city shall be exercised by its council, or under its authority,

Subordinate Officers.

Sec. 6. The council shall appoint an assessor, a city engineer, a chief of police and such additional police officers as they may deem proper, a city attorney, a chief of fire department and such other officers as may be provided for by ordinance of the city council or by this act, and such officers shall hold their respective offices during the pleasure of the council, and may be removed therefrom by the council at any time with or without cause.

The several offices or any two or more of them may be held by the same person, except that a councilman shall not be eligible to any appointive office during the term for which he shall have been elected.

Such officers shall receive such compensation as the council may prescribe by ordinance or order, unless said compensation be fixed by this act.

The mayor and recorder shall be eligible to hold any such appointive office.

Eligibility of Officers.

Sec. 7. No person shall be eligible to the office of mayor, recorder or councilman, unless at the time of his election he is legally entitled to vote in the city election for member of the
CITY OF PRINCETON

4 common council; and he was for the preceding year assessed with
5 taxes upon real or personal property within the said city, of the
6 assessed aggregate value of at least three hundred dollars, and
7 shall actually have paid the taxes so assessed.

Election of Officers.

Sec. 8. On the first Tuesday of June, one thousand nine
2 hundred and twenty-three, there shall be elected by the qualified
3 voters of said city a mayor and recorder, and by the qualified
4 voters of each ward, two councilmen. The term of office of the
5 said mayor and recorder and of the councilman from each ward
6 receiving the lesser number of votes shall be for the period of
7 two years commencing on the first day of July, one thousand
8 nine hundred and twenty-three, and until their successors shall
9 be elected and qualified. The term of office of the councilman
10 from each ward receiving the greater number of votes shall be
11 for the period of four years commencing on the first day of
12 July, one thousand nine hundred and twenty-three, and until
13 their successors shall be elected and qualified.
14 On the first Tuesday of June, one thousand nine hundred and
15 twenty-five, and every two years thereafter there shall be elected
16 by the qualified voters of said city a mayor and recorder whose
17 term of office shall be two years as aforesaid, and by the qual-
18 fied voters of each ward one councilman whose term of office
19 shall be four years as aforesaid.

Who Are Voters.

Sec. 9. Every person residing in said city shall be entitled to
2 vote for all officers elected under this act; but no person who
3 is a minor, or of unsound mind, or a pauper, or who is under
4 conviction of treason, or bribery in an election, or who has not
5 been a resident of this state for one year and of said city for
6 six months next preceding the election at which he desires to
7 vote, shall be permitted to vote therein.

Registration of Voters.

Sec. 10. All qualified voters within the city of Princeton
2 entitled to vote in the municipal election held therein shall be
3 registered in like manner as are the qualified voters in state and
4 county elections, and the state laws of the state of West Virginia
in effect at the time of such registration shall in all things ap-
ply thereto; except the fee for such registration shall be five
7 cents for each qualified voter so registered, and the powers con-
ferred upon the county court by the state laws in reference to
9 the registration of voters are hereby conferred upon the council
10 of said city of Princeton.

General Election.

Sec. 11. In all elections by the people the mode of voting
2 shall be by ballot, but the voters shall be left free to vote an
3 open, sealed or secret ballot, as they may elect. The election in
4 said city shall be held and conducted and the result thereof
5 certified, returned and finally determined under the laws in
6 force in this state relating to general elections, except that the
7 persons conducting said elections shall, on the day after the
8 election is held deliver the ballots, tally sheets and poll books
9 to the recorder, and thereafter the council of said city shall
10 meet within five days (Sundays excepted) after said election
11 and canvass the returns of said election, and declare the result
12 thereof, and in all respects comply with the requirements of the
13 statute of the state relating to elections. The corporate author-
14 ies of said city shall perform all duties in relation to such elec-
15 tions required by general law of the county court and officers in
16 effect on the day of said election and each succeeding election
17 under this charter. And the provisions of the code in effect on
18 the date of said election, concerning elections by the people, shall
19 govern such elections and be applicable thereto, and the penal-
20 ties therein prescribed for offenses relating to elections shall be
21 enforced against the offenders of such corporate elections; and
22 the said act shall have the same force and effect as if it were
23 specially applicable in such corporate elections and was by this
24 act re-enacted in extenso; except as above modified as to the time
25 in which the returns of the election and canvass thereof shall be
26 made.

Tie Vote—How Decided.

Sec. 12. Whenever two or more persons receive an equal
2 number of votes for mayor, recorder or councilman, such tie
3 shall be decided by the council in existence at the time the elec-
4 tion is held; provided, that the council in office at the time of
5 the institution of such contest proceedings shall hold over and
6 remain in office for the purpose of passing upon and deciding
7 such contest, and for such purposes only; and nothing herein
8 provided shall be construed to interfere with the duties, power
9 and authority of the new or incoming council.

Contested Elections.

Sec. 13. All contested elections shall be heard and determined
2 by the council in existence at the time the election is held,
3 and the contest shall be made and conducted in the manner as
4 provided for in contests for county and district officers, and the
5 council by their proceedings in such cases shall, as nearly as
6 practicable, conform with like proceedings of the county court
7 in such cases.

Vacancy in Office.

Sec. 14. Whenever a vacancy from any cause shall occur in
2 any office, the council shall by a majority vote of those present
3 fill such vacancy; and, in case of a vacancy in the office of
4 councilman or mayor, or recorder, the remaining members of the
5 council shall fill said vacancy.

Appointment of Additional Officers—Their Duties—Compensation.

Sec. 15. The council shall also have authority to provide by
2 ordinance for the appointment of such other officers as shall be
3 necessary and proper, to carry into full force and authority the
4 power, capacity, jurisdiction and duties of said city, which are
5 or shall be vested therein or in the council, or in the mayor, or
6 any other officer or body of officers, thereof, and to grant to the
7 officers so appointed the power necessary or proper for the purpose
8 above mentioned. The council, by ordinance, shall define
9 the duties of all officers so appointed, and may provide them a
10 reasonable salary, which shall be payable out of the city treasury,
11 and shall require and take from all of them whose duty it
12 shall be to receive its funds, assets or property, or have charge
13 of the same, such bonds, obligations, or other writings as they
14 shall deem necessary or proper to insure the faithful performance
15 of their several duties. All officers elected may be removed by
16 the council from office for intemperance, gross immorality, gam-
17 bling, malfeasance or misfeasance in office, or inability or neglect
18 to perform the duties of their respective offices. Any appointed
19 officer who holds his office at the pleasure of the council, may be
The chief of police shall have power, rights and privileges within the corporate limits of said city in regard to the arrest of persons, the collection of claims and the execution and return of process that can be legally exercised by a constable of a district within this state; and may without having any warrant or other process therefor, arrest any person who commits any offense against the laws of this state or infraction of the ordinances of said city, in his presence. He shall be ex-officio the keeper of the city jail, and have charge of the city prisoners confined therein, and may confine any person arrested by him in the city jail until such time as the charge against such person can be inquired into by the recorder. Any person fined by the recorder, for infraction of any of the ordinances of the city, may pay such fine to either the recorder or the chief of police; and the said chief of police and his sureties shall be liable for all fines, penalties and forfeitures that a constable of a district is liable for in the same court that the said fine, penalties and forfeitures are now recovered against a district constable. For his services as chief of police he shall receive a salary to be fixed by the council, payable out of the city treasury, and no other fees, commissions, emoluments, salaries or compensations whatsoever shall be allowed him for such services. All fees, which but for this act, he would be entitled to recover and retain shall nevertheless be charged and collected by him and paid into the city treasury at the end of each month for the use and benefit of the city. The chief of police shall be appointed to his office by the council.

**Bonds.**

Sec. 16. All bonds, obligations or other writings taken in pursuance of any provision of this act or under the provisions of any order of said city, shall be made payable to "The City of Princeton", and the obligors therein and their heirs, executors, administrators and assigns bound thereby shall be subject to the same proceedings on such bonds, obligations or writings for enforcing the conditions of the terms thereof, by motion or otherwise, before any court of record or justice of the peace having jurisdiction thereof, held or acting in or for said Mercer county, or any district thereof or elsewhere, that the sheriff or collector of said county and his sureties are, or shall be subject
Oaths of Office.

Sec. 17. The mayor, recorder and councilmen, and all other officers provided for in this act, shall each, before entering upon the duties of their offices, and within fifteen days after receiving their certificates of election or appointment, take the oath or affirmation prescribed by law for all officers in this state, and make oath or affirmation that they will truly, faithfully and impartially to the best of their ability, discharge the duties of their respective offices so long as they continue therein. Said oath or affirmation may be taken before any person authorized to administer oaths under the laws in force at the time the same is taken, or before the mayor or recorder of said city; but in any event a copy of said oath of said officer shall be filed with the recorder.

Tenure of Office.

Sec. 18. The mayor and recorder shall enter upon the duties of their office upon the first day of July next after their election and their terms of office shall be for a period of two years. The councilmen shall enter upon the duties of their offices upon the first day of July next after their election and their terms of office shall be for a period of four years and until their successors are elected and qualified, except that the councilmen from each ward receiving the lesser number of votes in the election to be held in one thousand nine hundred and twenty-three shall hold their offices for two years and until their successors are elected and qualified, and all appointive officers shall enter upon their duties as soon as they have qualified, and shall remain in office until removed therefrom.

Ineligibility or Failure to Qualify.

Sec. 19. If any person elected to any office shall not be eligible thereto under the provisions of this act, or shall fail to qualify as herein required, the council shall declare his said office vacant and proceed to fill the vacancy as required by this act.
Powers, Duties and Salary of the Mayor.

Sec. 20. The mayor of the said city shall be chairman of its council, shall preside at the meetings of the council and shall also be a conservator of the peace within the said city. He shall especially see that the orders, by-laws, ordinances, acts and resolutions of the council are faithfully executed. He shall have control of the police of said city and may appoint special police officers, whenever he may deem it necessary, and may suspend any police officer of the city until the next regular meeting of the council. And it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may arrest or cause the arrest and detention of all violators of the laws of this state and ordinances of the city if the offense is committed in his presence. He shall from time to time recommend to the council such measures as he may deem useful and needful for the welfare of the city. For his services as mayor, he shall receive the sum of three hundred dollars per year, to be paid out of the city treasury in monthly installments and no other fees, commissions, emoluments, salaries or compensation whatever shall be allowed him for his services as mayor.

Power, Duties and Salary of Recorder.

Sec. 21. The recorder shall keep an accurate record of all the proceedings of the council, and shall have charge of and preserve the records of the city. In case of the absence of the mayor from the city, or his inability from any cause to act, or during any vacancy in the office of mayor, the recorder shall perform such duties of the mayor as pertain to the office of mayor, and to that end, in addition to the other powers herein conferred upon him, the recorder is hereby vested with all the powers necessary for the performance of the duties of the mayor, while acting as such. The recorder shall be ex-officio assessor of said city, and shall perform such duties as such as are imposed by law. He shall be paid a salary of four hundred dollars per year, payable in equal monthly installments, for his services as such recorder and assessor, to be paid out of the city treasury. He shall be ex-officio justice of the peace within the said city and shall, within the same, have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except he shall have no jurisdiction in civil
19 causes of action arising out of the corporate limits of the city,
20 unless the defendant resides or is found therein and process
21 therein served upon him. He shall have the same power to is-
22 sue attachments in civil suits as a justice of the peace of his
23 county has; but, in such case, he shall have no power to try the
24 same, but such attachments shall be made returnable and heard
25 before a justice of the peace of his county. Any warrant is-
26 sued by him, or other process, may be executed at any place in
27 said county. He shall have power to issue his warrant for the
28 arrest and apprehension of all persons violating the ordinances
29 of the city, and shall have power to try the same and impose
30 upon such violators of the ordinances of said city such fines and
31 penalties as are prescribed by the ordinances thereof. He shall
32 have the power to issue executions for all fines, penalties and
33 costs imposed by him, or he may require the immediate pay-
34 ment thereof, and in default of such payment, he may commit
35 the party in default to the jail of said county, or other place of
36 imprisonment used by such corporation, if there be one, until
37 the fine or penalty and the costs be paid; but the imprisonment
38 in such cases shall not exceed thirty days. And in all cases
39 where a person is sentenced to imprisonment or to the payment
40 of a fine of ten dollars or more, (and in no case shall a judg-
41 ment for a fine be for less than ten dollars if the defendant, his
42 agent or attorney object to a less fine being imposed) such per-
43 son shall be allowed an appeal from such decision to the crim-
44 inal court of the county of Mercer, upon the execution of an ap-
45 peal bond with security deemed sufficient by said recorder to
46 cover the fine and costs, and the cost in the criminal court in
47 case said judgment be affirmed, with condition that the person
48 proposing to appeal will perform and satisfy any judgment
49 which may be rendered against him by the criminal court on
50 such appeal. If such appeal be taken, the warrant of arrest, if
51 any, a transcript of the judgment, the appeal bond and other
52 papers in the case shall be forthwith delivered by the said re-
53 corder to the clerk of said court, and the said court shall pro-
54 ceed to try the case as upon an indictment or presentment and
55 render such judgment, including costs, as the law and evidence
56 may require. The expense of maintaining any person com-
57 mitted to jail as hereinbefore set forth by the recorder, except
58 it be to answer an indictment, shall be paid by the said city and
59 taxed as costs against the defendant. He shall have the right to
60 charge and collect the same fees which a justice of the peace is
authorized to charge and collect for similar acts in cases tried
before him. The recorder shall also be ex-officio treasurer of
the said city, and as such shall perform all the duties in
this act imposed upon the treasurer of the said city and be
vested with all the powers herein vested in and imposed upon
the treasurer of the said city. It shall be the duty of the treas-
urer to collect the city taxes, licenses, levies, assessments, and
other such city claims as are placed in his hands for collection
by the council, and he may distrain and sell therefor in like man-
ner as a sheriff may distrain and sell for state taxes; and he
shall, in all other respects, have the same powers as a sheriff to
enforce the payment and collection thereof. The treasurer shall
be ineligible to succeed himself in office.

Quorum.

Sec. 22. The presence of the mayor, or ex-officio mayor, and
four members of said council shall be necessary to make a quorum
for the transaction of business at all meetings of the council of
said city.

Record of Minutes and Ordinances.

Sec. 23 The council shall cause to be kept by the recorder
in a well bound book to be called the "minute book," an ac-
curate record of all its proceedings, ordinances, acts, orders and
resolutions, and in another to be called "ordinance book," ac-
curate copies of all general ordinances adopted by the council;
both of which shall be accurately indexed and open to the in-
spection of any one required to pay taxes in the city, or who
may be otherwise interested therein. All oaths and bonds of
officers in the city, and all papers of the council shall be en-
dorsed, filed and securely kept by the recorder. The bonds of
officers shall be recorded in a well bound book to be called
"record of bonds." The recorder shall perform such other
duties as by ordinance of the council may be prescribed. The
transcript of ordinances, acts, orders and resolutions certified by
the recorder under the seal of the city shall be admissible in
evidence in any court, or before any justice.

Reading of Minutes.

Sec. 24. At each meeting of the council the proceedings of
the last meeting shall be read and corrected, if erroneous, and
Who Shall Vote in Council.

Sec. 25. The mayor, or in his absence the recorder, shall preside at the meetings of said council; the mayor and recorder shall have no vote as members of said council except in the case of a tie vote in the council, in which case the presiding officer shall vote.

Meetings of Council.

Sec. 26. The regular meetings of the council shall be public, held at such times and at such places in the city as they shall from time to time ordain and appoint; and it shall be lawful for the council by ordinance to vest in any officer of the city, or in any member, or number of members, of its own body, the authority to call special meetings and prescribe the mode in which notice of such special meetings shall be given; if a majority of the members of the council do not attend any regular or special meeting, those in attendance shall have authority to compel the attendance of absent members under such reasonable penalties as they may think proper to impose by ordinance. All questions put to vote, except such matters as hereinafter provided for, shall be decided by a majority of the members present.

To Whom Money of City Shall be Paid.

Sec. 27. All moneys belonging to the city shall be paid over to the city treasurer; and no money shall be paid out by him except as the same shall have been appropriated by the council, and upon an order signed by the mayor and recorder, and not otherwise, except at the expiration of his term of office upon the order of the council, signed by the mayor and recorder, he shall pay over to his successor all the money remaining in his hands.

Duties and Powers of Council.

Sec. 28. The council of said city shall have power to lay off, vacate, close, open, alter, grade, improve and keep in good re-
pair the roads and streets, alleys, pavements, sidewalks, cross
walks, drains, sewers and gutters therein, for the use of the
citizens and the public. And to improve and light the same,
and keep them free from obstructions of every kind; to regulate
the width and kind of pavements and sidewalks, footways,
drains and gutters, and cause the same to be built and kept in
good repair and order, and free and clean by the owners and oc-
cupants of the real property next adjacent thereto; to establish
public parks and play grounds, and to this end purchase and
acquire necessary and appropriate grounds and improve the
same and regulate the use thereof; to establish markets, pre-
scribe the time for holding the same, provide suitable and con-
venient buildings therefor, and prevent the forestalling of said
markets; to prevent injury or annoyance to the public or to
individuals from anything dangerous, offensive or unwhole-
some; to prohibit or regulate slaughter houses, tan houses and
soap factories within the city limits, or the exercise of any un-
healthful or offensive business, trade or employment; to abate
all nuisances within the city limits, or to compel the abatement
or removal thereof, at the expense of the person causing the
same, or by or at the expense of the owner or occupant of the
ground on which said nuisance is placed or found; to cause to
be filled up, raised or drained, by or at the expense of the owner,
any city lot or tract of land covered or subject to be covered by
stagnant water; to prevent horses, hogs, cattle, sheep or other
animals, and fowls of all kinds from going or being at large in
such city, and as one means of prevention to provide for im-
pounding or confining such animals and fowls at the expense
of the owner thereof; to protect places of divine worship and to
preserve order in and about the premises when and where wor-
ship is held; to regulate the keeping and sale of gunpowder, and
other inflammable or dangerous substances; to regulate the man-
er of exhibiting for sale and the selling of milk, meats and
vegetables; to permit and regulate the building of houses, or
other structures, and regulate the kind of material to be used in
the construction thereof, and to provide for the making and
maintaining of division fences by the owners of adjoining prop-
erty, and for the proper drainage of city lots and other parcels
of land by or at the expense of the owner or occupant thereof;
to provide against danger or damage by fire; to punish assault
and battery; to prohibit the keeping or loitering in or visiting
44 houses of ill-fame, or loitering in saloons or upon the streets; 45 to prevent lewd or lascivious conduct, the sale or exhibition of 46 indecent pictures or papers or other representations; to prevent 47 adultery and fornication; to prohibit the carrying of concealed 48 or dangerous weapons within the corporate limits of said city; 49 to punish drunkenness; to punish larceny where the amount 50 stolen is less than twenty dollars; to prevent gambling, and the 51 keeping and using of slot machines and gaming devices; to pro- 52 hibit anything against good morals and common decency, and 53 to fix punishment therefor; to prevent the desecration of the 54 Sabbath day, profane swearing, the illegal sale of intoxicating 55 drinks, mixtures or preparations; to protect the person of those 56 residing or being in said city, to appoint, when necessary or ad- 57 visable, a police force, permanent or temporary, to assist the 58 chief of police in the discharge of his duty, and who, when ap- 59 pointed, to have the same power and authority in and about the 60 arrest of offenders, as the chief of police may have; to build or 61 purchase, or lease a suitable place of imprisonment within said 62 city, for the safe keeping of punishment of persons charged 63 with or convicted of a violation of the ordinances of the city, 64 or they may adopt the county jail of Mercer county for that 65 purpose; to erect or authorize or prohibit the erection of gas, 66 water works, or electric works, or all of them, within the city lim- 67 its, or near the same; to require any company or person furnish- 68 ing gas, electricity or water to said city for the inhabitants 69 thereof, to put in standard meters for the measurement thereof, 70 and may appoint any person to inspect the meters and remove 71 the same, if not standard and in good order; to prevent injury 72 to such works, or the pollution of any gas or water used or in- 73 tended to be used by the public or any individual; to require 74 the extension of gas, electric and water lines by such respective 75 companies, to any and all parts of the said city when the said 76 council may deem the same necessary; to provide for and reg- 77 ulate the weighing of hay, coal, lumber and other articles sold 78 or kept within said city, and to establish rates and charges for 79 the weighing and measuring thereof; to create by ordinance 80 such committees and delegate such authority thereto as may be. 81 necessary or advisable; to provide for the annual assessment of 82 taxable property therein, and for the revenue for the city for 83 municipal purposes, and to appropriate such revenue to its ex- 84 penses; and generally to have power to take such measures as
are deemed necessary or advisable to protect person or property, 
public or private, within the city; to preserve peace, quiet and 
good order therein and to promote the health, safety, comfort 
and well being of the inhabitants thereof; to organize one or 
more fire companies and provide necessary apparatus, tools, im-
plements, engines, or any of them, for their use, and in their 
discretion to organize a paid fire department; to make regula-
tions with respect to the erection and location of telephone, 
telegraph, electric light or other poles by any individual or cor-
poration; to grant and regulate all franchises in, upon, over 
and under the streets, alleys and public ways of said city, under 
such restrictions, as shall be provided by ordinance; but no ex-
clusive franchise shall be granted by said council to any indi-
vidual or corporation, nor shall any franchise be granted for a 
longer period than fifty years; to regulate, license and restrict 
the use of motor buses, automobiles, carriages, drays and 
wagons, upon the streets, alleys and public grounds of the said 
city when the same are being used for hire or reward.

The council shall have authority to pass all ordinances not 
repugnant to the constitution and laws of the United States 
and of this state, which shall be necessary and proper to carry 
into full effect the power, authority, capacity and jurisdiction 
which is or shall be granted to or vested in the said city, or 
in the council or in any officer or body of officers of said city, 
and to enforce any and all of the ordinances by reasonable fines 
and penalties, and upon the failure to pay any fine or penalty 
imposed, may compel the offender to labor without compen-
sation at and upon any of the public works or improvements 
undertaken, or to be undertaken, by said city, or to labor at 
any work which the said council may lawfully employ labor 
upon, at such reasonable rates per diem as the council may fix, 
until any fine, or fines and costs upon any offender by said city 
have been fully paid and discharged, after deducting reason-
able charges of support while in the custody of the officers of 
the city; provided, however, that no fine shall be imposed ex-
ceeding thirty dollars and costs, and that no person shall be 
imprisoned or compelled to labor as aforesaid for more than 
forty days for any one offense. And in all cases where a fine 
is imposed for an amount exceeding ten dollars and costs, or a 
person be imprisoned, or be compelled to labor as aforesaid for 
a greater term than ten days, an appeal may be taken from
such decision upon the terms and conditions as appeals are taken from the judgment of a justice of this state. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced by and under the judgment of the recorder of said city; or in case of his absence or inability to act, then by any member of the council, to be appointed by the council for that purpose; and for his services in trying cases, whether civil, criminal or infractions against ordinances, the recorder shall be entitled to charge and collect such fees as are paid to justices of the peace for similar services. And in all such cases the chief of police, or other officer performing the service shall be entitled to receive such fees as are paid to constables for similar services, which shall be paid to the city treasury at the end of each month, taking proper vouchers therefor; provided, further, that the fee for making any arrest shall be one dollar, whether such officer be the chief of police or other officer. In addition to the powers above enumerated, the said city council shall have power to build, construct, maintain and operate a sufficient sewerage system and water works, as may be necessary for the proper supply of water to the inhabitants of the said city, for both public and private use, and said city shall have the power to purchase or condemn any water works now in the said city or hereafter placed therein by any party other than said city, whenever the council of said city shall deem proper; and such order shall have been ratified by a vote of the qualified voters of said city, at an election called for that purpose, with due notice, and at least two-thirds of the votes cast at said election shall vote for the ratification of said council to purchase or condemn said water works; and the said city shall have the power to enlarge the said water works, if so purchased or condemned, by putting additional reservoirs either within or out of said city; and the said city shall have the right, if its council shall deem proper, and the order of said council be ratified by a vote as aforesaid, to build, construct, maintain, and operate such water works in the said city as may be deemed proper without the purchase or acquisition of any water works then in said city and said city shall have the right to lay pipes and mains for the proper distribution of said water, either in or out of said city, as shall be necessary for the proper distribution of same, and for that purpose may acquire by lease, purchase or condemnation all
such lands as shall be necessary, either within or without the said city, or they may contract for such work to be done, in either event to supply an adequate supply of pure, healthful water for said city, and do all things necessary to supply the said city and the inhabitants thereof with water as aforesaid; and the said city may acquire by purchase or condemnation any electric light plant now in said city or hereafter placed therein by any party other than said city, and shall have the right to build, construct, maintain, and operate such plant for furnishing electricity for said city, and for the inhabitants thereof, but no electric light plant shall be purchased, condemned, or built or operated unless voted on by the qualified voters of said city at an election called and held as aforesaid, and the same be ratified by a two-thirds vote of all votes cast at said election. Whenever anything for which a state license is, or may be, required to be done within said city, or within two miles of the corporate limits thereof, the council, as herein provided, may by ordinance require a city license to be had for doing the same, the amount of which license shall be fixed by the council; and may, in any case, require from the person licensed a bond, with sureties, and in such penalty, and with such conditions as it may deem proper, and the council on notice may revoke such license at any time if the condition of the said bond be broken. The council may impose a license and assess a tax thereon on all wheeled vehicles for public hire, and upon all dogs kept within said corporate limits. The council may prescribe, impose, and enforce reasonable fines and penalties, including imprisonment, under the order of the police judge of said city, or the persons lawfully exercising his functions, upon any person carrying on, or attempting to carry on, any business for which a city license is required without first obtaining a city license therefor, and paying the city license tax assessed thereon. All licenses provided for in this act shall be paid to the treasurer of the city; and for the purpose of enforcing the provisions of this section, the city shall have police jurisdiction for two miles beyond the corporate limits thereof. The council shall have the power to make all regulations and pass all ordinances necessary and proper concerning the granting and revoking of licenses, but the public shall be given notice by publication for two issues in a newspaper of general circulation by any firm, person, or corporation desiring a license of any character.
Police Docket.

Sec. 29. A well bound book, indexed, to be denominated the "police docket," shall be kept in the office of the recorder, in which shall be noted each case brought before or tried by him, together with the proceedings therein, including a statement of the complaint, the warrant or summons, the return, the fact of appearance, or non-appearance, the defense, the hearing, the judgment, the costs, and in case the judgment be one of conviction the action taken to enforce the same. The record of each case shall be signed by the recorder, and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office.

Annual Levy.

Sec. 30. The council shall lay an annual levy or any additional or special levy at such times as may be provided by the general laws then in force and may include a poll tax of not exceeding two dollars each year upon each able bodied man residing within the limits of the city, who is over the age of twenty-one years, which poll tax shall be used exclusively for opening, improving and maintaining roads, streets and alleys of the city, and shall designate the same as the "street taxes;" and the said council may also impose such license tax upon dogs, cows, horses and other animals as they may deem proper and collect the same from the owners of such animals, as other taxes are collected, and prescribe such rules, regulations and penalties governing the payment of said tax on animals as they may deem reasonable. The general annual levy upon the taxable property within the corporate limits of said city shall not exceed the sum of sixty cents, upon each one hundred dollars valuation. But in addition to said levy above mentioned, and in addition to any levies provided by the general law, the council of said city, beginning with the year one thousand nine hundred and twenty-three, are empowered to and shall lay a special annual levy not to exceed ten cents on each one hundred dollars valuation of the property in said city for the purpose of creating a sinking fund with which to pay off the principal of the present outstanding bonded indebtedness of said city when the same becomes due and of retiring the bonds so outstanding in accordance with the provision thereof, and for the further purpose of paying annually when due, the interest coupons of the said present outstanding bonds.
28 standing bonded indebtedness of the said city, which said special
29 levy shall be continued annually by the council for as many
30 years as it may be necessary to pay off the present outstanding
31 bonded indebtedness and the interest coupons that may become
32 due thereon, but no longer. Also in addition to the above, the
33 said council beginning with the year one thousand nine hundred
34 and twenty-three, are empowered to and shall lay a special an-
35 nual levy not to exceed fifteen cents on each one hundred dollars
36 valuation of the property in said city for the purpose of pay-
37 ing off any outstanding orders issued against the treasury of
38 said city prior to July first, one thousand nine hundred and
39 twenty-one, and for the further purpose of paying off any and
40 all debts contracted prior to said date or any judgment taken
41 against the said city; and after said orders and debts have been
42 paid the said council may continue to lay said special levy for
43 such public improvements as the council shall from year to year
44 certify by resolution as necessary to be made during the suc-
45 ceeding year. And both of the aforesaid special levies when col-
46 lected shall be used for no other purpose than for the afore-
47 said purpose for which they shall be laid as aforesaid.

Annual Assessment.

Sec. 31. It shall be the duty of the assessor to make an as-
2 sessment of the property within the city subject to taxation sub-
3 stantially in the manner and form in which assessments are
4 made by the assessor of the county, and return the same to the
5 council on or before the first day of June of each year, and for
6 this purpose he shall have all the powers conferred by law upon
7 county assessors. He shall list the number of dogs and other
8 animals subject to license tax in the city, and the names of the
9 persons owning the same, which list shall be returned to the
10 council at the same time his assessment books are returned. But
11 in making his assessment on real and personal property he shall
12 be governed by the assessment on real and personal property
13 for state and county purposes for said year, and the value
14 placed on said property shall not exceed the value of such as-
15 sessment for county and state purposes. In order to aid the
16 assessor in ascertaining the property subject to taxation by said
17 city, he shall have access to all books and public records of said
18 Mercer county, without expense to him or said city, and he shall
19 have the same power and be subject to the same penalties in
ascertaining and assessing the property and subjects of taxation in said city, as are granted and imposed on the county assessors throughout the state by general law; and the council shall have authority to prescribe by general ordinance, such other rules and regulations as may be necessary to enable and require such treasurer to ascertain and properly assess all property liable to be taxed by said city, so that such assessment and taxation shall be uniform and equal, and the council may enforce such rules and regulations by reasonable fines to be imposed on any one failing to comply therewith. When he shall complete his assessment book he shall deliver the same, when sworn to, to the city council.

Liens for Taxes.

Sec. 32. There shall be a lien on all real estate within the said city for the city taxes assessed thereon, and for all fines and penalties assessed against or imposed upon the owners thereof, by the authorities of said city, including expenses for making, maintaining and repairing, paving and macadamizing sidewalks, drains, gutters and streets from the time work is begun, which shall have priority over all the other liens except taxes due the United States and the lien for taxes due the state, county and district, and such lien may be enforced by the council in the manner provided by law for the enforcement of the lien for county taxes. And the laws of the state of West Virginia in relation to delinquent taxes, and the sale of property therefor, are hereby and in all respects adopted as to all proceedings in relation to taxes for city purposes delinquent in said city. And the powers and duties conferred by the laws of said state upon county courts and their clerks and sheriffs in regard to delinquent taxes and their collection, are hereby in all things conferred upon said city council, its recorder and other city officials whose duties are of a similar nature as those of said county officials, in so far as the same may be directly or by implication applicable in the collection of delinquent taxes due said city.

Collection of Taxes.

Sec. 33. It shall be the duty of the city treasurer when the extended copies of the assessor's books are completed, to receive a copy thereof, receipting to the council for the same, and it shall be his duty to collect from the parties the entire amount
5 of the taxes with which they are severally charged therein, and
6 may proceed to collect the same at any time after the first day
7 of August, and may enforce the payment thereof by levy upon
8 the personal property, and sale thereof, of the person charged
9 with taxes at any time after the first of October next, after said
taxes are assessed. He may also allow a discount of two and
11 one-half per cent on all taxes paid on or before the thirtieth day
12 of November. Said taxes shall be a lien upon the property upon
13 which they are assessed from and after the time the assessor's
books are completed, verified and returned to the city council,
and he shall write the word "paid," opposite the name of each
person who pays the taxes against him, and shall also give to
the person paying such taxes a receipt therefor; provided, how-
ever, that said treasurer may distrain at any time for any taxes
assessed against a person who is about to remove, or who has
removed from said city, after such taxes are assessed, and the
books returned as aforesaid. He shall also receive such other
moneys of the city as he is authorized by this act to receive, and
also all moneys ordered by the council to be paid to him, giving
receipt therefor to the parties paying the same, and shall keep
an accurate, itemized account of all money received by him.
His books shall, at all times, be open for the inspection of the
mayor, council, city recorder, and to any taxpayer of the city.
He shall also make up monthly statements of the money received
by him and the amount paid out by him and to whom, showing
the amounts in his hands from all sources, and shall post the
same in the mayor's office on the last day of each month. He
shall pay out the money in his hands upon the order of the city
council, upon orders signed by the mayor and the recorder. He
shall, on or before the expiration of the term of office of the
mayor, and at such other times as the council may require, pre-
sent to the council a full and complete statement of all the
moneys with which he is chargeable, or that have been received
by him and not previously accounted for, and shall at the same
time, in like manner, furnish a complete statement, by separate
items, of all disbursements made by him during such period,
with his vouchers evidencing the same. He shall receive all
taxes upon licenses and receipt to the party paying the same,
by endorsement upon the permit granted by order of the coun-
cil, or mayor as the case may be. He shall, upon the expiration
of his term of office, turn over to the council all books and other
property in his possession belonging to the city, except the
money in his hands, which he shall turn over to his successor,
upon the order of the council, as hereinbefore provided; and
shall, before entering upon the duties of his office, execute a
bond with good security payable to said city in a penalty of not
less than ten thousand dollars, conditioned that he will faith-
fully discharge the duties of his office and account for and pay
over as required by law and the orders, ordinances, rules and
regulations of the council of said city, all money which shall
come into his hands, which bonds shall be subject to the ap-
proval of the council. He shall be chargeable with all the city
taxes, levies and assessments and money of the city, which shall
come into his hands and shall account therefor.

Additional Duties of Assessor.

Sec. 34. In addition to the other duties of the assessor it
shall be his duty on or before the first day of August, in each
year, to make a copy from the real and personal property books
of the assessor of Mercer county of all property shown to be
liable for taxes within the limits of the city of Princeton, and
to certify such under his hand as a true and correct copy there-
of, and to deliver the same to the council, to assist said council
in preparing the annual estimate of expenses to be certified as
a basis for the annual levy. After such annual levy is made
in each year, it shall be the duty of the assessor to extend said
levy upon said real estate and personal property books for said
city, but the treasurer shall prepare proper tax tickets therefrom
against all owners of real estate and personal property subject
to taxation in said city.

Licenses.

Sec. 35. The council shall prescribe by ordinance the time
and manner in which licenses of all kinds shall be applied for
and granted, and shall require the payment of the tax thereon
to the city recorder before the delivery thereof to the person
applying therefor, which tax shall include the same fees for
the issuing of such licenses as are charged for similar services
by state and county officers, which fees shall be paid into the
city treasury. The council may revoke any such license for a
breach of any of the conditions, or for other good cause shown,
but the person holding such license, must first have reasonable
notice of the time and place of hearing and adjudicating the
matter, as well as the cause alleged; and shall be entitled to be
heard in person or by counsel, in opposition to such revocation.
The term for which licenses provided for in this charter shall
be granted shall be governed by the general law providing for
state licenses.

Condemnation of Land for Public Use

Sec. 36. The council shall have the right to institute and
prosecute proceedings in the name of the city for condemnation
of real estate for streets, alleys, roads, drains, sewers, market
grounds, city prison, city hall, water works, electric light plant
or other works, or purposes of public utility. Such proceed-
ings shall conform to the provisions of chapter forty-two of
Barnes' code of West Virginia, of one thousand nine hundred
and eighteen and the expenses thereof shall be borne by the
city, except in cases where it is proper under said chapter to
charge said expenses or any part thereof against the defendant.

Provisions for Bonding City.

Sec. 37. The council of the said city shall have the right to
bond the said city for the purpose of paving the said streets, or
for other permanent improvements, or for the purpose of taking
up, paying off or refunding any already outstanding city bonds
or items of indebtedness, whenever the council thereof may deem
the same necessary; but the aggregate indebtedness of the said
city for all purposes shall never at any time exceed five per
centum of the assessed valuation of the taxable property therein
according to the last assessment next preceding said date. The
said council shall provide a fund for the payment of the interest
annually on the said indebtedness so created, and to pay the
principal thereof within and not exceeding thirty-four years;
provided, that no debt shall be contracted hereunder, unless all
questions connected with the same be first submitted to a vote
of the qualified voters of said city, and have received three-fifths
of all the votes cast for and against the same.

No Indebtedness to Be Created for Current Expenses.

Sec. 38. The council of the said city shall not, at any time,
for any purpose, create any indebtedness against the said city
except as provided in the next preceding section, exceeding the
4 available assets of the said city for the current year; and if the
5 said council shall create such indebtedness or issue orders on
6 the city for an amount exceeding the amount of money avail-
7 able for that year for said city from all sources, and the amount
8 of money then in the treasury appropriated, the members of
9 said council shall be severally and jointly liable for the payment
10 of the excess of such indebtedness or orders over the amount
11 of money applicable thereto, and the same may be recovered in
12 any court having jurisdiction thereof. Any councilman violating
13 the provisions of this section shall be deemed guilty of mal-
14 feasance in office, and may be removed as such councilman in
15 pursuance of section fifteen of this act. Provided, however,
16 this shall not be applicable to such members who have voted
17 against said excess; and, provided, further, that the vote of each
18 member of council shall be recorded.

Streets, Roads and Bridges.

Sec. 39. The said city shall construct, conduct and maintain
2 its own roads and streets, and by reason thereof shall not be re-
3 quired to pay any district or county road levies for the con-
4 struction and maintenance of roads outside of the city limits.

Existing Ordinances.

Sec. 40. All ordinances, by-laws, resolutions and rules of the
2 city of Princeton in force on the day preceding the passage of
3 this act, which are not inconsistent therewith, shall be and re-
4 main in full force over the whole boundary of said city of
5 Princeton, as established by this act, until the same are amended
6 or repealed by the council of said city, and the officers elected
7 at the last election, in the city of Princeton, shall remain in of-
8 fice until their successors under this act are elected and quali-
9 fied as hereinbefore provided; and after this act takes effect,
10 shall have jurisdiction over all the territory embraced in the
11 boundary specified in this act, and shall perform all the duties
12 of such respective officers under this act; but nothing in this
13 act shall be construed or held to in any way affect or impair
14 any of the bonds, obligations or indebtedness of the city of
15 Princeton as though the same had been created under this
16 charter.
Sec. 41. The council shall have power to provide for the construction, maintenance and repair of sidewalks, drains and gutters upon the streets of the city, and assess the expenses of the construction, maintenance and repair of the same upon the property abutting thereon and the owners thereof, and collect the same in the same manner as other taxes and levies are collected, and shall have plenary power to macadamize and pave or otherwise improve the streets of the said city, or any of them, and assess part of the expenses of macadamizing and paving not to exceed one-half thereof upon the abutting property on each side thereof, and the owners thereof, and collect the same in the same manner as other taxes and levies are collected; and such assessments for sidewalks, drains, gutters, macadamizing and paving shall be a lien upon such abutting property, the same as other taxes and levies within said city upon the property therein. Provided, that nothing herein shall be construed to prevent the council from arranging for the construction of any such improvements, by agreement with the abutting property owners, if the council shall so desire and deem it advisable to do so.

Upon a petition in writing signed by the owners of not less than three-fifths in lineal feet frontage of the property abutting upon any street, avenue or roadway in said city, or of the property abutting upon any portion thereof between any two intersecting streets, asking the city to grade, curb, pave or otherwise permanently improve such street, avenue or road or portion thereof, and offering in such petition to have their property so abutting as aforesaid assessed with their proportionate part of the entire cost thereof, in proportion to the frontage thereon, the council may order such work to be done as hereinafter provided and charge and assess the entire cost thereof, or such part of the cost thereof as may be agreed upon between the council and the owners of at least three-fifths of such frontage, to the property abutting upon such street, avenue or roadway, or portion thereof, in proportion to the frontage of the respective properties abutting thereon, and collect the same as taxes are collected or by action at law or suit in equity.

Upon the filing of such petition the council shall set a date for a hearing thereon, and shall give notice thereof for at least one week by posting copies of the order reciting the filing of
such petition and its object, together with the date set for a hearing, in at least three places upon or adjacent to the street, avenue or roadway proposed to be improved.

Upon such hearing the council shall adopt the plans and specifications for the proposed improvement and shall thereupon determine whether the work shall be done or not.

If the council determine to do such work then the same shall be let to the lowest reasonable bidder after advertisement of the letting thereof for once a week for at least two weeks in some newspaper of general circulation in the city of Princeton. Upon the receipt of such bids the council may reject any or all bids. The council may require deposit to be made with each bid as evidence of good faith, and shall have plenary power to decide upon the responsibility, etc., of the several bidders. The council shall also take bond with good security from the successful bidder in a sum equal to the estimated value of the work conditioned for the faithful and proper performance thereof.

When the said improvement shall have been completed, or when the said improvement shall have been completed between any two cross streets intersecting the street, avenue or roadway improved, then the city may assess the cost thereof against the property abutting upon the said street, avenue or roadway, or such part thereof as may be completed, and collect the same from the owners thereof as aforesaid.

Every assessment made hereunder shall be a lien upon the property liable therefor the same as for taxes, which lien may be enforced in the same manner provided for the collection of taxes and shall have priority over all other liens upon said property except for taxes due the state and county, and shall be on a parity with the taxes and assessments due the city.

The city shall pay the contractor for such work as shall be provided in the contract out of such fund as may be available or provided, and shall reimburse itself or such fund out of the assessments when collected.

Duty of the Council to Appoint Officers to Hold Elections.

Sec. 42. The council of the city of Princeton shall provide places for voting in each ward in all municipal elections of the city, and appoint commissioners residing therein to hold and conduct the election hereinbefore provided to be held, and shall
5 pass all proper ordinances to give this act full force and effect,
6 and the council may establish as many voting precincts in each
7 ward as it may deem proper.

Duties of City Attorney.

Sec. 43. The city attorney, if there be one, shall be the legal
2 adviser of the city and all of its officers in all matters arising,
3 and in which legal proceedings may be taken; he shall prosecute
4 all suits, actions and proceedings instituted on behalf of said
5 city, and defend all suits and actions against said city, and when
6 requested in writing shall give his written opinion to the mayor
7 or council or any standing committee thereof upon such legal
8 questions as may be referred to him affecting the city’s interest;
9 he shall perform such other duties as may be required. It shall
10 be his duty to attend the sessions of the council when requested
11 and prosecute all trials before said recorder and all appeals
12 that are taken from such recorder to the criminal or circuit
13 court, and for his services he shall receive such compensation
14 as the council shall provide, and in addition thereto in all crim-
15 inal prosecutions conducted by said city attorney, where there
16 is a conviction of the defendant, there shall be taxed an attor-
17 ney’s fee in favor of said city attorney, of not less than five nor
18 more than ten dollars, which said fee shall be taxed as part of
19 the costs of the case.

Where Money to Be Deposited.

Sec. 44. It shall be the duty of the city treasurer to keep
2 all funds of the city in some bank or banks within said city,
3 which shall pay interest on such deposits and on the average
4 daily balances of such funds of the per cent equal, at least, to
5 that paid by state depositories on all funds of the state of West
6 Virginia and in the same manner and at the same time. If no
7 bank within said city is willing at any time to receive deposits
8 of the treasurer and pay such interest thereon, the treasurer
9 shall report this fact to the council, whereupon the council shall
10 designate the bank or banks in which he shall deposit said funds
11 for the time being and until some bank in said city will receive
12 such deposits on such terms.
Salaries of Councilmen.

Sec. 45. Each councilman of said city shall receive from the city, to be paid out of the city treasury, the sum of one hundred dollars a year, payable in monthly installments, and in addition thereto two dollars and fifty cents for each meeting of the council actually attended by him.

Repeal of Inconsistent Acts and Ordinances.

Sec. 46. All ordinances of the city of Princeton, as they exist at the time of the passage of this act, which are inconsistent therewith, are hereby abrogated, and all acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

CHAPTER 73

(Senate Bill No. 226—Mr. Hugus)

AN ACT to amend and re-enact sections eighteen, nineteen, fifty, fifty-two and ninety-eight of the part entitled "Greater Wheeling charter" of an act of the legislature of West Virginia, passed on the twentieth day of February, one thousand nine hundred and fifteen, entitled, An act to amend, revise and consolidate into one act an act of the legislature of West Virginia, passed February eleventh, one thousand nine hundred and seven, entitled: An act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six, entitled: An act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia, and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling; chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature, passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which forms a part of the
charter of the city of Wheeling; and providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election to be held on the fourth Thursday in May, one thousand nine hundred and fifteen.

[Passed April 17, 1923. In effect from passage. Approved by the Governor April 25, 1923]

SEC. 18. Municipal primary; nominating petition; official ballot; canvas of returns.

SEC. 19. Removal of officers; petition; special recall election; official ballot; form; successor to any removed councilmen; method to be cumulative.

SEC. 50. Power to condemn property for use of city.

SEC. 52. Cause streets or alleys to be paved; materials; cost of paving a lien on lots; notice; records, abstracts; fee.

SEC. 98. Civil service provisions.

Be it enacted by the Legislature of West Virginia:

That sections eighteen, nineteen, fifty, fifty-two and ninety-eight of the part entitled "Greater Wheeling Charter," of chapter twenty-one of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen (Municipal Charters) approved by the majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May, one thousand nine hundred and fifteen as amended and re-enacted by chapter one hundred and seventeen of the acts of the legislature (Municipal Charters), of one thousand nine hundred and nineteen; as amended and re-enacted by chapter eleven of the acts of the legislature (Municipal Charters), of one thousand nine hundred and twenty-one, be amended and re-enacted so as to read as follows:

Section 18. Candidates to be voted for at all general municipal elections at which councilmen are to be elected under the provisions of this charter (but not at special recall elections), shall be nominated by a primary election, and no other names shall be printed upon the ballots used at the general election, except those selected in the manner hereinbefore prescribed. The primary election for such nominations shall be held on the second Thursday of May preceding the general election. The judges and clerks of any primary or general municipal election shall be selected by the council from a list of persons, which may be proposed in writing by a majority of the candidates. All such lists shall be proposed in writing at least twelve days
before such election. In case none or an insufficient number are so proposed, the council may select such number as may be each election precinct. The council of said city, as constituted just before the charter takes effect, shall appoint the judges and clerks for the first primary and general elections to be held hereunder, as provided in this section.

The name of any person desiring to become a candidate for council shall be printed upon the primary ballots, if twenty days prior to said primary election there be filed with the city clerk a petition requesting such privilege, signed by at least twenty-five qualified voters of his ward, if he be a candidate for a ward nomination, and by at least one hundred voters if a candidate for councilman-at-large. Each petition shall be verified by the affidavit of one or more credible persons as to the qualifications and residence of each of the persons so signing the said petition. Said petition shall be in form or effect as follows, specifying, however, whether the candidacy is for the office of councilman from a certain ward or at large:

The undersigned, duly qualified electors of the city of Wheeling and residing at the places set opposite our respective names hereto, do hereby request that the name of [name of candidate] be placed on the ballots as a candidate for nomination for [name of office] at the primary election to be held in such city on the second Thursday of May, 19........ We further state that we know him to be a qualified elector of said city and a man of good moral character, and qualified, in our judgment, for the duties of such office.

Names of Qualified Electors............ Number.........Street.

Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the city clerk not later than fifteen days before the day of primary election, and in the absence of such acceptance the name of the candidate shall not appear on the ballots. Immediately upon the expiration of the time of filing the petitions for and acceptance of the candidates, the city clerk shall cause to be published in all the daily newspapers of the city once, in proper form, the names of the persons as they are to appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac simile of his signature.
The ballots shall be printed upon plain, substantial, white paper, without party mark or designation, and shall contain the names of the candidates in alphabetical order. The ballots shall be substantially in the following form or to the following effect, to-wit:

**Official Primary Ballot.**

Candidates for Nomination for Council of the City of Wheeling at the primary Election.

(Place a cross in the square to the left of the name of the candidate you favor.)

For Councilman-at-Large.

(Vote for One.)

[ ] Names of Candidates.

For Councilman (Name of Ward).

(Vote for One.)

[ ] Names of Candidates.

Official Ballot—Attest:

............................................, City Clerk.

(Fac simile of the Signature.)

Having caused said ballot to be printed the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election. The persons who are qualified to vote at the general election shall be qualified to vote at such primary election, and challenges can be made by not more than two persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election.

The judges of election in each precinct shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in their precinct for each of the candidates, and make return thereof on proper blanks, properly sealed, to the city clerk within six hours of the closing of the polls, and post duplicate return blanks on the outside of the voting place. On the day following the said primary election the said city clerk shall canvass said returns so received from the polling precincts, and shall make and publish in all the newspapers of said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for council-
man-at-large and the two candidates receiving the highest number of votes for councilman from the ward in each of the wards, shall be the candidates, and the only candidates, whose names shall be placed upon the ballots at the next ensuing general municipal election. In the event of the death or resignation of a nominee before the election, the name of the candidate receiving the next highest number of votes at the primary in his ward, if such nominee was nominated in a ward, or at large, if nominated at large, shall be placed on the ticket in his stead.

When more than two persons shall have an equal number of votes for the same nomination and more than the other candidates, so that there is no choice at the primary, the city clerk shall determine by lot the two names out of those voted on at the primary, and tied as aforesaid, to be placed on the ballots for the next ensuing regular election, and whenever in any other case no choice of candidate is made at a primary by reason of a tie vote, such clerk shall also determine by lot who of those so tied shall have his name placed on the ballots for the next ensuing regular election.

The ballot at such general municipal election shall be in the same general form as for such primary election, so far as practicable.

The necessary and legitimate expenses of the holding of any such primary, as well as of any regular or special municipal election in said city for ballots, stationery, forms, ballot boxes, booths, voting places, judges and clerks and notices of the election shall be paid by the city. At every such primary election the polls shall open at eleven a. m. and close at seven p. m. and at every other municipal election in said city, regular or special, they shall open at six a. m. and close at seven p. m.

In so far as the first primary election under this charter is concerned, the duties by this section imposed upon the city clerk, shall be performed by the auditor of the city in office when this act takes effect, and the words, "city clerk" as hereinafter used in this section. shall be construed as meaning such auditor in respect of such first primary.

Sec. 19. The city councilmen may be removed from office by the electors qualified to vote for their successors. The procedure to effect the removal shall be as follows:
4 A petition signed by electors entitled to vote for such succes-
5 sors equal in number to at least twenty per centum of the entire
6 vote cast at the last preceding general municipal election, de-
7 manding an election of a successor or successors of the person
8 or persons sought to be removed shall be filed with the circuit
9 clerk of Ohio county, which petition shall contain a general
10 statement of the grounds for which the removal is sought. The
11 signatures to the petition need not all be on one paper, but each
12 paper shall contain such general statement of the grounds, and
13 each signer shall add to his signature his place of residence, giv-
14 ing the street and number. One of the signers of such papers
15 shall make oath before an officer competent to administer oaths,
16 that the statements therein made are true as he believes, and that
17 each signature on the paper is the genuine signature of the per-
18 son whose signature it purports to be. Within ten days from
19 the date of filing such petition, the said circuit clerk shall ex-
20 amine and ascertain whether or not said petition is signed by the
21 requisite number of qualified electors, and, if necessary, the coun-
22 cil shall allow him extra help for that purpose, and he shall at-
23 tach to said petition his certificate showing the result of said ex-
24 amination. If, by the said certificate, the petition is shown to be
25 insufficient, it may be amended within ten days from the date of
26 said certificate. The said circuit clerk shall, within ten days
27 after such amendment, make like examination of the amended
28 petition, and, if his certificate shall show the same to be insuffi-
29 cient, it shall be returned to the person filing the same—without
30 prejudice, however, to the filing of new petition to the same ef-
31 fect. If the petition shall be deemed sufficient by him, the said
32 circuit clerk shall submit the same to the city council without
33 delay. If the petition shall be found by it to be sufficient, the
34 city council shall order and fix a date for holding such election of
35 such a successor or successors, not less than thirty days nor
36 more than forty days from the date of said circuit clerk’s cer-
37 tificate to the council that a sufficient petition is filed. Said
38 city council shall allow said circuit clerk a reasonable compen-
39 sation for the services thus rendered.
40 The city council shall make, or cause to be made publication of
41 notice and all arrangements for holding such election, and the
42 same shall be conducted, returned and the result thereof de-
43clared in all respects as are other city elections. Nominations of
44 candidates to be voted on at such election shall be made without
the intervention of a primary election, by filing with the city clerk at least ten days prior to said special election, a statement of candidacy accompanied by a petition signed by electors entitled to vote at said special election, equal in number to at least ten per centum of the entire vote at the last preceding general municipal election, if the election is of a councilman-at-large, and signed by at least ten per centum of the voters of the ward; if the election is of a councilman from a ward, which said statement of candidacy and petition shall be substantially in the form set out in section eighteen 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, and making such other necessary changes therein to adapt same to the case of such special recall election. But the person sought to be removed shall have his name placed on the ballots for use at such election, as a candidate to succeed himself, without nomination, unless he requests the city clerk otherwise in writing.

The ballot for such special election shall be in substantially the following form or to the following effect:

```
Official Ballot.

"Special election for the balance of the unexpired term of (here name the person or persons whose unexpired term or terms are to be filled, stating whether the unexpired term to be filled is that of a councilman-at-large, or from a ward, and, if the latter, designating the ward).

For councilman-at-large, or from the ....................... ward.
(designating the ward) of the city of Wheeling, W. Va., as the case may be.

(Vote for one only.)

[ ] Names of candidates.

[ ] Name of present incumbent.

If more than one vacancy is to be filled, add for each vacancy:

"For councilman from ..................... ward, designating the ward.

(Vote for one only.)

[ ] Names of candidates.

[ ] Name of present incumbent.

Official ballot—Attest:

................................., City Clerk."

(Fac simile of the signature.)
85 The successor of any councilman so removed shall hold office during the unexpired term of his predecessor. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be removed from the office upon qualification of his successor. In case the person who received the highest number of votes shall fail to qualify within ten days after the result of the election is ascertained, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The said method of removal shall be cumulative and additional to any other methods provided by law. No recall petition shall be filed within ninety days succeeding or preceding any regular city election.

99 The city manager and chief of police shall be subject to recall, according to the procedure for the recall of councilmen, in this section, so far as practicable, except that the ballots shall give the name and title of either of those two officers, or both, as the case may be, followed by the words, with appropriate voting squares to the left: “For Recall,” and “Against Recall.” Should a majority of the votes cast be in favor of recalling the officer subject to this provision, the city council shall forthwith choose a successor to the officer so recalled.

Sec. 50. The council may cause to be taken or damaged for the use of the city, for streets, alleys, markets, bridges, public squares, parks, playgrounds and other municipal purposes, including occupation by sewer, water pipes, gas pipes, heating pipes, compressed air pipes and electric or other subways, any private property within the city, (and where such use is to secure or improve the water supply, or for park, playground, sanitary or cemetery purposes, outside the limits of the city) but no such property shall be taken or damaged without just compensation. The compensation, if it cannot be determined by agreement with the owner of the property so taken or damaged, shall be ascertained in such manner as is or may be, prescribed by general law for the condemnation of land for public purposes. In addition to all other levies provided by law the council of the city of Wheeling shall have the right to levy annually not to exceed five cents on each one hundred dollars of the assessed valuation of the property within the limits of
the city according to the last assessment thereof for state and
county purposes, for the purpose of obtaining and maintaining
playgrounds and recreation centers.

Sec. 52. The council may cause any street or alley to be
paved, between the sidewalks, with cobble, asphalt, stone,
brick, or other suitable materials, under such regulations as
shall be fixed by ordinance, upon the lowest and best terms to
be obtained by advertisement for bids or proposals therefor
by the council as herein provided; or the council may have
such work done without the intervention of contractors or
middlemen; and two-thirds of the cost of such paving shall be
assessed against the owners of the lots or fractional parts
of lots abutting or bounding on that part of the street or
alley so paved in proportion to the distance of the frontage
owned by each, except in the case of a street whereon a rail-
way of any kind is being operated, the railway company, or
owner of such railway, shall, upon thirty days’ notice in writ-
ing from the city, pave with like material and in a like man-
ner as the city paves the residue of the streets, or pay for the
new paving if done by the city, between the rails and a foot
outside of the rails, and the residue of the space between the
tracks where more than one are on the street, and the re-
mainder of the cost to be borne in the proportion of one-
third by the city, and the remaining two-thirds by the owners
of the abutting property on both sides of said street or alley
on which said railway is being operated, the intersections of
two streets, or of a street and alley, or of two alleys, to be
paved at the expense of the city. But where the intersection
is crossed by a railway track or tracks of any kind, the rail-
way company or owner of such tracks shall pay for the pav-
ing of so much of such intersection as is between its rails and
one foot outside of such rails, as well as the residue of the
space between double tracks.

In case two street railway tracks belonging to different
owners are on a street, the cost of paving between such tracks
on such street shall be paid one-half by the owner or owners
of each of such tracks.
The sum or sums of money thus assessed for paving shall be
a lien on the lots or fractional parts of lots upon which they are
assessed, which lien may be enforced by a suit in equity in
the name of the city, in the circuit court of Ohio county, West
Virginia, or the same, or any installment thereof, may be collected by a suit at law before such court, or before any justice of the peace of said county, if the amount involved does not exceed three hundred dollars, exclusive of interest, and costs.

Immediately upon the completion and acceptance of any such paving, the council shall direct the city clerk to cause to be published a notice, which shall name and describe the location of the portion of the street or alley upon which said paving shall have been constructed; give the name or names of the owners of each lot abutting or bounding upon such portion of the street or alley, if known, and if the name or names of the owner of any lot or fractional part of a lot are unknown, such lot shall be described with reasonable certainty in order that the same may be identified, and the number of feet that each lot or fractional part of a lot abuts upon such paved portion, as well as the amount assessed against each lot or fractional part of a lot, for the cost of the paving. Said notice shall cite all owners of lots or fractional parts of lots, abutting upon the portion of the street or alley which has been paved, to appear before the council at a regular meeting thereof, within thirty days from the first publication of the notice, and show cause, if they can, why the assessment aforesaid should not become final, which notice shall be published once a week for two successive weeks in one or more newspapers of general circulation published in said city. The council shall, upon the request of any one or more of the owners of said lots or fractional parts of lots, appoint a day to hear the grievances of said owner or owners, and may alter or amend any assessment made against any one or more of said owners for good cause shown. The city clerk shall give notice to all persons claiming to be injured by said assessment, of the time and place of holding the meeting of the council to hear such grievances, which meeting shall be held within ten days after the clerk shall have given the last mentioned notice. The council may adjourn the hearing from time to time.

In case any owner or owners of abutting property shall fail within such thirty days to complain to the council of any grievance or injury they may have suffered, by reason of the assessment aforesaid, or to appear before the council
80 for the purpose of having the same corrected on the day ap-
81 pointed by the council for the hearing of such grievances as
82 have been complained of, the assessment as laid shall be
83 final. The findings of said council shall be subject to correc-
84 tion by said circuit court, upon appeal, which must be taken
85 and perfected within thirty days from the finding and be
86 heard and determined by such court without delay, having
87 precedence of other cases on the court’s docket. The rights
88 conferred by this section are cumulative and shall not be ex-
89 hausted as to any particular street or alley by reason of hav-
90 ing been once exercised.
91 One-tenth of the amount assessed against the property
92 owner of the cost of the paving shall be paid within one year
93 after the completion and acceptance of the work, and the
94 remaining nine-tenths thereof shall be paid in nine equal an-
95 nual installments, with interest, payable annually, payable
96 at such times as the city shall collect taxes for other purposes.
97 Where the city does the paving which is required to be done
98 by the traction companies under their franchise rights of this
99 charter, one-tenth of the costs thereof shall be due and pay-
100 able within one year after the completion and acceptance of
101 the work, and the remaining nine-tenths thereof shall be paid
102 in nine equal installments, with interest payable annually.
103 payable at such times as the city shall collect taxes for other
104 purposes.
105 The cost of such work shall constitute a lien on all of the prop-
106 rty of the traction companies, which lien may be enforced by
107 a suit in equity in the name of the city in the circuit court of
108 Ohio county, West Virginia, or the same or any installments
109 thereof may be collected by a suit at law before such court.
110 But a lien upon any real estate created by virtue of this sec-
111 tion shall be void as to any purchasers of any such real estate
112 unless the city shall, within sixty days after the completion
113 and acceptance of the paving by the city, cause to be recorded
114 in the office of the clerk of the county court an abstract of such
115 assessment, giving the location of the real estate affected, the
116 name of the owner and the date and amount of the assess-
117 ment, which recordation shall be in a well-bound book to be
118 furnished by the city and be preserved in said clerk’s office.
119 And it is hereby made the duty of said county clerk to
120 record said abstracts; for the recordation of each of which
121 said clerk shall receive a fee of twenty-five cents to be paid
122 by the city.
123 All moneys appropriated for the paving, repaving and re-
124 pairing of streets or alleys shall be used for that purpose
125 only, and the revenue received by the city from assessments
126 against any and all property or property owners shall be
127 placed in a "street paving" fund and shall be considered and
128 treated the same as moneys appropriated for that purpose.

Sec. 98. The city council shall elect a civil service com-
2 mission for the purpose of examining applicants for positions
3-5 and promotions in the police and fire departments. The
6 civil service commission shall consist of three citizens, not
7 all of whom shall be of one political party. At the first elec-
8 tion of members of the civil service commission after the pas-
9 sage of this act one member shall be elected for a term of six
10 years, one member for a term of four years, and one member
11 for a term of two years. Thereafter the term of office of each
12 member shall be six years. Any vacancies occurring in the
13 commission shall be filled by the council. For the purpose of
14 conducting tests in the departments specified, the civil ser-
15 vice commission shall conduct practical examinations annually
16 or oftener, fixing grades and classifications as they may de-
17 termine, and a list of those successfully passing the examina-
18 tions prescribed shall be furnished the city manager, such list
19 to be known as the eligible list and selections must be made from
20 among the three applicants rated highest for the appointments
21 necessary to be made. Said list and all examination papers shall
22 be kept on file in the office of the city clerk and available to
23 the public at all times; provided, any appointees in the de-
24 partments under civil service shall be subjected to examina-
25 tions from time to time in the interest of efficiency, and that
26 the passing of the required examinations prior to entering the
27 city's employ shall not constitute a life tenure in office. No
28 member of the civil service during his encumbency shall be
29 the holder of any state, county or municipal office.
AN ACT to amend and re-enact section forty-one of chapter five of the acts of the legislature of one thousand nine hundred and nineteen (Municipal Charters), relative to the construction and paving of sidewalks and footways in the city of Ronceverte, and assessing the expense thereof to the owners of lots abutting thereon, and making such expense a lien upon such abutting lot, and providing for the enforcement of such lien.

[Passed April 17, 1923. In effect ninety days from passage. Approved by the Governor April 26, 1923]

SEC. 41. Sidewalks; construction of; assessment for; how paid.

Be it enacted by the Legislature of West Virginia:

That section forty-one of chapter five of the acts of the legislature of West Virginia of one thousand nine hundred and nineteen be amended and re-enacted so as to read as follows:

Section 41. The board of commissioners shall have power to determine the material to be used in building all sidewalks and footways, and shall determine where and how such sidewalks and footways shall be constructed, and the width and grade thereof, including any fill, substructure, retaining wall, cut or grade for such sidewalks and footways that the board of commissioners may deem necessary, and shall prescribe the materials with which the same shall be built, and may make an order requiring the owner or owners of the lots or parts of lots abutting on such sidewalk or footway to so construct the same, including any such fill, substructure, retaining wall, cut or grade therefor, and to properly lay the paving thereon, according to the specifications of the board of commissioners, at the expense of such owner of such abutting lot or lots and under the supervision of the official of the city of Ronceverte designated by the board of commissioners; and if such lot owner fail or refuse to so construct such sidewalk or footway, including such fill, substructure, retaining wall, cut or grade as may be so prescribed, and to so lay the paving thereon, in the manner or within the time required by the board of commissioners, said board of commissioners may cause the same to be done at the expense of the city and assess the amount of such expense
upon such lot owner, and the clerk shall notify such lot owner
of the amount of such assessment, and if the same be not paid
within thirty days from the date of said notice, he shall cause
a memorandum showing the name of the owner of said lot,
a description of the lot and the amount of such assessment, to
be filed in the office of the clerk of the county court of Green-
liem docket in said office, and the same shall constitute a lien
the name of the city in the circuit court of Greenbrier county;
and upon the payment of such assessment the city clerk shall
issue to the person entitled thereto a release of said lien; pro-
vided, however, that reasonable notice shall first be given to
such owner or owners of such abutting lot or lots that he or
they are required to construct such sidewalk or footway, and
also any fill, substructure, retaining wall, cut or grade that may
be deemed necessary by the board of commissioners, and to so
pave the same; and in case the owner is a non-resident of the
state, the notice aforesaid may be given by publication for
four consecutive weeks in a newspaper published in the city.
The provisions of this section shall also be applicable to needed
repairs to any of the sidewalks or footways of the city, and to
the substitution of new pavements for any which may have been
heretofore or which hereafter may be laid and completed, and
which may be deemed insufficient.

CHAPTER 75
(Senate Bill No. 306—Mr. Arnold)

AN ACT to amend and re-enact sections four, seven, fifteen, twenty
and twenty-one of chapter one hundred and fifty-one of the
acts of one thousand nine hundred and one, relating to the
election of councilmen; the appointment and qualifications of
town officials; the authority of the council; and to provide
for additional officers and employees, and conferring neces-
sary powers for and within the city of Elkins; and providing
for submission of these amendments to the voters of said city
at a regular election.
326 CITY OF ELKINS [Ch. 75

[Passed April 24, 1923. In effect from passage. Approved by the Governor May 1, 1923]

Sec. 4. Mayor and councilmen; who to elect, compensation of.  Sec. power to issue attachments but not to try; process, where executed; to control police; powers and duties as conservator of peace; power to issue execution for fines; power to commit; limit to imprisonment; appeal, appeal bond; to recommend to council, what; jail expenses; mayor's bond; money's received.

Sec. 7. Appointive officers, qualifications. b. City manager; term of office; removal; duties and powers of.

15. Council: authority to provide for additional officers and conferring necessary powers; to define duties of such officers; compensation; bonds of officers; removal; proviso: chief of police, his powers; keeper of jail; fines by mayor; penalties, etc.; how recovered; collector and treasurer, duties and powers of.

20-a. Mayor, his executory powers; judicial powers; exception.

21. City clerk; duties and powers of; provision for referendum.

Be it enacted by the Legislature of West Virginia:

That sections four, seven, fifteen, twenty and twenty-one of chapter one hundred and fifty-one of the acts of one thousand nine hundred and one, relating to the charter of the city of Elkins, be amended and re-enacted so as to read as follows:

Section 4. The municipal authorities of said city shall consist of a mayor to be elected by the voters of the whole city, two councilmen from each ward, to be elected by the voters of such ward, ten councilmen as provided by this charter, but the number thereof to be increased or diminished as the number of wards be increased or diminished, who, together shall form a common council and who shall receive as compensation fifty dollars per annum, unless the council, by ordinance, change such compensation, and which compensation shall not be increased or diminished during their term of office.

Sec. 7. There shall be a city manager, chief of police, city attorney, city assessor, city collector and treasurer and city clerk, who, at the time of their election or appointment (except the city manager), shall be entitled to vote for members of the common council. The several offices or any two or more of them may be held by the same person, except that the office of city manager shall be deemed incompatible with any other office. These several offices shall be filled by appointment by the common council and held by the appointees during the pleasure of the council and until their successor shall be appointed and qualify. Provided, however, that the common council by ordinances may provide for the election of any of said officers, except city manager, and prescribe their term of office at not less than one or more than two years.
Sec. 15. The council shall also have authority to provide, by ordinance, for the appointment of such other officers as shall be necessary and proper to carry in full force the authority, capacity, jurisdiction and duties of said city, which is or shall be vested therein, or in the council, or in the mayor, or in any other officer or body of officers thereof, and to grant to the officers so appointed the power necessary or proper for the purposes above mentioned. The council, by ordinance, shall define the duties of all officers so appointed or elected as aforesaid, but shall not by ordinance diminish any powers conferred upon the city manager by the charter, and allow them reasonable compensation which shall be by monthly or quarterly salaries and not otherwise, except as to the collection of taxes, and fees of the mayor and chief of police in criminal convictions wherein the fees are recovered from the defendant, which compensation shall not be increased or diminished during their term of office; and shall require and take from all of them whose duty it shall be to receive its funds, assets or property, or have charge of the same, such bonds, obligations or other writings as they shall deem necessary or proper to insure the faithful performance of their several duties. All officers whether appointed or elected may be removed from office for malfeasance, non-feasance or misfeasance by the council, but provided always that any appointed officer who holds his office at the pleasure of the council may be removed from his office at any time without notice, except that when any term of office may be fixed by ordinance, such officer shall not be removed during said term except for cause and upon notice. The chief of police shall have all powers, rights and privileges within the corporate limits of said city in regard to the arrests of persons, the collection of claims, the execution and return of process, that can be legally exercised by a constable of a district within this state; and may without having any warrant or other process therefor arrest any person who commits any offence against the laws of this state or infraction of the ordinances of said city, in his presence. He shall be ex-officio the keeper of the jail and have charge of the city prisoners confined therein, and may confine any persons arrested by him in the city jail until such time as the charges against such person can be inquired into by the mayor. Any person fined by the mayor for infraction of any of the ordinances of the city may pay
such fine to either the mayor or chief of police; and the said chief of police and his sureties shall be liable to all fines, penalties and forfeitures that a constable of a district is liable to for any failure or dereliction in his said office, to be recovered in the same manner and in the same courts that the said fines, penalties and forfeitures are now recovered against a district constable. It shall be the duty of the collector and treasurer to collect city taxes, licenses, levies, assessments and other such city claims as are placed in his hands for collection by the council, and may distrain and sell therefor in like manner as a sheriff may distrain and sell for state taxes, and he shall in all other respects have the same powers as the sheriff to enforce the payment and collection thereof. Said collector shall also perform such other duties as the council may from time to time prescribe.

Sec. 20. (a) The mayor shall be the chief executive officer of the city and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof are faithfully executed, except in so far as such duties may conflict with the power and authority herein conferred by this act upon the city manager, or that may hereafter be conferred by ordinance upon the city manager. The mayor shall be ex-officio a justice and conservator of the peace within the city, and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except he shall have no jurisdiction in civil cases or causes of action arising out of the corporate limits of the city unless the defendant resides or is found therein and process therein served upon him. He shall have the same power to issue attachments in a civil suit as a justice of the county has, but in such cases he shall have no power to try the same, but such attachments shall be made returnable and heard before a justice of the peace of his county. Any warrant or other process issued by him may be executed at any place in the county. He shall have control of the police of the city and may appoint special police officers whenever he deems it necessary and may suspend any police officer until the next regular meeting of the council. And it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may arrest, or cause the arrest and detention of all violators
27 of the laws of the state and ordinances of the city, before
28 issuing his warrant therefor, if the offense is committed in
29 his presence. He shall have power to issue executions for all
30 fines, penalties and costs imposed by him, or he may require
31 the immediate payment thereof and in default of such pay-
32 ment commit the party in default to the jail of the county of
33 Randolph or other place of imprisonment in such corporation,
34 if there be one, until the fine or penalty and costs shall be
35 paid, but the term of imprisonment in such cases shall not ex-
36 ceed thirty days. And in all cases when a person is sentenced
37 to imprisonment or to the payment of a fine of ten dollars or
38 more (and in no case shall a judgment for a fine be for less
39 than ten dollars if the defendant, his agent or attorney object
40 to a less fine being imposed), such person shall be allowed an
41 appeal from such decision to the circuit court of the county of
42 Randolph upon the execution of an appeal bond with security
43 deemed sufficient by the mayor, in a penalty sufficient to cover
44 the fine and costs before the mayor, and the costs in the circuit
45 court in case said judgment be affirmed, with condition that
46 the person proposing to appeal will perform and satisfy any
47 judgment which may be rendered against him by the circuit
48 court on such appeal. If such appeal be taken the warrant of
49 arrest, (if any) a transcript of the judgment, the appeal bond
50 and other papers in the case, shall be forthwith delivered by
51 the mayor to the clerk of said court, and the court shall pro-
52 ceed to try the case as upon the indictment or presentment,
53 and render such judgment, including costs, as the law and the
54 evidence may require. The mayor shall from time to time
55 recommend to the council such measures as he may deem need-
56 ful for the welfare of the city. The expense of maintaining any
57 person committed to the jail of the county by him, except it be
58 to answer an indictment, shall be paid by the city and taxed as
59 costs against the defendant. The mayor before acting shall
60 execute bond with good security in the penalty of not less than
61 one thousand dollars, or in such additional penalty as the
62 council may require, subject to the approval of the council,
63 with the same conditions as required in bonds executed by
64 justice of the peace by chapter fifty of said code; and all the
65 provisions of said chapter relating to money received by a
66 justice apply to like moneys received by the mayor.
(b) The city manager shall hold office during the pleasure of the council and may at any time be removed from office by the affirmative vote of two-thirds of all the members of the council.

The city manager shall occupy an office for the transaction of the public business in the building or buildings occupied by the city government, which office shall be kept open on all secular days except legal holidays for the transaction of the public business. He shall devote all of his time to the discharge of his official duties and while holding the office shall not engage in any other business or employment or hold any other office. In addition to all other powers which may be conferred upon the city manager by the city council or by the laws of the state of West Virginia, he shall exercise the following powers:

1. Supervise, control and direct the affairs and business of all of the administrative offices created in section eleven of this act, or which shall hereafter be created by the council under the authority therein contained, except the police department.

2. Employ and discharge all employees, except elected officers, officers appointed by the council and employees of the police and fire departments, and he shall make semi-monthly reports to the mayor as to the efficiency of all appointive officers and of the police and fire department, and in the absence of the mayor or his inability to act, shall have such power as is now vested in the mayor for the suspension of appointive or other officers. He shall likewise submit recommendations to the council as to any and all appointive officers.

3. Enforce in favor of the inhabitants of the city all terms and conditions in their favor contained in any public utility franchise and require the faithful discharge of obligations of all public utilities.

4. Attend all meetings of the council with the right to take part in the discussion of all measures.

5. Recommend to the council for adoption such measures and resolutions as he may deem expedient.

6. Act as budget commissioner and keep the city council fully advised as to the financial condition and needs of the city.

7. Determine and recommend the plan and program for paving, sewering and otherwise improving the different streets.
and alleys in the city and recommend the order of time in which
such streets and alleys shall be paved, sewered and otherwise
improved.

(8) Determine and recommend the kind and character of
pavements, sidewalks, curbs, sewers and other improvements
which shall be constructed and made upon and in any of the
streets and alleys of the city.

(9) Recommend to the council as to the employment of
competent experts to advise with him in planning the improve-
ments of city streets and alleys, in specifying the kind and
character of pavements, sidewalks, curbs and sewers, which
shall be laid and constructed, and to supervise the performance
of the work in paving, sewering and improving any street or
streets, and alley or alleys, and by contract to specify and fix
the compensation which any expert so employed by the city
manager shall receive for his services, which contract shall not
become binding or effective until approved by the city council
and the fact of such approval entered of record.

(10) Authenticate all ordinances and resolutions passed
by the council and sign the minutes of all meetings of the
council. Immediately upon the meeting of the council the
minutes of the preceding meeting shall be read and corrected
if they contain any errors, and they shall be signed by
the city manager and city clerk before the council proceeds
to the transaction of any business.

(11) Act as purchasing agent and purchase all supplies
and material for all departments of the city government, and
make sale of all property of the city not needed or suitable
for the public use in such manner as the council may direct;
provided, however, he shall not make any contract or purchase
involving an expenditure in excess of five hundred dollars
without first obtaining the assent of the council so to do. All
supplies to be used by the city and all material purchased by
the city for construction of any public improvement shall be
purchased on competitive bids. All proposals for such
shall be upon precise specifications, and notice of the
requirements of the city shall be given to dealers in
supplies and materials of the kind required who by
reason of location are best able to furnish the same at the low-
est price. All offers to sell supplies and materials to the city
shall be attached to the accepted offer and filed and preserved in the office of the city clerk. All purchases shall be audited by the city council and only on approval of the council shall payment be made; provided, however, that limited quantities of supplies and materials may be purchased in cases of emergency without the delay necessary to secure competitive bids or offers to supply the same.

(12) The city manager shall exercise any and all other powers conferred by the present laws of the state of West Virginia upon mayors of cities, towns or villages, or which shall be conferred upon such officers by any law hereafter enacted, not in conflict with the provisions of this act, except the powers herein, or in any such law, contained relating to the preservation of order and the enforcement of penal ordinances and statutes, which powers in this act are vested in the mayor, and to perform such other duties and acts as the council may from time to time direct.

Sec. 21. The city clerk shall keep an accurate record of the proceedings of the council, and have charge of and preserve the records of the city, and in case of the absence from the city, or in case of the sickness or inability of the mayor to act, or during any vacancy in the office of mayor, he shall perform such duties of the mayor as pertain to him as chief executive of the city and be vested with all power necessary for the performance of such duties, but shall not be vested with any of the authority of the mayor, pertaining to civil suits. He shall be a conservator of the peace within the city. He shall also perform such other duties as the council may from time to time by order or ordinance prescribe or direct.

This act shall not be effective unless the same shall first be submitted to the voters of the said city at a regular election called for that purpose and adopted by a majority of the votes cast at said election. This act shall be published by the council once a week for two weeks immediately preceding said regular election, in two newspapers of opposite political faith published in said city. Said regular election shall be conducted in the regular manner of holding municipal elections in said city. If this act is adopted at said election, that fact shall immediately be proclaimed by the mayor of said city and it shall go into effect when the municipal officers elected at said election shall enter upon their respective duties.

The ballot to be voted in said election shall be printed upon plain white paper and in the following form:
CHAPTER 76

(House Bill No. 1—Mr. Moore)

AN ACT to amend and re-enact sections four, seven, nineteen, thirty, thirty-three, thirty-seven, forty-nine and fifty-two of chapter eighty-two of the acts of the legislature of West Virginia for the year one thousand nine hundred and eleven as amended and re-enacted by chapter sixteen, acts one thousand nine hundred and twenty-one, (Municipal Charters) and adding to section forty-nine an additional section known as forty-nine-b relating to the charter of the city of Moundsville, in the county of Marshall; making the chief of police appointive, fixing salaries of certain officers, conferring additional power with respect to the making of sewer assessments and providing for the issuing of bonds for the erection of a garbage disposal plant and purchase of fire equipment.

[Passed January 19, 1923. In effect from passage. Became a law without approval of Governor]

Be it enacted by the Legislature of West Virginia:

That sections four, seven, nineteen, thirty, thirty-three, thirty-seven, forty-nine and fifty-two of chapter eighty-two of the acts of the legislature of West Virginia for the year one thousand nine hundred and eleven, as amended and re-enacted by chapter sixteen, acts one thousand nine hundred and twenty-one (Municipal Charters) be amended and re-enacted so as to read as follows; and that section forty-nine-b, be added thereto.
Section 4. The officers of said city shall be a mayor, clerk, who shall be ex-officio collector; solicitor, chief of police, health officer, treasurer, street commissioner, city engineer, sewer inspector, and two councilmen from each ward. The mayor shall be elected by the qualified voters of said city.

The chief of police, clerk, health officer, solicitor, street commissioner, treasurer, sewer inspector and city engineer shall be appointed by the council, and the councilmen shall be elected by the qualified voters of their respective wards. No person shall be eligible to the office of mayor unless he is a qualified voter thereof, nor unless he has resided therein for at least six months before his election; and in the case of a councilman, unless he is a bona fide resident of the ward from which he is elected, and a freeholder of said city; and the removal of a councilman from the ward in which he was elected, or his ceasing to be a freeholder in said city, shall vacate his office, and no person shall be eligible to any city office unless he be a taxpayer and a qualified voter thereof.

In addition to the municipal authorities mentioned in this section the council may from time to time create and employ other officers and agents and fix their salaries and compensation.

Sec. 7. The term of office of the mayor shall begin on the first Monday in April next succeeding his election and shall be for the term of two years, and until his successors shall have been elected and qualified. The chief of police, clerk, solicitor, treasurer, health officer, street commissioner, city engineer and sewer inspector shall be appointed by the council and shall hold their office during the pleasure of the council. Any former incumbent shall be ineligible for a second appointment unless he shall have fully settled up the business of his former term or terms. At the first election held after this act goes into effect, there shall be elected a mayor, whose term of office shall begin on the first Monday in April next succeeding his election and shall be for the term of two years, and until his successor is elected and qualified; and one councilman from each ward, whose term of office shall begin on the first Monday in April next succeeding his election, and who shall hold office for the term of four years, and until his successor is elected and qualified. On the same day in each succeeding two years one councilman from each ward shall be elected and shall hold office for four years from the first Monday in April next succeeding
his election and until his successor is elected and qualified. But nothing in this section shall be construed to invalidate the election or term of office of any councilman elected to office and whose term of office began on the first Monday in April in the year one thousand nine hundred and twenty-one, under the provisions of section seven of the charter of said city of the act of one thousand nine hundred and twenty-one.

The council of said city shall have the right to fix a compensation for the members thereof, which compensation, however, shall not exceed one hundred fifty dollars per year to each member.

Sec. 19. The mayor shall be the chief executive officer of the city and shall see that the orders, by-laws, ordinances and regulations of the council thereof are faithfully executed; he shall be ex officio a justice and conservator of the peace within the city and shall within the same have, possess and may exercise, all the powers and perform all the duties whether in civil or criminal proceedings, vested by law in a justice of the peace. Any summons, warrant or other process, issued by him, may be executed at any place within the county; he shall have power during the recess of the regular meetings of council to appoint special police officers when he shall deem it necessary, and it shall be his duty to see that the peace and good order of the city are preserved, and that persons and property therein are protected; and to this end he may arrest and detain, or cause the arrest and detention, of all riotous and disorderly persons before taking other proceedings in the case; he shall from time to time recommend to the council such measures as he may deem needful for the welfare of the city; he shall not receive any money due or belonging to the state or corporation or to individuals, unless and until he shall have given the bond and security required of a justice of the peace by chapter fifty of the code of West Virginia; and all the provisions of said chapter relating to moneys received by justices shall apply to moneys received by him in like cases.

The mayor shall receive a salary of not less than five hundred nor more than fifteen hundred dollars per annum; such salary shall be in lieu of the fees which would otherwise accrue to him in proceedings for the enforcement of ordinances, but all such fees shall be collected when practicable and accounted for to the city, and he may tax such costs against any person or corporation found guilty of the violation of any ordinance of the
Sec. 30. The said clerk shall receive all taxes, assessments, fines and costs and other money due the city authorized by this act, or by any ordinance of the said city, to be paid to the city, and shall receipt for same; he shall keep an accurate account of all money paid to him for the use of said city, showing under separate accounts the amounts received for account of taxes, sewer purposes, street pavement, licenses, fines and costs and of other matters pertaining to his office, which books shall at all time be open to the inspection of the council or to any committee appointed by it for such purpose; he shall pay over promptly all money which he may receive, within five days after the receipt thereof, into the hands of the treasurer of the said city, showing an itemized statement of the several funds included in said payment, taking the treasurer’s receipt therefor; he shall keep his office at the office of the mayor, unless otherwise ordered by the council, and shall keep his office open for the transaction of business during usual business hours, and as may be directed by council; he shall on or before the first day of January and July of each year and oftener if directed by council, present to the council a full, complete and detailed statement of all money with which he is chargeable, or that has been received by him from all sources up to that time, together with a statement of all money paid to the treasurer, and proper receipts therefor, and he shall at such times return a list of all taxes, levies, assessments, and other claims in his hands for collection which he shall not have been able to collect by reason of insolvency, removal, or other cause, to which list he shall append an affidavit that he has used due diligence to collect the several items therein mentioned, but has been unable to do so, and if the council should be satisfied as to the correctness of said list, it shall allow him a credit for said claims, but may thereafter take such lawful measures to collect the same as shall be by it prescribed. The said clerk shall receive all taxes on licenses, and receipt to the party paying the same by endorsement upon the permit granted by order of the council and shall charge himself with the amount received from the same, and report to the council at the next regular meeting thereafter, the amount so received, and pay the same over to the treasurer, taking his receipt for the same; he shall, upon
the expiration of his term of office, or upon the order of
41 council, turn over to his successor all money, books of account
42 and other property of said city in his possession; he shall
43 receive such salary as may be fixed by the council, which shall
44 not be less than at the rate of one thousand dollars, nor more
45 than eighteen hundred dollars per annum.

Sec. 33. It shall be the duty of the chief of police to pre-
2 serve order and quiet in said city, and to see that all subor-
3 dinate police officers faithfully perform their official duties,
4 and he may for good cause appearing to him, for neglect of
5 duty or insubordination, suspend any such officer from duty,
6 and report his action and his reason therefor to the next regu-
7 lar meeting of council for action thereon; he shall make a
8 list of all dogs within said city liable to tax, collect the
9 license tax thereon and pay the same to the clerk, as may be
10 provided by ordinance of said city; he shall be present in the
11 police court whenever the same shall be in session, and see
12 that all its orders and requirements are properly executed; he
13 shall with the consent of the council entered of record, but
14 not otherwise, appoint one or more policeman, as the council
15 may determine; he shall, before entering upon the discharge of
16 his duties, execute a bond conditioned for the faithful per-
17 formance by him of the duties of his office, and for the ac-
18 counting for any paying over, as required by law, all money
19 which may come into his hands by virtue of his office, with
20 sureties satisfactory to the council, in a penalty of not less
21 than one thousand dollars nor more than five thousand dollars,
22 as the council may prescribe; he shall receive such salary as
23 may be fixed by council, which shall not be less than twelve
24 hundred dollars nor more than eighteen hundred dollars per
25 annum.

26 Each policeman appointed as prescribed by this section shall
27 before entering upon the discharge of his duties, execute a
28 bond conditioned for the faithful performance by him of the
29 duties of his office and as is required by law, and for the
30 accounting for and paying over, as is required by law, all
31 money, which may come into his hands by virtue of his office,
32 with sureties satisfactory to the council, in a penalty of not
33 less than thirty-five hundred dollars nor more than five thousand
34 dollars, as the council may prescribe.

Sec. 37. The street commissioner shall perform such duties
2 as are now, or which may hereafter be imposed upon him by
3 any ordinance of said city, and shall receive such compen-
4 sation as may be fixed by council, which shall be at the rate
5 of not less than one thousand dollars nor more than fifteen
6 hundred and fifty dollars per annum.

Sewers

Sec. 49-b. In case any sewer is constructed as provided for
2 in section forty-nine of chapter eighty-two, acts one thousand
3 nine hundred and eleven, to be paid for by an appropriation
4 from funds in the treasury unappropriated the same shall be
5 assessed and become due and collectible as provided by sections
6 forty-seven and forty-eight of chapter eighty-two, acts one
7 thousand nine hundred and eleven, relating to sidewalks and
8 street paving.

Bonds—Additional Levy

Sec. 52. The municipal authorities of said city shall have the
2 power and authority to issue and make sale of the bonds of
3 the said city and to apply the proceeds thereof to the payment
4 for any general improvement therein, including the purchase
5 by said city of the plant of the Moundsville Water Company,
6 a corporation, and also to provide ground for and erect an
7 incinerator plant or garbage crematory, or other plant or
8 means for the disposal of garbage or refuse and to provide
9 additional fire apparatus and equipment for the fire department
10 of said city; and such bonds shall be sold for not less than
11 par and payable in a period not to exceed thirty-four years,
12 and shall bear interest not to exceed five per centum per annum;
13 and in the issuance and sale of said bonds the city shall be
14 governed by all the restrictions of the constitution of this state
15 and the statutes of this state, with respect to the issuance and
16 sale of other bonds; provided, that said city shall not, by the
17 sale or issue of bonds for the purposes above mentioned, cause
18 the aggregate of its indebtedness, of every kind whatever, to ex-
19 ceed five per centum of the value of the taxable property there-
20 in, but may for the above purposes issue bonds to the maximum
21 limit of said five per cent; nor shall said city make such issue
22 and sale of bonds without, at the same time, providing for the
23 collection of a direct annual tax sufficient to pay annually
24 the interest on the same and a sinking fund to pay the prin-
25 cipal within the time for which said bonds shall be issued.
26 The council may submit to the voters of said city the question
27 of making an additional levy, and if three-fifths of the votes
28 cast therein be in favor of such increased levy the council
29 may levy the same.

Refunding Bonds
30 The council may refund the lawful bonded indebtedness of
31 said city by issuing bonds of the city, payable within twenty
32 years, bearing no greater rate of interest than five per cent,
33 but the indebtedness of said city shall not thereby be increased
34 without the consent of the voters of said city being first had
35 and obtained as provided by law.
36 Such bonds shall not be sold or exchanged for the evidence
37 of said indebtedness of said city for less than par, and there
38 shall be provided a sinking fund that will discharge said bonds
39 as they shall become due. Said bonds shall express on their face
40 that they may be paid at any time after five years at the pleasure
41 of the city. A record shall be kept of all proceedings hereunder;
42 provided, that nothing herein contained shall be construed to
43 authorize an increase of the bonded indebtedness of said city
44 beyond the amount authorized by law.
45 All acts or parts of acts inconsistent herewith are hereby
46 repealed.

CHAPTER 77
(House Bill No. 15—Mr. Scanlon)

AN ACT to amend and re-enact section two of chapter eleven of the
acts of one thousand nine hundred and twenty-one, (Municipal
Charters) relating to the southern boundary of the city of
Huntington.

[Passed April 24, 1923. In effect ninety days from passage. Became a law
without approval of Governor]

Sec. 2. Corporate limits.

Be it enacted by the Legislature of West Virginia:

That section two of chapter eleven of the acts of one thousand nine
hundred and twenty-one (Municipal Charters) be amended and re-
enacted to read as follows:

Section 2. The corporate limits of the city of Huntington
2 shall be as follows, to-wit:
Beginning at a stake at low water mark on the Ohio river southerly side thereof about one mile above the mouth of Guyandotte river at the west side of the Peck farm, thence southerly with the west line of the Peck farm to the top of the river hill; thence westerly with the top of the river hill to the east line of the Southland addition to the city of Huntington, a map or plat of which addition is filed in the county court clerk’s office of said county and state; thence with the easterly line of said Southland addition, southerly to the south line of same; thence with the easterly line of said addition extended southerly to the top of the bank on the west side of Pats’ branch; thence southwesterly with the west bank of said Pats’ branch to the east side of the Guyandotte river at low water mark; thence south-easterly with the low water mark of the Guyandotte river and on the easterly side thereof to a point directly opposite the mouth of Crump branch, a tributary of the Guyandotte river, on the westerly side thereof; thence westerly in a straight line and crossing the Guyandotte river to the mouth of said Crump branch; thence southerly with the westerly line of the Isaac Crump lands to what is known as the military line; thence westerly with the said military line to its intersection with the southeasterly corporation line of the city of Huntington, as here-fore constituted by chapter one hundred and fifty of the acts of the legislature of one thousand nine hundred and one; thence westerly across the McCoy road to the north-easterly corner of the F. L. Weymouth land; thence westerly along the McCoy road to the north-easterly corner of the F. L. Weymouth land; thence following the northeasterly line of F. L. Weymouth’s land and the northerly line of the land of F. L. and F. A. Weymouth to the intersection of the present corporation line at the left fork of Hisey Creek; thence westerly with the northern bank of the said left fork to its intersection with the right fork; thence westerly with the northerly bank of Hisey Fork of Four Pole Creek to where said old corporation line crosses said Hisey Fork; thence in a northerly direction to the northerly branch of Four Pole creek, as heretofore constituted by chapter one hundred and fifty of the acts of the legislature of one thousand nine hundred and one; thence in a westerly direction and down Four Pole creek with the northerly bank thereof to the intersection of said
44 creek with Hisey Fork of said creek; thence with the northerly
45 bank of Four Pole creek westerly and down the same to the
46 intersection of said creek with the southerly line of the right-
47 of-way of the Chesapeake & Ohio railway company; thence
48 continuing westerly with the said southerly line of the right-
49 of-way of said railway company to its intersection with the
50 division line between Wayne and Cabell counties; thence with
51 the division line between Wayne and Cabell counties in a north-
52 erly direction to the low water mark of the south side of the
53 Ohio river; thence easterly with the low water mark of the Ohio
54 river on the southerly side thereof to the point of beginning.

CHAPTER 78
(House Bill No. 541—Mr. Scanlon)

AN ACT to amend chapter eleven of the acts of the legislature
one thousand nine hundred and twenty-one (Municipal
Charters), in relation to the charter of the city of Hunting­
ton, by amending certain sections of said chapter, and by
amending and re-enacting certain other sections, and adding
thereto certain new sections, as hereinafter set out.

[Passed April 25, 1923. In effect from passage. Became a law without the
approval of the Governor]

Sec. 2. Corporate limits; city of Hunt­
ington, defined.
3. Tenth ward.
3-a. Franchises heretofore awarded
not annulled.
3.-b. Assessment of property.
7. Citizen’s board created.
62. Certain tax exemptions.
65. (a) Paving, grading and curb­
ing; (b) payments, how made;
(c) assessments of cost of im­
provements; (d) making im­
provements; (e) payment by
67. (f) cost charged to rail­
road; (g) other powers of
 commissioners; (h) sewer con­
struction; (i) notice for bids;
(j) cost specified by ordinance;
(k) commissioners may lay
off land in lots for assessment
purposes.
68. Contracts let by commissioners;
form of Improvement certifi­
cates; form of coupons.
Commissioners authorized to con­
struct sewers, etc.; Inconsistent
acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections two, three, three-a, seven, sixty-two, sixty-five,
sixty-seven and sixty-eight, of chapter eleven (Municipal Charters)
of the acts of the legislature of West Virginia of one thousand nine
hundred and twenty-one, be amended and re-enacted, and that sec­
tion three-b be added thereto, all so as to read as follows:

Sec. 2. The corporate limits of the city of Huntington shall
2 be as follows, towit:
3. Beginning at a stake at low water mark on the Ohio river southerly side thereof about one mile above the mouth of Guyandotte river at the west side of the Peck farm, thence southerly with the west line of the Peck farm to the top of the river hill; thence westerly with the top of the river hill to the east line of the Southland addition to the city of Huntington, a map or plat of which additions is filed in the county court clerk’s office of said county and state; thence with the easterly line of said Southland addition, southerly to the south line of same; thence with the easterly line of said addition extended southerly to the top of the bank on the west side of Pats’ branch; thence southwesterly with the west bank of said Pat’s branch to the east side of the Guyandotte river at low water mark; thence south-easterly with the low water mark of the Guyandotte river and on the easterly side thereof to a point directly opposite the mouth of Crump branch, a tributary of the Guyandotte river, on the westerly side thereof; thence westerly in a straight line and crossing the Guyandotte river to the mouth of said Crump branch; thence southerly with the westerly line of the Isaac Crump lands to what is known as the military line; thence westerly with the said military line to its intersection with the southeasterly corporation line of the city of Huntington, as heretofore constituted by chapter one hundred and fifty of the acts of the legislature of one thousand nine hundred and one to the Huntington-Hamlin Pike; thence in a westerly direction to a point on the west side of the McCoy (Eighth street) road two feet northeast of the northeasterly corner of the F. L. Weymouth land, thence westerly across the McCoy road to the northeasterly corner of the F. L. Weymouth land; thence following the northeasterly line of F. L. Weymouth’s land and the northerly line of the land of F. L. and F. A. Weymouth to the intersection of the present corporation line at the left fork of Hisey creek; thence westerly with the northern bank of the said left fork to its intersection with the right fork; thence westerly with the northerly bank of Hisey Fork of Four Pole creek to where said old corporation line crosses said Hisey Fork; thence in a northerly direction to the northerly branch of Four Pole creek, as heretofore constituted by chapter one hundred and fifty of the acts of the legislature of one thousand nine hundred and one; thence in a westerly direction and down Four Pole creek with the northerly bank thereof to the intersection of said
creek with Hisey Fork of said creek; thence with the northerly
bank of Four Pole creek westerly and down the same to the
intersection of said creek with the southerly line of the right-
of-way of the Chesapeake & Ohio railway company; thence
continuing westerly with the said southerly line of the right-
of-way of said railway company to its intersection with the
division line between Wayne and Cabell counties, and thence
continuing in a westerly direction with a line 200 feet south of,
and parallel with, the southerly line of said railway right-of-way
to a point of its intersection with the easterly corporation line of
the town of Ceredo, in Wayne county; thence in a northerly
direction with said easterly corporation line of Ceredo to the
low water mark of the southerly side of the Ohio river; thence
easterly with said low water mark of the Ohio river to the point
of beginning. Provided, that the territory herein embraced
relating to that part of the boundary lying in Wayne county
shall always remain in Wayne county.

Sec. 3. That section three of said chapter be amended by adding
thereto the following:

TENTH WARD: To include all the territory in said city lying west
of the Cabell-Wayne county line.

Sec. 3-a. Any existing franchise or right-of-way heretofore
granted to or for any public service corporation on public
streets, avenues, alleys, roads and grounds, in that territory
not at this time a part of the city of Huntington, but by this
act added, under the provisions of this act, and included within
the corporate limits of said city, shall not be annulled by the
passage of this act, but shall remain in full force and effect
according to the terms of the granting thereof; and the passage
of this act shall not by operation by law (but may be by action
of the city upon application for franchise under the provisions
of existing laws relating to the granting of franchises), extend
rights under existing franchise held by any public service cor-
poration on and in the public streets within the corporate limits
of said city immediately prior to the passage of this act, to such
public streets, avenues, alleys, roads and grounds of such new
or added territory on and in which a competing public service
corporation is now operating under a franchise.

Sec. 3-b. Wherein the law now requires, or it may hereafter
require, a county assessor to make reports to municipal au-
thorities or a municipality within such county as relates to
4 valuations of real estate or personal property situated within
5 the limits of said municipal corporation, or to perform any du-
6 ties as relates to such municipality, the county assessor of
7 Wayne county, as relates to any territory within said county,
8 which may be embraced within the corporate limits of the said
9 city of Huntington, shall make such reports to the municipal
10 authorities of the city of Huntington, and perform any other
11 such duties as he may be required by law to perform in rela-
12 tion to said city.

That section seven of said chapter be amended by adding thereto
the following:

Sec. 7. Provided, that the Citizens Board of said city, as now
2 existing, shall appoint, within thirty days after this act be-
3 comes effective, two persons for members of said board from the
4 Tenth ward as created by this act. The persons so appointed
5 shall hold said office by reason by such appointment until their
6 successors shall have been elected at the next general city elec-
7 tion; and the persons so appointed shall be citizens and residents
8 of said Tenth ward, and shall not be members of the same polit-
9 ical party.

Sec. 62. No taxes or levies shall be assessed upon or collected
2 from the taxable persons or property within the corporate
3 limits of said city, for the construction, improvement or keeping
4 in repair of roads or the building, leasing, repairing of school
5 houses, or the purchase of lands for the same, or for the support
6 of schools, or for the support of the poor of Cabell county,
7 or Wayne county outside of said corporate limits, for any year
8 in which it shall appear that said city shall at its own expense
9 provide for its own poor and keep its own roads, streets and
10 bridges in good order. And neither the county court of Cabell
11 county nor Wayne county, nor the authorities of the district in
12 which said city is situated, shall have or exercise jurisdiction
13 within the corporate limits with relation to the roads, streets,
14 alleys, bridges, wharves, docks, ferries, schools or school houses,
15 but the same shall be and remain under the exclusive jurisdic-
16 tion and control of the municipal authorities of said city, except
17 that the board of education in the independent school district
18 of the city of Huntington shall have jurisdiction, supervision
19 and control of the schools and school houses in said independent
20 school district; and said city shall be liable only for the con-
21 struction, improvement, repair and good order of the roads,
22 streets, alleys, wharves and bridges in its corporate limits.
Sec. 65. (a) The board of commissioners of the city of Huntington may order and cause any avenue, street, road or alley therein to be graded, or curbed or recurbed with stone, concrete or other suitable material, or paved or repaved, between curbs, with brick, wooden blocks, asphalt or other suitable materials, or to be graded and curbed or recurbed and paved or repaved as aforesaid, or to be macadamized or to be otherwise permanently improved or repaired, under such supervision as may be directed by ordinance or resolution, upon the best bid to be obtained by advertising for proposals therefor, except the city may do the work without letting it to contract as hereinafter provided in (d) of this section; and may purchase or condemn land for opening or widening avenues, streets, roads and alleys. The entire cost, or any part thereof designated by the board of commissioners, of such grading, curbing and paving or macadamizing, or other permanent improvements, of any of the avenues, streets, roads and alleys as aforesaid, from and including the curb of either side thereof to the middle thereof and the cost, or any part thereof, of purchasing or condemning land as aforesaid for street purposes, may be assessed to and required to be paid by the owners of the land, lots or fractional parts of the lots, fronting or bounding on such avenue, street, road or alley so improved, except as otherwise provided in (c) and (g) of this section.

(b) Payment is to be made by all land owners on either side of such portion of any avenue, street, road or alley so paved, opened, widened, or improved in such proportion to the total cost (less the portion, if any, chargeable to the street or other railway company) as the frontage in feet of his abutting land bears to the total frontage of all the land so abutting on said avenue, street, road or alley or portions thereof opened, widened, paved or improved as aforesaid; but the cost of such paving or improvement on said avenue, street, road or alley (not including opening or widening) shall not include any portion or amount paid for the paving or improvement of intersections of avenues, streets, roads or alleys, unless the work be done, and the payment made therefor, as especially provided in (c) and (g) of this section.

(c) Provided, the board of commissioners of the city of Huntington may order and cause any of the work to be done, and improvements to be made, set out in (a) of this section
and in addition to the assessment provided for in (a) of this section, may assess proportionately the property abutting or bounding on such avenue, street, road or alley so improved with the total cost of the paving, grading and curbing or macadamizing or other permanent improvements of the intersections of the avenue, street, road or alley so paved or otherwise permanently improved.

Provided, further, that if the said commissioners propose to order and cause such improvements to be made under this clause of this section, they shall first enact an ordinance or resolution setting forth the work and improvement proposed to be done, the extent of said improvement and manner of paying for the same, which ordinance or resolution shall be published once a week for two consecutive weeks in two newspapers of opposite politics, published and of general circulation in said city. In such publication the commissioners shall set a time of at least ten days from the date of the first publication in which objection and protest may be made against the proposed improvement as aforesaid by the owners of the property against which said assessment is proposed to be made, and if, at, or before, such time so set by the commissioners, the bona fide owners of more than three-fifths in lineal feet of the property abutting upon the avenue, street, road or alley proposed to be improved as aforesaid, shall file separately or jointly their written protest setting forth the fact, under oath, that they are the bona fide owners of said property, with the board of commissioners, objecting to and protesting against the work to be done and the improvement to be made under this clause in this section. The commissioners shall proceed no further hereunder and shall make note of the discontinuance of such proposed work and improvement under this clause of this section in their minute book. If the owners of more than three-fifths of said property do not file objection or protest as herein provided, the board of commissioners may immediately, by ordinance or resolution, order and direct such work to be done, improvement made and the assessments levied against said property in manner set out in this section, and chapter eleven of the acts of the legislature of the state of West Virginia, of one thousand nine hundred and twenty-one (municipal charters), as amended by this act. The publication of the ordinance herein provided for shall be sufficient if the title to the same is published, with a statement of the purposes of the ordinance set-
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84 t"ing out between what points the improvement is proposed to be
85 made, and the method under which payment for the same is
86 to be made, and stating the time at which objections may be
87 heard.
88 (d) The city itself, after any work or improvement is finally
89 ordered to be done or made in manner and form provided in
90 this act, may, at its election, do such work and make such im-
91 provement, and collect the cost thereof, in the manner set out
92 in this act. The decision of the city to do such work, or make
93 such improvement, may be without notice or after the pub-
94 lication of the notice to contractors mentioned in this section,
95 or after the rejection of all bids for doing the same.
96 (e) The cost of grading, curbing and paving, or otherwise
97 improving the intersections, or parts of intersections, of ave-
98 nues, streets, roads or alleys, on the plans adopted by the
99 board of commissioners for such work, shall be paid by the
100 city, except as otherwise provided in (c) and (g) of this sec-
101 tion.
102 (f) And if any such avenue, street, road or alley be occu-
103 pied by street car track, or tracks of other railroads, the cost
104 of said improvements of the space between the rails and two
105 additional feet outside of each rail shall be assessed to and
106 borne and paid entirely by the person or company owning or
107 operating such street car or other railway line, unless other-
108 wise provided by the franchise of such street car or other
109 railway company granted previous to the passage of this act.
110 (g) Provided, the board of commissioners, if they so elect,
111 may order and cause any avenue, street, road or alley, includ-
112 ing intersections, public park or public place, to be widened,
113 graded or changed in grade, and curbed or recurbed, and
114 paved or repaved, with brick, concrete, asphalt or any other
115 suitable materials, or macadamized or otherwise permanently
116 improved, including the construction of retaining walls, sew-
117 ers, drains, water pipes, water dams and water courses in con-
118 nection therewith, and may purchase land, or condemn land as
119 provided in this act, and chapter eleven of the acts of the
120 legislature of the state of West Virginia of one thousand nine
121 hundred and twenty-one (municipal charters), as amended by
122 this act, for any public avenue, street, road or alley, or part
123 thereof, or park or other public purposes, and the board may
124 assess all or any part of the entire cost of such improvements
(or taking of land or both) upon the abutting, adjacent, contiguous and other lots or land especially benefited by such improvement in the proportion in which such lot or land is specially benefited by the improvement. The board of commissioners, when they decide to order the improvements under this plan, shall, by ordinance or resolution, before doing the same, fix the approximate total amount of the special benefits to be derived from such improvements to the abutting, adjacent; contiguous and other specially benefited land or lots so assessed and setting out the names of the owners, the approximate amount of the special benefits to the lot or land of each owner and the approximate amount of the total cost of the proposed improvements, the board may in fixing such assessments take into consideration the assessed value of the lots or land as fixed for the last assessment year for state and county purposes.

Provided, further, that if the said commissioners propose to order and cause such improvements to be made under this clause of this section, they shall first enact an ordinance or resolution setting forth the work and improvements proposed to be done, the extent of said improvements and manner of paying for the same, which ordinance or resolution shall be published once a week for two consecutive weeks in two newspapers of opposite politics published and of general circulation in said city, in which publication the commissioners shall set a time of at least ten days from the date of the first publication in which objection and protest may be made against the proposed improvement as aforesaid by the owners of the property against which said assessment is proposed to be made.

Provided, further, that the owner of any real estate whose property is to be charged for the paving of any street or alley of said city, or for the laying of any sewer therein, or any other improvements named in, and to be done under the provisions of this clause, may object to the paving thereof, or the laying of such sewer or making any other improvements under the provisions of this clause, which objection shall be filed with the said board of commissioners within the time set by the board in such publication, which time shall be not less than two weeks from the date of the first publication thereof, and when such objection or objections are so filed, and the said board of commissioners shall nevertheless order the said work
and improvements to be done and made, or said sewer to be laid, the said parties so objecting shall have the right of appeal from such order to the citizens board of said city at its next regular meeting, and no further proceedings under such order shall be had until such citizens board shall have passed on such appeal. And the citizens board, in passing on such appeal, shall have the power to reject the said order of the board of commissioners as to such paving, improvement or sewer, and if such order of the board of commissioners is set aside by said citizens board, the same shall be invalid, but on such vote to reject the said order of the board of commissioners, a majority of the members elected to said citizens board must vote to reject said order of the board of commissioners and if, upon such vote, a majority of the members elected to said citizens board do not vote to reject said order, then the said order shall be valid and of full effect.

The publication of the ordinance herein provided for shall be sufficient if the title to the same is published with a statement of the purposes of the ordinance setting out at what place the improvement is proposed to be made, and the method under which payment for the same is to be made, the lots and land with the names of the owners of record thereof and the approximate amounts to be assessed against each lot, and the owner thereof, and stating the time at which objections may be filed.

(h) When the board of commissioners shall deem it expedient and proper to cause any avenue, street, road or alley, or any portion thereof, in such city, to be graded, or graded and paved, curbed or macadamized, or otherwise permanently improved, or land to be acquired or taken for street purposes, as provided in (a) of this section, or shall deem it expedient and proper to cause the construction of any public sewer in or under such avenue, street, road or alley or land or easement therein to be acquired or taken therefor, or elsewhere, or cause any other permanent improvements to be undertaken, contemplated by this or any other section, or sections, as provided in chapter eleven of the acts of the legislature of the state of West Virginia of one thousand nine hundred and twenty-one (municipal charters), as amended by this act, they shall, by ordinance or resolution, order the work done, stating the method of payment thereof, and, if it be let to contract, notice shall be in the following manner, to-wit:
(i) The notice for the bids or proposals for doing such work and making such improvements provided for in chapter eleven of the acts of the legislature of the state of West Virginia, of one thousand nine hundred and twenty-one (municipal charters), as amended by this act, shall be published for at least fifteen days in two newspapers of opposite politics, or in one newspaper, if two such newspapers be not published in the city. If the publication of the notice cannot be procured in any newspaper in said city at reasonable rates, then said notice may be given in the manner directed by the board. Said notice shall state when, where and how the bids or proposals shall be made; and whether so stated in the notice or not, the city may reject any and all bids for such proposed work. Before advertising for bids on the work, the city shall approve and adopt plans and specifications therefor, and the advertisement for bids, and the contract awarded thereon, shall refer to such plans and specifications. The fact that such contract shall be let for said work shall be \textit{prima facie} proof that the notice mentioned above was given as required herein.

(j) The cost of said paving, macadamizing or otherwise permanent improvement may be paid in either one of the two ways provided for in this act (to be specified by ordinance by the board of commissioners).

(k) If the abutting land on any such avenue, street, road or alley sought to be improved as aforesaid, or in which a sewer is ordered laid, is not laid off into lots by a map of record, the board of commissioners may, for the purpose of making the assessments provided for in this section and other sections herein, lay off said land into lots of such sizes as the board deems advisable for the purpose of laying the proper assessment against such land.

Sec. 67. The board of commissioners may contract for such paving (including grading and curbing), or other said improvements, to be done as aforesaid, and may acquire or take land for street and park purposes, as aforesaid, and may, if the board so elect, stipulate that the costs thereof, in whole or in part, shall be paid in installments by the abutting property owners, as provided in (a) and (c) of section sixty-five, or specially benefited property owners, as provided in (g) of said section, in five equal or nearly equal installments, (making four in terms of dollars only and when practicable in multiples
11 of ten, the cents and odd amounts to be covered by the first
12 installment), except as hereinafter provided in this section,
13 to be evidenced by a certificate issued therefor against each
14 separate lot or tract of land, setting out the total amount of
15 such assessment against the same, payable in installments in
16 thirty days, and one, two, three and four years respectively,
17 after the date of its issue, except as hereinafter provided, which
18 date in case of permanent improvements of streets shall be the
19 day on which the city received said work from the contractor,
20 and shall bear interest not to exceed six per centum per annum,
21 payable annually, which certificates are to be signed in person
22 by the mayor and clerk, or other person or persons designated
23 of record by the board. Said certificates shall bear coupons
24 designated "Principal installment coupons", representing the
25 respective amounts of the installments to be paid under the
26 same, and which coupons shall be due and payable on the dates
27 provided for the payment of the installments in this section, and
28 said certificate shall also bear interest coupons representing the
29 interest to be paid on said assessment, and which said interest
30 coupons shall be due and payable at the same time the principle
31 installment coupons are due and payable. Both the principal
32 installment and interest coupons shall be signed by the mayor
33 and clerk, or other person or persons designated, of record by
34 the board, either in person or by stamp, bearing a fac-simile
35 of the written name of the person signing, or lithographed in
36 fac-simile on said principal installment and interest coupons.
37 The certificates herein provided for may be sold either to the
38 contractor doing the paving or other improvements, or to any
39 other person, and which shall cover the entire cost of such work
40 provided for in the ordinance, including the cost of acquiring or
41 taking land for street or park purposes, the cost of surveys,
42 notices and other things pertaining thereto; provided, when the
43 entire amount to be assessed against any lot or piece of ground
44 under the provisions of this section does not exceed fifty dollars,
45 then such amount shall be covered by only one set of said
46 coupons, payable thirty days after date of its issue; if over fifty
47 and not more than one hundred dollars, then such amount shall
48 be covered by only two principal installment and interest cou-
49 pons, each, payable in thirty days and one year, respectiv
50 after date; if over one hundred and not more than one hun-
dred and fifty dollars, then such amount shall be covered by only
three principal installment and interest coupons, each, payable
in thirty days, one year and two years, respectively, after
date; if over one hundred fifty and not more than two
hundred dollars, then such amount shall be covered by
only four principal installment and interest coupons,
each, payable in thirty days, one year, two years and
three years, respectively, after date; provided, further, the
city in negotiating and selling such certificates, shall not
be held as guarantor or in any way liable for payment thereof,
except upon the direct action of the board of commissioners as
expressed by resolution of record. And the certificate and
coupons covering the amount of the assessment and interest
shall be paid by the owner of the land, lot or fractional part
thereof, so assessed for the cost of said improvement on such
avenue, street, road or alley so paved or improved, or land ac-
quired or taken, as aforesaid. The amount specified in said
assessment certificates shall be a lien in the hands of the holder
thereof upon the lands, lots or parts thereof so assessed, and
shall also be a debt against the owner of such real estate, and
said amount shall draw interest from the date of said certifi-
cates, payable annually; and the payment of the debt may be
enforced as provided by law for the collection of other
debts or such lien may be enforced in the name of the holder
of such certificate in manner provided by law for the enforce-
ment of other liens against real estate.

After a contract has been made by a board to pave or other-
wise permanently improve any public road, avenue, street or
alley in said city under this act, and the paving or
other permanent improvement, or stipulated part thereof, has
been completed, or the cost of acquiring or taking land as afores-
said, has been ascertained, the board shall assess the amount
each lot shall bear and shall make a written report, stating the
number of lots, and the blocks or tracts of land, when not laid
off into lots, the names of the owners of such lots of land when
known, and the amount assessed thereon; and when the said
board approves said report, or modifies it and then approves
it, a copy of said report, so adopted by the board, when certified
to by the city clerk of said city, shall be recorded in the clerk's
office of the county court of Cabell county, in a trust deed book
and shall be a continuing tax lien upon the lot or ground against
which the assessment is made until the certificates as aforesaid are paid, except as otherwise provided in this act, and the clerk shall index the same in the name of each lot or land owner mentioned therein. *Provided,* any property owner shall have the right to pay the whole amount of any such assessment against his property as soon as the same shall have been ascertained, but before the day on which the city enters such assessments of record after the two weeks’ notice provided in section seventy-four of chapter eleven of the acts of the legislature of the state of West Virginia of one thousand nine hundred twenty-one (municipal charters); and such payment shall be made to the city clerk, who shall give proper receipt therefor, and such assessment, so paid, shall not be included in the report to be recorded in the office of the county clerk as set out in this section; and the amount so paid to the clerk shall forthwith be paid to the contractor or other person entitled thereto, which shall operate as full discharge of the amount of such indebtedness of such property owner. The certificates and principal installment and interest coupons herein provided for may be made in the following form or to the same effect:

No. ............... THE STATE OF WEST VIRGINIA $ ...........

(State Coat of Arms)

CITY OF HUNTINGTON

PAVING ASSESSMENT CERTIFICATE

This certifies that ..............................................................,
as the owner of a lot, piece or parcel of real estate, situate in the city of Huntington, known and designated at Lot No. ........................................ in Block No. ...................................,

has been duly assessed the sum of ................................................
dollars, with interest from this date at the rate of six per centum per annum, payable annually, as hereinafter set out, which assessment has been made to pay the cost of the public improvement hereinafter recited.

This certificate is one of a series issued pursuant to the provisions of the charter of the city of Huntington, West Virginia, and the laws of the state of West Virginia, to pay the cost of grading, curbing and paving ....................................., from ..................................... to ....................................., in the city of Huntington, West Virginia.
The charter of the city of Huntington, West Virginia, requires assessments for such improvements to be made payable in installments as follows:

(a) If not more than fifty dollars in one installment, due in thirty days;

(b) If more than fifty dollars and not more than one hundred dollars, in two installments, due in thirty days and one year;

(c) If more than one hundred dollars and not more than one hundred and fifty dollars, in three installments, due in thirty days, one and two years;

(d) If more than one hundred fifty dollars and not more than two hundred dollars, in four installments, due in thirty days, one, two and three years;

(e) If more than two hundred dollars, in five installments, due in thirty days, one, two, three and four years.

Said assessments to draw interest at the rate of six per centum per annum, payable annually.

Installments of this certificate, therefore, are evidenced by principal installment coupons hereunto attached, which show the amounts of such installments, the due date thereof, and are signed by the mayor and the clerk of the city of Huntington, West Virginia.

The interest on this certificate and the installments thereof are evidenced by interest coupons hereunto attached, which show the amount of such interest, the due date thereof, and are signed by the mayor and clerk of the city of Huntington, West Virginia.

Upon the due date of any principal installment coupon, excepting the first, the annual interest on so much of said assessment as remains unpaid, shall be due and payable in accordance with, and as evidenced by "interest coupons" hereto attached. The interest on the first principal installment coupon shall be paid when the said principal installment coupon is paid.

The said several principal installment and interest coupons respectively, are payable at the office of the treasurer of the city of Huntington.

The amount of the assessment represented by this certificate and principal installment coupons attached has been duly
levied, equalized and confirmed, and is a lien upon the real es-
tate herein mentioned, and is also a debt against the owner of
said real estate and the holder or bearer of this certificate may
enforce the debt evidenced thereby, as provided by law.

It is hereby certified and recited that all the acts, condi-
tions and things required to be done precedent to and in the
letting of the contract for said improvement, the equalization
and making of said assessment, and the issuing of this certifi-
cate, have been done and performed in regular and due man-
er and form, as required by the charter of the city of Hunting-
ton, West Virginia, and the constitution and laws of the
state of West Virginia.

In testimony whereof, the city of Huntington, a municipal
corporation created and existing under the laws of the state of
West Virginia, has caused this certificate to be signed by its
mayor and clerk, and the principal installment and interest
coupons, respectively, hereunto attached, to be signed by its
mayor and clerk this ..................... day of ...................... ,
19.........

.............................. ..................................................,
Clerk. Mayor.

No. PRINCIPAL INSTALLMENT $ ............... 
COUPON
On the ................ day of ...................... , 19...... , there
will be due and payable to the bearer hereof, from .........................
the sum of ...................... dollars,
being the ................ installment on certificate No. ...................
of the city of Huntington, West Virginia, for the curbing,
grading and paving of ................. from .................
to .................
Clerk. Mayor.

No. INTEREST COUPON $ ............... 
On the ................ day of ...................... , 19...... , there
will be due and payable to the bearer hereof, from .........................
the sum of ...................... dollars,
representing interest at six per centum from .........................
to ...................... of certificate No. ............... on in-
stallment No. ............... of the city of Huntington, West Vir-
ginia, for curbing, grading and paving of .........................
Sec. 68. The board of commissioners of said city are authorized and empowered to order and cause to be constructed, in said city, or part within and part outside of the limits of the said city, a public sewer or sewers, either main or lateral, or both, by contract or direct by the city, for the benefit of said city or any part thereof, and to purchase land or easement therein or to condemn land or easement therein in the manner provided in this act, for such sewer; and when the board shall order and complete the construction of any such sewer or any part thereof in said city, the owners of the property abutting thereon or abutting upon an avenue, street, road or alley in which such sewer shall be constructed, or abutting on any land or easement therein specially procured for the purpose of the construction of a sewer therein, may be charged with all or any part of the cost thereof, including the cost of such sewer at and across intersections at avenues, streets, roads and alleys adjacent thereto. If said work is let to contract, the provisions of (i), section sixty-five, shall apply.

When said sewer is completed in any one block, or between two designated points, the board of commissioners shall cause a report to be made in writing setting out the total cost of such sewer and a description of the lots or lands as to location, frontage and ownership liable therefor, including the cost of acquiring or taking land or easement therein for such purpose and cost of surveys, notices, etc., therefor, together with the amount chargeable against each lot or piece of land and the owner thereof. If any lot fronts on two streets, or on a street and road, or on a street (or road) and alley in which a sewer is constructed, it may be assessed on both said streets, or street and road, or street (or road) and alley. Said board shall enter an order upon its records setting forth the location and owner of each lot or piece of land, and the amounts of said sewer assessments there against, calculated in the same way as provided for street paving in (c) of section sixty-five herein. The city clerk shall file a certified copy of said order with the clerk of the county court of Cabell county, who shall record the same in the proper trust deed book, and index the same in the name of each owner, and any lot or land thus charged with
39 said assessment. The entry of such order shall constitute and
40 be an assessment for such proportionate amounts so fixed there-
41 in against respective lots and land and the owners thereof;
42 and said board shall thereupon certify the same to the treasurer
43 for collection; and for the purpose of facilitating the collect-
44 tion of such assessments against the properties herein, the
45 board of commissioners may issue assessment certificates, with
46 principal installment and interest coupons attached thereto, in
47 form and manner provided for street improvement certificates
48 and coupons in section sixty-seven, to be delivered to and
49 charged against the city treasurer who shall collect the same,
50 and as such coupons and certificates are paid he shall deliver
51 the cancelled coupons and certificates to the party paying
52 the same;
53 Provided, the board of commissioners, if they so elect, may,
54 after passage and publication of ordinance or resolution and
55 final action thereon by the citizens board, as provided in (g)
56 of section sixty-five, order and cause the construction of any
57 such sewer, and may acquire or take land or easement therein,
58 either in or outside said city, or both, for said sewer pur-
59 poses, and assess all or any part of the cost thereof upon and
60 against the abutting, adjacent, contiguous and other lots of
61 land specially benefited by the construction of such sewer, as
62 provided in (g) of section sixty-five, and said assessments
63 shall be a lien upon such lots or land, and a debt against the
64 owners thereof for the amount so charged against them re-
65 spectively, which debt may be collected as provided by law for
66 the collection of other debts of like kind, and which lien may
67 be enforced in the same manner as provided for the enforce-
68 ment of paving liens in this act; and the city shall have ex-
69 clusive ownership and control of that part of any such sewer
70 constructed outside of said city, unless otherwise provided by
71 some ordinance of the city.
72 The amounts so assessed against said abutting lots or land,
73 or lots or lands specially benefited, and which shall be a lien
74 there against, shall be collected in the manner provided in this
75 act for the collection of paving liens. Said assessments shall
76 be divided into five installments, each for one-fifth of the
77 amount thereof, as near as practicable (making four in terms
78 of dollars only, and when practicable, in multiples of ten, the
79 cents and odd amounts to be covered by the first installment),
the first due and payable in thirty days, the second in one year, and a like amount each succeeding year thereafter from the time of receiving said sewer (except as hereinafter provided in this section), all bearing interest at six per centum per annum from such date, interest payable annually; and the board of commissioners may issue sewer certificates, and principal installment and interest coupons thereon as of such date, as provided in section sixty-seven of this act for street improvement assessments, as further evidence of said indebtedness and lien therefor, and said certificates may be sold or negotiated, at not less than par and without any kind of discount to the contractors doing such work, or other person, if the board deem it expedient; provided, the city, in negotiating and selling such certificates, shall not be held as guarantor or in any way liable for payment thereof except upon the direct action of the board of commissioners as expressed by resolution of record. But the owner of the land or lot so assessed may, at any time, anticipate and pay such assessment or certificate with accrued interest thereon until the day on which the next undue assessment shall become due. And if such assessment shall not exceed fifty dollars, then such amount shall be covered by only one principal installment and interest coupon, each payable in thirty days after date. If over fifty dollars and not more than one hundred dollars, then such amount shall be covered by only two principal installment and interest coupons, each, payable in thirty days, and one year, respectively, after date. If over one hundred dollars and not more than one hundred and fifty dollars, then such amount shall be covered by only three principal installment and interest coupons, each, payable in thirty days, one year and two years, respectively, after date. If over one hundred and fifty dollars and not more than two hundred dollars, then such amount shall be covered by only four principal installment and interest coupons, each, payable in thirty days, one, two and three years, respectively, after date. And if more than two hundred dollars, then in five installments of equal amounts, as hereinbefore set out; and the term "equal amounts" herein shall mean as nearly equal as practicable, that is, four installments being expressed in terms of dollars only, and, when practical, in multiples of ten, the cents and odd amounts being covered by the first installment.
All assessments made under this section shall constitute and be a lien upon said lots or lands, respectively, which shall have priority over all other liens except for state, county and municipal taxes.

The certificates and principal installment and interest coupons provided for in this section may be made and issued in form or to the same effect as provided for certificates and principal and interest coupons for street improvements in section sixty-seven.

If two newspapers of opposite politics are not published in the city at the time of the passage of any of the ordinances provided in this act to be published, then the same may be published in one newspaper of general circulation in the city, as provided by this act, and if the publication of the ordinance cannot be procured in any newspaper in said city at reasonable rates, then the same may be posted for the period provided in this act for publication, at the south front door of the city hall, and such posting shall be equivalent to publication as herein provided.

All certificates, principal installment and interest coupons provided for in this act or chapter eleven (municipal charters), of the acts of the legislature of the state of West Virginia, of one thousand nine hundred and twenty-one, shall be made payable at the office of the treasurer of the city of Huntington.

Provided, that wherein said chapter or this act, in relation to tax liens and assessment liens, and reports or orders of the municipal authorities are required to be filed by the city clerk in the office of a county court clerk, if the real estate sought to be encumbered by such lien is situated wholly within Cabell county, such report or order shall be filed in the office of the county clerk of Cabell county; but if wholly situated in Wayne county, then such report or order shall be filed in the office of the county clerk of Wayne county; and if the real estate, the subject matter of the report or order is situated in both counties then such report or order shall be filed in the office of the county court of both Wayne and Cabell counties.

All acts and parts of acts inconsistent with this act are hereby repealed.
CHAPTER 79
(House Bill No. 82—Mr. Bruns)

AN ACT to incorporate the city of Kenova, in the county of Wayne, state of West Virginia, to fix its corporate limits, provide for the extension thereof and to prescribe and define the powers and duties of said city and its officials, and to annul the present charter of the city of Kenova.

[Passed April 13, 1923. In effect from passage. Became a law without the approval of the Governor]

Be it enacted by the Legislature of West Virginia:

Section 1. That the inhabitants of that portion of the county 2 of Wayne and state of West Virginia, within the boundaries de- 3 scribed in section two hereof, be and they are hereby made and 4 created a municipal corporation by the name of “The City of 5 Kenova,” by which name they shall have perpetual succession 6 and a common seal; and by which name they may sue and be 7 sued, implead and be impleaded; contract and be contracted 8 with; purchase or otherwise acquire and hold real estate and per- 9 sonal property in the needful discharge of the function of govern- 10 ment conferred by law, and generally shall have all the rights, 11 franchises, capacities and powers conferred by the laws of this 12 state upon municipal corporations not inconsistent with the pro- 13 visions of this act.
Sec. 2. The corporate limits and boundaries of said city shall, until otherwise modified or extended as hereinafter provided, be as follows:

Beginning at a point in the Ceredo and Virginia point county road, a corner in the western boundary line of the corporation of the town of Ceredo, county of Wayne, and state of West Virginia, thence south two degrees twenty-six minutes, west along the aforesaid western corporation line of the town of Ceredo three thousand and fifty-six feet to a stake at a corner of the lands of John H. Dingee and C. B. Hoard estate; thence north eighty-eight degrees fifty-one minutes, west, one hundred and sixty-five feet to a stake near the main track of the Norfolk & Western railroad; thence south, forty-four degrees, fifty-six minutes, west, crossing the said Norfolk and Western railroad one hundred and eighty-five feet to a stake in the line between lands of said John H. Dingee and Hoard estate, at a corner in the boundary line of the right of way of the said Norfolk & Western railroad, thence north seventy-three degrees, fifty minutes, west, along the southern boundary line of the right of way of the Norfolk and Western railroad aforesaid two thousand four hundred and seventy-five feet to a stake, thence along the southern boundary line last above mentioned with a line curving to the right and having a radius of one thousand three hundred and seventy-five and four-tenths feet nine hundred and forty-two feet to a stake; thence, leaving the said Norfolk & Western railway right-of-way boundary line and proceeding along, or near to the foot of the hills which slope toward the Ohio river, north fifty-five degrees, twelve minutes west, nine hundred and forty-four feet to a stake, north fifty-eight degrees, thirty minutes west one thousand two hundred and eighty feet to a stake north sixty-three degrees, forty-seven minutes west five hundred and ninety feet to a stake; thence south sixty-three degrees, ten minutes, west on a line parallel with and seventy-five feet distance in a south twenty-six degrees and fifty-six minutes, east direction from the tangent center line of the Chesapeake and Ohio railway right-of-way approaching the Big Sandy river, one thousand six hundred and forty feet to a point in the said Big Sandy river, in the boundary line between the states of West Virginia and Kentucky; thence down the Big Sandy river and with the state boundary line as last above mentioned, north one degree, west seven hundred and twenty feet.
to a point north ten degrees, fifty minutes west one thousand two
hundred and thirty feet to a point, north seven degrees, fifty-
two minutes west one thousand eight hundred and fifty feet to
a point north two degrees and two minutes, east one thousand
one hundred and ten feet to a point, north nineteen degrees,
fifty minutes west eight hundred and twenty feet to a
degree, five-one-hundredths minutes, west nine
hundred feet to a point, north twenty-eight degrees, twelve min-
utes west three hundred and fifty feet to a point, and north sixty
two degrees twelve minutes east one thousand three hundred feet
to a point in the Ohio river at the intersection of the aforesaid
boundary line between the states of West Virginia and Kentucky
and the boundary line between the states of West Virginia and
Ohio; thence up the Ohio river and with the boundary line be-
tween the states of West Virginia and Ohio as last above mention-
ed, south twenty-eight degrees, thirty-three minutes, east seven
hundred feet to a point, south forty-one degrees, thirteen minutes
east one thousand feet to a point, south forty-seven degrees,
fifty minutes east one thousand feet to a point south fifty-
one degrees, thirty-five minutes, east one thousand feet to a point,
south fifty-three degrees, forty-six minutes, east one thousand
feet to a point, south sixty-two degrees, fifty-eight minutes, east
one thousand seven hundred feet to a point, near the mouth of a
small branch and south sixty-eight degrees, seven minutes, east,
passing under the Norfolk and Western railroad bridge crossing
the Ohio river one thousand feet to a point, thence leaving the
aforesaid state boundary line last above mentioned and crossing
the Ohio river south twenty-four degrees, fifty-eight minutes,
west and with the northwest corporation line of the town of
Ceredo, county of Wayne, state of West Virginia one thousand
seven hundred and eighty feet to a point at a corner of said
corporation line and in the Ceredo and Virginia Point county
road first herein mentioned; thence along said Ceredo and Vir-
ginia Point county road and with the said Ceredo corporation
line south sixty-four degrees one minute, east seven hundred
and sixty and three-tenths feet to a point and south seventy de-
grees, twenty-seven minutes, east one thousand eight hundred
feet to the place of beginning as first herein mentioned and con-
taining one and one-half square miles more or less.

Provided, however, that the boundaries of said city of Kenova
may be changed, and the territory included therein enlarged by
annexing thereto adjacent or adjoining territory.
(a) Whenever the inhabitants of any territory adjacent to or adjoining the said city of Kenova, and not in any other incorporated city or town, desire to become a part of said city, they may present to the common council of said city of Kenova, sitting in regular session, or in special session called for that purpose, their petition in writing, signed by at least two-fifths of all the legal voters residing within the territory so proposed to be annexed to said city, which petition shall contain a description by metes and bounds of the territory so proposed to be annexed to said city, and shall be accompanied by a map or plat thereof, and praying that such territory, be annexed to, and become a part of said city of Kenova.

Upon such petition being presented to said common council, the said common council may, in its discretion, call a special election of the voters residing within the territory so proposed to be added to said city of Kenova, for the purpose of determining whether or not such adjacent territory shall be added to and become a part of said city, which election shall be held at some suitable and convenient place or places within the territory so proposed to be annexed, and a notice of the time, place and purpose of such election shall be posted at three of the most public places therein, at least ten days before said election. Such election shall be conducted in the same manner as general elections are conducted and the common council of said city of Kenova shall appoint the necessary election officers to conduct the same, and the ballots cast at such election shall be returned by the officers holding said election, to the city clerk of said city of Kenova, the common council of said city of Kenova shall hold a session not less than three nor more than seven days after date of such election for the purpose of canvassing the returns of and declaring the result of such election and if a majority of the votes cast at such election be in favor of the annexation of such territory to said city of Kenova, the same shall be, from and after the result of such election is declared, annexed to, and a part of said city of Kenova.

Sec. 3. The territory in said city shall be divided into wards as follows:

First Ward: All the territory within the said boundary lines lying west of the center line of Nineteenth street, Kenova, projected from the northern to the southern boundary line of said corporation.
Second Ward: All the territory within the said boundary lines, lying between the center line of Fourteenth street, Kenova, projected as aforesaid and the center line of Nineteenth street, Kenova, projected from the northern to the southern boundary line of said corporation.

Third Ward: All the territory within the said boundary lines between the center line of Fourteenth street, Kenova, projected as aforesaid and the east corporation line, provided, however, that the city council may at any time after giving notice thereof by advertising in some newspaper of general circulation in said city of Kenova for two successive weeks, increase said number of wards not to exceed five in number, and shall change the boundary lines of said wards to correspond in area and population as near equal as can be done, including any new or acquired territory which may hereafter become a part of said city; provided, further, that any adjacent territory coming into said city as provided and hereinafter mentioned shall become and be a part of the ward adjoining thereto, prior to said annexation to said city, and shall remain in said ward until and after the said council shall have given the proper notice as provided above and the boundary lines of said wards changed or the number of wards increased in number and the boundary lines set out and described including the said annexed territory; provided, further, that said council may create as many voting precincts in any one ward as they may deem fit and necessary or proper for the voters residing therein, provided, no precinct shall contain less than two hundred legal voters residing therein.

Sec. 4. The municipal authorities of said city shall be a mayor, police judge, and one councilman from each ward. The mayor and councilmen shall constitute the common council of said city.

Sec. 5. All the corporate powers of said corporation shall be exercised by the common council, or under their authority, except where otherwise provided.

Sec. 6. The common council of the said city shall employ a city treasurer, city clerk, chief of police and all other agents and employes needful for the exercise of the powers herein conferred.

Sec. 7. The mayor, councilmen and police judge shall be elected by the qualified voters of said city.
The mayor and police judge shall be elected for the term of four years and the councilmen for the term of two years and shall hold such offices as mayor, police judge and councilmen until their successors shall have been duly qualified.

Sec. 8. The mayor, police judge and councilmen of said city shall be citizens thereof and actual residents therein, sixty days, at least, before day of election, and shall not be eligible to exercise the duties of the office unless they have paid taxes on one hundred dollars worth of real or personal property for the year preceding their election; provided, that no two councilmen shall be elected from the same ward, nor reside therein during their term of office; provided, further, that the mayor and police judge of said city may reside in the same ward and may reside in the same ward together with one councilman.

Sec. 9. The first election under this act shall be held on the second Tuesday in June, one thousand nine hundred and twenty-three. The nominations for the respective offices shall be made not less than twenty days, nor more than thirty days prior to the day of election, and all officers shall qualify and take their several offices to which they were elected on the first day of July following.

All regular elections for subsequent years shall be held on the same day of the month as above mentioned.

The present mayor of Kenova, members of the city council and the recorder or their successors in office at the time this act goes into effect, shall hold their respective offices until the first day of July following the first regular election herein provided to be held.

Sec. 10. Candidates to be voted for at all general municipal elections, at which a mayor, police judge and councilmen are to be elected under the provisions of this act, shall be nominated by convention or primary, or in any other manner provided by the laws of West Virginia for municipalities.

Sec. 11. All persons actual bona fide residents of said city for thirty days and entitled to vote for county and district officers shall be entitled to vote for mayor, police judge and councilmen.

Sec. 12. Where a vacancy shall occur from any cause in the office of mayor, police judge or in the council the vacancy shall be filled by appointment by the council.

Sec. 13. At all elections the vote shall be by ballot and when two or more persons for the same office at any election shall receive an equal number of votes, the council shall decide which
of the said persons shall be returned elected and all contested elections shall be heard and determined by the council for the time being.

Sec. 14. The mayor, police judge, councilmen, city clerk, treasurer, chief of police, city attorney and all other officers of the said municipality shall each, before entering upon the duties of their respective offices, and within ten days after being furnished with a certificate of their election or appointment, take and subscribe to an oath to support the constitution of the United States, and the constitution of the state of West Virginia and to faithfully discharge his or her duties as such officer to the best of their ability, so long as they continue therein.

Sec. 15. If any one elected mayor, police judge or councilman shall not have been eligible, or shall fail or refuse to take the oath or affirmation required under this act, within the ten days aforesaid, such office shall be declared vacant, and the vacancy filled as hereinbefore prescribed, but in all cases from among the citizens of the city eligible to such office or position under this act.

Sec. 16. The council shall be presided over at its meetings by the mayor, or in his absence by one of the councilmen selected by a majority of the councilmen present, and a majority of the council shall be necessary to constitute a quorum to transact business.

Sec. 17. The council shall cause to be kept in a journal; an accurate record of all its proceedings, acts and orders, which shall be fully indexed and open to the inspection of the citizens of the city.

Sec. 18. The proceedings of last meeting shall be read to the council, corrected when necessary, and signed by the person presiding for the time being, and the city clerk. Upon the call of any member, the ayes and noes on any question shall be called and recorded in the journal.

The mayor, though voting as a member of the council, in cases of a tie, shall have the casting vote.

Sec. 19. The council, so constituted, shall have power within said city to lay off, open, extend, curb and pave streets, alleys walks and gutters for the public use; and to alter, improve and
4 light the same and have them kept in order and free from ob-
5 structions on, over and under them; to regulate the width of the
6 sidewalks and streets, and to order the sidewalks, footways,
7 and gutters to be curbed, paved and kept in good order free and
8 clean, by the owners or occupants of the adjacent property; to
9 lay off public grounds and provide, contract for and take care
10 of public buildings proper to the city; to prevent injury or
11 annoyance to the public or individuals, from anything danger-
12 ous, offensive or unwholesome; to abate or cause to be abated,
13 anything which, in the opinion of a majority of the whole coun-
14 cil shall be a nuisance; to regulate the keeping of gunpowder and
15 other combustibles; to provide for the burial of the dead, and
16 for this purpose may purchase and hold the necessary land for
17 a cemetery near or convenient to said city, and provide for its
18 improvement and security; to provide for the regular build-
19 ing of houses and other structures in or for said city; for the
20 making of division fences, and to provide for shade and or-
21 namental trees, and against danger or damage from fires or
22 contagious diseases; to provide a revenue for the city and ap-
23 propriate the same, and to provide the annual assessment of
24 taxable persons and property of the city; to adopt rules for
25 the transaction of business and the government and regulation
26 of its own body; to promote the general welfare of the city, and
27 protect the property, and preserve peace and good order there-
28 in; to appoint such officers as they may deem proper; to define
29 their powers, prescribe their duties, fix their term of service
30 and compensation, require and take from them bonds, with such
31 sureties and in such penalties as the council may determine,
32 conditioned for the true and faithful discharge of their duties,
33 and remove them at pleasure, (all bonds to be made payable to
34 the city in its corporate name;) to erect, or authorize, or pro-
35 hibit the erection, of gas works, or water works, in or near the
36 city; to prevent injuries to, or pollution of the same: for all of
37 which purposes named in this clause, except that of taxation,
38 the council shall have jurisdiction for one mile beyond the city;
39 but not within the corporate limits of any other incorporated
40 city or town; to regulate and provide for weighing and measur-
41 ing of hay, coal and other articles sold or for sale in said city
42 and to regulate the transportation thereon through the streets,
43 and generally do such things as the council shall deem neces-
44 sary for the interests, prosperity, peace and good order of the
45 citizens of said city.
For the purpose of carrying out the foregoing mentioned powers in this section of the city of Kenova is hereby given the power of eminent domain, to be exercised in accordance with the law and constitution of this state.

Sec. 20. To carry into effect these enumerated powers, and all others conferred upon said city or its council, expressly or by implication, in this or any other acts of the legislature, the council shall have power to adopt and enforce all needful orders, by-laws and ordinances not contrary to the constitution and laws of this state, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment for a term not exceeding thirty days, under the judgment and order of the police judge of the said city, or the person lawfully exercising his functions. The council, with the consent of the county court of Wayne county, entered of record, may have the right to use the jail of said county for any purpose necessary in the administration of its affairs.

Sec. 21. The annual levy for taxes ordered by the common council shall be made upon all real and personal property, including dogs and other animals which are not exempt from taxation, in the said city; provided, the tax rate does not exceed the value of one dollar on every hundred dollars valuation of real and personal property. No capitation tax shall be levied nor collected by said council.

Sec. 22. The council may require a city license for conducting any business or doing any thing, when such business or act is taxed by the state of West Virginia, and the council may in any case require from the person so licensed a bond with sureties in such penalties and with such conditions as it may determine; provided, the council may grant or refuse any such license.

Sec. 23. The chief of police shall, within the corporate limits of the city, exercise all the duties that a constable can legally exercise in regard to executing and levying process and shall be entitled to the same compensation therefor. He shall supervise all other policemen and shall preserve the peace and good order within the city limits and be subject to the order of the mayor, police judge and council. Any policeman may be suspended by the mayor of said city until the next regular meeting of the council, at which time the mayor shall file written charges against the chief of police or other policemen who have been suspended, and if the mayor shall fail to file such charges the
Sec. 24. The city treasurer, under the supervision of the council, shall have custody of all public moneys of the city; shall keep and preserve such moneys as provided by ordinances or any law applicable thereto; shall collect and receive and shall disburse, upon warrants issued by the proper authority, all public moneys. He shall keep an accurate account of all moneys in his custody, collected, received and paid out by him, showing the source from which the same are received and the purpose for which disbursed. The council shall prescribe by ordinance or resolution the manner in which a warrant for the payment of money should be issued, executed and authenticated. He shall be subject to the supervision and control of the council in all things and perform the duties prescribed by the council. The city treasurer shall likewise collect all fines and license tax; but, it is further provided, that said fines and license tax may be collected by the chief of police in the absence of the city treasurer, which shall be paid over to the city treasurer.

Sec. 25. The city attorney shall be an attorney-at-law admitted to practice in the state of West Virginia. He shall be the legal adviser and counsel for the council of said city. He shall prosecute and defend all suits for and against the city. He shall prepare all contracts, bonds and other instruments in writing required by the council. He shall furnish to the council an opinion on any question involving the powers and duties of said city whenever required. He shall apply, in the name of the city, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city or the abuse of its corporate powers, or the execution or performance of any contract made by the city in contravention of law, or which is procured by fraud or corruption. He shall prepare an ordinance covering any matter, whenever required by the council, and he shall do and perform any and all other duties which the council may by ordinance or resolution require. The council may, in its discretion, employ and pay special counsel in any matter.

Sec. 26. The city clerk shall attend all meetings of said council and shall do and perform all things required by the
3 councilmen. He shall keep a complete record of all ordinances, resolutions and acts of the city council. He shall enter in a separate volume all ordinances of a general nature, and carefully index the same. All ordinances providing for the issuing of bonds, the creation of a debt, the construction of any public improvement, of any local or temporary nature shall be entered in a separate volume by the city clerk and carefully indexed. He shall keep complete books of account showing all financial transactions of the city and of each department, all receipts and expenditures made by the city, the sources of all income and the purpose of all expenditures.

He shall enter in the municipal assessment docket all special assessments made for public improvements, showing the name of the owner of the property, the particular property on which the assessment is levied, the date of the entry, and the minute book and page showing the entry of the ordinance or resolution creating the assessment, the time maturing and time of the assessment. When and as the installments upon principal and interest on each assessment shall be paid, he shall enter such payments showing the amount paid upon principal, the amount of interest, under the heading and in the account of special assessments. When the special assessment, principal and interest, shall have been paid in full, he shall make an entry in red ink on the face of the account showing that the special assessment is fully satisfied and paid. He shall make out all vouchers and pay-rolls of the city, and shall do and perform all other duties which may be required of him by the council by any ordinance or resolution, or by the head of any department, and shall be subject to the supervision and control of the council in all matters.

Sec. 27. The mayor shall be the chief executive officer of the city and shall have and exercise all of the rights, powers and duties of mayor conferred by the terms of this act, and it shall be his duty to see that the laws and ordinances of the city and resolutions and orders of the council are enforced, and that peace and good order of the city are preserved, and that persons and property therein are protected.

The mayor shall be presiding officer of the council and a member thereof, and as such shall have the right to vote on all questions arising before the council. The mayor and the members of the council shall perform such other duties not incon-
Sec. 28. The police judge shall be ex officio a justice of the peace, with authority to issue warrants or other process for all offenses committed within the police jurisdiction of the city of Kenova of which a justice of the peace has jurisdiction under the state laws, and for all violations of any city ordinances, and as such shall have the authority to impose such fines and collect such fees as justices of the peace are authorized to do under the state law. In order to preserve the peace and good order of the city, and protect the persons and property therein, riotous and disorderly persons in the city may be arrested and detained before issuing any warrant therefor. The police judge may, with the same fees or other compensation allowed justices of the peace, commit persons charged with felony or misdemeanor to jail, or take bond for their appearance before the grand jury of the court having jurisdiction thereof, and shall have power to issue execution for all fines, penalties and costs imposed by him, and he may require the immediate payment thereof, and, in default of such payment, may commit the person so in default to jail until the fine and penalty and costs shall be paid or satisfied, and to be employed during imprisonment as provided by this act. If any person is sentenced to imprisonment, or any person or corporation is assessed with a fine of ten dollars or more, such person or corporation shall be allowed an appeal from said decision of the police judge to the circuit court of Wayne county, upon the execution of an appeal bond, with surety deemed sufficient by the police judge, in a penalty double such fines and costs, conditioned that the person proposing to appeal will perform and satisfy any judgment which may be recorded against him by the appellate court on such appeal, and in no case shall a fine of less than ten dollars be given by the police judge if the defendant, his agent or attorney demand that such fine be made as much as ten dollars. If such appeal be taken the warrant of arrest, the transcript of the judgment, the appeal bonds and other papers of the case shall be forthwith delivered by the police judge to the clerk of the appellate court which shall proceed to try the case as upon indictment or presentment and render such judgment, including that of cost, as the law and evidence may demand.
Sec. 29. The officers shall receive the following compensation for their services, which shall not be diminished or increased during their term of office:

1. Annual salary of the mayor shall be three hundred dollars.
2. Annual salary of the police judge shall be three hundred dollars. He may also receive costs, as provided by an order or resolution of the council in all cases of investigation and trial held before him.
3. Annual salary of the city clerk shall be four hundred dollars. Annual salary of each councilman shall be one hundred dollars.
4. The compensation of the city treasurer shall not exceed one per centum of the amount of moneys received by him for and on behalf of the said city.
5. The salary of the city attorney, the salary of the chief of police, policemen and all other agents and employees of the city shall be fixed by the council.

Sec. 30. The mayor, city clerk, treasurer, chief of police and policemen shall give bonds in penalties to be fixed by the council conditioned for the faithful discharge of their duties, or otherwise as required by law, which bonds shall be furnished only by some surety company authorized to do business in the state of West Virginia. The council may require bonds conditioned as aforesaid from any other agents or employee. The premiums on all such bonds shall be paid for out of the city treasury.

Sec. 31. There shall be a lien upon all real estate within the said city for the city taxes assessed thereon including such penalties and interest added thereto for non-payment thereof as are prescribed by law from the first day of January of the year in which said taxes are assessed. Said liens may be enforced in any court of record in West Virginia by appropriate suit, provided such suit be entered within five years from time said liens attached as herein provided, and such suit may be either in the name of the city of Kenova as plaintiff or said city may intervene by petition in any suit pending to sell or enforce liens against real estate which are subject to such liens for said taxes.

Said liens for such taxes and attendant penalties, as well as
Sec. 32. The council may cause any public street or alley or part thereof to be graded, paved, curbed, sewered, or otherwise improved in a permanent manner with brick, concrete, asphalt, wooden blocks, macadam, sewer pipe or other suitable material, or may cause any one or more of such improvements to be made, under such regulations not inconsistent with the provisions of this section and shall be fixed by council, upon the lowest and best terms obtainable by advertising for bids or proposals therefor; and the entire cost thereof (which costs shall include the cost and expense of the preliminary and other survey, of printing and publishing of notices, ordinances and resolutions required to be published in relation thereto, and the cost of construction), shall be assessed against the lots or fractional parts of lots abutting on that part of the streets and alleys so graded, paved, curbed, sewered or otherwise improved, in proportion to the number of feet frontage thereon; provided, that the cost of grading, paving, sewer or otherwise improving intersections of streets and alleys, (except such part thereof as may be assessable to a street car or other railway company as hereinafter set forth), and the proportion for lots or parts of lots or property against which no assessment can legally be made shall be paid by the city out of the general funds; and provided, further, in case of a street or alley occupied by street car tracks or other railway, the cost of paving the space between the rails and for two feet additional outside each rail, shall be assessed to and paid for by the street car or other railway company, (unless otherwise provided in the franchise of such street car or other railway company which was granted prior to the passage of this act, in which case the cost of that part of the pavement or other improvement which can lawfully be charged against such street or other railway company under its franchise shall be assessed against and paid by it).
(a) The amounts so assessed against such abutting lots or fractional parts of lots to the said abutting property owners, the city or street car or other railway company as aforesaid, respectively, shall bear interest at the rate of six per centum per annum for and after the date of the acceptance of the work by the city, and shall become and be due and payable in the one or the other of the following ways, according to the method which the council may have adopted for the doing of and the payment for the particular work or improvement to which said assessments relate, namely; (1) In the event the method so adopted is by an appropriation out of the funds in the city treasury not otherwise appropriated in anticipation of the collection of said special assessments, then the said assessments shall become due and payable when declared final as hereinafter provided and to each assessment which shall remain unpaid thirty days from and after the same has been so declared final, a penalty of five per centum of said assessment shall be added and collected by the city; or, (2) In the event the method so adopted is by issue and the sale of bonds in anticipation of the collection of said special assessments as hereinafter provided, then said assessments shall be due and payable in ten payments as follows, that is to say: one-tenth of said amount, together with interest at the rate of six per centum per annum from the acceptance of the work by the city on the whole assessment, shall be paid to the city on or before the first day of May next after the work is accepted, and a like one-tenth, together with interest for one year upon the whole amount remaining unpaid, on or before the first day of May in each succeeding year thereafter until all have been paid, and each installment shall bear interest at the rate aforesaid from the date of its maturity, and, moreover, to each installment remaining unpaid on the days herein specified for the payment thereof a penalty of ten per centum of said installment shall be added and collected by the city; and provided, further, that any abutting property owner, the city or the street car or other railway company against whose property said assessments have been made, shall have the right at any time after such assessments shall have been certified to the treasurer for collection, as hereinafter provided, to anticipate any or all of such assessments and shall be allowed to pay the face of said assessments, with interest only to the time of payment.
The sum or sums of money so assessed, together with the interest and penalties aforesaid, for grading, paving, curbing, sewering or other of said improvements, shall be a lien upon the lots or fractional parts of lots, and in the case of a street car or other railway company, upon its tracks and franchises for the distance of said improvement, from the date of acceptance of said work by the city, and said lien shall have priority over all other liens except those for taxes due to the state, and shall be on a parity with taxes and assessments due the city; provided, however, such assessments shall, after six months from the date of acceptance of said work, cease to constitute liens against said property as against creditors of the owners thereof, or purchasers thereof for value without actual notice of such liens, unless within said period of six months a statement of said liens shall be filed for record in the office of the clerk of the county court of Wayne county. Said statement shall be made up and certified before the expiration of said six months period by the city clerk to the clerk of said county court as to all assessments which shall remain unpaid four months after the acceptance of the work, and said statement shall describe the assessments generally as for street improvements, give the name of the property owners assessed, the location of the real estate affected, date of acceptance of the work by the city, and the amount of each assessment; and it shall be a sufficient description of the location of said real estate to describe it as abutting upon the particular street or alley so improved included between the termini of the improvement, or by the description whereby said real estate appears upon the land books of Wayne county. The county clerk shall record said statement in the trust deed books in his office, and index the same in the name of the city and also in the name of each person against whose property said assessments appear therein, and for such recordation the county clerk shall be paid at the same rate for each one hundred words as provided by law for recording deeds of trust.

The city clerk shall also, so soon as such assessments have been declared final by the council, enter the same of record in the "municipal assessment docket" and make out bills therefor against the property owners assessed, and certify the same for collection to the city treasurer, who shall thereupon be charged with said accounts, and upon default being made in
the payment of any assessment or installment thereof afore-
said, the same shall be immediately reported to the council by
the city treasurer and the council shall forthwith refer the same
to such officer as it may deem expedient for collection; and pay-
ment of said delinquent assessments or installments, with the
interest and penalties aforesaid, may be enforced in all re-
spects as provided for the collection of city taxes, or the lien
aforesaid may be enforced by a suit in equity in the name of the
city in any court having jurisdiction thereof, and the said de-
linquent assessments or installment thereof, may be collected
from the person against whom the same were assessed by ac-
tion at law before any court or a justice of the peace having
jurisdiction thereof.

In addition to all other remedies for the collection of said
delinquent assessments or installments, the city may cause a
certified copy of the assessment to be filed in the office of
the clerk of the circuit court of Wayne county, West Virginia,
and after ten days' notice by personal service or after two
weeks' publication of a notice in all cases in which personal
service cannot be had, upon the owner of any lot on which said
assessment constitutes a lien, said court shall, on motion of
the city of Kenova, order the sale of the lots or property on
which the assessment or installment constitutes a lien to be
made by the city treasurer at the front door of the court house
of Wayne county on such terms as to payment as the court in
its order may prescribe. The city treasurer shall advertise the
time, terms and place of such sale by a notice published once a
week for two successive weeks in some newspaper published and
of general circulation in the city of Kenova, and by posting a
copy of such notice at the front door of the council chamber
for at least two weeks before the day fixed for such sale.

The city treasurer shall report any sale made hereunder to
said court for confirmation, and upon the confirmation of the
sale, the court shall authorize the city treasurer to execute
and deliver to the purchaser a deed for the property so sold,
which shall divest all the estate and interest therein of the
former owner and all persons claiming under him and of all
lien holders against the property, and vest all such estate and
interest in the purchaser thereof. Out of the proceeds of such
sale the court shall allow the city treasurer all costs and ex-
penses incurred in making the sale and reasonable compensa-
tion for his services and a fee of five dollars for making the deed to the purchaser, and shall order to be paid out of the proceeds, if sufficient, all unpaid assessments or installments of assessments against said property theretofore made by the city of Kenova, with all accrued interest thereon and costs and expenses of the proceeding, including an attorney’s fee of ten dollars.

The residue of the purchase money shall be paid to the former owner of the lot, his personal representative, heirs or assigns. Before making any sale of real estate in any such proceeding, the city treasurer shall execute a bond in like manner required by the laws of the state of West Virginia of a special commissioner.

Immediately upon the completion and acceptance of any of the work aforesaid constructed by virtue of this section, the council shall direct the city clerk to prepare and publish a notice which shall name and describe the location of the street or alley upon which said work shall have been constructed, give the names of the owners of each lot or fractional part of lot abutting upon said street or alley, if known, and also the name of any street car or other railway company having tracks thereon, and if the name or names of any such owners be unknown, and such lot or fractional part of lot shall be described with reasonable certainty so that the same may be identified; and said notice shall also state the number of feet, that each lot or fractional part of lot abuts upon said street or alley, so graded, paved, sewered or otherwise improved and the street or alley intersection and all abutting city property and property not liable to assessments, and the number of square feet or yards to be paid for by such street car or other railway company, and also the respective amounts assessed against each lot or fractional part of lot and against the city and against any street car or other railway company, and when said assessments or installments thereof shall be payable. Said notice shall cite all said property owners and also such street car or other railway company, to appear before the council at a regular meeting thereof within thirty days following the first publication thereof and show cause, if any they can, why the assessments aforesaid shall not be declared final. The council shall, upon request of any one or more of the property owners so assessed who shall appear and protest within the time aforesaid, appoint
a day for hearing the grievances of said protestants and may correct or amend any assessment made against them, or any of them, for good cause shown; which meeting shall be held within ten days after the expiration of the thirty days mentioned in the notice.

The council may adjourn the hearing from time to time. In case any property owner or railway or street car company assessed as aforesaid shall fail to protest within said period of thirty days, the assessments as to them shall by ordinance be declared final as laid, and protested assessments shall become and be declared final when and to the extent found proper by the city council, and the finding in all such cases shall be entered of record upon the minutes of the meeting. The findings of the council shall be conclusive.

Sec. 33. Whenever it is deemed expedient by the council to provide for the grading, paving, curbing, sewer ing or other improvement of any of the streets, or alleys, or parts thereof, to be paid for by special assessments, as hereinbefore provided, the council shall first, having on file in the city clerk’s office, plans, specifications, profiles and estimates of the proposed improvements showing the proposed grade of the street or alley after completion with reference to the abutting property declare by resolution the expediency of the work and whether payment therefor shall be made by an appropriation from funds in the treasury not otherwise appropriated in anticipation of special assessment payable when declared final, or by the issue and sale of bonds theretofore authorized as hereinafter in section thirty-five provided; and said plans, specifications, profiles and estimates shall be open to public inspection.

Said resolution shall declare the general nature of the work and refer for details to said plans, specifications, estimates and profiles; and said resolution shall remain on file with the city clerk for public inspection one week before the final passage or adoption thereof, and shall be published once in each of the two newspapers mentioned in section forty hereof as soon as filed with the city clerk. Until said resolution is finally passed the council shall hear all persons interested in relation thereto at any regular or special meeting, and after it decides to proceed with the improvement, it shall pass said resolution, or the council may correct or amend said resolution, plans, specifications, profiles and estimates and approve and adopt...
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28 them as corrected or amended; and said plans, specifications, 29 profiles and estimates shall be forthwith filed with the city clerk 30 and be by him preserved as a part of the records of his office. 31

(a) The council may then adopt and pass ordinances for 32 said purposes which shall provide generally the character of the 33 work, make appropriations for the payment therefor, and pro- 34 vide for advertisement for proposals or bids for said work; and 35 shall also set forth the streets and alleys upon which the prop- 36 erty is to be assessed for said improvements, the general char- 37 acter of materials which may be bid upon therefor, the mode of 38 payment, and a reference to the resolution theretofore passed for 39 said improvements, (giving the date of passage), and a state- 40 ment of the intention of council to proceed with said work in ac- 41 cordance with said resolution and in accordance with the plans, 42 specifications, estimates and profiles providing therefor.

43 In any case where the council has determined to pay for any 44 of such improvements out of funds in the city treasury not 45 otherwise appropriated, in anticipation of the collection of 46 said special assessments, said ordinance shall further provide 47 for the payment of said special assessments by the property 48 owners respectively when and as the same become final, and said 49 ordinance shall then be passed and become and be effective as 50 provided in section thirty-four of this act; but when it has been 51 determined to issue and sell bonds for the payment thereof, the 52 said ordinance shall fix the time of payments in installments 53 as hereinabove in section thirty-two provided, and said ordi- 54 nance shall not be effective so as to permit any contract to be 55 made or work to be done thereunder until in addition to the 56 compliance with the provisions of said section thirty-four the 57 fact that the proceeds of the sale of said bonds have been 58 received by the city shall be certified by the clerk of said 59 city, and such certificate entered upon the minutes of the coun- 60 cil.

Sec. 34. Every ordinance or resolution appropriating money 2 or ordering any street improvement or sewer, or making or 3 authorizing the making of any contract, or granting any fran- 4 chise or right to occupy or use the streets, highways, bridges 5 or public places in the city for any purpose, shall be com- 6 plete in the form in which it is finally passed, and remain on 7 file with the city clerk for public inspection at least one week 8 before the final passage or adoption thereof. No franchise
9 or right to occupy or use the streets, highways, bridges or public places in said city shall be granted, renewed or extended except by ordinance. No franchise shall be granted for a period exceeding thirty years, and no amendment or addition thereto shall extend beyond the termination of the original franchise.

Sec. 35. When such work is provided to be paid out of the funds in the treasury not otherwise appropriated in anticipation of collection of special assessments, all said assessments and interest and penalties collected therefrom from the abutting property owners, the city and the street car or other railway company shall be applied and paid on account of the cost of such improvement, (either to the contractor, if he be unpaid, or to the city in repayment of said appropriation, or such part thereof as may have been paid by it thereon, as the case may be), until the whole cost of said improvement and interest has been paid in full. Said assessments shall be applied to no other purpose, but if, by reason of penalties collected, any balance shall remain after such full payment, said balance shall be turned over into the city treasury to the credit of the fund for street improvements and used for no other purpose.

Sec. 36. Where such work is provided to be paid by the issue and sale of bonds in anticipation of the collection of special assessments, the issuance and sale of said bonds must have been theretofore authorized in the manner and form and subject to the restrictions following; whenever it is deemed expedient by the council to provide for such grading, paving, curbing, sewerage or other improvement, by the issue and sale of bonds of the city, it shall by resolution entered of record upon the minutes of its proceedings, so declare, and thereupon the city shall be and is hereby authorized to issue its bonds for said purposes in anticipation of special assessments to be assessed and paid as hereinabove in section thirty-two provided, which bonds shall be in such amounts as shall be sufficient to pay the entire cost and expense of said improvements for which such special assessments are levied, and the city is also authorized to sell said bonds; provided, that the price for which said bonds are sold shall not be below the par value thereof, and said bonds shall be made payable in two, six, eight and ten years from the date of the issue thereof, and shall bear interest at not to exceed six per centum per annum, payable annually or semi-annually, as the council may provide, and in the issuance and sale of said bonds the city shall be governed by all the restrictions

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and limitations of the constitution of this state, and, so far
as not in conflict with the provisions of this section, by the
restrictions and limitations of the laws of this state, with
respect to the issuance and sale of bonds; and all assessments,
which shall be made payable in ten annual installments as
provided in section thirty-two hereof) shall be applied to the
liquidation of said bonds and the interest thereon, and to that
end paid to the city treasurer to the credit of the sinking fund of
the city and invested for the best advantage of the city in the
manner provided by law; and if by reason of penalties collected
with the delinquent installments there shall be any balance after
the payment of said bonds and all accrued interest and costs,
said balance shall be turned into the city treasury to the credit
of funds for street improvements and used for no other purpose;
provided, that the city shall not by the sale or issue of said
bonds cause the aggregate of its debts of every kind whatsoever
to exceed five per centum of the value of the taxable property
therein; and provided, further, that nothing herein contained
shall be construed as authorizing the city to become indebted in
any other manner or for any other purpose to an amount, includ-
ing the existing indebtedness in the aggregate, exceeding two and
one-half per centum of the value of the taxable property therein,
except for the purpose of grading, paving, curbing, and other-
wise improving the streets and alleys of the city, and construc-
ting sewers and sidewalks along, upon and under the same; and
extending and improving the water plant or system; nor shall
said city make such issue and sale of bonds without at the same
time providing for the levying of a direct annual tax suffi-
cient to pay annually the interest on such debt and the prin-
cipal thereof within and not exceeding ten years, if said bonds
are issued against assessments for local improvements to be
liquidated by such assessments, and not to extend thirty-four
years if for any other purpose.

(a) All of the assessments, interest and penalties collected
under the provisions of this section shall annually be applied
to the annual tax required to pay the interest on any debt
created for a local improvement and such principal, within and
not exceeding ten years; and in the event that the assessments,
interest and penalties so collected shall not amount to a sum
sufficient therefor, then the council shall collect so much of
said authorized levy as will pay annually the interest on such
debt and the principal thereof within and not exceeding ten
65 years.
(b) It is especially provided that no bonds shall be issued
under the provisions of this section, unless and until the ques-
tion of issuing said bonds shall have first been submitted to a
vote of the people of the city, and shall have received three-
70 fifths of all votes cast at said election for the same.
71 The council may provide by ordinance for an election in
72 any year, at which the question shall be submitted to the people
73 as to whether the city shall be authorized to issue bonds for
74 the purpose and under the provisions of this section, to an
75 amount not to exceed in the year next following the date of
76 said election the amount recommended by said ordinance for said
77 ensuing year; but the ordinance providing for said election need
78 not specify in detail the location of the improvement contem-
plated to be paid for during the ensuing year out of said ag-
gregate issue authorized for said year, and notwithstanding the
79 provisions of sections two, three and six of chapter forty-seven-a
80 of the code one thousand nine hundred and sixteen, it shall be
81 a sufficient description of the purpose for which said election is
82 held if the ordinance calling the same shall recite that it auth-
83 orizes the council to issue bonds for the purpose of grading,
84 paving, curbing, sewer, or otherwise improving the streets
85 and alleys of said city, or extending and improving the water
86 works plant, at such times as the council or the water board, as
87 the case may be, shall see fit during the ensuing year ending on
88 the............day of................................19......, to an amount not ex-
91 ceeding in the aggregate during said year the sum of $...............,
92 and when the council shall have once been authorized by a vote of
93 the people to issue bonds for said purpose and in a sum not to
94 exceed the amount set forth in the ordinance calling the said
95 election, no further election shall be necessary for the issuing
96 of such bonds during said ensuing year up to the amount stipu-
lated in said ordinance calling said election, but the council shall
98 from time to time during said ensuing year by ordinance author-
99 ize the issue of said bonds, in such sums, and for the improvement
100 of such streets and alleys as to it may seem best, subject to
101 the provisions of section thirty-two, thirty-three and thirty-
102 five of this act. Any bonds authorized for the extension and
103 improvement of the water works or plant shall be issued and
104 delivered to the treasurer, and by him sold as provided by law,
105 and the proceeds of such bonds shall be expended, only for the
106 purpose for which said indebtedness was authorized.
107 The aggregate amount of bonds authorized by said annual
108 election shall not be exceeded during said year, unless and ex-
109 cept the same be authorized by a special election held at a sub-
110 sequent time in said year and duly called as provided for the
111 calling of the annual bond election.
112 The provisions of chapter forty-seven-a of the code concern-
113 ing bond elections, shall, so far as they are not in conflict with
114 the provisions of this section, apply to the annual bond elec-
115 tions and special bond elections herein provided for.

Sec. 37. The city council is hereby authorized and empower-
2 ed to cause to be put down a suitable curb of brick, stone or other
3 material along and for the footways and sidewalks of the public
4 streets and alleys of said city, and to order and cause the
5 grading, laying or relaying or repair of sidewalks and gutters
6 of such material and width as the council may determine; and
7 to require the owners or occupiers of the lot or lots or parts
8 of lots facing upon said streets and alleys to keep such side-
9 walks clean and in good repair. The owners or occupiers of the
10 lots or fractional parts of any such sidewalks, curb or gutter,
11 unless specially requested to do so by resolution adopted by the
12 council, and then only of the kind prescribed by the council;
13 but the city may lay such sidewalk, curb or gutter and grade
14 therefor, or may let said work by contract, and in either case
15 the total cost of said work shall be charged upon and assessed
16 against the lots or fractional parts of lots abutting upon the
17 streets and alleys so improved, in proportion to the number of
18 feet frontage thereon of each lot or part of lot, and shall be
19 and remain a lien thereon from the date of the acceptance of the
20 work by the city, and said lien shall have priority over all
21 other liens except those for taxes due the state, and shall be
22 on a parity with the taxes and assessments due the city, and
23 shall bear interest from the date of acceptance of the work
24 by the city, or from the completion thereof when done by
25 the city, and shall become due and payable when declared
26 final by the council; and to each such assessment remaining
27 unpaid thirty days after maturity there shall be added and
28 collected by the city a penalty of ten per centum of the amount
29 of such assessment in addition to the interest. The amount so
30 assessed against any lot, or fractional part of lot, together
with the interest and penalty aforesaid, shall also be a debt against the owner of such lot or part of lot.

Immediately upon completion of the work, if done by the city, or upon acceptance of the work if done by contract, the council shall cause the city clerk to publish a notice which shall give the name of the owners of each lot or fractional part of lots over which such sidewalks are graded, paved, curbed or laid, if such names be known, and if unknown, shall describe such lot or part of lot with reasonable certainty sufficient to identify the same, and shall also state the number of feet over each lot or part of lot so graded, curbed or laid with sidewalk, together with the amount assessed against each owner; which notice shall be published as provided for the publication of notice of street assessments hereinabove and shall cite all said owners to appear before the council at a regular meeting to be held within thirty days following the first publication thereof and show cause, if any they can, why such assessments should not become final. Protests against said assessments shall be heard and determined and said assessments shall become final and be recorded by the city clerk, certified for collection, charged to the treasurer, collection thereof enforced against the property assessed and against the owner thereof, and a certificate of said assessments certified to the clerk of the county court for recor- dation, and recorded in all respects in the same manner and with the same legal effect as provided in the case of assessments for street paving or other local improvements in this act provided. And all of the assessments, interest and penalties thereon so collected from the abutting lot owners on account of the grading and curbing and laying of said sidewalks shall be applied to the cost of making the improvement for which assessments were laid, and for no other purpose; but if by reason of the penalties collected on delin- quent assessments there shall be any balance over and above the cost of such improvement, such excess shall be paid into the city treasury to the credit of the fund for street improve- ments and shall be used for no other purpose.

Sec. 38. Whenever any assessments for sidewalks, street paving, grading, sewering or other improvements herein provided for shall have been paid in full, the city treasurer shall execute on behalf of the city and deliver to the party paying the same a proper release on the lien of such assessment, which release shall be substantially in the form prescribed by section
two of chapter seventy-six of the one thousand nine hundred
and thirteen code of this state, (serial number three thousand
eight hundred and fifty-nine) for the release of the lien of judg-
ments and decrees.

Sec. 39. No assessment herein authorized against or upon
any property for any local improvement shall, in the first in-
stance exceed in amount twenty-five per centum of the value
of such property after the improvement is completed. And all
assessments for local improvements which may be made against
any property during the fifteen years next ensuing after the
first assessment shall have been made, including the first assess-
ment, shall not exceed at any time in the aggregate one-third of
the value of such property.

Sec. 40. The remedies herein provided for the enforcement
of any power, right or authority by this charter conferred up-
on said city of Kenova shall not be exclusive or in derogation
of any other right or remedy which it does or shall possess under
any law or under the constitution of the state to enforce in any
court of law or equity any such power, right or authority.

Sec. 41. If in any case any special assessment shall be illegal
or void, either in whole or in part, a new assessment may be
made in the same manner, as nearly as may be, as other special
assessments are authorized by this act to be made, to pay for the
improvement, the former assessment for which was or is illegal or
void as aforesaid.

Sec. 42. All ordinances, resolutions and notices of every kind,
the publication of which is required by any provision of this
act, shall be published for the period of time in each particular
instance specified, but in all cases in which the time the pub-
lication is to run is not specially provided, such publication
shall be once a week for two consecutive weeks. In all cases the
manner of publication shall be by causing the same to be in-
serted in two principal newspapers of general circulation in the
city of Kenova of opposite political opinions and affiliations; if
the owner of either of such newspapers will not publish such
notices in any instance at the rate herein provided to be paid, or
if only one such newspaper for any period be published in the
city of Kenova, then, by inserting such notice in the papers that
will publish the same at the rate hereinafter provided, or in any
newspaper published in the city of Kenova. If the newspaper
published in said city will not in any instance publish any notice
required, at the rate of compensation hereinafter provided, then
and in every such case it shall be sufficient publication thereof to
post a copy of such notice at the front door of the building in
which the city council holds its meetings, for a period of two
weeks.

Every such publication or posting shall be held and deemed
to be equivalent to personal service in every case.

The certificate of the printer or manager of the paper pub-
lishing any notice herein required, or the affidavit of the party
posting any notice that may be served by posting, shall be ac-
cepted as prima facie evidence of the publication of the notice.

Such certificate and affidavit shall be filed with the city clerk
and preserved as a part of the records of his office.

The rates charged for the publication of any notice herein
required to be given shall not exceed the rate prescribed by the
laws of the state of West Virginia for the publication of notices
republished in suits in chancery in the circuit courts of the
state.

Sec. 43. The mayor shall have the right to expend any money
for the relief of poor and indigent persons, which expenditure
shall be reported to the common council at its next meeting
following the date such money was expended, and, which, in no
instance, shall exceed twenty-five dollars. In the absence or
disability of the mayor, the council shall designate one of their
members to act as such mayor, which member shall have all
the rights and powers and exercise duties of said office.

Sec. 44. The council shall have the power to appoint a board
of health for said city, composed of three members, one of which
shall be a regular practicing physician and reside within the
city limits. The compensation of said board of health shall be
fixed by the council. The said board of health shall have the
powers within the city limits as are conferred on county boards
of health.

Sec. 45. The assessments provided for in this act shall be
made at the time and in the manner provided for in the general
laws of the state of West Virginia. New assessments may be
made in case the assessment for any one year is void.

Sec. 46. The city of Kenova shall have power within and
without its territorial limits to construct, condemn and purchase,
acquire, lease, improve, add to, maintain and conduct and
operate water works, light plants, power plants, heating plants,
incinerating plants, ground for public wharf and ferry boat
landings, local in use, and everything required therefor, for the
7 use of said city, and the inhabitants thereof; and in such sys-
8 tem, plants, works or ways, or in contracts in relation thereto, or
9 in connection therewith, that may exist, and which said city may
10 desire to purchase, may be purchased or acquired by said city,
11 which may enforce such purchases by proceedings at law or in
12 equity, by right of eminent domain, and said city shall have the
13 power to issue bonds upon the vote of the tax-paying electors at
14 any special or general election in any amount necessary to carry
15 out any of said powers or purposes, said amount being limited
16 only by the constitution and the laws of the state of West Vir-
17 ginia and by other provisions of this charter; provided, however,
18 that the power to condemn shall not be exercised for the purpose
19 of acquiring such utilities now existing and operating under
20 franchise granted by the said city, excepting under the terms
21 of said franchise.

Sec. 47. The ordinances of the city of Kenova shall be en-
2 forced by the imposition of fines, forfeitures and penalties
3 against any person or persons violating such ordinances, or any
4 of them, and the council shall prescribe in each particular
5 ordinance made for that purpose the minimum and maximum
6 fines for the infraction thereof, which maximum shall not ex-
7 ceed one hundred dollars, exclusive of costs, for any one specific
8 offense.
9 The same cost shall be taxed in each criminal case tried in
10 the police court as is provided by law to be taxed by justices
11 of the peace in the trial of misdemeanor cases coming under
12 the jurisdiction of justices of the peace, except that in every
13 contested criminal case the police-judge may also tax an at-
14 torney's fee not exceeding ten dollars, to be paid to the city
15 prosecutor for his services in said case, if a conviction be had
16 in said case.

Sec. 48. The police court may impose in all judgments of
2 conviction for the violation of any ordinance of the city, a fine
3 and that the person against whom said fine is assessed shall be
4 imprisoned until the fine and costs of prosecution shall be paid,
5 or the same are remitted by the police judge or council.
6 Any person committed for the non-payment of fine and costs
7 while in custody may be compelled to work on the streets, al-
8 leys, public grounds or work until such fine and costs are paid
9 allowing one dollar per day for the work of said prisoner to
10 apply on said fine and costs.
Sec. 49. The council may by ordinance provide that all revenues of the city other than those belonging to the sinking fund may be placed in one general fund, or in trust funds as may be deemed expedient, and may provide, if there be more than one of such funds, for the transferring of money from one such fund to another fund, by unanimous vote of the council.

Sec. 50. Every claim against the city must be approved by the council, and be filed with the city clerk in writing, with a full account of all items thereof, and must be subscribed by the claimant, or his agent or attorney, who, on oath, shall declare that the same is correct, just, due and unpaid, and no claim or demand shall be allowed or suit filed thereon unless so prepared and filed, and unless suit shall be filed upon such claim within twelve months after same shall have been filed with the city clerk in writing, as above provided, such claim shall be forever barred.

Sec. 51. All existing ordinances of the city of Kenova not inconsistent with this charter or inapplicable under the altered form of municipal government provided by this charter, shall be and continue in full force and effect as ordinances of the city of Kenova, until amended or repealed, or until they expire by their own limitation; and no existing rights, action, (civil or penal) suit or proceeding, or contract, or franchises, shall be affected in the change of the form of government of the territory set out in section two of this act; but all shall continue as though no such change had taken place; and all debts, penalties and forfeitures which have accrued, or which may hereinafter accrue by virtue of anything heretofore done or existing, shall inure to the benefit of the city, and may be sued for or recovered by said city as though this charter had not been adopted. Nothing herein, however, shall legalize or make legal any invalid indebtedness of the city of Kenova heretofore contracted or incurred, or impair any defense against the payment of the same; nor shall the adoption of this charter in any wise interfere with any proceedings heretofore instituted relating to the levy and collection of taxes, special assessments or levies of any nature, or with any proceeding to enforce the payment of the same, and all contracts heretofore entered into by the city of Kenova shall remain in full force and effect and be completed under ordinances existing at the time of the adoption of this charter.
The charter of the city of Kenova existing prior to the passage of this act is hereby annulled.

CHAPTER 80
(House Bill No. 192—Mr. King)

AN ACT to amend and re-enact section four of chapter twenty-one of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one entitled, "An act to create the municipal corporation of the city of Richwood, in the county of Nicholas, to grant a charter thereto, and to annul the charter of the town of Richwood."

[Passed March 20, 1923. In effect ninety days from passage. Approved by the Governor April 24, 1923]

SEC. 4. Municipal authorities.

Be it enacted by the legislature of West Virginia:

That section four of chapter twenty-one of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one (municipal charters), be amended and re-enacted to read as follows:

Section 4. The municipal authorities of said city shall consist of a mayor, to be elected by the voters of the whole city, a recorder, to be elected by the voters of the whole city, and two councilmen from each ward, to be elected by the voters of such ward who together shall form a common council, and who shall receive such compensation as the council shall from time to time determine, which compensation shall not be increased or diminished during their term of office; but in no event shall the compensation of any councilman elected by any ward exceed fifty dollars per year.

CHAPTER 81
(House Bill No. 210—Mr. Dailey)

AN ACT to amend and re-enact certain sections of the charter of the city of Martinsburg as found in chapter six, acts of one thousand nine hundred and fifteen, municipal charters, and chapter one hundred and twenty, acts of one thousand nine hundred and seventeen.
Re it enacted by the Legislature of West Virginia:

That sections forty-six-a and fifty-six of chapter six of the acts of the legislature of one thousand nine hundred and fifteen, as amended by chapter one hundred and twenty of the acts of the legislature of one thousand nine hundred and seventeen, be amended and re-enacted so as to read as follows:

Section 46-a. The council shall have general charge of its water works, and the mayor shall have the power to employ a superintendent of said works, and such other employes and laborers as the council may deem expedient and necessary; and the council shall fix their compensation. The council shall fix and regulate, subject to the approval of the public service commission, the rates and charges for water supplied to all consumers, and shall prescribe such reasonable rules and regulations as may be deemed proper with reference to the use and consumption of water taken from the city mains, the terms and conditions upon which connections to said mains shall be made, and the place and manner thereof. The council shall further have the power to provide penalties, by way of additional charges, for the failure to pay water rates promptly; and to this end, water rates and charges, when assessed in the name of the owner of any real estate, shall be a lien from the first day of April, of the year in which same are assessed, upon the said real estate for the benefit of which the water is furnished, whether the water so furnished be for the use of the owner, agent or tenant of such real estate; and the water rates and charges as aforesaid may be distraint for and collected in the same manner in which the collection of taxes owing to the city may be enforced. The collection of water rates and charges may also be enforced by shutting off the supply of water from delinquent, and the refusal thereafter to furnish water to delinquent, until all arrearages are paid.

Sec. 58. No person, firm or corporation shall give, or offer to give to any city officer, employe or agent, nor shall any city officer, employe or agent be permitted to accept, receive or solicit from any person, firm or corporation, any free pass or free
5 transportation or free gift of the same, for himself or other per-
6 son, on any railroad, street car or traction line, or any free gift
7 of any water, light or heat, or any badge, ring, water or other
8 thing of value, from any person, firm or corporation having any
9 franchise or contract from, under, or with said city, or from
10 any other officer, agent or employe of said city, or from any
11 other person whatsoever, who may in any way or manner, be
12 affected by the performance or non-performance of any official
13 duty or obligation by such officer, employe or agent of said city,
14 and the acceptance or solicitation of anything herein forbidden,
15 shall be absolute ground of removal or dismissal from office, by
16 the council in the case of an elective office, and by the appoint-
17 ing power in the case of any appointive office. Provided, how-
18 ever, this shall not apply to the employes, officers, agents, sur-
19 geons, physicians and attorneys at law of any interstate rail-
20 road company, who receive passes incident to their service to
21 such company.
22 The circuit court of Berkeley county, upon petition of ten
23 voters of said city, shall have like power of removal of all of-
24 ficers, employes and agents as given in this act to any city of-
25 ficer, in any way or manner; provided, that the health commis-
26 sioner and all policemen and firemen, together with the chiefs
27 thereof, shall have the right to accept, and street railway com-
28 panies shall have the right to give such health commissioner,
29 policeman and fireman, free transportation over any street rail-
30 way in said city, while in the performance of their duties.

CHAPTER 82
(House Bill No. 606—Mrs. Gates)

AN ACT to amend and re-enact section two of chapter two of the
acts of the legislature of one thousand nine hundred and nine;
and section three of chapter nine of the acts of the legislature
of one thousand nine hundred and nineteen, and known as the
charter of the city of Charleston, and so designated in the
bound volume of municipal charters, and to extend and en-
large the boundaries of the said city of Charleston, and to pro-
vide for the extension of the government of the city of Charle-
ton over the said territory to be annexed.
Be it enacted by the Legislature of West Virginia:

That section two of chapter two of the acts of the legislature of one thousand nine hundred and nine and section three of chapter nine of the acts of the legislature of one thousand nine hundred and nineteen, known as the charter of the city of Charleston, and so designated in the bound volume of municipal charters, be, and the same are hereby amended and re-enacted so as to read as follows:

Corporate Limits.

Section 2. The corporate territory limits of the city of Charleston shall comprise all that part of the territory of the magisterial districts of Charleston, Loudon, Jefferson, Union and Malden in the county of Kanawha and state of West Virginia which is bounded and described as follows:

Beginning at the mouth of Campbells Creek on the north side of Kanawha river at the low water mark; thence a straight line to the foot of 27th street of Kanawha City on the east side thereof; thence with the east line of said 27th street continued to a point one thousand feet south of the center line of the west-bound track of the C. & O. railroad; thence keeping one thousand feet south of said center line of said C. & O. railroad and parallel thereto to a point in Lick Branch; thence a straight line to the southwest corner of the subdivision known as Anderson Heights on Porter's Hollow road; thence a straight line to the present corporation line of said city of Charleston; thence with said corporation line to a point seven hundred feet east of the forks of Ray's branch road and Davis creek road; thence a straight line to the southern line of the property of Mrs. Alice Newcomer; thence with her line, and the extension thereof, to a point five hundred feet south of Oak Drive, and with a line five hundred feet south of Oak Drive, and parallel thereto, to a point five hundred feet east of Ferry branch road; thence with a line five hundred feet east of said road and parallel thereto in a southerly direction to a point in Joplin branch; thence down Joplin branch to the southeast corner of the present corporation line of South Charleston;
28 thence with the southern line thereof to Davis creek; thence
29 down Davis creek to the north line of the old Kanawha and
30 James River turnpike; thence with the north line of said turn-
31 pike to Uptons creek; thence down Uptons creek to the south
32 side of Kanawha river to a point opposite Tyler creek; thence
33 in a northerly direction and across the Kanawha river to the
34 mouth of Tyler creek; thence with the meanderings thereof up
35 Tyler creek to a point five hundred feet north of the Dunbar
36 and Lock Six road; thence in an easterly direction with a line
37 five hundred feet north of and parallel to the said Dunbar and
38 Lock Six paved road to a point on the Sissonville road; thence
39 a straight line to the intersection of South Middle and South
40 High street in the subdivision known as Bellevue; thence a
41 straight line to the southwest corner of Highland road in Edge-
42 wood, the same being on the eastern line of the old Summers
43 property; thence with said Summers line in a northerly direc-
44 tion to the easterly line of Edgewood drive; thence following
45 the easterly line of Edgewood drive in a southerly direction to
46 the southern line of the Edgewood Building Association;
47 thence with said line to the end of Carr street; thence a
48 straight line to the northwest corner of Sunkist Heights;
49 thence with the northerly line of Sunkist Heights extended to
50 a point five hundred feet east of Magazine road; thence a
51 straight line to the northeast corner of the Savage addition;
52 thence with the lines of same to a point five hundred feet north
53 of Crescent road; thence parallel with said Crescent road and
54 five hundred feet north therefrom to the westerly line of
55 Charleston Heights; thence with the westerly, northerly, and
56 easterly lines thereof to a point on the present corporation line
57 of the City of Charleston; thence following said line to its
58 intersection with Coal branch near the forks thereof; thence
59 to the forks of Coal branch; thence with the left-hand fork of
60 Coal branch to a point on top of the ridge; thence a straight
61 line to the northwest corner of the sub-division known as
62 Westview; thence with the north line of Westview to the
63 northeast corner to the Rosa F. Smith property; thence with
64 the north line of said property to the northeast corner thereof;
65 thence a continuous straight line to a point five hundred feet
66 east of Wilson branch; thence with a line five hundred feet
67 east and parallel to said branch in a southerly direction to a
68 point five hundred feet north of Malden road; thence with a
line five hundred feet north of Malden road and parallel there-
to to Campbells creek; thence down Campbells creek to the
beginning.

Embraced within the above boundaries is the incorporated
town of South Charleston in Louden district, and for the pur-
poses of this bill the territory herein proposed to be included
shall be divided into sections as follows: (1) The city of
South Charleston; (2) that part of Louden district within the
above proposed boundaries lying east of the present corporate
lines of the city of Charleston; (3) that part of Louden dis-
trict within the above proposed boundaries lying west of the
present corporate lines of the city of Charleston; (4) that part
of Jefferson district included within the proposed boundaries;
(5) that part of Union district included within the proposed
boundaries; (6) that part of Charleston district included with-
in the proposed boundaries lying west of Elk river; (7) that
part of Charleston district included within the proposed bon-
daries lying east of Elk river; (8) that part of Malden district
included within the proposed boundaries.

In the election hereinafter described each of the above sec-
tions shall vote as a unit and the decision of a majority of the
qualified voters casting their vote in any section shall deter-
mine only whether that section shall be included in the pro-
posed boundaries of the city of Charleston. But in no event
shall any section be included within the corporate limits of
Charleston if any section votes to stay out which intervenes
between the present city of Charleston and the section which
votes to come into the proposed corporate boundaries.

An election may be held as hereinafter provided for in the
city of Charleston at which it shall be determined whether or
not the present city limits shall be extended as above pro-
posed; at which election, if a majority of the votes cast is
against extending the city limits no sections as above described
shall be included; but if at such election a majority of the
votes cast is in favor of extending the city limits as above pro-
posed no section as above described shall be included within
the proposed extension which has not voted to be included.

Upon receipt of a written petition from each, any or all
of the above described sections, with the exception of the city
of South Charleston, as the council of the city of Charleston
deems advisable, signed by twenty-five percent of the resident
qualified voters of each section based upon a census of said
section, which census the council of the city of Charleston is
authorized to have made as soon as possible after the enact-
ment of this bill, petitioning the said city council of the city
of Charleston to hold an election for the purposes herein
described; and upon receipt of a similar petition authorized
and directed by the city council of the city of South Charlec-
ton directed to the city council of the city of Charleston, or
should said city council of South Charleston refuse to petition
the city council of Charleston as aforesaid, upon receipt by the
city council of Charleston of a similar petition signed by
twenty-five percent of the qualified voters of the city of South
Charleston based upon the number of votes cast at the last
City election, the city council of the city of Charleston may
order an election to be held for the purposes herein described.

But before such election is held such extension of bound-
aries shall be proposed by resolution of the city council of the
city of Charleston, which resolution shall (a) accurately de-
fine the boundary lines of the territory proposed to be annexed
as herein set forth, (b) fix a time for holding a special election
at which the proposed change of boundaries shall be submit-
ted to the qualified voters of the city of Charleston and of the
territory proposed to be annexed for approval or rejection, (c)
direct that notice of such election be published in each of the
daily newspapers of the city of Charleston once a week for four
successive weeks, the last publication to be not more than ten
days before the day of the election, and (d) prescribe the form
of ballot to be used at such election.

In case said election is held the city council of the city of
Charleston, through the solicitor of the city of Charleston,
shall notify the mayor of each municipality within the terri-

tory herein described, of the proposed extension of the bound-
aries at least six weeks before the time fixed for the election
herein provided for; thereupon it shall be the duty of the city
council of such municipality to provide for such election by
appointing judges and clerks for each precinct within said
municipality, and certify the names of the appointees to the
city council of Charleston within three weeks of the service of
notice on the mayor thereof. If such certificate is not so filed
the city council of Charleston shall appoint such judges and
clerks of election. Qualified voters of any of the sections above
described which are within the limits proposed by resolution
of and publication by the city council of the city of Charles-
163 ton, other than the city of South Charleston, shall vote at such
164 election at such voting places as the city council of Charleston
165 shall select, and it shall be the duty of the said council to
166 designate for such purpose such places within each section as
167 are necessary and convenient for the voters therein, and ap-
168 point such judges and clerks as are necessary for the conduct
169 of such election therein.
170 So far as they are applicable, and except as specific provision
171 is made in this chapter, such election shall be governed by the
172 general election laws of the state of West Virginia.
173 When the result of such election is ascertained and certified,
174 the mayor of the city of Charleston shall issue his proclama-
175 tion of such result and cause the same to be published in each
176 daily newspaper in the city of Charleston within five days of
177 such certification. Provided, however, that said election for
178 the annexation of the territory within the boundaries herein
179 set forth shall be held not before August fifteenth, next after
180 this act shall go into effect, and not later than September fif-
181 teenth, thereafter, one thousand nine hundred and twenty-five.
182 And if a majority of the votes cast in each section at such
183 election shall be in favor of such extension, then all of the ter-
184 ritory within the boundaries of each section so voting in favor
185 of the extension herein described shall be and become a part
186 of the city of Charleston on the first day of October, one
187 thousand nine hundred and twenty-five, and beginning on
188 that date the city of Charleston shall include all the territory
189 within the boundaries of the sections voting in favor of the
190 extension herein set forth, in addition to the territory consti-
191 tuting the city of Charleston as at present bounded; and the
192 corporate existence of any municipality included within the
193 boundaries herein described shall thereupon cease and deter-
194 mine; except that no moneys in the treasuries of the several
195 municipalities affected shall be turned over to the treasurer of
196 the city of Charleston; and no tax shall be levied on the tax-
197 able property within the boundaries of the territory annexed
198 nor upon the inhabitants thereof until proper representation
199 of the said annexed territory in the council of the city of
200 Charleston is provided according to law. And if a majority of
201 the votes cast at such election shall not be in favor of such
202 extension, then the boundaries of the city of Charleston shall
203 remain as they now are, and the territory within the bound-
204 aries set out shall be in no way affected by such election.
All expenses of holding such election the payment whereof is now provided by law shall be paid by the city of Charleston.

If at the time of the extension of its boundaries the city of Charleston shall have a bonded indebtedness, the taxes thereafter provided for such indebtedness, principal and interest, shall be levied upon the taxable property within the corporate limits of the city of Charleston. If the town of South Charleston shall at the time of such annexation have a bonded indebtedness, then the taxes thereafter levied to provide for such bonded indebtedness, principal and interest, shall be levied upon the taxable property within the corporate limits of the city of Charleston. Provided, however, that any money or moneys in the hands of the treasurer of the town of South Charleston derived from the issuance of bonds or which may accrue by reason of the provisions heretofore made for the issuance of bonds shall be expended within the territory comprising the municipality at the time of the issuance of said bonds, and in the manner and for the purposes provided and intended at the time of the issuance or provision for the issuance of such bonds.

Should the territory herein described be annexed to the city of Charleston in the manner herein set forth, then before and after the time of such annexation all of the debts and obligations of the town of South Charleston shall become and be the debts and obligations of the city of Charleston, and shall be enforceable against the city of Charleston to the same extent as they might have been enforced against the town of South Charleston.

Franchises and rights of public utilities in the territory proposed to be annexed in the event of such annexation shall be preserved and remain in full force and effect.

In case said election is held and any or all of the above described sections are to be included in the proposed extension it shall be the duty of the city council of the city of Charleston to immediately divide the said city of Charleston into wards and do all other things required of it by law due to the change of the corporate limits of the said city of Charleston.

The city council shall have the power to district and subdivide the city into wards at such time and in such manner as they may deem fit.
The city council shall re-district and re-subdivide each of
the said wards into voting precincts.
In the event of annexation each of the new wards shall be
titled to representation on the council of the city of Charles-
ton by one councilman, and the number of councilmen at large
shall be increased so that there shall be seven, so that the total
number of councilmen shall be thirty. In the event that the
majority of votes cast shall be in favor of annexation, the
council of the city of Charleston shall provide for a special
election to provide representation for the territory annexed
and to provide for the election of two additional councilmen
at large; provided, that such election shall be held not later
than November first, one thousand nine hundred and twenty-
five.
In the event a majority of the votes cast in the election here-
tofore provided for shall be in favor of annexation, all acts
or parts of acts inconsistent herewith shall be and are hereby
repealed.
This act shall take effect on the first day of April, one
thousand nine hundred and twenty-five.

CHAPTER 83
(House Bill No. 643—Mr. Davisson)

AN ACT to amend and re-enact section twenty-six of chapter
fourteen of the acts of the legislature of one thousand nine hun-
dred and five, at the regular session, as amended by chapter
twenty-two of the acts of the legislature of one thousand
nine hundred and twenty-one, at the regular session, relat-
ing to the incorporating of the town of Salem, and defining
the powers of the city council thereof.

[Passed April 13, 1923. In effect from passage. Approved by the Governor
April 24, 1923]


Be it enacted by the Legislature of West Virginia:

That section twenty-six of chapter fourteen of the acts of the
legislature of one thousand nine hundred and five, at the regular
session, as amended by chapter twenty-two of the acts of the
legislature of one thousand nine hundred and twenty-one, at
the regular session, be amended and re-enacted so as to read as
follows:

Section 26. The council of said city shall have power to lay
off, vacate, close, open, alter, grade and keep in good repair
the roads, streets, alleys, pavements, sidewalks, crosswalks,
drains and gutters therein for the use of the citizens and the
public, and to improve and light the same, and to keep them
free from obstructions of every kind; to regulate the width
of the pavements, sidewalks, footways, drains and gutters to
be kept in good order, free and clean by the owners or occu-
upants of the real property next adjacent thereto; to estab-
lish and regulate markets, prescribe the time of holding the
same, provide suitable and convenient buildings therefor, and
prevent the forestalling of such markets; to prevent injury or
annoyance of the public or to individuals from anything
dangerous, offensive or unwholesome; to prohibit or regulate
slaughter houses, tan houses and factories within the cor-
porate limits; and to prohibit the exercise of any offensive
business, trade or employment, to abate all nuisances within
the corporate limits, and to require or compel the abatement
or removal thereof at the expense of the person causing same,
or by or at the expense of the owner of the ground at the
place they are found; to be caused to be filled up, raised or
drained by or at the expense of the owner, any city lot or
tract of land covered or subjected to be covered by stagnant
water; to prevent horses, hogs, cattle, sheep and other animals
and fowls of all kinds from going or being at large in said
town, and as a means of prevention, said council may pro-
vide for the impounding and confining of said animals and
fowls; and upon the failure to reclaim, for the sale thereof;
to protect places of divine worship, and preserve order in
and about the premises where and when such worship is held;
to protect places of public instruction and schools, and to pre-
sure order in and about all the school buildings; to regu-
late the keeping of gunpowder and other dangerous explo-
sives and substances; to regulate the building of houses and
other structures; for the maintaining and making of division
fences by the owners of adjacent premises; and for the proper
drainage of town lots and other parcels of land by or at the
expense of the owner or occupant thereof, when such drain-
age shall be deemed necessary for the protection of public health; to provide against danger or damage by fire; to punish assault and batteries; to prohibit the keeping of or loitering in or visiting houses of ill-fame, or congregating or loitering in saloons or upon streets of said city; to prevent lewd or lascivious conduct, the sale or exhibition of indecent pictures or other representations; the desecration of the Sabbath day; to prevent swearing, the illegal sale of intoxicating liquors, mixtures and other preparations, porter, beer, ale, wine or other drinks of like nature; to protect the persons of those residing or being within said town; to purchase, contract for and take care of, or sell, lease or otherwise dispose of at public or private sale, all public buildings, structures and real estate, including libraries and hospitals deemed proper for the use of said town, to build or purchase or lease and use a suitable place of imprisonment within said city for the safe-keeping and punishment of persons charged with or convicted of the violation of ordinances; to erect, or authorize or prohibit the erection of gas or water works within the corporate limits; to prevent injury of such works, or the pollution of any gas or water used or intended to be used by the people or by individuals; to borrow money on the faith and credit of the city by the issue and sale of bonds in the manner prescribed by law in an amount not to exceed five per centum of the taxable value of the property in the city for the purpose of raising funds to erect, construct, extend, add to or replace the water works system or plant or any part thereof (including the purchasing, leasing, selling and disposing of real estate), either within or without the corporate limits of said city, or to refund any bonds of the city, the proceeds of which were expended in the erecting, constructing, extending, repairing or maintaining the water works system or plant, or any part thereof, or to refund any bonds of the city, the proceeds of which were expended in paving or sewering the streets and alleys of the city; to provide for and regulate the measuring and weighing of hay, coal, lumber or other articles sold or kept or offered for sale within said town; to create by ordinance such committee and boards, and delegate such authority thereto as may be deemed necessary or advisable; to establish rates and charges for weighing and measuring of hay, coal, lumber or other articles; to regulate the running speed of engines and cars within said town; to provide for the annual assessment of taxable property
79 therein, including dogs kept in said city, and to regulate their
80 running at large; to provide a revenue for the city for municipal
81 purposes and to appropriate such revenue to its expenses, and to
82 take such measures as may be deemed necessary or advisable to
83 protect the property, public or private, within said city; to pre-
84 serve and maintain peace, quiet and good order therein, and to
85 preserve and promote the health, safety and well being of the
86 inhabitants thereof.

CHAPTER 84

(Senate Bill No. 11—Mr. Hill)

AN ACT to amend and re-enact chapter thirty of the acts of one
thousand nine hundred and five of the legislature of West
Virginia, creating the independent school district of Sisters-
ville, West Virginia.

[Passed April 17, 1923. In effect from passage. Approved by the Governor
April 25, 1923]

Sec. 1. Boundaries of school district.
2. Board of education; how elected; term of office.
3. Elections; time, place and manner of holding.
4. Same; proclamation for; publication.
5. Same; by whom held; canvass of result; officer elected to qualify within twenty days.
6. Vacancies in office; how filled.
7. President of board; duties and powers.
8. Secretary of board.
9. Meetings of board; quorum; compensation of members.

Sec. 10. Board to be a body corporate; powers.
11. Board to have control of all schools; other powers as to
counting, text books, apparatus, etc.
12. Board may acquire or sell buildings, etc.
14. Superintendent; powers and duties of.
15. Teachers, janitors, etc.; employment of.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the acts of the legislature of one thou-
sand nine hundred and five, creating the "Independent school dis-
trict of Sistersville" in Tyler county, be amended and re-enacted
to read as follows:

Section 1. The independent school district of Sistersville
shall include the city of Sistersville and the territory contained
within the following described boundaries and being the same
territory included in what was school sub-district number six
of Lincoln district, Tyler county, West Virginia, and which is
particularly described as follows:
Beginning at a stake and stone pile on the bank of the Ohio river, five hundred and twenty-five feet down said river from a common corner of lands of T. N. Wells and Eph. Wells on said river bank, said beginning corner being in line with and opposite the entrance to the lane commonly known as the Eph. Wells' lane; thence in a straight line and parallel with the division line between lands of said Eph. and T. N. Wells, S. 50 E. four thousand feet to a stake and stone pile in the back line of lands of said Eph. Wells, being an old patent line, and being the division line between the lands of said Eph. Wells and Nathan Salisbury; thence up and with said old patent line N. 36 E. eight thousand four hundred and sixty feet, to a large white oak in the south line of land of J. T. Jones; said white oak being the original northeast corner of what is commonly known as the Samuel Corbitt or Raleigh Moore tract, now a corner between Lazear and the McCoach and West tracts; thence continuing the same straight line and crossing the J. T. Jones, Eveline Russell and Henry W. McCoy tracts of land to a black oak, being the southeast corner of Joshua Russell farm, and also an established corner to said Joshua Russell farm and land now owned by said Henry W. McCoy; thence with the division line between the said Joshua Russell farm and said land of Henry W. McCoy, N. 32 W. two thousand five hundred and seventy-four feet to a white hickory (now gone), being an old original patent corner on the bank of the said Ohio river; thence down the said river with the meanders thereof and binding thereon eleven thousand three hundred and fifty feet to the stone pile, the place of beginning. The territory described above is identical with what was sub-school district number six of Lincoln district, Tyler county, West Virginia, and now constitutes and is known as the "Independent school district of Sistersville."

Section 2. There shall be a board of education of the independent school district of Sistersville consisting of three commissioners, residents thereof, to be elected by the qualified voters of said district, the term of office of each of whom shall be four years. The present members of the board of education of said district shall hold office until the expiration of their respective terms, or until their successors have been chosen.
See. 3. On the first Tuesday in May, one thousand nine hundred and twenty-three, and every two years thereafter there shall be an election held for the independent school district of Sistersville, for the purpose of electing one or more commissioners respectively of the board of education of the independent school district of Sistersville. The said commissioners shall be elected for, and hold their office four years, beginning on the first day of July after said election, unless sooner removed from office for cause. For the purpose of said election, there shall not be less than two voting places in the said district, which voting places shall be fixed by the said board, and the places shall be designated by the president of said board in his proclamation for an election as provided for in the next section, and said election shall be held and conducted and the result thereof ascertained and declared in all respects as now provided for general elections in this state and as provided for in section five, excepting, however, that the said board shall be vested with authority to appoint election officers and to perform all the duties and functions relative to said election.

See. 4. Such elections shall be called by the president of the board of education of the independent school district of Sistersville, by a proclamation to the voters of said district, notifying them of the time and place of holding the same, and the purpose thereof, and the places fixed by said board in the said district for holding the said election; said proclamation shall be posted on the front door of the city building in the city of Sistersville, and at two other conspicuous places in the said district at least four weeks previous to the day designated for the said election, or the same shall be published in a newspaper published in Sistersville, once a week for two weeks next previous to day of election.

Sec. 5. Such election or elections under this act shall be held and conducted in the same manner as a municipal election of the city of Sistersville, and shall be held and conducted by the officers appointed by the board of education to hold such election, in accordance with the law of the state and the rules and regulations governing the election of municipal officers of said city; and the officers conducting said election shall ascertain and certify the results to the secretary of said
9 board, within three days thereafter. Such results shall, within 10 ten days after the same is so certified, be noted on the minutes, 11 and the certificates filed with the secretary. And the officer 12 so elected shall, within twenty days after his election or ap- 13 pointment, and before he shall enter upon the duties of his 14 office, take and subscribe the oath of office as prescribed for 15 district officers, as provided by general laws, which may be 16 done before any person authorized by law to administer oaths, 17 or before the president of the board of education of said in- 18 dependent school district, which said oath of office, together 19 with the certificate of the officer administering the same, shall 20 be filed with the said board of education.

Sec. 6. Any vacancy that may occur in the office of school 2 commissioner by death, resignation, refusal to serve or other- 3 wise, shall be filled by the board of education of the district 4 at their first regular meeting thereafter, or as soon as circum- 5 stances will permit, by the appointment of a suitable person, 6 who shall hold his office until the next election of school com- 7 missioners, when a commissioner shall be elected for the un- 8 expired term.

Sec. 7. The board of education shall elect annually, at the 2 first meeting, one of their members to act as president of said 3 board, who shall perform all the duties which are required to 4 be performed by such officer of any board of education, which 5 may not be inconsistent with the provisions of this act.

The president shall have one vote as commissioner, and shall 7 not vote upon any question arising in the board by reason of 8 being said officer.

Sec. 8. At the first meeting, the board of education shall 2 elect annually, a suitable person to act as secretary of the 3 board and pay him a reasonable salary to be fixed by the board. 4 The secretary shall serve at the pleasure of the board and shall 5 not be a member thereof. He shall take the oath prescribed 6 by law and give bond if required by the board. He shall re- 7 cord in a book provided for the purpose, all the official acts 8 and proceedings of the board, which shall be a public record, 9 open to inspection to all persons interested therein. He shall 10 perform such other duties as may be required by the board of 11 education or are prescribed by law. He shall have custody 12 and care of all records and papers belonging to the board in-
clading evidences of title, contracts, and obligations and shall
preserve the same in the office of the board of education or
place designated by the board, properly arranged for refer-
ence. He shall annually make such reports to the county super-
intendent and other school officers as are required by the gen-
eral school law. In his absence, the board may appoint a sec-
retary pro tempore.

Sec. 9. The board of education shall hold regular meetings
at such times and places as it may designate by proper order
entered in its record; and special meetings may be called by the
president or at the request of any member, by the secretary.
For the transaction of business, a quorum of not less than two
members shall be required and the concurrence of two mem-
bers shall be required to elect a superintendent or teachers and
8 to decide all questions involving the expenditure of money.
Each member of the board of education shall receive as com-
pensation for his services the sum of five dollars for each reg-
ular or special meeting he attends; in addition thereto, the
president of the board shall receive fifty dollars per annum.

Sec. 10. The board of education of the independent school
district of Sistersville, shall be a body corporate in law, and
as such may purchase, hold, sell or convey real estate or per-
sonal property for the purpose of education within the district;
may receive any gifts, grant, donation or devise; may become
party to suits and contracts and do other corporate acts. They
shall have the management and be vested with the title to all
real and personal property for the use of the public schools
within the district, and shall manage and dispose of the same
as will, in their opinion, best subserve the interest of the dis-
trict.

Sec. 11. The board of education shall have exclusive con-
trol of all schools within the district; shall fix the length of the
school term and shall have power to make all necessary rules
and regulations for the government of the schools of the dis-
trict, for the admission of pupils therein and for the exclusion
of pupils whose attendance would be dangerous to the health
or detrimental to the morals or discipline of the school. Said
board shall arrange for the taking of the enumeration each
year of all the youth living within the district, between the
ages of six and twenty-one before the first day of July. They
11 may prescribe text books for the use of the schools in the dis-
12 trict, supplementing the list adopted for the county, and may
13 furnish books and stationery for the use of indigent children
14 in attendance at the schools. They may furnish all necessary
15 apparatus and books for the use of the schools and incur all
16 other expenses necessary to make the system efficient for the
17 purpose for which it was established, and pay the same from
18 the building fund of the district. They shall have power to
19 establish such other departments in said schools, such as man-
20 ual training, music, drawing, or other departments, as shall
21 be deemed advisable to the interest of said independent school
22 district.

Sec. 12. The board of education shall provide by purchase,
2 lease, building, or otherwise, a sufficient number of suitable
3 school houses and other buildings to meet the educational needs
4 of the district, and shall also provide such furniture, fixtures,
5 and apparatus for said school houses and other buildings, as
6 may be necessary for the effectiveness of the schools and for
7 the convenience, health and cleanliness of the pupils, and shall
8 cause the school property to be kept in good order and repair.
9 The board of education shall have authority to sell any school
10 buildings when in its judgment, they are improperly located
11 or unsuitable for school purposes. Said board, may at its
12 discretion, provide proper medical and dental inspection of
13 pupils.

Sec. 13. The board of education shall establish within the
2 district one or more separate schools for colored children,
3 whenever they deem it necessary, so as to afford them so far
4 as practicable the advantages and privileges of a free school
5 education. All such schools shall be under the management
6 and control of the board of education, and shall be subject
7 to like general regulations as other schools of the district.

Sec. 14. The board of education shall have authority to
2 appoint a superintendent of schools for the independent school
3 district of Sistersville at any time after the first of January
4 in any year for a term of not more than four years. The
5 compensation of said superintendent shall be fixed by the
6 board of education. Said superintendent, in addition to the
7 duties specified in this act, shall perform such other appro-
8 priate duties with relation to the schools of Sistersville as
9 the board may prescribe. He shall be liable to removal by
10 the board of education for any palpable violation of the law
11 or omissions of duty, or for other good and sufficient cause,
12 but he shall not be removed unless charges be preferred to
13 the board by a member thereof, and notice of a hearing, with
14 a copy of the charges delivered to him, and an opportunity
15 be given him to be heard in his defense.
16 Said superintendent shall exercise general supervision over
17 all schools of the district and shall prepare and revise, with
18 the approval of the board, courses of study to be used in the
19 schools.
20 He shall recommend for appointment teachers to be em-
21 ployed in the district schools and shall make all necessary
22 reports and, insofar as he is able, shall furnish such informa-
23 tion relating to the schools as the board of education may de-
24 sire.

Sec. 15. At any time after January first, the board of
2 education shall have power and authority to employ, for the
3 ensuing school year, teachers, janitors, truant officer and other
4 employees for the public schools of the district and fix their
5 salaries and shall establish rules and regulations to which they
6 shall be subjected and may be removed at any time for proper
7 cause. Said board shall have the power of prescribing the
8 qualifications of teachers in the schools of the district, and
9 may appoint an examining committee for the purpose of ex-
10 amining applicants for positions as teachers and granting cer-
11 tificates to those found qualified to teach in the schools.

Sec. 16. It shall be the duty of the board of education of
2 the independent school district of Sistersville annually, at the
3 same time and in the same manner now provided, or that may
4 hereafter be provided by the general school law of this state,
5 for the ascertaining and making of estimates and the fixing
6 and laying of school levies by the boards of education of the
7 various school districts within the state for the support of the
8 free schools therein, to ascertain and to make such estimates
9 of the amounts necessary for the support of the schools within
10 the said independent district, to determine, fix and lay such
11 levies on the property located within said independent dis-
12 trict, for the support therein. It shall be the duty of the board
13 of education annually, at such meeting to levy as many cents
14 on each one hundred dollars of valuation of the taxable prop-
15 erty of the district, according to the last assessment thereof,
Chapter 85

(Senate Bill No. 31—Mr. Marsh)

An act to amend and re-enact section nine of chapter seventy-five of the acts of the legislature of West Virginia of the year one thousand nine hundred and eleven, relating to the salary of the secretary of the board of education of the independent school district of Parkersburg.

[Passed April 17, 1923. In effect from passage. Approved by the Governor April 24, 1923]

Sec. 9. Duty of secretary; salary; removal.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter seventy-five of the acts of the legislature of West Virginia for the year one thousand nine hundred and eleven be amended so as to read as follows:

Section 9. The secretary shall record in a well bound book to be provided for the purpose, all official acts and proceedings of the board, which shall be a public record open to the inspection of all persons interested therein; he shall also keep and preserve books of account which shall show the resources of the board for each current year and the funds from which
7 the same is derived; all credits to be charged against said re-
8 sources by way of delinquents, commissions and otherwise; all
9 disbursements made by the board and on account of what fund,
10 and the balance to the credit of each fund, together with a
11 descriptive entry, showing for what purpose each item of dis-
12 bursement is made, which books of account shall always show
13 the financial resources of the district and shall always be open
14 to the inspection of any taxpayer of the said district; he shall
15 also preserve in his office all papers containing evidence of
16 title, contract and obligations; and in general, shall record and
17 keep in his office all records, papers and documents as shall be
18 required by this act, and perform such duties, not inconsistent
19 herewith, as may be prescribed by the board; he shall make
20 such reports as are required to be made by secretaries of the
21 board of education by the general school laws of the state;
22 for his services he shall receive such salary as may be fixed
23 by the board, and he may be removed at any time by a ma-
24 jority of the members of the board in regular session.

CHAPTER 86
(Senate Bill No. 74—Mr. Arnold)

AN ACT to provide for the establishment of a county high school
in the county of Upshur, and to provide for a special levy and
a board of trustees for the same.

[Passed April 19, 1923. In effect from passage. Approved by the Governor
April 24, 1923]

Sec. 1. Board of education; who constitutes; secretary.
2. Board to be body corporate.
3. Board to purchase site for school; for what districts; name of.
4. Board to lay levy; amount of; purpose of.

Sec. 5. Levy for support of school and teachers' fund; how laid.
6. Salary of members and secretary; how paid.
8. Oaths.

Be it enacted by the Legislature of West Virginia:

Section 1. The presidents of the boards of education of
2 Banks district, Buckhannon district, Meade district, Union dis-
3 trict, Warren district and Washington district, together with
4 the county superintendent of schools of said county shall consti-
5 tute an Upshur county board of education for said high school.
The county superintendent of schools shall be ex-officio member of said board and a president of this board and a secretary shall be appointed at its first regular meeting in the year.

Sec. 2. The Upshur county high school board shall be a body corporate and as such shall have and exercise all rights and powers now conferred by law upon district boards of education.

Sec. 3. Said board of education shall, as soon as practicable after the passage of this act, purchase or secure by condemnation, a site of not less than ten acres of land in a convenient and suitable location and shall erect thereon a suitable building or buildings and shall establish therein a high school to be open without cost of tuition to all pupils of high school grade in Banks district, Buckhannon district, Meade district, Union district, Warren district and Washington district, and said school to be known as the Upshur county high school.

Sec. 4. For the purpose of purchasing a site and erecting and equipping a building or buildings for said high school, the county high school board is hereby empowered to lay a levy of not more than thirty cents on each one hundred dollars’ valuation of taxable property in the said county, for three successive years beginnig with the year one thousand nine hundred twenty-three; provided, however, that no levy shall be laid on the taxable property in the Buckhannon independent district as created by chapter three, acts of the legislature of one thousand nine hundred and eight.

Sec. 5. Beginning with the year in which said county high school is ready to open and annually thereafter, the county high school board shall have authority to lay for the support of said high school a levy not to exceed ten cents, on each one hundred dollars’ valuation of taxable property for maintenance building fund and a levy not to exceed twenty cents, for a teachers’ fund; provided, however, that no levy shall be laid on the taxable property in the Buckhannon independent district, as created by chapter three, acts of one thousand nine hundred and eight. Said levies shall be laid at the time and in the same manner that school levies are laid by district boards of education.

Sec. 6. The members of the county high school board, except the county superintendent of schools, shall receive for
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3 their services five dollars per day for the time actually spent in
4 the work of the board; provided, however, that no member shall
5 receive pay for more than twelve days in any one year. The
6 salary of the secretary shall be one hundred dollars per annum.
7 The per diem of members of the board and the salary of the
8 secretary shall be paid out of the county high school mainte-
9 nance building fund.

Sec. 7. Said board of education is hereby authorized, em-
2 powered and directed to contract for the erection of suitable
3 buildings necessary for said school, equipping same with neces-
4 sary furniture, heating apparatus, lights, etc., contract for the
5 employment of a principal, supervisors, teachers, janitors, etc.,
6 for said high school and paying for the same out of said levies
7 and doing whatever is necessary to maintain and run said
8 school in accordance with the general school law.

Sec. 8. Before said members of said board enter upon their
2 respective duties as such board of education, they shall take the
3 several oaths as prescribed by law.

Sec. 9. As soon as said Upshur county high school building
2 shall have been completed and equipped and ready for use, it
3 shall be subject to and be maintained, run and governed by the
4 general school laws of West Virginia, so far as they do not con-
5 flict with this act.
6 All acts and parts of acts inconsistent herewith are hereby
7 repealed.

CHAPTER 87
(Senate Bill No. 203—Mr. Baker)

AN ACT to provide for the establishing of a county high school
in the county of Roane.

[Passed April 26, 1923. In effect from passage. Approved by the Governor
May 1, 1923]

Sec. 1. Establishes high school; location
2 and name of same; for what
3 districts.

2 Direction and control of; board
2 of directors; election of; secre-
3 tary powers and duties of; va-
4ecancy; how filled; county super-
5 intendent to fill vacancy when
6 board of directors fail.

3 Board of directors a body cor-
4 porate.

Sec. 4. Quorum; tie vote; regular and
special meetings; salary of presi-
2 dent and members; salary of
3 secretary; how salaries paid.

5 Authorized to lay levy; amount
of; purpose of.

6 Authorized to lay levy provided
in section five.

7 Provisions for referendum; form
of ballot, etc.
Be it enacted by the Legislature of West Virginia:

That a high school be and is hereby established in the county of Roane, to be known as the Roane county high school.

Section 1. That a high school be and the same is hereby established in and for the county of Roane, state of West Virginia, at or near the city of Spencer, for such districts in said county as may ratify this act, which shall be known as the Roane county high school.

Sec. 2. That the direction and control of said high school shall be in the hands of and by a board of directors, consisting of the presidents of the various district and independent district boards of education of Roane county, except as hereinafter provided, who shall annually, at a regular meeting to be held on the first Monday in July of each year, elect one of their number president, and shall at the same time select a competent person not a member of said board of directors as secretary, both of whom shall perform the duties of their respective offices as provided by general law for similar officers of district boards of education, and such other duties as said board of directors may require. A vacancy in either office shall be filled by said board of directors at its first regular meeting after such vacancy occurs, or as soon thereafter as practicable. In case of the failure of the board of directors to fill such vacancy within sixty days after it shall occur, it shall be the duty of the county superintendent of free schools of Roane county to fill such vacancy by appointment. It is provided, however, that in the event this act does not become operative in more than two districts in said county by reason of the vote hereinafter provided to be taken, that then and until one or more additional districts shall adopt this act, said board of directors shall consist of all members of the boards of education of the districts so adopting this act.

Sec. 3. Said board of directors shall be a body corporate and known as board of directors of the Roane county high school, and as such may sue and be sued, plead and be impleaded, contract and be contracted with, and shall receive and hold for the use of said high school all gifts, grants or devises of property made to the same and shall be deemed the owner of all property belonging to said high school, and shall be liable for all obligations which may legally exist against it.
Sec. 4. A majority of the board of directors shall constitute a quorum for the transaction of business; and in case of a tie vote, the matter in question shall be referred for decision to the county superintendent of free schools of Roane county. The said board of directors shall hold regular meetings at the office of the secretary at such times as the board may determine; and special meetings may be held at the same place at the call of the president or of the secretary at the written request of two or more members. All calls for special meetings shall be in writing and shall be handed to each member in person or mailed to his proper postoffice address. The said board of directors shall also hold such statutory meetings as are provided by general law for district boards of education. The president of said board of directors shall receive one hundred dollars a year, and the members shall receive five dollars for each meeting attended, not to exceed fifteen in any one year. The secretary shall receive such compensation as the board of directors may determine. Compensation as herein provided shall be paid out of the maintenance fund provided for by said boards of directors, and in the manner provided by general law for district boards of education.

Sec. 5. For the purpose of purchasing a site and of erecting and equipping such building or buildings as may be needed for school and dormitory uses for said high school, said board of directors is hereby authorized and empowered to lay a levy of not to exceed twenty cents on the one hundred dollars' valuation of taxable property in such districts as shall ratify this act, and for the maintenance of the said school the board of directors shall levy annually not to exceed twenty cents on the hundred dollars' valuation of taxable property in such districts as shall ratify this act. It is provided, however, that until more than three districts have ratified this act, that said board of directors shall establish and maintain the high school provided by this act in the same manner and by imposing the same levies as is now provided by law for the maintenance of joint district high schools.

Sec. 6. Districts that shall ratify this act and that shall hereafter established and maintain high schools shall be exempt from the levies provided in section five as follows: For a four-year high school, the entire levy; for a three-year high school,
three-fourths of the levy; for a two-year high school, one-
half of the levy; and for a one-year high school, one-
fourth of the levy; and students from the various districts
shall be entitled to attend the said county high school free of
tuition for such number of years as represents the difference
between the length of term provided by their district board
of education and the completion of a four-year high school
course.

Sec. 7. This act shall take effect in such districts as may
ratify the same at a special election which shall be called and
conducted by the county court of Roane county, in the man-
ner provided by law for conducting general elections, so far
as applicable, not later than the fifteenth of June, in the year
one thousand nine hundred and twenty-three. Such vote shall
be by districts, including the independent school district of
Spencer. It is provided, however, that there shall be no reg-
istration of the voters for said election, but any person other-
wise entitled to vote in his precinct who has not theretofore been
registered therein, may vote upon making affidavit that he is en-
titled to vote at said election. It is also provided that the ballots
used at such election shall have written or printed thereon, in
effect the following:

[ ] For County High School.

[ ] Against County High School.

And all ballots which contain a mark within the square oppo-
site "For county high school" shall be counted as votes for
establishing said high school, and all ballots with a mark in
the square before "Against county high school" shall be
counted as votes against establishing such high school. And
if a majority of the votes in any district of said county
shall be for said high school, this act shall thereupon be-
come and be effective in said district. It is further pro-
vided that in any district where a majority of the votes cast
at said election are against said high school, that in such district
the question of the ratification or rejection of this act shall be
submitted to the voters therein at any general or primary elec-
tion to be held in said district upon a petition presented to the
county court of said county, signed by not less than ten per cent
of the legal voters therein, as shown by the next preceding reg-
istration of such voters. It is provided, further, that the of-
ficers at each precinct conducting said special election shall
34 consist of three commissioners and two clerks appointed by the
35 county court of said county, and that each of said officers shall
36 receive not to exceed the sum of two dollars and fifty cents per
37 day, and that they shall be paid out of any funds levied or to
38 be levied by said county court available for that purpose. And
39 it is also provided that at said special election the places of
40 voting shall be opened at six o'clock a. m., and closed at six
41 o'clock p. m.

CHAPTER 88
(Senate Bill No. 218—Mr. Coffman)

AN ACT to authorize the board of education of Coal district, in
Harrison county, to lay a special levy for the years one thou-
sand nine hundred and twenty-three and one thousand nine
hundred and twenty-four, for the purpose of securing suf-
ficient funds to complete the Victory high school building,
and the building and construction of an addition thereto, lo-
cated in said district, and the completion and construction of
such other buildings, in said district, as may be deemed neces-
sary by said board.

[Passed April 21, 1923. In effect ninety days from passage. Approved by the
Governor April 26, 1923]

Sec. 1. Special levy; amount of; purpose
Sec. 2. Provision for referendum.
Sec. 3. Application of proceeds.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Coal district in Har-
rison county, is hereby empowered and authorized, subject to
ratification as hereinafter specified, in the years one thousand
nine hundred and twenty-three and one thousand nine hun-
dred and twenty-four, to lay a special levy of not to exceed
forty cents on the one hundred dollars' valuation of all prop-
erty situate in said district, to pay for the completion of the
Victory high school building, and the building and construc-
tion of an addition thereto, located in said district, and the
completion and construction of such other buildings, in said dis-
trict, as may be deemed necessary by said board.

Sec. 2. The authority to lay such special levy shall not be
exercised, however, unless ratified by a majority of the votes
3 cast by the legal qualified voters of said district for said levy, 
4 and the said board is hereby empowered and authorized to hold 
5 a special election, according to law, as provided by section one 
6 hundred and eighty-four of chapter forty-five of Barnes' code 
7 of one thousand nine hundred and twenty-three, for the pur- 
8 pose of submitting the ratification of said levy to the legal 
9 qualified voters of said district.

Sec. 3. Upon the ratification of such authority such levy 
2 shall be laid, assessed and collected as otherwise provided by 
3 law and the proceeds from the same shall be used for the pur- 
4 pose set forth in section one of this act and for none other, and 
5 shall be in addition to all other levies now authorized by law 
6 in said district.

CHAPTER 89
(Senate Bill No. 219—Mr. Coffman)

AN ACT to authorize the board of education of Clark district, in 
Harrison county, to lay a special levy for the years one thou­ 
sand nine hundred and twenty-three and one thousand nine 
hundred and twenty-four, for the purpose of securing suffi­ 
cient funds to complete and to construct school buildings in 
said district.

[Passed April 21, 1923. In effect from passage. Approved by the Governor 
April 26, 1923]

Sec. 1. Special levy; amount of; purpose

Sec. 2. Provision for referendum.

Sec. 3. Application of proceeds.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Clark district, in Har­ 
2 rison county, is hereby empowered and authorized, subject to 
3 ratification as hereinafter specified, in the years one thousand 
4 nine hundred and twenty-three and one thousand nine hundred 
5 and twenty-four, to lay a special levy of not to exceed twenty­ 
6 five cents on the one hundred dollars' valuation of all property 
7 situate in said district to pay for the completion and the build­ 
8 ing and construction of school buildings in said district.

Sec. 2. The authority to lay such special levy shall not be 
2 exercised, however, unless ratified by a majority of the vote 
3 cast by the legal qualified voters of said district for said levy,
and the said board is hereby empowered and authorized to hold a special election, according to law, as provided by section one hundred and eighty-four of chapter forty-five of Barnes’ code of one thousand nine hundred and twenty-three, for the purpose of submitting the ratification of said levy to the legal qualified voters of said district.

Sec. 3. Upon the ratification of such authority such levy shall be laid, assessed and collected as otherwise provided by law and the proceeds from the same shall be used for the purpose set forth in section one of this act and for none other, and shall be in addition to all other levies now authorized by law in said district.

CHAPTER 90
(House Bill No. 135—Mr. Garvin of Harrison)

AN ACT to authorize the board of education of Simpson district, Harrison county, to call a special election for the purpose of approving the general school levies, in said Simpson district.

[Passed April 4, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. Provision for referendum on special election for general school levies.

Sec. 2. When called; by whom.

Sec. 3. Purposes of.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Simpson district, Harrison county, West Virginia, is hereby authorized to call a special election for the purpose of submitting to the voters of said Simpson district the proposition of approving or disapproving the general school levies for the year one thousand nine hundred and twenty-three.

Sec. 2. Such election shall be called at the discretion of the board of education and shall be held under the provisions of the general election laws governing special elections, except that no petition of voters shall be necessary to the calling of such election, and no other registration of voters, other than that of the last general election, shall be required.

Sec. 3. Such election shall be for the purposes set forth in section one of this act, and for none other.
CHAPTER 91
(Senate Bill No. 361—Mr. Reynolds)

AN ACT to provide for the establishment of a county high school for colored pupils in the county of Mineral.

[Passed April 17, 1923. In effect ninety days from passage. Approved by the Governor April 24, 1923]

Sec. 1. Establishes high school; where; site, by whom selected; name.

Sec. 2. Board of directors, who compose; board to be body corporate; county superintendent ex officio president; secretary; duties and compensation; powers and authority of board.

Sec. 3. Board to purchase site; board may fix tuition for outside pupils.

Sec. 3-a. Levy; amount and purpose of; how revenues shall be collected and disbursed.

Sec. 4. Members of board; compensation of same; salary of secretary.

Sec. 5. Provisions for referendum.

Be it enacted by the Legislature of West Virginia:

Section 1. A county high school for colored pupils is hereby established in the county of Mineral, in or near the city of Keyser, upon a site to be selected by the board of directors of said school, which school shall be known as the Mineral county colored high school.

Sec. 2. The presidents of the boards of education of the several school districts in Mineral county, together with the county superintendent of schools of said county, shall constitute the board of directors of said high school, which board shall be a body corporate and as such shall have and exercise all the rights and powers now conferred by law upon district boards of education. The county superintendent shall be ex-officio president of said board and a secretary shall be appointed by said board at its first regular meeting in each year, and his duties and compensation shall be prescribed and fixed by the board. Said board shall have full power and authority to make such rules and regulations as it may deem proper and necessary for the management and control of said high school; employ necessary teachers and fix their salaries; establish a graded course of study and grant diplomas upon graduation of pupils and perform such other duties as are essential and necessary to the welfare and maintenance of said school.

Sec. 3. As soon as practicable after the ratification of this act, said board shall acquire by purchase or gift a site for said school in a convenient and suitable location in or immediately adjacent to the city of Keyser and shall erect thereon
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5 a suitable building or buildings and establish therein a high
6 school for the colored pupils of high school grade, without cost
7 for tuition to any such pupil in Mineral county, but said board
8 may, in its discretion, admit colored pupils of high school
9 grade from outside said county, upon such terms and the pay-
10 ment of such tuition fees as it may fix.

Sec. 3-a. For the purpose of securing a site, and erecting
2 and equipping suitable building or buildings thereon, said
3 board of directors is empowered to lay a levy of not more
4 than ten cents on each one hundred dollars of taxable prop-
5 erty in said county for as many years, but not to exceed three
6 in all, as may be necessary to raise sufficient funds for the
7 purpose specified above and beginning with the year in which
8 said high school is ready to open and each subsequent year
9 thereafter, a levy not to exceed five cents on each one hundred
10 dollars valuation of the taxable property in said county for a
11 maintenance building fund and ten cents for a teachers' fund.
12 Said levies shall be laid at the time and in the manner that
13 school levies are laid by district boards of education. All
14 revenue from taxation shall be collected and disbursed by the
15 sheriff of said county in the manner prescribed by general
16 law.

Sec. 4. The members of said board of directors, except the
2 county superintendent, shall be allowed a compensation of five
3 dollars per day for the services for the time they are actually
4 employed in transacting the business of said high school, which
5 shall not exceed twenty days for the year following the rati-
6 fication of this act, nor exceed ten days for any subsequent
7 year. The salary of the secretary shall be fixed by said board
8 at a sum not to exceed seventy-five dollars per year. Said
9 per diem and salary shall be paid out of the maintenance fund.

Sec. 5. Before this act shall be in effect, it shall be sub-
2 mitted to the voters of Mineral county, at the first general
3 election held following its passage and must receive a ma-
4 jority of the votes cast upon the question. The ballot com-
5 missioners of said county shall provide a separate ballot having
6 thereon the words "For county colored high school" and
7 "Against county colored high school," and said election shall
8 be conducted and the result ascertained and declared in the
9 manner provided by law for general elections.
CHAPTER 92
(Senate Bill No. 365—Mr. Henshaw)

AN ACT to amend and re-enact section eleven of chapter two hundred and sixteen of the acts of the legislature of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, relating to the independent school district of Martinsburg.

(Passed April 17, 1923. In effect from passage. Approved by the Governor April 24, 1923)

Sec. 11. Board of education; powers and duties.

Be it enacted by the Legislature of West Virginia:

That section eleven of chapter two hundred and sixteen of the acts of the legislature of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, relating to the independent school district of Martinsburg be amended and re-enacted so as to read as follows:

Section 11. It shall be the duty of the board of education annually 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 nine months, and for all other purposes relating to the schools of the district, such as the repairing and improvement of school premises, the purchase of sites and the building of school houses, the payment of debts previously contracted, which may fall due within the year, and said board shall cause the amount to be assessed on all the taxable property of the district, subject to state and county taxes; provided, that not more than six and one-half mills on the dollar valuation of said taxable property shall be assessed in any one year for the purpose of continuing the schools for said period of not less than nine months, and for ordinary repairs and incidental expenses, and not more than four mills on the dollars valuation for the purchase of sites, the building of houses and permanent improvements.
CHAPTER 93
(House Bill No. 39—Mr. Phares)

AN ACT to amend and re-enact section eight, chapter twenty-one of the acts of the legislature of one thousand eight hundred and ninety-three, as amended by chapter sixty-nine of the acts of one thousand nine hundred and eleven, relating to the independent school district of Elkins.

[Passed April 16, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

SEC. 8. Board of education empowered to borrow money and issue bonds; provisions for referendum.

Be it enacted by the Legislature of West Virginia:

That section eight of chapter twenty-one of the acts of one thousand eight hundred and ninety-three as amended by chapter sixty-nine of the acts of one thousand nine hundred and eleven, be and the same is hereby amended and re-enacted to read as follows:

Section 8. And the board of education of the independent school district of Elkins be and is authorized and is hereby empowered to borrow money and issue therefor bonds for the purpose of erecting, completing and furnishing a public school building or buildings for the use of said independent school district. Said bonds shall draw no greater rate of interest than six per centum per annum, and shall be payable as now provided by the general school law; except as hereinafter provided; provided, that such indebtedness shall not exceed, including existing indebtedness, in the aggregate, five per centum of the taxable property in said independent school district of Elkins, to be ascertained by the last assessment made for state and county taxes next before the incurring of said indebtedness, nor without at the same time providing for the collection of a direct tax sufficient to pay annually the interest on such indebtedness and the principal thereof within not exceeding thirty-four years; provided, further, that no debt shall be contracted under this act unless all questions connected therewith shall have been first submitted in the manner prescribed by law to the voters of said independent district at an election to be held for that purpose at such time as may be fixed by the board of education and have received three-fifths of all the votes cast for and against the same, and in all other respects the issue of said bonds shall conform to the general school law.
CHAPTER 94
(House Bill No. 47—Mr. King)

AN ACT to amend and re-enact section one, chapter forty-eight, acts of the regular session of the legislature of West Virginia of one thousand nine hundred and twenty-one relating to the establishing and governing a county high school in Nicholas county.

[Passed April 25, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

SEC. 1. Nicholas County High School established; Board of Directors created; powers and duties.

Be it enacted by the Legislature of West Virginia:

That section one of chapter forty-eight of the acts of the regular session of the legislature of West Virginia of one thousand nine hundred and twenty-one be amended and re-enacted so as to read as follows:

Section 1. That a high school be and the same is hereby established in the county of Nicholas, state of West Virginia, in or near the town of Summersville, which shall be known as the Nicholas county high school, the site of which is to be selected by the board of directors of said school, which said board of directors shall consist of five members as follows:

Three elective members to be elected by the legal voters of said county outside of the independent district of Richwood at the general election to be held on the Tuesday after the first Monday in November, nineteen hundred and twenty-four, one of whom shall be elected for the term of two years, one of whom shall be elected for the term of four years, and one of whom shall be elected for the term of six years, no two of whom shall be elected or eligible to serve from the same magisterial district, and whose respective terms shall begin on the first day of July, nineteen hundred and twenty-five, and after the election of the three members of the said board of directors as herein provided one director shall be elected every two years thereafter at the general election to be held in November of each even numbered year, for the term of six years to succeed the member of said board whose term of office will expire on the thirtieth day of June of the year next following. No person shall be eligible to membership on said elective
24 board of directors unless he or she be an actual and bona
25 fide resident and taxpayer of said county of Nicholas; neither
26 shall any person be eligible to membership on said board un-
27 less he or she be a person of good moral character and unless.
28 he or she has had experience in school work, business training
29 or experience sufficient to qualify such person to perform his
30 or her duties as such director. In the event of any
31 vacancy occurring on said board, among the elective
32 members thereof, by death, removal from the county
33 or removal of any elective member from one magisterial dis-
34 trict into another magisterial district in which another elective
35 member of said board may reside or from any other cause,
36 said vacancy shall be filled by the other elective members of
37 said board and the county superintendent of schools of said
38 county to hold his or her office until the next general elec-
39 tion. In addition to the three elective members of said board,
40 the county superintendent of said county shall be ex officio
41 a member of said board of directors, and there shall be one
42 appointive member of said board whose term of office will
43 expire on the thirtieth day of June, one thousand nine hun-
44 dred and twenty-five, and whose successor shall be appointed
45 by the state superintendent of free schools of this state for
46 a term of four years beginning on the first day of July, one
47 thousand nine hundred and twenty-five and every four years
48 thereafter, which said member shall be an actual and bona
49 fide resident and taxpayer of said county, and shall in the
50 opinion of the state superintendent of free schools be a person
51 properly trained and equipped for the discharge of his duties
52 as such director. The said board of directors shall elect one
53 of their elective members president of the board and shall ap-
54 point a secretary who is not a member of said board and who
55 shall have no vote in their proceedings. Said board shall hold its
56 meetings at the principal’s office in the high school building
57 on the first Saturday of each month during the school term
58 and at such other times as may be deemed necessary by any
59 three members of the board, any three members of said board
60 being hereby authorized to call a special meeting of said board
61 for the transaction of any general or special business, of
62 which meeting notice shall be given to each member of the
63 board by mailing a written copy thereof to his last known
64 postoffice address at least five days before the meeting.
CHAPTER 95
(House Bill No. 71—Mr. Aleshire)

AN ACT to amend and re-enact sections one and five of chapter thirty of the acts of one thousand nine hundred and twenty-one of the legislature of West Virginia, regular session, relating to the independent school district of Huntington.

[Passed April 17, 1922. In effect ninety days from passage. Became a law without approval of the Governor]

Sec. 1. Limits of independent school district.
Sec. 5. Board of education; salary; duties and qualifications.

Be it enacted by the Legislature of West Virginia:

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

Section 1. That part of the county of Cabell comprised within the limits fixed and described by section two of chapter eleven (Huntington charter) of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one, shall constitute, be and remain an independent school district.

Sec. 5. Each member of the board of education shall receive for his services as such member the sum of fifty dollars per month. Before entering upon the discharge of the duties of said office, each member shall make and file with the secretary of said board, an affidavit that such member will faithfully and impartially perform the duties of a member of said board during the term of office of such member of the said board to the best of the ability and judgment of said member of said board; that such member will not discharge the duties of such member of said board for the pecuniary or other gain or advantage of such member; nor for the purposes, or with the aim in view, of benefiting any political party; that such member will not, or become interested pecuniarily, directly or indirectly, in any contract which may at any time be awarded by said board and that such member will not directly or indirectly receive any gift, emolument or reward for the vote or influence of such member in the purchase of books or supplies for the schools of said district; nor in the award of any contract by
19 said board. No person shall be eligible to hold the office of 20 member of said board who is not at the time of the election or 21 appointment of such person, a qualified voter in said city.

CHAPTER 96
(House Bill No. 75—Mr. Sutton)

AN ACT authorizing the board of education of the town of Sutton, in the independent school district of the town of Sutton, county of Braxton, to issue bonds for the purpose of purchasing such ground as may be necessary for the erection of a high school building, and for the purpose of erecting such building and equipping the same, and adding to or repairing the public school building in said district.

[Passed March 26, 1923. In effect from passage. Became a law without approval of the Governor]

Sec. 1. Board of education authorized to issue bonds; purpose and amount of.

Sec. 2. Denomination of bonds; when payable; etc.

Sec. 3. Provisions for referendum; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of the town of Sutton, in the independent school district of the town of Sutton, county of Braxton, be, and it is hereby authorized and empowered to issue the bonds of said school district to an amount sufficient for the purposes of purchasing such lot or land as may be necessary for the erection of a suitable high school building within said district, the erection of such building and equipping the same and adding to and repairing the public school building herefore erected within said school district.

Sec. 2. Said bonds shall be of such denomination as said board of education may by order prescribe, and shall be payable not less than five years nor more than thirty-four years, at the option of the said board of education, and shall bear interest at the rate of not to exceed six per cent per annum, payable annually; provided, that the aggregate of said bonds for said purpose 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 said indebtedness; and the said board of education shall provide by levy a direct annual tax sufficient to pay annually the interest on such indebtedness and the principal thereof when due.

Sec. 3. But no such bonds shall be issued under this act until and 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 votes cast at said election; and said election shall be conducted under the supervision of said board of education, and the result thereof ascertained and certified by said board; for the purpose of holding said election, said board shall appoint three qualified voters to act as commissioners of election, and two qualified voters to act as poll clerks and said election shall be held at the court house in the town of Sutton, Braxton county, West Virginia, and all qualified voters within said independent school district shall be entitled to vote upon question at said election at said place. The registration of voters taken for the general election in November, one thousand nine hundred and twenty-two, shall be taken and accepted as a proper registration of the voters entitled to vote at said election, after the secretary of the said board of education has revised the said list and stricken therefrom the names of all persons who have died or removed from said district since said list was made up, and have added thereto the names of all such persons who may have become entitled to vote in said district since said list was made up. A notice of said election, setting out therein the order of the board of education submitting the question of the issuance of said bonds, 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. Said board of education is directed and authorized to do any and all acts in respect to the holding of said election and the issuance of said bonds that may be necessary to carry into effect the purpose of this act.

All acts and parts of acts in conflict herewith are hereby repealed.
CHAPTER 97

(House Bill No. 134—Mr. Stephenson)

AN ACT to amend and re-enact section one of chapter twenty-five of the acts of the legislature of one thousand nine hundred and eleven, as last amended and re-enacted by section one of chapter twenty-five of the acts of the legislature of one thousand nine hundred and twenty-one, relating to the establishing of a high school in Clay county.

(Passed April 16, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923)

Sec. 1. High school established near town of Henry; how board is constituted; vacancies; how filled; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

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

Section 1. That a high school be and the same is hereby established in the county of Clay, state of West Virginia, in or near the town of Henry, in said county, which shall be known as the Clay County High School, the site for which is to be selected by the board of directors of said school, which said board of directors shall, after July first, one thousand nine hundred and twenty-three, consist of three members, as follows: the present elective member, whose term expires on the first day of July, one thousand nine hundred and twenty-five, and whose successor shall be elected at the general election in the year one thousand nine hundred and twenty-four, and every four years thereafter, and whose term of office shall commence on the first day of July, one thousand nine hundred and twenty-five, and continue for four years and until his successor is elected and qualified; the county superintendent of schools of said county shall be ex-officio a member and president of said board of directors; the other member of said board of directors shall be appointed by the state superintendent of free schools of this state for a term of four years, beginning on the first day of July, one thousand nine hundred and twenty-three, and every four years thereafter, which said member
21 shall be a resident and taxpayer of said county, and must have
22 had at least three years experience as a teacher in the schools
23 of said state.
24 In case of a vacancy caused by the death, resignation or
25 otherwise of the said elective member of the board of directors,
26 said vacancy shall be filled by the other members of said board
27 of directors.
28 All acts or parts of acts inconsistent herewith are hereby
29 repealed.

CHAPTER 98

(House Bill No. 199—Mr. Bruns)

AN ACT to amend and re-enact chapter one hundred and forty three
of the acts of one thousand eight hundred and seventy-two,
establishing the independent school district of Ceredo, in the
county of Wayne, and to amend and re-enact chapter one of
the acts of the legislature of West Virginia, session of one
thousand eight hundred and ninety-nine, and to change the
name of said district.

[Passed April 12, 1923. In effect from passage. Approved by the Governor
May 1, 1923]

Sec.
1. Independent School District of
Ceredo. Territory included in
same.
2. Elect two commissioners. When
term shall begin, when term ex­
pire, and when elected. Com­
missioners to become Board of
Education.
3. Commissioners to qualify; form
of oath; secretary to adminis­
ter oath, vacancy how filled;
secretary to vote in case of tie.
4. When Board shall meet; elect
president; secretary to enter
into bond.
5. Duties of President.
6. Secretary to keep record of pro­
cedings; how removed; secre­
tary to report to county super­
intendent; salary of secretary;
statement to be published.
7. Board of education shall hold
stated meetings.
8. Board of education shall be a
body corporate in law.
9. Enumeration to be taken.
10. State superintendent to repbrt to
auditor; superintendent to draw
requisition on auditor.

Sec.
11. Board to furnish all equipments
for school.
12. Board to lay levy to pay expens­
es.
13. Board shall not incur expense to
exceed available funds.
14. Sheriff to make settlement with
board.
15. Board to establish graded schools,
and high schools; board to select
text books, high school open to
all pupils in district.
16. Teachers subject to rules of
board; how removed.
17. Admission of various schools,
subject to rules of board.
18. School property exempt from tax­
ation.
19. Qualification of superintendent,
his duties, how elected, how re­
moved.
20. Board to fix salaries of teachers.
21. Emergency certificates how
granted.
22. When general school law is void.
23. Independent school district of
Ceredo-Kenova to assume all
indebtedness.
24. Qualifications required of princi­
pals and teachers.
Be it enacted by the Legislature of West Virginia:

That chapter one hundred and forty-three of the acts of one thousand eight hundred and seventy-two, establishing the independent school district of Ceredo, in the county of Wayne, as amended and re-enacted in chapter one of the acts of the legislature of West Virginia, session of one thousand eight hundred and ninety-nine, be amended and re-enacted to read as follows:

Section 1. The incorporated town of Ceredo, and the city of Kenova and all the territory included in and known as the independent school district of Ceredo, in the county of Wayne, commencing at the mouth of Twelve Pole and following the Ohio river to the mouth of the Big Sandy river, thence up the Big Sandy river to the upper line of the Little farm, east with the ridge, south of the waters of Twelve Pole, to the head of Hickory branch, and down said branch to its mouth, thence down Twelve Pole to the place of beginning, shall constitute an independent district, to be known as the "Independent school district of Ceredo-Kenova."

Sec. 2. There shall be elected by the voters of said district at a special election on the second Tuesday in June, one thousand nine hundred and twenty-three and in the manner prescribed by the general school law for the election of school officers, two commissioners, whose terms shall expire on April one, one thousand nine hundred and twenty-seven, and April one, one thousand nine hundred and twenty-eight, respectively, the ballot designating the term of service of each member and which shall begin on the first day of July following their election, and every year thereafter on the third Saturday in March there shall be elected one commissioner whose term of office shall commence on the first day of April following his election and continue five years and until his successor is elected and qualified; who together with the present commissioners of the Independent school district of Ceredo shall constitute the "board of education of the independent school district of Ceredo-Kenova."

Sec. 3. Before entering upon their duties as school officers, each of said commissioners shall be required to qualify by taking and subscribing to the following oath: "I, A. ................., B. ................., do solemnly swear, (or affirm), that I will faithfully perform the duties of commissioner of the board of Education of the Independent school district of Ceredo-Kenova,
6-a during the term for which I was elected, to the best of my abilities, according to law, so help me God". The secretary of the board of education is authorized to administer said oath, a copy of which shall be kept by him upon the files of his office. Any vacancy that might occur in the office of school commissioner by death, resignation, refusal to serve, or otherwise, shall be filled by the board of education of the district, at their first regular meeting thereafter, by the appointment of a suitable person, who shall hold his office until the next election of school commissioners, when a commissioner shall be elected for the unexpired term. The secretary shall have a vote in case of a tie vote, except that in case of a tie vote for commissioner to fill a vacancy, the tie vote shall be settled by lot.

Sec. 4. The board shall meet annually, within thirty days after the third Saturday in March, at such time and place as they may designate, and shall elect one of their members president, and shall also elect a secretary who shall serve during the will of the board. Before entering upon the duties of his office, the secretary shall, with at least two good securities to be approved by the board of Education enter into a bond, payable to the board of education of the independent school district of Ceredo-Kenova, in such penal sum as the board may determine, which bond shall be filed with the president of the board for safe keeping.

Sec. 5. The president shall perform such duties as usually devolve upon the presiding officer of a deliberative body, except that he shall have a vote upon each and every question as any other commissioner, but he shall have but one vote upon any one question. In his absence, the board may choose a president pro tempore from among their number.

Sec. 6. The secretary shall record in a book, provided for the purpose, all the official acts and proceedings of the board, which shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office at the high school building, all papers containing evidence of title, contracts, and obligations; and in general shall record and keep on file in his office all such papers and documents as may be required by any of the provisions of this act, or by any order of the board of education. He may be removed by the board of education of the independent school district of Ceredo-Kenova at any regular or special meeting. Any
vacancy in the office, shall be filled by the board for the unex-
pired term. All levies for any purpose shall be laid in accord-
ance with the general school law. After the board of education
has laid the levy for the building fund and the teachers fund
or funds, it shall be the duty of the secretary to report the rate
thereof to the county superintendent and the county assessor.
He shall also report to the county superintendent and other
county and state officials such facts in his possession as may be
required by the general school law of the state. For his ser-
vices, he may receive such compensation, not exceeding six hun-
dred dollars per annum, as the board may allow. In his absence,
the board may appoint a secretary pro tempore. At the close of
each school year, the secretary shall cause to be published in a
newspaper of general circulation in the district in two successive
issues, a statement of all receipts and expenditures of the school
year.

Sec. 7. The board of education of the independent school dis-
trict of Ceredo-Kenova, shall hold stated meetings at such time
and places as they may appoint, not less than a majority of the
members being required to constitute a quorum for the trans-
action of business. Special meetings may be called by the presi-
dent, or at the request of any two members, by the secretary.
The concurrence of a majority of the board shall be required to
elect a superintendent or teachers, and to decide all questions in-
volving the expenditure of money.

Sec. 8. The board of education of the independent school dis-
trict of Ceredo-Kenova, shall be a body corporate in law; and as
such may purchase, hold, sell or convey real or personal prop-
erty for the purpose of education within the district; may be-
come a party to suits and contracts and do other corporate acts.
They shall have the management of, and be vested with the title
to all real and personal property, for the use of the public
schools within the district; and shall manage and dispose of
the same as will, in their opinion, best subserve the interests of
the district. 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 perform such other duties as are permitted
by the general school law of the state.
Sec. 9. Annually, on or before April first, the board of education shall cause to be taken an enumeration of all the youth of the district, noting age and color, according to the general school law. The secretary shall report to the county superintendent the result of said enumeration of youth, at such time as may be required by law.

Sec. 10. The state superintendent of schools in his report to the auditor, shall specify separately the result of the enumeration of youth in the independent school district of Ceredo-Kenova, and the rest of Wayne county, and the auditor in apportioning money for school purposes, shall apportion to the independent school district of Ceredo-Kenova and to the rest of Wayne county separately, according to their respective numbers of youth, as shown by the list furnished by the state superintendent of schools, and the said superintendent shall draw his requisition upon the auditor in favor of the sheriff of Wayne county for such amount as the district is entitled to receive, and at the same time notify the secretary of the board of education of the amount.

Sec. 11. It shall be the duty of the said board of education to provide by purchase, condemnation, leasing, building, or otherwise, school houses and grounds, furniture, fixtures and appendages, and keep the same in good order and repair; and to supply the said school houses with fuel and other things necessary for their comfort and convenience.

Sec. 12. For the purpose mentioned in any of the preceding sections, and for the purpose of paying teachers and other school officers, the interest and sinking funds on bonds, or any other legal obligations, which the board of education of the independent school district of Ceredo now owes, or may hereafter be incurred by the independent school district of Ceredo-Kenova the said board shall annually lay such levies, in such manner as is provided by the general school law of the state. Elections for bond issues shall likewise be conducted in accordance with the general school law.

Sec. 13. The levies made under the provisions of this act shall be collected and disbursed as now provided by law. The board of education shall not, during any one year, incur any expense that shall exceed the amount of available funds received for school purposes during that year.
Sec. 14. The sheriff shall annually, at such time and in such manner as required by law, make settlement with the board of education and for collecting and disbursing the taxes, levied by the board of education, he shall be entitled to such fees as are now provided by the general law.

Sec. 15. The said board of education shall have power to establish within the district, such graded schools, including high schools, of such grade, as may, in their judgment, be best for the interests of the district. The branches and text books to be taught in the high schools and other schools within the district shall be determined by the superintendent, with the approval of the board of education. The said high schools shall be open to all pupils in the district, but no pupil shall be entitled to admittance to said high schools until the superintendent shall have been satisfied that the pupil shall have made due proficiency in the branches taught in the other schools of the district.

Sec. 16. Teachers shall be subject, in all respects, to the rules and regulations adopted by the board of education, and they may be removed by the board for incompetency, immoral conduct, or wilful violation of the rules of the board, upon complaint of the superintendent or any member of the board.

Sec. 17. Admission to the various schools of the district shall be gratuitous to all white children, wards, and apprentices, or actual residents within the district, between the ages of six and twenty-one years; provided, that admission of pupils, residents of one sub-district to the schools of another sub-district shall rest with the board of education. Non-residents of the district may be allowed to attend the schools upon payment in advance of such tuition as the board of education may determine. The board of education shall establish within the district one or more separate schools for colored children, when the whole number by enumeration equals that number required by the state school law, so as to afford them as far as practicable, the advantages and privileges of a free school education. All such schools shall be under the management and control of the board, and shall be subject to like general regulations as the other schools of the district; but under no circumstances shall colored children be allowed to attend the same school, or be classified with white children.
Sec. 18. All school houses, school house sites, and other property for the use of public schools of the district, shall be exempt from taxation; and also from sale on execution or other process in the nature of an execution.

Sec. 19. A superintendent of schools for the said district shall be elected by the said board of education for a term of not more than two years, and his salary fixed by the said board at the first regular meeting of the board after the annual school election in this district, or as soon thereafter as circumstances will allow, 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 district, as the board may prescribe. He shall be liable to removal by the board of education for any palpable violation of the law, immorality or wilful neglect of duty. But he shall not be removed unless charges shall be preferred to or by a member of the board, and notice of a hearing, with a copy of the charges delivered to him, and an opportunity be given him to be heard in his own 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 superintendent to make such report to the board of education of the character and conditions of the schools of the district, as shall enable the secretary to make his required report to the county superintendent. The superintendent shall not directly or indirectly receive any gift, emolument, or reward for his influence in recommending the use of any book, or furniture, of any kind whatever, in the schools of the district.

Sec. 20. The board of education shall, in accordance with the general school law, appoint all teachers for public schools of any grade or high school within the district, and fix their salaries; but no person shall be employed to teach in any public school of the district, who shall not first have obtained from the state authorities a certificate of qualifications to teach a school of the grade for which the appointment is made or, in lieu of said certificate, a certificate granted by an examining committee hereinafter provided for.
Sec. 21. In emergency cases only, the board of education may appoint two competent persons to act with the superintendent as an examining committee to conduct examinations of new teachers. Certificates granted to such teachers shall be valid for one year.

Sec. 22. All provisions of the general school law of the state and all laws and acts heretofore existing, which are in any manner inconsistent with the provisions of this act, shall be void within the district; otherwise the said general school law shall remain in full force and effect in this district as elsewhere in the State.

Sec. 23. All school houses, school house sites and all other property of whatsoever description of the independent school district of Ceredo shall by the passage of this act and its enactment into law become the property of the independent school district of Ceredo-Kenova and all indebtedness of the independent school district of Ceredo of whatsoever description, including bond issues of the independent school district of Ceredo, shall be assumed by and are hereby made the obligations of the independent school district of Ceredo-Kenova.

Sec. 24. The principal and teachers employed for the high school, shall, if practicable, have the qualifications necessary to maintain the first-class standard of said school.

CHAPTER 99

(House Bill No. 237—Mrs. Gates)

AN ACT to amend and re-enact section six of chapter seventy-four of the acts of the legislature of one thousand nine hundred and eleven, relating to Charleston independent school district, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and seventeen.

[Passed April 25, 1923. In effect ninety days from passage. Became a law without approval of the Governor]

Sec. 6. Board of education to lay levy for purchase, maintenance and support of public library; amount of bequests, etc.

Be it enacted by the Legislature of West Virginia:

That section six of chapter seventy-four of the acts of the legislature of one thousand nine hundred and eleven, relating to Charleston independent school district, as heretofore amended by
chapter seventy-three of the acts of the legislature of one thousand nine hundred and seventeen be, and the same is hereby amended and re-enacted so as to read as follows:

Section 6. That said board of education is authorized to establish, support and maintain in said district a public library and branches thereof; to purchase, acquire by condemnation in the manner provided in chapter forty-two of the code of West Virginia or otherwise acquire such real estate as may be necessary or proper in connection therewith; and to construct, purchase, lease, or otherwise acquire one or more library buildings, and to furnish, equip and maintain the same. For the purposes aforesaid it may levy annually for the years one thousand nine hundred and twenty-three, one thousand nine hundred and twenty-four, one thousand nine hundred and twenty-five, and one thousand nine hundred and twenty-six a tax not to exceed five cents for each one hundred dollars' valuation of property, and for the year one thousand nine hundred and twenty-seven, and each year thereafter, it may levy a tax not to exceed three cents for each one hundred dollars' valuation of property for the support, maintenance and enlargement of said library building or buildings. And said board of education is further authorized to accept, receive, and use gifts, devises and bequests for any or all of the purposes aforesaid.

CHAPTER 100
(House Bill No. 294—Mr. Read)

AN ACT to amend and re-enact sections five and fourteen of chapter forty-three of the acts of one thousand nine hundred and twenty-one, entitled, "an act creating the independent school district of Hinton, in the county of Summers."

[Passed April 11, 1923. In effect ninety days from passage. Approved by the Governor April 26, 1923.]

Sec. 5. Hinton Independent School District; election of commissioners; qualifications; terms of office; how determined; board to be non-partisan; number of candidates.

Sec. 14. Board of Education; duty to make estimate and lay levies; minimum term; eight months in graded and elementary schools; conflicting acts repealed.
Be it enacted by the Legislature of West Virginia:

That section five and section fourteen of chapter forty-three of the acts of one thousand nine hundred and twenty-one, regular session, of the legislature of West Virginia, be amended and re-enacted so as to read as follows:

Election of Commissioners.

Section 5. There shall be elected by the qualified voters of the independent school district of Hinton at an election to be held in the said district on the second Tuesday of December, one thousand nine hundred and twenty-two, four school commissioners, or members of the board of education of said district, two members of the said board of education shall be elected for a term of two years, and two members of said board of education for a term of four years; the two persons of opposite politics receiving the highest number of votes for school commissioner at the said election shall be declared elected for the full term of four years, and the two persons of opposite politics receiving the next highest number of votes for said office at said election shall be declared elected for the short term of two years; and biennially thereafter, at each general election to be held on the first Tuesday after the first Monday of November, in the said independent district, there shall be elected by the qualified voters of the said independent district two school commissioners, or members of the board of education for a full term of four years. The term of office shall commence on the first day of July, next after their election, and they shall hold their said office for a term of four years and until their successors have been elected and qualified.

Provided, that after the first election of the said board of education as herein provided for, not more than one person whose name appears on the ticket of any party being voted for at an election for member of the said board of education, shall be elected to office. The two candidates of opposite politics receiving the greatest number of votes shall be declared elected. it being the intention of this act to make and keep the said board of education non-partisan, and that no political party at any time, shall have on said board of education more than one-half of the members to be elected thereto.
Board of Education; Duty to Make Estimates and Lay Levies.

Sec. 14. It shall be the duty of the board of education of the
independent district of Hinton, in the county of Summers, an-
nually, at the same time and in the same manner now provided, or that may hereafter be provided by the general school law of this state, for the ascertaining and making of estimates and the fixing and laying of school levies by the boards of education of the various school districts within the state for the support of the free schools therein, to ascertain and to make such estimates of the amounts necessary for the support of the schools within the said independent district, to determine, fix and lay such levies on the property located within said independent district, for the support of the schools therein. It shall be the duty of the board of education of the said independent district of Hinton, annually, at such meeting to levy as many cents on each one hundred dollars of valuation of taxable property of the district, according to the last assessment thereof, as will produce the amount shown by the estimate of said board to be necessary to be levied for the building fund purposes, and levy in like manner the amount necessary, after deducting the sum receiv-
able from the general school fund of the state for teachers' pur-
poses, to continue the schools in session in said independent dis-
trict for a minimum term of eight months in the graded or ele-
mentary schools, and for a minimum term of nine months in the junior and senior high schools; and to levy and provide sufficient funds for all purposes to keep said schools in session for the full minimum term as herein provided; and the board of education of said independent district is hereby authorized and empowered to lay a levy in addition to the levies authorized by the general school law of the state, sufficient for all purposes to conduct the schools of said independent district for the term fixed.

All acts and parts of acts coming within the purview of this act and inconsistent herewith are hereby repealed.
AN ACT to create the independent school district of Nitro in the counties of Putnam and Kanawha.

[Passed April 27, 1923. In effect from passage. Became a law without the approval of the Governor]

Sec. 1. Independent school district of Nitro created.
Sec. 2. Territorial limits of part in Kanawha county.
Sec. 3. Territorial limits of part in Putnam county.
Sec. 4. Board of education consisting of five commissioners.
Sec. 5. First board appointed by state superintendent upon approval of Governor; not more than three from one political party; term of office to begin July 1.
Sec. 6. Board of education to be elected at next general election: three for two years, two for four years.
Sec. 7. Elections held under authority of board of education, in accordance with general laws.
Sec. 8. Nominations, how made.
Sec. 9. Certification of name of nominee.
Sec. 10. Vacancies, how filled.
Sec. 11. Board styled; "The Board of Education of the Independent District of Nitro;" Duties, powers.
Sec. 12. Meetings; appointment of secretary, duties.
Sec. 13. Salaries of members of board.
Sec. 14. Stated meetings; special meetings, how called.
Sec. 15. Board to make estimates and lay levies.
Sec. 16. Other duties of board.
Sec. 17. Powers of board.
Sec. 18. Schools for negroes.
Sec. 19. Teachers and principals appointed by board.
Sec. 20. Election of superintendent; vacancies, how filled.
Sec. 21. Promotion of pupils; non-residents.
Sec. 22. Damage to school property.
Sec. 23. Conflicting acts repealed.
Sec. 24. Effectiveness of act contingent upon favorable vote at election to be held second Tuesday in June; form of ballot.
Sec. 25. Declaring result of election.

Be it enacted by the Legislature of West Virginia:

Section 1. That in the event of a majority of votes cast at the election or elections hereinafter provided, the territory included within the boundaries described in sections two and three of this act, or either of them, as herein provided, shall constitute and be hereby created and made an independent school district, which shall be known as the "Independent school district of Nitro."

Sec. 2. The territorial limits of the independent school district of Nitro in the county of Kanawha, state of West Virginia, shall beginning at the southwest corner of the city of Nitro, a point on the east bank of the Kanawha River at "Pool Water" main, corner to the old Townsend farm, now known as East Nitro city; and thence running with the Townsend or East Nitro city line, north seventy-four degrees fifteen minutes east, one thousand one hundred and fifty-eight and eighty-five hundredth feet to a stone monument on west side of county road, with cedar and walnut pointers; thence crossing the road and running up the hill, south eighty-seven degrees, twenty-four minutes east, eight hundred and forty-six feet to a stone monument with gum and hickory pointers near top of river ridge at
corner of a fence; thence along the brow of the river ridge, which leads down the river, north nine degrees twenty-eight minutes east, eight hundred and twenty-five feet, to a stone monument in a low gap at top of the river ridge; thence running down a hollow of Blake's creek, south eighty-eight degrees forty-one minutes east, three thousand six hundred and thirty-five and fifty hundredths feet to a stone marked "S. R." at corner of fence; thence north thirty-seven degrees, thirty-two minutes east, nine hundred and forty-eight and one tenth feet, to a stone marked "S. R."; thence north eighty-four degrees, eight minutes west, three thousand one hundred and twenty feet, to a black oak on the brow of a ridge facing Blake's creek; thence north two degrees nine minutes east, one thousand two hundred and thirty-five feet, to a small white oak stump; thence south eighty-four degrees, fifty-six minutes west, one thousand thirty-four and nine tenths feet, to a stone monument on the east side of county road; thence north thirteen degrees, twelve minutes east, three hundred and forty-nine and one tenth feet; north nineteen degrees east, one hundred and eighteen and eight tenths feet; north thirty-five degrees, twenty-five minutes east, two hundred and thirty and ninety-two hundredths feet; north forty-four degrees, five minutes east, one hundred and seventy-eight and fifty-six hundredths feet; north seventy-six degrees, forty-two minutes east one hundred and thirty and sixty-five hundredths feet; south sixty-nine degrees, seven minutes east, two hundred and forty-nine and fifty-three hundredths feet; south fifty-two degrees, forty minutes east, ninety-six and ninety-eight hundredths feet; south twenty-three degrees, twenty-four minutes east, two hundred and thirty-eight and forty-two hundredths feet, to a stone monument on the west side of Blakes creek road; thence north eighty-five degrees, eleven minutes east, thirty-three feet, to a stone monument; thence south eighty-three degrees, fifteen minutes east, two thousand three hundred and forty feet to a stone at corner of fence at edge of woods and field; thence north ten degrees, eleven minutes east, two thousand seven hundred and forty-
55 six feet to a set stone and pointers; thence north eighty-four de-
56 grees, twenty-eight minutes west, three thousand one hundred
57 and fifty-eight and seven tenths feet, to a stone monument;
58 thence north fifteen degrees, twenty minutes east, two hundred
59 and two and forty-five hundredths feet, to a stone monument;
60 thence north eighty-four degrees, twenty-eight minutes west,
61 three hundred and twenty and four tenths feet to a stone monu-
62 ment on the east side of the county road; thence along the east
63 side of said road, north twenty-one degrees, eighteen minutes
64 east, 188 feet to a stone monument and old pine pointer; thence
65 north twenty-one degrees, thirty minutes east, twenty-three
66 feet to the line between Putnam and Kanawha counties; thence
67 running with said county line, south sixty-nine degrees, nine
68 minutes east, four thousand and fifty and thirty-two hundredths
69 feet, to a point at Kanawha river edge at "Pool Water";
70 thence up the River along the water's edge to the point of be-
71 ginning; embracing an area of six hundred and sixteen and
72 fifty-two hundredths acres; that part of Nitro situate in Kana-
73 who county, West Virginia.

Sec. 3. The territorial limits of the independent school dis-
2 trict of Nitro in the county of Putnam, state of West Virginia,
3 shall be as follows:
4 Beginning at a point on the Kanawha and Putnam county
5 line on the east side of the county road and running north
6 twenty-one degrees, thirty minutes east, four hundred and
7 ninety-one and one tenth feet, to a set stone; thence continuing
8 along east side of the road, north thirty-four degrees east, four
9 hundred and twenty-nine feet, to a stone monument, north
10 seventy-three degrees, thirty minutes east, one hundred and
11 seventeen and seventy-two hundredths feet, to a stone on north
12 side of Armours creek; thence north twenty-three degrees, forty
13 minutes east four hundred and forty-four and eleven hundredths
14 feet, to an iron pin driven in center of county road at its junc-
15 tion with the Armours creek road; thence south seventy-three
16 degrees, fifty-nine minutes east, three hundred and fifty-four
17 and five tenths feet, to a walnut corner tree; thence south eighty-
18 seven degrees, thirty minutes east, five hundred and nineteen
19 feet, south seventy-two degrees east, three hundred and sixty-
20 three feet, north eighty-one degrees, twenty minutes east, four
21 hundred feet, north seventy-two degrees twenty minutes east
22 two hundred feet, north sixty-six degrees, eleven minutes east,
23 one hundred and seventy and twenty-seven hundredths feet, to
24 a set stone; thence north twenty-two degrees forty-one minutes east, one thousand two hundred and seventeen feet, to a stone and three white oak pointers; thence north sixty-two degrees, twenty minutes east, two thousand and twenty and seven tenths feet, to a set stone; thence north nineteen degrees, eleven minutes east, one hundred and seventy-six and seventy-eight hundredths feet to a large stone boulder; thence along and crossing county road to the east side, north thirty-four degrees forty-one minutes east, seven hundred and ninety-two feet, to a stone monument set in an old poplar stump; thence north twenty-one degrees, thirty-three minutes east, one hundred and fifty and ninety-eighth and twelve hundredths feet to a stone on west side of county road; thence along west side of road, north forty-eight degrees, forty minutes east, two hundred and thirty-four feet; thence north twenty-nine degrees, ten minutes east three hundred and sixty feet; north thirty-nine degrees, forty minutes east, ninety-eight and sixteen hundredths feet to a stone; thence north forty seven degrees, fifteen minutes east, one hundred and sixty-nine and five tenths feet; north thirty-seven degrees, fifteen minutes east, ninety-three and seven tenths feet; north fifty-one degrees, fifteen minutes east, four hundred and fourteen and five tenths feet; north seventy-four degrees, fifteen minutes east, ninety-nine and three tenths feet; north fifty-nine degrees, forty-five minutes east, six hundred feet; north twenty-five degrees, forty-five minutes east, one hundred and seventy-five feet; north fifty-nine degrees forty-five minutes east, three hundred and ninety feet; north sixty-three degrees forty-five minutes east three hundred feet; north sixty-eight degrees, fifteen minutes east, three hundred and fifty-eight and seventy-one hundredths feet; north fifty-two degrees, fifteen minutes east two hundred and fifty-one and five tenths feet; north sixty-nine degrees, fifty-two minutes east, nine hundred and twenty-one and eighty-seven hundredths feet; north nine degrees, forty-five minutes east, two hundred and forty-seven and seventeen hundredths feet to a stone on west side of Charleston and Point Pleasant.
66 pike; north seventeen degrees ten minutes east, one hundred
67 and forty-two and forty hundredths feet; north eleven degrees,
68 eight minutes east, five hundred and twenty-seven and seventy-
69 one hundredths feet; north twelve degrees, fifty-four minutes
70 east, two hundred and twenty-eight and ninety-eight hun-
71 dredths feet; north thirty degrees, thirty minutes east, three
72 hundred and sixteen and seven tenths feet; north twenty-nine
degrees, eighteen minutes east, one thousand one hundred and
74 fifty-four and twenty-four hundredths feet; north twelve de-
75 grees, forty-two minutes east, one hundred and sixty-five and
76 forty-five hundredths feet to a stone monument north seventy-
77 six degrees, fifty-eight minutes west, one thousand two hundred
78 and six and twenty-nine hundredths feet to a stone, north seven-
teen degrees, thirty minutes west, two hundred and twenty-
two feet, north three degrees east, four hundred and thirty-
three and forty-nine hundredths feet to a stone monument;
82 south thirty degrees, forty-five minutes west, one hundred feet;
83 south thirty-two degrees twelve minutes west, one hundred
84 feet; south thirty-three degrees thirty-nine minutes west, one
85 hundred feet; south thirty-four degrees fifty-nine minutes west, one
86 degrees eight minutes west, one hundred feet; south thirty-six
87 degrees thirty-three minutes west, one hundred feet; south
88 degrees thirty-eight minutes west, sixty-six and two
tenths feet; south thirty-nine degrees, thirty-six minutes west.
90 one hundred feet; south forty degrees one minute west, one
91 hundred feet; south forty-one degrees twenty-three minutes
93 west, one hundred feet; south forty-two degrees, twenty-three
94 minutes west, one hundred feet; south forty-three degrees
95 twenty-three minutes west, one hundred feet; south forty-four
96 degrees twenty-three minutes west, one hundred feet; south
97 forty-five degrees twenty-three minutes west, one hundred feet;
98 south forty-six degrees twenty-three minutes west, one hundred
99 feet; south forty-seven degrees twenty-three minutes west, one
100 hundred feet; south forty-eight degrees twenty-three minutes
101 west, one hundred feet; south forty-nine degrees twenty-three
102 west, one hundred feet; south fifty degrees twenty-three minutes
103 west, seventy-five feet; south fifty-one degrees, five minutes west,
104 seven hundred and eighty-one feet; south thirty-eight degrees
105 fifty-five minutes east, thirty feet; south fifty-one degrees, five
106 minutes west, two hundred and thirty-six and fifty-eight hun-
107 dredths feet; north two degrees east, one hundred and five and
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108 fifty-three hundredths feet; north eighty-seven degrees west,  
109 three hundred and twenty-eight and five tenths feet, to a stone  
110 monument; north nineteen degrees west, one hundred and sixty-  
111 five feet, to a stone on top of river bank; north forty-six de-  
112 grees thirty minutes east, three hundred and thirty feet to a  
113 stone at the mouth of Armours creek; thence up the Kanawha  
114 river, along the water line, south fifty-four degrees forty-five  
115 minutes west, one hundred and seventy feet; south forty-nine  
116 degrees three minutes west two hundred and thirty-three feet;  
117 south fifty-three degrees fifty-nine minutes west one hundred  
118 and sixty feet; south forty-five degrees forty-eight minutes  
119 west three hundred feet; south forty-six degrees fifty-four  
120 minutes west one hundred and seventy-five and five tenths feet;  
121 south forty-nine degrees thirty minutes east, three hundred and  
122 two degrees twenty-eight minutes west two hundred and thirty-  
123 one and one tenth feet; south sixty degrees thirteen minutes  
124 west, two hundred and ninety-two feet; south sixty-one de-  
125 greees fifty-seven minutes west one hundred and ninety-five and  
126 four tenths feet; south sixty-two degrees twenty-one minutes  
127 west three hundred and twenty and seventy-five hundredths  
128 feet; south sixty-five degrees fifty-three minutes west four  
129 hundred and forty-five and six tenths feet; south sixty-two  
130 degrees fifty-four minutes west three hundred feet; south sixty-  
131 three minutes west four hundred and eighty-seven and five  
132 tenths feet passing southwest corner of Bird tract at three hun-  
133 dred and fifteen feet; south sixty-four degrees thirty-eight min-  
134 utes west five hundred and forty and four tenths feet (passing  
135 northwest corner of Crouch tract at two hundred and sixty-  
136 two feet; south sixty-five degrees twenty-eight minutes west three  
137 hundred and eighty-five and seven tenths feet; south fifty-nine  
138 degrees twenty-eight minutes west four hundred and eighty-  
139 seven 9/10 feet; south fifty-four degrees fifty-two minutes west  
140 three hundred and four and fourteen hundredths feet (pass-  
141 ing southwest corner Crouch tract at ninety feet); south forty-  
142 nine degrees thirty-seven minutes west two hundred and ninety-  
143 five hundredths feet; south forty-five degrees twenty minutes  
144 west two hundred and thirty-one and sixty-three hundredths  
145 feet; south thirty-six degrees forty-two minutes west seven hun-
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150 dred and seventy-eight and forty-five hundredths feet (passing corner of Bailey and Bush tracts at one hundred and twelve feet); south thirty-five degrees thirty-eight minutes west three hundred and sixty-seven and 45/100 feet (passing northwest corner of Putnam Dairy company tracts at three hundred and thirty and fifty-five hundredths feet); south thirty degrees twenty-six minutes west four hundred and ninety-five and thirty-eight hundredths feet; south twenty-four degrees thirty-six minutes west two hundred and forty-two and seventy-three hundredths feet; south twenty-one degrees fifty-five minutes west three hundred and ninety and twelve hundredths feet; south seventeen degrees two minutes west two hundred and ninety-three and three tenths feet; south seventeen degrees two minutes west two hundred and ninety-two and nine tenths feet (passing corner Putnam Dairy company and Boyer tracts at seventy-two feet); south eleven degrees thirty minutes west three hundred and sixty-two and five tenths feet; south nine degrees nine minutes west four hundred and fifty-seven and eighty-three hundredths feet; south forty-four minutes west six hundred and forty-six and nine tenths feet (passing corner between Boyer and Curry tracts at six hundred and one and nine tenths feet); south three degrees two minutes west two hundred and sixteen and thirty-five hundredths feet; south six degrees thirty-one minutes west two hundred and eighty-four and eighteen hundredths feet; south four degrees thirteen minutes west three hundred and thirty-nine and eight tenths feet (passing corner between Curry and Blackwood tracts at thirty-nine feet); south seven degrees two minutes west two hundred and eighty-two and eighty-two hundredths feet; south ten degrees twenty-five minutes east to an intersection with the Kanawha and Putnam county line, thence south sixty-nine degrees nine minutes east, four hundred and fifty and thirty-two hundredths feet to the point of beginning.

Sec. 4. There shall be a board of education of the said district to consist of five school commissioners, who shall be elected
3 as hereinafter provided, and who shall be citizens entitled to
4 vote in the independent school district of Nitro at the election
5 at which they are elected.

Sec. 5. There shall be appointed by the state superintendent
2 of schools, by and with the consent of the governor, prior to
3 the first day of July one thousand nine hundred and twenty-
4 three, or as soon thereafter as practicable, five school commission-
5 ers or members of the board of education of said district, not
6 more than three of whom shall be members of the same political
7 party, and who shall be otherwise qualified as herein provided,
8 whose term of office shall begin on the first day of July, one
9 thousand nine hundred and twenty-three, and who shall hold
10 their respective offices until their successors are elected and quali-
11 fied as hereinafter provided.

Sec. 6. There shall be elected by the qualified voters of the
2 independent school district of Nitro at the general election held
3 in the said district in November, one thousand nine hundred and
4 twenty-four, five school commissioners or members of the board
5 of education of said district, three members of the said board of
6 education shall be elected for a term of two years and two mem-
7 bers of said board of education for a term of four years; the
8 three persons receiving the highest number of votes for school
9 commissioner at the said election shall be declared elected for the
10 full term of four years and the other two persons shall be de-
11clared elected for the short term of two years; and each two
12 years thereafter, at the general election held in November in
13 the said independent district, there shall be elected by the qual-
14 ified voters of the said district successors to the incumbent school
15 commissioners for a full term of four years. The term of office
16 shall commence on the first day of July next after their election
17 and they shall hold their said office for a term of four years and
18 until their successors have been elected and qualified. Provided,
19 that at no elections shall more than three members of the same
20 political party be elected, it being the intention of this act to
21 make and keep the said board of education bi-partisan, and that
22 no political party, at any time, shall have on said board of educa-
23 tion more than three of the members to be elected thereto.

Sec. 7. All elections of whatsoever kind held under this act
2 shall be conducted, returned and the results thereof ascertained,
3 and declared under the authority of the board of education in a
4 manner prescribed by the laws of the state relating to elections
insofar as they are not in conflict or inconsistent with the provisions of this act.

Sec. 8. Candidates to be voted for at any election for members of said board of education may be nominated by convention, primary or petition in the manner and under the provisions now or hereafter prescribed by the state laws relating thereto. Provided, however, that no political party shall nominate more than the number to which it is entitled.

Sec. 9. Every person so nominated for the office of school commissioner, or member of board of education, shall, within five days after his nomination has been certified by the political party making the nomination or a petition thereof shall have been filed with the board of education, make under oath, and file with the secretary of said board of education, a statement of the political party to which he claims allegiance, and if nominated by more than one political party he shall state to which of them he belongs. If such a person fail to make such an oath, and file the same, as herein provided, the board of education shall not place his name on the ballot to be voted at the approaching election. The aforesaid certificate of nomination or petition for same shall be filed with the secretary of said board of education at least fifteen days before the said election.

Sec. 10. If a vacancy occurs on the board of education it shall be filled by said board by an appointment thereto of some eligible person from the independent district and the person so appointed shall be from the same political party as the member whose vacancy is being filled, and shall hold the said office for the unexpired term and until his successor is elected and qualified.

Sec. 11. The board of education of the said independent district shall be a corporation by the name of 'The board of education of the independent district of Nitro,' and as such may sue and be sued, plead and be implored, contract and be commenced with; may purchase and hold such real estate and personal property as it may deem necessary for the purpose of education in said district, and may receive and hold any gift, grant or donation, devise or bequest for the benefit of the schools in the said district; and shall succeed and be substituted to the rights of the former board of education of the district of Poetalmico, in the county of Putnam and the district of Union, county of Kanawha, insofar as relates to or in any way affects the school or schools or school property located within the boundaries of said independent district, and may prosecute and may maintain all
Sec. 12. Annually, at the first meeting of the said board of education, which is hereby required to be held on the first Monday in July of each year, or as soon thereafter as practicable, the said board of education shall organize by electing one of its members president and one of its members secretary, who shall perform the duties required by the general school law of their respective offices and such additional duties as are herein required or may be prescribed by said board of education. Each member of said board of education shall have one vote and only one vote upon any question or motion before said board.

Sec. 13. The salary of the member of the said board of education acting as president, as herein provided, shall be twenty-five dollars per year; the salary of the member of the board of education acting as secretary, as herein provided, shall be fixed by the board of education at the time of his appointment as secretary, provided the said salary shall not exceed the sum of one hundred dollars per year; and the salaries of each of the other members of said board shall be twenty-five dollars per year. Provided, that each member of said board of education shall have deducted from his salary as herein provided the sum of two dollars for each regular meeting of said board that he fails to attend. Said salaries shall be payable out of the building fund of said district.

Sec. 14. Said board of education shall hold regular or stated meetings at such time and places as the board may appoint, and special meetings of said board may be called by the president, or at the request of any member by the secretary. No business may be transacted at a special meeting, except that mentioned in the
6 call for such special meeting, which call shall be in writing and
7 shall be recorded by the secretary in the record of the proceed-
8 ings of said meeting. Three members of said board of education
9 shall constitute a quorum for the transaction of business at any
10 meeting of said board, provided, that all the members shall have
11 had notice of the time, place and purpose of any special meeting
12 called by the president or secretary as herein provided.

Sec. 15. It shall be the duty of the board of education of the
2 independent district of Nitro annually, at the same time and in
3 the same manner now provided, or that may hereafter be pro-
4 vided by the general school law of this state, for the ascertaining
5 and making of estimates and the fixing and laying of school
6 levies by the boards of education of the various school districts
7 within the state for the support of the free schools therein, to
8 ascertain and to make such estimates of the amounts necessary
9 for the support of the schools within the said independent dis-
10 trict, to determine, fix and lay such levies on the property locat-
11 ed within said independent district, for the support of the schools
12 therein. It shall be the duty of the board of education of the
13 said independent district of Nitro annually, at such meeting to
14 levy as many cents on each one hundred dollars of valuation of
15 the taxable property of the district, according to the last as-
16 sessment thereof, as will produce the amount shown by the esti-
17 mate of said board to be necessary to be levied for the building
18 fund purposes, and levy in like manner the amount necessary,
19 after deducting the sum receivable from the general school fund
20 of the state for teachers’ purposes, to continue the schools in
21 session in said independent district for a minimum term of nine
22 months in the graded or elementary schools and for a minimum
23 term of nine months in the junior and senior high schools; and
24 to levy and provide sufficient funds for all purposes to keep said
25 schools in session for the full minimum term as herein provided;
26 and the board of education of said independent district is here-
27 by authorized and empowered to lay a levy in addition to the
28 levies authorized by the general school law of the state, sufficient
29 for all purposes to conduct the school of said independent dis-
30 trict for the term fixed.

Sec. 16. It shall be the duty of the board of education to
2 provide by purchase, leasing, building, or otherwise all necessary
3 school buildings, grounds, furniture and fixtures, apparatus and
4 appliances and all other necessary supplies, which it deems
5 necessary to maintain the schools and for the education of the
6 children of school age within said independent district, and to
7 keep the school property in the said district in good repair and
8 to supply the school buildings therein with proper fuel or heat
9 and light and other things necessary for the comfort and con-
10 venience of the said schools, and to pay the cost of the same out
11 of the building fund of said district.
12 All contracts made by the board, to the extent that they shall
13 involve the levy of any future year, shall be void, and no debts
14 shall be contracted or incurred by the board in any one year
15 which shall exceed the funds available for that purpose, unless
16 the object, nature and extent thereof shall have been submitted
17 to the voters of the district, at a special election to be called by
18 the board for that purpose, and shall have received a majority
19 of all the votes cast for and against the same; provided, that in
20 case a bond issue is voted upon, a three-fifths vote of all votes
21 cast shall be necessary for such bond issue; the president of said
22 board shall issue a proclamation of said special election in which
23 he shall recite the object, nature and the extent of the indebted-
24 ness proposed to be incurred, and for what purpose; which proc-
25 lamation shall be published once in each week for four weeks,
26 previous to the day of election in at least two newspapers pub-
27 lished in the counties of Kanawha and Putnam. Every special
28 election held pursuant to the provisions of this section, except as
29 herein otherwise specially provided, shall be held and conducted
30 and the results certified in the manner prescribed for the gen-
31 eral election. The proceeds of taxes so levied, or property sold,
32 of all donations and devises applicable to any of the purposes
33 mentioned in this section shall constitute a fund to be called the
34 "building fund," to be appropriated exclusively to the purpose
35 mentioned in this section.

Sec. 17. It shall be the duty of the board of education to
2 establish and cause to be taught in said independent school dis-
3 trict, including a high school or high schools, as it may deem
4 necessary for the proper education of all children of school age
5 residing therein. Said board of education shall have exclusive
6 control of all the schools within the said district; shall, with
7 the approval of the superintendent of said schools, prescribe the
8 subjects to be taught in the high school and other schools of the
9 said district; shall have power to make all necessary rules and
10 regulations for the government of said schools, for the admission
11 of pupils therein, and for the exclusion of any and all pupils
12 whose attendance would be dangerous to the health or detrimen-
tal to the morals of said schools. The said board may, with the approval of the superintendent of the independent schools, prescribe and adopt a uniform line of text-books for the use of the schools of the said district, and may furnish such books and stationery and other supplies to make the system efficient and pay the same out of the building fund of said district.

Sec. 18. The board of education shall provide and maintain one or more graded or elementary schools for the education of the colored youth of the district, and shall establish and maintain a high school for the colored youth who have completed the graded or elementary course, if in the opinion of the board of education there are sufficient number of such colored youth residing within the district to justify the maintenance of such high school; provided, that in no case shall such high school be maintained where the average daily attendance of the same is less than ten pupils. Said school shall be under the same supervision and direction, have the same length of term and receive the same attention in all particulars, and details as the schools provided for the education of the white youth of the district, but in no case shall the white and colored youth of the district attend the same school, or schools in the same building, or use, or occupy the same school library at the same time.

Sec. 19. The board of education shall appoint as hereinafter provided, all teachers and principals, and provide for substitute teachers when necessary for all the public schools within the said district and fix their compensation. The said teachers and principals shall be subject in all respects to the rules and regulations adopted by the board of education and the superintendent of schools of the independent district, and they may be removed by said board of education for incompetency, neglect of duty, gross immorality, or whenever from any cause it shall appear to said board that their removal is for the best interest of the schools of the district. The said board shall also employ janitors and custodians of their school buildings and fix their compensation, and may remove such janitors whenever it shall appear to said board, from any cause, that their removal is for the best interest of the schools of the said district.

Sec. 20. Annually, on or before the first day of July, or as soon thereafter as circumstances will allow, the board shall elect a superintendent of schools for the independent district and fix his salary; provided, that nothing in this act shall prevent the board from contracting with the superintendent for a longer
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6 period than one year should it so desire. Such superintendent
7 shall be known as "the superintendent of schools of Nitro in-
8 dependent district," and in addition to the duties prescribed by
9 this act shall have such powers and perform such duties as the
10 board of education shall direct.

11 The superintendent of schools may be removed from office at
12 any time for incompetency, neglect of duty, immorality, or for
13 any palpable violation of the law. But he shall not be removed
14 except on charges preferred in writing by a school commissioner.
15 A copy of such charges and notice of the time and place set for
16 hearing shall be delivered to him at least ten days before the
17 time set for such hearing, and he shall be allowed to present
18 any evidence of his innocence that he may desire, and be heard
19 in his own defense. A vacancy in the office of superintendent of
20 school shall be filled by the board of education by appointment,
21 whenever such vacancy may occur.

22 It shall be the duty of the superintendent of schools, an-
23 nually, on or before the first meeting in July, at a meeting of
24 the board of education, or as soon thereafter as circumstances
25 will allow, to recommend to the board of education a sufficient
26 number of teachers and principals to fill the schools of the in-
27 dependent district.

28 The board of education may refuse to appoint any or all of
29 the persons so recommended and may require the superintendent
30 of schools to recommend others, but no teacher, principal or
31 supervisor shall be employed except on the recommendation of
32 the superintendent of schools; provided, that the superintendent
33 of schools within a reasonable time after being required to do so,
34 fail or refuse to recommend a sufficient number of persons,
35 under this section, to fill vacancies, the board of education may
36 proceed to fill such vacancies without his recommendation.

37 It shall be the duty of the superintendent of schools with the
38 approval of the board of education, to prescribe the branches to
39 be taught in the high schools of the district, to carry out the
40 provisions of the course of study prescribed by the state board
41 of education and to supplement the high school course thus pre-
42 scribed and to adapt it to the high schools of the district; to pre-
43 scribe regulations for the examination for graduation of pupils;
44 to prescribe conditions for the admission of pupils to the high
45 schools, to have prepared questions for the examination of such
46 pupils, to issue certificates to such pupils as are deemed worthy
47 to be admitted to high schools, to keep a register of all certificates
so issued, to select courses of reading to be pursued by the teachers of the district, to select books for the school libraries, to acquaint himself with the best methods in the schools of other cities; and to this end the board of education of the independent district may appropriate such sums out of the building fund of the district as it may be necessary to pay his traveling expenses, to prepare and to have printed all necessary forms to be used in the district, to make such annual report to the board of education as it shall require, to provide suitable certificates for the graduates of the elementary schools and grammar schools of the district and diplomas for the graduates of the high schools and prescribe the manner and circumstances under which the same may be conferred, to arrange with other schools and colleges for recognition for the work done in the district.

The salary of the superintendent of schools may be paid out of either the teachers' fund or the building fund, or both.

Sec. 21. No pupil shall be entitled to enter high school, or high schools, of the said district until the superintendent of the said schools shall have satisfied himself that the said pupil has made due proficiency in the grades of the grammar schools of the said district. Pupils who are non-residents of the independent district may be allowed to attend the schools of the said independent district upon payment of such tuition as is provided by the general school law of the state or as the board of education may prescribe.

Sec. 22. If any person or persons shall mar, deface, or otherwise injure any school house, out-building, fence, furniture, or other property of the district, the person or persons so offending shall be liable to prosecution before any justice of the peace in the district, and upon conviction shall be subject to a fine of not less than five dollars nor more than one hundred dollars, and cost of prosecution; and the person convicted shall also be liable for full amount of the damage.

If the injury be done by a minor, the parent or guardian of the said minor shall be liable for the damages as aforesaid. It shall be the duty of the board of education of said independent district to ascertain if possible by whom such an offense was committed, and when satisfied thereof to cause the party or parties to be arrested, tried for the offense, in the name and on the behalf of the board of education of the independent district; and all fines and damages collected by virtue of this sec-


tion shall be paid into the district treasury to the credit of the building fund of the said district.

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

Sec. 24. This act shall not be effective unless and until the same shall first be submitted to the voters of the territory in the said districts of Pocatalico, Putnam county, and Union district, Kanawha county, at a special election called for that purpose and adopted by a majority of the votes cast for and against the same at said election. Said election shall be called by the board of education in the said district of Pocatalico, Putnam county, and the board of education in the district of Union, Kanawha county, and shall be held on the second Tuesday in June, one thousand nine hundred and twenty-three; notice of which election shall be published at least two weeks prior thereto in a newspaper published in Kanawha county, West Virginia, and a newspaper published in Putnam county, West Virginia. Said election shall be held and conducted in all respects as general elections are now held and conducted under the statutes of this state. The board of education of Pocatalico district, Putnam county, West Virginia, and the board of education of Union district, Kanawha county, West Virginia, shall designate as voting places for such election the voting precincts in such respective districts as established for and where the general election was held in the year one thousand nine hundred and twenty-two; and the said respective boards of education shall appoint commissioners and poll clerks to conduct the same and pay the expenses thereof out of the treasury of said now respective existing school districts.

The ballot to be voted at said election shall be printed upon plain white paper and in the following form:

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NITRO

School District Election.

(Indicate how you desire to vote by a cross in the square.)

[ ] For ratification of new district.
[ ] Against ratification of new district.
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Sec. 25. If a majority of the votes cast at such election shall not be for ratification, the boards of education of such respec-
tive districts shall call and hold a second election for such pur-
pose in the manner herein provided, within thirty days after
the filing with such boards of a petition of two hundred quali-

died voters residing within the territory herein described, but
said second election shall not be held later than the first day of
July, one thousand nine hundred and twenty-four.

If a majority of the votes cast in one of said Pocatalico dis-

tRICTS, Putnam county, and Union district, Kanawha county,
shall not be for ratification, and a majority cast in the other
shall be for ratification, the portion of the territory within the
boundaries of said respective districts voting for ratification, as
herein described, shall be known as "The independent school
district of Nitro," and entitled to all the rights, authority,
powers and privileges as herein provided.

And the board of education in the said district which shall
at such election vote against ratification shall within thirty days
after the filing with said board of a petition of one hundred
qualified voters residing in said district, call and hold a second
election for the purposes specified in this act, but said second
election shall not be held later than the first of July, one thou-
sand nine hundred and twenty-four. And if said district shall
vote for ratification at such second election, the portion thereof
as herein described shall thereupon become annexed to and a
part of the independent district of Nitro, and which said in-
dependent district shall include such additional territory.

CHAPTER 102

(House Bill No. 324—Mr. Wilson of Upshur)

AN ACT to authorize the board of education of the independent
school district of Buckhannon to convey a right-of-way over
the land owned by said independent school district to the
said municipality of Buckhannon for the designation and con-
struction of a public street.

[Passed April 11, 1923. In effect from passage. Approved by the Governor
May 1, 1923]

Sec.
1. Board of education in district of
Buckhannon authorized to con-
vey right of way.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the independent
2 school district of Buckhannon shall have authority to convey by
3 proper and apt deed a right-of-way over the land owned by 4 said independent school district, to the municipality of Buck- 5 hannon for the designation and construction of a public street 6 in said municipality.

CHAPTER 103
(House Bill No. 467—Mr. Hopkins)

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

[Passed April 12, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

SEC. 4. County High School established in Calhoun County; board on corporation; levies; salaries; conflicting acts repealed.

Be it enacted by the Legislature of West Virginia:

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

Sec. 4. Said board of directors shall be a corporation and 2 as such may contract and be contracted with, sue and be sued, 3 and shall have power to lay a levy annually of not more than 4 fifteen cents, and for the years one thousand nine hundred and 5 twenty-three and one thousand nine hundred and twenty-four, 6 power to lay a special levy in addition to the regular annual 7 fifteen cents levy not to exceed twenty cents on every one 8 hundred dollars assessed valuation of property in said county 9 for the purpose of purchasing said site and erecting, equip- 10 ping and furnishing suitable buildings thereon for said county 11 high school; and said board shall also have power to levy 12 annually not more than twenty cents on every one hundred 13 dollars assessed valuation of property in said county for the 14 support and operation of said county high school; and said 15 board shall have full power to employ teachers and other
16 necessary employees for said school, fix their compensation
17 and prescribe and enforce rules and regulations for the con-
18 trol and operation of said school.
19 For their services each of the members of said board of
directors shall be paid out of the money raised for the use of
21 said school the sum of five dollars per day for the time actually
22 and necessarily spent by them in the discharge of their duties
23 as such board of directors. But they shall not receive pay
24 for more than ten days for any one year.
25 All acts and parts of acts inconsistent with this act are
26 hereby repealed.

CHAPTER 104
(House Bill No. 527—Mr. Daniell)

AN ACT to amend and re-enact sections one and eight of chapter
fifty of the acts of the legislature of West Virginia of the
year one thousand nine hundred and twenty-one, regular
session, relating to a high school in Wirt county.

(Passed April 16, 1923. In effect ninety days from passage. Approved by the
Governor May 1st, 1923)

Sec. 1. Wirt County High School established: Board of Education, powers and duties.
Sec. 8. Act effective when ratified by voters of County.

Be it enacted by the Legislature of West Virginia:

That sections one and eight of chapter fifty of the acts of the
legislature for the year one thousand nine hundred and twenty-
one, be and the same are hereby amended to read as follows:

Section 1. That a high school be and the same is hereby
2 established in the county of Wirt, state of West Virginia, in
3 or near the town of Elizabeth, which shall be known as the
4 Wirt county high school, the site for which shall be selected
5 by the board of directors of said school, which said board of
6 directors shall consist of three members, composed of the county
7 superintendent of schools of said county of Wirt, who shall
8 be ex officio a member and president thereof; two members
9 who shall be elected at a general or special election provided
10 for therein and, if elected at a special election, serve until
11 their successors are elected and qualified. Their successors
12 shall be elected at the next general election and serve four
13 years, or until their successors are elected and qualified. After 14 the first election provided for the term of office shall begin 15 the first day of July following the election of said member. 16 No two members of the board shall be residents of the same 17 magisterial district.

Sec. 8. But before this act shall take effect, it shall be sub- 2 mitted to the voters of Wirt county at a general or special 3 election ordered by the county court of said county of Wirt 4 and general notice of said election shall be published in two 5 newspapers of opposite politics and general circulation in said 6 county, for four successive weeks preceding said election, if 7 there be two such newspapers that will publish the same at the 8 legal rate for such publications; but if there be no such news- 9 papers that will publish such notice at such rate, then such 10 notice shall be posted at three of the most public places in 11 each magisterial district in said county for a like period of 12 time.

CHAPTER 105
(Senate Bill No. 30—Mr. Marsh)

AN ACT authorizing a special bridge levy in Wood county for the purpose of erecting a bridge across the Little Kanawha river at Parkersburg, West Virginia.

[Passed April 17, 1923. In effect ninety days from passage. Approved by the Governor April 24, 1923]  

Sec. 1. Special bridge levy; amount of; purpose of.  
Sec. 2. County court to decide on plans and specifications; separate account of receipts and disbursements.

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of constructing a public 2 bridge across the Little Kanawha river, at the county seat of 3 of the county of Wood, the county court of said county is here- 4 by authorized to lay a special levy on all taxable property within 5 the said county for the year one thousand nine hundred and 6 twenty-three, and, if necessary, for the year one thousand nine 7 hundred and twenty-four, and, if necessary, for the year one 8 thousand nine hundred and twenty-five, and, if necessary, for 9 the year one thousand nine hundred and twenty-six, and, if 10 necessary, for the year one thousand nine hundred and twenty-
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seven, not to exceed in any year five cents on the one hun-
dred dollars 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 106
(Senate Bill No. 88—Mr. Herold)

AN ACT to authorize the municipal corporation of the town of
Addison, (Webster Springs) in the county of Webster, to vote
upon, issue and sell its bonds to an amount, including existing
indebtedness, in the aggregate not to exceed five per centum of
the value of the taxable property therein, to be ascertained by
the last assessment for state and county taxes, the proceeds of
the sale of such bonds to be applied in and used for an instal-
lation and construction of an electric light system and
power plant for said town.

[Passed March 20, 1923. In effect from passage. Approved by the Governor
April 11, 1923]

Sec. 1. Electric light system and power
plant; corporation authorized to
vote, issue and sell bonds; amount of; council of town may
acquire site, machinery, etc.; powers and duties of council
under act.

Be it enacted by the Legislature of West Virginia:

Section 1. That the municipal corporation of Addison (the
town of Webster Springs) in the county of Webster, be and it
is hereby authorized, in the manner provided by law, to vote,
issue and sell its bonds to an amount, including existing indeb-
edness, not to exceed five per centum on the value of the tax-
able property therein, to be ascertained by the last assessment
for state and county taxes. The proceeds from the sale of the
bonds are hereby authorized to be used for the installation of an
electric light system and power plant for said municipality.
The common council of said town shall have authority to ac-
11 quire by purchase or condemnation and hold sites for generating
12 hydro electric or steam power and for purposes incident there-
13 to; to purchase and install all necessary machinery, appliances,
14 equipments, wires and any and all things necessary or conven-
15 ient for a complete power plant and lighting system for the use
16 of said municipality. Said council shall possess power to dis-
17 pose of, lease, rent or sell any power generated by said plant,
18 and to furnish lights to the citizens of said town and to other
19 persons upon such terms and at such rates as it may ordain.
20 This act shall not be deemed or construed as restrictive of the
21 powers of said municipality and its common council and officers
22 under, general law, but supplemental thereto.

CHAPTER 107
(Senate Bill No. 106—Mr. Helmick)

AN ACT authorizing and empowering the council of the town of
Thomas in the county of Tucker, to lay a special levy in the
year one thousand nine hundred and twenty-three, and if neces-
sary, for the year following, for improving and extending the
water system of the town of Thomas.

[Passed March 27, 1923. In effect from passage. Approved by the Governor
April 11, 1923]

Sec. 1. Water works improvement; spec-
ial levy; amount of.

Be it enacted by the Legislature of West Virginia:

Section 1. The council of the town of Thomas in the county
2 of Tucker, is hereby authorized to lay a special levy, in addition
3 to all other levies authorized by law, of not to exceed thirty-five
4 cents on the one hundred dollars valuation on all the taxable
5 property within the town of Thomas, for the year one thousand
6 nine hundred and twenty-three, and if found necessary for the
7 year following, for the purpose of improving and extending the
8 water system of said town, to the end that service may be ren-
9 dered in an adequate manner to the users of said system, the
10 same being owned by said town.
11 Such levy shall be called a special levy for water works im-
12 provement and the funds derived therefrom shall be used for
13 the purposes herein specified and no other, and a separate ac-
14 count shall be kept of all receipts and disbursements of said
15 fund.
AN ACT authorizing the county court of Taylor county, to lay a special levy for the purpose of purchasing a site and building a court house and jail, including a jailer’s residence, and to use any funds now available for court house and jail purposes, and to sell and convey the present court house and lot, and to use the proceeds arising from such sale, for the purposes aforesaid.

Passed April 21, 1923. In effect from passage. Approved by the Governor April 26, 1923.

Sec. 1. Special levy; purpose of; limits

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Taylor county, West Virginia, is hereby authorized to lay a special levy on all the taxable property within said county for the purpose of building a court house and jail, including a jailer’s residence, in said county, but not to exceed, in any one year, twenty cents on each one hundred dollars valuation of the taxable property in said county; and the said county court is hereby empowered to purchase a suitable site for said court house and jail and jailer’s residence, and to use any funds now or hereafter available for court house or jail purposes in the purchase of such site and the erection of such court house and jail, and for such purpose, may also sell and convey the present court house and lot, and use the proceeds arising therefrom for the purposes aforesaid. Such levy and all such funds shall constitute and be called a special court house and jail fund, and shall be used for the purposes herein specified and no other; and a special account shall be kept of all the receipts and disbursements of said funds and properly accounted for.

Provided, however, that the amount of money hereby authorized to be collected from all sources, and to be used for the purposes aforesaid, shall not exceed in the aggregate, the total sum of two hundred and fifty thousand dollars; provided, further, that the levy provided for in this act shall not be laid by said county court until after this act shall have been ratified by a majority of the voters of said Taylor county voting upon the question, at a general or special election at which the question
27 of its ratification or rejection shall have been submitted to the 
28 voters. The county court of said Taylor county is hereby given 
29 authority to submit said question either at a general election, or 
30 at a special election, which it may call for the purpose.

CHAPTER 109
(Senate Bill No. 138—Mr. Helmick)

AN ACT authorizing the town of Davis, in the county of Tucker, 
to lay a special levy for the purpose of raising sufficient addi-
tional funds to enable said town to pay indebtedness existing 
on the first day of February, one thousand nine hundred and 
twenty-two, other than bonded indebtedness, as shown by a 
report of the auditor of this state, certified to on the twenty-
eighth day of December, one thousand nine hundred and 
twenty-two, by W. S. Hallanan, state tax commissioner and ex-
officio chief state inspector of public offices under the provisions 
of chapter thirty-three, acts of the legislature of one thousand 
ine hundred and eight.

[Passed March 27, 1923. In effect from passage. Approved by the Governor 
April 11, 1923]

Sec. 1. Corporation authorized to lay a purpose of; levy to run four 
special debt levy; amount of; years.

Be it enacted by the Legislature of West Virginia:

Section 1. The town of Davis, a municipal corporation, in 
the county of Tucker, is authorized to lay annually an addi-
tional levy, to be called "Special Debt Levy," over and above 
and in addition to all other authorized levies, of not exceeding 
twenty cents on the one hundred dollars assessed valuation of 
all the assessable property within the said town of Davis, for 
the purpose of paying the debts owing by and existing against 
said town of Davis, other than bonded indebtedness, on the first 
day of February, one thousand nine hundred and twenty-two, 
as shown by a report of the auditor of the state, certified to by 
W. S. Hallanan, state tax commissioner and ex-officio chief in-
spector of public offices under the provisions of chapter thirty-
three, acts of the legislature of one thousand nine hundred and 
eight, on the twenty-eighth day of December, one thousand 
ine hundred and twenty-two, not to exceed, however, eight 
and one thousand dollars, which shall include interest on said indebt-
ness, said levy not to continue longer than four years.
CHAPTER 110
(Senate Bill No. 201—Mr. White of Lewis)

AN ACT authorizing the laying of a special road levy by the county court of Lewis county in Hacker’s Creek district for the permanent improvement of certain specified roads in said district and prescribing the manner of expending the funds raised by said levy.

[Passed April 17, 1923. In effect ninety days from passage. Became a law without approval of the Governor]

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Lewis county is hereby authorized, beginning with the year one thousand nine hundred and twenty-three, to lay annually a special road levy of not to exceed fifty cents on each one hundred dollars’ valuation of the taxable property of Hacker’s Creek district, in said county, the proceeds of which shall be known as the “Hacker’s Creek Road Extension Fund” and shall be in addition to all other levies allowed by law.

Sec. 2. Such fund shall be devoted exclusively to the construction and completion on and over the routes and for the distances designated in section three of this act of a permanent or hard-surfaced county-district road conforming in type, structure and width to the recently authorized Hacker’s Creek district improved road being built with the proceeds of a district road bond issue.

Sec. 3. The county-district road contemplated by this act shall consist of two sections, one extending for about two miles from the improved road in the village of Berlin to the terminus on main Hacker’s creek, of the Hacker’s Creek district improved road from Jane Lew, and the other extending from the bridge at the J. G. Swisher place above Berlin to the improved road in the village of Berlin. In constructing the two sections aforesaid of county-district road the existing route of the main Hacker’s creek road shall be followed so far as may be found practicable.
Sec. 4. The fund which shall be created under and by virtue of this act may be permitted to accumulate until the amount thereof, as derived from the several different years’ levies, shall be sufficient to carry out the projects contemplated herein as above specified, as a single undertaking or the county court of said county may have the work done progressively employing the fund from any one or more years’ levies in doing such parts of the work as the court may from time to time determine upon until the projects are completed. Provided, however, that if the funds are not used from year to year they shall be placed in some bank in said county where they will draw interest.

Sec. 5. When the projects authorized by this act shall have been completed and paid for, the power hereby granted to lay said annual levy shall ipso facto terminate, and any balance that shall remain in said fund shall be transferred by said county court to the district road fund of said district.

All acts and parts of acts inconsistent and in conflict here- with are, to the extent that such conflict occurs, hereby re- pealed.

CHAPTER 111
(Senate Bill No. 267—Mr. White of Lewis)

AN ACT to authorize the county court of Lewis county to lay a levy for the liquidation and discharge of the indebtedness created in the purchase of a portion of the site of the 4-H camp at Jackson’s Mill, in said county.

(Passed April 17, 1923. In effect from passage. Approved by the Governor April 24, 1923)

Sec. 1. Levy for 4-H camp fund; amount of.

Sec. 2. Use of fund.

Sec. 3. Disposition of any balance of; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Lewis county is hereby authorized to lay a levy for the year one thousand nine hundred and twenty-three of not to exceed five cents on each one hundred dollars’ valuation of the taxable property of said county, the proceeds of which shall be known as the “4-H camp fund.”

Sec. 2. Such fund shall be used in the liquidation and discharge, both as to principal and interest, of the indebtedness
created and outstanding in the purchase and transfer to the state board of control of that part of the present site of the state 4-H camp, at Jackson’s Mill, in said county, conveyed to said state board of control under decree of the circuit court of said county in the chancery cause therein pending of Byron S. Jackson vs. Edward B. Jackson, et al.

Sec. 3. Any balance that may remain in said fund after the object of this act shall have been accomplished, shall be transferred by said county court to the general county fund of said county and used as a part thereof.

All other acts and parts of acts in conflict herewith, to the extent only that such conflict occurs, are hereby repealed.

CHAPTER 112
(Senate Bill No. 375—Mr. Johnson)
AN ACT authorizing the county court of Kanawha county, to lay a special levy in the year one thousand nine hundred and twenty-three and for five succeeding years, to raise funds with which to purchase or erect two bridges crossing the Kanawha river, at or near Charleston, and authorizing a vote of the people on a bond issue for bridges.

[Passed April 24, 1923. In effect from passage. Became a law without the approval of the Governor]

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Kanawha county, West Virginia, be authorized to lay a special levy on all of the taxable property within said county in the year one thousand nine hundred and twenty-three and for each of the five succeeding years, ending with the year one thousand nine hundred and twenty-eight, for the purpose of raising funds with which to purchase all or a part of a bridge crossing the Kanawha river from Charleston to Kanawha City, and to purchase all or a part of a bridge crossing the Kanawha river on the west side of Elk river, from Charleston to South Charleston, or to erect bridges
at or near the same points, said special levy not to exceed five
cents on each one hundred dollars' assessed valuation on tax-
ble property in said county; and if the amount raised by such
special levy in the specified time is not sufficient for the pur-
poses herein, and it is necessary to raise sufficient funds for said
purpose, the county court of said county is authorized to lay
such levy in the year succeeding one thousand nine hundred
and twenty-eight. Such levy shall be called a "Special Bridge
Levy", and funds derived therefrom shall be used for the pur-
poses herein specified and no other, and a separate account
shall be kept of all receipts and disbursements in said funds.

Sec. 2. The county court of said Kanawha county is hereby
also specifically authorized to submit to the voters of said
county at an election or elections called for the purpose an
ordinance of said court providing for the issue of bonds of the
county of Kanawha to an amount not exceeding one million
five hundred thousand dollars for the purpose of purchasing or
constructing, in whole or in part, as said court shall determine, a
bridge across the Great Kanawha river at or near the east and of
the present limits of the city of Charleston, another bridge across
the Great Kanawha river at or near the present western limits of
said city of Charleston, and of constructing a bridge across the
said Great Kanawha river connecting the magisterial districts of
Jefferson and Union in said county at such point as said court
shall determine, of constructing another bridge across said
Great Kanawha river within the district of Cabin creek in said
county at such point as said court shall determine, and of re-
constructing or repairing the bridge across Elk river at the city
of Clendenin in the magisterial district of Big Sandy.

Said bonds, if authorized at any election by three-fifths of
the voters voting thereon, shall be issued in all respects in ac-
cordance with the laws of the state of West Virginia governing
the issue of bonds, except that they shall be serial bonds, the
last thereof maturing not to exceed thirty years from the date
of issue, and bearing interest at not to exceed six per centum
per annum. If said county court shall elect to submit to the
voters of said county, the question of the issue of the bridge
bonds aforesaid all expense of advertisement and of holding
said election or elections shall be paid out of the county treas-
ury, and the proceeds of such bonds when sold shall be used
for no other purpose, except the purposes set out in this act.
Sec. 3. From and after the time that the bridge bonds of the county of Kanawha provided for in the preceding section shall be authorized by the people and issued, the county court of Kanawha county shall have no further power to lay the bridge levy authorized by section one of this act.

Sec. 4. No purchase or construction of either or any of the bridges mentioned in this act shall be made or undertaken without the approval of and without being done under the supervision of the state road commission of West Virginia.

CHAPTER 113

(House Bill No. 35—Mr. Harvey)

AN ACT relating to special debt levies in the town of Gassaway, a municipal corporation.

[Passed April 12, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. Special levy; amount and purpose of.

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of paying any outstanding town orders or judgments dated, rendered or issued prior to the first day of January, one thousand nine hundred and twenty-three, against the general fund of said town, the common council of the town of Gassaway, is hereby authorized to continue to lay each year on the assessed valuation of all taxable property of said town, a “special debt levy” not to exceed twenty cents in any one year until the first day of January, one thousand nine hundred and twenty-eight. Such levy shall be assessed and collected as otherwise provided by law, and the proceeds thereof shall be used for the purpose of paying such judgments and orders and none other.
CHAPTER 114

(House Bill No. 40—Mr. Rexroad)

AN ACT authorizing the county court of Grant county to lay a special levy in the year one thousand nine hundred and twenty-three, and if necessary for the two years following, for building a jail and jailer's residence.

[Passed April 25, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. County court authorized to lay levy; amount and purpose of.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Grant county, West Virginia, is hereby authorized to lay a special levy on all taxable property within said county in the year one thousand nine hundred and twenty-three for the purposes of building a jail and jailer's residence in said county, not to exceed twenty-six cents on each one hundred dollars valuation of taxable property in said county; and, if the amount raised by such special levy laid in the year one thousand nine hundred and twenty-three is not sufficient for the purposes herein specified and it is necessary to raise sufficient funds for such purposes, the county court of said county is authorized to lay such levy in the two succeeding years of one thousand nine hundred and twenty-four and one thousand nine hundred and twenty-five. Such levy shall be called a special jail levy and the funds derived therefrom shall be used for the purposes herein specified and no other, and a separate account shall be kept of all receipts and disbursements in said funds.

CHAPTER 115

(House Bill No. 335—Mr. McLaughlin)

AN ACT authorizing the county court of Pocahontas county to lay a special levy in the year one thousand nine hundred and twenty-three, and if necessary for the two years following, for building a jail and jailer's residence.
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[Passed April 12, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. Special levy for jail; amount and purpose of.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Pocahontas county, West Virginia, is hereby authorized to lay a special levy on all the taxable property within said county in the year one thousand nine hundred and twenty-three for the purpose of building a jail and jailer’s residence in said county, not to exceed ten cents on each one hundred dollars’ valuation of taxable property in said county; and if the amount raised by such special levy laid in the year one thousand nine hundred and twenty-three is not sufficient for the purpose herein specified, and it is necessary to raise sufficient funds for such purpose, the county court of said county is authorized to lay such levy in the two succeeding years of one thousand nine hundred and twenty-four and one thousand nine hundred and twenty-five. Such levy shall be called a special jail levy and the funds derived therefrom shall be used for the purpose herein specified and no other, and a separate account shall be kept of all receipts and disbursements in said fund.

CHAPTER 116
House Bill No. 564—Mr. Brown

AN ACT to authorize the municipal corporation of the town of New Cumberland to vote upon, issue, and sell bonds to an amount, including existing indebtedness, in the aggregate not to exceed five per centum of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, the proceeds of the sale of such bonds to be applied to and used for the purpose of purchasing grounds for community purposes and to build a community house on said grounds, and to equip said grounds for park and athletic purposes.

[Passed April 6, 1923. In effect from passage. Became a law without the approval of the Governor]

Sec. 1. Municipal corporation of New Cumberland authorized to issue bonds for providing Community house; act supplemental to general law.
Be it enacted by the Legislature of West Virginia:

Section 1. That the municipal corporation of the town of New Cumberland, in the county of Hancock, be and it is hereby authorized in the manner provided by law to vote, issue and sell its bonds to an amount, including existing indebtedness, not to exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes. The proceeds from the sale of the bonds are hereby authorized for the purpose of purchasing grounds for community purposes and to build a community house on said grounds so purchased and to equip said grounds for park and athletic purposes.

This act shall not be deemed or construed as restrictive of the powers of said municipality and its common council and officers under general law, but supplemental thereto.

CHAPTER 117

(House Bill No. 579—Mr. Cox)

AN ACT authorizing a special bridge levy in Fayette county for the purpose of erecting a bridge across New river at Stone Cliff, West Virginia.

[Passed March 23, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. County Court of Fayette authorized to lay special levy to build bridge at Stone Cliff; levy not to exceed five cents per year for five years.

Sec. 2. County Court to prescribe plans; money raised to be kept in separate fund.

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of constructing a public bridge across New river at Stone Cliff, in the county of Fayette, 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-three, and if necessary, for the year one thousand nine hundred and twenty-four, and if necessary, for the year one thousand nine hundred and twenty-five, and if necessary, for the year one thousand nine hundred and twenty-six, and if necessary, for the year one thousand nine hundred and twenty-seven, not to exceed in
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11 either year five cents on the one hundred dollars' valuation
12 of said property as assessed for regular state, county and dis-
13 trict taxation. Said levy shall be called a "Special bridge
14 levy," and the funds derived therefrom shall be used for said
15 purpose and for no other.

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

CHAPTER 118

(House Bill No. 639—Mr. Hatfield)

AN ACT to validate the proceedings authorizing the issuance of
bonds of the town of Clark, McDowell county, West Virginia,
in the sum of eighteen thousand dollars for the purpose of
making repairs, improvements and additions to the facilities
for supplying and distributing water to consumers in said
town, and for additional lighting facilities; for improvements
on the streets and sidewalks and sewer system, and for the
construction of a bridge across Elkhorn creek; and to author-
ize the execution and sale thereof, and to provide a tax to pay
the same.

[Passed March 22, 1923. In effect from passage. Approved by the Governor
April 24, 1923]

Sec. 1. All proceedings authorizing the issuance of
2 bonds of the town of Clark, McDowell county, West Virginia,
in the amount of eighteen thousand dollars for the purpose of
3 making repairs, improvements and additions to the facilities
4 for supplying and distributing water to consumers in said
town, and for additional lighting facilities; for improvements
5 on the streets and sidewalks, and sewer system of said town,
6 and for the construction of a bridge across Elkhorn creek con-
7 necting the town with the railroad station, which bonds bear
10 date the first day of January, one thousand nine hundred and
11 twenty-three, and interest at the rate of six per centum per
12 annum, and are to be numbered from one to eighteen, both in-
13 clusive, issued serially in denominations of one thousand dollars
14 each and in installments payable as follows:
15 Numbers one (1) to five (5), both inclusive, shall be payable
16 on January one, one thousand nine hundred and thirty-three.
17 Numbers six (6) to eight (8), both inclusive, shall be pay-
18 able on January one, one thousand nine hundred and thirty-
19 eight.
20 Numbers nine (9) to eleven (11), both inclusive, shall be
21 payable on January one, one thousand nine hundred and forty-
22 three.
23 Numbers twelve (12) to fourteen (14), both inclusive, shall
24 be payable on January one, one thousand nine hundred and
25 forty-eight.
26 Numbers fifteen (15) to eighteen (18), both inclusive, shall
27 be payable on January one, one thousand nine hundred and
28 fifty-three.
29 Which said bonds were authorized by an ordinance of said
30 town of Clark, and by an election held in said town for that
31 purpose, on the seventh day of December, one thousand nine
32 hundred and twenty-two, at which election more than three-
33 fifths of all the votes cast for and against the issuing of said
34 bonds were in favor of their issuance, are hereby in all respects
35 validated and confirmed. The constituted and acting authori-
36 ties of the town of Clark are hereby authorized to execute, make
37 sale of, and deliver such bonds pursuant to such proceedings at
38 not less than par, and to make the levy authorized by said pro-
39 ceedings, for the purpose of paying the interest on, and princi-
39 pal of said bonds as therein provided.

CHAPTER 119
(House Bill No. 640—Mr. Bruns)

AN ACT to provide for the laying of a special levy by the county
court of Wayne county, West Virginia, for the year of one
thousand nine hundred and twenty-three, on all the taxable
property in Ceredo magisterial district of said county, for the
purpose of constructing, grading and draining a county road from the town of Kenova, up Happy hollow, Sweet run and Dock's creek to Dunlieth, on Buffalo creek, Wayne county, West Virginia, and providing for the receipt and disbursement of all moneys raised by said levy.

(Passed April 24, 1923. In effect from passage. Approved by the Governor April 24, 1923)

Sec. 1. County Court of Wayne County authorized to lay special levy for constructing, grading and draining of public road.

Sec. 2. Funds to be kept separate from other funds.

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of constructing, grading and draining the main leading county road beginning at the city of Kenova, up Happy hollow, up Sweet run, down Dock's creek and over to Dunlieth, at the mouth of Buffalo creek, in Ceredo magisterial district, county of Wayne, the county court of said county is hereby authorized to lay a special levy on all taxable property within the said Ceredo magisterial district for the year one thousand nine hundred and twenty-three, not to exceed twenty-five cents on the one hundred dollars valuation of said property as assessed for regular state, county and district taxation; said levy shall be called "The special county road levy of Ceredo magisterial district," and the funds derived therefrom shall be used for said purposes and for no other purpose.

Sec. 2. Said road shall be constructed according to such plans and specifications as the state road commission of the state of West Virginia and the county court of Wayne county 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 120
(House Bill No. 644—Mr. Dunn)

AN ACT authorizing the county court of Preston county to lay a special road levy for the years one thousand nine hundred and twenty-three, one thousand nine hundred and twenty-four and one thousand nine hundred and twenty-five for the purpose
of securing rights-of-way, grading, draining and hard surfacing of roads in Valley district of Preston county, West Virginia.

[Passed April 13, 1923. In effect from passage. Approved by the Governor April 25, 1923]

Sec. 1. County Court of Preston County authorized to lay special levy for three years for road improvement; projects numbers one, two, three, four and five defined; levy for three years.

Sec. 2. Construction under control of County Court.

Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of securing rights-of-way, grading, draining and hard surfacing, and to cover the expenditures on the following proposed hard road improvements, to-wit:

Project No. 1: Beginning at the state road in the town of Reedsville, at W. G. Cobun’s store; thence along the Tunnelton and Ices Ferry pike, south from said town of Reedsville, by way of Brown’s Mills, toward Gladesville.

Project No. 2: Beginning at state road in said town of Reedsville, at W. G. Cobun’s store, and extending westward along the Morgantown and Kingwood pike, toward the Monongalia and Preston county line.

Project No. 3: Beginning at a point in said state highway in the northern part of the town of Masontown, where the state highway joins the Tunnelton and Ices Ferry pike; thence north toward Rohr and toward the Monongalia and Preston county line.

Project No. 4: Beginning at state road near the Bank of Masontown, in said town of Masontown; thence along the Bull run road east, toward Cheat river bridge.

Project No. 5: Beginning at state road in said town of Masontown, near the said Bank of Masontown; thence along the road toward Herring, by way of the I. N. Roby farm.

The county court of Preston county is hereby authorized to lay a special levy on all taxable property within Valley district of said county, of one dollar on the hundred dollars’ valuation of said property as assessed for regular state, county and district taxation, for each of the years one thousand nine hundred and twenty-three, one thousand nine hundred and twenty-four and one thousand nine hundred and twenty-five; which said levy shall be in addition to all other levies for road purposes in said district. The funds to be raised by said levy to be divided into
32 five equal parts and expended equally on each side of said 33 projects for securing rights-of-way, grading, draining and hard 34 surfacing said roads, or as much thereof as the funds will per- 35 mit; said funds to be expended on each of said projects equally 36 as raised by said levy.

Sec. 2. Said roads shall be constructed according to such 2 plans and specifications as said county court may decide upon, 3 and all moneys realized from said special levy shall be kept in a 4 separate fund and a separate account kept of the receipts and 5 disbursements of the same. The citizens served by each of said 6 projects may select a representative to advise with the county 7 court in the expenditure of the moneys raised by such levy, and 8 all expenditures to be made by the county court of Preston 9 county.

CHAPTER 121
(House Bill No. 649—Mr. Estep)
AN ACT to validate the proceeding authorizing the issuance of bonds of the city of Logan, Logan county, West Virginia, for the purpose of providing funds for the erection of a fire department building and the construction of an incinerator, and to authorize the execution and sale thereof and to provide a tax to pay the same and the interest thereon.

[Passed April 24, 1923. In effect from passage. Approved by the Governor May 1, 1923]

Sec. 1. City of Logan authorized to issue bonds to provide for fire equipment.

Sec. 2. Sale of bonds.

Sec. 3. Levy for interest and maturing principal.

Be it enacted by the Legislature of West Virginia:

Section 1. All proceedings authorizing the issuance of 2 bonds of the city of Logan, Logan county, West Virginia, in 3 the amount of twenty thousand dollars, ten thousand dollars of 4 which shall be for the purpose of building a house to be used 5 by the fire department of the said city of Logan in storing the 6 equipment, and the remainder, ten thousand dollars, in the 7 building and construction of an incinerator to take care of the 8 refuse accumulated in said city, which bonds bear date as of 9 the first day of April, one thousand nine hundred and twenty- 10 three, and bearing interest at the rate of not exceeding six per
11 cent per annum and due and payable on the first day of April, 12 one thousand nine hundred and twenty-three, and were author- 13 ized by an ordinance of said city of Logan and by an election 14 held in said city for that purpose, on the tenth day of March, 15 one thousand nine hundred and twenty-three, at which election 16 three-fifths of all the votes cast for and against ratification of 17 said ordinance voted in favor of the ratification thereof, and the 18 issuance of bonds thereunder, are hereby in all respects vali- 19 dated and confirmed.

Sec. 2. The constituted and acting authorities of the city 2 of Logan are hereby authorized to execute, make sale of, and 3 deliver such bonds pursuant to such proceeding and not less 4 than their value.

Sec. 3. A tax sufficient to pay the interest and maturing 2 principal of the bonds mentioned in section one of this act 3 shall be levied each year as required by the constitution, any- 4 thing herein or in any other statute to the contrary notwith- 5 standing.

CHAPTER 122
(House Bill No. 650—Mrs. Gates)

AN ACT authorizing the county court of Kanawha county, to lay a levy of two and one-half cents on the hundred dollars valuation of the taxable property of Kanawha county for the purpose of building a bridge at Clendenin.

[Passed April 24, 1923. In effect from passage. Became a law without the approval of the Governor]

Sec. 1. County Court of Kanawha County authorized to issue bonds to build bridge at Clendenin.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Kanawha county be and 2 it is hereby authorized and empowered to lay a special levy of three two and one-half cents on the one hundred dollars’ valuation of 4 the taxable property of said county for the fiscal year beginning 5 July first, one thousand nine hundred and twenty-three, for the 6 purpose of erecting a bridge across Elk River at the town of 7 Clendenin in said county.
CHAPTER 123
(Senate Bill No. 40—Mr. Shinn)

AN ACT to fix the salaries of certain county officers and their assistants in the county of Jackson.

[Passed March 23, 1923. In effect ninety days from passage. Approved by the Governor April 11, 1923]

Be it enacted by the Legislature of West Virginia:

Section 1. The salary of the sheriff of Jackson county, on and after January first, one thousand nine hundred and twenty-five, shall be and the same is hereby fixed, at two thousand four dollars per year; and that of the assistants and deputies of the sheriff of said county shall not exceed the sum of two thousand dollars per year. The salary of the assessor of said county, on and after January first, one thousand nine hundred and twenty-five, shall be and the same is hereby fixed at the sum of one thousand five hundred dollars per year, and that of the assistants and deputies of the assessor of said county shall not exceed the sum of one thousand five hundred dollars per year. The salary of the clerk of the county court of said county, on and after January first, one thousand nine hundred and twenty-seven, shall be, and the same is hereby fixed at the sum of one thousand eight hundred dollars per year, and that of the assistants and deputies of the county clerk of said county shall not exceed one thousand two hundred dollars per year. The salary of the clerk of the circuit court of said county, on and after January first, one thousand nine hundred and twenty-seven, shall be and the same is hereby fixed at one thousand five hundred dollars per year, and that of the assistants and deputies of the circuit clerk of said county shall not exceed the sum of one hundred and fifty dollars per year, each to be paid monthly.

All acts and parts of acts inconsistent herewith are hereby repealed.
CHAPTER 124
(Senate Bill No. 51—Mr. Johnson)

AN ACT relating to the salaries of the probation officers of Kanawha county.

[Passed April 21, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. Probation officer; salary; deputies, salaries; by whom paid; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The chief probation officer shall receive such salary as the juvenile judge may prescribe, not exceeding three thousand five hundred dollars per annum. The first deputy probation officer shall receive such salary as may be prescribed by the juvenile judge, not exceeding two thousand four hundred dollars per annum. The other deputy probation officers shall receive such salaries as may be prescribed by the juvenile judge, not exceeding one thousand eight hundred dollars per annum. The salaries shall be paid out of the county treasury of the said county of Kanawha.

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

CHAPTER 125
(Senate Bill No. 61—Mr. Darnall)

AN ACT to amend and re-enact section nine, of chapter one hundred and sixty-eight, of the acts of the legislature of West Virginia, of one thousand nine hundred and twenty-one, relating to the domestic relations court of Cabell county.

[Passed April 17, 1923. In effect from passage. Became a law without the approval of the Governor]

Sec. 9. Clerk of the circuit court to be clerk of domestic relations court; to sign processes, etc.; salary for services.

Be it enacted by the Legislature of West Virginia:

That section nine, of chapter one hundred and sixty-eight of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one, relating to the domestic relations court
of Cabell county, be amended and re-enacted so as to read as follows:

Section 9. The clerk of the circuit court of Cabell county shall act as and perform the duties as clerk of the said domestic relations court and shall exercise the same powers and duties arising within the jurisdiction of said court as are performed by him as clerk of the circuit court of said Cabell county. All processes, rules and orders of said court in the exercise of its jurisdiction shall be signed by the clerk thereof to be directed to the sheriffs of the proper counties wherein the same are executed in like manner and with the same effect as processes issuing from the circuit court of said Cabell county.

And the clerk of said domestic relations court shall receive for his services as such the sum of one thousand dollars per year, payable monthly, from the county treasury.

CHAPTER 126
(Senate Bill No. 102—Mr. White of Mingo)

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.

[Passed April 21, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. Salary; how paid.

Sec. 2. Assistant prosecuting attorney; salary; how paid; duties; removal; vacancy, how filled; principal may stop salary of assistant, when; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. On and after January first, one thousand nine hundred and twenty-five, 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 three thousand dollars and not exceeding four thousand dollars, which salary shall be paid monthly in the same manner that the salaries of other county officers are paid.

Sec. 2. On and after January first, one thousand nine hundred and twenty-five, the prosecuting attorney of said county
480 \hspace{1cm} \textsc{Children's Home of Clarksburg} \hspace{1cm} [Ch. 127]

3 may designate and appoint some competent attorney as assistant prosecuting attorney of said county, whose salary shall be not less than twelve hundred dollars per annum nor more than eighteen hundred dollars per annum, at the discretion of the county court. Such salary shall be paid to said assistant monthly, out of the county treasury, and in the same manner as the salaries of other county officers are 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. In case such assistant shall be removed, the vacancy may be filled by the principal as herein provided for his appointment. The appointment of an assistant shall always be discretionary with the principal, and the principal may, at any time, by thirty days' notice to the assistant, stop the payment of the salary of such assistant.

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

\textbf{CHAPTER 127}

\textit{(Senate Bill No. 117—Mr. Coffman)}

AN ACT empowering, authorizing and requiring the county court of Harrison county to appropriate and pay to "The Children's Home of Clarksburg," money for the support and maintenance of the abandoned, neglected and indigent children of said county, kept in said home, to lay an annual levy to provide revenue therefor, and to require the officer of such home to give surety for the faithful application of such appropriation.

[Passed April 21, 1923. In effect from passage. Became a law without the approval of the Governor]

\begin{align*}
\text{Sec. 1.} & \quad \text{County court authorized to appropriate money for; levy.} \\
\text{Sec. 2.} & \quad \text{Bond; what constitutes forfeiture; annual statement; investigation of cases; expenses of same; how paid; report to prosecuting attorney; acts in conflict repealed.}
\end{align*}

\textit{Be it enacted by the Legislature of West Virginia:}

Section 1. The county court of Harrison county is hereby fully authorized and empowered, as well as requested to appropriate money and pay over to "The Children's Home," a non-stock and non-profit sharing corporation, of Clarksburg,
in which dependent, neglected, abandoned, homeless, unfortunate and delinquent children of said county are kept, maintained and educated. The county court of said county, at each annual levy period, shall lay a levy on all taxable property, both real and personal in said county, not to exceed one mill on each one hundred dollars valuation thereof, to provide the money for said appropriation, and said county court shall appropriate for the use and benefit of said home all, or so much of the money or funds so derived, as shall be necessary to properly keep, maintain and educate said children while they remain in said home.

Sec. 2. No part of said appropriation shall be paid until there has been executed on the part of said "The Children's Home," a bond with good and sufficient surety, stipulating and providing that all of said appropriation, and every part thereof, shall be faithfully and honestly applied for the use and benefit of said children, and in conformity with the purposes of the charter of said home, that is, for the care, protection, training and education of neglected, abandoned, homeless, unfortunate, or delinquent children, and to locate and find proper and suitable homes for such children in private homes secured for such purposes; and a failure so to do shall be a forfeiture thereof; said bond to be approved by said county court and shall be kept as a record in the office of the clerk thereof. If any part of said appropriation so raised by taxation in any one year shall not be used, then all such part thereof as may be unexpended, shall be returned to the county treasury. Said home, shall by its proper officers, make an annual verified statement and settlement with the county court, showing when, where, and how said funds or appropriation has been applied and disbursed.

But before any of said money so appropriated may be expended by said home for keeping, maintaining and educating any child as aforesaid, a thorough investigation shall be made of the necessity of such action in order that no imposition may be practiced upon said home, and to that end the expenses of such investigation, not to exceed the sum of five dollars, in each case, may be paid out of said fund. And upon such investigation, if it clearly appears to the management of said home that such child so investigated has a father who is able and capable to keep, maintain and educate such child
31 and is failing and neglecting so to do and thereby violating
32 any of the laws of this state, the said management shall report
33 the facts to the prosecuting attorney of said county.
34 All acts and parts of acts inconsistent herewith are hereby
35 repealed.

CHAPTER 128
(Senate Bill No. 121—Mr. Bowers)

AN ACT to authorize the county court of Marion county, or any
other county, to appropriate county funds to assist boys and
girls in erecting county buildings at Jackson's Mills.

(Passed April 19, 1923. In effect ninety days from passage. Became a law
without the approval of the Governor)

Sec. 1. County court authorized to ap-
propriate money to assist in 4-H camp property at Jackson's
Mills; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Marion county, or any
2 other county, is hereby authorized to appropriate money from
3 the county fund to assist the boys and girls of that county in
4 erecting county buildings on the state 4-H camp property at
5 Jackson's Mills.
6 All acts, or parts of acts, in conflict or inconsistent herewith
7 are hereby repealed.

CHAPTER 129
(Senate Bill No. 134—Mr. Reynolds)

AN ACT to authorize the county court of the county of Mineral to
establish and maintain a county law library.

(Passed April 17, 1923. In effect ninety days from passage. Became a law
without approval of the Governor)

Sec. 1. For whom; location.
2 County Court may purchase law
books, etc.
3 Court to appoint committee; who
shall compose; powers; duties;
librarian.
4 Powers of county court under act.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of the county of Mineral is
2 hereby authorized to establish and maintain a law library for
the use of the judge of the court of said county, all attorneys
at law practicing in said court, and all public officers of said
county, or any subdivision thereof, and municipalities therein.
Said library shall be designated as "The Mineral County Law
Library", and shall be located in the courthouse of said county.

Sec. 2. The said county court of the county of Mineral may,
within its discretion, purchase law books, law periodicals, sta-
tionery, supplies, furniture and equipment for said library, and
for said purpose shall have authority to expend such money
as may be necessary to purchase the foregoing.

Sec. 3. The said county court, if it establishes such library,
shall appoint a committee of three lawyers to purchase said
library, one of whom shall be the judge of the circuit court of
said county, and no law books shall be purchased for said library
except upon the order of said committee; and the said commit-
tee shall have the power to make and enforce all rules and
regulations that may be necessary for the government of the
said library and the use thereof. The clerk of the circuit court
of said county shall be the librarian.

Sec. 4. The said county court shall have the authority to
receive for said library any books or other property by loan,
gift or bequest. The said county court by and with the consent
of the committee provided for in section three of this act shall
have authority to sell, exchange or otherwise dispose of any
books that it may deem not needful for said library.

CHAPTER 130
(Senate Bill No. 266—Mr. White of Lewis)

AN ACT to authorize the state board of control in conjunction with
The Weston Electric Light, Power & Water Company, to erect,
maintain and operate a dam or dams across the West Fork
river at such point or points in and above the city of Weston
as may be necessary or advantageous to provide an adequate
and dependable water supply for the Weston state hospital
and the portions of the public served and to be served by said
company, and to protect the waters of such river against con-
tamination.
DAM ACROSS WEST FORK RIVER

(Passed April 21, 1923. In effect ninety days from passage. Approved by the Governor April 26, 1923)

SEC. 1. State board of control and Weston Electric Light, Power and Water Company authorized to erect, operate and maintain dam or dams across West Fork river; location of; purpose of.

SEC. 2. Expense of; how paid.

SEC. 3. Right to condemn land.


SEC. 5. Penalty for violation section four; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The state board of control is authorized, in conjunction with The Weston Electric Light, Power & Water Company, to erect, operate and maintain at such point or points and of such type, construction and height as may by them be found practicable or desirable, a dam or dams across the West Fork river in and above the city of Weston, in Lewis county, for the purpose of impounding and storing water for use in furnishing the Weston state hospital and the portions of the public served and to be served by said company with an adequate and dependable supply of water at all seasons.

Sec. 2. That the expense of all projects that may be undertaken or carried out under authority of this act, shall be borne equally by said state board of control and said public utility company.

Sec. 3. That if it shall be necessary to take, appropriate, use or invade private property in the erection, operation or maintenance of such dam or dams or the impounding of water thereby, said state board of control and said public utility company, or either of them, may, and they, or either of them, with the consent of the other, is hereby granted authority to exercise the right of eminent domain in respect to any property so taken or damaged, or proposed to be taken or damaged, and they, or either of them, with the consent of the other, may proceed according to the provisions of chapter forty-two of Barnes’ code of one thousand nine hundred and twenty-three, in condemning and acquiring the property so to be taken or damaged.

Sec. 4. It shall be unlawful for any person, firm, association or corporation to cast, or permit the drainage into, or to deposit in or along the waters of said river, or its tributaries, above any dam or dams that may be constructed, owned or operated by said state board of control and said public utility company. any animal or vegetable matter the mingling of which with said main or tributary waters of said river will contaminate the same or render them impure.
Sec. 5. Every violation of section four of this act shall be punishable by a fine of from twenty-five to fifty dollars, or a jail sentence of from five to ten days, at the discretion of the court.

All acts and parts of acts in conflict herewith, to the extent only that such conflict occurs, are hereby repealed.

CHAPTER 131
Senate Bill No. 272—Mr. Reynolds)
AN ACT to fix the compensation of the clerk of the circuit court and the clerk of the county court of Mineral county.

[Passed April 26, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec.
1. Clerks circuit and county courts; salaries; how paid; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Beginning on the first day of January, one thousand nine hundred and twenty-seven, the annual compensation of the clerk of the circuit court and the clerk of the county court of Mineral county, shall each be three thousand dollars, payable out of the county treasury in equal monthly installments.

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

CHAPTER 132
(Senate Bill No. 283—Mr. Hugus)
AN ACT to amend and re-enact section seven of an act entitled "An act to establish a county court and a board of commissioners of the county of Ohio, under the thirty-fourth section of the eighth article of the constitution of the state of West Virginia," approved December twenty-first, one thousand eight hundred and seventy-two and section seven, chapter twenty-nine of the acts of the legislature of one thousand nine hundred and nine.
Be it enacted by the Legislature of West Virginia:

That section seven of an act to establish a county court and a board of commissioners for the county of Ohio, under the thirty-fourth section of the eighth article of the constitution of the state of West Virginia, approved December twenty-first, one thousand eight hundred and seventy-two and section seven of chapter twenty-nine of the acts of the legislature of one thousand nine hundred and nine, be amended and re-enacted to read as follows:

Section 7. The commissioners elected as provided in section two shall constitute a board, to be known as "The Board of Commissioners of the County of Ohio," by which name they may sue and be sued, and make and use a common seal, and enact ordinances and by-laws not inconsistent with the laws of this state. They will meet steadily on the first Monday in every month, at the court house of their county, and may hold special and adjourned meetings at any time after their first meeting after election. They shall elect one of their number president of the board, and appoint a clerk, who shall hold his office at their pleasure, and shall keep a journal of their proceedings, including a record of their ordinances in a volume separate from the journal of their proceedings, and shall perform such other services pertaining to his office as may be by them or by law required; and whose compensation shall be thirty-five hundred dollars annually, which salary shall be paid from the county treasury and no fees or additional salary shall be received by said clerk. The said board shall have the same powers now vested in the board of commissioners of Ohio county as to the superintendence and administration of the internal police and fiscal affairs of the county, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, the granting of ordinary and other licenses, with authority to lay and disburse the county levies. The board shall, in all contested cases, judge of the election, qualification and returns of its own members, and of all county and district officers; and it shall exercise such other jurisdiction and perform such other duties as may be prescribed by law. The said commissioners shall each receive a compensation.
30 of thirty-five hundred dollars annually, which salary shall be
31 paid from the county treasury and no fees, commissions or
32 additional salary shall be received by any of said commis-
33 sioners. Any commissioner may be indicted for malfeasance, mis-
34 feasance or neglect of official duty, and, upon conviction
35 thereof, his office shall become vacant. A vacancy in the
36 board of commissioners, whether from resignation, removal
37 from the sub-division from which he was elected, removal from
38 office, death or other cause, shall be filled by the remaining
39 members of the board.
40 All acts or parts of acts inconsistent herewith are hereby
41 repealed.

CHAPTER 133
( Senate Bill No. 368—Mr. Henshaw)

AN ACT providing for the erection of a monument to Morgan
Morgan, the first settler within the present boundaries of West
Virginia.

WHEREAS, Morgan Morgan, a native of Wales, settled at Bunker
Hill, in what is now Berkeley county, West Virginia, in the year
one thousand seven hundred and twenty-six, and thereby became
the first settler and built the first house within the present state
of West Virginia; and,

WHEREAS, The said Morgan Morgan was a man of high character,
who, by his efforts and example, was largely useful in the commu-
nity of which he was the founder, and had a great influence for
good upon the early history of the territory now within the boun-
daries of this state; and,

WHEREAS, The said Morgan Morgan is buried at Bunker Hill,
in said Berkeley county, and no monument has been erected by
this state in recognition of his services as such first settler and as
one of the founders of West Virginia. Therefore,

(Passed April 17, 1923. In effect ninety days from passage. Approved by the
Governor April 26, 1923)

Sec. 1. Provides for erection of monu-
ment; commission to be appoint-
ed, powers and duties of same;
vacancy on commission, how
filled.

Be it enacted by the Legislature of West Virginia:

Section 1. That there shall be erected to Morgan Morgan
2 at or near his grave at Bunker Hill, in said Berkeley county,
a monument commemorating his life and deeds to be paid for as the legislature shall hereafter direct, which monument shall be erected under the supervision of the governor of the state, and three persons to be appointed by the governor who shall constitute a commission, which shall serve without compensation, and which shall have the right to contract for the erection of this monument and to pay for the same, when such payment is authorized, and the governor shall be ex-officio chairman of this commission.

A majority of this commission shall have the right to act and upon the death or disability of any member thereof, the governor of this state shall fill the vacancy by appointment.

CHAPTER 134
(House Bill No. 85—Mr. Ash)

AN ACT to create and establish, in the county of Monongalia, a court to be known as the “domestic relations court,” and to define its jurisdiction.

[Passed April 26, 1923. In effect from passage. Became a law without the approval of the Governor]

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created and established, in and for the county of Monongalia, a court to be known as the domestic relations court of Monongalia county, with jurisdiction co-extensive with the county for the trial of all cases relating to desertion and non-support of wives and children, and for the hearing and disposition of all matters relating to delinquent, defective, neglected and dependent children and to the enforcement of the general school laws, arising within the county or coming within the jurisdiction of the court as provided by the laws of this state now existing or hereafter enacted.

Sec. 2. The said domestic relations court shall have full and exclusive jurisdiction of all matters and causes coming within the purview of chapter fifty-one of the acts of the Legislature of
one thousand nine hundred and seventeen, commonly known as
the non-support act; within the purview of chapter one hundred
and eleven of the acts of the legislature of one thousand nine
hundred and nineteen, commonly known as the juvenile act;
within the purview of chapter one hundred and thirty-four of
the acts of the legislature of one thousand nine hundred and
twenty-one, commonly known as the children's guardian act;
within the purview of chapter two of the acts of legislature of
one thousand nine hundred and nineteen, commonly known as
the general school law; within the purview of chapter one hun-
dred and thirty-four of the acts of the legislature of one thousand
nine hundred and and twenty-one, commonly known as the de-
pendent and neglected children act; and within the purview of
all amendments and re-enactments of the said several acts, and of
all other or future acts of the legislature of West Virginia touch-
ing the subject matter of any of the said laws and of the com-
mon law of this state relating to the subject matter thereof. All
the power and jurisdiction, and the proceedings and modes of
procedure, conferred by law upon the circuit court in any and
all said causes and matters are hereby conferred upon and shall
be exercised by the said domestic relations court.

Sec. 3. The governor of this state, on or before the first day
of May, one thousand nine hundred and twenty-three, shall ap-
point and commission a judge of said court, who shall be a per-
son of good character, a resident member of the bar of Monong-
galia county and a citizen thereof, and who shall preside over
said court and serve as such judge from said first day of May,
one thousand nine hundred and twenty-three, until the first day
of January, one thousand nine hundred and twenty-five. At
the general elections regularly held on Tuesday after the first
Monday in November, one thousand nine hundred and twenty-
four, and thereafter each four years, some person qualified as
aforesaid shall be elected in the manner provided by law for the
election of circuit court judges to be the judge of said domestic
relations court for the ensuing term of four years, beginning
on the first day of January next following such election. The
judge of said court may be removed from office for the same
reasons and in the same manner as judges of the circuit courts.
And if from any cause the office 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. 4. The judge of said domestic relations court shall receive for his services the sum of one thousand eight hundred dollars per annum, payable in monthly installments out of the county treasury of said county. It shall be lawful for the judge of said domestic relations court to engage in the general practice of law or other business not affecting the duties required by this act, but he shall not act as attorney or counsel in relation to any causes or matters within the jurisdiction of said court.

Sec. 5. It shall not be necessary in any cause or proceeding in said domestic relations court that the facts authorizing it to take jurisdiction of the causes or proceedings should be set forth upon the record; but jurisdiction shall be presumed unless the contrary plainly appear by the record.

Sec. 6. The domestic relations court shall have the same powers to punish for contempt as are conferred upon the circuit court by law.

Sec. 7. In the event of the absence or disqualification of the judge of said domestic relations court, any matter within the purview of this act pending in said court may be certified by the clerk to the circuit court of said county and docketed and proceeded with therein according to law, or if not pending in said court, the same may be brought and proceeded with therein according to law.

Sec. 8. The mode of procedure in all causes and matters in said court shall be the same as prescribed in the several acts hereinbefore mentioned and in any amendments or re-enactments thereof and otherwise as prescribed for the circuit courts of this state in similar cases; and the judge of said court shall have power to make rules and prescribe forms for the transaction of the business of said court, provided the same be in conformity with the laws of this state.

Sec. 9. The clerk of the circuit court of said county shall be ex-officio clerk of said domestic relations court and shall perform the same duties and exercise the same powers arising within the jurisdiction of the said domestic relations court as are prescribed by the several acts hereinbefore mentioned and in amendments and re-enactments thereof and as are performed by him as clerk of the said circuit court for which services the county court of said county shall pay him not exceeding the sum of one thousand seven hundred and fifty dollars annually out of the county treasury of said county. All processes, rules
and orders of said domestic relations court shall be signed by the
clerk thereof and directed to the sheriffs or other proper officers
of the respective counties wherein the same shall be executed in
like manner and with the same effect as processes, rules and
orders issuing from the circuit court of said county.

Sec. 10. The sheriff of said county and the sheriffs of the
two several counties of this state, as well as any constable or police
officer thereto required, shall, by themselves or their deputies,
execute all processes and orders of said court, issued by the judge
or clerk thereof and directed to them, respectively, in the same
manner as is provided by law as to processes and orders issuing
from the judge or clerk of said circuit court. The sheriff of
said county shall perform the same duties and services for the
said domestic relations court as he is by law required to per-
form for the circuit court of said county; and in the execution
of processes, rules and orders of said court, the officer executing
the same shall have the same powers and rights, and be subject
to the same liability as though the same issued from the circuit
court of said county.

Sec. 11. That for the proper and efficient administration and
enforcement of the matters within its jurisdiction, the judge of
the said domestic relations court shall name one probation officer,
who shall be appointed and qualified and who shall receive the
salary and expenses, who shall be charged with the same duties
and who shall have the same power and authorities as provided
by section six of chapter three, acts of the legislature of West
Virginia, of one thousand nine hundred and nineteen and of all
amendments and re-enactments thereof.

Sec. 12. It shall be the duty of the county court of said coun-
ty to provide all record and other books and stationery that may
be necessary, and likewise a seal for said domestic relations
court; but full faith and credit shall be given to the record of
said court and certificates of its judge or 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. And the said county court shall
furnish and provide sufficient room and furniture for the proper
conduct and holding of said court.

Sec. 13. Appeals may be allowed and writs of error and
supersedeas awarded to the judgments, rulings and orders of the
said domestic relations court or the judge thereof, by the circuit
SALARY OF PROSECUTING ATTORNEY

CHAPTER 135

(House Bill No. 93—Mr. Hatfield)

AN ACT to fix the salary of the prosecuting attorney of McDowell county.

[Passed April 13, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

Sec. 1. Salary prosecuting attorney; how and by whom paid; when effective; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the salary of the office of prosecuting attorney of McDowell county be and the same is hereby fixed at the sum of four thousand eight hundred dollars per year, which salary shall be allowed and paid monthly out of the treasury of McDowell county, by the county court of said county, in the same manner that the salaries of other county officers are paid. This act shall take effect on the first day of January, one thousand nine hundred and twenty-five.

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

CHAPTER 136

(House Bill No. 197—Mr. Coffield)

AN ACT to fix the salary of the prosecuting attorney of Wetzel county; and also providing for the appointment of an assistant prosecuting attorney of said county and the employment of a stenographer for the said prosecuting attorney and fixing the compensation for each.
Be it enacted by the Legislature of West Virginia:

Section 1. The salary of the office of prosecuting attorney of Wetzel county be, and the same is hereby fixed at the sum of not less than eighteen hundred dollars and not exceeding twenty-one hundred dollars per annum to take effect on January first, nineteen hundred and twenty-five.

Sec. 2. The prosecuting attorney of said county may, with the assent of the county court of his county entered of record, appoint one practicing attorney to assist him in the discharge of his official duties for and during his term of office, and such assistant shall take the same oath of office and may perform the same duties as required by law of his principal; and may be removed from office as such assistant at any time by his principal, and further, he may be removed from his office as such assistant by the circuit court of the county in which he is appointed for any cause for which his principal might be removed. The county court of said county shall allow annually to such assistant such compensation to be paid out of the county treasury as is deemed reasonable by the county court in a sum not less than six hundred dollars nor more than nine hundred dollars annually, in monthly payments; and the prosecuting attorney by and with the consent of the county court may employ a stenographer for his office at a salary of not less than six hundred dollars nor more than nine hundred dollars annually, to be paid in monthly payments out of the county treasury.

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

CHAPTER 137

(House Bill No. 209—Mr. Craig)

AN ACT to fix the salaries of the prosecuting attorneys of Brooke county and of Hancock county.
Be it enacted by the Legislature of West Virginia:

Section 1. On and after January first, one thousand nine hundred and twenty-five, the salary of the prosecuting attorney of Brooke county and of Hancock county shall each be one thousand eight hundred dollars per annum.

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

CHAPTER 138

AN ACT to authorize the county court of Wetzel county, a body politic, to acquire, by purchase or otherwise, a building or buildings, and ground or suitable site, and to erect, equip and maintain thereon, a building or buildings for a hospital for the inhabitants of said county, and to extend the same privilege to others upon such terms as the county court or board may deem reasonable, and lay levies therefor.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wetzel county, a body politic, is fully authorized to acquire and establish at the county seat, or adjacent thereto, by purchase or otherwise, ground and building, or buildings, or ground for a hospital and to erect and maintain thereon, a building or buildings, and may lay a tax for the purpose of acquiring and establishing the same of not more than five cents on the one hundred dollars, on all taxable property in said county, and thereafter a like tax of...
9 not more than two cents on the one hundred dollars, such tax
10 to be levied and collected in like manner as the general taxes
11 of the county, which shall be kept separate in a fund to be
12 known as the "Hospital fund."

Sec. 2. Whenever such hospital shall be established under
2 this act the county court shall appoint a board of directors
3 consisting of fifteen members, citizens of Wetzel county; each
4 magisterial district of the county shall be entitled to at least
5 one director. Such directors shall hold office for four years
6 from the first day of July following their appointment, and
7 until their successors are appointed. No person shall be in-
8 eligible to appointment by reason of sex. Vacancies in the
9 board shall be reported to the county court and filled by ap-
10 pointment in like manner as original appointments for the
11 unexpired term. The county court may remove any director
12 for misconduct or neglect of duty. No compensation shall be
13 paid or allowed any director.

Sec. 3. The board of directors of said hospital established
2 under this act shall, immediately after their appointment, meet
3 and organize by electing one of their number as president and
4 one as secretary; a majority of all the members of any board
5 shall constitute a quorum for the transaction of business. They
6 shall make and adopt such by-laws, rules and regulations from
7 time to time for their own guidance and for the government
8 and use of the hospital as may be expedient and not incon-
9 sistent with this act. Said board shall have authority to con-
10 tract for the construction or purchase of a hospital established
11 under this act and for repairs thereon or maintenance thereof
12 and the supervision, care and custody of the ground, structure
13 or structures; provided, however, that all contracts shall be
14 approved by the county court and that the expenditures of all
15 funds shall be subject to the approval of the county court,
16 and all moneys belonging to the hospital fund shall be de-
17 posited in the treasury of said county to the credit of the
18 hospital fund and shall be drawn therefrom on orders issued
19 by the county court. Said orders shall not be drawn except
20 upon requisition of the hospital board attached to proper au-
21 thenticated vouchers. The buildings and ground purchased
22 for a hospital and established under this act may be acquired
23 by condemnation by said board in the same manner as the
24 county court may acquire other real estate for public uses and
purposes, and the title of all such property shall be and vest in the county court. The said board shall have power to ap-
point a suitable custodian and assistants and prescribe rules for their conduct; fix their duties and compensation, and shall have power to remove such appointees and, in general, to carry out the spirit and intention of this act.

Sec. 4. Said hospital, when established under this act, shall be ostensibly for the benefit of the inhabitants of the county, subject to such reasonable rules and regulations as the board may adopt, in order to render the use of said hospital of the greatest benefit to the greatest number; and the said board may exclude from the use of the hospital any and all persons who shall wilfully violate such rules. The board of directors may extend the use and privileges of the hospital 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 a report to the county court, stating the condition of the property, the various sums of money received from the hospital 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 of 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 hospital, 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 wilfully deface or injure such hospital 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 hospital fund, to be used as other money paid into its treasury.
Sec. 8. *Provided, however,* that this act shall have no force 2 or effect until it shall have been ratified by a majority of the 3 legal voters of the county of Wetzel voting upon its ratification or rejection at an election to be held at the same time 4 and places as the primary election held in said county for 5 the purpose of nominating candidates for county offices to be 6 voted upon at the general election to be held in the year one 7 thousand nine hundred and twenty-four. For the purpose of 8 obtaining an expression of the voters upon the ratification or 9 rejection of this act, the county court shall cause to be printed 10 and delivered to the proper election officials appointed for 11 holding the primary election aforesaid, a ballot, containing 12 the words set out in the caption of this act, with words under- 13 neath as follows:

15 [ ] For ratification of act.
16 [ ] Against ratification of act.
17 The election upon this question shall be conducted and the 18 result ascertained and certified in the manner as that for nom- 19 inating candidates for county offices at said primary elec- 20 tion.

CHAPTER 139

*(House Bill No. 273—Mr. Hatfield)*

AN ACT to amend and re-enact section seven of chapter twenty-eight of the acts of the legislature of West Virginia of one thousand nine hundred and seven, concerning the duties of the county court of McDowell county in respect to the criminal court of said county.

[Passed April 6, 1923. In effect ninety days from passage. Approved by the governor April 24, 1923]*

Sec.
7. County court to provide office, books and stationery, seal, etc., for judge of criminal court.

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

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

Section 7. The county court, or tribunal acting in lieu there-2 of in McDowell county, shall provide an office for the judge of
FOURTEENTH JUDICIAL CIRCUIT

3 said criminal court, all record books and other books and sta-
4 tionery that may be necessary and likewise a seal for said crim-
5 inal court; full faith and credit shall be given to the records of
6 said court and to the certificates of its judge or clerk, whether
7 the seal of the court be affixed thereto or not, in like manner
8 and with like effect as if the same were record of the circuit
9 court of certificates of the judge or clerk of the circuit court
10 similarly authenticated.

CHAPTER 140
(House Bill No. 303—Mr. Sutton)

AN ACT to amend and re-enact section one-n of chapter eighty-
four of the acts of one thousand nine hundred and twenty, fix-
ing the times of holding circuit courts in the several counties
of the fourteenth judicial circuit.

[Passed March 28, 1923. In effect ninety days from passage. Approved by the
Governor April 24, 1923]

SEC. 1. Fourteenth circuit; terms of
court in counties composing
same.

Be it enacted by the Legislature of West Virginia:

That section one-n of chapter eighty-four of the acts of one thou-
sand nine hundred and twenty be amended and re-enacted so as to
read as follows:

Fourteenth Circuit

Section 1-n. For the county of Braxton the second Tuesday
2 in March, the second Tuesday in July and the third Tuesday in
3 November.
4 For the county of Gilmer on the second Tuesday in February,
5 the second Tuesday in June and the second Tuesday in October.
6 For the county of Webster the second Tuesday in January,
7 the second Tuesday in May and the second Tuesday in Sep-
8 tember.
CHAPTER 141
(House Bill No. 349—Mr. Hopkins)

AN ACT to extend the time in which R. J. Knotts, ex-sheriff of Calhoun county, West Virginia may have to collect unpaid taxes by due process of law.

[Passed April 24, 1923. In effect from passage. Approved by the Governor May 1, 1923]

Sec. 1. Extension of time granted ex-sheriff; for what.

Be it enacted by the Legislature of West Virginia:

Section 1. The time in which the ex-sheriff of Calhoun county, West Virginia, may have to collect unpaid taxes of every description shall be extended for a period of time as follows:
5 The time of the ex-sheriff of Calhoun county, R. J. Knotts, is hereby extended until January first, one thousand nine hundred and twenty-four, in which to make executions for the collection of taxes of every description which may be due and unpaid on real and personal property, whether returned delinquent by him or not.

CHAPTER 142
(House Bill No. 392—Mr. Hall of Mingo)

AN ACT to authorize the county court of Mingo county to lay an additional tax for the purpose of erecting a memorial to the soldiers and sailors of the world war.

[Passed April 24, 1923. In effect from passage. Became a law without the approval of the Governor]

Sec. 1. County court to have power to lay levy for soldiers and sailors memorial; amount of levy.

Be it enacted by the legislature of West Virginia:

Section 1. The county court of Mingo county shall have the power, upon the petition of twenty per cent of the voters of said county, based upon the number of votes cast at the last general election, to lay a tax of eight cents on the hundred dollars for the year one thousand nine hundred and twenty-
500  

SEVENTH JUDICIAL CIRCUIT  

CHAPTER 143  
(House Bill No. 400—Mr. Estep)  
AN ACT to amend and re-enact section one-g of chapter one hundred thirty-two of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to the time of holding terms of the circuit court in the seventh judicial circuit of West Virginia, composed of the counties of Logan and Wayne.

[Passed April 25, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

Sec. 1-g. Terms of court seventh judicial circuit; acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:
That section one-g of chapter one hundred thirty-two of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to the time of holding terms of the circuit court in the seventh judicial circuit of West Virginia, composed of the counties of Logan and Wayne, be amended and re-enacted so as to read as follows:

Section 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.
For the county of Wayne on the second Monday in March, the second Monday in June, the second Monday in September, and the first Monday in December.
All acts, or parts of acts inconsistent herewith, are hereby repealed.

CHAPTER 144

(House Bill No. 422—Mr. Oldham)

AN ACT to amend and re-enact section one, chapter one hundred and sixty, of the acts of the legislature of West Virginia, for one thousand nine hundred and twenty-one, relating to the payment of county commissioners.

[Passed April 27, 1923. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec. 1. Compensation for county commissioners for services other than in court, amount, how determined.

Be it enacted by the Legislature of West Virginia:

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

Section 1. There shall be allowed and paid out of the county treasury, as other salaries are paid, beginning on the first day of January, one thousand nine hundred and twenty-one, to each county commissioner in each county, which has now or may have at any decennial census of the United States at least the number of twenty-five thousand inhabitants or more, for services performed for such county concerning roads, bridges and other county business by said commissioners (other than services in court) the following sums of money, to-wit; for each county having one hundred thousand inhabitants or more the sum of two hundred and fifty dollars per month for each month of their term of service, respectively, and for each county which has more than fifty thousand and less than one hundred thousand inhabitants at such census, the sum of two hundred dollars per month for each month of their term of service, respectively, except as otherwise provided by law for the county of Ohio; and for each county which has more than thirty thousand and less than fifty thousand inhab-
Prosecuting attorney—Clay county

24 itants, the sum of one hundred dollars per month for each
25 month of their term of service respectively, and for each county
26 that has more than twenty-five thousand inhabitants and less
27 than thirty thousand inhabitants and not more than three com-
28 missioners, the sum of twenty-five dollars per month for each
29 month of their term of service, respectively. Provided, that in
30 the counties of Berkeley and Wayne from and after June first,
31 one thousand nine hundred and twenty-three, the salaries of
32 each of said county commissioners shall be seventy-five dollars
33 per month for each month of his term of service, respectively,
34 for services other than services in court; provided, further, that
35 in the counties of Jefferson, each of the five commissioners, and
36 Preston, each of the eight commissioners, shall receive thirty-
37 five dollars per month, from and after the first day of June,
38 one thousand nine hundred and twenty-three, for each month of
39 his term of service, respectively, for services other than services
40 in court.

CHAPTER 145

(House Bill No. 464—Mr. Stephenson)

AN ACT to fix the salary of the prosecuting attorney of Clay county
and the time and manner of the payment thereof; and re-
pealing all acts and parts of acts inconsistent therewith.

(Passed March 26, 1923. In effect ninety days from passage. Became a law
without the approval of the Governor)

Sec. 1. Prosecuting attorney Clay county;
salary of: how and when paid;
acts in conflict repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the salary of the office of prosecuting at-
torney of Clay county, on and after the first day of January,
one thousand nine hundred and twenty-five, shall be, and the
same is hereby fixed at the sum of one thousand five hundred
dollars per year, and the county court of Clay county shall
allow and pay to the prosecuting attorney thereof, out of the
treasury of said county, said salary which shall be paid monthly,
in the same manner that the salaries of other county officers
are paid.

All acts and parts of acts inconsistent with this act are here-
by repealed.
CHAPTER 146
(House Bill No. 585—Mr. Zimmerman)
AN ACT fixing the salary of the prosecuting attorney of Hamp­shire county from and after January first, nineteen hundred and twenty-five, and repealing all acts and parts of acts inconsistent therewith.

[Passed April 27, 1923. In effect ninety days from passage. Approved by the Governor May 1, 1923]

SEC. 1. Salary of Prosecuting Attorney of Hampshire County.

Be it enacted by the Legislature of West Virginia:

Section 1. Beginning with January first, nineteen hundred and twenty-five, the annual salary of the prosecuting attorney of Hampshire county shall be one thousand dollars.

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

CHAPTER 147
(House Bill No. 371—Taxation and Finance)
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 June 14, 1923. In effect from passage]

Sec.
1. Appropriation of money from state treasury.
2. Appropriations for two fiscal years.
3. Appropriations appearing under sub-sections "A" and "B" payable out of general revenue of state.

SUB-SECTION "A"

4. Salaries.
5. Auditors office.
6. Attorney general's office.
7. Governor's office.
8. Pardon attorney's office.
9. Civil contingent fund.
10. Treasurer's office.
11. Secretary of State's office.
12. Department of Agriculture.
15. State Tax Commissioner's office.
17. Department of Mines.
18. Commissioner of Banking.

Sec.
20. Department of Archives and History.
21. State Health Department.
22. Capitol building and grounds.
23. Governor's mansion and grounds.
27. State sinking fund commission.
29. Recodification commission.
30. General school fund.
31. Miscellaneous.
32. World war—Soldiers, Sailors and Marines.
32-b. New capitol; to be expended by the Governor; shall secure new plans; total cost not to exceed five million dollars; office building or buildings, not to cost over two million five hundred thousand; may sell property now owned by State.
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Sec. 32-c. Court costs.
32-d. State aid for agricultural fairs or associations.
33. Publication of delinquent lists.
34. Supreme court of appeals.
35. Circuit courts.
SUB-SECTION "B"
36. State board of control.
37. Huntington state hospital.
38. Spencer state hospital.
39. Weston state hospital.
40. State colored hospital for the insane.
41. Welch hospital No. 1.
42. McKendree hospital No. 2.
43. Fairmont hospital No. 3.
44. State tuberculosis sanitarium.
45. State colored tuberculosis sanitarium.
46. West Virginia industrial school for boys.
47. West Virginia industrial school for girls.
48. West Virginia children's home.
49. West Virginia colored orphan home.
49-b. Miscellaneous.
50. State board of children's guardians.
51. Florence Crittenton home (Wheeling).
52. Point Pleasant battle monument commission.
53. State board of pharmacy.
54. Berkeley Springs board.
55. Rumseyan society.
56. State hotel inspector.
56-a. Insurance on public buildings.
57. Department of public safety.
58. For treatment of drug addicts; how expended.
58-b. Compensation of other elective officers; miscellaneous appropriation; house.
59. Legislative printing and stationery.
60. For treatment of laborers and others who may become public charges; how expended.
61. Agricultural experiment station.
63. Potomac State school (Keyser)
63. Fairmont State Normal school.
64. Concord State Normal school.
65. West Liberty State Normal school.
66. Shepherd College State Normal school.
67. Glenville State Normal school.
68. New River State school (Montgomery).
69. West Virginia school for the deaf and blind.
70. Colored deaf and blind school.
71. West Virginia Colored Collegiate Institute.
72. Bluefield Colored Institute.
73-a. Storer College.
73-b. Commission to supervise erection of monument.
73-c. Public school commission.
SUB-SECTION "C"
74. Appropriation under Sub-section "C" payable out of the general revenue of the state fund for the fiscal year ending June 30, 1923, except in section 78.

Sec. Legislative Department
75. Mileage and salaries of members of Senate; compensation and per diem of other officers and attaches.
76. Mileage of members and per diem of speaker of the house of delegates.
76-a. Compensation of assistant clerks.
76-b. Compensation of other elective officers; miscellaneous appropriation; house.
77. Legislative printing and stationary.
78. Salaries of members of the legislature; legislative manual and official register.
SUB-SECTION "D"
79. Appropriation under Sub-section "D" payable out of the general revenue of the state fund for one thousand nine hundred and twenty-three.
80. Miscellaneous appropriations.
SUB-SECTION "E"
81. Appropriations under Sub-section "E" payable out of general school fund of the state.
82. Department of education.
SUB-SECTION "F"
83. All appropriations appearing under Sub-section "F" payable out of state road fund.
84. State road commission.
SUB-SECTION "G"
85. All appropriations appearing under Sub-section "G" payable out of special license fees.
86. Public service commission.
SUB-SECTION "H"
87. All appropriations appearing under Sub-section "H" are payable out of the fund created by chapter nine, acts of one thousand nine hundred and fifteen (extraordinary session) and amendments thereto.
88. Workmen's compensation.
SUB-SECTION "I"
89. All appropriation made payable out of "special revenue" one payable out of special revenue collected for specific purposes.
SUB-SECTION "J"
90. Refunding overpayments made into the treasury on account of taxes, etc.
91. How appropriations drawn from treasury; requisitions for new building, architect's estimate; compensation and expenses of state boards or commissions; itemized statement of same to be filed.
92. Printing, binding and stationery; for state superintendent of free schools, payable out of general school fund; for other boards, officers and institutions, how paid.
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-four, and for the fiscal year ending June thirty, one thousand nine hundred and twenty-five and for the remainder of the fiscal year ending June thirty, one thousand nine hundred and twenty-three, the following sums of money for the following-named purposes:

Sec. 2. The amounts appearing in the column headed "1924" are for the fiscal year ending June thirty, one thousand nine hundred and twenty-four and the amounts appearing in the column headed "1925" are for the fiscal year ending June thirty, one thousand nine hundred and twenty-five.

Sec. 3. All appropriations appearing under sub-sections "A" and "B" are payable out of the general revenue of the state unless otherwise provided herein.

SUB-SECTION "A"

<table>
<thead>
<tr>
<th>Salaries</th>
<th>1924</th>
<th>1925</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 4. Salary of the governor</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>2 Salary of the auditor</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>3 Salary of the treasurer</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>4 Salary of the attorney general</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>5 Salary of the commissioner of agriculture</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>7 Salary of the secretary of state</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>8 Salary of the state law librarian</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>8a Salary of adjutant general</td>
<td>3,600.00</td>
<td>3,600.00</td>
</tr>
<tr>
<td>9 Salary of the state tax commissioner</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>11 Salaries of the members of the public service commission</td>
<td>18,000.00</td>
<td>18,000.00</td>
</tr>
<tr>
<td>13 Salary of the state compensation commissioner</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
</tbody>
</table>
506  GENERAL APPROPRIATIONS  

15 Salary of the chief of the department of mines .............................................. 5,000.00 5,000.00
17 Salary of the commissioner of banking ......................................................... 5,000.00 5,000.00
19 Salary of the commissioner of labor ............................................................... 4,000.00 4,000.00
21 Salary of the state historian and archivist ...................................................... 2,700.00 2,700.00
23 Salary of the state commissioner of health ...................................................... 4,800.00 4,800.00
25 Salary of the janitor ......................................................................................... 1,800.00 1,800.00
26 Salary of the keeper of the rolls ........................................................................ 300.00 300.00
27 Salaries of the three members of the board of control .................................. 15,000.00 15,000.00
29 Salary of the state hotel inspector ................................................................ 1,500.00 1,500.00
30 Salary of the state commissioner of prohibition ............................................ 5,000.00 5,000.00
32 Salary of the director of the bureau of negro welfare and statistics .......... 3,600.00 3,600.00

JUDICIARY

34 Salaries of the judges of the supreme court of appeals ................................ 40,000.00 40,000.00
36 Salaries of the judges of the circuit courts ..................................................... 125,500.00 125,500.00

EXECUTIVE DEPARTMENT

Auditor's Office.

Sec. 5. Salary of—
2 Chief clerk ................................................................................................. 3,600.00 3,600.00
3 Stenographer and file clerk ........................................................................ 1,800.00 1,800.00
4 Mail clerk and messenger ............................................................................ 1,500.00 1,500.00
5 Accounting Department
6 Chief accountant ............................................................................................ 4,500.00 4,500.00
7 Three bookkeepers at 2,100.00 each .............................................................. 6,300.00 6,300.00
8 Custodian of bonds ......................................................................................... 3,000.00 3,000.00
9 Claims Department
10 Auditors of claims ....................................................................................... 3,000.00 3,000.00
11 Chief warrant clerk ..................................................................................... 1,800.00 1,800.00
12 Assistant warrant clerk .............................................................................. 1,200.00 1,200.00
<table>
<thead>
<tr>
<th></th>
<th>Corporation Department</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td></td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>14</td>
<td>Corporation clerk</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>15</td>
<td>Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>16</td>
<td>Assistant clerk</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>17</td>
<td></td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>18</td>
<td>Chief tax clerk</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>19</td>
<td>Assistant tax clerk</td>
<td>2,700.00</td>
<td>2,700.00</td>
</tr>
<tr>
<td>20</td>
<td>General clerk</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>21</td>
<td>Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>22</td>
<td>Current general expenses</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>23</td>
<td></td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>24</td>
<td>Chief insurance clerk</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>25</td>
<td>General clerk</td>
<td>2,400.00</td>
<td>2,400.00</td>
</tr>
<tr>
<td>26</td>
<td>License clerk</td>
<td>2,400.00</td>
<td>2,400.00</td>
</tr>
<tr>
<td>27</td>
<td>Field agent</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>28</td>
<td>Assistant clerk</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>29</td>
<td>Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>30</td>
<td>Current general and traveling expenses</td>
<td>3,400.00</td>
<td>3,400.00</td>
</tr>
<tr>
<td>31</td>
<td>To pay expenses in connection with the enforcement of the speculative securities act in accordance with the provisions of chapter 99, acts 1921</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>32</td>
<td>To pay the cost of copying, reproducing and rebinding land records in the auditors office</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>33</td>
<td>For refunding moneys erroneously paid into the treasury such sums are hereby appropriated as may be erroneously so paid, payable out of the same fund into which paid.</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>34</td>
<td>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 percentum of the funds col-</td>
<td>-----</td>
<td>-----</td>
</tr>
</tbody>
</table>
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GENERAL APPROPRIATIONS  

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54 lected and paid into the treas-
55-60 ury by any such agents.
61 For refunding to counties, dis-
62 tricts and municipal corpora-
63 tions paid into the treas-
64 ury for the redemption of lands,
65 such amount is hereby appro-
66 priated as will be necessary
67 to refund to the counties, dis-
68 tricts and municipal corpora-
69 tions entitled thereto the taxes so
70 paid into the treasury.
71 For refunding county, district and
72 municipal taxes paid into the
73 treasury by railroads and other
74 companies, such sum is hereby
75 appropriated as will be neces-
76 sary to refund to each county,
77 district and municipal corpora-
78 tion the amount of such taxes
79 as may be paid into the treas-
80 ury to the credit of such
81 county, district and municipal
82 corporation.

Attorney General's Office.

Sec. 6. Salary of first assistant attorney general ................................ 4,500.00 4,500.00
3 Salary of two other assistant attorneys general ............................... 8,400.00 8,400.00
5 Salary of printing clerk ......................................................... 3,000.00 3,000.00
6 Salary of reading clerk ......................................................... 1,800.00 1,800.00
7 Salary of chief clerk ............................................................ 1,920.00 1,920.00
8 Salary of two stenographers and clerks at $1,800.00 each .................. 3,600.00 3,600.00
10 Current general expenses and traveling expenses .......................... 3,000.00 3,000.00

Governor's Office.

Sec. 7. Salary of private secretary to the governor ......................... 4,500.00 4,500.00
### Pardon Attorney's Office.

Sec. 8. Salary of the pardon attorney:  
- **2** | **4,000.00**  
- **3** | **1,500.00**  
- **4** | **500.00**

### Civil Contingent Fund.

Sec. 9. 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:  
- **15,000.00**

### Treasurer's Office.

Sec. 10. Salary of—  
- **2** Assistant treasurer:  
  - **4,000.00**  
- **3** Stenographer and file clerk:  
  - **1,800.00**

#### Bookkeeping Department

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief accountant</td>
<td>3,600.00</td>
<td>3,600.00</td>
</tr>
<tr>
<td>Bookkeeper</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>Assistant bookkeeper</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>Check clerk</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>Assistant receipt and check clerk</td>
<td>1,720.00</td>
<td>1,720.00</td>
</tr>
<tr>
<td>Janitor and messenger</td>
<td>900.00</td>
<td>900.00</td>
</tr>
</tbody>
</table>

#### Bond and Road Department

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief clerk</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>Current general and traveling expenses</td>
<td>3,000.00</td>
<td>3,500.00</td>
</tr>
</tbody>
</table>

### Secretary of State’s Office.

Sec. 11. Salary of—  
- **2** Chief clerk:  
  - **3,000.00**  
- **3** Clerk to board of public works:  
  - **3,000.00**  
- **4** Corporation clerk:  
  - **3,000.00**  
- **5** Recording clerk:  
  - **2,100.00**  
- **6** Stenographer and file clerk:  
  - **2,100.00**
Department of Agriculture.

Sec. 12. Salary of—

2 Chief clerk .................................. 3,000.00 3,000.00
3 Secretary to commissioner ............ 2,000.00 2,000.00
4 Librarian .................................. 1,800.00 1,800.00
5-8 Traveling expenses of commis- 500.00 500.00
9 sioner .....................................
10 Current general expenses........... 5,000.00 5,000.00
11 For the exclusive purpose of 10,000.00 10,000.00
12 carrying out the provisions of 13 Chapter 12, Acts of the Regu- 15 lar Session of the Legislature
16 of 1915, as amended and re- 17 enacted by Act of Legislature
18 1919, relating to diseased ani- 19 mals, and for cooperation with
20 Bureau of Animal Industry,
21 United States Department of
22 Agriculture, all employees in
23 carrying out the provisions of
24 this act to be paid on a per
25 diem basis as prescribed in this
26 act at not to exceed $10.00 per
27 day and expenses while actually
28 employed ................................. 10,000.00 10,000.00
29-33 For maintenance of quarantine
30 For maintenance of quarantine
31 over black wart disease of po-
32 tato infection in Tucker and
33 Randolph counties and other
34 expenses relating thereto and
35 the maintenance of other quar-
36 antines against other crop pests
37 in cooperation with horticul-
38 tural board of United States
39 Department of Agriculture..... 5,000.00 5,000.00
40
For the inspection of orchards for San Jose scale, peach yellows, cedar rust and the destruction of infected cedars and fruit trees and for the enforcement of means for the supression of orchard and field pests ...........

For other expenses of the department of agriculture including the enforcement of the pure seed law and employment of special agents:

Seed Analyst .................................. 1,800.00

For carrying out the provisions of Chapter 44, amending and re-enacting Chapter 62-b of the code concerning the manufacture and sale of commercial fertilizers, and for carrying out the provisions of an act of the Legislature regulating the manufacture and sale of commercial feeding stuffs, and to pay salaries and traveling expenses of chemists:

One chemist .................................. 2,800.00
One chemist .................................. 2,400.00
One chemist (part time) ....................... 600.00
One janitor for chemical laboratory .......... 600.00

Travelling expenses of chemists and to pay chemists temporarily employed per diem not to exceed $8.00 per day ...........

900.00

Clerk and stenographer at chemical laboratory ........................... 1,800.00

Current general expenses including telephone, telegrams, freight and express charges, purchase of supplies and for maintenance of laboratory..... 2,080.00
For the exclusive purpose of carrying on cooperative work with the Federal Government, relating to the eradication of bovine tuberculosis, the payment of salaries of regularly employed approved veterinary inspectors, the payment of indemnities for animals destroyed, and the purchase of tags and other necessary supplies...

All employees for carrying out this item to be paid a per diem of not exceeding $10.00 per day and traveling expenses while actually employed.

**State Law Library.**

Sec. 13. Current general expenses and clerk hire
2 2,400.00 2,400.00
3 Purchase and binding books for law library (Charleston) 2,500.00 2,500.00

**Criminal Charges.**

Sec. 14. To pay criminal charges, including transportation of prisoners and extradition of criminals and fugitives
2 100,000.00 100,000.00

**State Tax Commissioner’s Office**

**General Office**

Sec. 15. Salary of—
2 Law assistant to commissioner 5,000.00 5,000.00
3 Chief assistant 3,000.00 3,000.00
4 Clerk and stenographer 2,100.00 2,100.00
5 Stenographer and clerk 1,800.00 1,800.00
6 Mail clerk and messenger 1,500.00 1,500.00
### Inheritance Tax and Tax Forfeiture Bureau

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant inheritance tax and tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stenographer and clerk</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
</tbody>
</table>

### Assessment and Levy Bureau

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant assessment and levies</td>
<td>3,600.00</td>
<td>3,600.00</td>
</tr>
<tr>
<td>Clerk</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
</tbody>
</table>

### General Expenses

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current general expenses and traveling expenses</td>
<td>5,000.00</td>
<td>6,000.00</td>
</tr>
</tbody>
</table>

### Gross Sales Tax Bureau

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant gross sales tax</td>
<td>4,800.00</td>
<td>4,800.00</td>
</tr>
<tr>
<td>Chief clerk</td>
<td>3,600.00</td>
<td>3,600.00</td>
</tr>
<tr>
<td>Addressograph clerk</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>Two stenographers at $1,800.00 each</td>
<td>3,600.00</td>
<td>3,600.00</td>
</tr>
<tr>
<td>Mail clerk and messenger</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>Two auditors at $2,700.00 each</td>
<td>5,400.00</td>
<td>5,400.00</td>
</tr>
<tr>
<td>One auditor and one cashier at $2,400.00 each</td>
<td>4,800.00</td>
<td>4,800.00</td>
</tr>
<tr>
<td>One field agent and one bookkeeper at $2,400.00 each</td>
<td>4,800.00</td>
<td>4,800.00</td>
</tr>
<tr>
<td>Clerk and bookkeeper</td>
<td>2,500.00</td>
<td>2,500.00</td>
</tr>
<tr>
<td>Clerk and bookkeeper</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>Clerk and bookkeeper</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>Current, general and traveling expenses</td>
<td>8,000.00</td>
<td>8,000.00</td>
</tr>
</tbody>
</table>

### Auditing State Departments

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief auditor</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>Three auditors</td>
<td>7,740.00</td>
<td>7,740.00</td>
</tr>
<tr>
<td>Current general expenses</td>
<td>260.00</td>
<td>260.00</td>
</tr>
<tr>
<td>Additional help</td>
<td></td>
<td>1,500.00</td>
</tr>
<tr>
<td>To pay all expenses in connection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>with carrying out the provisions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of chapter 152, acts 1921, relating to securing a proper assessment of property</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Salary of chief accountant</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Expenses of uniform system of accounting, including compen-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Amount 1</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>48</td>
<td>General Appropriation of assistants, stenographers and other expenses</td>
<td>7,500.00</td>
</tr>
<tr>
<td>49</td>
<td>State Commissioner of Prohibition</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sec. 16 Salary of—</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Secretary</td>
<td>3,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Clerk</td>
<td>2,100.00</td>
</tr>
<tr>
<td>4</td>
<td>Typist</td>
<td>900.00</td>
</tr>
<tr>
<td>5</td>
<td>Current general expenses and rent of 800.00 each regular field deputies</td>
<td>3,000.00</td>
</tr>
<tr>
<td>6</td>
<td>12 regular field deputies at $1,800.00 each</td>
<td>21,600.00</td>
</tr>
<tr>
<td>7</td>
<td>Special field officers and assistants</td>
<td>6,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Traveling expenses of commissioner, field deputies and officers</td>
<td>18,400.00</td>
</tr>
<tr>
<td></td>
<td>Department of Mines</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sec. 17. Salary of chief clerk</td>
<td>3,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Salaries of twenty-two district inspectors</td>
<td>66,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of statistical clerk</td>
<td>1,800.00</td>
</tr>
<tr>
<td>4-a</td>
<td>Clerk and stenographer</td>
<td>1,680.00</td>
</tr>
<tr>
<td>5</td>
<td>Two stenographers at $1,320.00 each</td>
<td>2,640.00</td>
</tr>
<tr>
<td>6</td>
<td>Traveling expenses of chief and district inspectors</td>
<td>22,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Current general expenses</td>
<td>2,400.00</td>
</tr>
<tr>
<td>9</td>
<td>Salary of inspector of sand and limestone mines</td>
<td>2,400.00</td>
</tr>
<tr>
<td>11</td>
<td>Traveling expense of inspector of sand and limestone mines</td>
<td>1,200.00</td>
</tr>
<tr>
<td>13</td>
<td>Salary of director of rescue work</td>
<td>2,400.00</td>
</tr>
<tr>
<td>14</td>
<td>Traveling expenses of director and expense maintaining rescue stations</td>
<td>6,000.00</td>
</tr>
<tr>
<td></td>
<td>Commissioner of Banking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sec. 18. Salaries of four assistants to commissioner of banking</td>
<td>14,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of chief clerk</td>
<td>2,400.00</td>
</tr>
<tr>
<td>4</td>
<td>Salary of stenographer</td>
<td>1,800.00</td>
</tr>
<tr>
<td>5</td>
<td>Traveling expenses of commissioner and assistants</td>
<td>7,500.00</td>
</tr>
<tr>
<td>7</td>
<td>Current general expenses</td>
<td>1,500.00</td>
</tr>
</tbody>
</table>
Bureau of Labor and Department of Weights and Measures.

Sec. 19. Salaries of six factory inspectors ........................................ 14,400.00 14,400.00
2 Salary of chief clerk ........................................................................ 3,000.00 3,000.00
3 Salary of stenographer ..................................................................... 1,800.00 1,800.00
4 Salary of clerk .................................................................................. 2,400.00 2,400.00
5 Current general expenses of the department of weights and measures ..................................................................................... 2,000.00 2,000.00
6 Current general expenses of the bureau of labor .................................. 1,500.00 1,500.00
7 Traveling expenses of the commissioner of labor and factory inspectors ..................................................................................... 12,000.00 12,000.00
8 Salaries of inspectors of weights and measures .................................... 3,600.00 3,600.00
9 Traveling expenses of inspectors of weights and measures................... 3,600.00 3,600.00
10 Expense free employment bureau as provided by acts of the legislature, one thousand nine hundred and twenty-three ............... 2,500.00 2,500.00

Department of Archives and History.

Sec. 20. Salary of the curator of the museum ........................................ 2,000.00 2,000.00
2 Salary of the librarian .......................................................................... 1,500.00 1,500.00
3 Salary of the stenographer .................................................................. 1,200.00 1,200.00
4 Salary of the messenger and janitor ..................................................... 1,200.00 1,200.00
5 Current general expenses ..................................................................... 2,000.00 2,000.00
6 Purchase of books, periodicals, magazines and newspapers ................. 1,500.00 1,500.00
7

State Health Department

Sec. 21. Current general expenses ......................................................... 60,000.00 60,000.00
2 Expenses of co-operative work with the Federal Government—Shep- 5 pard-Towner act relating to maternal and infant hygiene ............ 5,000.00 5,000.00
Bureau of Venereal Diseases

8 Salary of director .................................. 3,600.00 3,600.00
9 Salary of assistant director ....................... 3,000.00 3,000.00
10 Salary of field agent ............................. 1,800.00 1,800.00
11 Salary of stenographer ........................... 1,500.00 1,500.00
12 Current general expenses and traveling expenses .................................. 11,100.00 11,100.00

Capitol Building and Grounds.

Sec. 22. For water, light, heat,
2 current expenses, other than repairs and improvements .................. 25,000.00 25,000.00
4 Repairs and improvements .................................. 5,000.00 5,000.00

Governor’s Mansion and Grounds.

Sec. 23. Current general expenses .................................. 5,000.00 5,000.00
3 Repairs and improvements .................................. 5,000.00 5,000.00

Labor Fund Capitol Building.

Sec. 24. Salaries of engineers, watchmen, janitors, charwomen
3 and elevator operators .................................. 26,000.00 26,000.00

Printing, Binding and Stationery.

Sec. 25. For printing, binding,
2 stationery and storage .................................. 60,000.00 60,000.00
3 Salaries and other expenses necessary to the administration of
5 the preceding appropriation .................................. 750.00

Militia.

Sec. 26. To carry into effect the
2 provisions of chapter eighteen,
3 Barnes’ code as amended, relating to the militia .................. 55,345.00 55,345.00

State Sinking Fund Commission.

Sec. 27. Salary of—
2 Assistant secretary .................................. 4,000.00 4,000.00
3 Chief accountant .................................. 3,600.00 3,600.00
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4 Bookkeeper ....................................... 2,400.00 2,400.00
5 Stenographer ................................... 1,500.00 1,500.00
6 Current general expenses ................... 500.00 500.00

Bureau of Negro Welfare and Statistics.

Sec. 28. To pay for clerk hire 1,800.00 1,800.00
2 Office rent ......................................... 600.00 600.00
3 Current general and traveling ex-
4 penses ........................................... 2,000.00 2,000.00

Re-Codification Commission.

Sec. 29. Salary of the commis-
2 sion to recodify the general
3 statutes ........................................... 18,000.00 18,000.00
4 Expenses of the recodification
5 commission, including compen-
6 sation of assistants, stenog-
7 raphers and all other expenses 24,000.00 24,000.00

General School Fund.

Sec. 30. To supplement the
general school fund to meet the
requirements of section 7, chap-
ter 126, acts of the legislature
1921 ............................................. 1,000,000.00 1,000,000.00

Miscellaneous.

Sec. 31. To pay widow of
2 Charles Walker, who was killed
3 January third, one thousand
4 nine hundred and twenty-one, in
5 the state house fire. This ap-
6 propriation to be paid at the
7 rate of fifty dollars per month
8 on the requisition of the state
9 auditor ......................................... 600.00 600.00
10 To pay the widow of Oscar Thax-
ton, who was injured January
11 third, one thousand nine hun-
dred and twenty-one in the
14 state house fire, and died
15 March 14, 1921. This appro-
16 priation to be paid at the rate
17 of fifty dollars per month on the
18 requisition of the state auditor 600.00 600.00
19 To pay Oscar Butcher, who was
20 injured in 1915 at Parkersburg,
21 W. Va., while in the service of
22 the National Guard. This ap-
23 propriation to be paid at the
24 rate of $50.00 per month on
24a requisition of State Auditor...... 600.00 600.00
25 To pay Grover C. Perrine, of Brax-
26 ton county, who was injured in
27 1914 while in the service of the
28 West Virginia National Guard.
29 This appropriation to be paid at
30 rate of $50.00 per month on the
31 requisition of the state auditor.. 600.00 600.00

World War—Soldiers, Sailors and Marines.

Sec. 32. For the relief of
2 sick, disabled or indigent sol-
3 diers, sailors and marines re-
4 siding in West Virginia, who
5 served in the world war, to be
6 expended under such rules and
7 regulations as may be pre-
8 scribed by the board of public
9 works .............................................. 50,000.00 50,000.00

Emergency Appropriation.

Sec. 32-a. To meet emergencies
2 that arise during the time that
3 the legislature is not in session ...... 50,000.00 50,000.00
4 This appropriation is to be disbursed on the order of the
5 board of public works. Before any expenditures are made
6 from this appropriation, the same shall be authorized by a
7 recorded vote, showing the unanimous approval of all of the
8 members of said board.
It shall be unlawful for any state board, commission, officer, or employe to incur any liability during any fiscal year, which cannot be paid out of the then current year appropriation or out of funds received from the emergency appropriation.

It shall be unlawful for any state board, commission, officer, or employe to authorize or to pay any account or bill incurred out of the appropriation for the following year, unless a sufficient amount of the appropriation for the fiscal year, during which the liability was incurred, was cancelled by expiration or a sufficient amount of the appropriation remained unexpended at the end of the year.

Any member of a state board or commission, or any officer or employe violating the provisions of this section shall be personally liable for any debt unlawfully incurred or for any payment unlawfully made.

New Capitol

Sec. 32-b. Buildings and land... 250,000.00 250,000.00

The foregoing appropriation shall be expended by and under the direction of the governor in the manner following and not otherwise: The governor shall secure new plans and specifications for a capitol building and one or two office buildings and power plant as part of and in connection therewith, to be erected on the Kanawha street capitol site lately secured by the state in the city of Charleston, the total cost of which capitol building, office building or buildings and power plant, including architects' fees for plans and specifications and superintendence of construction, complete and ready for occupancy, shall not exceed five million dollars; and he shall let to contract the construction of such office building or buildings and the construction and equipment of such power plant; provided, however, that such office building or buildings, complete and ready for occupancy, together with the power plant, so to be constructed and equipped, including all architects' fees for plans and specifications and superintendence of construction, shall not cost to exceed two million, five hundred thousand dollars.

The governor is hereby authorized and empowered to sell all the real estate owned by the state of West Virginia on Capitol and Summers streets and the capitol annex property on...
24 Lee street, in the city of Charleston, for the best price and on
25 the best terms available and to receive the proceeds thereof;
26 such proceeds shall be paid into the state treasury and shall
27 constitute a special fund, which is likewise hereby appropriated
28 and shall, together with the foregoing appropriation, so far
29 as necessary and not to exceed the sum of two million five
30 hundred thousand dollars in the aggregate, be expended, upon
31 the warrant of the governor, in and about the construction of
32 said office building or buildings and the construction and equip-
33 ment of said power plant.

Court Costs.

Sec. 32-c. To pay court costs
and other expenses in defense of
the two suits of the state of Ohio
vs. state of West Virginia and
the commonwealth of Pennsylvania vs. state of West Vir-
GINIA now pending in the
United States supreme court,
relating to the enforcement of
chapter 71, acts of 1919, for
furnishing natural gas for pub-
lic use within the state............. 5,000.00

State Aid for Agricultural Fairs or Associations.

Sec. 32-d. To carry out the
provisions of chapter 122, acts
1921, providing for state aid
for the encouragement of agri-
cultural fairs, to be paid on ap-
proval of governor and commis-
sioner of agriculture ............ 25,000.00 25,000.00

Publication of Delinquent Lists.

Sec. 33. To pay cost of pub-
lishing list of delinquent corpo-
rations as provided by sections
134 and 136, chapter 32 of the
code, payable on requisition of
governor or auditor .............. 800.00 800.00
JUDICIARY DEPARTMENT

Supreme Court of Appeals.

Sec. 34. Salary of the clerk.... $1,500.00  $1,500.00
2 Salaries of the law clerks.......... $12,000.00  $12,000.00
3 Per diem of the crier............. $900.00  $900.00
4 Mileage of the supreme court judges ........................................... $650.00  $650.00
5 Current general expenses of the supreme court ....................... $2,000.00  $2,000.00
6 Printing and binding supreme court reports ............................. $7,000.00  $7,000.00
7 For expenses of conducting examination of applicants to practice law, including traveling expenses and per diem of the members of the examining board, to be paid on the order of the president of the examining board .................. $1,000.00  $1,000.00

Circuit Courts.

Sec. 35. Compensation of special judges of the circuit courts $5,000.00  $5,000.00
2 Mileage of the judges of the circuit courts ............................... $2,500.00  $2,500.00
3 Allowance for office rent, stenographic services, lighting and heating office as provided by chapter 86, Acts 1921...................... $30,000.00  $15,000.00
4 $15,000.00 of the above $30,000.00 to be used for payment of bills incurred prior to July 1, 1923.

SUB-SECTION "B."

All appropriations appearing under "Sub-Section 'B'" are payable only on the requisition and approval of the state board of control.
### EXECUTIVE DEPARTMENT

**State Board of Control.**

**President’s Office**

**Sec. 36. Salary of—**

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Secretary to the president</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>3 Correspondence clerk</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>4 Secretary’s Office</td>
<td>3,300.00</td>
<td>3,300.00</td>
</tr>
<tr>
<td>5 Secretary</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>6 Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>7 Purchasing Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>9 Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>10 Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>11 Buyer</td>
<td>3,600.00</td>
<td>3,600.00</td>
</tr>
<tr>
<td>12 Assistant to buyer</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>13 Treasurer’s Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Assistant audit clerk</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>15 Commodity clerk</td>
<td>2,040.00</td>
<td>2,040.00</td>
</tr>
<tr>
<td>16 Bookkeeper</td>
<td>2,400.00</td>
<td>2,400.00</td>
</tr>
<tr>
<td>17 Chief accountant</td>
<td>2,700.00</td>
<td>2,700.00</td>
</tr>
<tr>
<td>18 Stenographer to treasurer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>19 Stenographer and requisition clerk</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>20 Construction Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 Stenographer</td>
<td>1,320.00</td>
<td>1,320.00</td>
</tr>
<tr>
<td>22 Clerk, repairs and improvements</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>23 Printing Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 Chief Clerk</td>
<td>2,750.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>24a Assistant clerk</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>25 Messenger</td>
<td>1,200.00</td>
<td>1,200.00</td>
</tr>
<tr>
<td>26 Traveling expenses</td>
<td>2,500.00</td>
<td>2,500.00</td>
</tr>
<tr>
<td>27 Current general expenses</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

*Huntington State Hospital.*

**Sec. 37. Current general expenses**

<table>
<thead>
<tr>
<th>Description</th>
<th>Salary</th>
<th>Description</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Current general expenses</td>
<td>145,000.00</td>
<td>Repairs and improvements</td>
<td>12,500.00</td>
</tr>
</tbody>
</table>
Spencer State Hospital.

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>Current general expenses</td>
<td>110,000.00</td>
<td>110,000.00</td>
</tr>
<tr>
<td>110</td>
<td>Repairs and improvements</td>
<td>12,500.00</td>
<td>12,500.00</td>
</tr>
</tbody>
</table>

Weston State Hospital.

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>Current general expenses</td>
<td>225,000.00</td>
<td>225,000.00</td>
</tr>
<tr>
<td>112</td>
<td>Repairs and improvements</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Buildings and land</td>
<td>6,000.00</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Chlorine plant and repairs to sewage disposal plant</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

State Colored Hospital for the Insane.

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>Current general expenses</td>
<td>25,000.00</td>
</tr>
<tr>
<td>1</td>
<td>Buildings and land</td>
<td>125,000.00</td>
</tr>
<tr>
<td>4</td>
<td>To supplement former appropriations</td>
<td></td>
</tr>
</tbody>
</table>

Welch Hospital No. 1.

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td>Current general expenses</td>
<td>45,000.00</td>
<td>45,000.00</td>
</tr>
<tr>
<td>1</td>
<td>Repairs and improvements</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

McKendree Hospital No. 2.

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>42</td>
<td>Current general expenses</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
<tr>
<td>1</td>
<td>Repairs and improvements</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Buildings and land</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>5</td>
<td>To construct cottage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fairmont Hospital No. 3.

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>43</td>
<td>Current general expenses</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Treatment of girls committed to the West Virginia industrial home for girls who are afflicted with venereal diseases</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and improvements</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Buildings and land</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
</tbody>
</table>
### General Appropriations

#### State Tuberculosis Sanitarium.

- **Sec. 44.** Current general expenses.
  - 2. .................................................. $125,000.00
  - 3. Repairs and improvements .................. $20,000.00
  - 4. Buildings and land ......................... $20,000.00
  - 5. To construct two new cottages ........... $125,000.00

#### State Colored Tuberculosis Sanitarium.

- **Sec. 45.** Current general expenses.
  - 2. .................................................. $25,000.00
  - 3. Repairs and improvements .................. $5,000.00

#### West Virginia Industrial School for Boys.

- **Sec. 46.** Current general expenses.
  - 2. .................................................. $90,000.00
  - 3. Repairs and improvements .................. $25,000.00

#### West Virginia Industrial Home for Girls.

- **Sec. 47.** Current general expenses.
  - 2. .................................................. $35,000.00
  - 3. Repairs and improvements .................. $10,000.00

#### West Virginia Children’s Home.

- **Sec. 48.** Current general expenses.
  - 2. .................................................. $15,000.00
  - 3. Repairs and improvements .................. $2,500.00

#### West Virginia Colored Orphan’s Home.

- **Sec. 49.** Current general expenses.
  - 2. .................................................. $12,500.00
  - 3. Repairs and improvements .................. $2,500.00

#### State Home for Aged and Infirm Colored Men and Women

- **Sec. 49-a.** Current general expenses.
  - 2. .................................................. $7,500.00

#### Geological Survey

- **Sec. 49-a-1.** Salaries ......................... $17,500.00
  - 2. Current general expenses .................. $16,600.00
Sec. 49-b. To reimburse pur-<br>chasers for unused fertilizer<br>tags which are now obsolete ac-<br>count change in law and which were<br>Agricultural Experiment Station;<br>claims to be audited by state board<br>of control and paid on requisition<br>of said board ..................................... 5,814.75

State Board of Children’s Guardians

Sec. 50. Salary of—
2 Executive secretary ......................... 4,200.00 4,200.00
3 Five district agents at $1,500.00
4 each ............................................. 7,500.00 7,500.00
5 Five district agents at $1,200.00
6 each ............................................. 6,000.00 6,000.00
7 Supervisor ..................................... 1,800.00 1,800.00
8 Supervisor ..................................... 900.00 900.00
9 Chief clerk .................................... 1,800.00 1,800.00
10 Record clerk .................................. 1,500.00 1,500.00
11 Stenographer ................................. 900.00 900.00
12 Traveling expenses of district agents, supervisors and execu-<br>tive secretary ................................. 10,100.00 10,100.00
15 Current general expenses ................ 2,500.00 2,500.00

Florence Crittenton Home (Wheeling)

Sec. 51. For the care and treatment of wayward girls and their children, residents of West Virginia, who may become public charges, admitted under regulations prescribed by the state board of control ............................ 5,000.00 5,000.00

Point Pleasant Battle Monument Commission.

Sec. 52. Maintenance, Tu-Endie Wei Park ............................................. 1,500.00 1,500.00
3 Repairs and construction of retaining wall Tu-Endie-Wei Park .......................... 2,500.00 2,500.00
State Board of Pharmacy.

Sec. 53. Salaries and current
2 general expenses ............................. $3,500.00 $3,500.00

Berkeley Springs Board.

Sec. 54. Current general and
2 traveling expenses .............................. $500.00 $500.00
3 Repairs and improvements ............... $5,000.00

Rumseyan Society.

Sec. 55. For maintenance of
2 grounds at Shepherdstown .......... $500.00 $500.00

State Hotel Inspector.

Sec. 56. Current general and
2 traveling expenses .............................. $1,000.00 $1,000.00

Insurance on Public Buildings.

Sec. 56-a. To pay for insur-
2 ance on public buildings .......... $50,000.00 $50,000.00

Department of Public Safety.

Sec. 58. To pay the expenses
2 of the department of public
3 safety, including the compensa-
4 tion of the officers, employes
5 and members, and all other ex-
6 penses thereof, according to the
7 provisions of chapter 12, acts of
8 the extra session of the legislature
9 of 1919 and amendments thereto... $350,000.00 $300,000.00
10 Any member of the depart-
11 ment of public safety who has been
12 or may hereafter be injured while
13 in the line of duty in the services
14 of the state shall be entitled to re-
15 ceive such compensation for such
16 period of time as determined and
17 fixed by the state board of control;
17-a provided, however, such compensation shall not exceed the rate of compensation received at the time of injury, payable out of the foregoing appropriation.

### Drug Addicts.

Sec. 58-a. For care and treatment in state and other hospitals of drug addicts, residents of the state of West Virginia who may become public charges, said care and treatment to be subject to regulations to be prescribed by the state board of Control.

<table>
<thead>
<tr>
<th></th>
<th>3,000.00</th>
<th>3,000.00</th>
</tr>
</thead>
</table>

### Hospital Service.

Sec. 58-b. For treatment of laborers and others who may become public charges, to be paid upon approval of the state board of control in the manner hereafter set forth.

<table>
<thead>
<tr>
<th></th>
<th>40,000.00</th>
<th>40,000.00</th>
</tr>
</thead>
</table>

October 1, 1923, and every three months thereafter any hospital, other than state hospitals, within the state and doing charity work, may file with the state board of control itemized bills for all charity cases treated during the preceding three months, said bills to be made out in the form prescribed by and at the rates fixed by said board. Sixty days shall be allowed for filing said bills after which time the board of control shall audit the same and pay all proper claims. If, however, the aggregate of all claims filed exceeds one-fourth of the amount appropriated for the year then said
25 board shall apportion the said
26 one-fourth appropriated so that
27 each claim will receive its pro-
28 rata share. (This appropriation
29 to be expended on order of the
30 state board of control, under
31 rules and regulations prescribed
32 by said board.)

Boys and Girls State Four-H Fair.

Sec. 58-d. Buildings and land... 50,000.00 50,000.00
2 For the purchase of land and
3 constructing buildings thereon for
4 the boys and girls State 4-H
5 Camp and Fair at Jackson’s Mills,
6 established by the Board of Control
7 under Act of the Legislature of
8 1921.

Huntington Armory.

Sec. 58-e. To purchase prop-
2 erty now being rented by State for
3 Armory purposes at Huntington
4 from G. N. Biggs, in accordance
5 with terms of agreements dated
6 December, 1911, and December,
7 1915. To be paid on requisition
8 of Board of Public Works not to
9 exceed ........................................ 32,660.00

West Virginia University.

Sec. 59. Salaries of officers,
2-3 teachers and employes .............. 450,000.00 475,000.00
4 The aggregate salaries of officers,
5 teachers and employees shall not
6 exceed the above appropriations,
7 unless approved by both the state
7-a board of education and state
7-b board of control.
8 Current general expenses .............. 150,000.00 150,000.00
### General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Total</th>
<th>1920 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 Athletic expense</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>10 Purchase of books for Libraries</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>11 To pay salary and expenses of alumni secretary and field agent</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>12 Repairs and improvements</td>
<td>60,000.00</td>
<td>60,000.00</td>
</tr>
<tr>
<td>13 To purchase live stock for instruction at West Virginia University farm</td>
<td>5,000.00</td>
<td></td>
</tr>
<tr>
<td>14 Buildings and land — Physical education building</td>
<td>200,000.00</td>
<td></td>
</tr>
<tr>
<td>15 The 1921 appropriation for Physical Education Building is hereby changed to complete Chemistry Building, and the Board of Control is hereby authorized to use the unexpended balance for Chemistry Building instead of Physical Education Building.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Extension Work

<table>
<thead>
<tr>
<th>Item</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-9 Mining and industrial extension</td>
<td>15,000.00</td>
</tr>
<tr>
<td>10 Agricultural, horticultural and home economic extension</td>
<td>80,000.00</td>
</tr>
<tr>
<td>11 4-H camp for boys and girls club work at Jackson’s Mill</td>
<td>25,000.00</td>
</tr>
<tr>
<td>12 Community packing plant, current general expenses</td>
<td>3,000.00</td>
</tr>
<tr>
<td>13 Community packing plant, to pay additional professional service during the spraying and packing season and for demonstrating use of new graders, presses, conveyors and other modern packing house equipment</td>
<td>4,000.00</td>
</tr>
</tbody>
</table>

### Agricultural Experiment Station

**Sec. 60. Salaries of officers—**

<table>
<thead>
<tr>
<th>Item</th>
<th>Total</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 technical staff and labor</td>
<td>45,000.00</td>
<td>45,000.00</td>
</tr>
<tr>
<td>3 Current general expenses</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
<tr>
<td>4 Repairs and improvements</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>5 Reyman memorial farm</td>
<td>5,000.00</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Institution</td>
<td>Salaries of Officers</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>61</td>
<td>Marshall College</td>
<td>140,000.00</td>
</tr>
<tr>
<td>62</td>
<td>Potomac State School (Keyser)</td>
<td>45,000.00</td>
</tr>
<tr>
<td>63</td>
<td>Fairmont State Normal School</td>
<td>65,000.00</td>
</tr>
<tr>
<td>64</td>
<td>Concord State Normal School</td>
<td>54,000.00</td>
</tr>
<tr>
<td>65</td>
<td>West Liberty State Normal School</td>
<td>30,000.00</td>
</tr>
<tr>
<td>66</td>
<td>Shepherd College State Normal School</td>
<td>42,500.00</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>5 Buildings and land</td>
<td>2,500.00</td>
<td>2,500.00</td>
</tr>
<tr>
<td>6 To purchase land</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Glenville State Normal School.

- Sec. 67. Salaries of officers,
  - 2 teachers and employees: 46,000.00
  - 3 Current general expenses: 10,000.00
  - 4 Repairs and improvements: 7,500.00
  - 5 To purchase and improve land for athletic field: 7,500.00
  - 7 Buildings and lands: 30,000.00

#### New River State School (Montgomery).

- Sec. 68. Salaries of officers,
  - 2 teachers and employees: 40,000.00
  - 3 Current general expenses: 15,000.00
  - 4 Repairs and improvements: 12,500.00
  - 5 Buildings and land: 125,000.00

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

- Sec. 69. Salaries of officers,
  - 2 teachers and employees: 65,000.00
  - 3 Current general expenses: 65,000.00
  - 4 Repairs and improvements: 20,000.00
  - 5 Buildings and land: 60,000.00

#### Colored Deaf and Blind School.

- Sec. 70. Current general expenses,
  - 2 expenses: 5,000.00
  - 3 Buildings and land: 30,000.00

#### West Virginia Collegiate Institute.

- Sec. 71. Salaries of officers,
  - 2 teachers and employees: 80,000.00
  - 3 Current general expenses: 35,000.00
GENERAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Repairs and improvements</td>
<td>25,000.00</td>
</tr>
<tr>
<td>5 Buildings and land</td>
<td>125,000.00</td>
</tr>
<tr>
<td>6 To supplement appropriations for administration building and</td>
<td>25,000.00</td>
</tr>
<tr>
<td>7 to remodel old building into boys' dormitory.</td>
<td>125,000.00</td>
</tr>
</tbody>
</table>

Bluefield Colored Institute.

Sec. 72. Salaries of officers, 2 teachers and employes..................... 30,000.00 35,000.00

Storer College.

Sec. 73-a. Salaries of officers, 2 teachers and employes..................... 6,000.00 6,000.00

Morgan Monument Commission

Sec. 73-b. To carry out the 2 provisions of Senate Bill No. 368, 3 acts legislature 1923, providing for 4 erection of a monument to Morgan 5 Morgan, the first settler within the 6 present boundaries of West Va..... 2,500.00 2,500.00

7 The above appropriation to continue in effect until the purpose has 9 been carried out.

Public School Commission

Sec. 73-c. To pay all expenses 2 in connection with carrying out 3 provisions of Senate bill No. 231, 4 acts 1923 legislature ...................... 7,500.00 7,500.00

SUB-SECTION "C."

Sec. 74. 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, 1923. Except appropriations in Section 78 which are payable for the years 1924 and 5 1925.
Sec. 75. Mileage of members of the Senate for the initial and adjourned session of one thousand nine hundred and twenty-three 2,155.60

President of the Senate, two dollars per day extra for presiding seventy days 140.00

Compensation and Per Diem of Other Elective Officers

Compensation of the Clerk of the Senate for services rendered prior to, and during the initial and adjourned sessions, and the period between the two sessions, while superintending the printing of Senate bills, and first extended session 2,560.00

Sergeant-at-arms of the Senate, one hundred and eighteen days at ten dollars per day 1,180.00

Doorkeeper of the Senate, seventy days at seven dollars per day 490.00

Presidential Appointees

Private secretary to the President, seventy days at ten dollars per day 700.00

Chaplain of the Senate, seventy days at two dollars and fifty cents per day 175.00

Stenographer to the President, seventy days at ten dollars per day 700.00

Clerks to the Committees on Finance, Judiciary and Enrolled Bills, seventy days at ten dollars per day each 2,100.00

Seven additional committee clerks, seventy days at eight dollars per day each 3,920.00

Clerk to Committee on Roads, ten days interim service with committee, at eight dollars per day 80.00

Stenographer to the Committee on Finance and to the Judiciary, seventy days at eight dollars per day each 1,120.00

Six floor stenographers, seventy days at eight dollars per day each 3,360.00

Four mailing clerks in document room, seventy days at eight dollars per day each 2,240.00
Assistant sergeant-at-arms, seventy days at eight dollars per day .......................................................... 560.00
Assistant doorkeeper, seventy days at five dollars per day ........................................................................ 350.00
One mailing and banking page and two journal pages, seventy days at five dollars per day each .......... 1,050.00
Mailing and Banking page, five days interim service .................................................................................. 25.00
Five floor pages, seventy days at four dollars per day each .................................................................... 1,400.00
Two messengers, seventy days at four dollars per day each .................................................................... 560.00
One day watchman, one night watchman, two cloak room attendants and one toilet room attendant seventy days at five dollars per day each .......... 1,750.00
One toilet room attendant, one hundred and eighteen days at five dollars per day ............................ 590.00
One elevator operator, fifty-five days at six dollars per day .................................................................. 330.00
Three assistants janitors, seventy days at five dollars per day each ...................................................... 1,050.00
Clerk to the Committee on Finance, forty-six days at ten dollars per day .............................................. 460.00
Compensation of chief assistant clerk, for services rendered during the initial and adjourned sessions, and the period between the two sessions and first extended session .................................................................................. 1,770.00
Compensation of the supervisor of printing, official stenographer, abstract clerks, Senate and House bill record clerks, roll clerk and bill editor, at twelve dollars per day each .................................................. 11,328.00
Compensation of assistant bill editor, superintendent of document room, two office stenographers, at ten dollars per day each .............................................................................................................. 4,720.00
Compensation of two journal clerks in charge of journal printing at eight dollars per day, each .......... 1,880.00
Compensation of eight general assistants, at eight dollars per day each ................................................. 7,552.00
Compensation of messenger to the clerk at six dollars per day ................................................................ 708.00
69 Contingent fund of the Senate including the three extended sessions .................. 15,000.00
70 To pay the following named persons and firms for supplies furnished and services rendered one thousand nine hundred and twenty-three session Senate.
74 Mrs. Lily Brown, washing towels ...................... 35.00
75 Burlew Hardware Co., locks and screws ............. 3.90
76 Capitol Office Supply Co. ................................. 21.00
77 Charleston Cut Flower & Plant Co., flowers (Memorial) ........................................... 5.00
78 Chesapeake & Potomac Tel. Co., services and tolls 226.41
79 Coyle & Richardson, desk and table coverings, cushions etc. .......................... 119.07
81 W. B. Donnally Co., drayage ............................... 25.00
82 Ed. Field, drayage .............................................. 60.00
83 Federal Publishing Co., thirty-two copies of code 742.40
84 Miss Margaret Gillilan, typewriter rental ............ 5.00
85 Charleston Sign Co., signs ................................ 8.70
86 Jeffers & Richardson, carpentry and painting ...... 329.84
87 H. R. Judy, keys ................................................ 16.55
88 Kanawha Novelty Works, repairs to doors and desks ............................................. 51.75
90 Kanawha Ice Co., ice ............................................ 42.59
91 Laird Office Equipment Co., rubber keys ............ 8.00
92 S. Spencer Moore Co., desks, table and office supplies ........................................... 952.30
94 Morgan Lumber & Manufacturing Co., nine desks 540.00
95 Mock Orange Mineral Water Co., water .............. 110.10
96 Remington Typewriter Co., typewriter rental ...... 56.00
97 Royal Typewriter Co., typewriter rental ............ 4.00
98 Smith & Brooks, janitor supplies ....................... 2.75
99 John W. Sparkes Co., hardware ......................... 12.47
100 S. P. Spradling, carpentry ................................. 24.00
101 J. A. Thurston Electric Co., electrical material and labor .................................... 73.00
103 Tripure Water Co., water ................................. 20.70
104 Underwood Typewriter Co., typewriter rental .... 79.50
105 Walker Dry Goods Co., carpet, towels and lamps 271.20
106 Whitmore Electric Co., mazda lamps ................. 1.30
107 Woodrum Home Outfitting Co., desks knobs ........ 0.60
108 Cal. F. Young Co., desks, chairs, office supplies 545.10
109 Robert Graves, janitor, service eighteen days at 90.00
   five dollars per day .............................................
110 Percy Harris, janitor service, seventeen days at 85.00
   five dollars per day .............................................
111 Henry Miller, janitor service, seventeen days at 85.00
   five dollars per day .............................................
112 Leroy Clemans, for ten days services in connection 120.00
   with the removal of the furniture and equipment from the circuit court room of Kanawha county, and getting the Senate furniture and equipment installed for the opening of the initial session .............................................
113 Janitor of the Capitol, Senate’s proportion of 207.50
   compensation for seventy days, based on per day of assistant janitors, and thirteen days prior to initial session .............................................
114 Sundry labor, eight persons, for services rendered 141.50
   in removing equipment from circuit court room to city building .............................................
115 Compensation to Uriah Warner, court house janitor, for assisting in removing circuit court equipment prior to occupancy of room by the Senate, for initial session, and re-installing same after room had been vacated.... 75.00
116 M. C. Kindelberger, sergeant-at-arms of Senate, expenses of committee and self, including purchase of floral emblem, attending funeral of Senator R. P. Shinn ............................................. 71.13
117 Western Union Telegraph Co., messages................. 10.75

House of Delegates

Sec. 76. Mileage of members of the house of delegates 7,000.00
2 3 Per diem of the speaker of the house at $2,00 per day for 108 days ............................................. 216.00

Clerk’s Appointees

Sec. 76-a. Compensation of three assistant clerks $8.00 per day for one hundred and fifty-six days ............................................. 3,744.00
Compensation of Other Elective Officers

Sec. 76-b. Compensation of clerk of house for one hundred and fifty-six days at $12.50 per day ..................................................... 1,950.00
Compensation of the sergeant-at-arms of the house, one hundred and fifty-six days at $8.00 per day ................................................................. 1,248.00
Compensation of the doorkeeper of the house for one hundred and eight days at 6.00 per day... 648.00

Speaker's Appointees

Two committee clerks, 156 days at $7.00 per day .. 2,184.00
One committee clerk 118 days at $7.00 per day .. 826.00
Two committee clerks 108 days at $7.00 per day.. 1,512.00
Three committee clerks 70 days at $7.00 per day.. 1,470.00
Three committee clerks 55 days at $7.00 per day.... 1,155.00
One committee clerk 93 days at $7.00 per day..... 651.00
One page 125 days at $4.00 per day.................... 500.00
One page 120 days at $4.00 per day.................... 480.00
Two pages 85 days at $4.00 per day................. 680.00
One page 81 days at $4.00 per day.................... 324.00
Two pages 111 days at $3.00 per day................. 666.00
Two pages 108 days at $3.00 per day................. 648.00
One page 15 days at $3.00 per day.................... 45.00
Contingent fund of the house of delegates, including the three extended sessions.................... 5,000.00
Four cloak room attendants 108 days at $4.00 per day ..................................................... 1,728.00
To pay J. M. Lynn for janitor service and four janitors at $3.00 per day for 108 days.............. 1,620.00

Miscellaneous

To pay the following named persons and firms for supplies furnished and services rendered one thousand nine hundred and twenty-three session house of delegates:
W. H. C. Curtis (service in equipping house)....... 75.00
Juo. W. Sparkes Co. (misc. hdwe. supplies ...... 10.57
Underwood Typewriter Co. (rental of two type-writers) ........................................... 45.00
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Royal Typewriter Co. (to purchase two typewriters, No. 669486 and No. 674365)</td>
<td>$166.06</td>
</tr>
<tr>
<td>22</td>
<td>Remington Typewriter Co. (rental of four typewriters)</td>
<td>$56.00</td>
</tr>
<tr>
<td>23</td>
<td>J. M. Gates Sons Co. (shades)</td>
<td>$2.15</td>
</tr>
<tr>
<td>24</td>
<td>Jeffers &amp; Richardson (carpenter work)</td>
<td>$83.51</td>
</tr>
<tr>
<td>25</td>
<td>Mock Orange Mineral Water Co. (water)</td>
<td>$131.80</td>
</tr>
<tr>
<td>26</td>
<td>Kanawha Novelty Works (locks and keys)</td>
<td>$25.10</td>
</tr>
<tr>
<td>27</td>
<td>S. C. Young Co. (chairs, stationery, etc.)</td>
<td>$582.80</td>
</tr>
<tr>
<td>28</td>
<td>S. Spencer Moore Co. (supplies)</td>
<td>$113.20</td>
</tr>
<tr>
<td>29</td>
<td>Ed. Field (hauling)</td>
<td>$5.00</td>
</tr>
<tr>
<td>30</td>
<td>Smith &amp; Brooks (hardware supplies)</td>
<td>$2.75</td>
</tr>
<tr>
<td>31</td>
<td>S. P. Spradling (carpentry work)</td>
<td>$25.00</td>
</tr>
<tr>
<td>32</td>
<td>Kanawha Ice Co. (ice)</td>
<td>$58.19</td>
</tr>
<tr>
<td>33</td>
<td>H. C. Deisher (to reimburse for rental paid on one typewriter for finance committee. Amount paid to Underwood Typewriter Co.)</td>
<td>$12.00</td>
</tr>
<tr>
<td>34</td>
<td>M. S. Hodges (services)</td>
<td>$200.00</td>
</tr>
<tr>
<td>35</td>
<td>J. Coleman Simpson (services rendered as per joint resolution, legislature one thousand nine hundred and nine)</td>
<td>$500.00</td>
</tr>
<tr>
<td>36</td>
<td>Jarrett Printing Co. (proof reading, etc.)</td>
<td>$3,864.00</td>
</tr>
<tr>
<td>37</td>
<td>W. A. Riffe (to reimburse for amount paid for strings, etc.)</td>
<td>$2.00</td>
</tr>
<tr>
<td>38</td>
<td>C. &amp; P. Telephone Co. (services No. 4412 &amp; 4909)</td>
<td>$35.04</td>
</tr>
<tr>
<td>39</td>
<td>J. H. Vickers Co. (labor)</td>
<td>$12.75</td>
</tr>
<tr>
<td>40</td>
<td>S. K. Somerville (expenses attending funeral of Senator Shinn)</td>
<td>$7.46</td>
</tr>
<tr>
<td>41</td>
<td>Eugene Slaughter (expenses attending funeral of Senator Shinn)</td>
<td>$7.46</td>
</tr>
<tr>
<td>42</td>
<td>Wood Taylor (expenses attending funeral of Senator Shinn)</td>
<td>$11.96</td>
</tr>
<tr>
<td>43</td>
<td>Kanawha county court (water, light and heat)</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>44</td>
<td>J. H. Goshorn (swearing in ninety-three members of the house at fifty cents)</td>
<td>$46.50</td>
</tr>
<tr>
<td>56</td>
<td>Compensation and Per Diem of Elective Officers and Attaches of the Senate, Second Extended Session and Four Days of Third Extended Session.</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>President of the Senate $2.00 per day extra for presiding fourteen days</td>
<td>$28.00</td>
</tr>
<tr>
<td>60</td>
<td>Clerk of the Senate, fourteen days</td>
<td>$280.00</td>
</tr>
<tr>
<td>61</td>
<td>Sergeant-at-arms of the Senate, fourteen days</td>
<td>$140.00</td>
</tr>
</tbody>
</table>
Ch. 147] **General Appropriations**  

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>63</td>
<td>Doorkeeper of the Senate, fourteen days</td>
<td>98.00</td>
</tr>
<tr>
<td>64</td>
<td>Presidential Appointees</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Chaplain of the Senate, fourteen days</td>
<td>35.00</td>
</tr>
<tr>
<td>66</td>
<td>Stenographer to the president, fourteen days</td>
<td>140.00</td>
</tr>
<tr>
<td>67</td>
<td>Clerk to committee on Enrolled bills, fourteen days</td>
<td>140.00</td>
</tr>
<tr>
<td>67a</td>
<td>Stenographer to committee on finance, fourteen days</td>
<td>112.00</td>
</tr>
<tr>
<td>68</td>
<td>Four floor stenographers, fourteen days</td>
<td>448.00</td>
</tr>
<tr>
<td>69</td>
<td>Mailing and banking page, fourteen days</td>
<td>70.00</td>
</tr>
<tr>
<td>70</td>
<td>Two floor pages, fourteen days</td>
<td>112.00</td>
</tr>
<tr>
<td>71</td>
<td>One day watchman and one night watchman, and one toilet room attendant, fourteen days</td>
<td>210.00</td>
</tr>
<tr>
<td>74</td>
<td>Three assistant janitors, fourteen days</td>
<td>210.00</td>
</tr>
<tr>
<td>75</td>
<td>Clerk’s Appointees</td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>Chief assistant clerk, fourteen days</td>
<td>210.00</td>
</tr>
<tr>
<td>77</td>
<td>Supervisor of printing, abstract clerks, bill record clerk, roll clerk and bill editor, fourteen days</td>
<td>1,008.00</td>
</tr>
<tr>
<td>78</td>
<td>Superintendent of document room and two office stenographers, fourteen days</td>
<td>420.00</td>
</tr>
<tr>
<td>81</td>
<td>One printing clerk, fourteen days</td>
<td>112.00</td>
</tr>
<tr>
<td>82</td>
<td>Two general assistants, fourteen days</td>
<td>224.00</td>
</tr>
<tr>
<td>83</td>
<td>Messenger to the clerk</td>
<td>84.00</td>
</tr>
<tr>
<td>84</td>
<td>Compensation and Per Diem of Elective Officers and Attaches of the Senate for the Third Extended Session less four days included in Second Extended Sessions</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>President of the Senate $2.00 per day extra for presiding eleven days</td>
<td>22.00</td>
</tr>
<tr>
<td>90</td>
<td>Clerk of the Senate twenty-four days</td>
<td>480.00</td>
</tr>
<tr>
<td>91</td>
<td>Sergeant-at-arms of the Senate twenty-four days</td>
<td>240.00</td>
</tr>
<tr>
<td>92</td>
<td>Doorkeeper of the Senate twenty-four days</td>
<td>144.00</td>
</tr>
<tr>
<td>94</td>
<td>Chaplain of the Senate eleven days</td>
<td>27.50</td>
</tr>
<tr>
<td>95</td>
<td>Stenographer to the President eleven days</td>
<td>110.00</td>
</tr>
<tr>
<td>96</td>
<td>One day watchman and one night watchman eleven days</td>
<td>110.00</td>
</tr>
<tr>
<td>98</td>
<td>One janitor twenty-four days</td>
<td>120.00</td>
</tr>
<tr>
<td>99</td>
<td>Two assistant janitors and one elevator operator eleven days</td>
<td>165.00</td>
</tr>
<tr>
<td>101</td>
<td>One janitor fifteen days</td>
<td>75.00</td>
</tr>
</tbody>
</table>
Clerk’s Appointees

103 Chief Assistant Clerk twenty-four days .......... 360.00
104 Supervisor of printing, bill editor, abstract clerk clerk and roll clerk twenty-four days .......... 1,152.00
106 Superintendent of document room and one stenographer twenty-four days ................. 480.00

Legislative Printing and Stationery

Sec. 77. To pay the cost of legislative printing and stationery, the appropriation to be available for the year ending June thirtieth, one thousand nine hundred and twenty-three. If the work is not completed prior to June thirtieth, one thousand nine hundred and twenty-three, then the appropriation shall continue in effect until completed........ 50,000.00

Salaries of Members of the Legislature

1924 1925

Sec. 78. Salaries of members of
2 the senate ............................................ 15,000.00 15,000.00
3 Salaries of members of the house 47,000.00 47,000.00
4 of delegates ........................................ 47,000.00
5 To pay John T. Harris for editing, compiling and publishing the “West Virginia Legislative Hand Book and Manual and Official Register” under the same provisions as to distribution as were adopted in the session of one thousand nine hundred and twenty-one, including all expenses incurred in the preparation of matter, clerical hire, stenographic service and proof reading, and for shipping charges in connection with the distribution of the book.
6 For the year ending June thirty, one thousand nine hundred and twenty-four ......................... 8,000.00
7 For the year ending June thirty, one thousand nine hundred and twenty-five ......................... 12,000.00
8 One-half of the above amounts to be paid by the auditor to the editor and compiler, upon a certificate from the superintendent of public printing that the “copy” for the “Hand Book”
has been turned over to the public printer, and
the other half upon a similar certificate that
the complete editions have been delivered.

SUB-SECTION "D."

Sec. 79. All appropriations appearing under sub-section
2 "D" are payable out of the general revenue of the state fund
3 for the fiscal year ending June 30, 1923.

Miscellaneous Appropriations.

Sec. 80. Supplemental appropriation to pay
2 for insurance on public buildings.........................$ 30,000.00
3 Supplemental appropriation to pay compensation
4 of special judges of the circuit courts for re-
5 mainder of year ending June 30, 1923................ 2,500.00
6 Supplemental appropriation for militia to pay
7 rents for remainder of year ending June 30,
8 1923 .......................................................... 12,830.00
9 Supplemental appropriations for printing and
10 binding supreme court reports for remainder of
11 year ending June 30, 1923 ............................. 4,000.00
12 To pay part of the expenses incurred in the prose-
13 cution, of cases arising from the invasion from
14 Pennsylvania, in July, 1922, known as the Clif-
15 tonville riot. This appropriation to be paid
15-a on the requisition of the governor and to con-
16 tinue in effect until the purpose has been car-
17 ried out .................................................. 25,000.00
18 Supplemental appropriation to pay criminal
19 charges, including transportation of prisoners
20 and extradition of criminals and fugitives, for
21 remainder of year ending June 30, 1923........... 150,000.00
22 To pay the assessments against the state for paving
23 of Duffy street, city of Charleston.................... 4,266.60
24 To reimburse the Kanawha Banking and Trust
25 Company of Charleston for payment of three
26 checks which had been treated as cancelled ac-
27 count not being presented within three years
28 from date of issue ...................................... 11.12
29 To pay Harvey M. Scott, balance due to January
30 31, 1923, for services as supreme court crier.... 96.00
31 To reimburse S. J. Price for repairs to Biggs Armory, Huntington, West Virginia, which repairs were made during the time that said Price subleased the buildings from the state of West Virginia................................. 2,095.97

36 To pay Mrs. Hope McDonald, widow of Harley A. McDonald, who died in 1913 while in the national guard service of this state of West Va..... 4,000.00

38-a This appropriation to continue in effect until the purpose of the same has been carried out and to be paid at such times and in such amounts as approved by the state auditor.

39 To pay E. W. Lilly of Summers county for services and expenses prohibition department, 1921.... 1,664.19

42 To pay S. C. Stover of Raleigh county, for services and expenses prohibition department, 1920 and 1921 ....................... 500.00

46 To pay H. E. Love for upkeep, repairs and maintenance of automobile used by prohibition department ...................... 425.00

50 To reimburse the sheriff of Mason County for money expended under an order of the circuit court in bringing witnesses into court to testify in the case, State vs. Holly Griffith.......... 450.72

56 To pay C. & O. Railway Company for special train services ordered by Governor Cornwell, during industrial disturbance Logan, Boone and Kanawha Counties, September and October, 1919 ....................... 2,670.56

62 The State Board of Control is hereby authorized to pay out of current year appropriation for "hospital service" to the city hospital of Spencer $390.00

67 covering bills which were re-
68 received by said board two days
69 after time fixed by law for
70 filing.
71 To pay I. D. Van Meter, of Jeffers-
72 son County, for tubercular cattle
73 killed under supervision of
74 State veterinarians ....................... 800.00

SUB-SECTION "E."

Sec. 81. All appropriations appearing under sub-section
2 "E" are payable out of the general school fund of the state.

Department of Education.

<table>
<thead>
<tr>
<th></th>
<th>1924</th>
<th>1925</th>
</tr>
</thead>
</table>
| Sec. 82. Salary of superin-
2 tendent of free schools   | $ 5,000.00 | $ 5,000.00 |
| 3 Salary of assistant superintendent | 3,600.00 | 3,600.00 |
| 4 Salary of chief clerk    | 3,000.00 | 3,000.00 |
| 5 Salary of supervisor of Negro 
6-7 schools                  | 3,000.00 | 3,000.00 |
| 8 Stenographers and clerks | 15,000.00 | 15,000.00 |
| 9 Inspection and supervision of high
10 schools                   | 3,300.00 | 3,300.00 |
| 11 Inspection and supervision of rural
12 schools                   | 6,000.00 | 6,000.00 |
| 13 Expenses for conducting uniform
14 examinations, including salary
15 of supervisor of examinations| 12,500.00 | 12,500.00 |
| 16 Printing, binding and stationery | 10,000.00 | 10,000.00 |
| 17 Expenses of state superintendent.. | 500.00 | 500.00 |
| 18 Current general expenses  | 5,500.00 | 5,500.00 |
| 19 Traveling and other necessary ex-
20 penses of inspectors and super-
21 visors of colored schools, rural
22 schools high schools, confer-
23 ences and general expenses ...... | 7,500.00 | 7,500.00 |
| 24 Salaries, traveling expenses and
25 other necessary expenses con-
26 nected with sanitary inspection; 
27 the institution and carrying out
28 of system of physical education; the preparation, inspection
29 and approval of plans for school
30 buildings and for the teaching of
31 thrift and Americanization...... 10,000.00 10,000.00

State Board of Education.

34 Salaries of six members of state
35 board of education ......................... 6,000.00 6,000.00
36 Salaries of two advisory members.. 2,000.00 2,000.00
37 Expenses of members of state
38 board of education ....................... 2,500.00 2,500.00
39 Expenses of advisory members ...... 600.00 600.00
40 Salary and expenses of secretary
41 and director ............................... 5,000.00 5,000.00
42 Salaries of clerks and stenographers 1,800.00 1,800.00

General Expenses.

43 State aid for classified high
44 schools in accordance with the
45 provisions of general law............ 150,000.00 150,000.00
46 Provided, however, if the aggregate amount in the general
47 school fund is not sufficient to
48 supplement in full all elementary schools, together with aid
49 to high schools, then after sup-
50 plementing all elementary
51 schools the balance shall be ap-
52 portioned to the high schools.
53 Salaries of county superintendents 92,000.00 92,000.00
54 Compensation and expenses of insti-
55 tute instructors .......................... 15,000.00 15,000.00
56 To assist in rehabilitation work in
57 co-operation with the Federal
58 government, payable on order
59 of the state board of education
60-a and the state board of control.. 17,500.00 17,500.00
61 Vocational education, payable on
62 order of the State Board of
63 Education and State Board of
64 Control ................................. 30,000.00 30,000.00
66 The Auditor shall credit all delinquent taxes due the state to the fund to which they belong, and the cost of certification of sale shall be paid out of the fund to which they are credited, and there is hereby appropriated so much as may be necessary for the payment of the same, not to as follows (payable on requisition of the Auditor):

**Land Department:**

- Salary of:
  - Chief land clerk.......................... 3,000.00 3,000.00
  - Assistant land clerk........................ 2,100.00 2,100.00
  - Stenographer .................................. 1,500.00 1,500.00
  - Typist ........................................... 1,200.00 1,200.00
  - Certificate clerk ......................... 1,500.00 1,500.00
  - Current expenses ............................... 700.00 700.00

77 For the publication of the above delinquent taxes, there is hereby appropriated so much as may be necessary at the rate fixed by general law, payable on requisition of the Auditor.

83 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 provision of general law.

**Deficiency Appropriation:**

91 To pay balance due newspapers for publishing the list of delinquent lands sold to the State the difference between the amount paid under the provisions section 77, Chapter 1, Acts 1921, extraordinary session, and the rate for such publication as provided by Chapter 153, Acts 1921,
for remainder of year ending June 30, 1923
The above appropriation to be available for such payments for the fiscal years 1922 and 1923 and to be paid upon requisition of the auditor.

**SUB-SECTION “F”**

Sec. 83. All appropriations appearing under Sub-Section 2 “F” are payable out of the State Road Fund of the State.

**STATE ROAD COMMISSION.**

*Automobile Bureau.*

Sec. 84. For cost of license tags, storage, postage, freight, express and cartage on same.
Salaries of clerks, stenographers and field agents, including expenses of field agents.
Current general expenses.
Expense of enforcement of the provisions of an act of the 1923 Legislature relating to motor vehicles.

**Administration Expenses.**

Salaries of commissioners.
Salaries of engineers, clerks, stenographers, property, accounting, recording and other assistants.
Bridge designs, plans and records and testing material.
Traveling expenses.
Inspection and supervision of war material.
Office rent including heat, light, water and janitor service.
Furniture and equipment.
Current general expenses.
To carry out the provisions of Senate Bill No. 375, 1923 legislature.
Ch. 147] GENERAL APPROPRIATIONS

23-a To pay all expenses in connection
23-b with carrying out the provisions of House Bill No. 14,
23-c Acts 1923, Legislature, relating
23-d to tax on gasoline payable
23-e on requisition of the state tax
23-f commissioner ......................... 7,500.00
23-g For complying with and carrying
24 out the provisions of section 83,
25 good roads acts. one thousand
26 nine hundred and twenty-one,
27 relating to refunds and refunding
28 moneys erroneously paid
29 through the commission into the
30 treasury such sums are hereby
31 appropriated as may be erroneously paid.
32-a For refunding license fees such
32-b sums are hereby appropriated
32-c as may be necessary to carry
32-d out section 1 of chapter 114,
32-e acts 1921.
33 In addition to the foregoing appropriations the balance or residue
34 of the annual receipts of the
35 state road fund are hereby appropriated for the payment of
36 interest on and principal of outstanding road bonds, for main-
37 tenance and construction and
38 re-construction of state roads,
39 in accordance with the provisions of the good roads act of
40 one thousand nine hundred and
41 twenty-one legislature, sections
42 15, 23 and 72.
43 Supplemental appropriation to
44 pay current general expenses, for
45 year ending June 30, 1923 .......... 12,000.00
46 Supplemental appropriation for
47 furniture and equipment, for re-
52 remainder of year ending June 30, 1923 ........................................ 3,000.00
54 To pay Dr. A. T. Post of Clarksburg, for damages to automobile
56 in collision with a state road commission truck available for
58 year ending June 30, 1923 .......... 1,844.25
59 To pay claims against the state road commission resulting from
61 injuries or damages, for remainder of year ending June 30,
63 1923 ................................................ 836.78

SUB-SECTION “G”.

Sec. 85. All appropriations appearing under Sub-Section 2 “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.

Secretary’s Office

Sec. 86. Salary of—

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Secretary</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>3 Assistant secretary and rate clerk</td>
<td>3,300.00</td>
<td>3,300.00</td>
</tr>
<tr>
<td>4 Stenographer</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>5 Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>6 Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>7 Statistical Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Chief statistician</td>
<td>4,200.00</td>
<td>4,200.00</td>
</tr>
<tr>
<td>9 Assistant statistician</td>
<td>3,300.00</td>
<td>3,300.00</td>
</tr>
<tr>
<td>10 Stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
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Sec. 87. All appropriations appearing under Sub-Section "H" are payable out of the fund created by Chapter 9 Acts 3 of 1915 (Extraordinary session) and amendments thereto.

Workmen's Compensation.

Sec. 88. Current general expenses $140,000.00 $140,000.00

To pay the expense of an audit of the Workmen's Compensation Department, so much as may be necessary, not to exceed 5,000.00 5,000.00

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 of Public Offices.

SUB-SECTION "I".

Sec. 89. 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. 90. For refunding overpayments made into the treasury on account of taxes, licenses, fines and commissions, to paid out of the fund into which they were paid, such an amount as may be necessary for such purpose is hereby appropriated.
Sec. 91. 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 or commissions, 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 of any such member of any such compensation or expenses, he shall make up in duplicate and certify to its correctness an itemized statement of the number of days spent (giving dates) and of the expenses, which statement shall be filed with the secretary or clerk of the institution, the original whereof the secretary or clerk shall file or preserve in his office, and the duplicate he shall at once forward to the Auditor. If any such member shall willfully make a greater charge for such services or expenses than truth justifies, he shall be guilty of embezzlement and punished accordingly.

Sec. 92. All printing, binding, printing paper and stationery for the state superintendent of free schools shall be paid for out of the general school fund. No printing, binding or printing paper or stationery for the following named boards, officers or institutions shall be paid for out of the appropriation for public printing, public binding, or for supplying paper or stationery, but shall be paid for out of the appropriations therefor herein made, or out of the expense fund or current general expense fund thereof, namely:
The public service commission, the state road commission, the workmen’s compensation department, the game and fish commission, the board of dental examiners, state vaccine agents, commissioners of pharmacy, state board of examiners, state board of embalmers, Welch hospital No. 1, McKendree hospital No. 2, Fairmont hospital No. 3, state fire marshal, normal schools, schools for the deaf and blind, the university and all its branches, including the experiment station, Huntington, Weston and Spencer state hospitals, industrial school for boys, the West Virginia collegiate institute and the industrial home for girls, the geological survey, Berkeley Springs board, state colored hospital for insane, state tuberculosis sanitarium, state colored tuberculosis sanitarium, children’s homes, the Potomac state school, the New River state school, Bluefield colored institute, and all private schools or hospitals receiving state appropriations.

Such boards, officers and institutions, except the state superintendent of free schools, that are herein required to pay for their own printing, stationery and printing paper and binding, have authority to procure the same, or have the same done on requisition of the superintendent of public printing, or may buy such printing and stationery, or have such printing and binding done on competitive bids, under such rules as may be made by the commissioners of public printing.

When stationery or printing is procured from the superintendent of public printing or printing and binding are done on requisition of his office, by any such board, officers or institutions, the superintendent of public printing as to such printing, binding, stationery and printing paper, shall certify the cost thereof to the auditor, stating to what officer, board or institution the same was furnished, and the auditor shall charge against the proper fund or appropriation of such officers, institution or board the amount thereof, and credit such amount to the proper 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 printers’ copy, and only so much of any such reports shall be printed as may be ordered by the governor; and no such reports shall be printed by the public printer except on requisition therefor, signed by the governor, which requisition shall state the number to be printed and how the same are to be bound. Such officers, boards and institutions as are required by law to make a report to the governor shall place the same in his hands as soon as the same are completed, and within ninety days after the close of the period which they are to cover.

Sec. 93. No sum of money shall be paid out of the treasury for the years ending June thirtieth, one thousand nine hundred and twenty-four, and one thousand nine hundred and twenty-five, beyond the amounts hereby appropriated, unless the same be provided for by constitution or some general law, and no money shall be hereafter drawn from the treasury to pay the salary of any officers or employees before their services have been rendered.

Sec. 94. 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.

Sec. 95. Appropriations made by the 1921 legislature for buildings and land, for constructing new mansion; West Virginia Collegiate Institute; Bluefield Colored Institute; West Virginia Colored Orphans’ Home; Colored deaf and blind school; industrial home for colored girls; Spencer state hospital; colored hospital for insane, Marshall College, Concord State Normal school and West Virginia University, except $100,000.00 of appropriation for physical education building, remaining unexpended May 2, 1924, are hereby continued in effect and made available for expenditure during such time as would be authorized by law had said appropriations been originally made by this appropriation bill.
Resolutions

COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 2.

(Adopted January 22, 1923.)

Authorizing the payment of balance of salary due Hon. F. N. Hays, deceased, to his widow.

SENATE JOINT RESOLUTION NO. 3.

(Adopted January 24, 1923.)

Expressing the sense of the legislature that the Towner-Sterling Educational bill should pass Congress.

Resolved by the Legislature of West Virginia:
That it is the sense of a majority of the members of each branch of the legislature of West Virginia that the bill for the advancement of public education in the United States, known as the Towner-Sterling bill, should be passed by Congress in substantially the form in which it has been considered by the Committee on Education of the House of Representatives.
That a duly authenticated copy of this resolution be sent by the Secretary of State to each Senator and Representative from West Virginia in the Congress of the United States.

SENATE JOINT RESOLUTION NO. 13.

(Adopted January 22, 1923.)

Authorizing the auditor to draw his warrants upon the treasurer for mileage of members of the legislature.
Resolved, That the Governor is hereby authorized to appoint, in advance of the passage of the appropriation bill, the auditor is hereby authorized and directed to draw his warrants upon the treasurer for the mileage of members of the legislature, at this initial session, upon proper requisitions drawn by the Clerk of the Senate and the sergeant-at-arms of the House of Delegates.

SENATE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 13.

(Adopted January 24, 1923.)

Relative to printing of bills and the distribution thereof.

Resolved by the Legislature of West Virginia:

That the standing committees of the Senate and House of Delegates be and they are hereby authorized and directed to have printed during the interim period eight hundred copies of Senate and House bills of a general nature that they, in their judgment, may deem it advisable to print, four hundred and fifty copies of which shall be laid aside by the public printer for binding in the volumes of the Senate bills and House bills, and one hundred and thirty copies used in the individual files of the two houses. Out of the remainder the clerks are directed to mail to the members of their respective houses two copies of each of such bills, and if additional copies are required, they shall be furnished by the clerks upon request. The chairmen are requested to inform the Clerks, as early as practicable, of the several bills that their committees have designated to have printed and if there is a failure to so designate, then the clerks are to exercise their own judgment in the printing of bills referred to any committee failing to report thereon.

It shall be the duty of the Clerks to see to it that where duplicate bills have been introduced in the two houses, or in either house, that but one of such bills shall be printed. No charters, or local bills, are to be printed during the interim period; be it further

Resolved, That the expense of mailing bills and journals by the Clerks of the respective houses to the members, and to others upon request, be paid out of the contingent funds of such houses, by the auditor, upon proper requisitions drawn by the clerk of the Senate and sergeant-at-arms of the House of Delegates, and the filing of an itemized statement of such expense by the respective Clerks.
SENATE JOINT RESOLUTION NO. 17.

(Adopted January 23, 1923.)

Authorizing the Governor to appoint a committee to confer with representatives of the federal government in an effort to secure the location in West Virginia of the summer White House, the construction of which is in contemplation.

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

WHEREAS, The United States government has accepted a bequest of two hundred thousand ($200,000.00) dollars under the will of Wilson J. Leakins of Baltimore, Maryland, for the purpose of constructing or purchasing a summer White House for the use of the President of the United States, which must be located within fifty miles of the National Capital; and

WHEREAS, It is suggested that the vicinity of Harpers Ferry, Jefferson county, West Virginia, is an ideal location for said White House from every standpoint, and especially convenience of location, natural beauty and historic interest; therefore, be it

Resolved, That the Governor is hereby authorized to appoint, within twenty days from the adoption of this resolution, a committee of five citizens of this state, whose duty it shall be to confer with representatives of the United States government having said matter in charge, and to use their best efforts to secure the location and construction of said summer White House at or near Harter’s Ferry in this state. The members of said committee shall serve without salary, but their actual traveling expenses may be paid by the Governor out of his contingent fund.

SENATE JOINT RESOLUTION NO. 25.

(Adopted April 13, 1923.)

Accepting the provisions of the act of congress, entitled “An act for the promotion of welfare and hygiene of maternity and infancy, and for other purposes,” and known as the Sheppard-Towner act.
SENATE JOINT RESOLUTION NO. 27.

(Adopted March 28, 1923.)

Making Barnes code of one thousand nine hundred and twenty-three _prima facie_ evidence of the laws contained therein.

SENATE CONCURRENT RESOLUTION NO. 1.

(Adopted January 10, 1923.)

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 present.

SENATE CONCURRENT RESOLUTION NO. 3.

(Adopted January 24, 1923.)

Relative to the adjournment of the legislature for the constitutional recess and to the re-assembling of the legislature after said recess and fixing the date for said adjournment and said re-assembling.

Whereas, section twenty-two of article six of the constitution of West Virginia as amended at the general election held on the second day of November, one thousand nine hundred and twenty, requires that after the legislature has been in session for a period not exceeding fifteen days, a recess shall be taken until the Wednesday after the second Monday in March following; now, therefore, be it

Resolved by the Senate, the House concurring therein:

That the legislature of West Virginia shall adjourn for said recess on Wednesday, January twenty-fourth, one thousand nine
hundred and twenty-three and shall re-assemble at the hour of two P. M. on Wednesday, March fourteenth, one thousand nine hundred and twenty-three.

SENATE CONCURRENT RESOLUTION NO. 4.

(Adopted January 24, 1923.)

Raising a joint committee to wait upon the Governor.

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

That a joint committee of five, consisting of three on the part of the House of Delegates, to be appointed by the Speaker thereof, and two on the part of the Senate, to be appointed by the President thereof, be appointed for the purpose of notifying the Governor that the legislature is ready to recess until March fourteenth next, and two on the part of the Senate, to be appointed by the President

SENATE CONCURRENT RESOLUTION NO. 5.

(Adopted March 26, 1923.)

Providing for the introduction of a bill as follows:

“A Bill to make the keeping, maintaining or exhibiting of slot machines or machines of like kind, or other similar devices, unlawful and providing punishment therefor.”

SENATE CONCURRENT RESOLUTION NO. 6.

(Adopted April 13, 1923.)

Requesting the state road commission to furnish certain information.
Resolved by the Senate of West Virginia, the House of Delegates concurring therein:

That the state road commission be and is hereby required to furnish to the Senate and House of Delegates, as soon as may be, and not later than the twenty-first day of April, one thousand nine hundred and twenty-three, a full and complete report, showing:

1. The names of all officers and employees of said commission and the county in which each resided at the time of his or her appointment. The classification of said officers and employees into the different departments, showing specifically each of the different district divisions and the officers and employees engaged therein;

2. The salary or allowance paid to each officer and employee, showing particularly the difference in salary, if any, paid the same class of officers or employees in different counties and setting forth their reason for such difference.

3. The amount of money expended in each county, from the fund derived from the sale of state road bonds including the use of the reserve fund and the number of miles of road completed in each county from said funds and also the number of miles of road now advertised or under contract in each county.

SENATE CONCURRENT RESOLUTION NO. 8.

(Adopted April 14, 1923.)

Providing for the introduction of a bill.

Resolved by the Legislature of West Virginia, three-fourths of the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

"A Bill to authorize the board of education of the district of Fort Spring, in the county of Greenbrier, to issue and negotiate its certificates of indebtedness in the aggregate sum of thirty-five thousand dollars, bearing interest at the rate of six per centum per annum, and to use the moneys derived therefrom for the purpose of completing an addition to and the remodeling of the public graded school building situate in the city of Ronceverte in said district, and to lay a special levy of thirty cents for each year for three consecutive years, beginning with the year one thousand
nine hundred and twenty-three, on each one hundred dollars’ valuation, of all taxable property in said district, and to apply all moneys raised thereby for the purpose of paying and retiring said certificates of indebtedness and providing for the receipt and disbursement of all moneys so raised.

HOUSE CONCURRENT RESOLUTION NO. 5.

(Adopted January 24, 1923.)

Authorizing the payment to the janitor, in advance of the appropriation therefor, compensation for his assistants.

HOUSE CONCURRENT RESOLUTION NO. 6.

(Adopted March 14, 1923.)

Raising a joint committee of the two houses to wait upon the Governor.

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

That a joint committee of the two houses consisting of two members, to be appointed by the President of the Senate, and three to be appointed by the Speaker of the House, be and the same is hereby raised, to wait upon the Governor and inform him that the legislature has re-assembled at the expiration of the constitutional recess, with a quorum of each house present, and is ready to receive any communication which His Excellency may be pleased to make.

HOUSE CONCURRENT RESOLUTION NO. 12.

(Adopted April 6, 1923.)

Providing for the introduction of a bill, as follows:
Resolved by the Legislature of West Virginia, three-fourths of all members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

A Bill to amend and re-enact section twenty-six of chapter fourteen of the acts of the legislature, one thousand nine hundred and five, at the regular session, as amended by chapter twenty-two of the acts of the legislature of one thousand nine hundred and twenty-one, at the regular session, relating to the incorporating of the town of Salem, and defining the powers of the city council thereof.

HOUSE CONCURRENT RESOLUTION NO. 18.

(Adopted April 16, 1923.)

Providing for the introduction of a bill, as follows:

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

"A Bill to authorize the board of education of the district of Fort Spring in the county of Greenbrier, to issue and negotiate its certificates of indebtedness in the aggregate sum of thirty-five thousand dollars, bearing interest at the rate of six per centum per annum, and to use the moneys derived therefrom for the purpose of completing an addition to and the remodeling of the public graded school building situate in the city of Ronceverte in said district, and to lay a special levy of thirty cents for each year for three consecutive years, beginning with the year one thousand nine hundred and twenty-three, one each one hundred dollars’ valuation of all taxable property in said district, and to apply all moneys raised thereby for the purpose of paying and retiring said certificates of indebtedness and providing for the receipt and disbursement of all moneys so raised."
HOUSE CONCURRENT RESOLUTION NO. 21.

(Adopted April 17, 1923.)

Providing for the introduction of a bill, as follows:

Resolved by the legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

A Bill to give the county court of Jackson county the power to employ an assistant prosecuting attorney.

HOUSE CONCURRENT RESOLUTION NO. 23.

(Adopted April 19, 1923.)

Providing for the introduction of a bill, as follows:

Resolved by the legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature of West Virginia to introduce a bill with the following title:

A Bill authorizing the county court of Kanawha county to lay a levy of two and one-half cents on the hundred dollars' valuation of the taxable property of Kanawha county for the purpose of building a bridge at Clendenin,
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