ACTS
of the
LEGISLATURE
of
WEST VIRGINIA

REGULAR AND EXTENDED SESSIONS
1929
NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.

Municipal charters are published in a separate volume.
ERRATA

Page 69, section 110, line 1, “residents” should read “residence”.
Page 81, section 20, at the end of line sixteen, the period should be a comma.
Page 120, section 13, insert line seven as follows:
“7 and general control of the department of banking.”
Page 190, section 9, line 6, “analysis” should read “analyst”.
Page 269, section 100, line 31, “of” should read “or”.
Page 297, section 3, line 52, “a” should read “an”.
Page 298, section 4, line 2, strike out the word “he”.
Page 312, section 1, line 5, “fire” should read “firm”.
Page 312, section 1, line 8, “them” should read “term”.
Page 314, section 3, line 37, “ive” should read “five”.
Page 398, section 1, line 74, “tw ohundred and eighty” should read “twenty-eight degrees”.
Page 398, section 1, line 85, “two hundred and eighty” should read “twenty-eight”.
Page 398, section 1, line 89, “one-hundredths” should read “tenths”.
Page 399, section 1, strike out lines 94 to 100, inclusive, and insert in lieu thereof:

“minutes east, one hundred and seventy-one and eight tenths feet to the south-east corner of lot three; thence with the south line of lot two south forty-four degrees one minute east twenty two four tenths feet; thence south twenty-nine degrees twenty-eight minutes east twenty feet; thence south forty-one degrees forty-four minutes east nine seven one tenths feet; thence south sixty-four degrees”.

Page 442, section 1, line 9, strike out the first “to”.
Page 477, section 13, line 7, “court” should read “count”.
Page 590, line sixteen, “on” should read “or”.
# List of Members and Officers of the Legislature of West Virginia

## 1929

### SENATE

- **President**—M. J. White, Williamson.
- **Clerk**—M. S. Hodges, Franklin.
- **Sergeant-at-Arms**—Roesele T. Mullens, Buffalo.
- **Doorkeeper**—A. S. McDougell, Harrieville.

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<td>First</td>
<td>Wright Hugle, (R).</td>
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<td>*Harry P. Housey, (D).</td>
<td>Bunker Hill</td>
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(R) . . . . . Republican.
(D) . . . . . . Democrat.
(*) . . . . . Holdover Senators.
Standing Committees of the Senate

ON PRIVILEGES AND ELECTIONS.

Messrs. Walker (Chairman), Woods, Wells, Roberts, Davis (of Ritchie), West, Hutchinson, Mathews and Abbot.

ON THE JUDICIARY.

Messrs. Smith (of Marion), (Chairman), Reynolds, Hugus, Engle, Smith (of Lincoln), Davis (of Ritchie), Hutchinson, Watkins, Hallanan, Lilly, Helmick, Roberts, Wiseman, Hiner and Mathews.

ON FINANCE.

Messrs. Hallanan (Chairman), Helmick, Reitz, White (of Wood), Woods, Reynolds, Robinson, Miller, Walker, Woodyard, Wells, West, Davis (of Lewis), Martin, Abbot, Henshaw and Herold.

ON EDUCATION.

Messrs. Reynolds (Chairman), Engle, Woods, Hugus, Smith (of Lincoln), Miller, Martin, Mathews and Herold.

ON COUNTIES AND MUNICIPAL CORPORATIONS.

Messrs. White (of Wood), (Chairman), Hugus, Reynolds, Hallanan, Smith (of Marion), West, Roberts, Abbot and Henshaw.

ON ROADS AND NAVIGATION.


ON BANKS AND CORPORATIONS.

Messrs. Roberts (Chairman), Hugus, Robinson, Walker, Davis, (of Lewis), Watkins, Hutchinson, Wiseman and Herold.

ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.

Messrs. Martin (Chairman), Robinson, White (of Wood), Lilly, West, Miller, Davis (of Lewis), Roberts, Wells, Herold and Wiseman.
ON PENITENTIARY.
Messrs. Helmick (Chairman), Reynolds, Reitz, Smith (of Lincoln), Hutchinson, Watkins, Roberts, Herold and Henshaw.

ON RAILROADS.
Messrs. Helmick (Chairman), Woods, Lilly, Davis (of Lewis), Davis (of Ritchie), Walker, Hutchinson, Henshaw and Hiner.

ON MILITIA.
Messrs. Wells (Chairman), Helmick, Robinson, Davis (of Ritchie), Walker, Hutchinson, Watkins, Herold and Abbot.

ON FEDERAL RELATIONS.

ON INSURANCE.
Messrs. Engle (Chairman), Woods, Hallanan, Smith (of Marion), Helmick, Robinson, West, Abbot and Henshaw.

ON IMMIGRATION AND AGRICULTURE.
Messrs. Robinson (Chairman), Reynolds, Davis (of Lewis), Davis (of Ritchie), Walker, Smith (of Lincoln), Martin, Hiner and Wiseman.

ON MINES AND MINING.
Messrs. Wood (Chairman), Helmick, Smith (of Marion), Hugus, Hutchinson, Watkins, Miller, Abbot and Wiseman.

ON MEDICINE AND SANITATION.
Messrs. West (Chairman), White (of Wood), Hallanan, Lilly, Wells, Watkins, Davis (of Lewis), Mathews and Abbot.

ON LABOR.

ON CLAIMS AND GRIEVANCES.
Messrs. Hutchinson, (Chairman), Reitz, White (of Wood), Martin, Wells, West, Miller, Hiner and Herold.
ON FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS.

Messrs. Davis (of Lewis), (Chairman), Reynolds, Smith (of Marion), Watkins, Woodyard, Hutchinson, Smith (of Lincoln), Wiseman and Mathews.

ON PUBLIC PRINTING.

Messrs. Woodyard (Chairman), Reitz, Helmick, Hugus, Engle, West, Lilly, Abbot and Herold.

ON RULES.

Messrs. White (of Mingo), (Chairman, ex-officio), Hallanan, Smith (of Marion), Reynolds and Henshaw.

TO EXAMINE CLERK'S OFFICE.

Messrs. Smith (of Lincoln), (Chairman), Woodyard, Martin and Abbot.

ON PUBLIC LIBRARY.

Messrs. Woodyard, (Chairman), Reitz, White (of Wood), Robison, Davis (of Ritchie), Smith (of Lincoln), Hutchinson, Hiner and Wiseman.

ON TEMPERANCE.

Messrs. Miller (Chairman), White (of Wood), Woods, Engle, Wells, Smith (of Lincoln), Hutchinson, Mathews and Abbot.

ON RE-DISTRICTING.

Messrs. Hugus (Chairman), White (of Wood), Reynolds, Hallanan, Smith (of Marion), West, Woodyard, Hiner and Abbot.

ON FORESTRY AND CONSERVATION.

Messrs. Lilly (Chairman), Reitz, Hallanan, Smith (of Marion), Davis (of Lewis), Miller, Martin, Hutchinson, West, Wells, Henshaw and Wiseman.

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

Messrs. Smith (of Lincoln), (Chairman), Wells, Walker, Watkins and Abbot.
# House of Delegates

## OFFICERS

Speaker—J. Wm. Cummins, Wheeling.
Clerk—L. V. Reed, Sistersville.
Sergeant-at-Arms—W. H. Hutc!hison, Spencer.
Doorkeeper—E. H. Knabenshue, Buckhannon.

## Counties and Members

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|              | Ellsworth Morgan, (R)            | Fairmont, R. F. D. &
<p>|              | Dr. Will P. Crow, (R)            | Glen Easton       |
|              | C. E. Hutc!hison, (R)            | Mount Pleasant    |
|              | George A. Rainey, (R)            | Leon              |
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63 Republicans.
31 Democrats.
Standing Committees of the House of Delegates

ON ELECTIONS AND PRIVILEGES.

ON THE JUDICIARY.

ON FEDERAL RELATIONS.
Messrs. McKenzie (Chairman), Beard, Rairden, Leonard, Rexroad, Kennedy, Topping, Riley, Fazenbaker, Fonner, Prather, Gallagher, Vines, Peters and Davis.

ON TAXATION AND FINANCE.

ON MILITARY AFFAIRS.
Messrs. Conley (Chairman), Stephens, Crow, Hogg, Smith (of Preston), Beuhring, McKenzie, Riley, Lakin, Reed, Hartigan, Chipley, Sheppard, White, Matthews (of Fayette) and Hiner.

ON PROHIBITION AND TEMPERANCE.
Messrs. Harmer (Chairman), Fogle, Morgan, Rexroad, Beard, Massie, Buzzerd, Smith (of Doddridge), Topping, Miss Radenbaugh, Messrs. Harvey, Brown (of Nicholas), Martin, Scott and Hays.

ON EDUCATION.
Messrs. Brammer (Chairman), Vandervort, Cline, Cooper, Deuley, Rexroad, Bartlett, Fogle, Kennedy, Massie, Haymond, Hartigan, Fonner, Scott, Cusack, Hedges and Matthews (of Fayette).
ON COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS


ON BANKS AND CORPORATIONS.

Messrs. Carter (Chairman), Smith (of Doddridge), Brown (of Marion), Sutphin, Robson, Long, McKenzie, Calderwood, Luther, Raine, Payne, Matthews (of Fayette), Peters, White and Vines.

ON ROADS.

Messrs. Calderwood (Chairman), Smith (of Preston), Robison, Gay, Vandervort, Starkey, Riley, Reed, Luther, Sutphin, Carter, Buzzerd, Hedges, Wysong, Baker, Talbott and Hiner.

ON FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Starkey (Chairman), Fazenbaker, Crow, Cline, Coöper, Buzzerd, Rice, Topping, Hill, Cole, Kidd, Wysong, Hiner, Evans and West.

ON CLAIMS AND GRIEVANCES.


ON HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Lakin (Chairman), Radabaugh, Brammer, Miss Radenbaugh, Messrs. Hartigan, Farnsworth, Raine, Crow, Meredith, Cline, MacQueen, Davis, Marshall, West and Marcum.

ON PRINTING AND CONTINGENT EXPENSES.

Messrs. Haymond (Chairman), McColloch, Deuley, Conley, Bartlett, Fogle, Mathews (of Kanawha), Rice, Rexroad, Leonard, Evans, Smith (of Wayne), Brown (of Nicholas), Gallagher and Marcum.

ON EXECUTIVE OFFICES AND LIBRARY

Messrs. Rexroad (Chairman), Rankin, Hull, Luther, Massie, Hogg, Haymond, Harmer, Beuhring, McGlothlin, Prather, Harvey, Hays, Harper and Cusack.
ON FORESTRY AND CONSERVATION.

Messrs. Raine (Chairman), Farnsworth, Robson, Buzzerd, Beard, Massie, Kennedy, Hull, Sutphin, Meredith, White, Kidd, Marshall, Hays and Martin.

ON ARTS, SCIENCE AND GENERAL IMPROVEMENTS.

Miss Radenbaugh (Chairman), Messrs Lakin, Riley, Gay, Hogg, Radabaugh, McKenzie, Rice, Hutchison, Vandervort, Chipley, Marshall, Hays, West and Martin.

ON PENITENTIARY.

Messrs. Brown (of Marion), (Chairman), Crow, Fonner, Ulrich, Radabaugh, Leonard, Bennett, Beard, Keatley, Bartlett, Talbott, Cusack, Harvey, Poling and Martin.

ON MINES AND MINING.


ON AGRICULTURE.

Messrs. McGlothlin (Chairman), Massie, Miss Radenbaugh, Messrs. Vandervort, Beard, McColloch, Reed, Rankin, Topping, Rairden, Dean, Sheppard, Martin and Smith (of Wayne).

ON STATE BOUNDARIES.

Messrs Rankin (Chairman), Rairden, Brammer, McKenzie, Riley, Fazenbaker, Rexroad, Kennedy, Ulrich, Fonner, Hiner, Marcum, Brown (of Nicholas), MacQueen and Harper.

ON RAILROADS.


ON LABOR.

ON MEDICINE AND SANITATION.

Messrs. Hull (Chairman), Rankin, Hartigan, Crow, Hutchinson, McIntire, Morgan, Luther, Radabaugh, Cooper, West, Brown (of Nicholas), Harvey, Marcum and White.

ON GAME AND FISH.

Messrs. Deuley (Chairman), Keatley, Rairden, Cole, Long, Rankin, Beard, Hull, Hutchinson, Cooper, West, MacQueen, Payne, Brown (of Nicholas), Baker and Chipley.

ON INSURANCE.


ON RULES.

Messrs. Cummins (Chairman, ex-officio), Keatley, Hull, Tabor, Hogg, Mathews (of Kanawha), Wysong and Baker.

ON RE-DISTRICTING.

Messrs. Massie (Chairman), Kyle, Lakin, Farnsworth, Tabor, Cooper, Conley, Long, Gay, Smith (of Doddridge), Scott, Harper, MacQueen, Smith (of Wayne) and Davis.

JOINT COMMITTEE ON ENROLLED BILLS, ON THE PART OF THE HOUSE.

Messrs. Buzzerd (Chairman), McIntire, Beard, Fonner, Baker and Harvey.
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LEGISLATURE OF WEST VIRGINIA

ACTS OF 1929

REGULAR SESSION

CHAPTER 1

(Senate Bill No. 4—By Mr. Hallanan)

AN ACT providing for the retirement and pay of judges of the supreme court of appeals who shall have served at least one full term of twelve years and shall have reached the age of at least sixty-five years.

[Passed February 16, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Retirement pay of judges of the supreme court of appeals: retired judge accepting benefits of act; not to practice law; retired judge may be called in advisory capacity.

Be it enacted by the Legislature of West Virginia:

Section 1. Whenever any judge of the supreme court of appeals shall have served by election, or by both appointment and election, at least twelve consecutive years, and shall have reached the age of sixty-five years, he may then, or at the end of the term of his election or appointment, resign or retire, and shall
6 thereafter during the remainder of his life be entitled to receive
7 the sum of six thousand dollars per annum, to be paid in equal
8 monthly installments out of any money in the treasury of the
9 state not otherwise appropriated. A vacancy thus created shall
10 be filled by appointment or election as provided by law in other
11 cases of vacancy.
12 And if a judge so retiring shall accept the benefits of this
13 act, he shall not while so receiving said benefits be permitted to
14 practice law in the courts of this state, or to hold any public
15 office or trust for which he receives compensation. And if after
16 his retirement under this act and acceptance of its benefits, he
17 shall enter the practice of law or be elected or appointed to any
18 public office or trust for which he receives any salary or other
19 compensation, his benefits under this act shall be suspended
20 for such time only as he shall be engaged in practice of the law
21 or shall occupy such public office or trust. And any judge
22 while accepting the benefits of this act shall be subject to call by
23 the supreme court for service to said court in an advisory
24 capacity without compensation other than the benefits under
25 this act, provided said judge is able to serve in such capacity.

CHAPTER 2
(Senate Bill No. 10—By Mr. Smith, of Marion)

AN ACT providing for the payment of salaries of the members of
the senate and house of delegates pursuant to section thirty­
three of article six of the Constitution of the state, as amended,
and to amend section one of chapter twenty-three of the acts
of one thousand nine hundred and twenty-one.

[Passed January 15, 1929; in effect from passage. Approved by the Governor]

Sec. 1. Salaries of members of Senate and | House of Delegates; amount and
| when payable.

Be it enacted by the Legislature of West Virginia:

That section one of chapter twenty-three of the acts of one thou­
sand nine hundred and twenty-one be amended and re-enacted so
as to read as follows:

Section 1. The salaries of the members of the senate and
2 house of delegates shall be five hundred dollars per annum,
3 payable out of the treasury on the third Wednesday in January
4 of each year.
AN ACT to amend and re-enact section one, chapter ninety-two, Acts of the legislature one thousand nine hundred and twenty-one, relating to the salaries of elective state officers.

[Passed February 26, 1929; in effect from passage. Approved by the Governor.]

SEC. 1. Salaries of elective state officers, except the Governor.

Be it enacted by the Legislature of West Virginia:

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

Section 1. That on and after March fourth, one thousand two nine hundred twenty-nine, the salary of the secretary of state, state superintendent of free schools, auditor, treasurer, attorney general and commissioner of agriculture shall be seven thousand dollars each per annum, payable monthly out of the state treasury.

CHAPTER 4
(Senate Bill No. 31—By Mr. West)

AN ACT to amend chapter one hundred and fifty of Barnes code of one thousand nine hundred and twenty-three so as to authorize and provide for the asexualization or sterilization of inmates of state institutions.

WHEREAS, both the health of the individual patient and the welfare of society may be promoted in certain cases by the sterilization of mental defectives under careful safeguard and by competent and conscientious authority; and

WHEREAS, such sterilization may be effected in males by the operation of vasectomy and in females by the operation of salpingectomy, both of which said operations may be performed without serious pain or substantial danger to the life of the patient; and

WHEREAS, the state has in custodial care and is supporting in various state institutions many defective persons who if now discharged or paroled would likely become by propagation of their
kind a menace to society but who if incapable of procreating might properly and safely be discharged or paroled and become self-supporting with benefit both to themselves and to society; and

WHEREAS, human experience has demonstrated that heredity plays an important part in the transmission of insanity, idiocy, imbecility, epilepsy and crime, now, therefore

[Passed March 5, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 1. Procedure for the sterilization of certain inmates in certain of the state institutions.

2. Appeal to circuit court from order of public health council; procedure on.

3. Appeal from circuit to supreme court of appeals.

4. Operation to be performed upon expiration of any stay of procedure.

5. No civil or criminal liability for

6. Limitation on kind of operation.


Be it enacted by the Legislature of West Virginia:

That chapter one hundred and fifty of Barnes' code of one thousand nine hundred and twenty-three relating to public health be amended by adding thereto the following sections:

Section 1. Whenever the superintendent of any of the following state institutions, namely, the Weston state hospital, the Huntington state hospital, the Spencer state hospital, the state colored hospital for the insane, the West Virginia industrial school for boys, the West Virginia industrial home for girls, the state industrial school for colored boys or the state industrial home for colored girls shall be of the opinion that it is for the best interests of the inmates of the institution of which he is superintendent and of society that any inmate of such institution who is afflicted with any hereditary form of insanity that is recurrent, idiocy, imbecility, feeblemindedness or epilepsy should be sexually sterilized, such superintendent shall present to the public health council of this state a written petition stating the facts of the case and the grounds of his opinion, verified by his affidavit to the best of his knowledge and belief, and praying that an order may be entered by said council requiring him to perform, or to have performed by some competent physician or surgeon to be designated by him in his said petition or by said council in its order, upon such inmate named in such petition the operation of vasectomy if upon a male and of salpingectomy if upon a female.

A copy of such petition shall be served upon such inmate named therein, together with a notice in writing designating the time and place in said institution, not less than thirty days
25 before the presentation of such petition to said council, when
26 and where said council may hear and act upon such petition. If
27 such inmate has a parent, child, brother, sister, guardian or
28 committee, residing in this state whose name and place of resi-
29 dence are known to such superintendent, a copy of such petition
30 and notice shall be served upon such parent or parents, child,
31 brother, sister, guardian, or committee, and if such notice can-
32 not be so served, then the superintendent shall file a copy of
33 said petition in the office of the clerk of the county court of the
34 county where the inmate last resided. And notice shall be pub-
35 lished once a week for two successive weeks and completed
36 thirty days before the presentation of said petition to said
37 council, the costs of which publication shall be paid out of the
38 county treasury of the county wherein published. Said no-
39 tice shall be in the following form:
40 To the next of kin of ..........................................................: (Here
41 name inmate or inmates, if more than one)
42 Notice is given pursuant to law that the superintendent of
43 ............................................................ (name the institution filing
44 the petition) will, on the ........ day of ......................................,
45 19........, file a petition before the public health council of West
46 Virginia to be heard at ................................................ (name place
47 of hearing), asking for an order directing the sterilization of
48 .............................................. (name the inmate), at which time
49 and place any valid reason for not entering such order may
50 be offered.
51 A copy of said petition is filed in the office of the clerk of the
52 county court of this county.
53
54 Superintendent of ...................................................
55
56 Any number of cases from the same county may be included
57 in the same notice.
58 After the notice required by this act shall have been given as
59 herein provided, the said public health council, at the time and
60 place named therein, with such reasonable continuances from
61 time to time and from place to place as the said council may
62 determine, shall proceed to hear and consider the said petition
63 and the evidence offered in support of and against the same.
64 To every such inmate the said council shall appoint a guardian
65 ad litem who must be present at the hearing to defend the
66 rights and interests of such inmate. And the said council shall
see to it that such inmate shall have leave and opportunity to
attend the said hearings in person if desired by him, or by
his parent, guardian or committee served with such petition as
aforesaid.

The said public health council may receive and consider as
evidence at such hearing the commitment papers and other
records of such inmate in any of the aforesaid state institutions
as certified by the superintendent or superintendents thereof,
along with such other legal evidence as may be offered by any
party to the proceeding. Any member of said council shall
have the power to administer oaths to the witnesses at such
hearings. Depositions may be taken by any party after due
notice as in pending cases and such depositions may be read in
evidence if pertinent to the issue; provided, however, that no
deposition shall be read against such inmate, except with the
consent of his guardian ad litem, unless it be taken in the pres-
ence of the guardian ad litem or upon interrogatories agreed
on by him. The said council shall preserve and keep all record
evidence offered at such hearings, and shall have all oral evi-
dence heard thereat reduced to writing and preserved and kept
with its records. Any party to the proceedings shall have the
right to be represented by counsel at such hearings.

The said public health council may deny the prayer of said
petition, or, if the said council shall find that such inmate is
insane, idiotic, imbecile, feeble-minded or epileptic, and by the
laws of heredity is the probable potential parent of socially
inadequate offspring likewise afflicted; that such inmate may
be sexually sterilized without detriment to his or her general
health; and that the welfare of such inmate and of society will
be promoted by such sterilization, it may order such super-
intendent to perform, or to have performed by some competent
physician or surgeon named in such order, upon such inmate,
after not less than thirty days from the date of such order, the
operation of vasectomy if such inmate be a male or of salpingec-
tomy if such inmate be a female.

Sec. 2. From any such order so entered by the said public
health council such superintendent or such inmate, or his
parent, guardian or committee, shall have, within thirty days
after the date of such order, an appeal of right to the circuit
court of the county in which said institution is located, which
appeal may be taken by giving notice thereof in writing to the
7 secretary of said council and to the other parties to such pro-
8 ceedings. Upon taking such appeal the party taking the same
9 shall forthwith cause a copy of such petition, notice and evi-
dence and such order of said council to be certified by the
10 president or secretary of said council, or in their absence by
11 any other member thereof, to the clerk of such circuit court,
12 who shall file the same and docket the appeal to be heard and
determined by such court as soon thereafter as may be prac-
ticable. The pendency of such appeal shall stay proceedings
13 under such order until the appeal shall be determined.
14 Such circuit court upon such appeal may consider the record
15 of the proceedings before said council, including the evidence
16 appearing therein, and such other legal evidence as such court
17 may consider pertinent and proper that may be offered before
18 the court by any party to the appeal. Before hearing such
19 appeal the circuit court shall appoint for such inmate a guar-
dian ad litem who shall be present at the hearing to defend
20 and protect the rights and interests of such inmate. Upon such
21 appeal the circuit court may affirm, revise or reverse, in whole
22 or in part, the orders of said council appealed from and enter
23 such order as it deems just and right, which it shall certify to
24 said council.

Sec. 3. Any party to such appeal in the circuit court may,
2 within sixty days after the date of such final order therein,
3 apply for an appeal to the supreme court of appeals, which
4 may grant or refuse such appeal and shall have jurisdiction
5 to hear and determine the same upon the record of the trial
6 in the circuit court and to enter such order as it may find that
7 the circuit court should have entered. The pendency of such
8 an appeal in the supreme court of appeals shall operate as a
9 stay of proceedings under any such order of the said public
10 health council or of the circuit court until such appeal shall be
11 determined by the said supreme court of appeals.

Sec. 4. Whenever any such order shall be made as herein
2 provided by the said public health council, or such circuit court,
3 or the supreme court of appeals ordering such superintendent
4 to perform, or to have performed by some competent physician
4-a or surgeon named therein, such operation of vasectomy upon
4-b any such male inmate or such operation of salpingectomy up-
5 on any such female inmate, such superintendent, upon the ex-
CHAPTER 5
(Senate Bill No. 51—By Mr. Hugus)

AN ACT to provide for the creation of a state library commission and making provision for the establishment of traveling libraries throughout the state.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. State library commission created; terms and sex of members; how vacancies filled; no compensation to members; no member to engage in publishing business.

Sec. 2. Officers of commission; duties of secretary.

Sec. 3. Duties of commission; may receive as gifts or purchase books.

Sec. 4. Monetary gifts to be paid into the state treasury; how expended.

Be it enacted by the Legislature of West Virginia:

That a commission of five members is hereby created, to be known as the West Virginia library commission, to be constituted and appointed as hereinafter provided.

Section 1. The members of said commission shall be ap-
pointed by the governor upon the passage of this act, one for two years, two for three years, and two for four years. Thereafter appointments shall be made by the governor for four year terms. At least two members of the commission shall be women. All vacancies that may occur by resignation or otherwise shall be filled by the governor for the unexpired term. No member of said commission shall be compensated for his or her services. No member of the commission shall be engaged or interested in the publishing business.

Sec. 2. The officers of the commission shall be a chairman, elected from the members thereof, for a term of one year, and a secretary, who shall be a person trained in modern library methods, not a member of the commission. The secretary shall be appointed by the commission and shall serve at the will of the commission. The commission may establish headquarters or maintain its office at such point in the state as it may determine.

Said secretary shall keep a record of the proceedings of the commission, have charge of its work in organizing new libraries, and improving those already established; supervise the work of the traveling libraries, and in general perform such duties as may from time to time be assigned to him by the commission.

Sec. 3. The commission shall give assistance, advice and counsel to all school, state-institutional, free and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

It may also receive gifts of money, books, or other property which may be used or held for the purpose or purposes given; may purchase and operate traveling libraries under such conditions and rules as the commission deems necessary to protect the interests of the state and best increase the efficiency of the service it is expected to render the public.

It may purchase suitable books for traveling libraries and distribute them as needed to those persons and places in the state without adequate public library service. It may collect books, and other suitable library matter and distribute the same among state institutions desiring the same.
The commission may issue printed material, such as lists and circulars of information and in the publication thereof may cooperate with other state library commissions and libraries, in order to secure the more economical administration of the work for which it was formed. It may conduct courses of library instruction and hold librarians' institutes in various parts of the state.

Said commission shall perform such other service in behalf of public libraries as it may consider for the best interests of the state.

Sec. 4. If any sums of money are received by the commission as gifts, they shall be paid into the state treasury and used exclusively for carrying out the provisions of this act, and paying expenses of the commissioners. The commission shall expend no sums unless they are available by gift, appropriation or otherwise.

CHAPTER 6
(Senate Bill No. 104—By Mr. Hallanan)

AN ACT relating to the collection, depositing and disbursement of all moneys collected by any state institution or institution under the control of the state, all state officers and all departments of the state government.

[Passed February 27, 1920; in effect from passage. Approved by the Governor.]

Sec. 1. Moneys collected by state institutions, state officials and departments to be paid into the state treasury.

2. Exceptions from provisions of section one; how excepted fund expended; report to governor concerning.

Be it enacted by the Legislature of West Virginia:

Section 1. That all moneys collected by any state institution or any institution under the control of the state, from whatsoever source, and all moneys collected by state officials and all departments of the state government, from whatsoever source, shall be paid into the state treasury promptly in the same manner as other moneys are paid into the state treasury, and when so paid shall be credited to the state fund and treated by the
8 auditor and treasurer as a part of general revenue of the state
9 and shall not be used for any purpose whatsoever unless and
10 until authorized and directed by the legislature in accordance
11 with the constitutional budget amendment, except as hereinafter
12 provided.

Sec. 2. There are excepted from the provisions of the pre-
2 ceding section the following funds: All moneys received out
3 of appropriations made by the congress of the United States;
4 all funds derived from sale of farm and dairy products; all en-
5 dowment funds, bequests, donations, executive emergency funds,
6 and death and disability funds; all fees and funds collected at
7 state educational institutions for student activities; all funds de-
8 rived from collections from dormitories, boarding houses, cafe-
9 terias, and road camps; all moneys received from counties by in-
10 stitutions for the deaf and blind on account of clothing for
11 indigent pupils; all insurance collected on account of losses by
12 fire and refunds; all funds derived from book stores, and sales
13 of blank paper and stationery, collections by chief inspector of
14 audits, moneys collected and belonging to prisoners. All moneys
15 collected and exempted by this section from the provisions of
16 section one are to be paid into the state treasury in the same
17 manner as collections not exempted from the provisions of sec-
18 tion one, and are to be carried in separate accounts to be used
19 and expended only for the purposes for which same are author-
20 ized to be collected by law. All exemption from the provisions
21 of section one enumerated in section two do not exempt the per-
22 sons or institutions affected thereby from making an annual
23 detailed statement to the governor of the state within sixty days
24 from the close of each fiscal year for transmission to the legis-
25 lature of the gross receipts and expenditures made for the objects
26 named.

Sec. 3. Any person violating this act shall be guilty of a
2 misdemeanor and punished by a fine of not exceeding one
3 thousand dollars or a jail sentence not exceeding one year or
4 both, within the discretion of the court, and in addition thereto
5 shall forfeit whatever office or position he holds in connection
6 with the state government.

Sec. 4. The provisions of sections one and two of this act
2 shall not apply to moneys collected and belonging to the capitol
3 building fund, state road fund, state road sinking funds, general
4 school fund, the school fund, state fund—moneys belonging to
5 counties, districts and municipalities, state interest and sinking
6 fund for payment of Virginia debt, state interest and sinking
7 fund and state compensation funds, fees accruing to the clerk
8 of the supreme court of appeals.

Sec. 5. This act shall take effect on July one, one thousand
2 nine hundred and twenty-nine; provided, however, that bills
3 incurred during the fiscal year ending June thirty, one thou-
4 sand nine hundred and twenty-nine, may be paid at any time
5 within sixty days after the expiration of said year, in accord-
6 ance with the provisions of section eight, chapter seventeen of
7 Barnes' code of one thousand nine hundred and twenty-three.

Sec. 6. The gross amount collected in all cases shall be paid
2 into the state treasury and commissions, costs and expenses of
3 collection authorized by general law to be paid out of the gross
4 collection are hereby authorized to be paid out of the moncy
5 collected and paid into the state treasury in the same manner
6 as other payments are made from the state treasury.

Sec. 7. All acts or parts of acts insofar as inconsistent with
2 this act are hereby repealed.
For docketing each appeal and original jurisdiction case brought in the supreme court of appeals, and for all other necessary services on behalf of the petitioners, plainiffs in error or appellants, except comparing the record, to and including the certification of the final writ or mandate in such case, to be paid in advance, ten dollars.

For entering appearance of respondents, defendants in error or appellees in each case so brought and for all other necessary services on their behalf therein to and including the certification of the final writ or mandate, to be paid in advance, five dollars.

For all copies of petitions, records, orders, opinions or other papers, duly compared and attested, or otherwise, thirty-five cents per legal page.

For each certificate under seal of the court, one dollar.

For law license, suitable for framing, two dollars and fifty cents.

The two foregoing paragraphs shall not apply to certified, criminal or state cases.

For any other work or service not herein enumerated the clerk of the supreme court of appeals shall charge the fees prescribed in chapter one hundred and thirty-five of the code of West Virginia, or those prescribed for similar services by clerks of circuit courts.

The fees to be charged by the clerk of the supreme court of appeals by virtue of this or any other law on and after the date mentioned in this section shall be the property of the state of West Virginia and he shall account for and pay into the state treasury at least once every month all of such fees by him collected, to the credit of the state fund. This section shall not apply to fees which accrued previous to the first day of July, one thousand nine hundred and twenty-nine.

Sec. 2. The system of books and accounts to be kept by the said clerk of the supreme court of appeals and the form of reports by said clerk shall be prescribed by the state tax commissioner. The said clerk shall within twenty days after the close of each month make a report for the preceding month, in the form prescribed as aforesaid to the auditor in which he shall set out in detail every payment of money made to him as such clerk and show by whom it was paid and for what purpose, and shall pay the amount therein appearing to be due to the state
10 into the state treasury; provided, that the comparing fees in
11 any particular case is not deemed due and payable into the
12 state treasury until within thirty days next after the printed
13 record is filed in such case.

Sec. 3. Any wilful violation of the preceding sections by the
2 said clerk of the supreme court of appeals to keep the accounts,
3 make the reports or pay over the money collected as provided
4 in this act, shall be deemed a felony, and upon conviction thereof
5 the party offending shall be fined not more than five thousand
6 dollars and shall be confined in the penitentiary for a period
7 of not more than ten years.

Sec. 4. The annual compensation of the clerk of the supreme
2 court of appeals of West Virginia, beginning July one, one
3 thousand nine hundred and twenty-nine, in lieu of all other
4 fees, costs, allowances, compensation, perquisites and income of
5 whatever kind by virtue of his said office shall be six thousand
6 dollars, payable in equal monthly installments by warrant of
7 the auditor upon the treasurer of the state of West Virginia.
8 There may be one deputy clerk and one assistant clerk whose
9 combined salaries shall not exceed fifty-five hundred dollars
10 per annum to be appointed with the approval of the court.

Sec. 5. All acts and parts of acts inconsistent with this act
2 are hereby repealed.

CHAPTER 8
(Com. Sub. for Senate Bill No. 175—By Mr. Hugus)

AN ACT providing for the creation of the state bridge commission;
authorizing said commission to purchase, construct and im­
prove bridges over and across any navigable river lying wholly
or partly within the state or forming a boundary of the state;
authorizing the issuance of bridge revenue bonds of the state
payable solely from bridge earnings to pay the cost of such
bridges and certain improvements thereof; providing for the
collection of bridge tolls for the payment of such bonds and
for the cost of maintenance, operation and repair of the
bridges; setting forth the conditions upon which such bridges
shall become free bridges; fixing certain powers and duties of
the state bridge commission; declaring that no debt of the state
shall be incurred in the exercise of any of the powers granted
hereby; and providing for condemnation.
[Passed March 5, 1920; in effect from passage. Became a law without the approval of the Governor.]

SEC. 1. Definitions.
2. State bridge commission created; body corporate; number and qualifications of members; terms; oath of office and bond; removal; further qualifications of commissioners, engineers, etc.; when office vacated; organization; authority and salaries of commission; how salaries paid.
3. Commission may purchase, with approval of the Governor; toll bridges over navigable rivers in state.
4. Before purchase repairs, etc., to be determined by commission.
5. Where and how commission may build toll bridges; commission may purchase lands, franchises, etc., for construction of bridge.
6. Use of powers of eminent domain by commission.
7. Bridge revenue bonds; rate of interest, form and other provisions concerning; how proceeds expended.
8. Trust agreements respecting bonds, etc.
10. Provisions concerning toll to be charged; to be paid monthly to state sinking fund commission.
11. When tolls to cease.
14. When consent of officer or board not named in act not required.
15. Act to be liberally construed.

Be it enacted by the Legislature of West Virginia:

Section 1. As used in this act, the word "bridge" shall be deemed to include all property, rights and franchises relating thereto including approaches; the word "improvements" shall mean such repairs, replacements, additions and betterments of and to a bridge acquired by purchase as are deemed necessary to place it in a safe and efficient condition for the use of the public, if such repairs, replacements, additions and betterments are ordered prior to the sale of any bonds for the acquisition of such bridge; the term "cost of bridge" as applied to a bridge to be acquired by purchase shall include the purchase price, cost of improvements, financing charges, interest during any period of disuse before completion of improvements, and all other expenses, including legal fees, trustee's fees, traffic estimates and other estimates, which are necessarily or properly incidental to the acquisition or the improvement or the financing; the term "cost of bridge" as applied to a bridge to be constructed shall embrace the cost of construction, the cost of all land, property, rights and franchises acquired which are deemed necessary for such construction, financing charges, interest during construction, and all other expenses, including legal fees, trustee's fees, traffic estimates and other estimates, which are necessarily or properly incidental to the construction or to the acquisition of the necessary land, property, rights and franchises or the financing; the word "commission" shall mean the state bridge commission created by this act, or, if said state
25 bridge commission shall be abolished, any board or officer suc-
ceeding to the principal functions thereof or upon whom the
27 powers given by this act to said bridge commission shall be given
28 by law; the term "owner" shall include all individuals, incorpo-
29 rated companies, societies or associations having any title or
30 interest in any bridge properties, rights or franchises to be
31 acquired.

Sec. 2. There shall be, and there is hereby created a commis-
2 sion to be known as "The State Bridge Commission of West
3 Virginia," and the same is hereby made a body corporate, and
4 by that name the commission may sue, and be sued; plead, and
5 be impleaded; contract and be contracted with, and have a
6 common seal. The said commission shall consist of three mem-
7 bers of well known and successful business qualifications, who
8 shall be appointed by the governor, with the advice and consent
9 of the senate, not more than two of whom shall belong to the
10 same political party. The governor shall appoint the said com-
11 mission as soon as may be after this act becomes effective, and
12 before the first day of June, one thousand nine hundred and
13 twenty-nine, and shall designate the chairman thereof at the
14 time of such appointment and thereafter at his discretion. The
15 said commissioners shall immediately enter upon their duties
16 and hold office until the expiration of two, four and six years,
17 respectively, from the first day of April, one thousand, nine
18 hundred and twenty-nine, the term of each to be designated by
19 the governor, but their successors shall be appointed for the
20 term of six years, excepting that any person appointed to fill a
21 vacancy shall serve only for the unexpired term, and any com-
22 missioner shall be eligible for reappointment; provided, that
23 not more than two of the commissioners serving at any time
24 shall have been appointed from the same political party. The
25 commissioners, before entering upon their duties, shall take,
26 subscribe and file with the secretary of state the oath prescribed
27 by section five of article four of the constitution. The said
28 commissioners shall each execute a bond, to be approved by the
29 governor, in the penalty of ten thousand dollars, conditioned
30 according to law, which bond shall be filed with the secretary
31 of state, and there preserved and recorded as are other bonds
32 required of state officials. The governor may remove any com-
33 missioner in the manner provided by the constitution of this
34 state. No person while in the employ of, or holding any official
relation to any person, firm or corporation selling or furnishing any materials entering into the construction, improvement, repair or maintenance of any bridge wholly or partly within the state, or who is pecuniarily interested therein, as a stockholder or otherwise, shall hold said office; nor shall the commission appoint hereunder any person or persons as engineers, superintendents, or foremen sustaining such relation to such person, firm or corporation; nor shall such engineers, superintendents or foremen thereafter become in any way connected with or interested in any such person, firm or corporation while in the employ of the commission; nor shall any of said commissioners, or any engineer, superintendent or foreman appointed by the commission be a candidate for, or hold any public office other than that of commissioner or of employment under said commission, or be a member of any political committee either while acting as such commissioner or while holding employment thereunder. In case any of said commissioners, or its servants or employees shall be a candidate for or hold any other public office, or shall be a member of any political committee, his office as commissioner or position as employee, as the case may be, shall be ipso facto vacated.

Upon the appointment and qualification of the members of the commission they shall at once proceed to organize. The commission shall make necessary rules and regulations for its own government, shall appoint a secretary-treasurer, and shall have power and authority to employ engineering, architectural and construction experts and inspectors and attorneys, and such other employees as may be necessary in its judgment, and fix their compensation, all of whom shall do such work as the commission shall direct. Each commissioner shall receive a salary at the rate of one thousand dollars per annum, and the necessary expenses incurred in the discharge of the duties of his office, to be paid monthly. All salaries and compensation shall be paid solely from funds provided under the authority of this act, and the commission shall not proceed to exercise or carry out any authority or power herein given it to bind said commission beyond the extent to which money has been provided under the authority of this act.

Sec. 3. The state bridge commission is hereby authorized to secure by purchase whenever it shall deem such purchase expedient, but solely by means of or with the proceeds of the
4 bridge revenue bonds hereinafter authorized, any toll bridge
5 or bridges over and across any navigable river lying wholly
6 or partly within the state or forming a boundary of the state,
7 or any such toll bridge or bridges wholly or partly constructed,
8 of such design or designs and at such locations as shall be ap-
9 proved by the state road commission and not of other or differ-
10 ent design or designs nor at other or different location or loca-
11 tions, or any franchises, permits, and/or contracts for the con-
12 struction of any such bridge or bridges, upon such terms and at
13 such prices as may be considered by it to be reasonable and
14 can be agreed upon between it and the owner thereof, and ap-
15proved by the governor, title thereto to be taken in the name
16 of the state.

Sec. 4. At or before the time any such bridge shall be ac-
2 quired by purchase by the commission, it shall be the duty of
3 the commission to determine what repairs, replacements, addi-
4 tions or betterments will be necessary to place the bridge in
5 safe and efficient condition for the use of the public, and to
6 cause an estimate of the cost of such improvement to be made
7 and submitted to the commission by an engineer or engineers
8 appointed by the commission; such improvements shall be
9 ordered by the commission before the sale of any bridge reve-
10 nue bonds hereinafter authorized for the purchase of the bridge,
11 and shall be paid for out of the proceeds of such bonds.

Sec. 5. The state bridge commission is hereby authorized to
2 construct whenever it shall deem such construction expedient,
3 but solely by means of or with the proceeds of the bridge reve-
4 nue bonds hereinafter authorized, any toll bridge or bridges
5 over and across any navigable river lying wholly or partly
6 within the state or forming a boundary of the state, of such de-
7 sign or designs and at such place or places as may be approved
8 by the state road commission, but not of other or different de-
9 sign, or at other or different places. The commission is hereby
10 authorized to purchase within this state and within any ad-
11 joining state, solely from funds provided under the authority
12 of this act, such lands, structures, rights of way, franchises,
13 easements and other interests in lands, including lands under
14 water and riparian rights of any person, railroad or other cor-
15 poration or municipality or political subdivision, deemed neces-
16 sary for the construction of any such bridge, upon such terms
17 and at such prices as may be considered by it to be reasonable
and can be agreed upon between it and the owner thereof, title
thereof to be taken in the name of the state.

Sec. 6. Whenever it shall become necessary to condemn
within this state any property for the purpose of making im-
provements of or to any bridge acquired or constructed here-
der or for the purpose of constructing any bridge or portion
thereof hereunder or securing right of way leading to any such
bridge or its approaches, the commission may condemn any
interest, franchise, right of privilege, land or improvement
which may in its opinion be necessary for any such purpose, in
the manner provided by law for the acquisition by this state of
property for similar or other public purposes. The commission
is and shall be further empowered to exercise in this state and
in any adjoining state such powers of eminent domain as may
be conferred upon the commission by any act of congress of
the United States now in force or which may hereafter be
enacted. Title to property condemned shall be taken in the
name of the state. The state shall be under no obligation to
accept and pay for any property condemned and shall in no
event pay for the same except from the funds provided by this
act, and in any proceeding to condemn, such orders shall be
made by the court having jurisdiction of the suit, action or pro-
ceedings as may be just to the state and to the owners of prop-
erty to be condemned, and a bond or other security may be
required by the court securing such owners against any loss or
damage to be sustained by reason of the failure of the state to
accept and pay for the property, but such bond or security
shall impose no liability or debt upon the state as contemplated
by the provisions of the constitution of the state in relation to
state debt.

Sec. 7. The state bridge commission is hereby authorized to
pay the cost as defined hereinabove of any one or more such
bridges by the issuance of bridge revenue bonds, of the state
by a resolution of the commission which shall recite an estimate
by the commission of such cost, the principal and interest of
which bonds shall be payable solely from the special fund herein
provided for such payment. The commission is hereby further
authorized, after any such issue of bonds or simultaneously
therewith, to issue further issues of bonds to pay the cost of any
other one or more such bridges, in the manner and subject to
all of the provisions herein contained as to the bonds first men-
All such bonds shall have and are hereby declared to have all the qualities of negotiable instruments under the law merchant. Such bonds shall bear interest at not more than six per centum per annum, payable semi-annually, and shall mature in not more than twenty-five years from their date or dates and may be made redeemable at the option of the state, to be exercised by the commission, at such price and under such terms and conditions as the commission may fix prior to the issuance of such bonds. The commission shall determine the form of such bonds, including coupons to be attached thereto to evidence the right of interest payments, which bonds shall be signed by the governor and the chairman of the commission, under the great seal of the state, attested by the secretary of state, and the coupons attached thereto shall bear the facsimile signature of said chairman of the commission. In case any of the officers whose signatures appearing on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. The commission shall fix the denominations of said bonds, the principal and interest of which shall be payable 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 bank or trust company in the city of New York to be named in the bonds, either in lawful money or in gold coin of the United States, of or equal to the then current standard of weight and fineness, as may be determined by the commission. The said bonds shall be exempt from taxation by the state of West Virginia or any county or municipality therein. The commission may provide for the registration of such bonds in the name of the owner as to principal alone and as to both principal and interest under such terms and conditions as the commission may determine, and shall sell such bonds in such manner as it may determine to be for the best interest of the state, taking into consideration the financial responsibility of the purchaser and the terms and conditions of the purchase and especially the availability of the proceeds of the bonds when required for payment of the cost of the bridges, such sale to be made at a price not lower than a price which, computed upon standard tables of bond values, will show a net return of six per centum per annum to the purchaser upon the amount paid therefor. The
proceeds of such bonds shall be used solely for the payment of the cost of the bridges and shall be checked out by the chairman of the commission and the secretary-treasurer thereof and under such further restrictions, if any, as the commission may provide. If the proceeds of such bonds by error or calculation or otherwise shall be less than the cost of the bridge or bridges, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the trust agreement hereinafter mentioned, shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority of the bonds first issued for the same bridge or bridges. If the proceeds of bonds issued for any bridge or bridges shall exceed the cost thereof, the surplus shall be paid into the fund hereinafter provided for payment of the principal and interest of such bonds. Such fund may be used for the purchase of any of the outstanding bonds payable from such fund at the market price, but at not exceeding the price, if any, at which such bonds shall in the same year be redeemable, and all bonds redeemed or purchased shall forthwith be canceled and shall not again be issued. Prior to the preparation of definitive bonds, the commission may under like restrictions issue temporary bonds with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this act or by the constitution of the state.

Sec. 8. The commission may enter into an agreement or agreements with any trust company or with any bank having the powers of a trust company, either within or outside of the state, as trustee for the holders of bonds issued hereunder, setting forth therein such duties of the state and of the commission in respect of the acquisition, construction, improvement, maintenance, operation, repair and insurance of the bridges, the conservation and application of all moneys, the insurance of moneys on hand or on deposit and the rights and remedies of the trustee and the holders of the bonds, as may be agreed upon with the original purchasers of such bonds, and including therein provisions restricting the individual right of action of bondholders as is customary in trust agreements respecting
bonds and debentures of corporations, protecting and enforcing
the rights and remedies of the trustee and the bondholders and
providing for approval by the original purchasers of the bonds
of the appointment of consulting engineers and of the security
given by those who contract to make improvements and by any
bank or trust company in which the proceeds of bonds or bridge
tolls shall be deposited, and for approval by the consulting
engineers of all contracts for improvements. All expenses in-
curred in carrying out such agreement may be treated as a part
of the cost of maintenance, operation and repairs of the bridge
or bridges affected by the agreement.

Powers and Duties of Commission

Sec. 9. The commission shall properly maintain, repair, op-
erate, manage and control the bridges, fix the rates of tolls and
establish by-laws and rules and regulations for the use and op-
eration of the bridges, and may make and enter into all con-
tracts or agreements necessary and incidental to the perform-
ance of its duties and the execution of its powers under this
act, including power to permit use of such bridges by street
railways and other transportation lines, and telephone, tele-
graph, pipe and other lines, and contract with them for such
use and fix the terms and conditions thereof and the charges or
tolls for such use.

Sec. 10. Tolls shall be fixed, charged and collected for tran-
sit over such bridges and shall be so fixed and adjusted, in re-
spect of the aggregate of tolls from the bridge or bridges for
which a single issue of bonds is issued, as to provide a fund
sufficient to pay the principal and interest of such issue of
bonds and to provide an additional fund to pay the cost of
maintaining, repairing and operating such bridge or bridges,
subject, however, to any applicable law or regulation of the
United States of America now in force or hereafter to be en-
acted or made. Provided, however, that in case a single issue
of bonds is issued for the purchase and/or construction of two
or more bridges, such bridges shall be located in whole or in
part in one county of the state. The tolls from the bridge or
bridges for which a single issue of bonds is issued, except such
part thereof as may be necessary to pay such cost of maintain-
ing, repairing and operating during any period in which such
cost is not otherwise provided for (during which period the tolls
may be reduced accordingly) shall be transmitted each month
19 to the state sinking fund commission and by it placed in a
20 special fund which is hereby pledged to and charged with the
21 payment of the principal of such bonds and the interest thereon,
22 and to the redemption or repurchase of such bonds, such special
23 fund to be a fund for all such bonds without distinction or
24 priority of one over another. The moneys in such special fund,
25 less a reserve for payment of interest not exceeding one year’s
26 interest on the bonds, if not used by the sinking fund commis-
27 sion within a reasonable time for the purchase of bonds for
28 cancellation at a price not exceeding the market price and not
29 exceeding the redemption price, shall be applied to the redemp-
30 tion of bonds by lot at the redemption price then applicable.

Sec. 11. When the particular bonds issued for any bridge
2 or bridges and the interest thereon shall have been paid or a
3 sufficient amount shall have been provided for their payment
4 and shall continue to be held for that purpose, tolls for the use
5 of such bridge or bridges shall cease except for the cost of main-
6 taining, repairing and operating such bridge or bridges. There-
7 after and as long as the cost of maintaining, repairing and
8 operating such bridge or bridges shall be provided for through
9 means other than tolls, no tolls shall be charged for transit
10 thereover and such bridge or bridges shall be free.

Sec. 12. Nothing in this act contained shall be so construed
2 or interpreted as to authorize or permit the incurring of state
3 debt of any kind or nature as contemplated by the provisions of
4 the constitution of the state of West Virginia in relation to state:
5 debt.

Sec. 13. This act shall be deemed to provide an additional
2 and alternative method for the doing of the things authorized
3 hereby and shall be regarded as supplementary and additional
4 to powers conferred by other laws.

Sec. 14. It shall not be necessary to secure from any officer
2 or board not named in this act any approval or consent or any
3 certificate or finding or to hold an election or to take any pro-
4 ceedings whatever, either for the acquisition or construction of
5 such bridges, or the improvement thereof, or their maintenance,
6 operation or repair, or for the issuance of bonds hereunder,
7 except such as are prescribed by this act or are required by the
8 constitution of the state.

Sec. 15. This act being necessary for the health, welfare and
Sec. 2. Every county court shall pay into the state treasury the sum of fifty dollars per year on account of each girl from the county so committed and transferred to said Fairmont hospital number three, Huntington state hospital, or Welch hospital number one, said payments and collection thereof to be made in the manner prescribed in chapter one hundred and forty-four acts of one thousand nine hundred and twenty-one.

CHAPTER 11
(House Bill No. 71—By Mr. Hill)

AN ACT to amend and re-enact section one hundred and fifty of chapter forty-five of Barnes' code of one thousand nine hundred and twenty-three, relating to the West Virginia Collegiate Institute.

[Passed February 11, 1929; in effect from passage. Approved by the Governor.]

Sec. 150. Name changed to "West Virginia State College"; how managed; courses of study in; federal aid for; how received and used; approval of rules and regulations governing; acceptance of federal aid; other funds for.

Be it enacted by the Legislature of West Virginia:

That section one hundred and fifty of chapter forty-five of Barnes' code of one thousand nine-hundred and twenty-three be amended and re-enacted to read as follows:

West Virginia State College.

Section 150. The institution for the instruction of colored students located at Institute in the county of Kanawha and designated by an act of the legislature of one thousand eight hundred and ninety-one, regular session, chapter sixty-five, as "The West Virginia Collegiate Institute", shall remain where now located and shall be known and designated as "West Virginia State College," and shall have and hold all the property, funds, rights, powers and privileges granted to said institution in said chapter sixty-five of the acts of the legislature of one thousand eight hundred and ninety-one, and all subsequent acts relating thereto. Wherever in any statutes of this state "West Virginia Collegiate Institute" is referred to, such reference shall be construed as a reference to West Virginia State College.

Said college shall be under the control and management of
the state board of control and the state board of education as
provided herein for other state educational institutions.

18 The state board of education shall establish and maintain in
19 the West Virginia State College, in addition to the depart-
20 ments already established, such professional and graduate
21 schools and college courses of study as may be expedient
22 and possible and shall prescribe the conditions of graduation
23 therein and may make rules for conferring degrees and for
24 issuing the proper diplomas to those who complete such
25 courses, as in the case of other state educational institutions.
26 West Virginia State College shall have power and authority
27 to do extension work in agriculture, home economics, and such
28 other subjects as the state board of education and advisory
29 council thereto may direct, among the Negro population of
30 West Virginia.

31 The treasurer of the state is hereby designated as the officer
32 to receive from the secretary of the treasury of the United
33 States the said several sums of money to be paid into the
34 treasury of this state by the federal government for the uses
35 and purposes named in any grants for said institution. He
36 shall keep an exact account of the money so received, and
37 shall place to the credit of each of said beneficiaries thereof
38 its proportion of the same. The sums so placed to the credit
39 of West Virginia State College shall be paid out on the order
40 of the state board of control. And said treasurer shall in-
41 clude in his biennial report to the governor a statement of his
42 receipts and disbursements under the provisions of this act.
43 The rules and regulations made by the president and faculty
44 of said institution for its general government and for the ad-
45 mission of students thereto, the standards of scholarship to be
46 maintained therein, and the graduation of students therefrom,
47 shall be submitted to the state board of education for its
48 approval.

49 The legislature of the state of West Virginia hereby accepts
50 for said state, the terms and provisions of the act of congress
51 of the United States approved August thirtieth, one thousand
52 eight hundred and ninety, for the objects and purposes men-
53 tioned and declared therein, and designate "The West Vir-
54 ginia University," established in pursuance of an act of con-
55 gress of the United States passed July two, one thousand
56 eight hundred and sixty-two, and a subsequent act passed by
57 said congress on April nineteenth, one thousand eight hundred and sixty-four, at Morgantown, in the county of Monongalia, in this state, as a beneficiary of said appropriation for the instruction of white students, and "West Virginia State College," for the beneficiary of said appropriation for the instruction of colored students, to be paid to each in the proportion mentioned in chapter sixty-five of the acts of the legislature of one thousand eight hundred and ninety-one, and chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight. And said institution by the name of "West Virginia State College," shall have and hold all property, funds, rights, powers and privileges herein mentioned.

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

CHAPTER 12
(House Bill No. 110—By Mr. Kyle)

AN ACT to amend and re-enact chapter forty-nine, of the acts of one thousand nine hundred and twenty-three, relating to an employment bureau and providing for licensing and inspection of employment agents.

[Passed February 26, 1929; in effect ninety days from passage. Approved by the Governor.]

2. Co-operation with federal government.
3. Duty of commissioner of labor concerning.
5. Prohibiting false statements.
7. Expiration of license.
8. License issued to citizens of United States only.
9. When license may be refused.
10. When license shall be revoked.
11. Record to be kept by employment agent.
12. Posting of license; schedule of fees.
14. No employment in violation of child labor or school laws.
15. Violation of this act by employment agency; penalty.
16. Supervision of employment agents by commissioner of labor.
17. Exemptions from provisions of this act.
18. Repealing inconsistent acts.

Be it enacted by the Legislature of West Virginia:

That chapter forty-nine acts of one thousand nine hundred and twenty-three, be amended and re-enacted to read as follows:
Section 1. The commissioner of labor shall maintain in connection with the bureau of labor, a public bureau to be known as the "state public employment bureau," for the purpose of receiving and filing applications of persons seeking employment and of persons or firms seeking to employ labor. There shall be no fee or compensation charged or received, directly or indirectly, from persons applying for employment or from those desiring to employ labor through said service.

Sec. 2. The commissioner of labor may accept cooperation from the federal government in the establishment and maintenance within the state of such employment bureau.

Sec. 3. It shall be the duty of the commissioner of labor to communicate with employers of labor, and the said commissioner is authorized to advertise or use such other methods and means as he deems practicable to supply the demand of employers and to provide employment for those who have filed their applications with the employment bureau.

Sec. 4. The term "employment agent" shall mean and include all persons, firms, corporations or associations excepting municipal corporations, church and charitable associations which furnish to persons seeking employment, information enabling or tending to enable such persons to secure the same, or which furnish employers seeking laborers or help of any kind, information enabling or tending to enable such employers to secure such help, or shall keep a register of persons seeking employment or help as aforesaid, whether such agents conduct their operations in a fixed place of business, on the streets, or as transients, and also whether such operations constitute the principal business of such agents or only as a side line or incidental to other business.

Sec. 5. No person, firm, association or corporation or any employee or agent thereof, shall make any false statement to any person seeking employment knowing the same to be false, in regard to any employment, work or situation, its nature, location, duration, wages or salary attached thereto, or the circumstances surrounding said employment, work or situation. No employment agent shall falsely or fraudulently offer or represent himself as in a position to secure or furnish employment without having an order therefor, from an em-
ployer; and no employment agent shall misrepresent any other material matter in connection with any employment, work or situation he may offer or represent himself in a position to secure, nor shall he withhold any information furnished by the employer concerning any work. The term "commissioner" shall mean the commissioner of labor.

Sec. 6. No person, firm, corporation or association shall engage in the business of an employment agent for profit or receive any fee, charge commission or other compensation, directly or indirectly, for services as employment agent, without first having obtained a license therefor from the state tax commissioner. Said license shall constitute a license from the state to operate as an employment agent for compensation and shall not be transferable. Such employment bureaus or labor agencies as receive application and hire laborers for employment within the state shall pay to the state tax commissioner an annual license tax of two hundred dollars. Such employment bureaus or labor agencies that hire or contract with laborers for employment without the state or arrange for the transportation of such laborers to points without the state for employment in another state, shall pay to the state tax commissioner an annual license tax of five thousand dollars.

Sec. 7. Each employment agent’s license issued by the state tax commissioner shall expire on the thirtieth day of June, next, following the date on which it was issued and shall not be transferable.

Sec. 8. License to operate as an employment agent shall be issued only to citizens of the United States.

Sec. 9. The state tax commissioner shall refuse to issue a license if, upon investigation, he finds that the applicant is unfit to engage in the business or has had a license previously revoked, or that the business is to be conducted on or immediately adjoining what is considered by him to be unsuitable premises, or that any other good reason exists within the meaning of the law.

Sec. 10. The state tax commissioner shall revoke any license issued under the provisions of this act, with or without hearing, and may order such license to be returned for cancellation if the employment agent has violated any of the
provisions of this act or the rules and regulations issued thereunder or if any cause appears for which a license might have been refused. The commissioner of labor shall co-operate with the state tax commissioner in the issuance and revocation of such licenses.

Sec. 11. A record of all men directed to employment shall be kept by every employment agent; such records shall set forth the name, age, nationality and material state of each applicant, and also the name of the employer, kind of work and pay. A copy of this record shall be forwarded to the commissioner of labor for each month and shall be furnished on or before the tenth day of the month immediately succeeding.

Sec. 12. Every employment agent shall keep conspicuously posted in his office or place of business the license issued under this act. A copy of the schedule of all fees is required to be filed with the commissioner of labor and other notices or information that the commissioner may direct and in such form and manner as he may prescribe.

Sec. 13. For the purpose of enforcing this act and the rules and regulations issued thereunder, the commissioner of labor or his duly authorized agent, may enter any employment office, or place of business of an employment agent and inspect the registers, cards or other records of such employment agent. In the performance of the duties herein required by law, the commissioner of labor or his agent may at any time enter any premises occupied or used as an employment office.

Sec. 14. No employment agent shall furnish employment to any child in violation of the law regulating the labor of children or their compulsory attendance at school.

Sec. 15. Any person, co-partnership, association or corporation carrying on the business of an employment agency as defined in this act without first fully complying with the provisions thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof be fined not less than one hundred dollars nor more than five hundred dollars for each offense, or any such person may be imprisoned not less than thirty days nor more than six months, or both, at the discretion of the court. Any justice of the peace shall have con-
10 current jurisdiction with circuit court and other courts having
11 criminal jurisdiction in his county for the trial of offenses
12 under this act.

Sec. 16. The commissioner of labor shall prescribe such
2 rules and regulations as may be necessary for the supervision
3 of employment agents.

Sec. 17. Nothing contained in this act shall apply to, nor
2 prevent or interfere with, any person, firm, corporation or as-
3 sociation employing labor for his, their or its business car-
4 ried on in this state.

Sec. 18. All acts and parts of acts inconsistent with this
2 act are hereby repealed.

CHAPTER 13

( House Bill No. 200—By Mr. Kyle)

AN ACT to create a game, fish and forestry commission; to pro-
vide for the appointment of game protectors; to protect,
regulate the taking and propagation of game animals, fur
bearing animals, game fish and frogs and game birds and
fowls; to protect our forests; to raise revenue for these pur-
poses by direct and license taxes; to provide penalties for
violations of the provisions thereof; to amend and re-enact
chapter one hundred sixteen of the acts of the legislature of
West Virginia of one thousand nine hundred and twenty-one,
as amended by chapter sixty-five of the acts of the legisla-
ture of nineteen hundred twenty-five, and by chapter forty-
three of the acts of the legislature of nineteen hundred
twenty-seven, and repealing certain sections thereof.

[Passed March 9, 1929; in effect July 1, 1929. Approved by the Governor.]

SEC.
1. Department of game, fish and for-
estry: divisions.
2. Department under control of com-
mission: members, terms.
3. Oath and bond.
4. Travelling and other expenses of
commission.
5. Office and chairman of commis-
sion.
6. Commission to establish rules and
regulations.
7. Commission to have entire control
of fish and game, licenses and
enforcement of protective laws.
8. Commission to control open and
closed seasons; publication of
notice of change.
9. Commission to keep records and
make report to governor.
10. Commission to appoint game pro-
tectors and fix salaries.
11. Oath of game protectors.
13. License to game protectors to
carry revolver.
14. Sheriffs and other officers invest-
ed with powers of game protect-
tors.
15. Right of search by game pro-
tectors.
16. Right of game protectors to make
arrests and serve process.
17. Title to fish and game to remain in name of state.
18. Definition of open and closed seasons.
19. Hunting, fishing or possession of arms by aliens prohibited.
20. Penalty for hunting on Sunday.
21. Destruction of unlawful hunting or fishing paraphernalia.
22. Unlawful hunting, fishing or etc., without written permission of owner; penalties for violation; arrests by owner.
23. Commission's rights for purpose of propagation, etc.; permits to others.
24. Opening and closing of seasons.
25. Unlawful transportation of game and fish beyond limits of state; exceptions as to non-resident licenses.
26. Unlawful purchase or sale of game and fish.
27. Unlawful employment of others to hunt or fish.
28. Unlawful sale to hotel, etc., of fish or game.
29. Unlawful killing, etc., of red fox; counties excepted: owners may kill at anytime on own lands; penalties.
30. Bounties for wild non-game animals.
31. Further penalties.
32. Definition of game animals.
33. Provisions as to killing elk; penalty.
34-35. Provisions as to killing deer; penalty.
36. Provisions as to killing rabbits.
37. Provisions as to killing squirrels.
38. Closed season on raccoon and skunk.
39. Closed season on opossum.
40. Closed season on beaver.
41. Closed season on otter.
42. Closed season on muskrat.
43. Spotlights prohibited; exceptions; killing of certain trees and killing game animals from certain conveyances prohibited.
44. Unlawful to own or possess ferrets.
45-47. Provisions as to snares or traps.
48. Further penalties.
49. Killing of dogs chasing sheep.
50. Owners of dog chasing sheep liable for damages; how obtained; penalties.
51. When owner to kill dog; procedure on refusal.
52. Penalties for violations of three preceding sections.
53. Definition of game birds and fowls.
54. Provisions as to migratory game birds: limitation on killing of ducks; geese, swans and brant.
55. Closed season on wood duck.
56. Provisions as to killing wild turkeys.
57. Provisions as to killing ruffed grouse.
58. Provisions as to killing quail.
59. Closed season on foreign game birds.
60. Unlawful to kill song birds.
61. Taking of certain game birds by bait, trap, etc., prohibited.
62. When unlawful to destroy nest or eggs of wild birds.
63. Unlawful to kill or possess or sell certain wild birds.
64. Further penalties.
65. Definition of game fish; lawful length of fish.
66. Closed season on fish and frogs.
67. Limitation on catch of bass or trout.
68. Provisions as to use of seines, nets, electricity, lime, gun, etc., in taking fish.
69. Provisions as to pollution of water course; penalty.
70. Commission may establish hatcheries.
71. Commission may designate certain streams for propagation of certain species of fish.
72. License for propagation of game, etc.
73. Form of application for license for propagation.
74. Licenses to establish pond or divert water; what application for to show.
75. No dam, etc., to prevent free passage of migratory fish; penalty.
76. Rights of persons licensed to carry on propagation, etc.
77. Licensee to furnish license for sale.
78. Licensee to file report with commission.
79. Restriction on rights of licensee; penalty.
80. Further penalty; penalty for killing fish by dynamite.
81. Hunting and fish licenses: when not required of land owner.
82. Fee for combination hunting and fishing license; big game license, resident and non-resident fees; fees and territory covered by.
83. How licenses secured.
84. Clerk to deliver license and tag.
85. License valid for calendar year.
86. Alteration, sale or transfer of license prohibited.
87. When license to be exhibited.
88. When person hunting or fishing to exhibit license.
89. Carrying of uncased gun prima facie evidence of hunting.
90. When commission may notify clerk of county court to refuse license; penalty for issuing after notice; revocation of licenses by commission; duty of licensee upon revocation.
91. License fees to be paid to commission and by it to state treasurer; how credited and expended.
92. Fund for game refuges and public shooting grounds; fund for bounties; fund for fish hatcheries; fund for buying deer.
93. Further penalties.
94. Fund for buying game refuges; by
or purchase title to vest in state.
95. Provision for establishment and control of game refuges and public shooting grounds.
96. When commission may establish game refuge and public shooting grounds with consent of owner.
97. When commission may establish fish or frog refuge with consent of owner.
98. Penalty for violation of three preceding sections.
99. Protection of forests; qualification and salary of chief forester; per diem of local forest protectors.
100. Oath of chief forester.
101. Appointment of local forest protectors; their powers and duties; penalty for refusing to assist, when summoned.
102. County court to pay cost of fire fighting.
103. Penalty for failure to extinguish fire or negligently or wilfully setting woods on fire.
104. Duties of operators of locomotives as to fire protection; railroad employees to report fires; penalties.
105. Recovery by commission of cost of extinguishing fire.
106. Appropriation to meet requirements of Week's Law and Clark-McNary Law.
107. Patrol lookout stations; per centum of moneys received from county used for re-stocking.
108. Owner of timber land to provide fire patrol.
109. When owner fails, commission may establish patrol; cost of, how collected.
110. What deemed adequate protection of tract by owner.
111. Total cost of protection not to exceed one cent per acre per annum.
112. Definition of timber land.
113. Civil liability of owner for fire damage.
114-115. Right of steam railroad company to clear land adjacent to right-of-way; procedure upon notice of intention.
116. What constitutes prima facie evidence of negligence concerning fire.
117. Provisions concerning purchase of lands for parks or game and fish refuges by commission.
118. Protection of parks and refuges by commission.
119. Commission to investigate certain water sheds and report to governor lands suitable for forests and refuges.
120. Commission may institute proceedings and employ attorney to prosecute violations of act.
121. Commission may offer reward for violations of act.
122. Justices of the peace to have concurrent jurisdiction of misdemeanors.
123. Penalty for interfering with game protectors, etc.
124. Penalty for violations for which punishment is not prescribed.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred sixteen of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one, as amended by chapter sixty-five of the acts of the legislature of one thousand nine hundred and twenty-five and by chapter forty-three of the acts of the legislature of West Virginia, one thousand nine hundred and twenty seven, be amended, re-enacted and enlarged to read as follows:

Article I. Game, Fish and Forestry Department and Commission.

Section 1. A state department of game, fish and forestry shall be maintained for the conservation, protection and propagation of wild animals, wild birds and fowls, fish and frogs, and for the conservation and protection of the forests of the state against injury or destruction by fires, insects, fungus or other diseases and for forest culture. The department shall consist of a division of game and fish and a division of forestry, under the charge of a chief game protector and a chief forester, respectively.
Sec. 2. The state department of game, fish and forestry shall be under the control, charge and management of a commission known and designated as "West Virginia Game, Fish and Forestry Commission", which shall be composed of three members, who shall be citizens of this state, appointed by the governor, by and with the advice and consent of the senate, no two of whom shall be residents of the same senatorial district. The commission shall supervise the work of the divisions, and shall have charge of the administration and enforcement of all laws which it is the duty of the commission to administer and enforce, and shall direct all inspections and investigations.

The members of the game and fish commission of West Virginia in office on the date this code takes effect shall, unless sooner removed, continue to serve as members of the game, fish and forestry commission until their respective terms expire and their successors have been appointed and have qualified. Beginning on the first day of July, nineteen hundred and thirty, and on the first day of July of each year thereafter, a member shall be appointed to serve for a term of three years beginning on said first day of July. Any commissioner shall be eligible for reappointment. A vacancy in office shall be filled by appointment by the governor for the unexpired term.

Sec. 3. Before entering upon the discharge of his duties, each commissioner shall take the oath described in section five of article four of the constitution of this state, and shall give bond in the sum of two thousand dollars for the faithful performance and discharge of his duties as commissioner, and in case a surety company executes such bond the premium therefor shall be paid out of the funds of the commission.

Sec. 4. The commissioners shall receive no salary or other compensation for their services, but shall be allowed and paid their actual necessary expenses in travelling and other personal expenses incurred in the performance of their duties; provided, that in no case shall such total amount so allowed for travelling and other personal expenses exceed in any one year the sum of fifteen hundred dollars for all of the commissioners. No expense account shall be paid unless a statement of the items thereof together with the time
10 of expenditure and the person or persons by whom expended
11 shall be certified by at least two members of the commission
12 to be a true statement of money actually expended, at the
13 times designated for travelling and other personal expenses in
14 the performance of duty as such commissioners.

Sec. 5. The commission shall maintain an office at the
2 capitol of the state. It may rent an office adequate for its
3 purposes, furnish the same, secure necessary supplies for the
4 keeping of its records and the conduct of its business, and
5 may employ with the right to remove summarily, such number
6 of clerks as are necessary.
7 The commission shall annually, at the first meeting held
8 after the first day of January, choose a chairman who shall
9 serve as such for one year from the date of his election, or
10 until his successor has been elected and has qualified.

Sec. 6. The commission shall make such rules and regu-
2 lations, not inconsistent with law, as are necessary to regulate
3 its proceedings and to carry out the purposes and enforce
4 the provisions of this chapter.

Sec. 7. The commission shall in addition to the duties
2 hereinafter specifically prescribed, have entire charge, con-
3 trol and supervision of fish, frogs, wild animals, wild birds
4 and wild fowl of the state, the conduct, control, operation
5 and management of all state wild birds, wild fowl, wild game,
6 farms, reserves, refuges and public shooting grounds, fish
7 hatcheries, reserves and refuges, and all other fish, frog,
8 wild game, wild birds and fowl, plant and places now or
9 hereafter to be established in the state for the propagation
10 of fish, frogs, wild game and wild birds and fowls. It shall
11 supervise and direct the granting and the cancellation or
12 revocation of all game and fish hunting or other licenses pro-
13 vided by this chapter to be granted, and the payment, col-
14 lection and expenditure of all moneys derived from such
15 licenses and otherwise collected or appropriated for the
16 operation of the department of game, fish and forestry. It
17 shall supervise, direct and have charge of the enforcement
18 of all laws enacted for the propagation, preservation, con-
19 servation, protection and distribution, or in relation to the
20 pursuit, hunting, capturing and killing of the fish, frogs,
21 wild animals, wild birds and wild fowl of the state; and do
22 and perform all acts and things expressly provided or implied
23 to be done by the commission under the provision of this
24 chapter or by law.

Sec. 8. The commission shall also have the power when
2 it is deemed necessary to protect game animals, fur bearing
3 animals, fish and frogs, game birds and fowls and forests,
4 to modify and change the dates for the opening and closing
5 of the open season on such animals, birds, fish and frogs; and
6 to modify and change the bag limits on game animals, birds,
7 fish and frogs. Before any such change in the open season
8 on bag limits is made effective, the commission shall have
9 published, in two papers of general circulation throughout
10 the state, not later than two weeks in advance of the date the
11 change shall become effective, notice of the same. Any
12 such change shall apply uniformly in all counties of the
13 state.

Sec. 9. The commission shall keep records of all its
2 acts and doings in relation to its duties and shall preserve
3 the same at its office. It shall keep its financial records and
4 books in the manner to be prescribed by the public accounting
5 department of the state, and shall submit same to said ac-
6 counting department for inspection at such time as the
7 department may require.

8 The commission shall make a report to the governor not
9 later than the first day of September of each uneven year,
10 or oftener if required by the governor, of the conduct of
11 its affairs during the preceding two years, including a state-
12 ment of receipts and disbursements, a budget of its probable
13 expenditures during the succeeding two years, and such
14 recommendations as the commission may desire to make in
15 relation to the matters within its duties and purposes.

Article II. Game Protectors.

Sec. 10. The commission shall have power and author-
2 ity to appoint a chief game protector and other competent
3 men who shall be designated game protectors, not less than
4 one protector for each county of the state, each of whom shall
5 hold office at the pleasure of the commission. The commission
6 may at its discretion, with or without cause, summarily remove
7 any person appointed by it and fill such vacancy so created by
8 removal. The commission shall fix the salary to be paid to the
9 chief game protector and the compensation of the game protec-
10 tors.
Sec. 11. Before entering upon the discharge of their duties the chief game protector and the game protectors shall each take, sign and execute the oath of office prescribed in section five of article four of the constitution of this state. The oath may be administered to the chief game protector and game protectors by any commissioner or any other person authorized by law to administer oaths, and all such written obligations shall be returned to, and filed with the commission.

Sec. 12. The chief game protector and the game protectors and all other officers of the state of West Virginia, while engaged in the enforcement of the provisions of this chapter, shall be under the supervision and direction of the commission. The chief game protector and the game protectors shall have full power and authority to execute and serve any warrant, notice or any process of law issued under this chapter or any law enacted relating to game animals, fish, frogs, wild birds and wild fowls and forests, issued by any justice of the peace or by any court having jurisdiction thereof, in the same manner, with the same power and authority, and to and with the same legal effect, as any constable or sheriff can serve or execute such warrant, notice or process. They may arrest on sight, without a warrant or other court process, any person or persons detected by them in the violation of any of the provisions of this chapter or of any law of this state relating to game animals, fish, frogs, wild birds and fowls, and forests; and shall, under the supervision and direction of the commission, do all things necessary to properly carry into effect the provisions of this chapter.

Sec. 13. The authority, powers and duties of the chief game protector and game protectors shall be state wide, and after they are appointed as such, each can obtain from the circuit court of the county of his residence a license to carry a pistol or revolver by giving bond in the sum of thirty-five hundred dollars, conditioned as provided in section seven, chapter one hundred forty-eight of the code, and no notice or application, except the presentation of his commission as such game protector, shall be required of him before such license is granted.

Sec. 14. The sheriffs and constables in the several counties of the state, and police officers of any city, and members of the department of public safety, hereinafter called
4 state police, shall be vested, within their respective juris-
5 dictions, with all the powers and authority of game pro-
6 tectors, but no oath shall be required by such sheriffs,
7 deputy sheriffs, constables, state police or police officers, and
8 each shall, after making an arrest or executing other court
9 process under the provisions of this chapter, report the same
10 to the commission.

Sec. 15. The chief game protector and game protectors,
2 including such sheriffs, deputy sheriffs, constables, state police,
3 and police officers, while engaged in the enforcement of any
4 of the provisions of this chapter, shall have the power, in
5 manner provided by law, to search and examine any boat,
6 vehicle, automobile, conveyance, express or railroad cars,
7 fish box, fish bucket or creel, game bag or game coat, or any
8 other receptacle in which game birds, game animals, fish or
9 frogs could be packed, concealed or conveyed, whenever they
10 have reason to believe that they will hereby secure or discover
11 evidence of the violation of any provision of this chapter,
12 and such officers shall have, in manner provided by law, the
13 same right to execute a search warrant as is now conferred
14 upon sheriffs, in their respective counties.

Sec. 16. Any of the officers herein mentioned, whose
2 duty it is to enforce the provisions of this chapter, shall have
3 the same right and powers as sheriffs have in making arrests,
4 seizures or executing any warrants, notices or court process.

Article III. General Provisions Respecting Game and Fish.

Sec. 17. The ownership of, and the title to, all wild
2 game, wild birds, both resident and migratory, and all fishes
3 and frogs in the state of West Virginia, are hereby declared
4 to be in the state, and no such game birds, fish or frogs shall
5 be taken or killed in any manner, or at any time except the
6 person so taking or killing the same shall consent that the
7 title thereto shall be and remain in the state of West Vir-
8 ginia, for the purpose of regulating the use and disposition
9 of the same after such taking or killing. The taking or
10 killing of wild game, birds, fishes, or frogs at any time or
11 in any manner by any person, shall be deemed a consent of
12 such person that the title thereto shall be and remain in
13 the state, for the purpose of regulating the use and dispo-
14 sition of the same. But nothing herein contained shall make
15 unlawful the bringing in of game or fowl acquired lawfully
16 in another state.

Sec. 18. The words "closed season," as used in this
2 chapter, shall mean the time or period during which it is
3 unlawful to hunt, pursue, catch, shoot, wound, trap or destroy
4 any animal or bird, or fish for, or catch any fish, and the
5 words "open season," as used in this chapter, shall mean the
6 time or period during which it shall be lawful to take these
7 animals, birds and fish, as specified and limited by law.

Sec. 19. No person, not a citizen of the United States
2 of America, shall at any time hunt, pursue, kill or catch any
3 wild animals or wild birds or wild fowl in this state, or have
4 in his possession firearms of any kind, or fish for, capture,
5 catch or kill any fish, frogs or turtles in this state.

Sec. 20. It shall be unlawful to hunt, catch, kill or in-
2 jure, or pursue with intent to catch, kill, or injure any game
3 animals, game birds, game fowl, or any other animal or
4 bird or fowl protected under the provisions of this chapter,
5 on the first day of the week commonly known as Sunday,
6 and any person violating any provision of this section
7 shall be guilty of a misdemeanor and upon conviction ther-
8 of fined not less than ten nor more than one hundred
9 dollars for each offense, or by confinement in jail not less
10 than ten or more than one hundred days or by both fine
11 and imprisonment within the limitations aforesaid.

Sec. 21. It shall be unlawful for any person to have
2 in his posession or about his premises any hunting or fishing
3 paraphernalia, such as fish traps, nets and seines over legal size,
4 which cannot be lawfully used during the open season for hunt-
5 ing or fishing, and it shall be obligatory for any game pro-
6 tector or conservator of the peace, at any time, to remove and
7 destroy such hunting or fish paraphernalia, whenever found in
8 this state, and the person or persons claiming ownership or
9 possession thereof shall have no recourse at law against the
10 party destroying the same.

Sec. 22. It shall be unlawful for any person to shoot, hunt,
2 fish or fowl upon the grounds or lands of another person, or to
3 camp, peel trees or timber, build fires or do any other act or
4 thing thereon in connection with or auxiliary to shooting,
5 hunting, fishing or fowling on the lands of another person
6 without permission in writing from the owner, lessee
7 or other person entitled to the possession of such lands, or
8 the tenant or agents of such owner, lessee, or person entitled
8-a to the possession thereof, duly authorized to give such writ-
9 ten permission, and every person hunting, fishing, shooting or
10 fowling upon such lands shall have such written permission
11 with him so doing; provided, however, that the owner of such
12 unenclosed lands shall have erected and maintained signs or
13 placards legibly printed, easily discernable, conspicuously
14 posted and reasonably spaced, so as to indicate the territory in
15 which hunting or fishing is prohibited. Any person violating
16 any of the provisions of this section shall be deemed guilty
17 of a misdemeanor and upon conviction thereof shall be fined
18 not less than ten dollars nor more than fifty dollars, in the dis-
19 cession of the justice, or be confined in the county jail not more
20 than thirty days; and if any person be convicted a third time
21 of such offense, he shall be confined in the county jail for a
22 period of not less than sixty days in addition to any fine
23 imposed, and in all cases he shall be confined in the county
24 jail until such fine and costs are paid; provided, that such
25 time shall not exceed sixty days. It shall be lawful for the
26 owner, lessee, or the person entitled to the possession of such
27 lands or the agent thereof, to arrest any such person found
28 violating this section and immediately take him before a jus-
29 tice of the peace for trial, and such owner, lessee, person or
30 agent is hereby vested with all the powers and rights of a
31 game protector for such purpose; and it is hereby made the
32 duty of the game protector to see that this section is en-
33 forced, if requested so to do by such owner, lessee, person or
34 agent, but not otherwise.

Sec. 23. The state, game, fish and forestry commission
2 may hunt, capture and maintain in captivity, at any time,
3 for the purpose of propagation, protection and distribution
4 any of the game animals, fur bearing animals, game birds,
5 game fowls, fish or frogs or any of the wild animals, wild
6 birds and wild fowls of this state.
7 The commission may issue permits to any person for
8 similar purposes, when satisfied that such person desires to
9 exercise such privilege exclusively for scientific or propagat-
10 ing purposes. Such permit shall be in writing and shall
11 state the number and kind of animals, birds, fowls, fish or
12 frogs to be taken, the purpose and manner of taking, and
the name and place of residence of the person to whom issued, and shall be signed by the chief game protector. Such permit shall not be transferable and shall expire on the thirty-first day of December following the date of issue. It shall be unlawful to sell or barter any of the animals, birds, fowls, fish or frogs taken under such permit. A fee of one dollar shall accompany each application for a permit. The owner of such permit shall furnish the chief game protector, upon the demand of the latter, with a detailed list of all animals, birds, fowl, fish or frogs captured.

Sec. 24. The commission shall have the power, by a proper order made and entered in its record book, to limit or suspend, for a fixed and definite period, or change the dates of, the open seasons for the catching of fish in any stream or part of a stream in this state. The order shall definitely fix such stream by a proper description and shall state therein the period of such suspension. Before such suspension shall become effective, the commission shall give notice thereof by the publication of such order once a week for two successive weeks in the newspapers of the county, or of each county, wherein such stream is located.

The commission shall have the power, by a proper order made and entered in its record book, to limit or suspend, for a definite and fixed period, the open season for the killing of any of the game animals or birds mentioned in this chapter in any county in this state, but not to exceed one year at a time. Such order shall state the period of such suspension and name the birds and animals, the killing of which is prohibited. Before such suspension shall become effective, the commission shall give notice thereof by the publication of such order in two papers of general circulation throughout the state at least once in each week for two successive weeks before the date of the beginning of such suspension.

When the commission shall have entered any such order and given the notice required herein, then any one fishing in such streams or hunting or killing any of the animals or birds, the killing of which is prohibited at any time by this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section thirty-one of this article.
Sec. 25. No person shall at any time transport or kill 2 or have in his possession with the intention of transporting 3 beyond the limits of the state, any elk, deer, quail, 4 pheasant, ruffed grouse, wild turkey, squirrel, wild 5 duck or wild geese, or any part thereof, or any game fish or 6 frogs killed, caught or captured within this state. *Provided, 7 however,* that a non resident licensee may take with him per- 8 sonally, when leaving the state, any game animals or game 9 birds that he has lawfully taken or killed, not exceeding dur- 10 ing the season, the number that any person may lawfully 11 take or kill in any one day.

Sec. 26. It shall be unlawful for any person at any 2 time to purchase or offer to purchase, sell or offer to sell, 3 expose for sale, or have in his possession for the purpose of 4 selling any elk, deer, squirrel, wild turkey, ruffed grouse, quail, 5 woodcock, wild duck, wild goose, wild swan, wild brant, snipe, 6 sandpiper, or any of the song or insectivorous birds of this 7 state; or purchase, or offer to purchase, sell or expose for 8 sale, any trout of any species, salmon, of any species, pike of 9 any species, bass of any species, perch, turtle or any frog, 10 caught or captured within the state, except as provided in 11 section seventy-four, article six of this chapter. It shall be 12 unlawful for any person or common carrier except as provided 13 in said section seventy-four, article six of this chapter, to 14 transport, carry or convey, or to receive for such purpose any 15 of the animals, birds, or fowls aforesaid, or any part of 16 the same, or the fish or frogs so caught or killed within 17 the state knowing or having reason to believe that such 18 animals, birds, fish or frogs had been or were to be sold. 19 The selling or exposing for sale, having in possession for sale, 20 transporting and carrying, contrary to the provisions of this 21 section, of each and every animal, fish or bird, the sale of 22 which is prohibited in this section, shall constitute and be 23 a separate offense.

Sec. 27. It shall be unlawful for any person, firm or 2 corporation to employ or hire, or induce or persuade, by the 3 use of money or other thing of value, or by any means, any 4 person to hunt, catch or kill, for such other person, firm or 5 corporation, any game animal, game bird or game fowl, or any 6 other bird or fowl for which no bounty has been offered by the 7 commission, or to fish for, catch or kill any fish or frog which
8 is protected under any of the provisions of this chapter, or
9 the sale of which is prohibited by this chapter.

10 No person shall charge, accept, receive or take money, wages,
11 hire or reward of any kind to hunt, pursue, capture or kill,
12 for any other person any game animal, game bird, or game
13 fowl, or any song or insectivorous bird, or any game fish or
14 frog.

Sec. 28. No person shall serve for pay either directly
2 or indirectly at any hotel, restaurant, or other licensed eating
3 place in this state, or in any public eating place in this state,
4 any game animal, except rabbit, game bird, or game fowl, or
5 any part thereof, whether caught within or without this state,
6 or any game fish or frog caught within this state.

Sec. 29. It shall be unlawful for any person to catch,
2 kill or injure, by means of a gun, snare, trap or poison any
3 red fox between the first day of February and the first day
4 of December following, except in the following named coun-
5 ties: Pocahontas, Doddridge, Monongalia, Marion, Randolph,
6 Pendleton, Monroe, Jefferson, Hardy, Wayne, Gilmer, Han-
7 cock, Lincoln, Hampshire, Braxton, Raleigh, Webster, Pres-
8 ton, Roane, Jackson, Mercer, Nicholas, Greenbrier, Marshall,
9 Berkeley, Tyler, Boone, Logan, Clay, Barbour, Mineral, Mc-
10 Dowell, Tucker, Grant, Ohio and Calhoun; Provided, however,
11 that it shall be lawful for any person at any time, or by any
12 means, to catch, kill or pursue any red fox upon his own
13 land, or on any lands upon which he may be an actual bona
14 fide tenant or resident, and also for the agents of the owner
14-a or tenant of such land to so hunt and kill any red fox there-
15 on by the direction of such owner or tenant.
16 If any person violate the provisions of this section he
17 shall be guilty of a misdemeanor, and upon conviction thereof
18 shall be punished by a fine of not less than ten dollars nor
19 more than one hundred dollars or by confinement in jail of
20 not less than ten days nor more than one hundred days for
21 each offense, or by both fine and imprisonment within the
22 limitations aforesaid.

Sec. 30. The commission shall have the authority to
2 offer and pay, from time to time, under such regulations as
3 are hereinafter prescribed, such bounties for the killing and
4 destruction of wild non-game animals which prey upon and
5 destroy game animals and game, song and insectivorous wild
6 birds and fowl of this state, as the commission shall deem necessary.

Sec. 31. Any person violating any provision of this article, the punishment for which is not prescribed shall be guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be fined not less than twenty, nor more than two hundred dollars, or confined in jail not less than ten nor more than one hundred days, or both fined and imprisoned within the limitations aforesaid: and in the case of violation by a corporation every officer or agent directing or engaged in such violation shall be guilty and in the discretion of the court, may be punished by both fine and imprisonment within the limitations aforesaid.

Article IV. Game Animals and Fur Bearing Animals.

Sec. 32. For the purpose of this act the following are game animals: elk, deer, rabbits, gray and fox squirrels and raccoons; and for the purposes of this act the following are fur bearing animals: Opossums, beavers, otter, mink, raccoons, muskrats and skunk.

Sec. 33. No person shall hunt, chase, capture, wound or kill any elk in this state at any time before the first day of December nineteen hundred and thirty five. Provided, that the owner of any elk which shall be kept in any park or field sufficiently enclosed to reasonably prevent its escape therefrom shall have the right to kill any such elk. No person shall chase or hunt elk with dogs in this state at any time, or permit his dog or dogs to hunt or chase elk. No person shall at any time catch, capture or kill, or attempt to catch, capture or kill any elk by means of poison, bait, trap or snare or like device of any kind. Any person violating this section 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 may be confined in the county jail not to exceed sixty days.

Sec. 34-35. No person shall hunt, capture or kill any deer in this state at any time before the first day of December, nineteen hundred and thirty, after which it shall be lawful to hunt, capture or kill any buck deer with one or both horns branched, from the first day of December to the tenth day of December, both inclusive, of each year; provided, that the
state game, fish and forestry commission may at any time
open or close the season against the killing of all deer in man-
ner and form as provided in this chapter. Provided, further,
that the owner of any deer which shall be kept in any park
or field sufficiently enclosed to reasonably prevent its es-
cape therefrom shall have the right to kill any such deer.
No person shall kill more than one deer in any one season of
each year; nor shall any person at any time hunt, pursue,
shoot at or kill any fawn, doe or any other deer than bucks
with one or both horns branched or have the fresh skin or any
other part of any doe or fawn or illegally killed buck in his
possession; no person shall chase or hunt deer with dogs in
this state at any time, nor permit his dogs to hunt or chase
deer; nor shall any person kill any deer that has been chased
by dogs. No person shall at any time catch, capture or kill
any deer by means of any poison, bait, salt lick, natural
or artificial, trap or snare, or like device of any kind. No
person shall hunt pursue, catch or kill any deer between
nightfall on one day and daylight of the next day, and no
one shall kill or wound any deer while the said deer is in any
stream, lake or pond in this state. And, provided, further, that
no person shall hunt, capture or kill any deer in the counties
of Mingo, Marion, Marshall and Mercer in this state until after
five years from the date of the passage of this act, and that
after the expiration of said period of five years, then the pro-
visions of this act shall govern the hunting, capturing or kill-
ing of deer in said counties.
Each person killing a deer in this state in any season
when it is lawful so to do, shall within twenty days there-
after, inform the commission in writing of such fact, and
shall also specify in writing the date and place of such kill-
ing, the person by whom killed, the person or persons hunting
with him at such time, the length and branching of its horns
or antlers, and what was done with such deer.
Each person violating any provision of the first two
paragraphs of this section shall be guilty of a misdemeanor,
and upon conviction thereof, shall be fined not less than one
hundred dollars nor more than three hundred dollars and
confined in the county jail not less than thirty nor more than
sixty days. Any person violating any provision of the third
paragraph of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section forty-five of this article.

Sec. 36. No person shall hunt, catch, wound or kill any rabbit between the first day of January and the fourteenth day of October, both inclusive, of each year; Provided, that it shall be lawful for any person or the children of any person to hunt, catch or kill at any time any rabbit upon his own land or any land of which he may be a tenant. No person shall kill more than six rabbits in any one day nor more than forty in any one season. Provided, that this limit shall not apply to persons killing rabbits on their own premises.

Sec. 37. No one shall hunt, pursue, catch, capture or kill any gray, black or fox squirrel between the first day of December and the fifteenth day of September of the following year, both dates inclusive. No person shall kill more than six squirrels in any one day nor more than thirty in any one open season, provided, that upon the petition of one hundred and fifty duly licensed persons of any county, the game, fish and forestry commission may open the season not earlier than September first and if they deem wise, close it at a correspondingly earlier date than that specified in this section.

Sec. 38. No person shall hunt, capture or kill any raccoon or skunk between the first day of February and the thirty-first day of October, both dates inclusive. No person shall hunt, capture or kill any opossum between the first day of February and the thirty-first day of October, both inclusive of each year.

Sec. 40. No person shall hunt, capture or kill any beaver in this state at any time. Provided, that the game, fish and forestry commission may at its discretion establish an open season for the killing and taking of beavers.

Sec. 41. No person shall hunt, capture, or kill any otter in this state at any time. Provided, that the game, fish and forestry commission may at its discretion establish an open season for the killing and taking of otters.

Sec. 42. No person shall hunt, capture or kill any muskrats between the first day of March and the thirty-first day of October, both dates inclusive, of each year.

Sec. 43. It shall be unlawful for any person at any time to hunt any game animals at night by the use of a spot or jack
light, or any light of like kind, except that game animals which
take refuge in trees may be so hunted. It shall be unlawful for
any one to destroy or cut down any tree in which animals den
or take refuge, for the purpose of merely taking such animals.
It shall be unlawful for any person to kill any game animals or
birds from any automobile or other land conveyance or from
a motor driven craft upon any of the rivers or waters of this
state.

Sec. 44. It shall be unlawful to own ferrets in this state
for any purpose or at any time to have a ferret in ones pos-
session.

Sec. 45-46-47. No person shall at any time set or maintain
any snare or other trap upon the improved or enclosed lands of
another without the express permission of the owner or tenant
of such lands. No person shall set or maintain any steel or
spring bear trap upon any lands not his own and then only
on lands enclosed by a fence.

Sec. 48. Any person violating any provision of this article,
the punishment for which is not prescribed, shall be guilty of a
misdemeanor, and, upon conviction thereof, shall, for each of-
fense, be fined not less than twenty nor more than one hun-
dred dollars, or confined in jail not less than ten nor more
than one hundred days, or both fined and imprisoned within
the limitation aforesaid. The unlawful killing or capturing
of each game animal shall be deemed a separate offense.

Sec. 49. Any person may kill any dog that he may see
chasing, worrying, wounding or killing any sheep, lambs,
3 goats or kids outside of the enclosure of the owner of such
dog, unless the same be done by the direction of the owner of
5 such sheep, goats or kids.

Sec. 50. If any dog shall have killed or assisted in killing,
wounding or worrying any sheep, lambs, goats or kids out of
the enclosure of the owner of such dog, the owner or keeper
of such dog shall be liable to the owner of such sheep, lambs,
goats or kids in the amount of the damages sustained, to be
recovered in action before any court or justice having juris-
diction of such action; and it shall not be necessary to sus-
tain such action to prove that the owner of such dog knew
such dog was accustomed to do such worrying, killing or
wounding; but a recovery under this section shall bar and
preclude the owner of such sheep, lambs, goats or kids from obtaining compensation from the county court, and when compensation is obtained from the county court under any law which is now or may hereafter be in force, then the county wherein the payment is made is authorized to sue under this section, and recover as the owner of the sheep, lambs, goats or kids might have done, and the amount so recovered shall be paid into the county treasury; but no suit shall be commenced unless authorized by the county court. Any person who shall harbor or secrete or aid in secreting any dog which he knows or has reasons to believe has worried, chased or killed any sheep, lambs, goats or kids, not the property of the owner of such dog, out of his enclosure, or knowingly permits the same to be done on any premises under his control, shall be guilty of a misdemeanor, and upon conviction thereof before any court or justice having jurisdiction thereof, in the county in which the offense is committed, be fined not less than ten dollars, nor more than fifty dollars, and at the discretion of the court or justice, imprisoned in the county jail not more than thirty days; and each day that such dog is harbored, kept or secreted shall constitute a separate offense.

Sec. 51. The owner or keeper of any dog that has been worrying, wounding, chasing or killing any sheep, lambs, goats or kids, not the property of such owner or keeper, out of his enclosure, shall within forty-eight hours after having received notice thereof in writing from reliable and trustworthy source, under oath, cause such dog to be killed; if the owner or keeper refuse to kill said dog as hereinbefore provided, any justice of the peace, upon information, shall summon the owner or keeper of said dog, and, after receiving satisfactory proof that his dog did the mischief, shall issue a warrant on application being made by the owner of the sheep, lambs, goats or kids killed, and give it into the hands of the constable, special constable or sheriff, who shall kill the dog forthwith; the cost of said proceedings shall be paid by the owner of the dog so killed, including a fee of fifty cents to the officer killing the said dog; the owner of said dog so killed shall, in addition to the costs, be liable to the owner of the sheep, lambs, goats or kids, or to the county court, for the value of the sheep, lambs, goats or kids so killed or injured.

Sec. 52. Any person violating any provision of section
2 forty-nine, fifty and fifty-one of this act, or failing or
3 neglecting to perform any duty imposed by said sections
4 forty-nine, fifty and fifty-one, shall be liable in an action
5 of prosecution before any court or justice having jurisdiction,
6 for the amount of damage sustained, and also a fine of not to
7 exceed one hundred dollars and the cost of prosecution, or to
8 imprisonment in the county jail for not more than thirty
9 days, or to both fine and imprisonment.

Article V. Birds and Fowls.

Sec. 53. For the purpose of this chapter the following are
2 game birds or game fowls; the anatidae, commonly known as
3 ducks, geese, swans and brant; the rallidae, commonly known as
4 mud hens, rails, coots, and gallinules; the limicolas, commonly
5 known as shore birds, plovers, snipes, woodcocks, tattlers, cur-
6 lews, ortolans and sandpipers; and the gallinae, commonly
7 known as wild turkeys, ruffed grouse or pheasant, quail or
8 bobwhite.

Sec. 54. No person, shall hunt, pursue, catch, capture or
2 kill any wild duck, goose, brant, plover, snipe, woodcock, or-
3 tolan, sandpiper or any other migratory game bird included in
4 the terms of the convention between the United States and
5 Great Britain for the protection of such birds, during the
6 closed seasons prescribed for such birds by federal regulation
7 adopted by the secretary of agriculture and approved by the
8 president of the United States pursuant to the authority con-
9 ferred by the act of congress entitled an act to give effect
10 to the convention between the United States and Great
11 Britain for the protection of migratory birds, concluded at
12 Washington, August sixteenth, one thousand nine hundred
13 and sixteen and for other purposes, and known by the short
14 title of the "Migratory Bird Treaty Act," or by any amend-
15 ment thereof.
16 No person shall kill more than fifteen ducks, or more
17 than four geese, or more than eight brant, in any one day.

Sec. 55. No person shall hunt, pursue, catch, capture or
2 kill any wood duck at any time within this state.

Sec. 56. No person shall hunt, pursue, capture, wound, or
2 kill any wild turkey between the first day of December and
3 the fourteenth day of October of the following year, both
4 dates inclusive; nor shall any person, during the period when
5 it shall be unlawful to hunt, pursue, catch and kill wild tur-
6 keys, engage therein between nightfall of one day and day-
7 light of the next day. No person shall kill more than one
8 wild turkey in any one day, or more than two wild turkeys
9 in any one open season. In the month of December of each
10 year, it shall be the duty of each person who has killed a
11 wild turkey in this state to report to the commission in writ-
12 ing the number killed by him during the open season of that
13 year, designating whether or not the same were male or
14 female.

Sec. 57. No person shall hunt, pursue, catch, capture or
2 kill any ruffed grouse between the first day of December and
3 the fourteenth day of October of the following year, both
4 dates inclusive. No person shall kill more than three ruffed
5 grouse in any one day, nor more than fifteen ruffed grouse in
6 any one year.

Sec. 58. No person shall hunt, pursue, catch, capture or kill
2 any quail or Virginia partridge between the first day of De-
3 cember and the thirty-first day of October of the following
4 year, both dates inclusive. No person shall kill more than
5 eight quail in any one day nor more than fifty quail in any
6 one year.

Sec. 59. No person shall at any time hunt, pursue, catch,
2 capture or kill any Hungarian partridge or quail, Reeve’s
3 pheasant, English pheasant (not meaning thereby ruffed
4 grouse), Lady Amherst’s pheasant, Chinese pheasant, Capor-
5 cailzie, or any other foreign game bird introduced into this
6 state by the commission.

Sec. 60. No person shall at any time hunt, pursue, catch,
2 capture or kill any song or insectivorous bird.

Sec. 61. No person shall catch, capture or kill, or attempt
2 to catch, capture or kill, at any time, by seine, net, bait, trap
3 or snare, or like device of any kind, any wild turkey, ruffed
4 grouse, pheasant or quail.

Sec. 62. No person shall wilfully or needlessly destroy or
2 attempt to destroy the nest or eggs of any wild bird or have
3 such nest or eggs in his possession, except it be the nest or eggs
4 of a bird for which a bounty has been offered by the com-
5 mission, or unless such person be acting under permit issued by
6 the commission to any person for the purpose of collecting
7 birds, their nests or eggs, for scientific purposes.
Sec. 63. No person shall, within this state, kill, catch, or have in his possession, living or dead, any wild bird other than a game bird or wild bird for which a bounty has been offered by the commission; or purchase, offer or expose for sale, or transport within or without the state, any such bird, except as aforesaid. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale, irrespective of whether such bird was captured within or without the state, except the English or European sparrow, starlings, owls, hawks, eagles, cross, kingfishers, and the common blackbird, some times called the "crow" blackbird, which are not included among the birds protected by this chapter, and the killing thereof at any time is lawful.

Sec. 64. Any person violating any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall, for each offense, be fined not less than twenty nor more than one hundred dollars, or confined in jail not less than ten nor more than one hundred days, or both fined and imprisoned with the limitations aforesaid. The unlawful killing or capturing of each bird or fowl named in this article shall be deemed a separate offense.

Article VI. Fish and Frogs

Sec. 65. For the purposes of this chapter the following are game fish; black bass, green bass, white bass, willow bass, trout, white salmon, landlocked salmon, jack fish, wall-eyed pike, muskalonge, pickerel and perch. It shall be unlawful for any person to catch and keep or not return to the water immediately after catching, any jack salmon, commonly called jack fish, less than ten inches in length or any pike or pickerel of less than ten inches in length, or any bass or perch less than eight inches in length, or any trout less than six inches in length. Fish less than the length prescribed herein shall be returned to the water immediately after being caught with as little injury as possible. The measurement of the fish shall be taken from the end of the nose to the center fork of the tail.

Sec. 66. The following closed seasons for fish and frogs are hereby established, during which no person shall fish for, catch, take, kill or destroy in any manner any of the fish or frogs herein after enumerated: for
5. (a) Black bass, green bass, white bass or willow bass from the first day of December to the thirtieth day of June of the following year, both dates inclusive; provided, however, that in the navigable slack water created by dams maintained by the federal government it shall be lawful to take (but only with rod, line and hook or hooks with natural or artificial lures) any bass mentioned in this section between the thirtieth day of May and the first day of December, both inclusive, of each year. Provided, that upon the petition of one hundred and fifty duly licensed persons of any such county, the game, fish and forestry commission may open the season for that county for one month from March fifteenth to April fourteenth, inclusive.

15-a (b) Trout, from the first day of August to the fourteenth day of April of the following year, both dates inclusive.

17. (c) White salmon, from the first day of April to the thirtieth day of May of each year, both dates inclusive.

19. (d) Landlocked salmon, from the first day of August to the fourteenth day of April of the following year, both dates inclusive.

22. (e) Jack salmon, jack fish, muskalonge or wall-eyed pike from the first day of April to the thirtieth day of May of each year, both dates inclusive.

25. (f) Pike, other than wall-eyed pike, from the first day of December to the thirtieth day of June of the following year, both dates inclusive.

28. (g) Pickerel, from the first day of December to the thirtieth day of June of the following year, both dates inclusive.

31. (h) Perch, from the first day of December to the thirtieth day of June of the following year, both dates inclusive.

33. (i) Frogs, from the first day of December to the first day of July of the following year.

Sec. 67. No person shall catch more than ten bass, or more than twenty-five brook trout or more than fifteen rainbow trout or more than ten brown trout, in one day. No person shall catch more than twenty-five of all species of trout in one day.

Sec. 68. It shall be unlawful for any person to kill or catch,
or attempt to kill or catch, any fish in this state, at any time, by means of seines, nets, or traps, or devices of like nature, unless written consent shall have been given by the commission for the use of such seines as hereinafter provided; or by draining water out of any pool, pond or stream, with the intent to take or injure the fish therein; or by the use of dynamite, or any like explosive or other explosive mixture, or any poisonous drug or substance; or by the use of electricity or lime; or by the use of a gun, rifle, pistol or any other like weapon; or by any other means whatsoever except by rod, line and hook or hooks with natural or artificial lures; Provided, that any person may employ a seine not more than eight feet in length for the purpose of securing minnows other than salmon, bass, shad, pike, perch and trout, for use in angling; Provided, further, that the commission may at any time catch fish, with nets, seines, or otherwise, for the purpose of propagation and protection of fish of this state. It shall be unlawful for any person at any time to kill, or catch any game fish by gigging, snaring, spearing, gaffing or grabbing; or to so take any fish during April, May and June.

Sec. 69. It shall be unlawful for any person, firm or corporation to throw, discharge or cause to enter in any stream, watercourse or water in this state saw dust, or other matter deleterious to the propagation of fish. It shall be lawful, however, to drain or cause to be drained from any mine in this state by the owner or operator thereof the water that naturally collects in such mine and the water from any coal washery, and to discharge the same into any stream, watercourse or water in the state; provided, however, that any mine from which the water is so discharged or drained shall be kept in a sanitary condition and the water draining or flowing from such mine, and from such washery, shall, while in the mine and on the premises of the mine-owner or operator, be kept free from pollution by human or animal excrement or substance deleterious to health. And the state board of health, its agents, employees and servants shall at all seasonable times have authority to enter upon the premises and into any such mine in order to see that the same is kept in sanitary condition and that the waters draining therefrom are free from the objectionable substance named herein; with the right to the state board of health to prevent any
mine-owner or mine operator who fails to comply with the provisions of this act from draining or discharging water or waters from his or its mine into any stream, or water course in the state; provided, further, that any mine owner or operator having one suitable convenient and sufficient outlet for the water from his or its own mine into one stream shall not cause the same to be drained into any other stream. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and fined not less than ten nor more than one hundred dollars, and such person violating this section, and the officer or agent of any corporation, who directs or participates in the violation of this section, may be imprisoned in jail not less than ten nor more than one hundred days, or both such fine and imprisonment as may be imposed for such violation.

Sec. 70. The commission may establish, operate, conduct and maintain fish hatcheries and feeding stations for fish, and may employ and appoint such persons and assistants at such salaries and for such time as it may deem necessary to operate, conduct and care for them, and may discharge such employee and appointees at will. It may in the name of the state, purchase or lease lands and water necessary for the establishment, operation, conduct and maintenance of such hatcheries and feeding stations.

Sec. 71. The commission shall have the power to designate certain streams for the propagation of certain species of fish, and no person shall place fish in such streams other than the species so designated.

Sec. 72. The commission shall have power and authority to issue a license to any person for the propagation of game, food and bait fish, upon written application therefor, signed by the applicant, and upon the payment to the commission of a fee of ten dollars. All licenses issued under this section shall expire on the first day of January following the date of issue. A license may be renewed from year to year upon paying to the commission the sum of one dollar for each such renewal.

Sec. 73. Such application shall be made on blanks prepared by the commission, and shall show the size, character and location of the plant or pond proposed to be constructed, the purpose thereof, and such other information as the com-
mission may require. The license shall describe the plant or pond to be constructed. Such license may be refused when, in the opinion of the commission, any such pond or structure would interfere with the free passage of fish, and may be revoked for like cause, or when the licensee violates any of the provisions of this article.

Sec. 74. The commission may grant a license to an applicant to establish any such plant or pond in any water or stream flowing over land owned, leased or occupied by him, or may authorize him to divert any such water or stream to such plant or pond, provided the riparian rights of other landowners are not violated by such diversion, if, after investigation, the commission is satisfied that such plant, pond or diversion will not interfere with the public stocking or propagation of game or food fish frequenting such waters or that any such stream or water by reason of its natural size is not suited to such public stocking or propagation.

The commission may license any plant or pond constructed prior to the time this code takes effect, if it would be proper to authorize the construction of such plant or pond under the provisions of this article. The application for such license shall give the location of the plant or pond, the character and description thereof, the waters in which located or from which supplied, and such other information as the commission may require in determining whether such license should be granted or refused.

Sec. 75. No dam, pond or other device which will prevent the free passage up and down stream of migratory fish frequenting such waters shall be erected or placed by a person licensed under this article in any stream containing game or food fish, except in streams which by reason of their natural size are not suited to the public stocking or propagation of fish. All ponds and other structures used for the propagation of fish shall be so constructed as to prevent other fish from entering therein. Any person violating any provision of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars. The commission or any game protector may remove and abate any such obstruction whether conviction be had under this section or not.
Sec. 76. Any person licensed under the provision of this article shall have authority to carry on the business of propagation and sale of all species of game, food and bait fish, or the eggs thereof, during the year for which the license is issued. Such licensee shall also have authority to catch and kill game, food, or bait-fish from his licensed pond, in any manner whatsoever, except with explosives or poisonous substances. Such licensee shall have the authority under such license to sell or dispose of, in any manner whatsoever, game, food, or bait-fish, or the eggs thereof, taken from such licensed pond, at any time of the year, and any railroad or express company may receive and transport the same.

Sec. 77. A person selling fish under the license provided for in this article shall furnish the purchaser with a certificate or invoice of sale, bearing the date of sale, the number of the license under which sold, the number of fish and number of pounds sold. The form of such certificate or invoice shall be prescribed by the commission.

The certificate or invoice shall be prescribed by the holder on demand of any game protector, or any person authorized under the provisions of this chapter to enforce the provision thereof.

Sec. 78. Every person holding a propagation license under this article shall annually on the thirty-first day of December, file with the commission a written report, duly sworn to, showing the number of fish and number of pounds, or the eggs thereof, sold or disposed of during the year, to whom and the value thereof.

Sec. 79. No person shall, except for private use, maintain a plant or pond for the propagation of fish without first having obtained the license provided for in this article. No person shall catch, kill or injure any fish, or take or destroy any of the eggs thereof, in any pond or plant licensed under the provisions of this article without the authority of the owner or proprietor thereof. No person shall interfere with, obstruct, pollute or diminish the natural flow of the water into or through a propagating plant or pond licensed under this article.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty nor more than one hundred dollars.
Sec. 80. Any person violating any provision of this article the punishment for which is not prescribed shall be guilty of a misdemeanor, and, upon conviction thereof, shall, for each offense, be fined not less than twenty nor more than one hundred dollars, or confined in the county jail not exceeding thirty days, or both fined and imprisoned within the limitations aforesaid; Provided, that any person convicted of killing fish by dynamite or other explosives, or poisons, shall be guilty of a felony and be confined in the penitentiary not less than one nor more than three years.

**Article VII. Hunting and Fishing Licenses.**

Sec. 81. No person above the age of fifteen years, who is a citizen of the United States, shall, at any time, hunt, pursue, kill or catch, any wild animals, or wild birds, or wild fowl, or fish for, kill or catch any fish or frogs, of any kind whatsoever, without first having secured a license so to do as herein provided, and then only during the respective periods when it shall be made lawful to hunt such wild game animals, or wild game birds and wild game fowl, or fish for, capture, catch or kill such fish or frogs: Provided that a bona fide resident land owner of this state, or his residents children, or his bona fide resident tenant, may hunt, kill pursue or catch any of the game animals and game fowl, and fish for, capture or kill any of the fish or frogs of this state on his own land during open season therefor, but under the regulations and laws herein expressly made for hunting and fishing, without obtaining a license to do so, if said land shall not have been designated and made, in manner provided by law, a state game refuge or reserve. Nothing herein shall be construed to permit any resident or non-resident member of any club or organization or association of persons owning or leasing a game or fish reserve in this state to hunt or fish without having secured license therefor.

Sec. 82. A resident hunting and fishing license shall entitle the licensee to hunt and fish in all counties in this state, except as hereinafter provided as to deer. The fee for such license shall be one dollar and twenty-five cents. A resident big game license shall entitle the licensee to hunt deer in all counties of the state. The fee for such license shall be five dollars: Provided, however, that in the
11 county of one's own residence only the resident hunting license
12 shall be required to hunt deer.
13 A non-resident hunting license shall entitle the licensee
14 to hunt in all counties of the state. The fee for such license
15 shall be fifteen dollars.
16 A non-resident fishing license shall entitle the licensee to
17 fish in all counties of the state. The fee shall be five dollars.

Sec. 83. Such several licenses may be secured in the follow-
2 ing manner. If the applicant is a resident of this state he
3 shall go before the clerk of the county court of the county of
4 his residence and in ink fill out and sign his name to a
5 blank application, which application shall be prepared by the
6 game and forester commission and furnished by it to such
7 clerk, and which shall state, among other things to be provid-
8 ed therein by the commission, the class of license sought, the
9 citizenship, age, name, occupation or profession, weight,
10 height, place of county residence, color of hair, eyes and
11 complexion of the applicant, and the applicant shall in
12 person make oath thereto before and file said application with
13 such clerk. If the applicant is a bona fide resident of thi8
14 state, he may fill out such application and swear to the same
15 before someone authorized to administer oaths and send the
16 same to the county clerk of the county of his residence, to-
17 gether with the amount of license tax herein prescribed and
18 sufficient postage for the return of the license, and such
19 clerk shall thereupon issue and send him such license.
20 If the applicant is a non-resident of this state, he shall
21 make, sign, swear to and file a like form of application, but
22 such application may be signed and sworn to by him before
23 any person authorized in the state of his residence to ad-
24 minister oaths, but the officer taking such affidavit shall affix
25 his seal thereto. Such application may be filed with and such
26 license may be granted by the clerk of the county court of
27 any county in this state to whom such application is made.
28 Before any such licenses shall be issued such applica-
29 tion shall be made and filed as aforesaid and the applicant
30 shall pay to the clerk the fee for such license as is provided
31 in the preceding section of this article.

Sec. 84. The clerk shall issue and deliver to the applicant
2 a license in the form prescribed by the commission, sign the
3 same, affix thereto the seal of the county court of which he
4 is clerk, and number the license according to the serial order
5 in which it was issued. The clerk, shall at the same time,
6 deliver to each hunting licensee a tag, furnished by the com-
7 mission free of charge, bearing the license number, in figures
8 at least one inch in height, and containing the words "resi-
9 dent" or "non-resident," as the case may be, which tag said
10 hunting licensee is required to display on the outer garment,
11 on the back between the shoulders, in such manner that all
12 figures are plainly visible at all times while hunting. The
13 license tag for the current year only shall be displayed. The
14 clerk shall keep an accurate list of all licenses issued by him
15 and of all moneys received therefor, for each class of license.

Sec. 85. Such license shall be valid only until the last
2 day of the calendar year in which the same is issued.

Sec. 86. No person shall in any manner alter or change
2 any license or tag issued under the provisions of this article,
3 or buy or sell, or offer to buy or sell, the same, or transfer
4 it to any other person or permit any other person to have
5 or use it. No person shall have, use or exhibit any license
6 or tag which has been issued to any other person than
7 himself.

Sec. 87. No person to whom such license is granted shall
2 hunt, pursue, kill or catch, any game animals, game birds
3 or game fowl, or fish for, capture or kill any fish or frogs
4 in this state, unless at the time thereof, he shall, on demand,
5 exhibit the said license to any officer of this state, or to the
6 owner, tenant or lessee of any land on which he is hunting
7 or fishing.

Sec. 88. Any person having in his possession in the fields
2 or woods in or about the streams or waters of this state,
3 any gun or hunting paraphernalia or any fishing rod or
4 other fishing paraphernalia, except he be the owner of such
5 fields, woods, streams or waters, or that he be the child,
6 tenant or lessee of such owner, shall upon demand of any
7 officer mentioned in this chapter, or of the owner tenant,
8 lessee or the agent of the owner of such fields or woods,
9 produce and exhibit his proper license to such officer or
10 person for inspection, and shall give to such officer or person
11 his correct name and address.

Sec. 89. No person shall carry any uncased gun in any
2 of the fields or woods of this state, unless he has a properly
3 issued and valid hunting license; or unless such person is the
4 bona fide owner of such field or woods, or his child, tenant
5 or lessee. The carrying of such uncased gun in any of the
6 fields or woods of this state, by any person not having a
7 hunting license to do so, as aforesaid, shall be deemed prima
8 facie evidence that the person so carrying such uncased gun
9 is hunting wild animals or wild birds or fowls.

Sec. 90. In case the commission desires to refuse a license
2 to any person, it shall notify the clerk of the county court
3 of the residence of such person, or any such clerk where it
4 is expected such license shall be sought, of the name and
5 address of such person and such other information in re-
6 lation thereto as it may desire to give, and such clerk shall
7 not issue a license to such person thereafter, and shall report
8 to the commission any application made therefor. In case
9 any clerk shall, after receiving such notice, knowingly issue
10 such license, he shall be guilty of a misdemeanor, and, upon
11 conviction thereof, shall be fined not less than ten nor more
12 than one hundred dollars for each offense. The commission
13 may revoke any such license so wrongfully issued. The
14 violation of any of the provisions of this chapter by any
15 person holding a license shall be sufficient cause for the
16 refusal of the commission to grant in any year a license to
17 the person so violating any such provision.
18. All license herein authorized to be granted shall be deemed
19 to have been granted by the commission, and the power and
20 authority to revoke such licenses is vested in the commission.
21 Upon the revocation of any license, the one to whom the
22 same was issued shall, upon having a knowledge of such
23 revocation, forthwith deliver the license and tag so issued
24 to him to the clerk of the county court of the county who
25 issued the same to him, and such clerk shall thereupon trans-
26 mit the same to the commission.

Sec. 91. All moneys received by or paid to any officer or
2 other person of this state for licenses as aforesaid shall be
3 paid to the commission, in the manner and at the times as
4 hereinafter provided, and commission shall, on receipt of the
5 same, forthwith pay over to the state treasurer such money
6 so received, accompanying it with a statement showing in
7 detail the sources of such money and the purposes for which
8 the same was originally paid. Such officers and other persons
so receiving such money shall, on the first day of each month,
pay over to the commission all moneys so paid to them during
the preceding month, and each officer and person shall ac-
company such payment with a report showing, in the case of
license money, the name of the county, the class of licenses
sold, the names and addresses of the persons paying the
same, and the date of the receipt thereof. All such money
so paid for licenses shall be credited to and kept separately
in a "game, fish and forestry fund", and shall be used and
paid out upon the order of the commission, solely for the
conservation, protection, propagation and distribution of the
fish, frogs, wild game and wild birds and fowls of this state,
in the enforcement of the fish and game laws of this state,
for any of the purposes in this chapter provided, and for
the operation of the commission.

All the money so credited to the game, fish and forestry
fund and applicable as aforesaid to the maintainance and
conduct of the commission shall be withdrawn from the
state treasury and expended only upon the written requisi-
tion of the commission authorized by it at a meeting duly
held, and signed by the chairman of such commission.

Sec. 92 The commission shall expend each year not less
than ten per cent of the total revenue obtainable from the
resident hunting licenses, and from the non-resident hunting
licenses for the purpose of creating, establishing and main-
taining game refuges and public shooting grounds hereinafter
more fully described.

The commission shall expend each year not less than ten
per cent of the total revenue obtainable from the resident
hunting licenses and from the non-resident hunting licenses,
for the purposes of paying bounties on such predatory and
non-game birds as the commission may deem harmful to the
increase and propagation of wild game animals and wild
game birds.

The commission shall expend each year forty percent of
the total revenue obtainable from the resident fishing licenses
and from the non-resident fishing licenses, for the purpose of
building, erecting and maintaining fish hatcheries and rear-
ing troughs and such other material and equipment as the
commission may deem necessary to properly stock the streams
of this state with fish.
21 The commission shall expend ninety percent of the total
22 revenue obtainable each year from the resident big game
23 licenses, for the purpose of buying Virginia white tail deer
24 for re-stocking purposes and for no other purpose whatso-
25 ever.

Sec. 93. Any person violating any provision of this article
2 shall be guilty of a misdemeanor, and, upon conviction
3 thereof, shall, for each offense, be fined not less than twenty
4 nor more than one hundred dollars, or confined in jail not
5 less than ten nor more than one hundred days, or both fined
6 and imprisoned within the limitations aforesaid.

Article VIII. Game Refuges.

Sec. 94. The game, fish and forestry commission, with the
2 consent of the governor, shall have the power and right to
3 purchase, in the name of the state, out of funds set aside
4 for the purpose, or out of any unused funds in the hands of
5 the commission under this chapter, lands suitable for game
6 refuges and public shooting grounds and fish refuges: Pro-
7 vided, that the commission shall not pay more than five
8 dollars per acre for such lands. The commission may also
9 receive any gift of any such lands, whether by deed or will.
10 In the case of gifts or purchases, the absolute fee simple title
11 shall pass to the state, except for the reservation of minerals
12 and the mining rights to remove such minerals.

Sec. 95. The commission shall establish and maintain
2 game refuges and public shooting grounds on lands pur-
3 chased or given for this purpose, out of funds provided
4 for such purpose in this act. Not more than one-third of
5 the area of any tract established for this purpose shall be
6 used for game refuges and the remainder shall be a public
7 shooting grounds. Such areas set apart as a game refuge
8 shall be located as nearly as possible in the center of such
9 tracts. And lands now owned or controlled by the com-
10 mission and maintained as a game refuge shall be apportioned
11 in this manner, within one year from the passage of this act.
12 It shall be unlawful at any time to hunt, pursue or molest
13 in any manner, any animals, birds or fowls on that section
14 of any game refuge and public shooting grounds designated
15 as the game refuge, except that any legally constituted game
16 protector or game refuge keeper or warden may hunt, pursue,
catch and kill in any manner predatory animals and predatory birds thereon.

Each state game refuge shall be surrounded by a well defined fire line, road or other clear strip of land, and by at least one wire at the boundary thereof. On the boundary of each state game refuge, there shall be posted in conspicuous places, not more than one hundred and fifty yards apart, notices bearing the following words: "state game refuge—hunting is unlawful." And such other information or rules and regulations as the commission may deem advisable. On the boundary line of the area surrounding any such refuge which has been established as a public shooting grounds, the commission shall have posted in conspicuous places not more than one hundred and fifty yards apart, notices bearing the following words: "public shooting grounds", together with information as to when hunting is legal on such tract. For and upon every such game refuge and public shooting grounds the commission shall employ not less than one resident caretaker or warden whose duty it shall be to protect and propagate game thereon, grow, harvest and distribute food for the same when needed, keep the area as free as possible from predatory animals and birds, protect the area from fire and perform all duties necessary to maintain such refuge and public shooting grounds.

The commission shall also have the power to lease lands for this purpose for not less than ten year periods, the rental price thereof not be more than the amount of the taxes on such land, and in no event to exceed ten cents per acre per annum.

Sec. 96. The commission may with the consent of the owner or owners of any land in this state of two thousand acres or more in extent, set the same apart as a game refuge and public shooting grounds not more than one-third of such tract to be used as a game refuge and the remainder as a public shooting grounds, when any such lands have been so acquired for this purpose by purchase or gift as is hereinbefore set forth. Any such lands not owned by the state and now held by the commission as game refuges, at the expiration of their agreement, now be reorganized as game refuges and public shooting grounds or be discontinued.
Sec. 97. The commission, may with the consent of the owner of any land bordering any stream of this state, by publication and posting of notices as provided in this section, because of drought, forest fires, diseases existing among the fish, or for the purpose of conservation, protection or propagation of fish and frogs, declare any such stream in this state, or any part thereof, as a fish or frog refuge, and thereafter maintain the same as such. After such declaration no person shall, during the time the same is made a refuge, fish for, capture, catch or kill any fish or frogs in such streams or in any manner pollute the waters thereof.

Sec. 98. Any person violating any of the provisions of the three preceding sections shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty, nor more than one hundred dollars, or by confinement in jail not less than ten nor more than one hundred days, or by both fine and imprisonment within the limitations aforesaid, for each offense.

Article IX. Forestry.

Sec. 99. The game, fish and forestry commission shall have power and authority to protect the forests of the state against injury or destruction by fire, insects, fungus, or other disease, to study and make recommendations as to proper methods for such protection and for forest culture, and to disseminate any such information throughout the state. For such purposes the commission shall appoint a chief forester duly qualified with technical forestry training; a graduate of a reputable college or university supplemented by actual experience in handling forestry field organization; further local forest protectors shall also be appointed for such forest fire districts as the commission may deem it necessary to designate. The commission, may, at its discretion, with or without cause, summarily remove any person appointed by it and fill any vacancy so created. The commission shall fix the salary to be paid to the chief forester, and may pay local forest protectors at the rate of three dollars and fifty cents per day when actually engaged in fighting fires.

Sec. 100. Before entering upon the discharge of his duties, the chief forester shall take, sign and execute the oath of office prescribed in section five of article four of the constitution of this state. The oath may be administered by
any commissioner or any other person authorized by law to administer oaths, and shall be returned to and filed with the commission.

Sec. 101. The commission is vested with authority and power to protect the forest against injury or destruction by fire, and for which purposes they may appoint local forest protectors for such forest fire districts as the commission deems necessary to designate, with pay at the rate of three dollars and fifty cents per day when actually engaged in fighting fire, and it is made the duty of the commission, the chief forester and forest protectors, upon receiving notice of any such forest fire, to employ all the necessary means to confine or extinguish the same. For this purpose authority is given to destroy fences, plow lands or, in cases of extreme emergency, to set back-fires. The chief forester and forest protectors may, under the general supervision of the commission, in case of emergencies, summon or employ persons to assist in fighting fires, who shall be paid at the rate of three dollars a day for the actual time so employed in fighting such fires. Any person who shall fail or refuse to assist in the fighting of such fires shall, unless such failure is due to physical inability, be guilty of a misdemeanor, and upon conviction be fined not less than ten nor more than twenty dollars for each offense.

Sec. 102. All services rendered at forest fires except that rendered by the chief forester or forest protectors, shall be charged against the county in which the fire was, and each forest protector shall render to the county court, within twenty days after such fire, and also to the commission, a sworn statement of the time used in fighting such fires, with the name or names of all persons who were summoned and assisted thereat and who furnished subsistence or supplies therefor, or transportation, and the amount of money due each therefor. The county court of the county in which the fire was, shall pay such charges against it within ninety days after occurrence of such fire.

Sec. 103. Whoever by himself, or by his servants, agents or guides, or as the servant, agent or guide of any other person, shall build any fire, or use an abandoned fire in a field, public or private road, or adjacent to, or in any woods or
5 forest in this state, shall, before leaving such fire, totally
6 extinguish the same; and upon failure to do so, such per-
7 son, or persons, shall be deemed guilty of a misdemeanor,
8 and on conviction thereof shall be fined not less than twen-
9 ty-five dollars nor more than one hundred dollars and costs
10 of the prosecution, and upon default in paying said fine
11 and costs shall be confined in the county jail not more than
12 ninety days unless said fine and costs be sooner paid. If
13 any person, or persons, negligently set on fire any woods,
14 fields or lands within this state, so as thereby to occasion
15 loss, damage or injury to any other person, he shall be guilty
16 of a misdemeanor and on conviction thereof shall be fined
17 not less than fifty dollars nor more than five hundred dol-
18 lars, and in the discretion of the justice or court trying the
19 case, be imprisoned in the county jail not to exceed one
20 year, and upon default in payment of the fine and costs he
21 shall be imprisoned in the county jail not to exceed six
22 months; and if any person or persons wilfully set on fire
23 any woods, fields or lands within the state, so as thereby to
24 occasion damage or injury to any other person, he shall be
25 guilty of a felony, and on conviction thereof shall be con-
26 fined in the penitentiary not less than one or more than two
27 years.

Sec. 104. Every railroad company or such other company
2 operating a locomotive, shall on such part of its road as passes
3 through forest lands, or lands subject to fires from any
4 cause, cut and remove from its right of way along such
5 lands at least twice a year, all grass, brush, and other in-
6 flammable materials, and employ, in seasons of drought and
7 before vegetation has revived in the spring, sufficient track-
8 men to promptly put out fires on its right of way; provide
9 locomotives thereon with netting of steel or iron so con-
10 structed as to give the best practical protection against the
11 escape of fire and sparks from the smokestacks thereof, and
12 against the escape of fire from ash pans and furnaces which
13 shall be used on such locomotives.
14 No railroad company, or employee thereof, shall deposit
15 fire coals or ashes on its track or right of way near such
16 lands. In case of fire on its own or neighboring lands, the
17 railroad company shall use all practicable means to put it
18 out. Engineers, conductors or trainmen discovering or know-
ing of fire in fences or other material along or near the right of way of the railroad in such lands shall report the same at the first station to the station agent, and such station agent shall, as soon as practicable, notify the nearest forest protector and use all necessary means to extinguish the same. And any officer or employee of a railroad company violating any provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not less than twenty nor more than two hundred dollars.

Sec. 105. The commission shall, in the name of the county in which any forest fire has occurred, and which has been extinguished or suppressed by its efforts, recover from the person or persons, firm or corporation negligently giving origin to such fire, the amount so expended in extinguishing said fire and the costs thereof, and the same shall not bar the rights of damages between the parties thereto.

Sec. 106. The commission may do all things required to meet the conditions and requirements of the federal government in securing federal cooperation under the provisions of the Weeks law and the Clarke-McNary law, and any law amendatory thereof or supplemental thereto, for the purpose of preventing forest fires and the advancement of forestry practices; and for this purpose the sum of ten thousand dollars is hereby appropriated annually.

Sec. 107. The commission may co-operate with the owners of forest lands and receive financial assistance from them for the things necessary therefor, including the establishment and maintenance of patrol and lookout stations; provided, that the commission shall expend therefor for forestry purpose by the state, and such moneys as may be contributed therefor by the private owners, and in addition for the aforementioned purposes shall provide twenty-five per cent of the funds derived annually from the sale of game and fish licenses. Provided, further, that the commission shall, upon the written request of twenty or more taxpayers of any county, expend in that county at least twenty per cent of all money received from such county in hunting and fishing license fees for the purpose of re-stocking and propa-
Sec. 108. Every owner of timber land in the state of West Virginia shall furnish or provide a sufficient fire patrol during the season of the year when there is danger of forest fires, which patrol shall meet with the approval of the forestry, game and fish commission.

Sec. 109. If the owner of any forest land fails to properly patrol his or their lands, then the forestry, game and fish commission may cause the same to be patrolled and charge the cost thereof against such owner; provided, the aggregate amount so charged does not exceed one cent per acre per year; and if the amount so charged against such owner as cost and expense of such patrol is not paid upon presentation of a bill therefor, then it shall be the duty of the prosecuting attorney of the county in which said land or a greater part thereof is situated, at the instance of the forestry, game and fish commission or some one of its agents, to institute, in the name of the state of West Virginia, action for the recovery thereof. All moneys collected from owners of forest lands, either by suit or voluntary payment, shall be paid into the state treasury to the credit of the forestry, game and fish fund. But the foregoing provisions shall not apply to corporations, firms or individuals who are members of and contributing to the various fire protective associations of the state of West Virginia, now in existence.

Sec. 110. Provided, that actual bona fide residents, by the owner or lessor of three hundred and sixty acres or less, on or within one and one-half miles of said tract, shall be deemed to constitute reasonable and adequate protection for such tract, but such residence shall not relieve the owner, his agents or employees from responsibility for the control and suppression of fires occurring on such tract, or entitle such owner to compensation from the county for the time spent by him, his agents or employees in controlling or suppressing any fire that threatens or occurs thereon.

Sec. 111. Provided, also, that the degree of protection required on a given tract of land shall not exceed that required on adjoining tracts in the same protective unit, and that in no case shall the total cost of protection assessed against the land by the state exceed one cent per acre per annum.
Sec. 112. For the purpose of this act, any land shall be considered timber land which has enough timber standing or down to constitute, in the judgment of the state forestry, game and fish commission, a fire menace to itself or adjoining lands; provided, however, that nothing in this section contained shall be construed to include lands under cultivation or in grass; and provided further, that nothing contained herein shall be construed as to include within the provisions of this section any land which is an isolated fire risk unless a forest fire thereon would imperil the lands of any adjoining land owner or land owners.

Sec. 113. Nothing in this act shall be construed to relieve the owner, lessee or user of any land from civil liability for damage resulting from any fire for which their agents or employees may be responsible.

Sec. 114-115. For the purpose of providing increased protection to forest property from fire originating along railroads, any steam railroad company shall have the right, subject to the provisions of this section, without liability for trespass, to enter upon forest or brush lands for a distance of fifty feet from the railroad right of way and to clear from such a strip any inflammable material such as leaves, grass, dead trees, slash and brush, but shall not remove any valuable timber growth or other things of value without consent of and recompense to the owner. Not less than fifteen days prior to clearing such land, the railroad company shall give the owner thereof notice of its intention, together with a transcript of this section, by letter deposited in the United States mail to his last known address. If the owner shall not file an objection to such clearing with the forestry, game and fish commission within ten days of the date of said notice he shall be deemed to have given consent. Upon the filing by an owner of such objection showing cause why such clearing should not be done the forestry, game and fish commission shall review the case and may sustain the objection of the owner or permit the clearing in whole or in part.

Nothing contained in this act shall apply to temporary steam tram roads used for hauling logs and lumber.

Sec. 116. In all criminal action and all civil action for any injury occasioned by fire communicated by burning or clearing land, the fact that such fire was so communicated shall
4 be *prima facie* evidence of negligence on the part of the per-
5 son or agent or employee or any other person who shall at
6 the time of such injury by fire be in the use and occupa-
7 tion of the land on which the burning was done and of
8 those who shall at such time have care and management of
9 such burning.

Sec. 117. The game, forestry and fish commission,
2 with the consent of the governor, shall have the power and
3 right to purchase, in the name of the state, out of any un-
4 used funds in the hands of the commission under this chap-
5 ter, lands suitable for forest culture, forest parks or for
6 game and fish refuges. Such purchase may be made on terms
7 requiring not less than one-third of the purchase price to be
8 paid down at the time of the conveyance and the residue
9 in not less than one and two years after date. The com-
10 mission may also receive any gift of any such lands, whether
11 by deed or will. In case of gifts, or purchases, the fee simple
12 title shall pass to the state.

Sec. 118. When any such lands have been so acquired, the
2 commission shall have power to protect, preserve and main-
3 tain the same as state forests, state forest parks, or game
4 and fish refuges, for the propagation and distribution of
5 forest trees, and for the protection, propagation and dis-
6 tribution of the fish, wild animals, and birds on the same,
7 and may prescribe and enforce rules and regulations, con-
8 sistent with the laws of this state, in order to carry out that
9 object. The commission may prescribe and enforce rules
10 prohibiting all fishing and hunting, catching, trapping, cap-
11 turing and killing of fish, wild animals and birds upon such
12 state forests, state forest parks and game and fish refuges,
13 for such length of time as it may deem proper.

Sec. 119. The commission shall investigate the water-sheds
2 of the Gauley, Williams, Greenbrier, Elk, Cheat, Tygart's Val-
3 ley, New, Blue-Stone, Potomac, Coal, Guyandotte, and other
4 rivers of the state, and report to the governor what lands
5 thereon are suitable for the purposes of state forests, forest
6 parks and game and fish refuges, together with all informa-
7 tion obtainable as to the proper value and the adaptability of
8 such lands for such purposes.
Article X. General Criminal Provisions.

Sec. 120. The commission may cause complaint to be made and proceedings to be instituted and prosecuted against any violators under this chapter, without the sanction of the prosecuting attorney of the county wherein such proceedings are instituted, and in all such cases no security for costs shall be required of the commission. The commission may employ an attorney to represent it in any prosecution under this chapter, and in such case there shall be taxed as costs, in case of conviction, the sum of ten dollars in each case, in addition to the usual amount lawfully taxed, which ten dollars shall be for the benefit of and paid to such attorney as and for his compensation.

Sec. 121. The commission shall have the right to offer and pay, in its discretion, rewards for information respecting the violation, or for the apprehension and conviction of any violators, of any of the provisions of this chapter.

Sec. 122. Justices of the peace shall have concurrent jurisdiction with the circuit or other criminal courts of all misdemeanors arising under this chapter.

Sec. 123. Any person who hinders, obstructs or interferes with, or who attempts to hinder, obstruct or interfere with, the game protector, or any other officer named herein, in the performance of his duties, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, or may be confined in jail not more than six months, for each offense, or may in the discretion of the court, be both fined and imprisoned within the limitations aforesaid.

Sec. 124. Any person violating any of the provisions of this chapter, the punishment for which is not prescribed shall be guilty of a misdemeanor, and, upon conviction thereof, shall for each offense be fined not less than twenty nor more than one hundred dollars, or confined in jail not less than ten nor more than one hundred days, or both fined and imprisoned within the limitations aforesaid; and in the case of violation by a corporation, every officer or agent thereof directing or engaged in such violation shall be guilty and punished as aforesaid.

The provisions of this act shall be in effect on and after the first day of July, nineteen hundred and twenty-nine.
CHAPTER 14
(House Bill No. 218—By Mr. Hull)

AN ACT creating the state water commission, defining its powers and duties, providing for necessary stenographic, clerical and other assistance, procedure by the commission and enforcement of its orders and the review thereof by the courts, and providing for research procedure by the said commission.

[Passed March 2, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC.
1. Definitions.
2. State water commission created; expenses of; assistance to.
3. Organization of; clerical and other assistance, how paid; order and meetings of commission.
4. Right to enter premises.
5. Citation by commission for pollution of water; provisions concerning.
6. How pollution controlled or eliminated; orders concerning.
7. Reviews of orders by circuit court; prosecuting attorney to represent commission.
8. Duties of commission concerning pollution.
9. Not to repeal section 20, chapter 62 of code.

Be it Enacted by the Legislature of West Virginia:

Section 1. Terms used in this act are defined as follows:
2 The term "commission" shall mean the state water commission, hereby created, and the term "commissioner" shall mean a member of said commission. The term "water" or "waters" shall mean all waters of any river, stream, water-course, pond or lake. The term "pollution" shall mean the contaminating or rendering unclean or impure of any water by any act prohibited by section twenty of chapter sixty-two or section twenty-c and twenty-d of chapter one hundred and fifty of Barnes' code of West Virginia, edition one thousand nine hundred and twenty-three. The term person shall mean any and all persons natural or artificial including any municipal or private corporation organized or existing under the laws of this or any other state or country, and as well any firm or association.

Sec. 2. On and after the date this act shall go into effect, the commissioner of health, the chairman of the public service commission of West Virginia and the chairman of the West Virginia game and fish commission, and their successors in office, shall constitute the state water commission and shall serve as commissioners thereof without additional compensation; they shall be reimbursed, out of moneys appropriated for such purposes, all sums which they necessarily shall expend in the discharge of their duties as members of
10 such commission. The director of the division of sanitary en-
11 gineering in the state health department shall, without addi-
12 tional compensation, perform such services as said commis-
13 sion may request of him in connection with its duties here-
14 under; he shall be reimbursed, out of moneys appropriated
15 for such purposes, all sums which he necessarily shall expend
16 in the performance of such services. Nothing contained in
17 this act, however, shall be construed to limit or interfere with
18 the power of the state health department to select, employ
19 and direct the director of the division of sanitary engineering
20 of said department, or any employee thereof who in any way
21 may perform any services for the commission. The college
22 of engineering at West Virginia university, under the direc-
23 tion of the dean thereof, shall, insofar as it can, without
24 interference with its usual and regular activities, aid and
25 assist the commission in the study and research of questions
26 connected with pollution of waters. The dean of the college
27 of engineering shall be reimbursed, out of moneys appro-
28 priated for such purposes, any and all sums which he neces-
29 sarily shall expend in the performance of any services he
30 may render to the commission under the provisions hereof.

Sec. 3. Said commission shall elect from its membership a
2 chairman and also elect a secretary, who need not be a mem-
3 ber. The commission may employ such stenographic, clerical
4 and other assistance as shall necessarily be required, and
5 whose duties shall be defined by the commission, and whose
6 compensation, to be fixed by the commission, shall be paid
7 out of the state treasury, out of moneys appropriated for such
8 purpose, upon the requisition of said commission. All orders
9 of the said commission shall be entered in a permanently
10 bound record book, properly indexed and the same carefully
11 preserved. Copies of orders entered by the commission, as
12 well as copies of papers or documents filed with it, or the
13 records of proceedings before the commission, shall be at-
14 tested by the secretary of the commission. Said commission
15 shall meet at such times or places as agreed upon by the
16 commissioners, or upon call of its chairman, to take up any
17 matters proper or necessary to be considered by it.

Sec. 4. Any commissioner or any assistant or employee of
2 said commission may, at any reasonable time, enter any prem-
Sec. 5. Any person, causing the pollution of any water, or alleged to be causing the pollution of any water, may be cited by the commission on its own motion, and shall, upon the petition of any person, affected by such pollution, be cited to appear, not less than fifteen nor more than thirty days from the service of such citation, before said commission at a place designated by it, then and there to show cause, if any shall exist, why said commission should not issue an order regulating such pollution, and any person, affected by such pollution, may by petition intervene as a party complainant or respondent, in any proceeding instituted by or before such commission. Such citation may be issued by the commission or any member thereof and may be served and returned in the same manner as process in any civil action, or it may be served by sending a copy thereof by registered mail addressed to the person causing, or alleged to be causing, any pollution of any water, at his, their or its usual, or last known, post office address. Any commissioner may issue any subpoena, administer oaths and cause the attendance of witnesses, the production of evidence and testimony in any proceeding before the commission, subject to the same conditions as are provided by the general statutes for the attendance of witnesses and the production of evidence and testimony in civil actions.

Sec. 6. If upon hearing, the commission shall find that any person, is polluting any of the waters of the state, it shall make and enter an order directing such person to cease such pollution or to install, use and operate some practical and reasonably available system or means which will reduce, control or eliminate or reduce to a harmless minimum such pollution, having regard for the rights and interests of all persons concerned, provided the cost of installation, maintenance and operation thereof shall not be unreasonable or inequitable. Such order may specify the particular system or means to be used or operated; or if there shall be more than one such practicable and reasonably available system or means, such order shall give such person the right to choose which one of such systems
or means shall be employed. Such order shall specify the time reasonable under the circumstances within which such system or means shall be used or the operation thereof commenced and such time may be extended by the commission within reasonable limits upon application made to it by the person, to whom such an order shall have been directed and any such order may, upon application of any person affected, be modified by the commission in any other particular not inconsistent with the provisions hereof. If any such order shall not specify the system or means to be used or operated, the person, against whom such order shall be issued shall, before proceeding to install any system or means, submit to the commission for its consideration and action a plan or statement describing the system or means which is proposed to be used or operated; if any person, shall desire to make any substantial change in any system or means used or operated, such person, shall, before making such change, file with the commission for its consideration and action a plan or statement describing such proposed change, together with application for the action of the commission thereon and in respect thereto. The commission shall, in any such case, enter an order approving, or disapproving, any such system or means proposed to be used or operated, or permit or refuse to permit the proposed change in any system or means adopted, used or operated, and shall make and enter all such orders as the commission deems proper and necessary. Any order of the commission may, at any time after at least twenty days notice in writing to any person affected thereby and any intervening petitioner, and after a hearing thereon, be modified or revoked by an order entered by the commission. The commission shall forthwith cause an attested copy of any order entered by it to be served upon all persons, affected thereby in the same manner as writs or summons, in civil actions may be served, or by sending the same by registered mail to such person, or intervener, at his, their or its usual, or last known, post office address. The commission may cause the enforcement of any order issued by it to control, eliminate or reduce to a harmless minimum, the pollution of any water, and as well all other orders entered by it in matters
subject to its jurisdiction, by application to the circuit court of any county wherein the alleged pollution originated or naturally flows or to any judge of such court if the same shall be in vacation, to enjoin any person from continuing such pollution, which application shall be brought and the proceedings thereon conducted by the prosecuting attorney of the county wherein such proceedings may be pending, or by special counsel employed by any intervening petitioner.

Sec. 7. Such circuit court of the county shall have jurisdiction, by certiorari, to review any order of said commission upon the application of any person or intervener aggrieved by such order. Upon the hearing, such circuit court may hear and consider any pertinent and relevant evidence either party or any intervener may offer, and shall determine all questions arising on the law and evidence and render such judgment or make such order upon the whole matter, as law and equity may require. The supreme court of appeals of the state shall have jurisdiction to review the judgment of the circuit court upon application of either party or any intervener. The prosecuting attorney of the county wherein the certiorari proceedings are had shall represent the commission in the circuit court and the attorney general of the state shall represent it in any proceedings in the supreme court of appeals, and any intervener may be represented by counsel specially employed.

Sec. 8. The commission shall study questions arising in connection with pollution of waters in the state and make reports and recommendations in respect thereto; and, in cooperation with the college of engineering at West Virginia university, make research, investigation and scientific experiments in efforts to discover economical and practical methods for elimination, disposal and treatment of industrial wastes and the control and correction of stream pollution; and to this end the commission may cooperate with any public or private experimental agency and receive therefrom, on behalf of the state, and for deposit in its treasury, any money which such agency may contribute as its part of the expense thereof.

Sec. 9. Nothing in this act contained shall be so interpreted or construed as to in any way repeal, supersede or modify section twenty of chapter sixty-two of Barnes' code of West
Virginia, edition one thousand nine hundred and twenty-three, or sections six-a, twenty-c or twenty-d of chapter one hundred and fifty of said code; all other acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 15

House Bill No. 240—Originating in the Committee on Taxation and Finance)

AN ACT directing the board of public works to lay a special levy upon all the taxable property in this state, for the purpose of the construction of the main unit of the capitol building; appropriating the moneys so raised and the receipts from any special ‘Capitol Building’ revenue measures, for such purpose and to authorize the governor and the capitol commission to contract for the construction of and to construct the said main unit of the said capitol building; and providing penalties.

[Passed March 2, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. Board of public works to lay special levy to construct main unit of capitol.

Sec. 2. Capitol building fund created; payments from.

Sec. 3. Appropriation of funds raised by special levy.

Sec. 4. Governor and capitol commission to construct main unit; maximum cost of.

Sec. 5. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of public works is directed to lay a special levy upon all the taxable property in this state, not to exceed in any one year the sum of five cents or so much thereof as may be necessary on the one hundred dollars valuation of said taxable property, for each of the fiscal years beginning July first one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two and one thousand nine hundred and thirty-three, for the purpose of constructing the main unit of the capitol building as authorized by the acts of the legislature of one thousand nine hundred and twenty-seven, chapter one first extraordinary session.

Sec. 2. There is hereby created a fund in the state treasury to be known as ‘Capitol Building Fund’ in which shall be
3 deposited all moneys raised by the special levy provided for
4 in section one of this act and receipts from any other special
4-a ‘Capitol Building’ revenue measures and which fund shall be
5 used for the construction of the main unit of the capitol building
6 and for no other purpose whatsoever. All payments from said
7 ‘Capitol Building Fund’ shall be made only upon order of
8 the governor and capitol building commission.

Sec. 3. There is hereby appropriated out of the funds to be
2 raised by special levy and revenues as provided in sections one
3 and two of this act, the sum of one million dollars annually for
4 the fiscal years beginning July first, one thousand nine hundred
5 and twenty-nine, one thousand nine hundred and thirty, one
6 thousand nine hundred and thirty-one, one thousand nine hun-
7 dred and thirty-two and one thousand nine hundred and thirty-
8 three, for the purpose of the construction of the main unit of
9 the capitol building as authorized by the acts of the legislature
10 of one thousand nine hundred and twenty-seven, first extra-
11 ordinary session, chapter one but the governor and capitol com-
12 mission shall not, in any event, contract for the expenditure of,
13 nor expend more than five million dollars for the purpose of
14 this bill, and any contract made or entered into in excess of
15 that amount shall be null and void under the provisions of this
16 act.

Sec. 4. The governor, and the capitol commission created
2 by chapter one, acts of the legislature, first, extraordinary
3 session of one thousand nine hundred twenty-seven, are here-
4 by empowered and directed to proceed with all reasonable
5 dispatch to contract for the contraction and erection of, and
6 to construct and erect the main unit of said capitol building,
7 under the supervision and direction of the architect, at a total
8 cost not to exceed five million dollars, as provided in said
9 chapter one, acts of the legislature, first extraordinary ses-
10 sion of one thousand nine hundred twenty-seven.

Sec. 5. All acts and parts of acts inconsistent with the pro-
2 vision of this act are hereby repealed.
AN ACT amending and re-enacting sections fourteen, twenty, thirty-six and thirty-seven of chapter eighty-eight of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-five as amended by chapter twenty-four of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-seven and to insert therein a new section to be known as section seven-a, relating to the state department of mines.

[Passed March 5, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 7-a. Additional inspectors at large; salary.


20. When approved safety or electric lamps to be used; exceptions.

30. Electric haulage locomotives.

37. Flame proof, electric coal-cutting machines; examination for operators.

Be it enacted by the Legislature of West Virginia:

That sections, fourteen, twenty, thirty-six and thirty-seven of chapter eighty-eight, acts of the legislature of West Virginia of one thousand nine hundred and twenty-five as amended by chapter twenty-four, acts of the legislature of West Virginia of one thousand nine hundred and twenty-seven, be amended and re-enacted and that a new section to be known as section seven-a be inserted therein, so as to read as follows:

Section 7-a. In addition to the twenty-five inspectors provided for in section seven of chapter eighty-eight of the acts of the legislature of one thousand nine hundred and twenty-five, the chief of the department of mines is hereby authorized to appoint three inspectors-at-large. Said inspectors-at-large shall have the same qualifications as are required of district mine inspectors and shall receive the same salary as paid to district mine inspectors, together with their actual traveling expenses while engaged in the performance of their duties.

Sec. 14. In all mines accumulations of fine dry coal dust shall, as far as practicable, be removed from the mine and all dry and dusty operating sections kept thoroughly watered down or rock dusted or dust allayed by such other methods as may be approved by the state department of mines.

Sec. 20. Mines which liberate explosive gas from the coal or adjacent strata in dangerous quantities, and where three-
3 fourths of one per cent is determined by air analysis, or 4 other approved methods, on return air currents shall, upon 5 order of the chief of the state department of mines, be 6 worked exclusively by the use of approved safety lamps, or 7 approved electric lamps, and in such mine or mines no open 8 lamps or torch shall be used except as may be permitted in 9 writing by the chief of the said department of mines; pro- 10 vided, however, the foregoing provision requiring the use of 11 approved safety lamps or approved electric lamps shall not 12 be effective in mines or sections of mines where the ventila- 13 tion may be increased in sufficient volume to dispel, eliminate 14 or reduce the methane content below the percentage heretofore 15 mentioned. In mines where flame safety lamps and approved 16 electric lamps are required to be used for working therein. 17 The lamps shall be in charge of some person to be designated 18 by the mine superintendent; and at least two additional 19 flame safety lamps shall be kept at every coal mine whether 20 such mine liberates explosive gas or not. All mine foremen 21 and fire bosses employed in gaseous mines shall, at all times, 22 carry an approved flame safety lamp for the purpose of de- 23 tecting the presence of explosive gas, said lamp to be kept 24 lighted at all times when in use inside the mines.

Sec. 36. Any mine worked by safety or approved electric 2 lamps shall work electric haulage locomotives operated from 3 trolley wire upon the intake airway fresh from the outside; 4 except where permission is granted by the chief of the state 5 department of mines, such mine may operate such locomotive 6 on the return airways.

Sec. 37. In gaseous mines the chief of the department of 2 mines may designate where flame proof electric coal-cutting 3 machines shall be used.

4 No man shall be placed in charge of a coal-cutting machine 5 in any gaseous portion of a mine who is not a competent 6 person, capable of determining the safety of the roof and 7 the sides of the working places and detecting the presence 8 of explosive gas. Machine runners shall be compelled to 9 undergo an examination to determine their fitness to detect 10 explosive gas before they are permitted to have charge of 11 machines in mines liberating gas, unless they be accompanied 12 by a certified fire boss, or a machine runner or helper having 13 passed such an examination. Said examination to be given
by the mine foreman, blank forms for same to be furnished by the department of mines, a copy to be retained on file at the mine office and the original sent to the state department of mines, fully made out and signed by the machine runner and mine foreman.

CHAPTER 17

(House Bill No. 346—By Mr. Robson)

AN ACT to amend and re-enact section four of chapter eighty-eight of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-five, relating to the qualifications and compensation of the chief of the state department of mines.

[Passed March 8, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 4. Chief of department of mines, qualifications and salary.

Be it enacted by the Legislature of West Virginia:

That section four of chapter eighty-eight of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-five be amended and re-enacted to read as follows:

Section 4. The chief of the department of mines shall be a male citizen of West Virginia, and shall be a competent person, having had at least eight years experience in the working, ventilation and drainage of coal mines, two years of which having been in this state, and having a practicable and scientific knowledge of all noxious and dangerous gases found in such mines. A diploma from any accredited engineering school shall qualify as two years working experience. He shall devote all of his time to the duties of his office, and shall not be directly or indirectly interested in a financial way in any coal mines in this state.

The salary of the chief of the department of mines shall be seven thousand dollars per annum, and traveling expenses, which shall be paid monthly out of the state treasury upon a requisition upon the state auditor, properly certified by the chief of the department of mines.
CHAPTER 18
(Senate Bill No. 208—By Mr. Hugus)

AN ACT to provide for submission to the voters of the state of an amendment to the constitution of the state, amending article eight of the constitution, by adding section thirty-one thereto.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 1. Amendment to section thirty-one, article eight of the constitution submitted to voters: subject matter of amendment.

2. Name of proposed amendment.

3. Form of ballot.

Be it enacted by the Legislature of West Virginia:

That article eight of the constitution be proposed for amendment by adding thereto section thirty-one; relating to matters of probate, so as to read as follows:

Section 1. The question of the ratification or rejection of an amendment of the constitution of West Virginia proposed in accordance with the provision of section two of article fourteen, of said constitution, shall be submitted to the voters of the state at the next general election to be held in the year one thousand nine hundred and thirty, which proposed amendment is as follows:

Proposed Amendment

That article eight of said constitution of West Virginia be amended by adding section thirty-one, to read as follows:

Sec. 31. Jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees and curators, and the settlement of their accounts, shall hereafter be vested exclusively in the circuit court. Provision shall be made by the legislature for the appointment by each circuit court of a probate commissioner in each county who may be authorized by general law to exercise the powers and discharge the duties of the circuit court with respect to all or any of the matters above mentioned in this section, under the supervision and subject to the control of said court. Said probate commissioner shall hold office at the pleasure of said circuit court, but his compensation shall be fixed by general law.
Sec. 2. For convenience in referring to said proposed amendment and in the preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as follows: To be known as "probate amendment."

Sec. 3. For the purpose of enabling the voters of the state to vote on the question of said proposed amendment to the constitution, at said general election to be held in the year one thousand nine hundred and thirty, the board of ballot commissioners of each county are hereby required to prepare separate ballots from that of the ballot to be voted at said election, and print thereon the following:

Ballot of Constitutional Probate Amendment

Amending article eight of the constitution by adding section thirty-one.

☐ For ratification of probate amendment.

☐ Against ratification of probate amendment.

The said election on the proposed amendment at each place of voting shall be superintended, conducted and returned, and the result thereof ascertained, by the same officers and in the same manner as the election of officers to be voted for at said election; and all of the provisions of the law relating to general elections, including all duties to be performed by any officer or board, as far as applicable and not inconsistent with anything herein contained, shall apply to the election held under the provisions of this act, except when it is herein otherwise provided. The ballots cast on the question of said proposed amendment shall be counted as other ballots cast at said election.

Sec. 4. As soon as the result is ascertained the commissioners, or a majority of them, and the canvassers (if there be any) or a majority of them, at each place of voting, shall make out and sign two certificates thereof in the following form or to the following effect: We, the undersigned, who acted as commissioners (or canvassers, as the case may be), of the election held at .................. in the district of .................., in the county of .................., on the ........ day of .................. one thousand nine hundred and thirty, upon the question of
the ratification or rejection of the proposed constitutional
amendment to article eight by the addition thereto of section
thirty-one, do hereby certify that the result of said election is
as follows:
Amending article eight by the addition thereto of section
thirty-one:
For ratification of probate amendment votes.
Against ratification of probate amendment votes.
Given under our hands this day of ,
one thousand nine hundred and thirty. The said two certificates
shall correspond with each other in all respects, and contain
the full and true returns of said election at each place voting
on said question. The said commissioners, or any of them,
(or said canvassers, or one of them, as the case may be), shall
within four days, excluding Sundays, after that on which said
election was held, deliver one of said certificates to the clerk of
the county court of his county, together with the ballots and
the other to the clerk of the circuit court of the county.
The said certificates, together with the ballots cast on the
question of said proposed amendment shall be laid before the
commissioners of the county court at the court house at the
same time the ballots, poll books and the certificates of the
election for the members of the legislature are laid before them;
and as soon as the result of said election in the county upon
the question of such ratification or rejection is ascertained, two
certificates of such result shall be made out and signed by said
commissioners, as a board of canvassers, in the form or to the
following effect;
We the board of canvassers of the county of ,
having carefully and impartially examined the returns of the
election held in said county, in each district thereof, on the
day of November, one thousand nine hundred
and thirty, do certify that the results of the election in said
county, on the question of the ratification or rejection of the
proposed amendment to article eight by the addition thereto
of section thirty-one, is as follows:
For ratification of probate amendment votes.
Against ratification of probate amendment votes.
Given under our hand this day of ,
one thousand nine hundred and thirty.
One of the certificates shall be filed in the office of the clerk of the county court, and the other forwarded by mail to the secretary of state who shall file and preserve the same until the day on which the result of said election in the state is to be ascertained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held, or as soon thereafter as practicable, the said certificates shall be laid before the governor, whose duty it shall be to ascertained therefrom the result of said election in the state, and declare the same by proclamation published in one or more newspapers printed at the seat of government. If a majority of the votes cast at said election upon said question be for the ratification of said amendment, the proposed amendment, so ratified shall be of force and effect from and after the time of such ratification, as part of the constitution of the state.

Sec. 6. The governor shall cause the said proposed amendment, with the proper designation for the same as hereinbefore adopted, to be published one time at least three months before such election, in some newspaper in every county in which a newspaper is printed, at a price to be agreed upon in advance, in writing, and the cost of such advertising shall be in the first instance, if found necessary by him, paid out of the governor's contingent fund and be afterwards repaid to such fund by appropriation of the legislature.

CHAPTER 19

(Senate Bill No. 230—By Mr. Smith of Marion)

AN ACT to provide for the submission to the voters of the state of West Virginia an amendment to the constitution of the state, amending section one and section sixteen of article seven thereof.

(Passed March 8, 1929; in effect ninety days from passage. Approved by the Governor.)

SEC. 1. Executive department of whom to consist, terms of office and residence; lieutenant governor as president of senate; salary; election for lieutenant governor; president pro tempore of senate.

SEC. 2. Name of proposed amendment.

SEC. 3. Form of ballot; how election conducted and returns.

SEC. 4. Certificates of commissioners and board of canvassers.

SEC. 5. Duty of governor to proclaim result.

SEC. 6. Governor to publish proposed amendment.
Be it enacted by the Legislature of West Virginia:

That the question of the ratification or rejection of an amendment to section one and section sixteen of article seven of the constitution of West Virginia, proposed in accordance with the provisions of section two of article fourteen of said constitution, shall be submitted to the voters of the state at the next general election to be held in the year one thousand nine hundred and thirty, which proposed amendment is as follows:

That section one and section sixteen of article seven of the constitution of the state of West Virginia is to be amended so as to read as follows:

Section 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, state superintendent of free schools, auditor, treasurer, commissioner of agriculture and attorney-general who shall be ex-officio reporter of the court of appeals. Their terms of office respectively shall be for four years and shall commence on the first Monday following the second Wednesday in January next after their election. They shall, except the lieutenant-governor, reside at the seat of government during their terms of office, and keep there the public records, books, and papers pertaining to their respective offices and shall perform such duties as may be prescribed by law. The lieutenant-governor shall be President of the Senate and shall be entitled to vote only in case of a tie. His salary shall not exceed one thousand dollars per annum. An election for lieutenant-governor shall be held at the same time and in the same manner as the election for governor, and a contest therefor determined in the same manner. The Senate shall choose a president pro-tempore in the absence or disability of the lieutenant-governor or when he shall exercise the office of governor of the state.

Sec. 16. In case of the death, conviction or impeachment, failure to qualify, resignation or other disability of the governor, the lieutenant-governor shall act as governor until the expiration of the term thereof or until the disability is removed; and if the lieutenant-governor, for any of the above named causes shall become incapable of performing the duties of governor, the same shall devolve upon the President pro-tempore of the Senate and if he is unable to act, then upon
CONSTITUTIONAL AMENDMENT

Sec. 1. If the governor shall resign or die in office, the Speaker of the House of Delegates; and in all other cases where there is no one to act as governor, one shall be chosen by a joint vote of the legislature.

Sec. 2. For convenience in referring to said proposed amendment and in preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as follows: to be known as "lieutenant-governor and succession to governorship amendment."

Sec. 3. For the purpose of enabling the voters of the state to vote on the question of said proposed amendment to the constitution, at the said general election to be held in the year one thousand nine hundred and thirty, the board of ballot commissioners of each county is hereby required to prepare separate ballots from that of the official ballot to be voted at said election, and print thereon the following:

BALLOT ON LIEUTENANT-GOVERNOR AND SUCCESSION TO GOVERNORSHIP AMENDMENT:

□ For ratification of Lieutenant-Governor and succession to Governorship amendment.

□ Against ratification of Lieutenant-Governor and succession to Governorship amendment.

The said election on the proposed amendment at each place of voting, shall be superintended, conducted and returned, and the result thereof ascertained, by the same officers and in the same manner as the election of officers to be voted for at said election; and all of the provisions of the law relating to general elections, including all duties to be performed by any officer or board, as far as applicable and not inconsistent with anything herein contained, shall apply to the election held under the provisions of this act, except when it is herein otherwise provided. The ballots cast on the question of said proposed amendment shall be counted as other ballots cast at said election.

Sec. 4. As soon as the result is ascertained the commissioners, or a majority of them, and the canvassers (if there be any)
or a majority of them, at each place of voting, shall make out
and sign two certificates thereof in the following form or to the
following effect:

"We the undersigned, who acted as commissioners (or can-
vassers, as the case may be), of the election held at..................
in the district of..............................................
in the county of...................................................., on the...day of....................,
one thousand nine hundred and thirty, upon the question of
the ratification or rejection of the proposed constitutional
amendment to section one and section sixteen to article seven,
do hereby certify that the result of said election is as follows:
Amending section one and section sixteen of article seven.
For ratification of lieutenant-governor and succession to
governorship amendment................... votes.
Against ratification of lieutenant-governor and succession to
governorship amendment................... votes.
Given under our hands this.........day of............................,
one thousand nine hundred and thirty.
The said two certificates shall correspond with each other in
all respects, and contain the full and true returns of said elec-
tion at each place of voting on said question. The said com-
missioners, or any of them, (or said canvassers or one of them,
as the case may be), shall within four days, excluding Sun-
days, after that on which said election was held, deliver one of
said certificates to the clerk of the county court of his county,
together with the ballots and the other to the clerk of the cir-
cuit court of the county.
The said certificates, together with the ballots cast on the
question of said proposed amendment, shall be laid before
the commissioners of the county court at the court house at the
same time the ballots, poll books and the certificates of election
for the members of the legislature are laid before them; and
as soon as the result of said election in the county upon the
question of such ratification or rejection is ascertained, two
certificates of such result shall be made out and signed by said
commissioners as a board of canvassers, in the form or to the
following effect:
,"We, the board of canvassers of the county of....................,
having carefully and impartially examined the returns of the
election held in said county, in each district thereof, on the
............day of November, one thousand nine hundred and thirty,
do certify that the results of the election in said county on
the question of the ratification or rejection of the proposed
amendment to section one and section sixteen of article seven
is as follows:
For ratification of lieutenant-governor and succession to
governorship amendment................ votes.
Against ratification of lieutenant-governor and succession
to governorship amendment............... votes.
Given under our hands this......day of............................,
one thousand nine hundred and thirty.''
One of the certificates shall be filed in the office of the clerk
of the county court, and the other forwarded by mail to the
secretary of state who shall file and preserve the same until the
day on which the result of said election in the state is to be
ascertained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held, or
as soon thereafter as practicable, the said certificates shall be
laid before the governor, whose duty it shall be to ascertain
therefrom the result of said election in the state, and declare
the same by proclamation published in one or more newspapers
published at the seat of government. If a majority of the
votes cast at said election upon said question be for the ratifica-
tion of said amendment, the proposed amendment so ratified
shall be in force from the time of such ratification, as part of
the constitution of the state.

Sec. 6. The governor shall cause the said proposed amend-
ment, with the proper designation for the same as hereinbefore
adopted, to be published one time at least three months before
such election, in some newspaper in every county in which a
newspaper is printed, at a price to be agreed upon in advance,
in writing, and the cost of such advertising shall in the first
instance, if found necessary by him, be paid out of the gover-
nors contingent fund and be afterwards repaid to such fund
by appropriation of the legislature.
CHAPTER 20

(Senate Bill No. 264—By Mr. Watkins)

AN ACT to provide for submission to the voters of the state of an amendment to the constitution of the state, amending section ten of article eight of the constitution.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 1. Submitting proposed constitutional amendment to the voters of the state amending section ten of article eight relating to circuit court judges.

SEC. 2. Name of proposed amendment.

SEC. 3. Form of ballot.

SEC. 4. Certificates of result by commissioners and board of canvassers.

SEC. 5. Governor to proclaim result.

SEC. 6. Governor to publish proposed amendment.

Be it enacted by the Legislature of West Virginia:

That section ten of article eight of the constitution be proposed for amendment; relating to circuit courts.

Section 1. The question of the ratification or rejection of an amendment of the constitution of West Virginia proposed in accordance with the provision of section two of article fourteen of said constitution, shall be submitted to the voters of the state at the next general election to be held in the year one thousand nine hundred and thirty, which proposed amendment is as follows:

Proposed Amendment

That section ten of article eight of said constitution of West Virginia be amended to read as follows:

Section 10. The legislature shall divide the state into circuits, and shall determine the number of judges to be elected in each circuit. Each of the judges so elected shall hold his office for a term of eight years unless sooner removed in the manner prescribed in this constitution. The judges of the circuit courts in office when this article takes effect, shall remain therein until the expiration of the term for which they have been elected in the circuits in which they may respectively reside, unless sooner removed as aforesaid. A vacancy in the office of a judge of the circuit court shall be filled in the same manner as is provided for in the case of a vacancy in the office of a judge of the supreme court of appeals. During his continuance in office the judge of a circuit court shall reside in the circuit of which he is the judge. In those circuits where there shall be elected more than one judge, the business of the circuits shall be ap-
16 portioned between the judges thereof, in such manner as may
17 be prescribed by law. The judges may hold courts in the same
18 county or in different counties within the circuit at the same
19 time or at different times, as may be prescribed by law.

Sec. 2. For convenience in referring to said proposed amend-
2 ment and in the preparation of the form of ballot hereinafter
3 provided for said proposed amendment is hereby designated
4 as follows: to be known as "Circuit Court Amendment."

Sec. 3. For the purpose of enabling the voters of the state
2 to vote on the question of said proposed amendment to the con-
3 stitution, at said general election to be held in the year one
4 thousand nine hundred and thirty, the board of ballot commis-
5 sioners of each county are hereby required to prepare separate
6 ballots from that of the ballot to be voted at said election, and
7 print thereon the following:

Ballot of Constitutional Circuit Court Amendment
8 Amending section ten of article eight of the constitution.
10 □ For ratification of circuit court amendment.
11 □ Against ratification of circuit court amendment.

12 The said election on the proposed amendment at each place
13 of voting shall be superintended, conducted and returned, and
14 the result thereof ascertained, by the same officers and in the
15 same manner as the election of officers to be voted for at said
16 election; and all of the provisions of the law relating to general
17 elections, including all duties to be performed by any officer of
18 board, as far as applicable and not inconsistent with anything
19 herein contained, shall apply to the election held under the
20 provisions of this act, except when it is herein otherwise pro-
21 vided. The ballots cast on the question of said proposed amend-
22 ment shall be counted as other ballots cast at said election.

Sec. 4. As soon as the result is ascertained the commission-
2 ers, or a majority of them, and the canvassers (if there be any)
3 or a majority of them, at each place of voting, shall make out
4 and sign two certificates thereof in the following form or to
5 the following effect: We, the undersigned, who acted as com-
6 missioners (or canvassers, as the case may be) of the election
7 held at ........................................ in the district of ........................................,
8 in the county of .........................., on the ........... day of .....................,
9 one thousand nine hundred and thirty, upon the question of
the ratification or rejection of the proposed constitutional 
amendment to section ten of article eight, do hereby certify 
that the result of said election is as follows:

Amending section ten of article eight:
For ratification of circuit court amendment........... votes.
Against ratification of circuit court amendment........ votes.

Given under our hands this............. day of...................

one thousand nine hundred and thirty. The said two certifi-
cates shall correspond with each other in all respects, and con-
tain the full and true returns of said election at each place 
voting on said question. The said commissioners, or any of 
them, (or said canvassers, or one of them, as the case may be) 
shall within four days, excluding Sundays, after that on which 
said election was held, deliver one of said certificates to the 
clerk of the county court of his county, together with the ballots 
and the other to the clerk of the circuit court of the county.

The said certificates, together with the ballots cast on the 
question of said proposed amendment shall be laid before the 
commissioners of the county court at the court house at the same 
time the ballots, poll books and the certificates of the election 
for the members of the legislature are laid before them. And 
as soon as the result of said election in the county upon the 
question of such ratification or rejection is ascertained, two 
certificates of such result shall be made out and signed by said 
commissioners, as a board of canvassers, in the form or to the 
following effect:

We, the board of canvassers of the county of....................., 
having carefully and impartially examined the returns of the 
election held in said county, in each district thereof, on the 
.............. day of November, one thousand nine hundred and 
.....thirty, do certify that the results of the election in said county, 
on the question of the ratification or rejection of the proposed 
amendment to section ten of article eight is as follows:

For ratification of circuit court amendment........... votes.
Against ratification of circuit court amendment........ votes.
Given under our hand this.............day of...................

one thousand nine hundred and thirty.

One of the certificates shall be filed in the office of the clerk 
of the county court, and the other forwarded by mail to the 
secretary of state who shall file and preserve the same until the
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50 day on which the result of said election in the state is to be
51 ascertained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held, 2 or as soon thereafter as practicable, the said certificates shall be laid before the governor, whose duty it shall be to ascertain therefrom the result of said election in the state, and declare the same by proclamation published in one or more newspapers printed at the seat of government. If a majority of the votes cast at said election upon said question be for the ratification of said amendment, the proposed amendment, so ratified shall be of force and effect from and after the time of such ratification, as part of the constitution of the state.

Sec. 6. The governor shall cause the said proposed amendment, with the proper designation for the same as hereinbefore adopted, to be published one time at least three months before such election, in some newspaper in every county in which a newspaper is printed, at a price to be agreed upon in advance, in writing, and the cost of such advertising shall be in the first instance, if found necessary by him, paid out of the governor’s contingent fund and be afterwards repaid to such fund by appropriation of the legislature.

CHAPTER 21

(House Bill No. 117—By Mr. Keatley)

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state, amending section fifty-one of article six.

[Passed March 8, 1920; in effect ninety days from passage. Approved by the Governor.]

SEC. 1. Submitting budget constitutional amendment to a vote of the people.

61. Governor to submit budget to legislature; what budget to contain; power of legislature concerning; when governor and others to appear before the legislature concerning; supplemental appropriation bill; if budget bill not passed, when governor to extend session; power of governor concerning.

2. To be known as budget amendment.

3. Form of ballot and ascertaining result.

4. Certificates by election commissioners; certificates by board of canvassers.

5. Governor to declare result.

6. Publication of proposed amendment by Governor.

Be it enacted by the Legislature of West Virginia:

Section 1. That the question of the ratification or rejection of an amendment to the constitution of West Virginia,
3 proposed in accordance with the provision of section two of 4 article fourteen of said constitution, shall be submitted to the 5 voters of the state at the next general election to be held in 6 the year one thousand nine hundred and thirty, which pro- 7 posed amendment is as follows:

Proposed Amendment

9 That section fifty-one of article six of said constitution, as 10 it now is, be stricken out and the following inserted in lieu 11 thereof:

12 Section 51. The legislature shall not appropriate any money 13 out of the treasury except in accordance with the following 14 provisions:

Sub-Section-A

2 Every appropriation bill shall be either a budget bill or a 3 supplementary appropriation as hereinafter mentioned.

Sub-Section-B

2 First. Within ten days after the convening of the legis- 3 lature, unless such time shall be extended by the legislature 4 for the session at which the budget is to be submitted, the 5 governor shall submit to the legislature two budgets, one for 6 each ensuing fiscal year. Each budget shall contain a com- 7 plete plan of proposed expenditures and estimated revenues 8 for the particular fiscal year to which it relates; and shall 9 show the estimated surplus or deficit of revenues at the end 10 of the year. Accompanying each budget shall be a state- 11 ment showing: One, the revenues and expenditures for each 12 of the two fiscal years preceding; two, the current assets, 13 liabilities, reserves and surplus or deficit of the state; three, 14 debts and funds of the state; four, an estimate of the state’s 15 financial condition as of the beginning and end of each of 16 the fiscal years covered by the two budgets above provided; 17 five, any explanation the governor may desire to make as to 18 the important features of any budget and any suggestions as 19 to methods for the reduction or increase of the state’s reve- 20 nue.

21 Second. Each budget shall be divided into two parts, and 22 the first part shall be designated “governmental appropria- 23 tions” and shall embrace an itemized estimate of the ap-
24 appropriations; one, for the legislature as certified to the governor in the manner hereinafter provided; two, for the executive department; three, for the judiciary department, as provided by law, certified to the governor by the auditor; four, to pay and discharge the principal and interest of any debt of the state of West Virginia created in conformity with the constitution, and all laws enacted in pursuance thereof; five, for the salaries payable by the state under the constitution and laws of the state; six, for the aid of public schools in conformity with the laws of the state; seven, for such other purposes as are set forth in the constitution and laws made in pursuance thereof.

Third. The second part shall be designated "general appropriations," and shall include all other estimates of appropriations.

The governor shall deliver to the presiding officer of each house the budgets, and a bill for all the proposed appropriations of the budgets clearly itemized and classified; and the presiding officer of each house shall promptly cause said bill to be introduced therein and such bill shall be known as the "budget bill." The governor may, before final action thereon by the legislature, amend or supplement either of said budgets to correct an oversight; or in case of an emergency, with the consent of the legislature, by delivering such an amendment or supplement to the presiding officers of both houses; and such amendment or supplement shall thereby become a part of said budget bill as an addition to the items of said bill or as a modification of or a substitute for an item of said bill such amendment or supplement may affect.

The legislature shall not amend the budget so as to create a deficit, but may amend the bill by increasing or diminishing the items therein, or inserting new items therein; provided, however, that the salary or compensation of any public officer shall not be increased or diminished during his term of office.

When such bill has been passed by both houses it shall be immediately presented to the governor, who may approve, veto as a whole, veto any item therein, or decrease any item therein.

If the governor veto the bill as a whole, or any item
65 therein or decrease any item therein, he shall return the bill
66 to the house in which it originated, together with a state-
67 ment of his reasons for so doing. The legislature may, by
68 a two-thirds vote of all the members elected to each branch,
69 taken by yeas and nays, override the veto of the governor,
70 in which case it shall become a law as originally passed, not-
71 withstanding the veto of the governor.
72 Fourth. The governor and such representatives of the
73 executive departments, boards, officers and commissions of
74 the state, expending or applying for state moneys as have
75 been designated by the governor for this purpose, shall have
76 the right, and when requested by either house of the legis-
77 lature, it shall be their duty to appear and be heard with
78 respect to any budget bill during the consideration thereof,
79 and to answer inquiries relating thereto.

Sub-Section C—Supplementary Appropriation Bills.

1 Neither house shall consider other appropriations until the
2 budget bill has been finally acted upon by both houses, and
3 no such other appropriation shall be valid except in accord-
4 ance with the provisions following: One, every such appro-
5 priation shall be embodied in a separate bill limited to some
6 single work, object or purpose therein stated and called
7 herein a supplementary appropriation bill; two, each sup-
8 plementary appropriation bill shall provide the revenue nee-
9 sary to pay the appropriation thereby made by a tax direct
10 or indirect, to be laid and collected as shall be directed in
11 said bill, unless it appears from such budget that there is
12 sufficient revenue available; three, no supplementary appro-
13 priation bill shall become a law unless it be passed in each
14 house by a vote of a majority of the members present, and
15 the yeas and nays recorded on its final passage; four, each
16 supplementary appropriation bill shall be presented to the
17 governor of the state as provided in section fourteen of article
18 seven of the constitution, and thereafter all the provisions of
19 said section shall apply.

20 Nothing in this amendment shall be construed as prevent-
21 ing the legislature from passing in time of war an appropria-
22 tion bill to provide for the payment of any obligation of the
23 state of West Virginia within the protection of section ten
24 of article one of the constitution of the United States.
Sub-Section D—General Provisions.

First. If the budget bill shall not have been finally acted upon by the legislature three days before the expiration of its regular session, the governor may, and it shall be his duty to issue a proclamation extending the session for such further period as may, in his judgment, be necessary for the passage of such bill; but no other matter than such bill shall be considered during such extended session, except a provision for the cost thereof.

Second. The governor, for the purpose of making up his budgets, shall have power and it shall be his duty to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he shall direct. The estimates for the legislative departments, certified by the presiding officer of each house, of the judiciary, as provided by law, certified by the auditor, and for the public schools, as provided by law, shall be transmitted to the governor, in such form and at such times as he shall direct, and shall be included in the budget.

The governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies, and of all institutions applying for state moneys. After such public hearings he may, in his discretion, revise all estimates except those for the legislative and judiciary departments and for the public schools as provided by law.

Third. The legislature may, from time to time, enact such laws not inconsistent with this section as may be necessary and proper to carry out its provisions.

Fourth. In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, except amendments theretofore made and ratified by the people, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the governor from calling extraordinary sessions of the legislature, as provided by section seven of article seven, or as preventing the legislature at such extraordinary
sessions from considering any emergency appropriation or appropriations.

If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

Sec. 2. For convenience in referring to said proposed amendment and in the preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as follows: To be known as "budget amendment."

Sec. 3. For the purpose of enabling the voters of the state to vote on the question of said proposed amendment to the constitution, at the said general election to be held in the year one thousand nine hundred and thirty, the board of ballot commissioners of each county is hereby required to prepare separate ballots from that of the official ballot to be voted at said election, and print thereon the following:

Ballot on Constitutional Budget Amendment

1. For ratification of budget amendment.

2. Against ratification of budget amendment.

The said election on the proposed amendment at each place of voting, shall be superintended, conducted and returned, and the result thereof ascertained by the same officers and in the same manner as the election of officers to be voted for at said election; and all of the provisions of the law relating to general elections, including all duties to be performed by any officer or board, as far as applicable and not inconsistent with anything herein contained, shall apply to the election held under the provisions of this act, except when it is herein otherwise provided. The ballots cast on the question of said proposed amendment shall be counted as other ballots cast at said election.

Sec. 4. As soon as the result is ascertained the commissioners, or a majority of them, and the canvassers (if there be any) or a majority of them, at each place of voting, shall make out and sign two certificates thereof in the following form or to the following effect:

"We, the undersigned, who acted as commissioners (or
7 canvassers, as the case may be), of the election held at_______
8 __________in the district of____________________, in the
9 county of___________________, on the____day of__________,
10 one thousand nine hundred and thirty, upon the question of
11 the ratification or rejection of the proposed constitutional
12 amendment to section fifty-one of article six, do hereby cer-
13 tify that the result of said election is as follows:
14 Amending section fifty-one of article six:
15 For ratification of budget amendment___________votes.
16 Against ratification of budget amendment___________votes.
17 Given under our hands this_______day of______________.
18 one thousand nine hundred and thirty.
19 The said two certificates, shall correspond with each other
20 in all respects, and contain the full and true returns of said
21 election at each place of voting on said question. The said
22 commissioners, or any one of them (or said canvassers or one
23 of them, as the case may be), shall within four days, exclud-
24 ing Sundays, after that on which said election is held, deliver
25 one of said certificates to the clerk of the county court of his
26 county, together with the ballots, and the other to the clerk
27 of the circuit court of the county.
28 The said certificates, together with the ballot cast on the
29 question of said proposed amendment, shall be laid before the
30 commissioners of the county court at the court house at the
31 same time the ballots, poll books and the certificates of elec-
32 tion for the members of the legislature are laid before them;
33 and as soon as the result of said election in the county upon
34 the question of such ratification or rejection is ascertained,
35 two certificates of such result shall be made out and signed
36 by said commissioners, as a board of canvassers, in the form
37 or to the following effect:
38 "We, the board of canvassers of the county of____________,
39 having carefully and impartially examined the returns of the
40 election held in said county, in each district thereof, on the
41 second day of November, one thousand nine hundred and
42 thirty, do certify that the results of the election in said coun-
43 ty on the question of the ratification or rejection of the pro-
44 posed amendment to section fifty-one of article six is as fol-
45 lows:
46 For ratification of budget amendment_____________votes.
47 Against ratification of budget amendment_____________votes.
Given under our hands this ______ day of__________,
one thousand nine hundred and thirty."

One of the certificates shall be filed in the office of the
clerk of the county court, and the other forwarded by mail to
the secretary of state who shall file and preserve the same
until the day on which the result of said election in the state
is to be ascertained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held,
or as soon thereafter as practicable, the said certificates shall
be laid before the governor, whose duty it shall be to ascertain
therefrom the result of said election in the state, and declare
the same by proclamation published in one or more news-
papers published at the seat of government. If a majority of
the votes cast at said election upon said question be for the
ratification of said amendment, the proposed amendment so
ratified shall be of force and effect from and after the time
of such ratification, as part of the constitution of the state.

Sec. 6. The governor shall cause the said proposed amend-
ment, with the proper designation for the same as hereinbe-
ted adopted, to be published one time at least three months
before such election, in some newspaper in every county in
which a newspaper is printed, at a price to be agreed upon in
advance, in writing, and the cost of such advertising shall in
the first instance, if found necessary by him, be paid out of
the governor's contingent fund and be afterwards repaid to
such fund by appropriation of the legislature.

CHAPTER 22

(Senate Bill No. 52—By Mr. Hallanan)

AN ACT amending and re-enacting section seventy-nine of chapter
twenty-nine of Barnes' West Virginia code of one thousand
nine hundred and twenty-three, relating to the assessment of
stock and realty of banks, trust companies and national bank-
king associations.

[Passed February 6, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec. 79. How and where shares of stock in
bank, etc., shall be assessed; de-
ductions; how value of shares
ascertained; how taxes on paid;
liability for non-payment; how
real estate of bank, etc., as-

essed; how assessment made
when land on which building
stands is held by separate corpo-
ration.
Be it enacted by the Legislature of West Virginia:

That section seventy-nine of chapter twenty-nine of Barnes’ West Virginia code of one thousand nine hundred and twenty-three, be, and the same is hereby amended and re-enacted to read as follows:

Section 79. That shares of stock in a bank, trust company or national banking association, shall be assessed at their true and actual value, according to the rules prescribed in section twelve of this chapter, to the several holders of such stock in the county, district and town where such bank, company or association is located, and not elsewhere, whether such holders reside there or not. The holder of shares of stock in any bank, trust company or national banking association may have deducted from the value of such stock the amount due another or others as principal debtor as provided by section sixty-seven of this chapter, by filing with the bank a list of the indebtedness which he desires deducted, properly sworn to, prior to the time such bank is required by law to make its return to the assessor, which list of indebtedness shall be filed by the bank with the assessor along with its return. The real and actual value of such shares shall be ascertained according to the best information which the assessor may be able to obtain, whether from any return made by such bank, company or association to any officer of the state or the United States, from actual sales of the stock, from answers to questions by the assessor, as hereinafter provided, or from other trustworthy sources, the cashier, secretary or principal accounting officer of every such bank, company or association shall cause to be kept a correct list of the names and residences of all the shareholders therein, and the number of shares held by each, which list shall be open to the inspection of the assessor of the county, and of the state tax commissioner or assistants; and such cashier, secretary or officer shall answer under oath such questions as the assessor may ask him concerning the matters shown by said list, and concerning the value of said shares, and shall be subject to the same penalties for failure to do so, which are imposed by law upon individuals failing to answer questions which the assessor is authorized to ask. The taxes so assessed upon the shares of any such bank, company or association shall be paid by the cashier, secretary or proper accounting officer thereof, and in the same
manner and at the same time, as other taxes are required to be
paid in such county, district and town. In default of such
payment such cashier, secretary or accounting officer as well as
such bank, company or association shall be liable for such
taxes, and in addition, for a sum equal to ten per centum
thereof. Any taxes so paid up on any such share may, with
interest thereon, be recovered from the owners thereof by the
bank, company, association or officer paying them, or may be
deducted from the dividends accruing on such shares. The real
estate of any such bank, company or association shall be as-
sessed as in other cases, and a proportionate share of such as-
sessed value shall be deducted in ascertaining the market value
of the shares. And if the title to the building in which any
such bank, trust company or national banking association does
its business and the land on which such building stands is held
by a separate corporation, in which such bank, company or as-
association alone or together with another bank or other banks,
trust company or trust companies, national banking associa-
tion or associations owns stock, and such building and land be
assessed to such separate corporation, a proportionate share of
the assessed value of such real estate of such separate company
shall be deducted in ascertaining the market value of the shares
of such bank, trust company or national banking association.
The return shall be made as of the first day of the assessment
year.

CHAPTER 23
(Senate Bill No. 90—By Mr. Watkins)
AN ACT to repeal section thirty-seven of chapter fifty of Barnes' West Virginia code of one thousand nine hundred and twenty-three, and sections seventy-six, seventy-seven, seventy-eight, as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-eight-a (one), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-eight-a (two), seventy-eight-a (three), seventy-eight-a (four), seventy-eight-a (five), as amended and re-enacted by chapter thirty-one of the acts
of the legislature of one thousand nine hundred and twenty-three, as amended and re-enacted by chapter thirty-five of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-eight-a (six), as amended and re-enacted by chapter thirty-one of the acts of the legislature of one thousand nine hundred and twenty-three, as amended and re-enacted by chapter thirty-five of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-eight-a (seven), as amended and re-enacted by chapter thirty-one of the acts of the legislature of one thousand nine hundred and twenty-three; seventy-eight-a (eight), as amended and re-enacted by chapter thirty-one of the acts of the legislature of one thousand nine hundred and twenty-three; seventy-nine; seventy-nine-a (one); seventy-nine-a (two), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-nine-a (three); seventy-nine-a (four); seventy-nine-a (five); seventy-nine-a (six); seventy-nine-a (seven); seventy-nine-a (eight), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-nine-a (nine); seventy-nine-a (ten); seventy-nine-a (eleven); eighty, as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-a; eighty-a (one); eighty-a (two), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five, as amended and re-enacted by chapter nineteen of the acts of the legislature of one thousand nine hundred and twenty-seven; eighty-one; eighty-one-a (one), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (two); eighty-one-a (three); eighty-one-a (four); eighty-one-a (five), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (six), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (seven), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five, as amended and re-enacted by chapter twenty-two of the acts of the legislature of one thousand nine hundred
and twenty-seven; eighty-one-a (eight); eighty-one-a (nine); eighty-one-a (ten), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (eleven); eighty-one-a (twelve), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (thirteen); eighty-one-a (fourteen); eighty-one-a (fifteen), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (sixteen); eighty-one-a (seventeen); eighty-one-a (eighteen); eighty-one-a (nineteen); eighty-one-a (twenty); eighty-one-a (twenty-one); eighty-one-b (one); eighty-one-b (two); eighty-one-b (three); eighty-one-b (four); eighty-one-b (five); eighty-one-b (six); eighty-one-b (seven); eighty-one-b (eight); eighty-one-b (nine); eighty-one-b (ten); eighty-one-b (eleven); eighty-one-b (twelve); eighty-one-b (thirteen); eighty-one-b (fourteen); eighty-one-b (fifteen); eighty-one-b (sixteen); eighty-one-b (seventeen); eighty-one-b (eighteen); eighty-one-b (nineteen); eighty-one-b (twenty); eighty-one-b (twenty-one); eighty-one-b (twenty-two); eighty-one-b (twenty-three); eighty-one-b (twenty-four); eighty-one-b (twenty-five); eighty-one-b (twenty-six); eighty-one-b (forty); eighty-one-b; and eighty-one-d of chapter fifty-four of Barnes' West Virginia code of one thousand nine hundred and twenty-three; and sections one, two, three, four, five, six, seven and eight of chapter fifty-four-c of Barnes' West Virginia code of one thousand nine hundred and twenty-three; and chapter thirty-two of the acts of the legislature of one thousand nine hundred and twenty-three; and chapter twenty-one of the acts of the legislature of one thousand nine hundred and twenty-seven; and enacting in lieu
thereof a new chapter to be known as chapter fifty-four-d of Barnes’ West Virginia code of one thousand nine hundred and twenty-three, providing for the organization, incorporation and operation of banking institutions, the continuation and operation of the department of banking, and the supervision of banking institutions, building and loan associations, industrial loan companies and other corporations or associations heretofore or hereafter placed under the supervision of the department of banking.

[Passed February 28, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Who may use title bank, trust company, etc.; who may transact banking business in this state.
2. Application for charter or increase in capital stock; amount of capital stock; value of shares; when capital stock paid in.
3. Powers of banking institution; limitation on investment of capital in furniture.
4. Powers of trust companies; when may be exercised; penalty for unlawful exercise.
5. Branch banks prohibited; suretyship prohibited.
6. Trust funds to be kept separate from other assets; banking institution as receiver; trust company as receiver; liquidation of trust company.
7. Board of directors; number and qualifications; oath of; how vacancy is created; annual meeting of stockholders; powers and duties.
8. Oath and bond of cashier and other officers.
9. List of stockholders; control of other banking institutions prohibited; liability of stockholders to creditors.
10. What corporations may not accept deposit of money, etc.; penalty.
11. What notaries may not take acknowledgments or protest.
12. Department of banking continued; of whom consist; how commissioner and deputy commissioner, etc., appointed; qualifications; terms; salaries; oaths of office; official bonds; office of.
13. Banking institutions under supervision of department; copy of charter, etc., to be filed; when certificate may issue or be refused; provisions concerning institutions incorporated in other states; when certificate may issue or be refused; fee for certificate.
14. Supervisory powers of commissioner; removal of directors; power as to number of employees and salaries; power over records of institutions; fiscal year; failure of corporation to comply with requirements of commissioner; examinations by; communications concerning to be read to board of directors; duties of officers of institutions; penalties for failure; fees for examinations; report to the governor.
15. Corrections of irregularities; special reports and examinations; doubtful assets; general meeting of stockholders upon notice by commissioner.
16. Reports to commissioner; publication of; statement of financial condition to commissioner; failure to make or publish reports; penalty.
17. Powers of banking institutions to borrow money, etc.
18. Capital stock not to be paid out; how impairment made good.
19. Reserve; what to include.
20. Definitions of federal terms; membership in federal reserve bank; federal reserve bank examinations, etc.
21. Limitation on liability of any one person or corporation to bank; how interest bearing securities to be entered on books; how officers, employees, etc., may borrow from institution; when shares of capital stock may be taken as security; interest rate and charge for procuring reports.
23. Forwarding of instruments for collection; revocations and countermand; service of notice on employees; refusal to honor checks twelve months old; unlawful certification of checks; liability on forged checks; liability for non-payment through error.
24. How deposits of minors paid out; adverse claim to deposit; deposits by trustee for another; joint accounts; not to do business when insolvent; penalty.
25. Acts performed on legal holiday or Sunday not void; acts performed on Saturday at noon not void.
26. Wilful circulation of false statements concerning institutions.
27. Penalty for wilfully making false entries and false statements.
28. Penalty for accepting compensation for making loan.
29. Penalty for embezzlement, etc.
30. Procedure when certificate of authority revoked; procedure when certificate of authority of building or loan association revoked; revocation of certificate of authority for failure to make reports, etc.
31. Liquidation, reorganization and sales to another banking institution; consolidations; voluntary liquidation.
32. Receivers when capital impaired; powers of; suits by; provisions concerning; proof of and allowance of claim; proceedings against directors and stockholders; ascertainment and payment of creditors; salary of receiver; bond of; appointment of receiver by court of chancery.
33. General corporation laws to govern banking institutions.
34. Sections of act severable.
35. Penalties for violation of act; duty of attorney general as to violations.

Be it enacted by the Legislature of West Virginia:

That section thirty seven of chapter fifty of Barnes' West Virginia code of one thousand nine hundred and twenty-three; and sections seventy-six, seventy-seven, seventy-eight, as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-eight-a (one), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-eight-a (two); seventy-eight-a (three); seventy-eight-a (four); seventy-eight-a (five), as amended and re-enacted by chapter thirty-one of the acts of the legislature of one thousand nine hundred and twenty-three, as amended and re-enacted by chapter thirty-five of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-eight-a (six), as amended and re-enacted by chapter thirty-one of the acts of the legislature of one thousand nine hundred and twenty-three; seventy-nine; seventy-nine-a (one); seventy-nine-a (two), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-nine-a (three); seventy-nine-a (four); seventy-nine-a (five); seventy-nine-a (six); seventy-nine-a (seven); seventy-nine-a (eight), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; seventy-nine-a (nine); seventy-nine-a (ten); seventy-nine-a (eleven); eighty, as amended and re-enacted by
chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-a; eighty-a (one); eighty-a (two), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five, as amended and re-enacted by chapter nineteen of the acts of the legislature of one thousand nine hundred and twenty-seven; eighty-one; eighty-one-a (one), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (two); eighty-one-a (three); eighty-one-a (four); eighty-one-a (five), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (six) as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (seven), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five, as amended and re-enacted by chapter twenty-two of the acts of the legislature of one thousand nine hundred and twenty-seven; eighty-one-a (eight); eighty-one-a (nine); eighty-one-a (ten), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (eleven); eighty-one-a (twelve), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (thirteen); eighty-one-a (fourteen); eighty-one-a (fifteen), as amended and re-enacted by chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-five; eighty-one-a (sixteen); eighty-one-b (one); eighty-one-b (two); eighty-one-b (three); eighty-one-b (four); eighty-one-b (five); eighty-one-b (six); eighty-one-b (seven); eighty-one-b (eight); eighty-one-b (nine); eighty-one-b (ten); eighty-one-b (eleven); eighty-one-b (twelve); eighty-one-b (thirteen); eighty-one-b (fourteen); eighty-one-b (fifteen); eighty-one-b (sixteen); eighty-one-b (seventeen); eighty-one-b (eighteen); eighty-one-b (eighteen); eighty-one-b (nineteen); eighty-one-b (twenty); eighty-one-b (twenty-one); eighty-one-b (twenty-two); eighty-one-b (twenty-three); eighty-one-b (twenty-four); eighty-one-b (twenty-five); eighty-one-b (twenty-six); eighty-one-b (twenty-seven); eighty-one-b (twenty-eight); eighty-one-b (thirty); eighty-one-b (thirty-one); eighty-one-b (thirty-two); eighty-one-b (thirty-three); eighty-one-b (thirty-four); eighty-one-b (thirty-five); eighty-one-b (thirty-six); eighty-one-b (thirty-seven); eighty-one-b (thirty-eight); eighty-one-b (thirty-nine); eighty-one-b (forty); eighty-one-b (forty-one); eighty-one-b (forty-two); eighty-one-b (forty-three); eighty-one-b (forty-four); eighty-one-b (forty-five); eighty-one-b (forty-six); eighty-one-b (forty-seven); eighty-one-b (forty-eight); eighty-one-b (forty-nine); eighty-one-b (fifty); eighty-one-b (fifty-one); eighty-one-b (fifty-two); eighty-one-b (fifty-three); eighty-one-b (fifty-four); eighty-one-b (fifty-five); eighty-one-b (fifty-six); eighty-one-b (fifty-seven); eighty-one-b (fifty-eight); eighty-one-b (fifty-nine); eighty-one-b (sixty); eighty-one-b (sixty-one); eighty-one-b (sixty-two); eighty-one-b (sixty-three); eighty-one-b (sixty-four); eighty-one-b (sixty-five); eighty-one-b (sixty-six); eighty-one-b (sixty-seven); eighty-one-b (sixty-eight); eighty-one-b (sixty-nine); eighty-one-b (seventy); eighty-one-b (seventy-one); eighty-one-b (seventy-two); eighty-one-b (seventy-three); eighty-one-b (seventy-four); eighty-one-b (seventy-five); eighty-one-b (seventy-six); eighty-one-b (seventy-seven); eighty-one-b (seventy-eight); eighty-one-b (seventy-nine); eighty-one-b (eighty); eighty-one-b (eighty-one); eighty-one-b (eighty-two); eighty-one-b (eighty-three); eighty-one-b (eighty-four); eighty-one-b (eighty-five); eighty-one-b (eighty-six); eighty-one-b (eighty-seven); eighty-one-b (eighty-eight); eighty-one-b (eighty-nine); eighty-one-b (ninety); eighty-one-b (ninety-one); eighty-one-b (ninety-two); eighty-one-b (ninety-three); eighty-one-b (ninety-four); eighty-one-b (ninety-five); eighty-one-b (ninety-six); eighty-one-b (ninety-seven); eighty-one-b (ninety-eight); eighty-one-b (ninety-nine); eighty-one-b (one hundred); eighty-one-b (one hundred and one); eighty-one-b (one hundred and two); eighty-one-b (one hundred and three); eighty-one-b (one hundred and four); eighty-one-b (one hundred and five); eighty-one-b (one hundred and six); eighty-one-b (one hundred and seven); eighty-one-b (one hundred and eight); eighty-one-b (one hundred and nine); eighty-one-b (one hundred and ten); eighty-one-b (one hundred and eleven); eighty-one-b (one hundred and twelve); eighty-one-b (one hundred and thirteen); eighty-one-b (one hundred and fourteen); eighty-one-b (one hundred and fifteen); eighty-one-b (one hundred and sixteen); eighty-one-b (one hundred and seventeen); eighty-one-b (one hundred and eighteen); eighty-one-b (one hundred and nineteen); eighty-one-b (one hundred and twenty); eighty-one-b (one hundred and twenty-one); eighty-one-b (one hundred and twenty-two); eighty-one-b (one hundred and twenty-three); eighty-one-b (one hundred and twenty-four); eighty-one-b (one hundred and twenty-five); eighty-one-b (one hundred and twenty-six); eighty-one-b (one hundred and twenty-seven); eighty-one-b (one hundred and twenty-eight); eighty-one-b (one hundred and twenty-nine); eighty-one-b (one hundred and thirty); eighty-one-b (one hundred and thirty-one); eighty-one-b (one hundred and thirty-two); eighty-one-b (one hundred and thirty-three); eighty-one-b (one hundred and thirty-four); eighty-one-b (one hundred and thirty-five); eighty-one-b (one hundred and thirty-six); eighty-one-b (one hundred and thirty-seven); eighty-one-b (one hundred and thirty-eight); eighty-one-b (one hundred and thirty-nine); eighty-one-b (one hundred and forty); eighty-one-b (one hundred and forty-one); eighty-one-b (one hundred and forty-two); eighty-one-b (one hundred and forty-three); eighty-one-b (one hundred and forty-four); eighty-one-b (one hundred and forty-five); eighty-one-b (one hundred and forty-six); eighty-one-b (one hundred and forty-seven); eighty-one-b (one hundred and forty-eight); eighty-one-b (one hundred and forty-nine); eighty-one-b (one hundred and fifty); eighty-one-b (one hundred and fifty-one); eighty-one-b (one hundred and fifty-two); eighty-one-b (one hundred and fifty-three); eighty-one-b (one hundred and fifty-four); eighty-one-b (one hundred and fifty-five); eighty-one-b (one hundred and fifty-six); eighty-one-b (one hundred and fifty-seven); eighty-one-b (one hundred and fifty-eight); eighty-one-b (one hundred and fifty-nine); eighty-one-b (one hundred and sixty); eighty-one-b (one hundred and sixty-one); eighty-one-b (one hundred and sixty-two); eighty-one-b (one hundred and sixty-three); eighty-one-b (one hundred and sixty-four); eighty-one-b (one hundred and sixty-five); eighty-one-b (one hundred and sixty-six); eighty-one-b (one hundred and sixty-seven); eighty-one-b (one hundred and sixty-eight); eighty-one-b (one hundred and sixty-nine); eighty-one-b (one hundred and seventy); eighty-one-b (one hundred and seventy-one); eighty-one-b (one hundred and seventy-two); eighty-one-b (one hundred and seventy-three); eighty-one-b (one hundred and seven
(thirty-seven); eighty-one-b (thirty-eight); eighty-one-b (thirty-nine); eighty-one-b (forty); eighty-one-c; and eighty-one-d of chapter fifty-four of Barnes' West Virginia code of one thousand nine hundred and twenty-three; and sections one, two, three, four, five, six, seven, and eight of chapter fifty-four-c of Barnes' West Virginia code of one thousand nine hundred and twenty-three; and chapter thirty-two of the acts of the legislature of one thousand nine hundred and twenty-three; and chapter thirty of the acts of the legislature of one thousand nine hundred and twenty-five; and chapter thirty-one of the acts of the legislature of one thousand nine hundred and twenty-five; and chapter twenty-one of the acts of the legislature of one thousand nine hundred and twenty-seven are hereby repealed and chapter fifty-four-d is enacted in lieu thereof.

Section 1. The term "Banking institution" shall include every company chartered under this chapter or heretofore chartered and authorized to do business in the state of West Virginia under the provisions hereof, with authority to engage in the banking business as defined herein; and every such company so chartered shall have, as a part of its corporate name or title, one or more of the following words indicative of the business which it is authorized to conduct, namely, "Bank," "Banking company," "Banking association," "Savings bank," "Trust" or "Trust company."

No person, firm, partnership or corporation doing business in this state, except a banking institution chartered and organized under the provisions of this chapter or heretofore organized except a banking association chartered under acts of the congress of the United States, shall use in connection with such business, or as a designation or title, the term "Bank," "Banker," "Banking," "Banking company," "Banking association," "Savings bank," "Trust" or "Trust company"; or engage in the banking business as defined herein or hold himself, themselves or itself out as engaged in any such business, or receive deposits, or advertise to receive deposits, either savings or demand, or sell foreign exchange.

Any person, firm, partnership or corporation and/or officer or director of any corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor.
26 All of the provisions hereof shall apply to banking institutions heretofore organized and created under the laws of the state of West Virginia, or which shall hereafter be so organized.

29 No banking institution chartered and organized under the laws of any other jurisdiction, except banking associations chartered under the laws of the United States of America, shall be permitted to engage or continue in the transaction of business in the state of West Virginia.

Sec. 2. No charter shall issue in this state for any banking institution, nor shall there be any increase or reduction in the capital stock, or amendment of the charter or by-laws thereof, unless the application or resolution, as the case may be, shall have been submitted to and approved by the commissioner of banking and his approval indorsed thereon in writing.

7 No banking institution shall hereafter be incorporated unless it shall have a bona fide subscribed capital stock of at least twenty-five thousand dollars if the population of the town or city be not more than three thousand; fifty thousand dollars if the population of the town or city be not more than six thousand; one hundred thousand dollars if the population of the town or city be not more than fifty thousand; and one hundred and fifty thousand dollars if the population of the town or city be more than fifty thousand, said population to be that shown by the last available United States census: Provided, That no banking institution engaged in the business of a trust company shall be incorporated unless it shall have a bona fide subscribed capital stock of at least one hundred thousand dollars.

20 In all cases the actual capital stock and the authorized capital stock of a banking institution shall be the same.

22 A banking institution shall issue but one class of stock and the shares shall have a nominal or par value of twenty-five dollars each, or a multiple thereof, and each share shall be equal in all respects with any other share.

26 All of the capital stock of every banking institution, chartered under the laws of this state, shall be paid in before it shall be authorized to engage in business, except such business as is incidental and necessarily preliminary to its organization. And in no case shall a banking institution engage in public business until it shall have received a certificate of authority or permit from the commissioner of banking, as provided herein.

31 No banking institution shall sell its shares of stock at less
than par, nor for any consideration other than money or pay
any commission or bonus for the sale thereof.

Sec. 3. Any banking institution, organized hereunder shall
have and exercise all of the powers necessary for, or incidental
to, the business of banking, and, without limiting or restricting
such general powers, it shall have the right to buy or discount
promissory notes, bonds, negotiate drafts, bills of exchange and
other evidences of indebtedness, borrow money, receive deposits
on such terms and conditions as its officers may prescribe, buy
and sell exchange, bank notes, bullion or coin, loan money on
personal or other security, rent safety deposit boxes, to receive
on deposit for safe-keeping jewelry, plate, stocks, bonds, and
personal property of whatsoever description. Any banking
institution may accept, for payment at a future date drafts
drawn upon it by its customers, and issue letters of credit, au-
thorizing the holders thereof to draw drafts upon it or its
correspondents, at sight or on time, not exceeding one year.
Any banking institution may acquire, own, hold, use and
dispose of, real estate, which shall in no case be carried on its
books at a value greater than the actual cost, subject to the
following limitations and for the following purposes:
(a) Such as shall be necessary for the convenient transaction
of its business, including with its office or banking room, other
offices or apartments to rent as a source of income, such in-
vestment hereafter made shall not exceed sixty-five per cent of
the amount of its capital stock and surplus:
(b) Such as shall be mortgaged to it in good faith as security
for debts in its favor;
(c) Such as shall be conveyed to it in satisfaction of debts
previously contracted in the course of its business dealings;
(d) Such as it shall purchase at sales under judgments, de-
crees, trust deeds or mortgages in its favor, or shall purchase
at private sale, to secure and effectuate the payment of debts
due it.
(e) The value at which any real estate is held shall not be
increased by the addition thereto of taxes, insurance, interest,
ordinary repairs, or other charges which do not materially
enhance the value of the property.
Any real estate acquired by any banking institution under
clauses (c) and (d) shall be disposed of by the banking insti-
No banking institution organized and authorized to transact business hereunder shall hereafter invest more than twenty percent of the amount of its capital and surplus in furniture and fixtures, whether the same be installed in a building owned by such banking institution, or in quarters leased by it.

Sec. 4. Every banking institution organized under the provisions hereof or heretofore organized and authorized to engage in the business of a trust company shall have all the powers, rights and privileges of any banking institution organized hereunder and in addition thereto shall have the power, right and privilege.

7-9 To act as trustee, assignee, general or special receiver, guardian, executor, administrator, committee or curator, and to take, assume, accept and execute, trusts of every description not inconsistent with the constitution and laws of the United States of America or of this state; and to receive, hold, manage and apply any sinking fund on the terms and for the purposes specified in the instrument creating such fund;

16 To act as registrar or transfer agent for any corporation in registering and transferring its shares of stock, bonds and other obligations;

19 To buy, hold, sell and deal in the bonds, or other obligations, of the United States, any state, county, magisterial district, school district, or any municipality, in this or any other state, or foreign government or sub-division thereof, or the stocks or bonds of any business corporation;

24 To purchase and sell and take charge of and receive, the rents, issues and profits of any real estate for other persons, firms or corporations;

27 To act as trustee or agent in any collateral trust, and, in order to secure the payment of any obligations of any company, person or association, to receive and hold in trust items of personal property, including bonds and obligations of states, counties, districts, or municipal corporations; and notes, bonds and obligations of private corporations and/or persons; and certificates for shares of stock of private corporations, with the right in case of default to sell and dispose of all such personal property and/or to collect, settle and adjust all obligations for the payment of money, or to sell and dispose of such obligations,
and at any such sale to purchase the property for the benefit of all or any of the holders of the obligations to secure the payment of which, such items of property or securities were pledged and delivered. Any such sale may be made without any proceedings in any court, and at such time and upon such terms as may be specified in the instrument or instruments creating the trust, or, in the absence of any specification of terms, at such time and upon such terms as the trustee shall deem reasonable.

To do and perform any act or thing requisite or necessary in, or incidental to, the exercise of the general powers herein set forth.

All national banks which have been, or hereafter may be, permitted by law to act as trustee and in other fiduciary capacities, shall have all the rights, powers, privileges and immunities conferred upon trust companies hereunder, provided, they have a capital of at least one hundred thousand dollars and comply with the requirements hereof relating to trust companies.

No banking institution shall exercise any trust powers until it shall have filed with the secretary of state a duly authenticated certificate, showing the unimpaired capital of such company to be at least one hundred thousand dollars, and such duly authenticated certificate shall be filed with the secretary of state and copy thereof with the commissioner of banking in the month of January of each year thereafter. If any banking institution shall exercise, or attempt to exercise, any such powers or rights without having complied with the requirements of this section as to the filing of such certificate, it shall be guilty of a misdemeanor, and, upon conviction thereof, may be fined not more than five hundred dollars; and in every such case, whether or not there shall have been a prosecution or conviction of the company so offending, the commissioner of banking, being satisfied of the facts, may publish a notice in two issues of a newspaper of general circulation in the county in which such institution is located, of the fact that it has failed to comply with the requirements of this section and is therefore not entitled to exercise trust powers.

Sec. 5. No banking institution chartered and authorized to engage in business hereunder shall hereafter install any branch bank, or engage in business at any place other than at its principal office in the state of West Virginia; or engage in
5 any business other than as authorized herein.
6 No banking institution shall become or be accepted as surety
7 on any bond or undertaking required by the laws or by the
8 courts of this state, or any other state, or shall become surety
9 or guarantor of any person, firm or corporation for the dis-
10 charge of any duty in any position or the performance of any
11 contract or undertaking. No banking institution shall pledge,
12 hypothecate or deliver any of its assets of any description what-
13 soever to any person, firm or corporation to indemnify him, or
14 them, as surety for such banking institution or as surety for
15 any other person provided, that this shall not prevent a bank
16 or trust company depositing securities to guarantee deposits of
17 the United States, State of West Virginia, county or municipal
18 corporation.

19 The foregoing shall not prevent the hypothecation of the
20 assets of any banking institution to secure the repayment of
21 money borrowed from another banking institution.

Sec. 6. Every banking institution authorized to engage in
2 the business of a trust company, shall keep all trust funds and
3 investments separate and distinct from the assets owned by the
4 corporation, and shall keep a separate set of books and records
5 showing in proper detail all transactions so engaged in; and all
6 investments made by such company as fiduciary shall be so
7 designated that the trust to which such investments shall apper-
8 tain or belong shall be clearly and distinctly shown on the books
9 of the corporation; and such funds shall be held for the use of
10 the trust designated and for the beneficiaries thereof, and
11 shall not be liable for any other obligations of the corporation.
12 Whenever any court, or the clerk thereof, shall appoint any
13 banking institution, exercising trust powers, as trustee, receiver,
14 assignee, guardian, executor, administrator, special commis-
15 sioner, curator or committee, to perform any duty or execute
16 any trust, the president, vice president, secretary, treasurer or
17 trust officer of such institution shall take the oath and make
18 the affirmation required by laws of any such fiduciary, before
19 the clerk of such court in person, or before any other officer
20 authorized to administer oaths.
21 Whenever any banking institution authorized to exercise
22 trust powers, and having complied with the requirements here-
23 of, shall be appointed trustee, assignee, receiver, guardian, ex-
24 executor, administrator, special commissioner, curator or com-
25 mittee, or shall be directed by the order or decree of any court
26 to execute any trust whatsoever, the capital and other assets of
27 the fiduciary corporation shall constitute the security required
28 by law for the faithful performance of its duties and shall be
29 absolutely liable in case of any default whatsoever; **Provided,**
30 That where the liability under any such appointment as trustee,
31 assignee, receiver, guardian, executor, administrator, special
32 commissioner, curator or committee, or, in the execution of any
33 trust by order or decree of any court, shall be equal to, or shall
34 exceed the capital and surplus of such fiduciary corporation,
35 the court making such appointment, order or decree may re-
36 quire, and the fiduciary shall give additional security.

37 Whenever a banking institution engaged in business in this
38 state, authorized to exercise trust powers, is for any reason
39 placed in liquidation, it shall be the duty of the liquidating
40 agent to immediately prepare a complete and comprehensive
41 statement of all business of a fiduciary nature being handled by
42 the institution and lodge the same, with all necessary legal
43 prayers and petitions, with the circuit court of the county in
44 which the closed institution was located. Whenever the court
45 designates and appoints a successor to act in said fiduciary
46 capacity, the liquidating agent shall turn over and deliver to
47 said successor all monies, investments and records in accordance
48 with said court order. In any such proceedings, the costs, in-
49 cluding a reasonable attorney fee, approved by the court, shall
50 be charged proportionately to the trusts involved.

**Sec. 7.** For every banking institution subject to the provi-
2 sions hereof there shall be a board of at least five directors, who
3 shall meet at least once each month and who shall have power
4 to do, or cause to be done, all things that are proper to be done
5 by the banking institution; and a majority of whom shall at all
6 times be residents of this state. Every such director shall own
7 in his own right shares of the aggregate par value of not less
8 than five hundred dollars, of the capital stock of the banking
9 institution of which he is a director, and, before entering on the
10 discharge of his duties as such director, he shall take an oath
11 that he will, so far as the duty devolves upon him, diligently
12 and honestly administer the affairs of the banking institution,
13 and that he will not knowingly or willingly permit to be vio-
lated any of the provisions of the laws of this state relative to banking and banking institutions, and that the stock standing in his name upon the books of the banking institution is not hypothecated or pledged in any way as security for loans obtained from or debts owing to the banking institution of which he is a director, and that the number of shares necessary to qualify a stockholder to be a director are not now, and shall not at any time while he serves as a director be pledged or hypothecated in any manner for any debt or obligation of the director, or any other person; which oath subscribed by himself and certified by the officer before whom it was taken shall be filed and preserved in the office of the commissioner of banking. Should a director at any time after qualifying as such sell or dispose of, or in any manner hypothecate or pledge as security for a debt or obligation, such qualifying shares, or any number thereof, necessary for his qualification, or fail within sixty days after notice of election to subscribe to the oath herein provided for, thereupon his office as director shall immediately become vacant, and the remaining directors shall declare his office vacant and proceed to fill such vacancy forthwith.

Unless otherwise provided by the by-laws of a banking institution, the annual meeting of stockholders for the election of directors shall be held on the fourth Tuesday of January in each year. At such meeting it shall be the duty of the cashier or other executive officer of such banking institution to prepare and submit to the stockholders a clear and concise statement of the financial condition of the corporation as at the close of business on the last day of the month next preceding.

The stockholders of each banking institution organized and authorized to transact business hereunder shall meet annually for the election of directors and transaction of other business. The stockholders shall at such annual meeting appoint an examining committee whose duty it shall be to examine the condition of the bank at least once every six months. The examining committee shall report to the board of directors giving in detail all items included in the assets of the bank which they have reason to believe are not of the value at which they appear on the books and records of the bank, and giving the value of each of such items according to their judgment. Should such committee deem it advisable, it may, with the consent and approval of the board of directors, employ competent accountants or
auditors to make such examination or make same in conjunction
with the regular examination of the banking department. The
examiners may require the presence of the examining com-
mittee during their examination. The board shall cause such re-
port to be recorded in the minute books of the bank, and a duly
authenticated copy thereof transmitted to the commissioner of
banking.

Sec. 8. The board of directors shall require the cashier and
other officers of a banking institution to take an oath and re-
quie all employees to execute and file corporate surety bonds
for the faithful discharge of their respective duties; the pen-
alty of such bonds to be commensurate with the responsibility
of the position and the premium thereon to be paid by the
bank. Either the original bond or a copy thereof shall be filed
and preserved in the office of the bank.

Sec. 9. The president, cashier, or other executive officer of
every banking institution shall cause to be kept at all times a
full and correct list of the names and post-office addresses of
all of the stockholders of the banking institution, and the num-
ber of shares owned by each, in the office where its business is
transacted. Such list shall be open to inspection by the stock-
holders and/or creditors of the banking institution, and the
officers authorized by law to assess taxes, during business hours
of each day, except Sundays and holidays. A copy of such
list shall be made on the first Monday in July of each year
and verified by the oath of the president, cashier, or other
executive officer, and immediately transmitted by mail to the
commissioner of banking, at his office.

It shall be unlawful for any firm, association or corporation
to purchase and hold stock in any banking institution organized
or authorized to transact business hereunder for the purpose
of selling, negotiating or trading participation in the owner-
ship thereof either for the purpose of perfecting control of
one or more such banking institutions or for the purpose of
inducing other persons, firms or corporations or the general
public to become participating owners therein. Nothing herein
shall prevent the ownership of stock in any such banking insti-
tution by any corporation for investment purposes.

Each stockholder of any banking institution organized under
the laws of this state, in addition to the liability imposed upon
him as a stockholder of a corporation under the provisions of the
26-a general corporation laws shall be liable to the creditors of the
27 banking institution, on obligations accruing while he is a share-
28 holder, to an amount equal to the par value of the shares of
29 stock held by him.

Sec. 10. No corporation chartered under the laws of this
2 state, or of any other state, territory or sovereignty, except
3 banking associations chartered under the laws of the United
4 States of America, and banking institutions chartered under
5 the laws of this state, as defined herein, and no person, partner-
6 ship or association of persons as a trust, or other organization,
7 shall engage in the business of banking in the state of West
8 Virginia, or shall receive or accept deposits of money, or borrow
9 money by receiving and giving credits for deposits, or by
10 issuing certificates of deposit, or by means of any other plan,
11 pretext, scheme, shift or device.
12 Any corporation or individual who violates any of the pro-
13 visions of this section shall be guilty of a misdemeanor, and,
14 upon conviction, shall be fined not more than five thousand
15 dollars, and, in addition to such penalty, every corporation
16 so offending shall forfeit its corporate franchise, and every
17 individual so offending shall be subject to a further penalty by
18 confinement in jail for not more than one year.
19 Nothing contained in this section shall affect the rights,
20 privileges, objects or purposes delegated to other corporations
21 by the general corporation law or other acts of the West Vir-
22 ginia legislature.

Sec. 11. It shall be lawful for any notary public who is a
2 stockholder, director, officer or employee of a banking institu-
3 tion or other corporation to take the acknowledgment of any
4 party to any written instrument executed to or by such cor-
5 poration, or to administer an oath to any other stockholder,
6 director, officer, employee or agent of such corporation, or to
7 protest for non-acceptance or non-payment bills of exchange,
8 drafts, checks, notes and other negotiable instruments which
9 may be owned or held for collection by such corporation; pro-
10 vided it shall be unlawful for any notary public to take the
11 acknowledgment of an instrument by or to a banking institu-
12 tion or other corporation of which he is a stockholder, direc-
13 tor, officer, or employee, where such notary is a party to such
14 instrument, either individually or as a representative of such
15 corporation, or to protest any negotiable instrument owned or
Sec. 12. For the administration of the laws relating to banking institutions, building and loan associations and other corporations which have been or may be placed under such supervision, there is hereby continued a department of banking. The department shall consist of a commissioner of banking, a deputy commissioner of banking and such number of bank examiners, assistant bank examiners and office assistants as may be necessary to properly transact the business of the department. The banking commissioner in office when this act becomes effective shall hold office until the expiration of the term for which he was appointed, unless sooner removed as provided by law. The commissioner of banking shall be appointed by the governor by and with the advice and consent of the senate. The deputy commissioner of banking and all bank examiners and assistant bank examiners shall be appointed by and be under the supervision of the commissioner of banking. No person shall be appointed commissioner of banking who is not a citizen of the state and who has not had at least five years experience as a cashier or an active executive officer of a bank in the state. No person shall be appointed deputy commissioner, examiner or assistant examiner who is not a citizen of this state and has not had at least two years regular employment in some bank in this state or a similar experience with the banking department of this or some other state or the federal government.

Before taking the oath of office said commissioner of banking, deputy commissioner, examiner or assistant examiner shall sever any or all connection, either direct or indirect, with any or all institutions subject to supervision of the department of banking.

The commissioner of banking shall be appointed for a term of four years and/or until his successor is appointed and qualifies. The deputy commissioner, bank examiners and assistants shall not be appointed for fixed and definite terms.

The commissioner of banking shall receive a salary of six thousand dollars a year; the deputy commissioner a salary of not to exceed thirty-six hundred dollars a year; and each bank examiner and assistant bank examiner a salary not to exceed three thousand six hundred dollars a year; in addi-
tion to such salary, all employees shall be reimbursed for all
moneys paid out by them as necessary expenses in the per-
formance of their official duties. The salary shall be payable in
equal monthly installments.

The commissioner and deputy commissioner of banking and
each bank examiner and assistant bank examiner, before enter-
ing upon the discharge of his duties, shall take and subscribe
to an oath to support the constitution of the United States, the
constitution of the state of West Virginia, and to faithfully dis-
charge the duties of his office.

The commissioner of banking shall enter into a bond in the
penalty of twenty-five thousand dollars and the deputy com-
missioner and each bank examiner and assistant bank examiner
shall enter into a bond in the penalty of five thousand dollars,
with an indemnity company as surety, conditioned for the
faithful performance of his official duties. Such bonds shall
be filed and recorded in the office of the secretary of state. The
premiums on such bonds shall be paid out of the state treasury.

The department of banking shall maintain an office at the
state capital, in which shall be kept a complete record of all of
its transactions and of the financial condition of all of the bank-
ing institutions, building and loan associations, and other cor-
porations subject to the supervision of the department, and
such records of the activities of other corporations as the com-
missioner of banking may deem important. The commissioner
of banking shall have and exercise a reasonable discretion with
respect to the time, manner and the extent to which the records
in his office and the information contained in such records are
made public.

Sec. 13. Every banking institution incorporated under the
laws of this state, and every building and loan association, en-
gaged in the transaction of business in this state, regardless
of where incorporated, and other corporations which have been
or may be placed under such supervision, shall be subject to the
provisions hereof and subject to the supervision, examination
Any banking institution, building and loan association, or
other corporation which has been or may be hereafter placed
under the supervision of the department of banking and in-
corporated under the laws of this state, before engaging in the
transaction of business in this state shall file with the depart-
ment of banking a copy of its charter, a copy of its by-laws and
a statement as to the amount of capital that has been subscribed and actually paid in, attested by its president or vice president and its cashier or secretary, as the case may be. The commissioner of banking shall examine the same and, if the by-laws provide safe, just and equitable rules and methods for the management of the business of the corporation and the corporation has complied in all respects with the provisions hereof, he shall issue to such corporation a certificate, authorizing it to engage in business, which certificate shall be preserved and displayed in the place of business or in the office of the corporation. If in the judgment of the commissioner of banking, the by-laws of any such corporation do not comply with the provisions hereof and/or the method for transacting business is impractical, unjust, inequitable, oppressive and does not adequately protect the creditors or the shareholders thereof, he shall refuse to issue such certificate authorizing the corporation to engage in business. Without such unrevoked certificate of authority, it shall be unlawful for any such corporation to engage or continue in business in the state of West Virginia, provided, that before securing such certificate of authority, any such corporation may lawfully secure its charter, adopt by-laws, elect its directors and officers and perfect its organization. Any corporation which has been or may hereafter be placed under the supervision of the department of banking, incorporated under the laws of any other jurisdiction than that of West Virginia and, having domesticated through the office of the secretary of state of West Virginia, and seeking to engage in the transaction of business in this state, shall file with the department of banking a copy of its charter, a copy of its by-laws and a statement of its financial condition attested by its president or vice president and its secretary or treasurer, as the case may be, and a copy of the laws of the jurisdiction under which it is organized. The commissioner of banking shall examine the same and, if they provide safe, just and equitable rules and methods for the management of the business of the corporation and comply in all respects with the requirements hereof, he shall issue to such foreign corporation a certificate authorizing it to transact business in this state subject to the provisions and restrictions provided for like corporations organized under the laws of this state, which certificate shall permit such foreign corporation
to continue in business until the thirtieth day of the follow-
ing June. Thereafter, and annually, a new certificate of author-
ity shall be secured by all such foreign corporations desiring to
continue in business, upon the filing with the department of
banking copies of any amendments to its charter or by-laws
or to the laws under the jurisdiction of which it was organized
and a certified statement of its present financial condition. If,
in the judgment of the commissioner of banking, the charter
and by-laws of any such foreign corporation do not comply
with the provisions hereof and/or the method for transacting
business is impractical, unjust, inequitable or oppressive, and
do not adequately protect any class of creditors or shareholders,
he shall refuse to issue such certificate authorizing it to engage
in or continue in business in this state. Without such unre-
voked certificate of authority it shall be unlawful for any such
foreign corporation to engage in or continue in business in
the state of West Virginia.

It shall be the duty of the commissioner of banking to col-
lect from each such foreign corporations a fee of one hundred
dollars for each certificate of authority issued hereunder, ex-
cept as otherwise provided by statute.

Sec. 14. The commissioner of banking shall have and exer-
cise supervisory powers over every banking institution, and
other corporation which has been or may be placed under such
supervision, engaged in business in this state, except banking
associations organized under the laws of the United States, and
shall have authority to require and compel all such corporations
to keep and observe all of the laws with respect to their organ-
ization and business activities, to follow approved business
practices, and to safely and conservatively manage and invest
the funds of, or those entrusted to, the corporation.

Directors who are found upon the occasion of an examina-
tion by the banking department, or upon subsequent investi-
gation, to be disqualified shall be removed from office by the
other directors upon written notice of such disqualification
filed with the board by the commissioner.

The commissioner of banking shall keep informed of the
number of persons employed by each such corporation under
his supervision, the services required and the salaries paid,
and shall not permit any abuse of their powers by the officers
of any such corporation by paying unreasonable salaries, or
such as to impair the solvency of the corporation. He shall procure and keep information on file in his office showing the holders of the shares of stock of each banking institution under his supervision. He shall require every corporation subject to his supervision to properly keep all of its books, records and accounts in an intelligent and approved manner, and of such information as he may require. He shall require all such books, records and accounts to be properly kept, posted and balanced, and complete trial balances made therefrom at regular intervals and all entries in all books of banking institutions and in pass books of depositors shall be made in ink.

The fiscal year of each banking institution organized and authorized to transact business in the state of West Virginia shall end on the thirtieth day of June in each year, but each banking institution shall close its books of account at least twice each year, on June thirtieth and December thirty-first. If a corporation, subject to the supervision of the commissioner of banking, shall refuse, after notice, to comply with any reasonable requirement of said officer, he shall have the right to revoke the certificate of authority of such corporation to transact business in the state of West Virginia, or, at his election, to apply to any court having jurisdiction for proper process to compel obedience to any reasonable order or requirement.

The commissioner of banking shall make, or cause to be made, at least twice a year, a thorough examination of all of the books, accounts, records and papers of every banking institution, building and loan association and industrial loan company, except national banking associations organized under the acts of congress, engaged in business in the state of West Virginia. He shall carefully examine all of the assets of the corporation, including its notes, drafts, checks, mortgages, securities deposited to assure the payment of debts unto it, and all papers, documents and records showing, or in any manner relating to, its business affairs, and shall ascertain the full amount and the nature of all of its liabilities. A full report of every such examination shall be made and filed and preserved in the office of the department of banking.

For the purpose of facilitating such examination, every corporation subject to supervision shall preserve and keep all of its records of final entry, including cards used under the card system, and deposit tickets for deposits made, for a period of
at least six years from the date of the last entry on such books and the date of the making of such deposit tickets, and card records.

Every official communication from the office of the department of banking to any corporation or any officer of such corporation subject to the supervision of said department, relating to an examination or an investigation of the affairs of such institution conducted by the department of banking or containing suggestions or recommendations as to the manner of conducting the business of the corporation, shall be submitted and read to the board of directors at the next meeting after the receipt thereof, and the president, or other executive officer, of the corporation shall report in writing forthwith to the commissioner of banking the fact of the presentation and reading of such communication and report any action taken thereon.

The officers of every corporation subject to examination hereunder shall, upon the request of the examining officer, furnish and give full access to all of the books, papers, notes, bills and other evidences of debts due to the corporation, and produce and furnish all documents, writings and papers relating to the business of the corporation, and disclose fully and accurately, and in detail, all of the debts and liabilities of the corporation; and shall furnish such clerical aid and assistance as may be required. The examining officer shall have the right to administer oaths and to examine under oath each officer, director, employee or other persons connected with the corporation concerning any matter and thing pertaining to the business and the condition of the corporation.

Any officer, director or employee of such corporation who fails or refuses to furnish the examining officer with any papers or information required, or to discharge any duty herein required of such person, shall be guilty of a misdemeanor, and the commissioner of banking may report the fact of such offense to the prosecuting attorney of the county in which the office of the corporation is located; and take such other steps as may be necessary to compel any such offending officer to comply with the requirements of this section.

For making an examination of any corporation under his supervision the commissioner of banking shall charge and col-
If the examination be made in the state of West Virginia, of any corporation, for the first twenty-five thousand dollars of the assets as shown by the books of the corporation on the date of the examination, forty dollars; and three cents for each additional one thousand dollars of such assets.

If any examination be made at a place outside of this state, the fees shall be at the rate above provided, except that there shall be an additional charge for each examination of twice the amount of the railroad fare from the city of Charleston to the place where the examination is made, together with all other actual and necessary expenses in connection therewith.

On or before the first day of December each year said commissioner of banking shall make out and submit to the governor a careful and complete report of all work done by his department, showing the total resources and liabilities of all the banks subject to his supervision, the increase or decrease for the year in the aggregate of such resources and liabilities, carefully noting any failures that may have occurred, stating the cause thereof, and making such remarks, suggestions and recommendations as he may deem pertinent. Which report the governor shall bind with his message and documents and lay before the legislature. Such report shall be verified by the affidavit of said commissioner of banking, who shall swear that, in making the examination of each of the banks and other institutions provided for herein he, or some person in his department authorized under the provisions hereof to so examine, has personally and carefully inspected the books, papers and affairs of said banks and other institutions, and that he has not, and, so far as he knows or is informed, no person in his department has, in any case received or agreed to receive directly or indirectly any reward, gift, or promise thereof, from any bank officer or individual, other than that specified herein.

Sec. 15. If it shall be disclosed by any examination of a corporation subject to supervision by the department of banking or ascertained in any other manner, that the laws of the state with respect to such corporation are not being fully observed, or that any irregularities are being practiced, it shall be the duty of the commissioner of banking to promptly call
the same to the attention of the officers and directors of the corporation offending, and to demand that the same be promptly corrected; and he may require a sworn statement from the officers of such corporation covering the matter of all failures to observe the law and of all irregularities, to be mailed to him at the department of banking as often as he may deem necessary until he is satisfied that the laws are being observed and that the irregularities complained of have been corrected. Such reports shall not be made public.

The commissioner of banking shall also have the authority to call for special reports and to make special examinations of any corporation under the supervision of his department which he may have reason to believe is not being properly conducted, the cost and expense of such examinations to be paid by the corporation at the same rate as for regular examinations.

If any examination discloses any assets, the validity of which, in the judgment of the commissioner of banking, is questionable, or discloses past due obligations to the corporation, the commissioner of banking may require the assets of doubtful validity to be at once converted into money or charged off of the books of the corporation at the expiration of three months from the date of such order; and to require legal proceedings to be at once instituted for the collection of any overdue obligations to the corporation.

Upon the written notice of the commissioner of banking, the directors of any banking institution organized hereunder, shall call a general meeting of the stockholders thereof by giving such notice as is required by statute or the by-laws of the banking institution. The expense of said meeting and notice thereof shall be borne by the banking institution whose stockholders are so required to convene.

Sec. 16. Every banking institution organized and authorized to transact business hereunder shall make at least four reports each year to the commissioner of banking. Such reports shall be called for as nearly as conveniently may be on the dates on which the comptroller of the currency shall call for reports by national banking associations and of such form and containing such details as shall be prescribed by the commissioner of banking; which reports shall be verified by the oath of the president, active vice president or cashier and attested by the signatures of at least three directors of the banking institu-
Each report shall show in detail, under appropriate heads, the resources and liabilities of the banking institutions at the close of business on the date specified by the commissioner of banking, and shall be transmitted to the office of the department of banking within five days from the receipt of the request for the same.

Such report in the same form in which it is made to the commissioner of banking shall be published in a newspaper printed in the place where the banking institution is located; or if no newspaper is printed in such location, it shall be published in a newspaper printed in the same county and of general circulation in the community where the banking institution is located. Such report and the publication thereof shall be at the expense of the banking institution, and it shall furnish to the commissioner of banking such proof of the publication as may be required by him.

Every other corporation under the supervision of the department of banking engaged in business in this state shall, at least twice a year, at the request of the commissioner of banking, and as of a date named by him, furnish, within fifteen days after such request, a statement, verified by its president or secretary, and approved by three of its directors, in such form as may be prescribed by the commissioner of banking, showing in detail the actual financial condition and the amount of the assets and liabilities of such corporation, and shall furnish such other information as to its business and affairs as the commissioner of banking 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 of the stockholders of the corporation or published in a newspaper printed and of general circulation in the county in which the corporation is located.

Every corporation subject to supervision hereunder failing to make and transmit to the banking department any of the reports required by this section, in the form prescribed by the commissioner of banking therefor, or failing to publish or distribute the reports, as required by law, shall forthwith be notified by the commissioner of banking and, if such failure continues for ten days after receipt of such notice, such delinquent shall be subject to a penalty of one hundred dollars for each day thereafter that such failure continues, such penalty to be re-
covered by the commissioner of banking and paid in to the state treasury.

Sec. 17. Any banking institution organized and authorized to transact business hereunder may borrow money, rediscount any of its notes, or borrow bonds for the use of the bank, in order to maintain its legal required reserve, or meet any emergency that may arise. The books and accounts of such banking institution shall at all times show the amount of such borrowed money or rediscounts. No officer, director or employee of any such banking institution shall issue the note of such banking institution for borrowed money, or rediscount any note or pledge any of the assets of such banking institution, except when authorized by resolution of the board of directors of such banking institution. Provided, that it shall be unlawful for any such banking institution to issue its certificate of deposit for the purpose of borrowing money. It shall be unlawful for such banking institution to pledge or hypothecate more than two dollars of the book value of any of its assets for each one dollar of borrowed money. An accurate record of all securities and an exact copy of all notes withdrawn from the files of such banking institution to be pledged as collateral for borrowed money or other purposes, must be kept in the bank’s files at all times.

Sec. 18. The officers and directors of a banking institution organized and authorized to transact business hereunder shall not pay out, disburse or withdraw, or permit to be paid out, disbursed or withdrawn, in any manner whatever, any part of the capital of the corporation, except in case of merger or consolidation, as hereinafter provided. Whenever, from any cause, the capital of such banking institution shall become impaired, it shall be the duty of the officers and directors of such institution, forthwith, to cause any such impairment to be made good, by assessing the amount of the deficiency pro rata on the shares of the capital stock outstanding, which assessments shall be paid within thirty days after notice thereof. If any stockholder shall neglect or refuse to pay the assessment on his shares after thirty days’ notice, it shall be the duty of the board of directors to cause a sufficient number of his shares of stock to be sold for cash, at public outcry at the banking room of the banking institution, after ten days’ notice of such sale posted at the office of the banking institution or at the front door of the court house.
and published by two insertions in some newspaper published
or of general circulation in the town in which the banking
institution is located, to pay the amount of such assessment and
expenses of making the sale. Any surplus from the sale of any
share shall be paid to the defaulting stockholder and should said
stock not sell for a sum sufficient to pay such assessment and
expense of making said sale, the banking institution may recover
said deficiency by action at law from the stockholder whose
stock was so sold. A sale of stock as provided in this section,
shall effect an absolute cancellation of the outstanding certifi-
cate, or certificates, evidencing the stock so sold, and shall make
said certificate null and void, and a new certificate shall be
issued by the bank to the purchaser of such stock.

Sec. 19. Each banking institution operating under the pro-
visions hereof shall at all times maintain on hand as a reserve,
in lawful money of the United States of America, an amount
equal to at least ten per cent of the aggregate of all of its de-
posits which are subject to withdrawal on demand and five
per cent of all of its time deposits; and whenever such reserve
shall fall below said per cent of such deposits, it shall not in-
crease its liabilities by making any new loan until its reserve
fund shall be restored. For the purpose of computing reserve,
all deposits requiring notice of thirty days or more for with-
drawal and time certificates of deposit, trust funds and Christ-
mas savings, shall be deemed time deposits, and all checking ac-
counts, certified checks, cashier’s checks, demand certificates of
deposit and balances due other banks shall be deemed demand
deposits. Provided, that, in lieu of lawful money on hand,
four-fifths of such reserve may consist of balances payable on
demand from any national or state bank doing business in this
state; or any solvent banking institutions in other states. Pro-
vided, further, that a compliance on the part of any such bank-
ing institution which is a member of the federal reserve system
with the reserve requirements of the federal reserve act, shall
be held to be a full compliance with the provisions hereof, which
require banking institutions to maintain cash balances in their
vaults or with other banks and no such member bank shall be
required to carry or maintain reserve other than such as is
required under the terms of the federal reserve act.

Sec. 20. The words “Federal reserve act” herein used shall
be held to mean and to include the act of congress of the
The words "Federal reserve board" shall be held to mean the federal reserve board created and described in the federal reserve act.

The words "Federal reserve bank" shall be held to mean the federal reserve banks created and organized under authority of the federal reserve act.

The words "Member bank" shall be held to mean any national bank or state banking institution which has become or which becomes a member of one of the federal reserve banks created by the federal reserve act.

Any banking institution incorporated under the laws of this state shall have the power to subscribe to the capital stock and become a member of a federal reserve bank.

Any banking institution incorporated under the laws of this state which is, or which becomes a member of a federal reserve bank, is by this act vested with all powers conferred upon member banks of the federal reserve banks by the terms of the federal reserve act as fully and completely as if such powers were specifically enumerated and described herein, and all such powers shall be exercised subject to all restrictions and limitations imposed by the federal reserve act, or by regulations of the federal reserve board made pursuant thereto; provided, however, that this section shall not limit the duties and powers of the commissioner of banking to supervise, regulate, administer and control all state banking institutions, nor limit the power of the commissioner of banking to declare such banking institution to be insolvent and to take charge thereof for the purpose of winding up its affairs as now or may hereafter be provided by law.

A compliance on the part of any such banking institution with the reserve requirements of the federal reserve act shall be held to be a full compliance with those provisions of the laws of this state which require state banking institutions to carry or maintain reserve other than such as is required under the terms of the federal reserve act.

Any such banking institution shall be subject to the examinations required under the terms of the federal reserve act, and the authorities of this state having supervision over such bank-
Institutions may in their discretion accept such examination in lieu of the examination required under the laws of this state. Such authorities, their agents and employees may furnish to the federal reserve board, the federal reserve banks, or to examiners duly appointed by the federal reserve board, or the federal reserve banks, copies of all examinations made, and may disclose to such federal reserve board, federal reserve banks, or examiner, any information with reference to the condition of affairs of banking institutions organized under the laws of this state which become members of a federal reserve bank, or which apply for membership in a federal reserve bank.

Any banking institution incorporated under the laws of this state which is or which becomes a member of the federal reserve bank, shall not be limited in its borrowing or rediscounting with the federal reserve bank of which it is a member.

Sec. 21. The total liabilities of any person, corporation or firm, including the liabilities of the firm and the liabilities of the several members, thereof for borrowed money by note, bonds, certificates of indebtedness or other device, including an investment in the stock of any corporation, shall at no time exceed twenty per centum of the capital stock and surplus fund of any banking institution organized and authorized to transact business hereunder, but the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed. The corporation mentioned in this section shall not be construed to mean municipal corporations, districts or counties, or corporations owning the building in which the banking institution is located.

The stocks, bonds and other interest-bearing securities purchased by a banking institution shall be entered on its books at the actual cost thereof, and for the purpose of calculating the undivided profits applicable to the payment of dividends, such stocks and securities shall not be estimated at a valuation exceeding their present cost as determined by amortization, that is, by deducting from the cost of any such stock or security purchased for a sum in excess of the amount payable thereon at maturity, and charging to profit and loss, a sufficient sum to bring it to par at maturity, or adding to the cost of any such stock or security purchased at less than the amount payable
thereon at maturity, and crediting to profit and loss, a sufficient sum to bring it to par at maturity; but nothing herein contained shall prevent a banking institution from carrying such stocks, bonds and other interest-bearing corporate securities on its books at their market value.

No officer, director, clerk or other employee of any banking institution or the commissioner of banking or any employee of the department of banking shall borrow directly or indirectly, from the banking institution with which he is connected, or is subject to his examination, any sum of money without the written approval of a majority of the board of directors or discount committee thereof filed in its office, or embodied in a resolution adopted by a majority vote of such board, exclusive of the director to whom the loan is made. If an officer, director, clerk or other employee of any bank shall own or control a majority of the stock of any other corporation, a loan to such corporation shall, for the purpose of this section, constitute a loan to such officer, director, clerk or other employee.

No banking institution organized and authorized to transact business hereunder shall make any loan or discount any obligation on the security of the shares of its own capital stock, or be the purchaser or holder of any such shares, unless taken as a pledge or purchased to prevent loss upon a debt previously contracted lawfully and in good faith; and all shares of its stock, purchased or held in such manner, shall, within six months after the time of the purchase or pledge, be sold or disposed of at public or private sale.

In addition to the interest rate provided by statute a banking institution may charge and collect a reasonable amount to cover the expenses incurred in procuring reports and information respecting loans and the value of and title to property offered as security therefor. Also, provided, a charge of one dollar may be made for any loan or forbearance of money or other thing where the interest at the rate of six per centum per annum would not amount to that sum and the same shall not be a usurious charge or rate of interest.

Sec. 22. The directors of any banking institution organized and authorized to transact business hereunder may, annually, semi-annually or quarterly, declare and pay dividends. Before the declaration of any dividend, they shall carry at least one-tenth part of the net accrued profits to its surplus fund until
6 the same shall amount to twenty per cent of its capital stock.
7 No dividend shall be declared, except from earnings remaining
8 after deducting all losses, all sums due for expenses, and all
9 overdue debts upon which no interest has been paid for a period
10 of six months, unless the same are well secured, and in process
11 of collection. Any director voting to pay any dividend, in
12 violation of the provisions of this section shall be personally
13 liable to the creditors of such banking institution for any loss
14 occasioned thereby and shall be guilty of a misdemeanor.

Sec. 23. Any banking institution doing business in this
2 state, including national banking associations, receiving for col-
3 lection or deposit, any check, note or other negotiable instru-
4 ment drawn upon or payable at any other bank, located in
5 another city or town, whether within or without this state, may
6 forward such instrument for collection directly to the bank on
7 which it is drawn or at which it is made payable, and such
8 method of forwarding direct to the payor shall be deemed due
9 diligence, and the failure of such payor bank, because of its
10 insolvency or other default, to account for the proceeds thereof,
11 shall not render the forwarding banking institution liable there-
12 for; provided, however, that such forwarding banking institu-
13 tion shall have used due diligence in other respects in connec-
14 tion with the collection of such instrument. Provided, further,
15 that nothing herein contained shall be construed as affecting
16 any existing right of any such banking institution to collect any
17 check, note or other negotiable instrument through any corre-
18 sponding bank or clearing house.
19 No revocation, countermand or stop-payment order relating
20 to the payment of any check or draft drawn on any banking
21 institution doing business in this state, including national bank-
22 ing associations, shall remain in effect for more than six months
23 after the service thereof on such banking institution, unless the
24 same be renewed, which renewal shall be in writing and be in
25 effect for not more than ninety days from the date of service
26 thereof on such banking institution after which time such check
27 or draft may be paid by such banking institution.
28 Service of the notice herein provided for may be made upon
29 any employee of such bank or trust company who may be found
30 at its place of business.
31 Any banking institution in this state, including national bank-
32 ing associations, may refuse to honor any check or draft drawn
33 on it, after the expiration of twelve months from the date pay-
34 able, or date of demand check or draft, unless, after presenta-
35 tion thereof, it is directed by the drawer to pay the same. No
36 such banking institution shall incur any liability to the drawer,
37 holder or any other person, because of the refusal to pay a
38 check or draft, as authorized in this section.
39 Any officer, agent or clerk of any banking institution men-
40 tioned herein who shall wilfully certify any check drawn upon
41 such banking institution, unless the person, firm or corporation
42 drawing the same has on deposit subject to check with the bank-
43 ing institution, at the time such check is certified, an amount of
44 money equal to the amount certified in such check, or shall cer-
45 tify such check before the amount thereof shall have been reg-
46 ularly entered to the credit of the person, firm or corporation
47 drawing the same, upon the books or deposit slips of the banking
48 institution, shall be guilty of a misdemeanor.
49 No banking institution, including national banking associa-
50 tions, which has paid and charged to the account of a depositor
51 any money on a forged or raised check issued in the name of
52 such depositor, shall be liable to such depositor for the amount
53 paid thereon, unless either, (a) within six months from the
54 notice to such depositor that the vouchers representing pay-
55 ments charged to the account of such depositor, for the period
56 during which such payment was made, are ready for delivery,
57 or (b) in case no such notice has been given, within six months
58 after the return to such depositor of the voucher representing
59 such payment, the depositor shall notify the banking institution
60 that the check so paid is forged or raised. The notice referred
61 to may be given by mail to such depositor at his last known
62 address with postage prepaid. No banking institution shall be
63 liable to a depositor because of the non-payment through mis-
64 take or error and without malice of a check which should have
65 been paid, unless the depositor shall allege and prove actual
66 damages by reason of such non-payment, and in such event the
67 liability shall not exceed the actual damages so proved.

Sec. 24. Whenever any minor shall make, or have credit for,
2 a deposit in any banking institution, including national bank-
3 ing associations, in his or her name, the money so deposited
4 may be paid out on the check or order of such depositor the
5 same as in case of a depositor of legal age, and such payment
6 shall be in all respects valid, except when such banking insti-
7 tuition has been specifically directed in writing by the parent
8 or guardian of such minor not to make such payment.
9 Notice to any banking institution doing business in this
10 state, including national banking associations, of an adverse
11 claim to a deposit standing on its books to the credit of any
12 person shall not be effectual to cause said banking institution
13 to recognize said adverse claimant unless said adverse claimant
14 shall also either procure a restraining order, injunction or other
15 appropriate process against said banking institution from a
16 court of competent jurisdiction in a cause therein instituted by
17 him wherein the person to whose credit the deposit stands is
18 made a party and served with process in said suit in any manner
19 provided by law, or shall execute to said banking institution in
20 form and with sureties acceptable to it a bond indemnifying
21 said banking institution from any and all liability, loss, damage,
22 costs, and expenses for and on account of the payment of such
23 adverse claim or the dishonor of the check or other order of
24 the person to whose credit the deposit stands on the books of
25 said banking institution; *Provided,* that this law shall not apply
26 in any instance where the person to whose credit the deposit
27 stands is a fiduciary for such adverse claimant and the facts
28 constituting such relationship, as also the facts showing reason-
29 able cause or belief on the part of the said claimant that the
30 said fiduciary is about to misappropriate said deposit, are made
31 to appear by the affidavit of such claimant.
32 If any deposit in any banking institution, including national
33 banking associations be made by any person describing himself
34 in making such deposit as trustee for another, and no other-
35 or further notice of the existence and terms of a legal and valid
36 trust than such description shall be given in writing to the
37 banking institution, in the event of the death of the person so
38 described as trustee, such deposit, or any part thereof, together
39 with the dividends or interest thereon, may be paid to the per-
40 son for whom the deposit was thus stated to have been made.
41 When a deposit is made by any person in the name of such
42 depositor and another person and in form to be paid to either,
43 or the survivor of them, such deposit, and any additions thereto
44 made, by either of such persons, upon the making thereof shall
45 become the property of such persons as joint tenants; and the
46 same, together with all interest thereon, shall be held for the
47 exclusive use of the persons so named, and may be paid to
either during the lifetime of both, or to the survivor after the
death of one of them; and such payment and the receipt or the
acquittance of the one to whom such payment is made shall be
a valid and sufficient release and discharge for all payments
made on account of such deposit, prior to the receipt by the
banking institution of notice in writing, signed by any one of
such joint tenants, not to pay such deposit in accordance with
the terms thereof.

No banking institution organized and authorized to transact
business hereunder shall accept or receive on deposit, with or
without interest, any money of the United States of America,
bills, checks or drafts, when such banking institution is in-
solvent; and any officer, director, cashier, manager, member,
employee or stockholder of any banking institution who shall
knowingly violate the provisions of this section or be accessory
to, or permit or connive at, the receiving or accepting on deposit
of any such deposits, shall be guilty of a misdemeanor. For
the purpose of this section only, a banking institution shall be
deemed to be insolvent when the available assets under its con-
trol and not hypothecated are not of sufficient value to pay off
and discharge all of its liabilities, except its capital stock.

Sec. 25. No act or transaction of any banking institution in
this state, including national banking associations, shall be void
or voidable because done on a legal holiday or a Sunday. But
this section shall not be construed to require of any such insti-
tution the doing of any act on a legal holiday or a Sunday.

Nothing in any law of this state shall in any manner what-
ever affect the validity of, or render void or voidable, the pay-
ment, certification or acceptance of a check or other negotiable
instrument or any other transaction by a banking institution
in this state because done or performed on any Saturday be-
tween twelve o'clock noon and mid-night; Provided, such pay-
ment, certification, acceptance, or other transaction would be
valid if done or performed before twelve o'clock noon on such
Saturday; Provided, further, that nothing herein shall be con-
strued to compel any banking institution in this state, which
by law or custom is entitled to close at twelve o'clock noon on
any Saturday, to keep open for the transaction of business or
to perform any of the acts or transactions aforesaid, on any
Saturday after such hour except at its own option.
Sec. 26. Whoever, directly or indirectly willfully and knowingly makes or transmits to another, or circulates, or counsels, aids, procures, or induces another to make, transmit or circulate, any false or untrue statement, rumor or suggestion derogatory to the financial condition, solvency or financial standing of any banking institution, including a national banking association, doing business in this state, or with intent to depress the value of the stocks, bonds, or securities of any such banking institution, directly or indirectly, willfully and knowingly makes or transmits to another, circulates or counsels, aids, procures or induces another to make, transmit or circulate any false or untrue statement, rumor or suggestion derogatory to the financial condition, or with respect to the earnings or management of the business of any banking institution, or resorts to any fraudulent means with intent to depress in value the stocks, bonds or securities of any banking institution, shall be guilty of a misdemeanor.

Sec. 27. Any person who shall willfully or knowingly make, or cause to be made any false entry in any book, record or document of any corporation subject to supervision by the department of banking, or fail to make proper entry therein, or make, or cause to be made, any false statement, or exhibit any falsified, forged or invalid paper, with intent to deceive any person authorized to examine into the affairs of such corporation; or shall make, state or publish any false statement of the financial condition of such corporation, knowing the same to be false, shall be deemed guilty of a felony, and, upon conviction thereof shall be punished by confinement in the penitentiary not to exceed ten years, and also, in the discretion of the court, may be fined not to exceed ten thousand dollars.

Sec. 28. It shall be unlawful for any officer, director or employee of any banking institution, building and loan association or other corporation under supervision of the department of banking to receive, directly or indirectly, any compensation, consideration, or thing of value from any person for making, or causing such corporation to make, a loan or extend credit to any person whomsoever. Any person violating any provision of this section shall be guilty of a misdemeanor.

Sec. 29. Every president, director, cashier, teller, clerk or agent of any corporation mentioned herein, who embezzles, abstracts or willfully misapplies any of the money, funds or credits
of the institution, or who, without authority from the directors, issues or puts in circulation any of the notes of any banking institution; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree; or who makes any false entry in any book, report or statement of any such corporation or fails to make proper entries therein, with intent, in either case, to injure or defraud the corporation or any other company, body politic or corporate, or any person, or to deceive any officer of any banking institution or other corporation, or any agent appointed to examine the affairs of such banking institution or other corporation, and every person who with like intent, in any way aids or abets any officer, clerk or agent in the violation of this section, shall be guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary not less than ten years.

Sec. 30. If the commissioner of banking shall revoke the certificate of authority, permit or license of any banking institution in this state, or building and loan association, or other corporation which has been or may be placed under the supervision of the department of banking, organized under the laws of this state, and any such corporation shall, within a reasonable time, fail to comply with the laws of the state and the requirements of the department of banking and thereby fail to secure a new certificate of authority, permit or license to continue in business it shall be the duty of the commissioner of banking to compel any such offending corporation to go into liquidation, wind up its affairs, and surrender its charter. In any such case the attorney general, at the request of the commissioner of banking, shall institute a suit in chancery in the circuit court of the county in which the business of the offending corporation is located, in the name of the state of West Virginia, to wind up the affairs and dissolve such corporation, and such court shall have jurisdiction to make and enter all necessary and proper orders and to wind up the affairs and dissolve the corporation as in the case of insolvent or bankrupt corporations.

If any building and loan association or other corporation which has been or may be placed under the supervision of the department of banking, organized under the laws of any other jurisdiction, authorized and licensed to transact business in
25 this state, shall, within a reasonable time after the revocation
26 of its certificate of authority, license or permit to transact busi-
27 ness in this state, fail to comply with the laws of the state and
28 the requirements of the department of banking and thereby
29 fail to secure a new certificate of authority, permit or license
30 to continue in business, it shall be the duty of the commissioner
31 of banking to cause the assets of such offending corporation
32 located in the state of West Virginia to be liquidated, and to
33 compel such corporation to cease to transact business in the
34 state of West Virginia. At the request of the commissioner of
35 banking, the attorney general shall institute and prosecute any
36 suit or suits in the circuit court of the county in which any of
37 the assets of the offending corporation may be located, in the
38 name of the state of West Virginia, to accomplish the purposes
39 of this section.
40 If any banking institution organized and authorized to trans-
41 act business hereunder, or building and loan association or other
42 corporation which has been or may be placed under the super-
43 vision of the department of banking, wherever incorporated
44 authorized to transact business in this state, shall fail, neglect
45 or refuse to make any report to the department of banking re-
46 quired by the provisions hereof and requested by the commis-
47 sioner of banking, or fail to observe and comply with the re-
48 quirements of the laws of this state, or to correct any irregulari-
49 ties or practices disapproved by the commissioner of banking,
50 and in case such failure shall continue for the period of thirty
51 days after notice to the corporation from the commissioner of
52 banking, the commissioner of banking may revoke the certificate
53 of authority, license or permit authorizing the offending cor-
54 poration to transact business in the state of West Virginia.

Sec. 31. In any voluntary or compulsory proceeding to
2 liquidate a banking institution organized and authorized to
3 transact business hereunder, such banking institution, if the
4 proceeding be not in court, with the consent in writing of the
5 commissioner of banking, and if the proceeding be in court, with
6 the consent in writing of the commissioner of banking and the
7 approval of the court, may reorganize, reclaim possession of its
8 assets and continue in business. Any such banking institution
9 may at any time with the consent in writing of the commissioner
10 of banking, take over the business and assets and assume the
11 liabilities, including all the fiduciary duties, relations and lia-
Whenever a banking institution engaged in business in this state, authorized to exercise trust powers, consolidates with or sells its business to another banking institution with such powers, the purchasing or consolidated banking institution shall, with the approval of the circuit court when necessary, succeed to all the duties, rights and privileges of the retiring banking institution and shall assume all liabilities thereunder.

Upon the completion of such purchase or consolidation as herein prescribed, the purchasing or consolidated corporation shall possess all the rights, privileges, powers and franchises of each of the participating corporations and the entire assets, business, good will and franchises of each shall be vested in the purchasing or consolidated corporation and the corporations may execute such deeds or instruments of conveyance as may be convenient to confirm the same and the purchasing or consolidated corporation shall assume and be liable for all debts, accounts, undertakings, contractural obligations and liabilities of every name and nature, as may be agreed upon, of the participating corporation and shall exercise and be subject to all the duties, relations, obligations, trusts and liabilities of each of the participating corporations, either as debtor, depository, registrar, transferee, agent, executor, administrator, trustee, or otherwise, and shall be liable to pay and discharge all such debts and liabilities, to perform all such duties and to administer all such trusts in the same manner and to the same extent as if the purchasing or consolidated corporation had itself incurred the obligation or liability or assumed the duty, relation or trust, and the rights of creditors and all liens upon the property of either of such participating corporations shall be preserved unimpaired and said purchasing or consolidated corporation shall be entitled to receive, accept, collect, own and enjoy any and all gifts, bequests, devises, conveyances, trusts and appointments in favor of or in the name of either of said participating corporations either made or created to take effect prior to or after such purchase or consolidation, and the same shall inure to and vest in said purchasing or consolidated corporation; and no suit, action or other proceeding pending at the time of such purchase or consolidation before any court in which either of
said participating corporations is a party shall be abated or discontinued because of such consolidation, but may be continued and prosecuted to final effect by or against the pursuing or consolidated corporation. The purchasing or consolidated corporation shall have the right to use the name of either of the participating corporations whenever it can do any act or discharge any duty or obligation or enforce any right under such name more conveniently or with greater advantage to itself or to any person to whom it holds any relation of trust or owes any duty under any contract or conveyance, and no other corporation shall take or use the name of either of said participating corporations.

Any banking institution organized and authorized to transact business hereunder, may, after thirty days' notice to the commissioner of banking, cease to transact business and go into voluntary liquidation and convert its assets into money and pay the same to the persons entitled thereto.

Sec. 32. If the commissioner of banking shall ascertain from any source that the capital of any corporation doing business hereunder, in this state, is substantially impaired, and such institution, upon notice from him, does not promptly make good such impairment, or that any such institution in this state is insolvent, he shall have authority to appoint an employee of the department of banking receiver of such institution to take charge of the papers, books, records, moneys and assets of every description of such institution, and he shall make in duplicate a complete inventory of all assets and an itemized list of all liabilities of said institution, the original copy of which shall be filed with the department of banking and the duplicate retained by the receiver, who shall, upon assuming office, open and keep such books and records as are prescribed by the commissioner of banking.

Such receiver shall have all the powers vested in special receivers by general law. The receiver, under the authority of the commissioner of banking, shall institute and prosecute any suit or suits necessary to obtain possession of any property and to sell and dispose of the same and to collect all obligations due such institution. The receiver in such suit, or by separate suits, under the authority of the commissioner of banking, shall enforce against the officers, directors and stockholders any liability incurred by them and existing in favor of the creditors.
25 of the institution and collect from such officers, directors and
26 stockholders any sums for which they are liable as aforesaid.
27 If it shall appear that the assets of the insolvent corporation
28 are not sufficient to pay in full all of its creditors and de-
29 positors, without waiting to administer the assets of such
30 institution, or delaying for any other cause, in the same suit
31 or in separate suits, to be forthwith instituted in the same or
32 any other jurisdiction in his name, the receiver, under the
33 authority of the commissioner of banking, shall collect from
34 each of the several stockholders of such institution all sums for
35 which they are severally liable to such institutions, for the
36 benefit of its creditors.
37 If it shall be necessary to institute any suit against any
38 stockholder in the courts of any other state, the same may be
39 either instituted and prosecuted in the name of the commis-
40 sioner of banking, or, at his election, in the name of the
41 receiver or the corporate name of the institution which is in
42 process of liquidation, and any such receiver may bring a suit
43 in the circuit court of the county where such institution is
44 located, to ascertain the several depositors and creditors of such
45 institution and the amounts and priorities of their respective
46 claims. The banking institution and the stockholders of said
47 banking institution residing in this state shall be made defend-
48 ants to said suit, and all persons who shall file proofs of claim
49 shall be deemed parties thereto as though they had been named
50 as defendants. The court shall refer said cause to a commissioner
51 in chancery, and said commissioner shall thereupon cause to
52 be published once in each week for four successive weeks, in
53 some newspaper published in the county wherein the suit is
54 pending, a notice to all depositors and creditors of the banking
55 institution, requesting them to present their claims to such
56 commissioner for allowance. After publication of such notice
57 is completed, the said commissioner in chancery shall proceed
58 as promptly as possible to ascertain and report the several
59 depositors and creditors of the said banking institution and
60 the amounts and priorities of their respective claims, if any,
61 proven before him. All claims as shall have been duly proved
62 and allowed by the receiver or the commissioner of banking
63 before the decree of reference may be allowed and reported
64 by the commissioner in chancery without further proof, unless
the same shall be contested and disallowed for proper cause. The commissioner in chancery shall also ascertain and report what funds and assets of the banking institution have come into the hands of the receiver, what disposition has been made of said assets, and what dividends, if any, have been paid and settle the accounts of said receiver. When the report of such commissioner is confirmed, the court shall enter such orders and decrees and take such proceedings as are proper to ascertain the several depositors and creditors of such banking institution and adjudicate their respective rights and direct the distribution of the assets and funds in the hands of the receiver and confirm any distribution made under orders of the commissioner of banking, and may confirm any and all sales made by said receiver of property and assets of said banking institution. Any creditor whose claim is not presented and allowed before any decree of distribution becomes final shall be forever barred from participating in the funds distributed under such decree, or theretofore distributed and confirmed by such decree, and shall have no claim by reason of such distribution against any creditor sharing therein or against the commissioner of banking, the receiver, or any surety upon the receiver’s bond. Any claim which shall have been proved and allowed after any dividend or distribution has been made by the receiver, shall be paid dividends equal or proportionate in amount to those already received by the other creditors of the same rank and priority, if the funds and assets in the hands of the receiver are sufficient therefor, before such other creditors receive any further dividend or distribution.

In any such suit brought by the receiver for the purpose of ascertaining the several depositors and creditors of such institution as hereinbefore provided, the receiver may also proceed against the officers, directors and stockholders of the banking institution to enforce their individual liabilities as hereinabove provided, or for the adjudication of any other pertinent matter involved in the administration of the assets and affairs of such institution.

All of the assets of any such insolvent institution shall be administered under, applied and paid out through the orders of the commissioner of banking, as herein provided. The costs and expenses of the receivership and of any suit or suits brought by the receiver under the direction of the commis-
The receiver shall, by proper proceedings, ascertain the several creditors and the amounts and priorities of their respective claims against such institution, and shall, from time to time, as the assets of such institution are reduced to possession, and converted into cash, pay the same to the several creditors in the order and the manner in which they are respectively entitled to payment: Provided, however, that without regard to priority, the receiver may at any time pay in full the claim of any creditor which is less than five dollars.

If the assets of any such institution, including any sums collected from the officers and directors thereof, and all sums collected from the stockholders, shall more than suffice to pay all of the creditors of such institution who have presented and proved, or caused to be allowed, their several demands, the surplus shall be disbursed as follows: First, in the case of a banking institution, to the stockholders who have paid in any sums upon their extraordinary liability as stockholders prorata to the respective amounts paid by each of them. Second, if anything shall remain thereafter it shall be paid to the stockholders of the institution in proportion to the number of shares owned by them respectively.

The salary of such receiver for the time devoted to such receivership and all expenses incurred by such receiver in the discharge of his duties, including reasonable fees paid for legal services, shall be paid out of the assets of such institution as a part of the costs of the receivership. No other compensation shall be paid to such officer for acting as receiver of such institution.

The receiver of any such insolvent institution, before entering upon the discharge of his duties, or receiving into his possession any of the assets of such insolvent institution, shall enter into bond in favor of the state of West Virginia, in a penalty fixed by and with corporate surety approved by the governor, conditioned for the faithful discharge of his duties as receiver, and for accounting for and paying over, as required by law, all properties, moneys and funds which shall come into the hands of such receiver, his agents, attorneys or representatives. The bond and certificate of appointment of
such receiver shall be recorded in the office of the clerk of the county court of the county in which said banking institution is situated and a certified copy thereof shall be forthwith transmitted by the receiver to the commissioner of banking.

Nothing in this section shall impair the right of any court of chancery in any suit, on a proper showing, to appoint a receiver for any such institution in cases where the commissioner of banking has failed, refused or neglected to act.

The receivers of all banking institutions in process of liquidation at the present time shall be continued in office and shall possess all the rights, powers, duties and obligations which they have under existing laws and/or by this act.

Sec. 33. All banking institutions organized and authorized to do business hereunder shall be organized, governed and conducted in all respects in the same manner as provided for corporations organized under the general corporation laws of this state in so far as the same are not inconsistent with the provisions hereof.

Sec. 34. If any section, clause, sentence, paragraph, or other part hereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the part hereof directly involved in the controversy in which such judgment shall be rendered.

Sec. 35. The failure to perform any duty required of any corporation or individual, or the doing of any act forbidden by any corporation or individual, by any of the sections hereof, except any act which is made a felony by any provision hereof shall be a misdemeanor, and for any such misdemeanor committed by a corporation, the officers and directors responsible for the corporate acts or for the failure of the corporation to act, shall each be guilty of a misdemeanor. On conviction for any misdemeanor hereunder, any offending corporation shall be fined not more than five thousand dollars; and any offending individual shall be fined not more than one thousand dollars and may, at the discretion of the court, be confined in the county jail for not more than one year, except as provided elsewhere herein.

Nothing in this act contained, repealing any law for the regulation or conduct of banking shall be construed to relieve any person from punishment for any acts heretofore committed.
18 violating said law or laws, nor affect in any manner an existing 
19 indictment or prosecution by reason of such repeal; and for 
20 that purpose, such law or laws shall continue in full force and 
21 effect, notwithstanding such repeal.
22 It shall be the duty of the attorney general, either in person 
23 or by competent assistant, upon the request of the governor, to 
24 take charge of the prosecution of persons indicted for violation 
25 of any section hereof.

CHAPTER 24
(House Bill No. 28—By Mr. Robinson)

AN ACT to amend and re-enact section twelve, of chapter ninety-
one of the acts of the legislature of nineteen hundred and 
twenty-five relating to regulating the business of making 
loans in the sum of three hundred dollars, or less.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the 
Governor.]

SEC. 12. Interest on loans not exceeding 
three hundred dollars; rate; how 
computed; no other charge per-
mitted; interest rates on loans of 
more than three hundred dol-
lars.

Be it enacted by the Legislature of West Virginia:

That section twelve, chapter ninety-one, of the acts of legis-
lature of West Virginia of nineteen hundred and twenty-five be 
amended and re-enacted so as to read as follows:

Section 12. Every person, co-partnership and corporation 
licensed hereunder may loan any sum of money not exceeding 
in amount the sum of three hundred dollars and may charge, 
contract for and receive thereon interest at a rate not to ex-
ceed two per centum per month. Interest shall not be payable 
in advance or compounded and shall be computed on unpaid 
balances only. In addition to the interest herein provided for, 
no further or other charge or amount whatsoever for any ex-
amination, service, brokerage, commission or other thing or 
otherwise shall be directly or indirectly charged, contracted 
for or received, except the lawful fees, if any, actually neces-
sarily paid out by the licensee to any public officer for filing 
or recording or releasing in any public office any instrument 
securing the loan, which fees may be collected when the loan
15 is made or at any time thereafter. If interest or charges in 
16 excess of those permitted by this act shall be charged, con-
17 tracted for or received, the contract of loan shall be void and 
18 the licensee shall have no right to collect or receive any prin-
19 cipal, interest, or charges whatsoever. 
20 No licensee shall directly or indirectly charge, contract for 
21 or receive any interest or consideration greater than six per 
22 centum per annum upon the loan, use or forbearance of 
23 money, goods or things in action, or upon the loan, use or 
24 sale of credit of the amount or value of more than three hun-
25 dred dollars. The foregoing prohibition shall also apply to 
26 any licensee who permits any person, as borrower or as en-
27 dorser, guarantor or surety for any borrower, or otherwise, to 
28 owe directly or contingently or both to the licensee at any 
29 time the sum of more than three hundred dollars for prin-
30 cipal.

CHAPTER 25
(Senate Bill No. 71—By Mr. Engle)

AN ACT to amend and re-enact chapter fifty-five of Barnes' code 
of West Virginia one thousand nine hundred and twenty-three, 
by adding a new section thereto to be known as section thir-
teen-a, relating to incorporated non-stock Mutual Fire In-
surance associations and providing for the use of two-thirds, 
three-fourths, eighty per cent and ninety per cent value 
clauses.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the 
Governor.]

Sec. 13-a. Use of two-thirds, three-fourths, eighty per cent and ninety per cent clauses in policies of farm-
ers mutual co-operative fire ins-
surance companies validated.

Be it enacted by the Legislature of West Virginia:

A bill to amend and re-enact chapter fifty-five of Barnes’ code 
of West Virginia one thousand nine hundred and twenty-three, 
by adding a new section thereto to be known as section thirteen-a 
relating to incorporated non-stock Mutual Fire Insurance associa-
tions and providing for the use of two-thirds, three-fourths, eighty 
per cent and ninety per cent value clauses.
Section 13-a. That the fire insurance companies mentioned
in section eleven of chapter fifty-five shall have the right to use
the two-thirds, three-fourths, eighty per cent and ninety per
cent value clauses and all similar clauses, when properly in-
corporated in or attached to the policy of fire, lightning or
tornado insurance issued by the so-called farmers’ mutual co-
operative fire insurance companies chartered under the laws
of the state of West Virginia, and when so used as aforesaid
shall be valid and effective.

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

CHAPTER 26
(Senate Bill No. 162—By Mr. Engle)

AN ACT to amend and re-enact section five of chapter sixty-six
of Barnes’ West Virginia code of one thousand nine hundred
and twenty-three, authorizing a married woman to insure the
life of her husband and exempting the proceeds thereof from
his representatives or creditors.

[Passed March 5, 1929; In effect ninety days from passage. Approved by the
Governor.]

Sec. 5. Married woman may insure for her
use life of her husband; net
amount due payable to her; ex-
ception when premium paid out
of funds of husband; notice to
company issuing policy.

Be it enacted by the Legislature of West Virginia:

That section five of chapter sixty-six of Barnes’ code of West
Virginia for the year one thousand nine hundred and twenty-three
be amended and re-enacted to read as follows:

Section 5. It shall be lawful for any married woman, by
herself and in her name, or in the name of any third person,
with her assent, as her trustee, to cause to be insured for her
sole use, the life of her husband, for any definite period, or for
the term of his natural life; and in case of her surviving her
husband, the sum or net amount of the insurance becoming due
and payable by the terms of the insurance, shall be payable to
her, and for her own use, free from the claims of the repre-
sentatives of her husband or any of his creditors; provided, that,
CHAPTER 27
(Senate Bill No. 163—By Mr. Engle)

AN ACT in relation to the rights of creditors and beneficiaries under policies of life insurance.

[Passed March 5, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC.
1. Lawful beneficiary or assignee of insurance policy entitled to proceeds; when proceeds of policy inure to benefit of creditors of insured; notice to company issuing policy.

Be it enacted by the Legislature of West Virginia:

Section 1. If a policy of insurance, whether heretofore or hereafter issued, is effected by any person on his own life or on another life, in favor of a person other than himself, or, except in cases of transfer with intent to defraud creditors, if a policy of life insurance is assigned or in any way made payable to any such person, the lawful beneficiary or assignee thereof, other than the insured or the person so effecting such insurance, or his executors or administrators, shall be entitled to its proceeds and avails against the creditors and representatives of the insured and of the person effecting the same, whether or not the right to change the beneficiary is reserved or permitted, and whether or not the policy is made payable to the person whose life is insured if the beneficiary or assignee shall predecease such person; provided, that, subject to the statute of limitations, the amount of any premiums for said insurance paid with intent to defraud creditors, with interest thereon, shall enure to their benefit from the proceeds of the policy;
18 but the company issuing the policy shall be discharged of all
19 liability thereon by payment of its proceeds in accordance with
20 its terms, unless before such payment the company shall have
21 written notice, by or in behalf of a creditor, of a claim to recover
22 for transfer made or premiums paid with intent to defraud
23 creditors, with specifications of the amount claimed.

CHAPTER 28
(House Bill No. 360—By Mr. Hogg)

AN ACT providing for the amendment and re-enactment of sec­
76-b (1) Fire insurance companies to be members or rating bureau.
(2) Commissioner of insurance.
(3) Members and expense of rating bureaus.
(4) Companies to specify rating bureaus of which it is a mem­
ber.
(5) Inspection and rating by rating bureau.
(6) Bureau to file schedules, rate table, etc., with commissioner.
(7) Hearings on rate charges; appeal from order of commissioner.
(8) Inquiries by commissioner to bureau.
(9) Examination of bureau by commissioner.
(10) Unfair discrimination in rates prohibited.
(11) Uniform deviation in rates, when permitted.
(12) Action of commissioner on complaint of discrimination in rates; appeal from decision.
(13) Company to file schedule of premium receipts and losses; commissioner may reduce or in­
crease rates; notice to companies.
(14) Procedure on disapproval of agreement.
(15) Act not to apply to farmer mutual and others; adjuster to make adjustments for all compa­
(16) Penalties for violations of act.

Be it enacted by the Legislature of West Virginia:

That section seventy-six-b of chapter thirty-four, Barnes’ code of
West Virginia, one thousand nine hundred and twenty-three,
as amended by chapter thirty-one of the acts of the legislature of
one thousand nine hundred twenty-seven be amended and re-en­
acted so as to read as follows:

Section 76-b. (1) Every fire insurance company or other
2 insurer authorized to effect insurance against the risk of loss
3 or damage by fire in this state shall maintain or be a member
4 of a rating bureau. No such insurer shall be a member of
5 more than one rating bureau for the purpose of rating the
6 same risk.
7 (2) The term "commissioner" as used in this act shall
8 mean the commissioner of insurance. Until a commissioner
9 of insurance has been appointed, the functions of the com-
10 missioner under the provisions of this act shall be performed
11 by the auditor of state.
12 (3) A rating bureau may consist of one or more insurers,
13 and when consisting of two or more insurers, shall admit to
14 membership or furnish service to any authorized insurer ap-
15 plying therefor. The expense of the bureau shall be shared
16 in proportion to the gross premiums less return premiums
17 and premiums on marine and farm risks and premiums for
18 re-insurance and less any return of gains and savings on
19 participating policies received by each member during the
20 preceding year in this state, to which may be added a reason-
21 able annual fee not exceeding twenty-five dollars. Each
22 member shall have one vote.
23 (4) Every fire insurance company or other insurer afore-
24 said shall, within sixty days after the taking effect of this
25 act and thereafter, in its annual application for license, spe-
26 cify each rating bureau making rates upon property located
27 within this state of which it is a member, and during the
28 year, file written notice of any other rating bureaus of which
29 it shall become a member.
30 (5) Every rating bureau engaged in making rates on
31 property located in this state shall inspect every risk spe-
32 cifically rated by it upon schedule and shall make a written
33 rating survey of such risk which shall be filed as a perman-
34 ent record in the office of such bureau. Rates for insurance
35 on all property rated upon a flat rate basis shall also be filed
36 in such office. A copy of such survey shall be furnished
37 without cost to the owner of any risk upon his request.
38 (6) Within sixty days after the establishment of any rat-
39 ing bureau in this state, it shall file with the commissioner a
40 copy of its articles of association and by-laws, and any and
41 all schedules used by it as a basis for the making of rates.
42 The bureau shall also file with the commissioner the basis or
43 table rate that is used in each town in West Virginia. It
shall also file with the commissioner all regulations or rules of any such rating bureau. No rule, regulation, or by-laws, shall be passed by any bureau which interferes with the legal operation of any member or subscriber to its service.

(7) In the event that any rating bureau should desire to make a change in its established schedules, rules, regulations, contracts or agreements, it shall submit such proposed change in writing to the commissioner and the said commissioner shall thereupon order a hearing not earlier than twenty days thereafter, which hearing may be attended by any persons whose interests may be affected by such proposed change. At the conclusion of such hearing, the commissioner shall make such finding and order in the premises as he shall consider proper. In the event any party in interest is dissatisfied with such finding and order of the commissioner, he may within thirty days thereof commence an action in any court of competent jurisdiction for the purpose of reviewing such order, as provided in section fourteen hereof, but pending such review the order of the commissioner shall remain in full force and effect. When the insurance commissioner shall determine, after a full hearing upon notice served in the manner prescribed by law upon all of the insurance companies and rating bureaus which may be affected by such order, that any rate or rates made by such bureau in this state are excessive or unreasonably high or that said rate or rates are discriminatory, he is authorized to direct said bureau to change said rate or rates and to publish and file a rate or rates prescribed by him which are just and reasonable and non-discriminatory and the commissioner shall enter an order showing his findings in the premises. Any party in interest being dissatisfied with any such order of the commissioner may, within thirty days from the issuance of such order and notice thereof, commence an action in the circuit court of Kanawha county for the purpose of reviewing such order and such cause shall be duly set for hearing and proceed as in other cases. During the pendency of such court proceedings the order shall be suspended, and in the event of final determination against any insurer, any overcharge during the pendency of such proceedings shall be refunded by the insurer to the person entitled thereto. The commissioner may compel obedience to his lawful orders by proceedings of
mandamus or injunction or other proper proceedings in the name of the state in any circuit court having jurisdiction of the parties or of the subject matter, and such proceedings shall have priority over all pending cases.

(8) The commissioner may from time to time address inquiries to any individual or bureau which is engaged in making rates upon property in this state, in relation to its organization, maintenance or operation or any other matter connected with its transactions and may also require the filing of schedules, written reports of surveys in individual cases, rates, forms, rules and regulations and other information and he may also require re-survey of any risk or group of risks. It shall be the duty of every individual, association or bureau to comply promptly with his request; provided, however, surveys and completed schedules and re-surveys upon individual risks may be required only where written complaint is filed with the commissioner by the owner of such risk.

(9) The commissioner shall have the power to examine any such rating bureau as often as he deems it expedient to do so, but not less than once every three years. A report thereof shall be filed in his office. The expense of such examinations shall be paid by such rating bureau. A statement with regard to such examination shall be made in the annual report of the commissioner.

(10) No fire insurance company or other insurer against the risk of fire, nor any rating bureau, shall fix or charge any rate for fire insurance upon property in this state which discriminates unfairly between risks in the application of like charges and credits, or which discriminates unfairly between risks of essentially the same hazards, and having substantially the same degree of protection against fire.

(11) Any deviation of any company or insurer from the schedule of rates established and maintained by the bureau which it maintains, or of which it is a member, shall be uniform in its application to all of the risks in the class for which the variation is made, and no such uniform deviation shall be made unless notice thereof shall be filed with the bureau of which the insurer is a member and the commissioner of this state, at least fifteen days before such uniform variation is in effect, and schedules providing for such variation shall be filed with the rating bureau and the commissioner showing
the amended basis rate and amended charges and credits and 
application of the amended schedules to individual risks in 
the class or classes affected. Every company or insurer shall 
be permitted to make uniform deviations by schedule per-
centage reductions in the specific rates of any bureau of 
which it is a member or subscriber, and rating bureaus shall 
not have rules and regulations which interfere with making 
such uniform reductions or uniform deviations by schedule.

(12) The commissioner may upon written complaint that 
discrimination in rates exists between risks in the applica-
tion of like charges or credits, or discrimination between 
risks of essentially the same hazard and having substantially 
the same degree of protection against fire, order a hearing 
for the purpose of determining such questions of discrimina-
tion, and the review of such questions and the rates com-
plained of before said commissioner shall be had only after 
due notice to all parties interested, and if upon such hearing 
the commissioner shall determine that the rate complained of 
is discriminatory, he shall have power to order the discrimi-
nation removed and a rate substituted by the rating bureau or 
insurer which is not discriminatory. Any party in interest 
being dissatisfied with any order of the commissioner may, 
within thirty days from the issuance of such order and notice 
thereof, commence an action in the circuit court of Kanawha 
county for the purpose of reviewing such order and such 
cause shall be duly set for hearing and proceed as in other 
cases. During the pendency of such court proceedings the 
order shall be suspended, and in the event of final determin-
ation against any insurer, any overcharge during the pend-
ency of such proceedings shall be refunded by the insurer to 
the person entitled thereto.

(13) Every insurance company shall on or before the 
first day of March of each calendar year file in the office of 
the commissioner a classification schedule of premium receipts 
and losses paid on risks in the state of West Virginia during 
the preceding calendar year. In addition to such reports 
said commissioner may require such companies to file 
such classification schedules for a number of years, not ex-
ceeding five years prior to the taking effect of this act. If, 
at any time, it shall appear to the commissioner that the 
rates charged for fire insurance in this state are excessive or
unreasonable, in that the results of business of stock fire insur-ance companies in this state during the five years next preceding the year in which investigation is made as indicated by the classification schedules filed as provided for herein, show an aggregate underwriting profit in excess of a reasonable amount upon any class or classes of risks, then the said commissioner shall have power to order a reduction in rates upon such class or classes of risks. If in the same manner it appears that the rates upon any class or classes of risks are insufficient to show a reasonable underwriting profit it, then the said commissioner shall increase the rates upon such class or classes of risks so as to produce a reasonable profit. In determining the question of a reasonable underwriting profit the commissioner as a protection to policy-holders shall give proper and reasonable consideration to the conflagration liability within and without this state. No such change in rates shall be ordered by the commissioner except after a hearing upon due notice served upon the insurance companies and rating bureaus which may be affected by such order. In addition to said insurance companies and rating bureaus any other persons or corporations having an interest in the subject matter may become parties to said hearing. Any action of the commissioner in this connection shall be subject to summary court reviews as provided in the preceding paragraph.

(14) The commissioner may, after due notice and hearing, upon complaint or upon his own motion, make an order disapproving any such agreement. No such agreement shall be in force, nor shall any rights be based thereon, after service of a copy of such order upon each of the parties to such agreement, and upon each bureau with which such agreement is required to be filed. Service may be made by mail and shall be completed upon the expiration of a reasonable time for transmission fixed in such order. Any person in interest being dissatisfied with the order or refusal to make an order by the commissioner may, within thirty days from the issuance of such order or refusal and notice thereof, commence suit against the commissioner as defendant to review any such action, either in making or refusing to make any such order and such cause shall thereupon proceed as herein provided in paragraph thirteen.
This act shall not apply to farmer mutual insurance companies organized under the laws of this state; nor to the rolling stock of railroad corporations, or property in transit while in the possession of railroad companies or other common carriers, nor to the property of such common carriers used or employed by them in their business of carrying freight, merchandise or passengers, nor properties protected by automatic sprinklers, provided, however, any company, association, or person licensed under the insurance laws of this state may at their request be entitled to receive any or all of the rates, bulletins, and other information published or prepared by such rate making association, on payment of such reasonable charges as may be made.

Provided, further, it shall be obligatory upon any adjuster, adjusting bureau or corporation making adjustments on any property or properties, insured in this state by more than one company, to make adjustments for any or all companies making request for same, charging each company making such request a pro rata amount of the expenses incurred in making such adjustment.

Any violation of the provisions of this act by any fire insurance company or other insurer, or by any rate-making bureau, adjusting bureau, or officer or agent of either shall be a misdemeanor and on conviction shall be punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars for each such violation, and in the event any insurer, insurance company, individual or rating bureau shall be found guilty of violation of the provisions of this act and subjected to penalty herein provided and the same shall not be paid within thirty days after final judgment, the commissioner may, in his discretion, revoke the license of such insurer or insurance company and suspend the certificate of authority of such person or rating bureau until such fine has been paid. All acts and parts of acts inconsistent herewith are hereby repealed.
AN ACT to amend chapter fifty-five of the one thousand nine hundred and twenty-seven acts of the West Virginia legislature known as the probation system, by adding thereto a new section providing for compensation to the probation officer in counties having more than one hundred thousand population.

[Passed January 29, 1929; in effect from passage. Vetoed by Governor and passed over veto February 7, 1929; in effect from passage.]

SEC. 5. Appointment of probation officers by court or judge in counties having population of one hundred thousand or more; salary.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-five of the one thousand nine hundred and twenty-seven acts of the West Virginia legislature be, and the same is hereby amended by adding thereto section five, in words and figures following:

Section 5. In all counties having a population of one hundred thousand or more wherein there has been or may hereafter be created a court of limited jurisdiction vested with criminal jurisdiction throughout the county, said court or the judge thereof may appoint some person other than the sheriff of said county as probation officer, and such person so appointed as probation officer shall serve as such during the pleasure of the judge of said court so appointing him, and said probation officer shall be paid a salary of not more than two hundred and fifty dollars per month to be fixed by said judge, payable out of the county treasury of such county.

All acts and parts of acts inconsistent herewith are hereby repealed.
CHAPTER 30  
(Senate Bill No. 167—By Mr. Hugus)

AN ACT to amend and re-enact sections one, two, three, five, and six of chapter sixty of the acts of the legislature of one thousand nine hundred and twenty-three, relating to county welfare boards.

[Passed March 7, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 1. County welfare boards; number and appointment of members.

SEC. 2. Duties of board; secretary, salary; may be juvenile probation officer.

SEC. 3. Members of board, terms, meetings; vacancies on board, how filled.


SEC. 6. Powers and duties of secretaries as juvenile probation officers.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, five, and six of chapter sixty of the acts of the legislature of one thousand nine hundred and twenty-three, relating to county welfare boards, be amended, re-enacted and added to so as to read as follows:

Section 1. There is hereby created for each of the counties of the state a county welfare board which shall consist of not less than six nor more than twelve members, of whom the president of the county court and the judge having juvenile jurisdiction, when a resident of the county, shall be ex-officio members, and the other members shall be residents of the county. They shall be appointed by the county court from a list of eligible citizens from the various districts of the county submitted by the state board of children’s guardians and all members shall serve without pay. At least three members of said board shall be women.

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 properly qualified with education, training, and experience, subject to
10 the approval of the state board of children's guardians, which
11 welfare secretary shall be secretary of the board and receive
12 such salary as the board shall determine with the approval of
13 the county court. The salary of the secretary may be paid, not
14 more than one-half by the state board of children's guardians
15 and the remainder by the county. Said secretary may, and
16 when deemed advisable by the said county court and judge
17 having juvenile jurisdiction should be the county juvenile pro-
18 bation officer.

Sec. 3. The members of the county welfare board shall be
2 appointed at the first regular meeting after the list of eligible
3 citizens has been submitted to them. The members first ap-
4 pointed shall hold office for one and two years, the term of each
5 being designated at the time of his or her appointment. All
6 subsequent appointments shall be for the term of two years.
7 The board shall meet to organize the second Thursday after
8 appointments have been made. Subsequent regular meetings
9 of the board shall be held monthly at such time and place as
10 the board may designate. Any vacancy on the board shall be
11 filled by the county court from the list of eligible citizens sub-
12 mitted by the state board of children's guardians.

Sec. 5. In counties where county welfare secretaries have
2 already been appointed by the judges having juvenile jurisdicti-
3 on, said secretaries may continue to hold office, provided,
4 the county welfare board, after appointment, shall approve their
5 continuation in office. In case the county welfare board shall
6 not approve, said county welfare secretaries shall continue to
7 serve six months, when they shall be replaced.

Sec. 6. Secretaries appointed under this act shall, when so
2 directed by the judge having juvenile jurisdiction, perform the
3 duties of juvenile probation officers, aid in the investigation
4 and supervision of county allowance to mothers under the
5 mother's pension law, and shall cooperate with the state labor
6 inspectors in furtherance of their duties.
CHAPTER 31
(Senate Bill No. 28—By Mr. West)

AN ACT to amend and re-enact section twenty-three of chapter
one hundred and sixteen of the code of West Virginia, relating
to the payment for meals of petit jurors serving on felony
cases.

[Passed February 5, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec. 23. Petit jurors; per diem; mileage; per diem and expenses for meals while serving on felony cases; taxation of costs; list of jury fees by clerk of circuit court.

Be it enacted by the Legislature of West Virginia:

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

Section 23. Any person summoned as aforesaid, by virtue
of a venire facias or otherwise, to serve as a petit juror, and
actually attending upon the court, or attending at the court
house, at the time summoned, whether he be called to serve on
a jury or not, shall for each day he so attends, be entitled to
receive not less than two dollars and not more than three dol-
lars and fifty cents, to be fixed by the court, and the same mile-
age allowed to witnesses, to be paid out of the county treasury.
The judge of the court shall fix the compensation for grand and
petit jurors, as provided for above, by an order entered of
record in said court. Provided, that for any day that any
person shall be sworn to serve as a juror on a case of felony he
shall, for that day, and any other days he may so serve on such
case, be paid three dollars and fifty cents out of the state treas-
ury, that for each day he shall not actually attend at the court
house he shall receive nothing, and shall be allowed mileage but
once during the term; it is provided, further, however, that
when a jury on a case of felony shall be placed in the custody
of the sheriff, he shall provide for and furnish such jury with
regular meals at a reasonable cost not to exceed two dollars a
day, while they are in his custody, and such meals shall be paid
for out of the state treasury as provided for above, for jury
service in felony cases. There shall be taxed in the costs against
any person against whom a judgment or the verdict of a jury
may be rendered in a case of misdemeanor, and against any
person against whom judgment on the verdict of a jury may be rendered in a civil action, and against any person on whose motion the verdict of a jury is set aside and a new trial granted, eight dollars for jury costs, which when collected from the party, shall be paid into the county treasury. All money so received by the clerk shall be forthwith paid by him to the sheriff, and the clerk and his surety shall be liable therefor on his official bond, as for other money coming into his hands by virtue of his office.

The clerk of the circuit court of each county in this state shall annually certify to the county court a list of all money so paid to him, and by him paid to the sheriff, and in addition thereto, a correct list of all the cases, in which jury fees have been taxed, and are, at the time, properly due and payable in the county treasury, and the sheriff of the county shall be held to account in his annual settlement for all such moneys collected by him.

CHAPTER 32

(Senate Bill No. 219—By Mr. Smith, of Marion)

AN ACT to amend and re-enact sections one and three of chapter one hundred and sixteen of Barnes’ code of one thousand nine hundred and twenty-three, as amended by chapter sixty-two of acts of the legislature of West Virginia of nineteen hundred and twenty-seven, relating to juries.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Who shall be liable to serve as jurors.

3. Jury commissioners, qualifications, appointment, term and removal; vacancies; to keep record of proceedings; compensation; preparation of list of jurors, number and qualification; oath of jury commissioners; for what courts appointed.

Be it enacted by the Legislature of West Virginia:

That sections one and three of chapter one hundred and sixteen of Barnes’ code of one thousand nine hundred and twenty-three, as amended by chapter sixty-two, acts of the legislature of West Virginia of nineteen hundred and twenty-seven, relating to juries be amended and re-enacted so as to read as follows:
Section 1. All male persons who are twenty-one years of age, and not over sixty-five and who are citizens of this state, shall be liable to serve as jurors, except as hereinafter provided.

Sec. 3. There shall be two jury commissioners of the circuit court of each county. They shall be of opposite politics, citizens of good standing, residents in the county for which they are appointed and well known members of the principal political parties thereof, but the chairman of any political party shall be ineligible to appointment. They shall be appointed by the circuit court, or the judge thereof in vacation, of their respective counties. Their term of office shall be for four years, and shall commence on the first day of June next after their appointment, but the two shall be appointed, one for two years and the other for four years, but no jury commissioner shall be eligible to reappointment after he shall have served four years. They may be removed from office by the court or judge having the power of appointment, for official misconduct, incompetency, habitual drunkenness, neglect of duty or gross immorality. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. The jury commissioners shall keep in a well bound book a record of the proceedings to be preserved by the clerk of the circuit court in his office. They shall receive five dollars per day for each day necessarily employed as such jury commissioners, payable out of the county treasury, upon the order of the circuit court. The first appointment of said commissioners shall be made within thirty days after this act takes effect. The jury commissioners of each county shall, annually, at the levy term of the county court thereof, and at any other time when required by the circuit court of such county, without reference to party affiliations, prepare a list of such inhabitants of the county, not exempted as aforesaid, as they shall think well qualified to serve as jurors, being persons of sound judgment and free from legal exception, which list shall include not less than two hundred nor more than one thousand persons, but the circuit court of the county may, at any time, direct said commissioners to prepare a list of such inhabitants, and not exempt as aforesaid, being any number between two hundred and one thousand, which, in the discretion of the court it may deem proper; provided, however, that in counties having a population of fifty
thousand or more, the jury commissioners shall be required to
have at least eight hundred names in such list. But the name
of no person shall be put on such list who shall have been drawn
and actually served as a petit juror within a period of two
years, and if by mistake a juror should be put on such list who
shall have been drawn and actually served as a petit juror
within a period of two years, he or they shall be ineligible to
serve as a petit juror for two years thereafter. And no person
who may have requested the jury commissioners or either of
them, by himself, or another person, to have his name placed
on such list; provided, if in any county wherein there is a
criminal or intermediate court or court of common pleas, service
on a petit jury in any such court shall not exempt a juror
from jury service in the circuit court, nor vice versa. Before
entering upon the discharge of their duties the jury commis-
ioner shall take and subscribe an oath to the following effect:

"State of West Virginia,
County of ......................................................, to-wit:

I, A ..................................... B .........................................., do solemnly swear that I
will support the constitution of the United States and the con-
stitution of this state and will faithfully discharge the duties
of jury commissioner to the best of my skill and judgment, and
that I will not place any person upon the jury list in violation
of law, or out of fear, favor or affection."

The said oath shall be taken before the clerk of the circuit
court, who is hereby authorized to administer the same, and
filed and preserved by him in his office. There shall be two
jury commissioners for every court of limited jurisdiction,
who shall be appointed by said courts or judges thereof in
vacation, respectively, and whose terms of office and compensa-
tion shall be the same as jury commissioners of the circuit
courts. The same powers conferred and duties imposed by
this chapter upon the circuit courts, or the judges thereof in
vacation, and upon the clerks and jury commissioners of the
 circuit courts, are hereby conferred and imposed upon every
court of limited jurisdiction and the judges thereof respectively,
and upon the clerks and jury commissioners of said courts of
limited jurisdiction.
CHAPTER 33
(House Bill No. 100—By Mr. Bennett)

AN ACT to amend and re-enact section eighty-two of chapter forty-five of Barnes’ code of one thousand nine hundred and twenty-three, relating to the approval, classification, and rating of junior high schools, senior high schools, and the secondary school departments of state-supported institutions; and state aid for said schools and departments.

[Passed February 13, 1929; In effect ninety days from passage. Approved by the Governor.]

SEC. I
82. Approval and classification of junior and senior high schools; state aid for, amount and how disbursed.

Be it enacted by the Legislature of West Virginia:

That section eighty-two of chapter forty-five of Barnes code of one thousand nine hundred and twenty-three, relating to the approval, classification, and rating of junior high schools, senior high schools, and the secondary school departments of state-supported institutions, and state aid for said schools and departments be amended and re-enacted so as to read as follows:

Section 82. (a) All junior high schools and senior high schools which are a part of the free public school system of the state and all secondary school departments of state-supported institutions shall be approved, classified, and rated by the state superintendent of free schools according to the rules and regulations prescribed by the state board of education.

(b) To assist in the maintenance of all junior high schools, senior high schools and secondary school departments of state-supported institutions as have been properly approved, classified and rated by the state superintendent of free schools according to the provisions of division (a) of this section, the following amounts from appropriations to be made for that purpose shall be paid annually out of the general school fund of the state:

(1) To each senior high school which has been approved, classified and rated to include the school work of the twelfth grade or year, the sum of eight hundred dollars.

(2) To each senior high school which has been approved, classified, and rated to include the school work of the eleventh grade or year but not the school work of the twelfth grade or year, the sum of six hundred dollars.
(House Bill No. 35—By Mr. Hill)

AN ACT to amend and re-enact sections one, two and three of chapter ten of the acts of the legislature of West Virginia, regular session nineteen hundred twenty-seven, to provide state aid to education in certain courses of study of state students in schools outside of the state for whom no such courses are provided in the educational institutions of the state and the conditions under which such state aid may be granted.

[Passed February 12, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. State aid to West Virginia students outside state; when granted.

Sec. 2. Rules and regulations governing.

Sec. 3. Appropriation for, how disbursed.

Sec. 4. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three of chapter ten, acts of the legislature of West Virginia, regular session, nineteen hundred twenty-seven to provide state aid to education in certain courses of study of students in schools outside of the state for whom no
such courses are provided in the educational institutions of the state, and the conditions under which such aid may be granted, be amended and re-enacted so as to read as follows:

Section 1. All bona fide residents of the State of West Virginia who have been residents of the state for five years, and who have completed courses of study equivalent to two years of college grade preparatory to the special courses to be pursued outside of the state, or who have otherwise qualified to enter such courses, and who are now pursuing or may hereafter pursue, courses of study in educational institutions outside of the state of West Virginia the same as those taught in the West Virginia University, or other West Virginia schools, and, because of section eight of article twelve of the constitution of West Virginia, cannot pursue such courses in the West Virginia University, or other state schools, and, no such courses are taught in state supported educational institutions provided for them, shall have their annual tuition and fees paid by the state to the amount paid by a non-resident student of the state university, or other state supported school, over and above the amount of annual tuition and fees paid by a resident student of the state university or other school, said tuition cost to be ascertained by the state board of control for the next school year preceding the passage of this bill.

Sec. 2. The advisory council to the state board of education and the state board of education acting jointly shall prescribe rules and regulations governing the granting of aid under this act.

Sec. 3. The legislature of West Virginia shall appropriate funds to carry out the provisions of this act, said funds to be disbursed by the state board of control upon requisition of the state superintendent of free schools.

All acts or parts of acts inconsistent with this act are hereby repealed.
CHAPTER 35

(House Bill No. 36—By Mr. Hill)

AN ACT to amend and re-enact section sixty-seven, chapter two of the acts of the legislature of West Virginia, one thousand nine hundred and nineteen, regular session, by adding thereto section sixty-seven-a relating to schools for fewer than ten pupils.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 1. Provided funds for.

SEC. 67. Schools for negro pupils; how provided; funds for.

Sec. 67 (a). Salaries of negro teachers.

Be it enacted by the Legislature of West Virginia:

That section sixty-seven of chapter two of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and nineteen, be amended and re-enacted, and that section sixty-seven-a be added thereto, both to read as follows:

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

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

Any board of education failing to comply with this section may be compelled to do so by mandamus.

Sec. 67. (a) Salaries of negro teachers shall be the same
2 as the salaries of other teachers in the same district, inde-
3 pendent district, city or town, with the same training and
4 experience, and holding similar credentials. Any board of
5 education failing to comply with the provisions of this act
6 may be compelled to do so by mandamus.
7 All acts or parts of acts inconsistent with this act are
8 hereby repealed.

CHAPTER 36
(House Bill No. 363—By Mr. Hogg)

AN ACT conferring jurisdiction upon courts of chancery to set
aside clouds and to determine questions of title with respect
to real property, or interests therein, or leasehold estates in
or to real property, without requiring plaintiff to allege or
prove actual possession, the same to be an additional section
to chapter one hundred and twenty-five of the code of West
Virginia relating to rules and pleadings.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec.
1. Removing cloud on title to real estate.

Be it enacted by the Legislature of West Virginia:

Section 1. Courts of chancery shall have jurisdiction at the
2 suit of the owner of real property, or any part thereof, or any
3 estate, right, or interest therein, or of any leasehold estate in
4 or to real property, or any part thereof, or any estate, right,
5 or interest therein, to set aside any cloud on the title thereof
6 and to determine questions of title with respect thereto,
7 without requiring such owner to allege or prove actual pos-
8 session of the same.
CHAPTER 37

(Senate Bill No. 41—By Mr. Hallanan)

AN ACT to provide for the releasing of infants’ claims for personal injuries and making binding and conclusive settlements made in accordance with this act, but not making such mode exclusive of modes now recognized by law.

[Passed February 20, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC.

1. Guardian of injured infant may file petition in circuit court for settlement of damages for personal injuries to infant; procedure on form of release; other modes of settlement permitted.

Be it enacted by the Legislature of West Virginia:

Section 1. In any case where an infant is injured by the negligence or act of another, the legal guardian of said infant may negotiate with the person or corporation inflicting said injury for the settlement of the damages to said infant. But the legal guardian shall, when proceeding under this act, before attempting final settlement, file his petition before the circuit court of the county, or judge thereof in vacation, in which he was appointed for permission to settle said claim, in which petition he shall state the name and age of his ward, the nature and character of the injury, and the facts relied upon by him to induce the court to approve his tentative settlement. The court, or judge thereof in vacation, shall appoint a guardian ad litem for the ward who shall answer the said petition. Upon the hearing of the petition, the court, or judge thereof in vacation, may grant or refuse the petition by a proper order, as it may seem judicious and proper. And in case such judge do grant the petition he may include in such order permission to the guardian to pay to such attorney as may be indicated by such guardian such amount in connection with the settlement of such claim as in the discretion of such judge is reasonable and proper, taking into consideration the amount to be paid, the necessities of the infant, the seriousness of the injury inflicted upon him, the probability of recovery in case of suit, the difficulties involved in effecting the settlement, and such other matters as may properly have a bearing on the reasonable compensation of such attorney. In case the court, or judge thereof in vacation, approves the prayer of the petition, the guardian may be authorized to settle and receive the amount of the tenta-
tive settlement and to execute to the tort feasor a release there-
for. But before so doing he shall execute a bond in an amount
equal to the approved settlement, with surety or sureties ap-
proved by the clerk of said court, conditioned to account for
and pay over the amount of the approved settlement as required
by law. Said bond shall be filed and recorded by said clerk.
The release to the tort feasor may be in form as follows:
I, .................................................................................., a guardian
of............................................................................., in consideration of
the sum of $................................and under authority of an order
of the circuit court of........................county, made and entered
on the......................day of.............................., 19........, do hereby
release........................................................................from all claims and
demands on account of injuries inflicted on my said ward by
said ........................................, 19......, at........................................, West
Virginia.

Guardian of

After receiving such release from the guardian of an infant
who has been injured through the negligence of any person or
corporation, its agents and servants, the said tort feasor shall
be forever acquit of any damages to said infant on account of
said injuries.

Nothing in this act contained shall be construed as prevent-
ing any tort feasor from settling any such claims in any modes
now recognized by law.

CHAPTER 38
(Senate Bill No. 70—By Mr. Watkins)

AN ACT to amend and re-enact section fourteen and to repeal
section fifteen of chapter twenty-seven of the acts of the legis-
lature of one thousand nine hundred and seventeen, being
sections fourteen and fifteen of chapter eighty-six of the Barnes
code of one thousand nine hundred and twenty-three of West
Virginia, relating to estates of supposed decedents and limita-
tions for claiming such estates.
SEC. 14. Proof as to presumption of death and estate of supposed decedent or absentee.

That sections fourteen and fifteen of the acts of one thousand nine hundred and seventeen, being sections fourteen and fifteen of Barnes one thousand nine hundred and twenty-three code of West Virginia, relating to the estates of persons presumed in law to be dead, on account of their absence from the place of their domicile, be amended as follows:

Section 14. If such supposed decedent, or absentee, shall not appear or satisfactory evidence that he is alive shall not be offered, on or before such date, the circuit court shall hear proof in relation to the presumption of his death and as to the estate and the persons entitled thereto, and if upon such hearing the court be satisfied of the rights of the persons claiming such estate and if it be found and adjudicated by the court that no intelligence from or concerning the absentee has been received for a period of forty years or more next preceding the date of such adjudication, the court may enter a decree requiring the absentee, his heirs and assigns, to appear in said suit within one year from the date of the decree and set up his or their claim to said estate.

If it be found and adjudicated that such absence and want of intelligence has continued for a period of less than forty years and at least twenty years next preceding the date of such adjudication, the absentee, his heirs and assigns, shall be required by said decree to appear and set up his or their claim within three years from date thereof; and if it be found and adjudicated that such absence and want of intelligence has continued for a period of less than twenty years and at least seven years next preceding the date of such adjudication, the absentee, his heirs and assigns, shall be required by said decree to appear and set up his or their claim within five years from the date of such adjudication. After the expiration of the time within which the absentee, his heirs and assigns, are required by said decree to appear and set up his or their claim as aforesaid, the absentee and all persons claiming under him shall be forever barred from asserting any right, title or interest in and to such estate, and thereafter the court shall by further
MOTIONS FOR JUDGMENT

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31 decree order that said estate be vested in, paid over and deliv-
32 ered to those who would have been entitled thereto if the ab-
33 sentee had died intestate in this state.

Sec. 15. The aforesaid section fifteen of chapter twenty-seven of the acts of the legislature one thousand nine hundred and seventeen, and all other acts and parts of acts inconsistent here-
4 with are hereby repealed.

CHAPTER 39

(Senate Bill No. 210—By Mr. Watkins)

AN ACT to amend and re-enact chapter eighty-one of the acts of the legislature of one thousand nine hundred and twenty-five, relating to judgments by motion, and providing that plaint-
iff’s affidavit shall be legal evidence.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 6. Procedure upon motion by judg-
ment; affidavit of plaintiff to be legal evidence of claim; dock-
enting.

Be it enacted by the Legislature of West Virginia:

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

Section 6. Any person entitled to recover money by action on any contract may, on motion before any court which would have jurisdiction in an action, otherwise than under the second section of the one hundred and twenty-third chapter of this code, obtain judgment for such money after twenty days’ no-
tice, which notice shall be returned to the clerk’s office of such court fifteen days before the motion is heard. Such motion may be commenced and matured during the term of said court and may be heard at the same term; provided, said term con-
tinues for a period of twenty days after the service of said no-
tice. However, if the court be not in session on the return day as set out in said notice, and the term of court be not ad-
journed, the said motion shall be considered continued until the next court day of said term, and if said term be adjourned, then said motion shall stand continued until the first day of
the next regular term of said court. In any such motion, if
the plaintiff shall file with his notice, and shall serve upon the
defendant at the same time and in the same manner as the no-
tice is served, an affidavit by himself, or his agent, stating dis-
tinctly the several items of the plaintiff’s claim, and that there
is, as the affiant verily believes, due and unpaid from the de-
fendant to the plaintiff upon the demand or demands stated in
the notice, including principal and interest, after deducting
all payments, credits and sets-off made by the defendant, or to
which he is entitled, a sum certain to be named in the affidavit,
no plea shall be filed in the case unless the defendant shall file
with his plea the affidavit of himself, or his agent, that there is
not, as the affiant verily believes, any sum due by the defendant
to the plaintiff upon the demand or demands stated in the plain-
tiff’s notice, or stating a sum certain less than that stated in
the affidavit filed by the plaintiff, which, as the defendant, or
his agent, verily believes, is all that is due from the defendant
to the plaintiff upon the demand or demands stated in the plain-
tiff’s notice. If such plea and affidavit be filed by the defend-
ant and it be admitted in such affidavit that any such sum is
due from the defendant to the plaintiff, judgment may be taken
by the plaintiff for the sum so admitted to be due, with in-
terest thereon from the date of the plaintiff’s affidavit until
paid, and the case tried as to the residue. And the affidavit of
the plaintiff hereinbefore mentioned shall be legal evidence of
plaintiff’s claim.

The clerk shall docket, upon the return day thereof, any mo-
tion under this section filed after the commencement of the
term. Such motion, as well as motions under this section, which
are docked under the first section of chapter one hundred
and thirty-one of this code shall not be discontinued by reason
of no order docketing the same upon the return day thereof,
or of no order of continuance being entered in it from one day
to another or from term to term.

All acts and parts of acts inconsistent herewith are hereby
repealed.
CHAPTER 40
(Senate Bill No. 218—By Mr. Smith of Marion)

AN ACT amending and re-enacting section eleven of chapter one hundred and twenty-nine of Barnes’ code of one thousand nine hundred and twenty-three, being chapter seventy-four of the acts of the legislature of one thousand nine hundred and fifteen, relating to the proof of debts in courts and before commissioners.

[Passed March 8, 1920; in effect ninety days from passage. Approved by the Governor.]

Sec. 11. Proceedings by creditor to establish debt before commissioner in chancery under decree of reference.

Be it enacted by the Legislature of West Virginia:

That section eleven of chapter one hundred and twenty-nine of Barnes’ code one thousand nine hundred and twenty three, being chapter seventy-four of the acts of the legislature one thousand nine hundred and fifteen, be amended and re-enacted so as to read as follows:

Section 11. Every creditor, in any chancery cause pending in any court before a commissioner in chancery under a decree of reference in said cause, or in any proceedings before a commissioner of accounts of any county, under the thirteenth section of chapter eighty-seven of said code, may establish his debt or demand against the debtor, if it be for the recovery of money due on contract, by filing before the commissioner with such debt or demand, completely itemized where it is upon an account, the affidavit or affidavits of any person or persons competent and not disqualified by law (which affidavit or affidavits shall affirmatively show in every case where the creditor is seeking to prove a debt or demand against a deceased debtor or his estate) to testify as a witness or as witnesses before the commissioner about or concerning the debt or demand in question, stating in such affidavit or affidavits every essential element necessary to constitute proof of such debt or demand, the same as though affiant or affiants had testified before the commissioner as a witness or as witnesses in person; unless the debtor, his personal representative, or any party, or creditor, or other person interested shall file before the commissioner a counter-affidavit denying the correctness of debt or demand, as a whole or in part, in which case the creditor presenting such debt or
23 demand shall be required to produce his witness or witnesses
24 before the commissioner, reasonable notice of which shall be
25 given in writing to the creditor or his attorney, and the taking
26 of the testimony relative to such debt or demand shall be pro-
27 ceeded with before the commissioner in like manner as if no
28 affidavit or affidavits had been filed. Any transcript of a judg-
29 ment or decree of a court or justice of this state, introduced in
30 evidence in any court or before such commissioner, shall prima
31 facie be presumed unpaid unless such judgment or decree ap-
32 pear to have been rendered more than ten years prior to the
33 time of such proof.

CHAPTER 41
(House Bill No. 80—By Mr. Davis)

AN ACT to amend and re-enact section thirty-four of chapter
one hundred and forty-five of Barnes' code of one thousand
nine hundred and twenty-three, punishing the giving of
checks, drafts or orders on any bank or other depository,
wherein the drawer of such check, draft or order shall not
have sufficient funds or credit for payment of the same.

[Passed March 2, 1929; in effect ninety days from passage. Approved by the
Governor.]

SEC. 34. Uttering fraudulent check; penalty for; presumption of fraud; when
does not arise; by officer or agent of corporation; punishment; venue; when justices have
jurisdiction; form of indictment.

Be it enacted by the Legislature of West Virginia:

That section thirty-four of chapter one hundred and forty-five
of Barnes' code of one thousand nine hundred and twenty-three,
be, and the same is hereby amended and re-enacted so as to read
as follows:

Section 34. Any person who, with intent to defraud, shall
2 make, draw, issue, utter or deliver any check, draft or order
3 for the payment of money upon any bank, or other deposi-
4 tory, and thereby obtain from such other any credit, credit
5 on account, money, goods or other property or thing of value,
knowing at the time of such making, drawing, issuing, uttering or delivering that the maker or drawer thereof has not sufficient funds, in, or credit with such bank or other depository for the payment of such check, draft or order in full upon its presentment, shall be guilty of a misdemeanor, if the amount of such check, draft or order be under twenty dollars, and upon conviction thereof be confined in the county jail not less than five nor more than sixty days or fined not less than one hundred dollars or by both fine and imprisonment; and if the amount of such check, draft or order be twenty dollars or over, he shall be guilty of a felony and upon conviction therefor shall be confined in the penitentiary not less than one nor more than five years and be fined not more than one thousand dollars. The making, drawing, issuing, uttering or delivering of a check, draft or order upon such bank, or other depository, by any person knowing that there is not sufficient funds or credit in such bank or depository from which the same can be paid on presentment shall, as against the drawer, be prima facie evidence of knowledge of insufficiency of funds or lack of credit and of intent to defraud; provided, however, that if such check, draft or order be paid at any time previous to the trial or examination of such person before a justice of the peace, or before indictment of such person by a grand jury, then no presumption of knowledge of insufficiency of funds, or lack of credit and of intent to defraud shall arise.

The making, drawing, issuing, uttering or delivery of any such check, draft or order, for or on behalf of any corporation or in its name by any officer or agent of such corporation, shall subject such officer or agent to the penalties of this act to the same extent as though such check, draft, or order was his own personal act, when such agent or officer knows that such corporation does not have sufficient funds or credit with such bank or other depository from which such check, draft or order can legally be paid upon presentment.

Such person, officer or agent, shall be prosecuted in the county in which he makes, draws, issues or delivers such check. Justices of the peace shall have jurisdiction to try any misdemeanor charge hereunder. The word “credit” as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such
check, draft or order. The following form of indictment shall
be deemed sufficient.

State of West Virginia,

In the ________ County, ss:

The grand jurors of the State of West Virginia, in and for
the county of__________ upon their oaths present
that__________ within one year last past, in the
county aforesaid did unlawfully and feloniously (if for felony,
or did unlawfully, if for misdemeanor) issue and deliver unto
his certain check (or draft) of the
words and figures as follows; (here copy) when he, the said
 knowingly did not have sufficient funds on deposit
with the said bank of__________ with which to pay
said check or draft against the peace and dignity of the state.

CHAPTER 42
(Senate Bill No. 151—By Mr. Henshaw)

AN ACT making it unlawful to operate fraudulently any coin box
telephone for the purpose of receiving telephone service.

[Passed March 7, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec. 1. Penalty for unlawful use of slugs, counterfeited coins, etc., in coin box telephones.

Be it enacted by the Legislature of West Virginia:

Section 1. Any person who shall operate or cause to be
operated, or who shall attempt to operate any coin box telephone designed to receive lawful coin of the United States of
America in connection with the use or enjoyment of any telephone service by means of a slug or any false, counterfeited,
mutilated, sweated or foreign coin or by any means, method,
trick or device whatsoever, not lawfully authorized by the
owner, lessee or licensee of such coin box telephone, shall be
guilty of a misdemeanor, and upon conviction shall be pun-
ished by imprisonment in the county jail not exceeding twelve
months or by a fine not exceeding five hundred dollars, or both.

at the discretion of the court.
CHAPTER 43
(Senate Bill No. 202—By Mr. Reitz)

AN ACT to prevent fraud and misrepresentation in the sale of liquid fuels, lubricating oils and similar products, to prevent adulteration of any such products and to provide penalties therefor.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

Section 1. It shall be unlawful for any person, firm, or corporation, to store, sell, expose for sale, or offer for sale, any liquid fuels, lubricating oils, or other similar products, in any manner whatsoever, so as to deceive or tend to deceive the purchaser as to the nature, quality, and identity, of the product so sold or offered for sale.

Section 2. It shall be unlawful for any person, firm, or corporation to store, keep, expose for sale, offer for sale, or sell from any tank or container, or from any pump, or other distributing device or equipment, any other liquid fuels, lubricating oils, or other similar products, than those indicated by the name, trade name, symbol, sign, or other distinguishing mark or device, of the manufacturer or distributor, either as owner or licensee, appearing upon the tank, container, pump, or other distributing equipment, from which the same are sold, offered for sale or distributed.

Section 3. It shall be unlawful for any person, firm or corporation, to disguise or camouflage his or their own equipment, by imitating the design, symbol, or trade name, under which recognized brands of liquid fuels, lubricating oils, and similar products, are generally marketed.

Section 4. It shall be unlawful for any person, firm, or corporation, to expose for sale, offer for sale, or sell, under any trade mark or trade name in general use, any liquid fuels,
4 lubricating oils, or other like products, except those manufac-
5 tured or distributed by the manufacturer or distributor market-
6 ing liquid fuels, lubricating oils or other like products, under
7 such trade mark or trade name, either as owner of said trade
8 mark or licensee, or to substitute, mix, or adulterate the liquid
9 fuels, lubricating oils, or other similar products, sold, offered for
10 sale, or distributed, under such trade mark or trade name.

Sec. 5. It shall be unlawful for any person, firm or corpora-
2 tion, to aid or assist any other person, firm or corporation in
3 the violation of the provisions of this act, by depositing or
4 delivering in any tank, receptacle, or other container, any other
5 liquid fuels, lubricating oils, or like products, than those in-
6 tended to be stored therein and distributed therefrom, as indi-
7 cated by the name of the manufacturer or distributor or the
8 trade mark or trade name of the product displayed on the con-
9 tainer itself, or on the pump, or other distributing device used
10 in connection therewith.

Sec. 6. There shall be firmly attached to or painted at or near
2 the point of outlet from which lubricating oil is drawn or
3 poured out for sale or delivery, a sign or label consisting of the
4 word or words in letters not less than one inch in height, com-
5 prising the brand or trade name of said lubricating oil, and,
6 provided, that if any of said lubricating oil shall have no brand
7 or trade name, the above required sign or label shall consist of
8 the words, "Lubricating oil, no brand."

Sec. 7. Any person, firm, or corporation, or any officers,
2 agent, or employee thereof, who shall violate any provision of
3 this act, upon conviction, shall be punished by a fine, for the
4 first offense, of not less than twenty-five dollars nor more than
5 two hundred dollars; and for a second or any subsequent of-
6 fense by a fine of not less than fifty dollars nor more than five
7 hundred dollars; and in addition to the penalties aforesaid,
8 upon conviction of second offense hereunder, the permit and
9 license certificate provided for by section two, of chapter two,
10 acts of the legislature, extraordinary session one thousand nine
11 hundred and twenty-five theretofor issued to such violator
12 shall be cancelled and taken up by the state tax commissioner;
13 and no other certificate of license shall be issued to such persons
14 by said state tax commissioner for a period of one year from the
15 date of such cancellation.
16 All acts and parts of acts inconsistent herewith, are repealed.
CHAPTER 44

(Com. Sub. for Senate Bill No. 215—By Mr. Hallanan)

AN ACT to amend and re-enact section sixteen of chapter one hundred and forty-nine of Barnes' West Virginia code of one thousand nine hundred and twenty-three, relating to work on the Sabbath.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 16. Penalty for laboring or hunting on Sabbath day.

Be it enacted by the Legislature of West Virginia:

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

Section 16. If a person on a Sabbath day be found laboring at any trade or calling, or employ his minor children, apprentices, or servants in labor or other business, except in household or other work of necessity or charity, he shall be fined not more than fifteen dollars for each offense, and every day any such minor child, or servant, or apprentice is so employed, shall constitute a distinct offense; and any person found hunting, shooting, or carrying fire-arms on the Sabbath day, shall be guilty of a misdemeanor and fined not more than fifteen dollars.

CHAPTER 45

(House Bill No. 16—By Mr. Mathews, of Kanawha)

AN ACT to repeal sections one, two, three, four, five, six, seven, eight, nine and ten of chapter one hundred forty-five of the code of West Virginia, relating to offenses against property and enact in lieu thereof, sections one, two, three four and five.
DEFINITION AND PUNISHMENT FOR ARSON

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four, five, six, seven, eight, nine and ten of chapter one hundred forty-five, code of West Virginia relating to offenses against property, be and the same are hereby repealed, and the following sections enacted in their stead:

Arson: Punishment

Section 1. Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house; or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, the property of himself or another, shall be guilty of arson, and upon conviction thereof, be sentenced to the penitentiary for not less than two nor more than twenty years.

Burning Buildings, Etc. Other Than Dwellings

Sec. 2. Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any barn, stable or other building, the property of himself or of another, not a parcel of a dwelling house, or any shop, storehouse, warehouse, factory, mill or other building, the property of himself or of another; or any church, meeting house, court house, work house, school, jail or other public building or any public bridge; shall, upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than ten years.

Of Other Property

Sec. 3. Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any barrack, cock, crib, rick or stack of hay, corn, wheat, oats, barley or other grain or vegetable product of any kind; or any field of standing hay or grain of any kind; or any pile of coal, wood or other fuel; or any pile
DEFINITION AND PUNISHMENT FOR ARSON

Sec. 4. Any person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any goods, wares, merchandise, or other chattels or personal property of any kind, the property of himself or of another, which shall at the time be insured by any person or corporation against loss or damage by fire; shall upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than five years.

Attempt to Burn Buildings or Property

Sec. 5. Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than two years or fined not to exceed one thousand dollars.

The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purposes of this act constitute an attempt to burn such building or property.
CHAPTER 46
(Senate Bill No. 226—By Mr. Robinson)

AN ACT to amend and re-enact chapter fifty-five of the acts of the legislature of one thousand nine hundred and twenty-three, relating to the grading and packing of fruits and vegetables for sale.

(Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.)

SEC. 1. That the commissioner of agriculture is hereby directed to establish and promulgate from time to time official standard grades for all closed packages of fruits and vegetables, by which the quantity, quality, and size may be determined, and prescribe and promulgate rules and regulations governing the markings which shall be required upon packages of fruits and vegetables for the purpose of showing the name and address of the producer or packer, the variety, quantity, quality and size of the product.

It is the intent of this act that the commissioner of agriculture of West Virginia shall promulgate all United States standard grades for fruits and vegetables and after consulting with the president of the state horticultural society and a committee of five fruit and vegetable growers appointed by the president of the state horticultural society, such committee to be made up of growers from the various fruit and vegetable producing sections of the state and shall act with their advice and consent in establishing such other grades within the state of West Virginia as in their judgment may be advisable.

Sec. 2. Whenever such standards for the grade or other classification of fruits and vegetables under this act becomes
3 effective, every closed package containing fruits or vegetables
grown and packed in the state of West Virginia and sold, offered
or exposed for sale, or packed for sale or transported for sale
by any person, firm, company or organization, shall bear con-
spicuously upon the outside thereof, in plain words and figures,
such markings as are prescribed by the commissioner of agri-
culture of West Virginia under the provisions of this act.

Sec. 3. The commissioner of agriculture of West Virginia
shall be charged with the enforcement of the provisions of this
act and for that purpose shall have power:

(a) To enter and inspect personally, or through any author-
ized agent every place within the state of West Virginia where
fruits or vegetables are produced, packed, or stored for sale,
shipped, delivered for shipment, offered for sale, or sold, and
to inspect such places and all fruit or vegetable containers and
equipment found in any such place.

(b) To appoint, superintend, control and discharge such in-
spectors and subordinate inspectors as in his discretion may be
deemed to be necessary, for the special purpose of enforcing
the terms of this act, to prescribe their duties and fix their
compensations.

(c) Personally, or through any authorized agent or any such
inspector, to forbid the movement of any closed package or
packages of fruits or vegetables found to be in violation of any
of the provisions of this act which have not been actually ac-
cepted by a common carrier for shipment in interstate traffic,
and to require the same to be repacked or remarked. A car-
load of fruit or vegetables shall not be considered as actually
accepted by a common carrier for shipment until the loading is
finished, the car sealed and the bill of lading issued.

(d) To cause to be instituted through the prosecuting attor-
eys of the state, in the circuit court of any county, or any
justice of the peace, of the state of West Virginia in which
fruits or vegetables are packed, shipped, delivered for shipment,
offered for sale or sold, in violation of any of the provisions
of this act, or may be found, prosecutions for such violations.

Sec. 4. When fruits or vegetables in closed packages are
delivered to a railroad station or a common carrier for ship-
ment, or delivered to a storage house for storage, such delivery
shall be prima facie evidence that the fruits or vegetables are
offered or exposed for sale, except in movement of unpacked
6 and unlabeled fruits or vegetables for the purpose of repacking.

Sec. 5. Any person, firm, company, organization or corporation, who shall violate any of the provisions of this act, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars for each offense.

Sec. 6. No person, firm, or corporation shall be prosecuted under the provisions of this act:

(a) When he or it can establish by satisfactory evidence that he or it was not a party to the packing, grading or marking of such fruits or vegetables.

(b) When he or it can establish that the fruits or vegetables offered for sale have passed inspection by an authorized inspector of the state of West Virginia and bear the official West Virginia inspection stamp, or by an inspector of the United States department of agriculture and found to be packed in accordance with the requirements of the commissioner of agriculture of West Virginia.

Sec. 7. All certificates issued by inspectors in compliance with the regulations of the secretary of agriculture of the United States governing the inspection of fruits and vegetables pursuant to the act making appropriations for the United States department of agriculture, or pursuant to this act, shall be admissible as *prima facie* evidence in all courts of this state.

Sec. 8. If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

**CHAPTER 47**

(House Bill No. 3—By Mr. Raider)

AN ACT creating a community demonstration in the utilization of garden products.

[Passed March 1, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Community demonstration in utilization of garden products, to select location and provide buildings.

2. Extension division, College of Agriculture, how administered.
Be it Enacted by the Legislature of West Virginia:

Section 1. There is hereby established a community demonstration in the utilization of garden products for the purpose of teaching any citizen of West Virginia by the demonstration method how vegetables, berries, fruits or other garden products may be sorted, graded, processed or marketed under methods conforming to consumer demands and economically profitable to the producers.

Sec. 2. For carrying out the provisions and purposes of this act it shall be the duty of the Extension division, College of Agriculture to select a location for the aforesaid demonstration, and the duty of the state board of control to provide necessary buildings and equipment for suitably conducting such a demonstration at the location selected.

Sec. 3. This demonstration shall be administered as a part of the cooperative demonstration work of the Extension Division, College of Agriculture, West Virginia University.

Any appropriations hereafter made to carry out the provisions and purposes of this act shall be expended through the State Board of Control.

CHAPTER 48

House Bill No. 268—By Mr. McGlothlin)

AN ACT to amend and re-enact chapter thirty-four of the acts of the legislature of one thousand nine hundred and nineteen, as amended and re-enacted by chapter fifty-four of the acts of the legislature of one thousand nine hundred and twenty-three, regulating the sale of commercial feedstuffs.

[Passed March 6, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Definition of commercial feeding stuffs.
2. Label on what to show.
3. Certificate of registration required; when may be cancelled; when issued and fee for; expiration; when tankage, etc., may be sold.
4. When commission may refuse register commercial feeding stuffs.
5. One registration of brand sufficient.
6. When sold or stored in bulk, printed cards required.
7. Analysis of sample; methods of publication of results of.
8. Duties and powers of commissioner in enforcing act.
9. When act violated, duty of commissioner.
10. Penalty for violation of act by manufacturer and others.
11. Inconsistent acts repealed.
Be it enacted by the Legislature of West Virginia:

That chapter thirty-four of the acts of the legislature of one thousand nine hundred and nineteen, as amended and re-enacted by chapter fifty-four of the acts of the legislature of one thousand nine hundred and twenty-three be amended and re-enacted so as to read as follows:

Section 1. The term "commercial feeding stuffs," as used in this article, or in any rule or regulation authorized thereunder, unless the context otherwise requires or a different meaning is specifically prescribed, shall mean all feeding stuffs used for feeding live stock and poultry, except whole seeds or grains, the unmixed meals made directly from the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kafir, and milo; whole hays, straws and corn stover, when unmixed with other materials, together with all other materials containing sixty per cent or more of water.

Sec. 2. Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within the state shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language clearly and truly certifying:

(a) The net weight of the contents of the package, lot or parcel.
(b) The name, brand or trademark.
(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market.
(d) The minimum per cent of crude protein.
(e) The minimum per cent of crude fat.
(f) The maximum per cent of crude fiber.
(g) The specific name of each ingredient used in its manufacture with a statement of the amount or per cent of each such ingredients as salt, charcoal, carbonate, and phosphate of lime, grit and such inferior or objectionable materials as the commissioner may prescribe.

The crude protein, crude fat and crude fiber shall be determined by the methods in force at the time by the association of official agricultural chemists of the United States,
and the names of ingredients shall be in accordance with
the definitions of feeding stuffs of the association of feed
control officials of the United States.

Sec. 3. Every manufacturer who shall offer or expose for
sale or distribute in this state any commercial feeding stuff
shall before same is sold, offered or exposed for sale obtain
from the commissioner of agriculture a certificate of registration
for each brand of feed to be sold offered or exposed for sale.
The commissioner of agriculture shall have full power to and
is hereby authorized and required to cancel and withdraw
any certificate upon satisfactory evidence that any rules and
regulations covering the sale of commercial feeding stuffs
has been violated by the holder of the same. The commis-
sioner shall not issue any certificate of registration except
upon the filing with the commissioner a certified copy of the
statement specified in section two for each brand of com-
mercial feeding stuffs accompanied by a fee of five dollars
for each brand, which monies shall become a part of the
general revenue of the state. All certificates so issued shall
become null and void on June thirty next succeeding the
issue thereof. Tankage, meat meal or meat scrap cannot
be sold in this state through dealers or otherwise, except
under the regulations of government inspection of tankage,
meat meal or meat scraps, and each container shall have a
prescribed label from the bureau of animal industry in com-
pliance with the act of congress of June thirtieth, one thou-
sand nine hundred and six.

Sec. 4. The commissioner of agriculture shall have power
to refuse to register any commercial feeding stuffs under a
name, brand or trademark which would be misleading or
deceptive or which would tend to mislead or deceive as to
the material of which it is composed, or when the specific
name of each and all ingredients used in its manufacture are
not stated, or when the amounts or percentages of materials
as set forth in section two of this article are not certified.
Provided, however, that the commissioner of agriculture shall
refuse to register any mixed or commercial feed containing
such inferior ingredients as sawdust, sweepings, damaged or
salvaged feeds, cottonseed hulls, rice hulls, peanut hulls,
buckwheat hulls, oat hulls whole or ground, and such inferior
material ground on hammer mills for deception such as oat or
REGULATING SALE OF COMMERCIAL FEEDSTUFFS

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REGULATING SALE OF COMMERCIAL FEEDSTUFFS

15 wheat straw knuckles, stems, off grade timothy, clover or any 16-17 grasses or elevator sweepings, refuse, dust or alfalfa meal 18 made from stalks, stems, knuckles or alfalfa hay unfit for 19 commercial use except alfalfa meal made from hay that will 20 grade as choice number one of second or third cutting as 21 provided by United States department of agriculture grad- 22 ing standards and such other ingredients as the commissioner 22-a upon investigation may find to be harmful, or to have little, if 22-b any, feeding value. He shall also have the power to refuse to 23 register more than one commercial feeding stuffs under the 24 same name or brand when offered by the same manufacturer, 25 jobber, importer, firm, association, corporation or person to 26 lower the guaranteed analysis or change the ingredients of 27 any brand of his or their commercial feeding stuffs during 28 the term for which registered unless satisfactory reasons are 29 presented for making such change.

Sec. 5. Whenever a manufacturer, importer, jobber, firm, 2 association, corporation or person manufacturing or selling a 3 brand of commercial feeding stuff shall have filed the state- 4 ment required by section three and the same has been regis- 5 tered by the commissioner no other agent, importer, jobber, 6 firm, association, corporation or person shall be required to 7 file for registry such statement for such brand.

Sec. 6. Whenever any commercial feeding stuffs as de- 2 fined in section one are offered or exposed for sale in bulk or 3 otherwise stored, the manufacturer, importer, jobber, firm, as- 4 sociation, corporation or person keeping the same for sale 5 shall keep on hand cards upon which shall be printed the 6 statement required by the provisions of section two, and 7 when such feeding stuffs are sold at retail in bulk or in 8 packages belonging to the purchaser, the manufacturer, job- 9 ber, firm, association, corporation or person shall furnish the 10 purchaser, upon request with a card or cards upon which ap- 11 pears the statement required by the provisions of section two.

Sec. 7. The commissioner of agriculture shall annually 2 cause to be analyzed at least one sample of every commercial 3 feeding stuff that is found, sold, offered or exposed for sale, or 4 distributed in this state. The methods of analysis shall be 5 those in force at the time by the association of official agri- 6 cultural chemists of the United States. The commissioner 7 shall publish annually, in pamphlet or bulletin form the re-
sult of all analyses and other examinations required by this section, for the guidance of purchasers of commercial feeding stuffs in this state.

Sec. 8. The commissioner of agriculture shall enforce the provisions of this article, and prescribe and enforce such rules and regulations as he may deem necessary to effectuate the same. The commissioner, in person, or by deputy, shall have free access to all places of business, mills, buildings, carriages, cars, vessels and parcels of whatsoever kind used in the manufacturing, transportation, importation, sale or storage of any commercial feeding stuffs, with power and authority to open any parcel containing or supposed to contain any commercial feeding stuffs, and, upon tender and full payment of the selling price, to take therefrom samples for analysis.

Sec. 9. Whenever it appears to the commissioner, or his deputy, that any of the provisions of this article have been violated, the commissioner shall certify the facts to the proper prosecuting attorney, and furnish him with a copy of the results of the analysis or other examination of such feeding stuffs, duly authenticated by the analysis or other officer making the examination under the oath of such officer: Provided, that if it shall appear from any such examination that any of the provisions of this article have been violated, the commissioner shall cause notice to be given to the manufacturer or dealer from whom such sample was taken. Any party so notified shall be given an opportunity to be heard in his defense, under such rules and regulations as may be prescribed by the commissioner, before the facts shall be certified to the proper prosecuting attorney.

Sec. 10. Any manufacturer, importer, jobber, firm, association, corporation or person, 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 article, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the commissioner or his authorized agent in the performance of his duty in connection with the provisions of this article, or who shall sell, offer 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 pro-
12 visions of this article; or who shall sell, offer, or expose for
13 sale or distribute in this state any commercial feeding stuffs
14 which contain a smaller per cent of crude protein or crude
15 fat, or a larger percent of crude fiber than is certified to be
16 contained therein or who shall fail properly to state the
17 specific name of each and every inferior ingredient as set
18 forth in section two of this article, shall be guilty of a mis-
19 demeanor, and, upon conviction thereof, shall be fined not
20 more than one hundred dollars for the first violation, and not
21 less than one hundred nor more than two hundred dollars for
22 each subsequent violation.

Sec. 11. All acts or parts of acts inconsistent with this act
2 are hereby repealed.

CHAPTER 49

(House Bill No. 41—By Mr. Calderwood)

AN ACT authorizing the issuance and sale of not exceeding twenty
million dollars of road bonds of the state of West Virginia
to raise money for road construction purposes under and by
virtue of an amendment to the constitution, adopted at the
general election held on the sixth day of November, one
thousand nine hundred and twenty-eight; and to provide
for the distribution and expenditure of the proceeds of
sale thereof; and to provide for the levy and collection
of an annual state tax and other revenues sufficient to
pay semi-annually the interest on said bonds and the prin-
cipal thereof within twenty-five years.

[Pasbed March 2, 1929; in effect from passage. Approved by the Governor.]

SEC.
1. Sale of road bonds; amount and
purpose.
2. Dates and amounts; transfers of;
where payable; interest rate;
exemption from taxation.
3. Form of bonds.
4. Form of coupons.
5. Listing of, by auditor.
6. Sinking fund for; how created and

Invested.
7. Direct levy and other funds for
payment of.
8. Interim certificates.
9. Sale of bonds by governor; basis
distribution proceeds.
10. Plates property of state.
11. Administration expenses, how paid.

Be it enacted by the Legislature of West Virginia:

Section 1. That bonds of the state of West Virginia of
2 the par value of twenty million dollars are hereby author-
3 ized to be issued and sold for the purpose of raising funds
for assisting in building and constructing the system of
state roads and highways provided for by the amendment
6 to the constitution adopted at the general election held in
7 one thousand nine hundred and twenty, said bonds being
8 authorized by an amendment to the constitution adopted at
9 the general election held in the state of West Virginia in
10 one thousand nine hundred and twenty-eight.

Sec. 2. Ten million dollars of said bonds shall be dated
1 January the first, one thousand nine hundred and twenty-
2 nine and shall become due and payable as follows:
3 January first, one thousand nine hundred and thirty, two
4 hundred thousand dollars; January first, one thousand nine
5 hundred and thirty-one, two hundred and fifty thousand dol-
6 lars; January first, one thousand nine hundred and thirty-
7 two, two hundred and fifty thousand dollars; January first,
8 one thousand nine hundred and thirty-three, two hundred
9 and fifty thousand dollars; January first, one thousand nine
10 hundred and thirty-four, two hundred and seventy-five thou-
11 sand dollars; January first, one thousand nine hundred and
12 thirty-five, two hundred and seventy-five thousand dollars;
13 January first, one thousand nine hundred and thirty-six,
14 three hundred thousand dollars; January first, one thousand
15 nine hundred and thirty-seven, three hundred and twenty-
16 five thousand dollars; January first, one thousand nine hun-
17 dred and thirty-eight, three hundred and twenty-five thou-
18 sand dollars; January first, one thousand nine hundred and
19 thirty-nine, three hundred and twenty-five thousand dol-
20 lars; January first, one thousand nine hundred and forty,
21 three hundred and fifty thousand dollars; January first, one
22 thousand nine hundred and forty-one, three hundred and
23 seventy-five thousand dollars; January first, one thousand
24 nine hundred and forty-two, three hundred and seventy-five
two thousand dollars; January first, one thousand nine hundred
26 and forty-three, four hundred thousand dollars; January
27 first, one thousand nine hundred and forty-four, four hun-
28 dred and twenty-five thousand dollars; January first, one
29 thousand nine hundred and forty-five, four hundred and fifty
30 thousand dollars; January first, one thousand nine hundred
31 and forty-six, four hundred and seventy-five thousand dol-
32 lars; January first, one thousand nine hundred and forty-
33 seven, four hundred and seventy-five thousand dollars; Jan-
January first, one thousand nine hundred and forty-eight, five hundred thousand dollars; January first, one thousand nine hundred and forty-nine, five hundred and twenty-five thousand dollars; January first, one thousand nine hundred and fifty, five hundred and twenty-five thousand dollars; January first, one thousand nine hundred and fifty-one, five hundred and seventy-five thousand dollars; January first, one thousand nine hundred and fifty-two, five hundred and seventy-five thousand dollars; January first, one thousand nine hundred and fifty-three, six hundred thousand dollars; January first, one thousand nine hundred and fifty-four, six hundred and fifty thousand dollars.

Ten million dollars of said bonds shall be dated January the first, one thousand nine hundred and thirty, and shall become due and payable as follows:

January first, one thousand nine hundred and thirty-one, two hundred thousand dollars; January first, one thousand nine hundred and thirty-two, two hundred and fifty thousand dollars; January first, one thousand nine hundred and thirty-three, two hundred and fifty thousand dollars; January first, one thousand nine hundred and thirty-four, two hundred and fifty thousand dollars; January first, one thousand nine hundred and thirty-five, two hundred and seventy-five thousand dollars; January first, one thousand nine hundred and thirty-six, two hundred and seventy-five thousand dollars; January first, one thousand nine hundred and thirty-seven, three hundred thousand dollars; January first, one thousand nine hundred and thirty-eight, three hundred and twenty-five thousand dollars; January first, one thousand nine hundred and thirty-nine, three hundred and twenty-five thousand dollars; January first, one thousand nine hundred and forty, three hundred and twenty-five thousand dollars; January first, one thousand nine hundred and forty-one, three hundred and fifty thousand dollars; January first, one thousand nine hundred and forty-two, three hundred and seventy-five thousand dollars; January first, one thousand nine hundred and forty-three, three hundred and seventy-five thousand dollars; January first, one thousand nine hundred and forty-four, four hundred thousand dollars; January first, one thousand nine hundred and forty-five, four hundred and twenty-five thousand dollars; January
71 first, one thousand nine hundred and forty-six, four hundred and twenty-five thousand dollars; January first, one thousand nine hundred and forty-seven, four hundred and fifty thousand dollars; January first, one thousand nine hundred and forty-eight, four hundred and seventy-five thousand dollars; January first, one thousand nine hundred and forty-nine, five hundred thousand dollars; January first, one thousand nine hundred and fifty, five hundred and twenty-five thousand dollars; January first, one thousand nine hundred and fifty-one, five hundred and twenty-five thousand dollars; January first, one thousand nine hundred and fifty-two, five hundred and seventy-five thousand dollars; January first, one thousand nine hundred and fifty-three, five hundred and seventy-five thousand dollars; January first, one thousand nine hundred and fifty-four, six hundred thousand dollars; January first, one thousand nine hundred and fifty-five, six hundred and fifty thousand dollars. All of said bonds may be coupon or registered and in such denomination 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 a rate of not exceeding four and one-half per centum per annum and the said interest shall be payable semi-annually on the first day of January and July 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 the city of New York, to be designated by the governor, upon presentation and surrender of the interest coupons representing the 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 upon requisition
111 of the state sinking fund commission for the payment of interest on the first day of January and July of each year for the amount of registered bonds outstanding as shown by the records of his office.
115. Both the principal and interest of said bonds shall be payable in gold coin of the United States of America 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 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__________

11 The state of West Virginia, under and by virtue of authority of an act of its legislature passed at the regular session of one thousand nine hundred and twenty-nine, on the __________ day of _________________ one thousand nine hundred and twenty-nine, and approved by the governor on the ____________ day of _________________, one thousand nine hundred and twenty-nine, 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 an-
num 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 January and first day of July 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 bond 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 affixed according to law, dated the_________day of __________, one thousand nine hundred and __________, and the seal of the state of West Virginia.

Treasurer of the State of West Virginia.

(SEAL)

Countersigned:

Auditor of the State of West Virginia.

Sec. 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 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_______________________ dol-
11 lars, the same being the semi-annual interest on Bond
12 No.----------, series of one thousand nine hundred and
13 ------------------
14 Treasurer of the State of West Virginia.
15 The signature of the treasurer to said coupons shall be by
16 his engraved fac-simile signature, and each coupon shall be
17 impressed on the back with its number in order of maturity
18 from number one consecutively. Said bonds and coupons
19 may be signed by the present treasurer and auditor, or by
20 any of their respective successors in office; but no change in
21 such signatures shall be necessary by reason of any change
22 of said officers.

Sec. 5. All coupons and registered bonds issued under
2 this act shall be separately listed by the auditor of the state
3 in books provided for the purpose, in each case giving the
4 date, number, character and amount of obligations issued,
5 and, in case of registered bonds, the name of persons, firm
6 or corporation to whom issued.

Sec. 6. A fund is hereby created, designated as state
2 road interest and sinking fund number two. As soon as this
3 act takes effect, and on the second day of January in each
4 year thereafter, the state road commission shall transmit to
5 the state sinking fund commission an amount sufficient to
6 pay the interest on the amount of bonds to be outstanding
7 at the end of said year and also sufficient to pay the
8 amount of bonds maturing during the current year. All
9 such funds shall be kept by the state sinking fund com-
10 mission in a separate account, under the designation afore-
11 said, and all money belonging to said fund shall be depos-
12 ited in the state treasury to the credit thereof. The state
13 sinking fund commission may invest said fund temporarily
14 until needed in bonds of the government of the United
15 States, the state of West Virginia, or some political sub-di-
16 vision thereof; provided, however, that bonds so purchased
17 by the said state sinking fund commission shall mature so as
18 to provide sufficient money to pay off bonds herein pro-
19 provided to be issued as they may become due, and the inter-
20 est thereon; and said state road interest and sinking fund
21 number two shall be expended for the purpose of paying in-
22 terest and principal of the bonds hereby provided for, and
23 for no other purposes, except that said fund may be invested
24 until needed as herein provided.

Sec. 7. In order to provide the revenue necessary for the
2 payment of the principal and interest of said bonds, as here-
3 before provided, the board of public works is authorized,
4 empowered and directed to lay annually a tax upon all real
5 and personal property subject to taxation within this state,
6 sufficient to pay the interest on said bonds accruing during
7 the current year and the principal of said bonds according
8 to the schedule set out in section two of this act; and said
9 taxes, when so collected, shall not be liable for or applicable
10 to any other purpose.
11 Provided, however, if there be other funds in the state
12 treasury, or in the state road fund, in any fiscal year, not
13 otherwise appropriated, or if other sources of revenue be
14 hereafter provided by law for the purpose, the board of pub-
15 lic works is authorized, empowered and directed to set apart,
16 in any year there be such funds, or other sources of rev-
17 enue provided for such purpose, a sum sufficient to pay the
18 interest on said bonds accruing during the current year, and
19 to pay off and retire the principal of said bonds, or any
20 part thereof, at maturity.
21 The authority hereby vested in the board of public works
22 shall be in addition to the authority now vested in it by
23 present law.

Sec. 8. The governor may authorize the issuance of in-
2 interim certificates to be issued to the purchasers of said bonds
3 to be held by them in lieu of engraved bonds. When said
4 interim certificates are so issued, they shall become full and
5 legal obligations of the state of West Virginia under all of
6 the provisions of this act just as fully and completely as the
7 engraved and permanent bonds.

Sec. 9. The governor shall sell all bonds herein men-
2 tioned at such time or times as he may determine necessary
3 to provide funds for road construction purposes, as herein
4 provided, upon recommendation of state road commission.
5 All sales shall be at not less than par and interest accrued
6 since the last semi-annual dividend period. All interest cou-
7 pons becoming payable prior to said sale date shall be can-
8 celled by the treasurer and rendered ineffective before the
9 delivery of the bonds so sold. Registered bonds shall bear
10 interest only from the date of delivery.
11 (a) The proceeds of all sales of bonds herein authorized
12 shall be paid into the state road fund created by section fifteen
13 chapter one hundred and twelve of the acts of the legislature
14 of one thousand nine hundred and twenty-one; and the pro-
15 ceeds from the sale of said bonds shall be apportioned by
16 the state road commission among the several counties on the
17 eighty-twenty basis in accordance with the provisions of
18 section twenty-three chapter seventeen of the acts of the
19 legislature of one thousand nine hundred and twenty-five.

Sec. 10. The plates from which the bonds authorized by
2 this act are engraved shall be the property of the state of
3 West Virginia.

Sec. 11. All necessary expenses incurred in the execu-
2 tion of this act shall be paid out of any money in the treas-
3 ury of the state of West Virginia, not otherwise appropriated,
4 on warrants of the auditor of the state drawn on the state
5 treasurer.

Sec. 12. The state auditor shall be the custodian of all
2 unsold bonds issued pursuant to the provisions of this act.

CHAPTER 50
(House Bill No. 105—By Mr. Harmer)

AN ACT to authorize the issue of duplicate for any lost or de-
stroyed outstanding registered West Virginia state road 
bonds issued under and by virtue of the laws of the state 
of West Virginia.

[Passed February 10, 1929; in effect from passage. Approved by the Governor.]

Section 1. That upon the filing with the state treas-
2 urer, proof, which in his judgment and discretion is full and
3 satisfactory of the loss or destruction of any registered West
4 Virginia state road bond issued by virtue of the laws of this
5 state, and a corporate surety bond in an amount equal to
6 the face value of the lost bond, conditioned to indemnify
7 the state of West Virginia and all persons against any loss
8 in consequence of the issuance of a duplicate bond, the treas-
9 urer and auditor of the state shall be authorized to issue
10 and deliver to the last registered holder of any such lost or
11 destroyed bond, a duplicate thereof.

Sec. 2. Each duplicate bond issued under the provisions
2 of section one of this act shall correspond with the original
3 as to date, maturity, form and execution, except it may be
4 given a number different from the original. It shall have
5 printed or engraved on the face thereof the word "duplicate," and on its back a certificate executed by the treasurer
7 in the following form: "The within duplicate bond is ex-
8 ecuted and issued under and by virtue of an act of the West
9 Virginia legislature passed on the ...... day of ........ ,
10 1929, in lieu of road bond number ___ in the amount
11 of $........, dated ......, 192.., and maturing .........., 12 19..."

Sec. 3. Any duplicate bond issued hereunder shall be
2 taken and treated in all respects as the original, and the
3 original shall be deemed cancelled.

Sec. 4. The finder of any lost bond for which a duplicate
2 has been issued shall forthwith transmit the same to the treas-
3 urer, who shall cancel it. Any person who shall retain pos-
4 session of any such bond with knowledge that a duplicate
5 has been issued therefor, shall be guilty of a misdemeanor,
6 and upon conviction be fined not exceeding one thousand
7 dollars or confined in jail not exceeding one year.

CHAPTER 51
(House Bill No. 100—By Mr. Lakin)
AN ACT to provide employment for prisoners at the West
Virginia Penitentiary.

[Passed March 6, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. Convict labor on roads; approval of governor of contracts for; in-
consistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The state board of control in accordance with
2 proper rules and regulations to be made by said board may
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3 Hire to the state road commission, the county court of any county, or to contractors engaged in the construction of roads in this state, for work on said roads, the labor of any or all 6 convicts confined in the penitentiary at Moundsville, such 7 convicts to be selected by the warden of the penitentiary, and be subject to the rules and regulations of the penitentiary. All contracts for the labor of such convicts, before becoming final and binding, shall have the approval of the governor.

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

CHAPTER 52
(Senate Bill No. 42—By Mr. Hallanan)

AN ACT to provide additional compensation, payable out of the county treasury, for judges of circuit courts in judicial circuits having a population of one hundred thousand or more, according to the population as estimated by the United States bureau of census for July first, one thousand nine hundred twenty-six.

[Passed February 8, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. Salaries of judges in judicial circuits having a population of one hundred thousand or more.

Be it enacted by the Legislature of West Virginia:

Section 1. The county courts or such tribunals as may exist in lieu thereof of the counties composing a judicial circuit wherein the combined population of such counties is one hundred thousand or more, according to the estimated population for such counties made by the bureau of census of the United States for July first, one thousand nine hundred twenty-six, shall pay each judge of the circuit court of such circuit out of the general county fund, as other salaries are paid, in addition to the amount allowed and paid to such judge out of the state treasury, the sum of two thousand five hundred dollars per annum, each.

Sec. 2. In those circuits wherein there are more than one county, the additional compensation here provided and authorized, shall be paid pro rata by the counties within such circuit,
4 each county paying such proportionate part of said compensa-
5 tion as its population bears to the population of the entire 
6 circuit.

7 All acts or parts of acts in conflict and inconsistent herewith 
8 are hereby repealed.

CHAPTER 53
(House Bill No. 128—By Mr. Ulrich)

AN ACT to amend and re-enact section one-d of chapter eleven 
of Barnes' code of West Virginia, one thousand, nine hun- 
dred and twenty-three, relating to office and stenographer 
for circuit judges.

[Passed March 8, 1929; in effect ninety days from passage. Approved by the 
Governor.]

Sec. 
1-d. When office rent, stenographic 
services and other office expense 
for judges to be paid by county 
courts.

Be it enacted by the Legislature of West Virginia:

That section one-d of chapter eleven of Barnes' code of West 
Virginia, one thousand nine hundred and twenty-three, be 
amended and re-enacted to read as follows:

Section 1-d. Each of the judges of the circuit courts in 
2 the several judicial circuits in this state, where the county 
3 court of the county in which such judge resides provides no 
4 suitable office room for such judge, is hereby allowed a rea-
5 sonable sum, not to exceed forty dollars per month, as rent 
6 for an office room for the use of such judge for the conduct 
7 of his official business, the same to be payable at the times 
8 and in the manner provided for the payment of the salary 
9 of such judge.

10 Each of the judges of the circuit court of the several 
11 judicial circuits of this state is hereby allowed such reason-
12 able amounts, not to exceed fifty dollars per month, for the 
13 payment of necessary stenographic fees incurred by such 
14 judge in his official duty as such, which sum shall likewise 
15 be paid at the same time and in the same manner as pro-
16 vided for the salary of such judge; provided, however, that
17 in the first judicial circuit each judge is hereby allowed not
18 to exceed one hundred dollars per month for such steno-
19 graphic services.
20 Each of the judges of the circuit court of the several ju-
21 dicial circuits of this state is hereby allowed his actual ex-
22 penses incurred for lighting and heating his official office,
23 for official stationery and postage used in his official busi-
24 ness; provided, that the allowance in this section shall not
25 exceed the sum of twenty-five dollars per month; which sum
26 shall likewise be paid at the time and in the same manner
27 as provided for the salary of such judge; provided, that no
28 allowances shall be made under this section until the judge
29 submits an itemized statement covering the same.

CHAPTER 54
(Senate Bill No. 16—By Mr. Woodyard)

AN ACT to amend and re-enact section one hundred and thirty-
two-a, of chapter twenty-nine of Barnes' code of West Vir-
ginia, nineteen hundred and twenty-three edition, relating
to the correction of erroneous assessments.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec. 132-a. County court to correct mistakes, etc., in land and personal
property books, exception; how relief from erroneous assessment obtained; application and
proceedings on.

Be it enacted by the Legislature of West Virginia:

1. That section one hundred and thirty-two-a, of chapter
twenty-nine of the nineteen hundred and twenty-three edition of
Barnes' code of West Virginia, be amended and re-enacted so as
to read as follows:

Section 132-a. Authority is hereby vested in the county court
2 to correct mistakes, clerical errors, and other errors made by
3 the assessor in the land and personal property books, except the
4 fixing of valuation, unless such valuation relates to evidences of
5 indebtedness against or shares of stock in a bank, trust company,
6 national banking association or building and loan association
7 which shall have suspended business by reason of impairment of
8 its capital subsequent to the time the assessor shall have made
9 up and completed his books. Any taxpayer, or the prosecuting
10 attorney or state tax commissioner on behalf of the state, county
11 and districts, claiming to be aggrieved by any entry in the land
12 or personal property books of the county, resulting from such
13 mistake, or clerical error or any error, resulting from any cause
14 other than the value of the property as fixed by the assessor or
15 board of review or equalization, (unless such valuation shall
16 relate to evidences of indebtedness against or shares of stock
17 in a bank, trust company, national banking association or build-
18 ing and loan association which shall have suspended business
19 by reason of impairment of its capital subsequent to the time
20 the assessor shall have made up and completed his books, as
21 aforesaid), may, within one year from the time such land or
22 personal property books are delivered to the sheriff, apply for
23 relief to the county court of the county in which such books are
24 made out. But before such application is heard, the taxpayer
25 shall give notice to the prosecuting attorney of the county or the
26 state shall give notice to the taxpayer, as the case may be, of
27 such hearing. Such application whether the case be by the
28 taxpayer or the state, shall have precedence of all other business
29 before the court; but any order or judgment made upon such
30 application shall show that either the prosecuting attorney or
31 the state tax commissioner was present defending the interests
32 of the state, county and district. In the event it shall be
33 ascertained that such applicant is entitled to relief as aforesaid
34 and the taxes have been paid, the same shall be refunded to the
35 taxpayer, and if charged and not paid, such applicant shall be
36 released from the payment thereof. And whenever any such
37 is corrected by the county court the clerk of the court shall
38 certify a copy of such order to the auditor, to the sheriff and to
39 the assessor, and, if real estate, said assessor shall thereupon
40 make a correction in his land book for the next year according
41 to such order. Any such order delivered to the sheriff or other
42 collecting officer shall restrain him from collecting so much as is
43 erroneously charged against the taxpayer, and if the same has
44 been already collected, shall compel him to refund the money if
45 such officer has not already paid the same into the treasury,
46 and in either case, when endorsed by the person exonerated, it
47 shall be sufficient voucher to entitle the officer to a credit for
48 so much in his settlement which he is required to make. If the
49 applicant be the state, then the order so certified to the sheriff
50 shall show the correct amount of taxes due the state, county and
51 districts and shall be sufficient to authorize him to collect such
52 taxes in the same manner as other state, county and district
53 taxes are collected. The provisions of this section shall apply
54 to taxes levied for the year nineteen hundred and twenty-eight.

CHAPTER 55
(Senate Bill No. 258—By Mr. Smith, of Marion)

AN ACT to amend and re-enact section one hundred and twenty-nine of chapter twenty-nine of the code of West Virginia, relating to relief against erroneous assessment of taxes and providing for appeals to the supreme court of appeals in certain cases.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 129. Procedure for appeal from assessment after appearance before board of equalization and review; who may appeal; precedence of appeal; correction of assessment by court; what order to show; refund of excess tax; correction of assessment when too low; copy of order of court increasing valuation; appeal by state or taxpayer to supreme court of appeals.

Be it enacted by the Legislature of West Virginia:

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

Section 129. Any person claiming to be aggrieved by any
2 assessment in any land or personal property book of any county
3 who shall have appeared and contested the same as provided
4 in section eighteen of this chapter, may, within thirty days from
5 the adjournment of the board of equalization and review, apply
6 for relief to the circuit court of the county in which such books
7 are made out; but he shall, before any such application is heard,
8 give ten days' notice to the prosecuting attorney of the county,
9 whose duty it shall be to attend to the interests of the state,
10 county and district in the matter, and the prosecuting attorney
11 shall give at least five days' notice of such hearing to the state
12 tax commissioner; the right of appeal from any assessment by
the board of review as hereinbefore provided, may be taken either by the applicant or by the state, etc., and in case the applicant, by his agent or attorney, or the state, by its prosecuting attorney or state tax commissioner, desires to take an appeal from the decision of the board of review, the party desiring to take such an appeal shall have the evidence taken at the hearing of such application before the board of review, certified by said board, and such appeal when allowed by the court or judge in vacation, shall have precedence over all other cases pending in such court, and such appeal shall be determined from the evidence so certified; if, upon the hearing of such appeal, it is determined that any property has been assessed for more than its true and actual value, the court shall, by an order entered of record, correct every such assessment, fixing such property at its true and actual value; a copy of such order or orders entered by the circuit court reducing the valuation of any assessment shall be certified to the auditor by the clerk within twenty days after the entering of same; every such order or judgment shall show that the prosecuting attorney or state tax commissioner was present and defended the interest of the state, county and district. In the event it shall be ascertained that any land or personal property has been assessed too high and that the owner has paid the excess tax, it shall be refunded to him, and if not paid he shall be relieved from the payment thereof; if, upon such application it is ascertained that any property is assessed too low, the court shall, by an order entered of record, correct every such assessment, fixing it at its true and actual value. A copy of any order or orders entered by any court increasing the valuation of any property shall be certified within twenty-days after the entering of same to the auditor, the county clerk and the sheriff, and it shall be the duty of the auditor, the county clerk and the sheriff to charge any taxpayer affected by such order with the increase of taxes occasioned by the increase of such assessment by applying the rate of levies for every purpose in the district where such property is situated for the current year; such order shall also be filed in the office of the auditor and clerk of the county court. The state or any taxpayer shall have an appeal as a matter of right to the supreme court of appeals where the value of the property is fifty thousand dollars or more.
AN ACT amending and re-enacting section eighteen of chapter twenty-nine of Barnes’ West Virginia code, relating to the appointment and duties of boards of review and equalization.

[Passed March 2, 1920; in effect ninety days from passage. Approved by the Governor.]

SEC. 18. After April first, one thousand nine hundred and nine, the board of public works shall appoint three citizens of each county who are freeholders and entitled to vote, not more than two of whom shall belong to the same political party, who shall constitute for such county, a board of review and equalization; but no two of said board shall be appointed from the same magisterial district; said board shall annually elect one of their members as president, and two of the members of said board shall constitute a quorum for the transaction of business; the salary of the members shall be four dollars per day for each day actually in session of not less than six hours, and shall be provided for and paid out of the county levy for the current year. The term of office of such members shall begin at the date of appointment and shall continue for a term of six years, except that at the first meeting of said commissioners they shall designate by lot, or otherwise, in such manner as they may determine, one of their board, who shall hold his office for the term of two years, one for four years, and one for six years, so that one shall be appointed every two years; any member may be removed by the board of public works and the vacancy filled by it. Every member so appointed shall, within twenty days...
after his appointment, execute a bond with good security to be approved by the county court of his county, or the clerk thereof in vacation, in the penalty of five thousand dollars conditioned for the faithful performance of the duties of his office and shall take the oath or affirmation prescribed by section five of article four of the constitution, and such oath shall be certified by the person who administers the same and filed in the office of the state tax commissioner. After the year one thousand nine hundred and eight the board of review and equalization shall annually, not later than the fifth day of July, meet at the county seat of such county and proceed forthwith to review and equalize the assessment of the county as returned by the assessor. The said board shall not remain in session for a longer period than twenty-five days from the first date of meeting and during this period shall not adjourn longer than three days at a time until the work of review and equalization, as provided by this section is completed; at the first meeting of said board the county assessor shall submit to the board the land books and personal property books for the current year as prepared by him; the land books and personal property books shall be completed in every particular at the time they are submitted to the board, except that the levies shall not be extended; the assessor and his assistants shall attend the session of the said board of review and equalization, and render every assistance possible relative to the value of property assessed by them; the said board shall proceed to examine and review the land and personal property books, and of its own motion or upon sufficient cause being shown by any person, shall add to the land and personal property books the names of persons, the value of the personal property and the description and value of real estate liable to assessment in said county and omitted from said assessment books by the assessor; they shall correct all errors in the names of persons, in the description of property upon such books and in the assessment and valuation of property thereon, and they shall cause to be done whatever else may be necessary to make said assessment as returned by the personal property assessor comply with the provisions of this
i3 chapter, and to the end that all property shall be equitably
assessed at its true and actual value; the board shall pass
upon each valuation and each interest, and shall enter the
valuation of each as fixed by it in a separate column in the
land and personal property books prepared for the purpose;
if it shall be determined by said board that any property or
interest is assessed at more or less than its true and actual
value, it shall increase or reduce the value of such property,
fixing it at its true and actual value. But no assessment
shall be increased without giving to the property owner at
least five days notice, in writing, signed by the president of
the board, of the intention of said board to make such in-
crease. Service of such notice shall be sufficient if served on
the property owner, his agent or attorney, in person, or by
registered mail of said notice to said property owner, his
agent or attorney, at their last known place of abode, or in
any other manner provided by law, for the service of notice
or process. But when it is desired to increase the entire val-
auation in any one district within the county by a general
raise in such district then due notice may be given by pub-
lication in two newspapers published in the county, once
each week for two consecutive weeks, such publication to
be had at least five days prior to the increase in the said
valuation. When such assessment is made the same shall not
be again changed, except after such notice is again given as
heretofore provided and subject to appeal to the courts as
hereinafter provided. The clerk of the county court shall be
ex-officio the clerk of the board of equalization and review;
said clerk shall cause notice to be published once each week
for three successive weeks before the meeting of said board
of review and equalization in two newspapers of general cir-
culation published in the county, of opposite politics, if there
be such; if there be no newspaper published in the county,
then such notice shall be published in some newspaper of
general circulation; the notice so to be published shall state
briefly the time and place of holding such meeting, and the
general purpose thereof; the expense of such publication
shall be provided for and paid out of the county treasury;
if any person fail to apply for relief at said meeting he shall
be deemed to have waived his right to ask for correction in
his assessment list for the current year, and shall not there-
98 after be permitted to question the correctness of his list as 99 finally fixed by said board. After said board shall complete 100 the review and equalization of the land and personal prop- 101 erty books, a majority of said board shall endorse and sign 102 a statement to the effect that the same is the completed 103 assessment of said county for the year for which it has been 104 prepared and approved by the board of equalization and 105 review; then said land and personal property books shall be 106 delivered to the assessor and the levies upon the same ex- 107 tended as provided by law. If any taxpayer of the state, 108 county or district, is dissatisfied with the valuation as fixed 109 by said board, they shall have the right to apply for relief, 110 as provided in section one hundred and twenty-nine of this 111 chapter.

CHAPTER 57
(Senate Bill No. 14—By Mr. Hugus)

AN ACT amending and re-enacting sections one, two, two-a and six of chapter thirty-three of Barnes’ West Virginia code, one thousand nine hundred and twenty-three, relating to transfer of estates of deceased persons.

[Passed March 5, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Inheritance tax: when imposed.

2. Primary rates.

2-a. Rate when value exceeds fifty thousand dollars.

6. What property of deceased non-residents subject to tax; reciprocal exemption; what personal property not taxed; delusion of intangible personal property; how reciprocal exemption operated.

Be it enacted by the Legislature of West Virginia:

That sections one, two, two-a and six of chapter thirty-three of Barnes’ code of one thousand nine hundred and twenty-three, relating to transfer of estates of deceased persons be amended and re-enacted so as to read as follows:

When Imposed

Section 1. A tax, payable into the treasury of the state, shall 2 be imposed upon the transfer, in trust, or otherwise, of any 3 property, or interest therein, real, personal, or mixed, of five 4 hundred dollars or more if such transfer be;
5 (a) By will or by laws of this state regulating descents and
distributions from any person who is a resident of the state at
the time of his death and who shall die seized or possessed of
property;
9  (b) By will or by laws regulating descents and distributions,
or property within the state or within its jurisdiction, and the
decedent was a non-resident of the state at the time of his
death;
13  (c) By a resident, or be of property within the state, or
within its jurisdiction, by a non-resident, by deed, grant, bar-
gain, sale or gift, made in contemplation of the death of the
grantor, bargainor or donor, or intended to take effect in posses-
sion or enjoyment at or after such death. Every transfer by
deed, grant, bargain, sale or gift, made within three years prior
to the death of the grantor, bargainor, vendor, or donor, of
value of five hundred dollars, or in excess thereof, at the time
of such transfer in the nature of final disposition, or distribu-
tion of an estate, and without adequate valuable consideration,
shall be construed to have been made in contemplation of death
within the meaning of this chapter. This provision shall apply
to all transfers heretofore made within the period of three years
from the time this act becomes effective;
27  (d) If any person shall transfer any property which he owns
or shall cause any property, to which he is absolutely entitled,
to be transferred to, or vested in himself and any other person
jointly so that the title therein, or in some part thereof, vest
any survivorship in such other person, a transfer shall be
deemed to occur and to be taxable under the provisions of this
act upon the vesting of such title;
34  (e) Whenever any person shall exercise a power of appoint-
ment derived from any disposition of property made, whether
before or after the passage of this act, such appointment when
made shall be deemed a transfer taxable under the provisions
of this act in the same manner as though the property to which
such appointment relates belonged absolutely to the donee of
such power and had been bequeathed or devised by such donee
by will; and whenever any person possessing such a power of
appointment so derived shall omit or fail to exercise the same
within the time provided therefor, in whole or in part, a trans-
fer taxable under the provisions of this act shall be deemed to
take place to the extent of such omission or failure, in the same
manner as though the person thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, and shall take effect at the time of such omission or failure.

**Primary Rates**

Sec. 2. When the property or any beneficial interest therein passes by any such transfer where the amount of the property shall exceed in value the exemption hereinafter specified, and shall not exceed in value fifty thousand dollars, the tax hereby imposed shall be:

(a) Where the person or persons entitled to any beneficial interest in such property shall be the wife, husband, child, step-child, or the descendents of a living or deceased child per stirpes, or father or mother of the decedent, at the rate of two per centum of the market value of such interest in such property;

(b) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the decedent (and the term brother or sister shall not include a brother or sister of the half blood) at the rate of four per centum of the market value of such interest in such property;

(c) Where the person or persons entitled to any beneficial interest in such property shall be further removed in relationship from the decedent than brother or sister, the rate of seven per centum of the market value of such interest in such property;

(d) Where the person or persons entitled to any beneficial interest in such property shall be of no blood relation or strangers to the decedent, or institutions, corporate or otherwise, except such eleemosynary institutions as are hereinafter exempt, the rate of nine per centum of the market value of such interest in such property.

**Excess Market Value**

Sec. 2-a. When the market value of any such property exceeds fifty thousand dollars, the rate of tax upon such excess shall be as follows:

(a) Upon all in excess of fifty thousand dollars, up to and not exceeding five hundred thousand dollars, passing to those persons in sub-section (a) of section two at the rate of five per
The transfers of property mentioned in sub-divisions (a) and (b) and the transfer of shares of stock mentioned in sub-division (c) of this section, after the decease of the person owning the same, shall not be legal until the inheritance tax, or transfer tax, has been paid into the state treasury and certificates of re-lease to that effect executed by the state tax commissioner. No corporation organized or existing under the laws of this state,
bank or trust company, having money on deposit, or other person having in his possession property mentioned in said subdivisions (a), (b) and (c) shall make transfer thereof, unless notice of the time of such intended transfer is served upon the state tax commissioner at least fifteen days prior to such transfer, or until the state tax commissioner shall consent, in writing, thereto. Any such corporation, bank, or trust company, or other person having in his possession such property, before the inheritance tax is paid, or before official consent of the state tax commissioner thereto is obtained, shall be liable to the state of West Virginia for such amount of inheritance tax as may be collectible upon the transfer, together with any interest that may accrue thereon and in addition thereto, a penalty of five hundred dollars, which liability for such tax and interest and penalty may be enforced by a proper action in the name of the state of West Virginia, excepting as hereinafter provided in a case of reciprocal exemption.

The tax imposed by this act in respect of personal property (except tangible personal property having an actual situs in this state) shall not be payable; (a) if the transferor at the time of his death was a resident of a state or territory of the United States, or of any foreign country, which at the time of his death did not impose a transfer tax or death tax of any character in respect of property of residents of this state (except tangible personal property having an actual situs in each state or territory or foreign country), or, (b) if the laws of the state, territory or country of residence of the transferor at the time of his death contained a reciprocal exemption provision under which non-residents were excepted from transfer taxes or death taxes of every character in respect of personal property (except tangible personal property having an actual situs therein), provided, the state, territory or country of residence of such non-residents allowed a similar exemption to residents of the state, territory or country of residence of such transferor. For the purposes of this section the District of Columbia and possessions of the United States shall be considered territories of the United States.

The terms “foreign country” and “country” as used herein shall mean both any foreign country and any political subdivision thereof, and either of them of which the transferor was domiciled therein at the time of his death.
For the purposes of this section, intangible personal property means incorporeal property, including money, deposits in banks, mortgages, debts, receivables, shares of stock, bonds, notes, credits, evidences of an interest in property and evidences of debt.

Where a deceased person was a non-resident at the time of death, and owned property within this state, or within its jurisdiction, and also in other states, or countries, the exemptions provided for in section two-b of this chapter, shall be operated according to the value of the property in this state, or within its jurisdiction, and the property in other states, or countries, and the person whose duty it is under this chapter to file with the state tax commissioner a report of the value and distribution of the property taxable hereunder, shall also include in said report the total value of the property owned by the deceased at the time of his death.

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

CHAPTER 58
(Senate Bill No. 15—By Mr. Hugus)

AN ACT to promote the general welfare of the state of West Virginia by providing for the development of water power for the production and sale to the public of hydro-electric energy, and in furtherance thereof and incident thereto and among other things; authorizing the granting of licenses for water power development to certain corporations and conferring rights of eminent domain on such corporations engaged in such development, production and sale; making such corporations public service corporations, subject to regulation and control by the public service commission; making the governor of West Virginia a member of the commission authorized to grant, amend, and modify such licenses; imposing an annual charge payable to the state; providing for the taking over by the state of the properties useful for such development, production and sale; regulating the construction of dams and other structures included in such development; imposing fines and penalties for violation of the provisions hereof; reserving to the state of West Virginia the right to develop any streams, or parts
thereof, on which no rights have been granted to others or on which such rights have been legally terminated; and repealing chapter eleven of the acts of one thousand nine hundred and thirteen and chapter seventeen of the acts of one thousand nine hundred and fifteen and all other acts and parts of acts inconsistent with the provisions of this act, except as to existing licenses or permits heretofore granted under said act of one thousand nine hundred and thirteen as so amended and except as to applications for licenses or permits thereunder.

[Passed March 7, 1929: in effect from passage. Approved by the Governor.]

Section 1. This act shall be known and cited as the "Water Power Act." All waters within the state shall be under the control and supervision of the state. In order to conserve and utilize the energy of the power streams it is hereby declared to be the policy of the state to encourage water power development. It shall be the aim to secure for a given stream or watershed the greatest proper and practicable utilization of the power of such stream or watershed. The control and regulation on the part of the state of the development of water power shall be exercised through the agency of the public service commission of the state of West Virginia under this act. Provided, however, that nothing contained in this act shall deprive any riparian owner, whether natural person or corporation, of any right, or interfere with his exercise of the
same, except by due process of law or upon the exercise of
eminent domain as granted and limited in this act and upon
the payment of adequate compensation for any such right, or
interference.

Sec. 2. Unless the context otherwise requires or a specific
provision shall expressly provide otherwise, the words defined
in this section shall have the following meanings for the pur-
poses of this act, to-wit:

"State" means the state of West Virginia.

"Commission" means the public service commission of the
state of West Virginia or any officer or body hereafter author-
ized by law to exercise the powers or perform the duties now
or hereafter conferred and imposed by law upon the public
service commission.

"Corporation" means any corporation organized under the
laws of this state or organized under the laws of any other state
in the United States and authorized to transact business and
hold property in this state and which shall be authorized by its
charter or by an amendment thereof to engage in the business
of supplying to the public water, electricity, light, heat, or
power, or any thereof; and shall also include any corporation
now owning a public carrier interstate railroad in this state
desiring to produce hydro-electric power for supplying water,
light, heat or power for its own use, but any such railroad cor-
poration shall be subject, under this act, to only such of its
provisions as relate to the securing of a license and the approval
of its plans for its dam or dams and to the construction thereof
and the location of its plants. "Corporation" may also include
"municipalities" as hereinafter defined.

"Municipality" means any incorporated city, town or village
in this state.

"Municipal purposes" means and includes all purposes with-
in municipal powers as defined by the constitution or laws of
this state.

"Project" means a complete unit of improvement or devel-
opment of the water power of a stream or watershed, including
one or more dams and/or one or more generating stations and
their appurtenant works and structures.

"Project works" means the physical structures of a project.

"License" means a grant in the name of the state issued by
the commission under this act, authorizing the licensee to con-
struct, operate and maintain a project on or along any of the
waters within this state and for the purpose in this act men-
tioned to exercise the right of eminent domain as granted and
limited in this act.

"Licensee" means a corporation which has received a license
under this act and, as regards such license, shall include lawful
successors and assignees of such corporation and by virtue of
its license such licensee shall become and be a public service
corporation and as such shall be subject to all the laws of the
state applicable thereto, except as herein otherwise provided.

"Power site" means the lands, property and rights necessary,
useful or convenient for the construction, maintenance and
operation of a project, including the lands, property and rights
within or pertaining to the area likely or liable to be flooded or
damaged, as may be located within this state.

Acquisition by the "exercise of the right of eminent domain"
and by "condemnation" and all words and phrases of like
import used herein, shall include every interference with the
ownership, possession, enjoyment, or value of private property;
and the word "owner," as so used, shall extend to all persons
interested in such property, as proprietors, tenants, liens, incumbrancers, or otherwise.

Sec. 3. The commission is hereby authorized and empow-
ered—

(a) To make investigations and to collect and record data
concerning the utilization of the water resources of any region
proposed for development, including the effect of any proposed
development or utilization upon cities, towns and villages, upon
the prospective development of other natural resources and
upon railroads and other means of transportation.

(b) To hold hearings and to order testimony to be taken by
deposition at any place or places designated by the commission
in connection with the application for any license, or the reg-
ulation of rates, service or the making of any investigation or
for the purpose of hearing any objections or remonstrances
against any proposed development or any operations under
this act. All such hearings shall be held by the commission un-
der the laws of the state governing hearings by the commission.

(c) To make and prescribe such reasonable rules and regu-
lations as may be necessary to administer the provisions of this
act; to prescribe rules and regulations for the establishment of
a system of accounts and for the maintenance thereof by licenses hereunder; to require them to submit, under oath, at such time and times as the commission may require statements and reports including full information as to assets and liabilities, capitalization, investment and reduction thereof, gross receipts, interest due and paid, depreciation and other reserves, cost of project, cost of maintenance and operation of the project, cost of renewals and replacements of the project works, and as to the depreciation of the project works and as to production, transmission, use and sale of power; to employ expert engineers or other experts or qualified persons to examine and report upon projects proposed in the application thereof or upon plans submitted after the issuance of licenses and covering additional details or succeeding stages of construction and to supervise the construction and operation of such project works.

(d) To weigh, from the standpoint of the state as a whole and the people thereof, the advantages and disadvantages arising therefrom before acting upon any application for a license; and no license shall be granted until the commission shall have determined that the advantages substantially exceed the disadvantages; to consider and determine the financial ability of the applicant to carry out a proposed development; to consider and determine whether or not the proposed scheme of development is reasonably adequate for the full development of water power resources at the site or sites proposed in the application; and

(e) To issue in behalf of the state and in the name of the state, and upon such reasonable terms and conditions not inconsistent with this act as the commission may prescribe, a license to any corporation such as is described in section two of this act for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs and power houses, and all other work necessary or convenient for the development of such power projects and power sites; Provided: (1) The governor of the state of West Virginia shall be a member of the commission with the same power and vote as the other members of the commission in the considering of applications and granting of licenses under this act and all amendments or modifications thereof; provided, however, that the governor need not sit with said commission at the hearing of any such
56-b application unless he shall desire to do so, but may acquire
56-c the information upon which he acts from reading the testi-
56-d mony taken or from any other source that he may be sat-
56-e isfied to act upon; (2) each such license shall contain a
57 provision that it is granted by the state and accepted by the
58 licensee upon the agreement that all of the provisions, terms
59 and conditions set forth in this act and in said license shall
60 constitute and be a contract between the licensee and the state
61 and that any successor or assignee of the rights of the licensee,
62 whether by voluntary transfer, judicial sale, foreclosure sale
63 or otherwise, shall be subject to and bound by all such pro-
64 visions, terms and conditions as though such successor or as-
65 signee were the original licensee; and further said license shall
66 not become effective unless within ninety days after the receipt
67 of notice from the commission that the license has been granted,
68 the licensee shall file with the commission an acceptance in
69 writing of all the terms and conditions of this act and the license
70 granted, and of such further conditions, if any, as the commis-
71 sion shall prescribe in conformity with this act,—said accep-
72 tance to be in such form as may be prescribed by the commis-
73 sion; (3) before any hearing upon any application shall be held
74 by said commission the corporation applying for a license shall
75 first give notice of such application and of the date and place
76 fixed by the commission for the hearing thereon, by publication
77 of said notice once in each week for four successive weeks in
78 two newspapers of general circulation published in the county
79 or counties wherein the water power development is proposed
80 to be made, if there be such, and in addition thereto the appli-
81 cant shall cause written or printed notices to be posted at least
82 four weeks prior to the date of such hearing at the front door of
83 the court house of such county or counties and at fifty places
84 within the areas that are intended to be flooded by such devel-
85 opment and also by the service of said notice upon the state
86 road commission, the county court of any such county, and all
87 railroad and other public utility corporations owning or leasing
88 land of record within the area proposed to be flooded at least
89 four weeks before the date fixed for such hearing,—said notice
90 upon said railroad and other public utility corporations shall be
91 served in the manner provided by the laws of the state for the
92 service of a summons commencing suit against such
93 a corporation, either resident or non-resident. However, the
94 commission shall have no power to grant a license for the develop-
95 opment of a project hereunder unless all generating plants
96 thereof using water impounded within the state are located
96-a wholly within the state.
97 (f) To require each applicant to file with its application
98 all such maps, plans, specifications, estimates of costs and other
99 information as may be required for a full understanding of the
100 proposed project. Such maps, plans and specifications when
101 approved by the commission shall be filed in its office;
102 and thereafter no change shall be made in said maps,
103 plans or specifications until such changes shall have been ap-
104 proved by the commission. Provided, however, that if
105 the application be for a license for a project to be con-
106 structed in two or more stages, the applicant shall prior
107 to the granting of the license be required to submit such
108 plans for the first stage of the project as if it were the
109 only stage to be constructed and as to the major structures
110 proposed for succeeding stages shall be required to furnish
111 only such plans as the commission may require. After
112 a license, if any, has been granted and before beginning con-
113 struction upon any major structures, including the dam or
114 dams, of a second or any other succeeding stage, the licensee
115 shall, from time to time, as the commission may require, sub-
116 mit plans in such further detail as will enable the commission
117 or its engineers to pass upon the adequacy and safety of such
118 additional structures. The succeeding stages of a project may
119 involve the construction of additional dams, generating sta-
120 tions or other structures or they may involve the enlargement
121 of dams, generating stations or other structures, previously
122 constructed. The commission shall from time to time define
123 the limits of any power site or sites and, as circumstances
124 change, and may authorize or require reasonable changes in
125 the plans of any project or of any structure of the project.
126 (g) No priority of location or appropriation shall be recog-
127 nized by the commission in its consideration of any application
128 for a license under this act. Whenever two or more applica-
129 tions are in conflict the commission shall, if it grant a license
130 on any such application, grant such license to that applicant
131 whose proposed scheme of development is best adapted to the
132 full utilization of the water power resources at the site or sites
133 proposed in its application, is not inconsistent with the com-
prehensive development of the water power resources of the stream or streams affected by the proposed development and is to the best interest of the state.

(h) To examine and audit the books of the corporation at such reasonable intervals as the commission may determine and at all reasonable times to have free access to such project addition or betterment and to all maps and contracts, reports, of engineers and other papers and documents relating thereto.

(i) To exercise in the name of the state through the agency of the commission, the full police power of the state in so far as the same may be necessary in the matter of the safety of dams constructed or operated, partially constructed or being constructed or operated under the provisions of this act. In granting licenses and approving plans for dams and other structures to be constructed under the provisions of this act, the commission shall hold the safety of human life of first and highest importance. Provided, however, nothing in this act contained shall involve any personal liability on the part of any member of the commission or any of its representatives nor create any liability on the part of the state or the commission for damages resulting from or growing out of the construction, maintenance or operation of any such dam; and, provided, further, that nothing in this act contained shall be construed to exempt or release any licensee from any common law or statutory liability for damages occasioned to the property of others by the construction, maintenance or operation of such project or project works.

(j) To regulate the rates and charges for service to consumers of electricity and other power produced by any licensee hereunder and to regulate accounts of such licensees, all as provided by chapter fifteen-o of the code of West Virginia and all acts amendatory thereof. All such rates, charges and tolls for electricity and other power produced by any licensee shall be just and reasonable, and in fixing any rate hereunder the commission shall consider the rate or rates charged by the licensee or its affiliated corporations for power produced hereunder and sold without state.

(k) The commission shall cause to be kept proper records of all investigations, hearings, rules and regulations, interpretations, reports, costs, and all other data relating to all applications for licenses, the granting or refusing thereof, the...
development of all such projects, and operations under such licenses, all of which the commission shall cause to be kept in adequate fire-proof vaults or containers; and the commission shall perform any and all acts, make such rules and regulations and issue such orders not inconsistent with this act and the laws of the state as may be necessary and proper for the purpose of carrying out the provisions of this act.

Sec. 4. Licenses under this act shall be granted for a period not exceeding fifty years from and after the date of the filing of the acceptance thereof. At the expiration of such original license period the commission may grant an extension, or extensions, of the term of such license for an additional period or periods; no one of which shall exceed a further term of fifty years. From and after the expiration of the original term, or of any extension, or extensions, thereof, the licensee, subject to all the applicable provisions of the original license, shall hold the property and rights acquired under the authority of this act under indeterminate license, which indeterminate license shall continue until purchase by the state as hereinafter provided, or until otherwise terminated by due process of law.

In the event any licensee shall violate any of the provisions of this act, or of its license, the commission may institute proceedings in the circuit court of Kanawha county, in the name of the state, for the purpose of compelling the licensee to comply with the provisions of this act, or of the license, or for the purpose of revoking the right of the licensee to proceed further under the license, or as to a specified portion, or portions, of the project included in the said license. The said circuit court of Kanawha county is hereby given jurisdiction for the above purposes by injunction, mandamus, or other proceedings, and is empowered to issue and have executed all necessary process and to make and to enforce all writs, orders and decrees necessary and proper to compel compliance by licensee with the lawful orders and regulations of the commission, and to compel the performance of any condition imposed under the provisions of this act and/or of said license. If a decree is entered by the said court revoking the right of the licensee to proceed further with the project under license, or similarly with respect to a specified portion or portions of the project under license, the court is empowered to sell at public sale to the
highest responsible bidder the property and rights of said licensee necessary to the use of the power site or power sites included in such project or such specified portion or portions thereof; to bring to a close the business of the licensee conducted directly in connection with such project or such specified portion or portions thereof; to distribute the proceeds to parties entitled thereto and to make and enforce such further or other orders and decrees as equity and justice may require. At such sale or sales the vendee shall succeed to the rights and privileges of the licensee with respect to such project or such specified portion or portions thereof and shall perform all the duties of the licensee under the license and assume all such outstanding obligations and liabilities of the licensee which the court may deem equitable in the premises. The state may become a purchaser at such sale.

Sec. 5. No voluntary transfer of any license, or of the rights thereunder granted shall be made without the approval of the commission by an order duly entered of record; and any successor or assignee of the rights of such licensee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all of the conditions, rights and obligations of the license under which such rights are held by such licensee, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assignee were the original licensee hereunder; Provided, that the making of a mortgage or trust deed or a sale thereunder or judicial sale made hereunder, or tax sale, shall not be deemed a voluntary transfer within the meaning of this section.

Sec. 6. All licenses issued under this act shall be on the following conditions:

(a) That the project adopted, including the maps, plans and specifications, shall be such as, in the judgment of the commission, will be best adapted to a comprehensive scheme of improvement and utilization for the purpose of water power development in the state and of other beneficial uses.

(b) In addition to the annual license tax provided in chapter thirty-two of the code of West Virginia, and to all other taxes and assessments, every licensee shall pay to the state an annual charge for the privilege of exercising the rights granted under this act, which charge shall be based upon the amount of horse-power of water wheel capacity, rated at the average effective
14 head, installed from time to time in the project which is the
15 subject of the license. Payment of such charge shall begin
16 with January one following the beginning of operation of the
17 said capacity and shall be made to the state tax commissioner
18 annually thereafter prior to March one. It shall be computed
19 at the rate of ten dollars per each one hundred horse-power,
20 or major fraction thereof, provided, that, in order to encourage
21 the utmost practicable utilization of the potential water power
22 of any development, the total number of horse-power which
23 shall be subject to such charge in the case of any water power
24 development shall not exceed that corresponding to the utiliza-
25 tion of the average stream flow at the intake. Such maximum
26 shall be determined prior to the issuance of the license and shall
27 be stated therein. It shall be computed or result from the
28 product of (1) the average stream flow in cubic feet per second
29 at the intake; (2) the average static head in feet; and (3)
30 the factor 0.08 (eight one-hundredths). If any licensee shall
31 fail to pay such charge annually prior to March one, the state
32 tax commissioner shall proceed to collect the same by any
33 appropriate means, with interest at the rate of ten per
34 centum per annum from said March one and with a penalty
35 of ten per centum added thereto. Such charge shall be a lien
36 in favor of the state on all property of the license within the
37 state, superior to all other liens thereon except liens for taxes
38 due the state or some subdivision thereof. All such charges,
39 interest and penalties collected by the state tax commissioner
40 shall be paid by him into the state treasury.
41 (c) That the licensee shall pay to the state the reason-
42 able costs incurred by the commission for the services
43 and expenses of engineers, especially engaged and as-
44 signed to the work of investigation and supervision as provided
45 in this act, which amount shall be fixed by the public service
46 commission by apportionment upon a reasonable basis among
47 applicants and licensees subject to such investigation and
48 supervision, and the amount so determined shall be and con-
49stitute assessments of a governmental nature. In the case of
50 an applicant for a license, the payment of such assessment may
51 be made a condition precedent to the consideration by the com-
52mission of said application. In the case of a licensee, the
53 amount of such assessment shall be certified by the secretary
54 of the commission to the licensee and to the state auditor, as
shall also the date fixed by the commission for payment of such assessment. The licensee shall pay the amount of the assessment to the state treasurer within the time so fixed. If the licensee fails to pay any such assessment within such time, the amount to be paid may at the discretion of the state auditor be increased by a penalty of ten per centum. Such assessment shall constitute a lien in favor of the state on all the property of the licensee, shall be superior to all other liens excepting liens for taxes and shall be collectible by the state auditor in the same manner that taxes due the state are collectible. The amounts of such assessments paid into the state treasury shall constitute a special fund to be expended from time to time on order of the commission for the purposes for which such assessments were made and such amounts as may from time to time be paid into the treasury are hereby appropriated for such purposes.

That the licensee shall commence the construction of the project within the time fixed in the license, which shall not be more than one year after the date of the approval by the commission of the detailed plans for the construction or enlargement of a dam, generating station, or other major structure of a project, and shall thereafter, in good faith and with due diligence, prosecute such construction, and shall within the time fixed in the license, not more than five years, complete and put into operation, at the least, such part of the ultimate development as the commission shall deem necessary to supply the reasonable needs of the then available market, and shall from time to time thereafter construct such portion of the remainder of such development as the commission may direct, so as to supply adequately the reasonable market demands until such development shall have been completed. The period for the commencement of construction may be extended once, but not longer than one additional year. The period for the completion of construction, carried on in good faith and with reasonable diligence, may be extended by the commission when not incompatible with the public interests. In case the licensee shall not commence actual construction of the dam, generating station or any specified part thereof within the time prescribed in the license or as extended by the commission then, after due notice given, the license may be terminated upon written order of the commission. In case the construction of
such a structure has been begun, but not completed, within the time prescribed by the license or as extended by the commission, then the commission shall institute proceedings for the revocation of said license, the sale of the work constructed and other equitable relief, as provided for in section four hereof.

(e) That upon not less than five years notice in writing from the commission, and upon due authorization by the legislature of the state and after payment as hereafter in this section provided, the state shall have the right upon or after the expiration of any license or any extension thereof to take over at the fair value thereof and thereafter maintain and operate all of the property and rights of the licensee appurtenant or accessory and valuable and serviceable to the project which is the subject of the license. In addition to the fair value of the property taken, the state shall pay to the licensee, before taking possession of said property, such reasonable damages, if any, caused to the valuable and serviceable property of the licensee not taken, as may be caused by the severance therefrom of the property taken; and the state may assume all the contracts for electric energy and power entered into by the licensee under the terms of this act relating to the property and rights so taken by the state, provided said contracts have been approved by the commission and shall not extend for more than ten years beyond the date of expiration of such license or any extension thereof. The fair value of said property and rights to be taken over by the state and the amount of damages, if any, caused by such severance shall be determined by a board of appraisers of whom one appraiser shall be selected by the commission and one by the licensee and in case of disagreement the two thus selected shall select a third; if, in event of such disagreement, the said two appraisers are likewise unable to agree in selecting a third appraiser, then upon application of either appraiser, after thirty days' notice to the other appraiser, the supreme court of appeals shall appoint the third appraiser; provided, that if the supreme court of appeals shall refuse or fail to appoint said third appraiser, then upon application of either appraiser after thirty days' notice to the other appraiser, the governor shall appoint the third appraiser. If either the commission or the licensee shall fail
or refuse to appoint its appraiser as aforesaid, then after
thirty days' notice by the other appraiser, or by the com-
mission or licensee, as the case may be, the governor shall
appoint said second appraiser. The determination of the
majority shall be considered *prima facie* the just compensa-
therefor. In making such determination the board of appraisers
shall make no allowance for unreasonable costs of financing,
for promoters profits or for the value of the license or
of any franchise, rights or privilege granted by the state
or any political subdivision thereof or any intangible values
arising therefrom. From the decision of said appraisers de-
termining the fair value of said property and rights to be
acquired by the state and the amount of the severance dam-
ages as aforesaid, either the commission or the licensee may,
within ninety days after notice of such determination, appeal
to the circuit court of Kanawha county and may appeal from
the decision of said circuit court to the supreme court of
appeals within ninety days from the time the de-
cision of the circuit court is rendered. Such appeals
shall be by petition and shall be allowed as a matter of right.
The hearing before said circuit court shall be as a trial de
* novo*; provided, however, that the original record before the
appraisers duly certified by them, or by any two of them, shall
be received in evidence and used in connection with any addi-
tional evidence offered by either party. After hearing, the
circuit court shall fix and determine the fair value of such
property and rights and the amount of severance damages as
aforesaid and enter its order and judgment accordingly. In
case of appeal to the supreme court of appeals the same shall
be upon the record in the circuit court in the usual manner
and that court shall enter such judgment or order as the cir-
cuit court should have entered.

(f) Under all licenses, excepting those of railroad corpora-
tions licensed solely for their own use, the reasonable needs for
electric power and energy on part of the state and consumers
in this state who can reasonably be served by the licensee shall
have preference as compared with the needs of others, and the
commission shall have power to enforce this provision by ap-
propriate orders.

(g) There shall be reserved to the state of West Virginia the
right to regulate and supervise the amount and flow of im-

pounded water, in connection with the operation of any dam or dams, in order to carry into effect any program of flood control which may be adopted by the state. Any licensee may at any time and from time to time, with the approval of the commission, lease for all or such portion of the duration of its license and on such conditions as may be approved by said commission, to any person, firm or corporation engaged in any manufacturing enterprise in this state and for use only in connection with such manufacturing enterprise, any portion, up to but not exceeding fifty per cent of the water power and/or electrical capacity owned, held and/or controlled by such licensee, which approval may, upon application therefor by the corporation applying for such license, be granted at the time of the granting of such license and may be incorporated therein; nothing herein contained shall, however, be deemed or construed to limit the amount or portion of electrical energy produced by any licensee that may be sold or delivered to any consumer, distributor or transmitter of electrical energy.

Sec. 7. Any corporation, including a licensee, and any municipality or person, utilizing or obtaining benefit from any increase in flow above the natural flow of a stream or streams by reason of the impounding of the water of any stream or streams by a licensee, shall, whenever such utilization or benefit is for the production of power or energy, reimburse such licensee for such part as may be equitable of the annual carrying charges of such impounding. Such reimbursement shall be made in such reasonable proportions and amounts, at such times and under such conditions as the commission may from time to time determine and order. But nothing in this paragraph contained shall be construed to require such licensee to regulate and maintain a flow or supply of water above the natural flow for the benefit of such other corporation, municipality or person.

Sec. 8. In addition to the power of eminent domain which it may have under existing law and except as provided in section nine of this act, any licensee may acquire by the exercise of the right of eminent domain all the lands, property, or rights of others necessary to the construction, maintenance or operation of any dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, or any power site or project included
8 in said license, or transmission lines or substations; provided, however, that, except for purposes of crossing, said right of eminent domain under this section shall not be available for the purpose of condemning any lands, property or rights essential for railroad purposes and now actually being used to serve the public by any public-carrier interstate railroad, or any location or part of a location adopted by such interstate railroad company for the construction of an extension of its interstate line or branch thereof, and upon which authority to construct such extension or branch shall have been granted by the interstate commerce commission at the time such right of eminent domain is sought to be exercised; subject however, to the following conditions, limitations and provisions:

(a) Due compensation to the owner of the land, property or rights taken, or damaged, shall be made in the manner provided by law. The proceedings for the condemnation of such property shall be brought in the county wherein such property is situated and shall be in accordance with chapter forty-two of the code of West Virginia. As to any part or all of the real estate sought to be taken for any of the purposes authorized in this act such licensee may describe in its application for condemnation an estate or interest therein of a fee or less than a fee and upon payment therefor such estate or interest as is stated and described in such application shall vest in the licensee; but when less than a fee is taken the commissioners and jury in assessing damages shall take into consideration the actual damage that is done or that may be done to the fee by such taking, including the use to which the property so taken will be put by such licensee and the commissioners or jury assessing damages shall take into consideration the actual damage that is done or that may be done to the fee by such taking, including the use to which the property so taken will be put by such licensee and the commissioners or jury assessing damages shall, if such property so taken or property contiguous thereto be underlaid with coal, limestone, fire-clay sand, or other natural resources, including all minerals, either solid liquid or gaseous, take into consideration, and assess just compensation therefor and in addition such damages that may be caused to the residue of the tract or tracts or to such contiguous property by reason of interference with the mining and removal of said natural resources affected thereby upon either the residue or such contiguous lands, or the interference, if any, with the ingress and egress to and from the said natural resources remaining in the residue of such tract or tracts and such contiguous property necessary in the development thereof.
(b) Such right of eminent domain shall extend throughout the term of the license and may be exercised from time to time in connection with subsequent stages of construction of a project, including the enlargement of earlier stages or structures.

(c) Subject to the paramount requirement that no interference may be permitted which would harmfully affect the health of the public and/or the interests of navigation and except as provided in section nine hereof, this act shall be held to authorize interference occasioned by any dam or other structure of a licensee with the flow of water down stream therefrom, but only under the supervision and control of the commission. When by reason of such interference, any property or riparian right or any part thereof or interest therein is destroyed or damaged, the licensee subject to the approval of the commission is hereby vested with the right of eminent domain for the purpose of acquiring such property, right or interest so destroyed or damaged, or of ascertaining and paying just compensation for any such damage; provided, however, that before so taking or interfering with the natural flow of water down stream on any stream upon which any oil or gas power or pumping station, refinery or gasoline plant, is dependent for its supply of water, and in lieu of ascertaining and paying such just compensation for any such damage, the licensee at the election of the owner or owners of such power or pumping station, refinery or gasoline plant, shall be required by the commission to agree so to construct and operate such proposed water power project as to insure to the owner of any such power or pumping station or refinery, or provide from some other source at its own cost and expense, an equally reliable and convenient and otherwise equivalent supply of water. Provided, further, that nothing in this act shall be construed so as to allow such licensee to impound water on any property which is condemned under the provisions of this act, unless the fee estate in such property (other than coal, oil and gas rights therein which will not be destroyed or materially damaged by such impounding) has been condemned and paid for under the provisions hereof. In the exercise of the right to procure a right of way for the transmission line over or under the right of way of any public utility railway, pipe line, power line, telegraph or tele-
75-f phone company, or other power corporation, the licensee shall
75-g proceed in the manner provided for other corporations, in
75-h section eleven of chapter fifty-two of the code of West Vir-
75-i ginia; but no such crossing shall be constructed except in the
75-j manner approved by the commission.
75-k All waters confined in reservoirs by licensees under this
75-l act shall be and remain public waters, and nothing herein
75-m shall be so construed as to prevent the free access to and
75-n from and the free use by the public of the waters in such
75-o reservoirs and other waters within the project of any licensee,
75-p or the free access to and from and the riparian use of such
75-q waters by the owner of lands contiguous to the lands ac-
75-r quired by condemnation under this section or otherwise for
75-s the purpose of constructing said reservoirs, or prevent free
75-t access to and from and the use of the water in reservoirs of
75-u the licensee by railway companies as provided in section
75-v fourteen of chapter fifty-two of the code of West Virginia,
75-w which section is neither repealed nor in any way amended
75-x by this act.
76 (d) Nothing in this act contained shall, as to the state of
77 West Virginia, or any political sub-division thereof, or as to
78 any public service corporation, other than a water power
79 licensee, limit or prevent the exercise of the right of eminent
80 domain, now existing or hereafter conferred by law, with re-
81 spect to any power site, or any part thereof; and the right of
82 eminent domain as to power sites, or any part thereof, is here-
83 by expressly conferred upon such governmental agencies and
84 such public service corporations except as such right is limited
85 and restricted by section nine of this act; provided, however,
86 that such right of eminent domain shall not be exercised in be-
87 half of any such public service corporations in a manner or to
88 an extent such as materially to impair or interfere with the
88-a use of such power site for such development of water power.
89 (e) Such land, property and rights so subject to condemna-
90 tion shall include all necessary lands, property and rights
91 whether or not such lands, property or rights have been there-
92 tofore appropriated or devoted to public use or have been
93 sought to be so appropriated or devoted, including, but not
94 restricted to, the lands, property and rights necessary for any
95 diversion, regulation or detention, or interference with the flow
96 of waters and for any waterways and including, also, but not
97 restricted to, any lands, structures or property owned, used
98 or held for public or private religious, charitable, educational
99 or cemetery purposes, any streets or alleys, or portions thereof,
100 in incorporated or unincorporated cities and towns and any
101 public or private roads and bridges and any other public prop-
102 erty and also any public or private railway, pipe and wire lines
103 or quasi-public means of transportation or communication,
104 when necessary for construction, maintenance or operation of
105 such project except as to public carrier interstate railroads as
106 hereinbefore provided; provided, further, that, in the event of
107 the condemnation under this act of any roads or bridges, the
108 commissioners or jury, in assessing the compensation and dam-
109 ages therefor, shall consider the cost of relocating and con-
110 structing such roads or bridges upon other reasonably conven-
111 ient locations; and for the purpose of re-locating any railway,
112 pipe line, wire line, road or bridge occupying the area on which
113 any such water power development or enlargement thereof is
114 to be located, such licensee may acquire by the exercise of the
115 right of eminent domain any needful additional lands or other
116 property, whether within or without the area upon which the
117 said water power development or enlargement thereof is to be
118 located, and shall have the right for such purpose to convey
119 and shall convey such lands or other property or rights so ac-
120 quired to the owner of such railway, pipe line, wire line, road
121 or bridge.
122 (f) In exercising the said right of eminent domain over
123 private railway or wire lines, the licensee, in lieu of acquiring
124 such private railway or wire lines, or any part thereof, may
125 elect to flood the location of and raise or relocate any such rail-
126 way or wire lines and in the case of any public-utility tele-
127 phone, telegraph or power transmission lines, said exercise
128 of the right of eminent domain shall be limited to the right
129 to flood the location of and raise or relocate such public-
130 carrier railway or public-utility lines. Provided, further, that
131 the exercise of the right of eminent domain in order to flood
132 the location of and raise or relocate any public-carrier steam,
133 electrical or other public-carrier railway which is subject to the
134 jurisdiction of the interstate commerce commission, or the
135-6 public service commission of this state, in addition to being
137 confined to the limits of power sites as such may be defined
138 from time to time by the commission, shall be further limited
by the proviso that in so doing no such railway may be de-
stroyed until such licensee has first constructed and deeded to
the railway company an alternate line of railway complete in
all its parts, such as telegraph and telephone lines, signals,
whether operated by electrical or other power, side-tracks,
buildings and all other components of the railway that may
be affected in any wise by the change of location. The sub-
stitute line shall be as convenient and safe as to line curvature
and grade and in every way suitable to handle properly and
economically the business which might otherwise be handled
over the line which is to be destroyed. This alternate line of
railway shall be substantially constructed in accordance with
the standard practice governing the contemporaneous construc-
tion of railway lines of the same character and capacity, and
the location and construction of the railway and all of its parts,
shall be in accordance with plans approved by the chief en-
gineer of said railway and the chief engineer of the licensee.
In the event such engineers can not agree upon the plans or
construction of the substitute line, they shall select a third
engineer. If, in the event of such failure to agree, the said
two engineers are likewise unable to agree in selecting a third
engineer, then, upon application of either of the said two en-
gineers after fifteen days' notice to the other engineer, the
court in which the condemnation proceedings are brought
shall appoint the third engineer. A majority of such engineers
shall suffice to approve the plans and construction of the sub-
stituting line. The line shall be so built that the railway com-
pany will not be put to any expense by reason of the substi-
tution of this line for the line sought to be destroyed and also
will not be put to any additional expense for maintenance or
operation by reason of any conditions affecting the change of
line or by any changes in water courses, or by reason of slides,
or by other damages that might be caused by the submergence
of the banks of the new line.

(g) In exercising the said right of eminent domain over
any public utility oil or gas pumping station, refinery, or gas-
oline plant, or over lands on which same are located or water
rights used in the operation of said station, refinery or plant
over public utility oil or gas gatherings transportation or
supply pipe lines, or tanks, telephone or telegraph lines or other
facilities or equipment used in connection with the transporta-
tion or supply storage or refining of oil or gas, such exercise of
the right of eminent domain shall be limited to the right to
flood the location of, and to raise or relocate any such pumping
station, refinery, or gasoline plant, pipe lines or facilities or
equipment; and no such property shall be taken, damaged or
destroyed until the owner thereof shall have had a reasonable
time (to be fixed by the court in which the proceeding is pend-
ing) to raise or relocate and reconstruct or replace such prop-
erty. The compensation to the owner of such property shall
include the cost and expense of procuring the necessary substi-
tute sites, and the cost of all labor and material and other cost
necessary to raise or relocate and replace or reconstruct such
property, less the fair salvage value of the tangible property
that may be recovered from the existing plant; and such com-
ensation shall also include any consequential damages which
the owner may sustain to other property not condemned, or in
order properly to connect other property or plants to the
property relocated hereunder; and in case any such relocation
or reconstruction of plant shall necessitate an increase in oper-
ating expenses or maintenance costs, the compensation shall
also include such additional amounts as will fully compensate
for the same.

The owner, in lieu of having his compensation include the
value of lands, water rights, rights-of-way and easements (ex-
clusive of building and structures thereon) used in connection
with the properties mentioned in this clause, may elect, by a
writing filed in the proceeding at any time within ten days after
the confirmation of a report, or the rendering of a verdict ascer-
taining compensation, to require the licensee at its own expense
to procure and convey to the owner such lands, water rights,
rights-of-way and easements as may be proper substitute for
lands, water rights, rights-of-way and easements proposed to be
taken. In case the parties can not agree upon such proper sub-
stitutes, the same shall be ascertained by engineers in the man-
ner provided in clause (f) of this section. On motion of either
party the court shall require said engineers to file their findings
in court and the licensee shall thereupon be required to procure
such substitute lands, water rights, rights-of-way and easements
and grant and convey the same to the owner before further
steps are taken in the proceeding. Following such conveyance,
the report or verdict theretofore found or recorded, shall be set aside by the court and the licensee may thereupon amend its application so as to set forth that it has secured such substitute lands, water rights, rights-of-way and easements and has granted and conveyed the same to the owner; whereupon the court shall again appoint commissioners to proceed as provided in chapter forty-two of the code of West Virginia, to ascertain a just compensation to the owner excluding the value of lands, water rights, rights-of-way and easements for which substitutes have been provided; which compensation shall cover all the elements of damage hereinbefore mentioned, so far as they continue to exist.

The exercise of the right of eminent domain over public utility telephone or telegraph lines shall be confined to the limits of power sites as such limits shall be defined from time to time by the commission and shall be limited to the right to flood the location of and to relocate any such public utility telephone or telegraph lines; provided, however, that the licensee shall, as a condition precedent to condemnation at its own expense procure and convey to the owner of such public utility telephone or telegraph line such lands, rights-of-way, and easements as may be reasonably necessary and be a proper substitute for and in so far as possible of the same convenience and usefulness as the lands, rights-of-way and easements proposed to be taken, and in any condemnation proceedings from the compensation and damages allowed said owner for property taken and damage done, there shall be deducted the fair value of the lands, rights-of-way and easements so procured and conveyed by the licensee not in excess of the value of the land, rights-of-way and easements taken and for which the same is substituted. Such compensation shall also include any consequential damages which the owner may sustain to other property not condemned, or in order properly to connect other property to the property relocated hereunder; and in case any such relocation or reconstruction of plant shall necessitate an increase in operating expenses or maintenance costs, the compensation shall also include such additional amounts as will fully compensate for the same.

The licensee shall have the right to acquire by condemnation any lands or other property, whether within or without the limits of such power sites, necessary for the purpose of
relocating any railway, power station, or pipe line or wire line, or public-utility telephone or telegraph line, as provided in the three immediately preceding sub-sections, and for such purpose to convey such lands or other property to the owner of such railway, power station or pipe or wire line.

(i) Any licensee or any applicant for a license may, through its officers, agents or employees, and under such rules as may be prescribed by the commission, enter upon any lands for the purpose of examining and testing or surveying and laying out the same as any agent authorized by such licensee or applicant may deem necessary, such licensee or applicant to be responsible to the owner for actual damage done. Any licensee is empowered to acquire by condemnation any lands and rights-of-way necessary for the purpose of constructing roads or railroads, transmission lines and sub-stations; also to acquire by condemnation the right to use any lands necessary for or useful in the construction or maintenance of the structures of the project. The licensee shall also have the right by its officers, agents or servants, to enter upon any convenient lands for the purpose of obtaining therefrom wood, stone, gravel or earth necessary to be used in the construction or maintenance of the structures of the project, subject, however, to the same limitations and requirements as are placed upon companies incorporated for the purpose of building a railroad, as set forth in section fourteen of chapter fifty-two of the code of West Virginia and in accordance with the procedure provided in such section.

(j) The right of eminent domain over public and private cemeteries shall be exercised only within the limits of a power site or sites, as such limits may be defined from time to time by the commission. Under such circumstances the licensee shall also have the right and authority to acquire by condemnation other lands for the purpose of removing the bodies and monuments or other structures from such public or private cemeteries to such other lands. All of the rights of the owner in and to lands in such cemeteries shall pass to and vest in the licensee and title to the lands acquired for the removal of said cemeteries shall vest in the former owners of the ceme-
eries so condemned or in the holders of the legal title thereto. Before the licensee may flood such cemeteries it shall remove the bodies and monuments or other structures to the lands acquired for such purpose and re-inter the bodies and reset the monuments under the direction and to the satisfaction of the circuit court in which such condemnation proceedings are brought. If the parties in interest fail to agree as to the location and area of the additional lands to be acquired in which to re-inter the bodies and on which to reset the monuments and other structures, the same shall be determined by the said circuit court.

(k) In the event that the amount of compensation allowed by the commissioners or a jury in condemnation proceedings respecting the right to flood or otherwise use public roads, bridges, or ferries and the approaches thereto, is unsatisfactory to the licensee, then the licensee, subject to the approval of the plans therefor by the commission, may elect to raise or to make a reasonable and proper relocation of such roads, bridges or ferries and the approaches thereto, for which purpose it shall have the right of eminent domain for the use of the county court or the state road commission and may so raise or relocate or construct new roads, bridges, or ferries and the approaches thereto, in compliance with any order which may be entered in relation to such raising, relocation or construction by the county court of the county in which such roads, bridges or ferries, and the approaches thereto, are located, or by the state road commission, in conformity with the plans approved by the commission, as aforesaid, with the right of appeal on the part of the licensee from any such order of said county court or the state road commission to the circuit court of said county and with the right of appeal on the part of the county court, the state road commission or the licensee from the order of the circuit court, within sixty days from the date of entry of such order, to the supreme court of appeals of the state. When the raising, relocation or construction of such road, bridge or ferry, and the approaches thereto, is completed, the title and control of such raised, relocated or new road, bridge or ferry, and the approaches thereto, shall immediately vest in the county court or the state road commission, as may be directed by the circuit court, and the circuit court upon a finding of the fact
of such completion and vesting of title and control shall enter in the condemnation proceedings a final order vesting title and control of said original road, bridge or ferry and the approaches thereto in the licensee without the payment of any other compensation or damages in said condemnation proceedings.

(l) The right to acquire by eminent domain any lands, easements and other property and rights for the purpose of constructing, operating and maintaining towers, poles and overhead and underground cables, wires and lines for the transmission, supply and sale of electric power and energy, whether produced by water or steam as a motive force, and for the construction, operation and maintenance of substations in connection with such transmission lines is hereby vested in such licensees, subject to the limitation that the licensee shall have no right to acquire for a substation site by condemnation any private residence nor any out-house, garden or orchard within the curtilage of a private residence or the right-of-way of any public service corporation, and subject to the further limitation that, except for the purposes of crossing, the licensee shall have no right, without consent, to construct, maintain and operate towers, poles and wire lines upon that part of the right-of-way of any public-service railway, pipe line, electric power, telephone or telegraph company which is necessary for the exercise of the corporate franchise of such company. Such licensee shall further have the right to acquire by agreement with the county court or courts or by agreement with the state road commission or by condemnation the right to erect, maintain and operate wire lines over or across public roads. The licensee shall have no right under this or any other section of this act to construct, maintain or operate any towers, poles or transmission lines so as to interfere with the safety, operation or efficiency of any existing public-service electric power, telephone or telegraph line, or of any telephone or telegraph lines or electric or other signal appliances of any common-carrier railroad company. The licensee may further exercise the right of eminent domain where necessary in order to remove any trees, or portions thereof, which by reason of close proximity to transmission lines or rights-of-way may endanger such transmission lines. In the exercise of the right to procure a right-of-way for a transmission line crossing over or under the right-
of-way of any public-service railway, pipe line, electric power, telegraph or telephone company, the licensee shall proceed in the manner provided for other corporations in section eleven of chapter fifty-two of the code of West Virginia.

Sec. 9. Notwithstanding any provision of this act, no licensee shall, by the exercise of the right of eminent domain, acquire any land, property or right comprised in any existing hydro-electric power development which, at the time this act shall go into effect, had an installed capacity in excess of one thousand horsepower, or except for transmission line crossings, acquire any land, property or right of a power site included in a license of any other licensee, or included in a license or permit, or in an application for a license or permit pending at the time this act shall go into effect, of a licensee or permittee, or an applicant in such application for a license or permit, under chapter eleven of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter seventeen of the acts of one thousand nine hundred and fifteen, and no licensee shall impound, divert or discharge the waters of any river or stream in any way that will, except as contemplated by the provisions of section seven of this act and except for the impounding or detention of flows in excess of the average stream flow which obtains at the point or points of such impounding, diversion or discharge and except for the discharge of such impounded or detained flows, interfere with any right of the owner of any such existing hydro-electric power development or with any right comprised in or appurtenant to a power site included in a license of any other licensee hereunder or included in any license or permit or in any such application pending as aforesaid for a license or permit under chapter eleven of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter seventeen of the acts of one thousand nine hundred and fifteen, and without the consent of such owner or such other licensee or such licensee or permittee, or such applicant for a license or permit; provided that nothing herein shall be construed to impair the common law riparian rights of any licensee or any such licensee or permittee or applicant.

Sec. 10. Nothing contained in this act shall be so construed as to interfere with the exercise of jurisdiction by the government of the United States over navigable streams. In the case of a dam located across a stream which is navigable-in-fact, the
5 licensee shall make provisions for navigation as is required
6 by the secretary of war of the United States. In the case
7 of a dam located across a stream which under the laws of West
8 Virginia is flotable, the licensee shall install, maintain and
9 operate in connection with such dam without expense to the
10 state or any citizen thereof such raft-chute, log-chute, boom,
11 sluices or other devices in aid of floatability as may reasonably
12 in the interest and for the convenience of the public, be required
13 by the commission and in accordance with the plans approved
14 by the commission. In any dam more than thirty-feet in height
15 no provision need be made for the passage of fish. Provided,
16 however, that nothing in this act contained shall prevent the
17 public from fishing or boating on the reservoir constructed by
18-22 the licensee.
23 It is hereby made the duty of said commission to protect and
24 preserve the public rights of navigation with respect to any
25 stream the navigability of which will be affected by the flow of
26 the waters of any stream upon which a license shall be granted
27 under the laws of this state, and said commission is hereby
28 vested with full power to make and enforce all necessary orders
29 for such purpose.

Sec. 11. Any corporation which had the charter powers
2 specified in section two of this act, which had in good faith
3 located a dam for its purposes, together with the probable
4 contour lines of the water proposed to be impounded thereby
5 and which had actually expended as much as fifty thousand
6 dollars in the construction of said dam, on or before May
7 twenty-second, one thousand nine hundred and thirteen, shall,
8 as shall also its lessees, successors, receivers, trustees or assigns,
9 have as to such dam and the land and property within said con-
10 tour lines all the rights and powers conferred by this act to the
11 same extent as if such corporation were a licensee and shall
12 have such rights and powers without filing an application and
13 obtaining a license and without any defining of the limits of
14 the power site by the commission. The commission, shall, how-
15 ever, have full power to require any such changes in any con-
16 structed portions of the dams, and to specify such design and
17 methods of construction for any portions of the dam still to be
18 constructed, as may be necessary for the protection of life and
19 property. Provided, however, that any such corporation may
20 apply to the commission for a license hereunder and, if such
Sec. 12. For the use of any municipality of this state or of the inhabitants thereof, any municipality or any public service corporation authorized to supply water to a municipality or to the inhabitants thereof may by purchase or condemnation proceedings under such regulations as the commission may prescribe, take water from the reservoir or reservoirs constructed and maintained by any licensee. Provided, however, that when any project interferes with the existing water supply of any municipality, the said municipality, or public service corporation supplying water thereto, shall be entitled to take water, not in excess of the natural flow of the stream, from said stream, reservoir or reservoirs free of cost.

Sec. 13. Any corporation such as is described in section two of this act or any licensee or any other party to the record feeling aggrieved by any decision of the commission granting or refusing to grant any license, defining the limits of a power site or refusing or failing to define such limits or to define such limits with sufficient extent or by any other final decision or order of the commission may appeal therefrom, within sixty days after such decision is made and entered, to the circuit court of Kanawha county with trial de novo in said circuit court and either or any party to the record may appeal from the decision of said circuit court to the supreme court of appeals within sixty days from the time the decision of the circuit court is rendered. Such appeals shall be by petition, and shall be allowed as a matter of right by said circuit court. The order of the circuit court granting an appeal shall require bond payable to the state to be executed before the clerk of said court in the penalty of five hundred dollars, with security thereto to be approved by such clerk, and conditioned for the payment of costs in the circuit court and also in the supreme court in case the decision appealed from should not be reversed. In case of reversal by the circuit court or supreme court on any such appeal, the case shall be remanded to the commission for further proceedings in accordance with the decision of the court. For the purpose of such appeal to the circuit court and the hearing thereof the original record before the commission, duly certified, shall be used in connec-
tion with any additional evidence offered by any party in interest and the appeal to the supreme court shall be upon the record in the circuit court in the usual manner. All such appeals shall be decided without delay. Mandamus shall lie to compel the commission to act upon any application for license or other matter proper for said commission to decide, and to render without unnecessary delay any decision from which an appeal lies.

Sec. 14. Nothing in this act contained shall abridge the right of the state to determine, through the legislature of the state, to develop in the name of the state, any project or projects on which no license or licenses have theretofore been granted by the commission or on which any license or licenses so granted have been legally terminated. The right to alter, amend or repeal this act is hereby expressly reserved; but no such alteration, amendment or repeal shall affect any license or permit theretofore granted under the provisions of this or any former act or the right of any such licensee or permittee thereunder. The provisions, terms and conditions of any license may be altered or amended at any time by mutual consent of the licensee and the commission to the extent such alteration or amendment is not in conflict with the then existing law of the state.

Sec. 15. Any licensee, or any person who shall wilfully fail or who shall refuse to comply with any of the provisions of this act, or with any of the conditions made a part of any license issued hereunder, or with any regulation or lawful order of the commission, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, in the discretion of the court, be punished by a fine of not exceeding five thousand dollars, in addition to penalties herein prescribed, or provided by law; and each month any such licensee or any such person shall remain in default, after written notice from the commission, shall be deemed a new and separate offense punishable as aforesaid.

Sec. 16. The commission shall have power to grant licenses hereunder to private persons or corporations for the generation of electric power and energy to be used by them in private enterprises; but nothing herein shall be construed to confer on such private persons or corporations the right of eminent domain, but before any such license is granted, the commission
7 shall consider the best development for the interests of the
8 state and may grant such licenses with such conditions with
9 reference to further development of water power as to said
10 commission may seem best.

Sec. 17. The sections, provisions and clauses of this act
2 shall be deemed separable each from the other, and also in
3 respect to the persons, firms and corporations mentioned therein
4 or affected thereby, and if any separable part of this act be,
5 or be held to be unconstitutional or for any reason invalid or
6 unenforceable, the remaining parts thereof shall be and remain
7 in full force and effect.

Sec. 18. Notwithstanding any provision of this act to the con­
2 trary appearing any and all permits or licenses granted under
3 chapter eleven of the acts of one thousand nine hundred and
4 thirteen as amended and re-enacted by chapter seventeen of
5 the acts of one thousand nine hundred and fifteen (said chapter
6 eleven as amended and re-enacted by said chapter seventeen be­
7 ing herein referred to as the Water Power Act of 1915) shall be
8 and remain in full force and effect in accordance with the pro­
9 visions of such permits or licenses and the provisions of the
10 water power act of one thousand nine hundred and fifteen, ex­
11 cept that in lieu of the annual royalty and the manner of basing
12 and measuring the same provided for by sections twenty-two,
13 twenty-three, twenty-four and twenty-five of the water power act
14 of one thousand nine hundred and fifteen there is hereby fixed
15 the annual charge provided for by section six of this act to be
16 determined and assessed by the commission in accordance with
17 the provisions of said section six; and any application for a
18 license or permit made under the water power act of one thou­
19 sand nine hundred and fifteen and pending at the time this act
20 shall go into effect shall, in accordance with the provisions of
21 the water power act of one thousand nine hundred and fifteen
22 or in accordance with the provisions of this act, as the applicant
23 in such application shall elect by filing written notice of such
24 election with the commission, remain in full force and effect, be
25 heard and determined by the commission and be capable of the
26 issuance therefrom or granting thereon of a permit or license,
27 except that, with respect to any such permit or license thus
28 granted, in lieu of the annual royalty as provided for in sections
29 twenty-two, twenty-three, twenty-four and twenty-five of the
30 water power act of one thousand nine hundred and fifteen, the
free transportation for religious workers

31 annual charge provided for by section six of this act shall be
32 assessed and collected; and any permittee or licensee in any per-
33 mit or license heretofore or hereafter granted under the pro-
34 visions of the water power act of one thousand nine hundred
35 and fifteen or under the provisions of this act with respect
36 thereto may if it so elects and shall certify to the commission
37 such election by filing with the commission notice in writing
38 thereof become, at such time prior to the expiration of its said
39 permit or license as it shall in such notice in writing designate,
40 entitled to all the rights, privileges and benefits of this act and
41 subject to all the provisions thereof as though the permit or
42 license held by such licensee had been a license granted under
43 and in accordance with the provisions of this act.

Sec. 19. Chapter eleven of the acts of one thousand nine
2 hundred and thirteen as amended and re-enacted by chapter
3 seventeen of the acts of one thousand nine hundred and fifteen
4 (known as the water power act) and all other acts and parts of
5 acts inconsistent with this act are hereby repealed, except as
6 otherwise provided in section eighteen of this act.

CHAPTER 59

(Senate Bill No. 24—By Mr. Hugus)

AN ACT to amend and re-enact section twenty of chapter fifteen-o
of Barnes’ one thousand nine hundred and twenty-three code
of West Virginia, so as to permit common carriers to grant free
transportation to persons devoting their whole time to religious
work.

[Passed February 21, 1929; in effect from passage. Approved by the Governor.]

Sec. 20. To whom common carriers may furnish free transportation, in-
cluding persons devoting their whole time to religious work.

Be it enacted by the Legislature of West Virginia:

That section twenty of the one thousand nine hundred and thir-
teen acts of the legislature, the same being section twenty of chap-
ter fifteen-o of Barnes’ one thousand nine hundred and twenty-
three code of West Virginia, be and the same is hereby amended
and re-enacted to read as follows:
Section 20. Nothing in this act shall be construed to prevent any common carrier from furnishing free transportation to its officers, attorneys, agents and employees, and their families, and like free transportation to the officers, attorneys, agents and employees of other common carriers and their families, mail clerks, expressmen and sleeping car conductors and porters, and reduced rates to all persons engaged in religious, charitable and literary pursuits, and for excursions, and for children and students attending schools and colleges, and for commutation tickets; and, provided, further, that nothing in this act shall be construed to prevent telephone, telegraph, sleeping car and express companies from entering into contracts with one another, and with common carriers for the exchange of service, or from exchanging with one another and with common carriers, the privileges of passes or franks for the officers, agents, employees and their families, of such companies and common carriers; and, provided, further, that all railroads and common carriers may grant free transportation according to their own regulations to persons devoting their whole time to religious work.

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

CHAPTER 60
(Senate Bill No. 46—By Mr. Smith of Marion, by request)

AN ACT to protect the trees, shrubbery, flowers, and including everything under the titles of flora and fauna, in and about and along the public roads of the state of West Virginia, and to preserve the beauty of the natural scenery in and along said roads:

[Passed February 13, 1920; in effect ninety days from passage. Approved by the Governor.]

Sec.
1. Unlawful to damage trees, flowers, etc., growing within one hundred yards of a public road without permission.
2. Unlawful to have same in possession.
3. Public service companies may keep tracks, lines, etc., free from interference.
4. Penalties for violation of act.

Be it enacted by the Legislature of West Virginia:
Section 1. That it shall be unlawful to break, cut or take or carry away or, in any manner to damage any of the trees, shrubbery or flowers and including everything under the title of flora and fauna, whether wild or cultivated, growing within one hundred yards, on either side of any public road in the state of West Virginia, without the permission of the owner or owners of record, the agent or tenants of the land upon which said trees, shrubbery, or flowers, including everything under the title of flora and fauna shall be growing.

Sec. 2. It shall be unlawful for any person wilfully or knowingly to have in his possession or to haul along any public road in the state of West Virginia, any trees, shrubbery or flowers, including everything under the title of flora and fauna, which are protected by this act, unless such person so having in his possession or hauling the same shall have permission so to do from the owner, agent or tenant of record of the land from which the same have been taken.

Sec. 3. Nothing herein contained shall be construed as affecting public service companies operating under franchise, their agents or employees, to keep the railway tracks, lines, wires or other equipment free from interference in the satisfactory operation of their properties or the right of the public authorities in the maintenance of the public roads under their jurisdiction and control.

Sec. 4. Any person who shall violate any of the sections of this act shall be guilty of a misdemeanor and upon conviction thereof for the first offense shall be fined not more than fifty dollars and for subsequent offenses shall be confined in the county jail for not more than three months, or fined not more than fifty dollars, or both for each offense, and justices of the peace shall have concurrent jurisdiction with the circuit and criminal or intermediate courts of the several counties.

CHAPTER 61
(Senate Bill No. 48—By Mr. Hugus)

AN ACT to authorize the establishment by counties, cities, towns and villages of airports and landing fields and authorizing one or more counties, cities, towns and villages to join with other
AUTHORIZING AIRPORTS

counties, cities, towns and villages in the establishment of joint airports and landing fields and authorizing counties, cities, towns and villages to lay levies for the purpose of acquiring, leasing, maintaining, constructing and operating airports and landing fields; and to provide for the general supervision and government of avigation in West Virginia, including the defining of qualifications for operating aircraft in the state of West Virginia; and providing penalties for the violation of this act.

(Passed February 13, 1929; In effect ninety days from passage. Approved by the Governor.)

SEC.

1. Definition.
2. Counties or municipalities may establish and operate airports.
3. How necessary real property for airport acquired.
4. How maintained and operated; fees for use.
5. Airports maintained jointly; abandondment of.
7. When federal license required.
8. Who may inspect certificate of license.
9. When aircraft must be registered.
10. Penalties for violation of preceding sections.
11. Penalties for avigation while intoxicated.
12. Penalty for avigation over city, etc., at low altitude.
13. Penalty for unauthorized taking of aircraft.

Be it enacted by the Legislature of West Virginia:

Section 1. When used in this article, "aircraft" means any contrivance, now or hereafter invented, for avigation of or flight in the air, except a parachute or other contrivance designed for use, and carried primarily for safety equipment; "avigation" means the steering, directing or managing of an aircraft, in or through the air, and such term is here used as a substitute for "aerial navigation"; "operating aircraft" means performing the services of aircraft pilot, avigator, mechanic, rigger, or other person actively engaged in maintaining an aircraft in flight.

Sec. 2. Any county, city, town or village may establish, lease, construct, equip, maintain and operate for such county, city, town or village, an airport or landing field for the use of aeroplane and other aircraft and may acquire or lease for such purpose real property within or without such county, or within or outside the corporate limits of such city, town or village, or may set apart and use for such purpose real property owned by the county, city, town or village, which is not needed for any other public use, however such real property was acquired.

The county court or local legislative body of such county, city, town or village may direct or employ an appropriate officer, board or body of such county, city, town, or village to locate, to
establish, construct, equip, maintain and operate for such county, city, town or village, such airport or landing field, but the site so located and the establishment, construction, equipment, maintenance and operation must be approved by the county court or local legislative body, as the case may be.

Sec. 3. Real property necessary for such airport or landing field may be acquired by gift, or by purchase if such county, city, town or village is able to agree with the owners of such real property on the terms thereof, and otherwise by condemnation, in the manner provided by law under which such county, city, town or village is authorized to acquire real property for public use. The purchase price or award for any property acquired for airport or landing field purposes may be paid for by appropriation of moneys available therefor or wholly or partly from the proceeds of sale of bonds of such county, city, town or village, as the county court or local legislative body shall determine, subject, however, to the general provisions of law for the issuance and sale of bonds of counties and municipalities for public purposes generally.

Sec. 4. The county court or local legislative body of such county, city, town or village, which has established an airport or landing field and leased, acquired, or set apart real property for such purpose and constructed and equipped the same for operation as an airport or landing field, may vest jurisdiction for the improvement, maintenance and operation thereof in any suitable officer, board or body of such county, city, town or village, subject, however, to the approval of such county court or local legislative body. The expense of the construction, improvement, equipment, maintenance and operation shall be a county, city, town or village charge, as the case may be. The county court or local legislative body of the city, town or village may adopt regulations and establish fees or charges for the use of such airport or landing field or may authorize the officer, board or body of such county, city, town or village having jurisdiction to adopt such regulations and establish such fees and charges, subject, however, to the approval of such county court or local legislative body, before they shall take effect.

Sec. 5. One or more counties, cities, towns or villages may join with one or more other counties, cities, towns and/or villages for the purpose of acquiring, leasing, equipping, con-
4 structing, maintaining and operating an airport or landing
5 field. Any such airport or landing field may be established at
6 such point as the legislative bodies in the county, or counties,
7 city or cities, town or towns, village or villages joining therein
8 may agree upon and such county or counties, city or cities,
9 town or towns, village or villages may raise by levy or other-
10 wise as provided herein in this act funds for the purpose of
11 acquiring, leasing, constructing, equipping, maintaining, oper-
12 ating any such airport or landing field, and the counties and
13 municipalities agreeing upon the proportionate part of the cost
14 and expense of such airport or landing field to be paid by each
15 county, city, town and/or village joining therein. The provi-
16 sions of sections two, three, four, five and six of this act shall
17 apply to any joint field established under the provisions of
18 this section.
19 In case any airport or landing field established by the joint
20 action of any two or more counties, cities, towns and/or villages
21 acting together under this section is abandoned, such airport or
22 landing field as owned by such counties, cities, towns and/or
23 villages may be sold by the approval of the legislative authori-
24 ties of the counties and municipalities which had joined in its
25 purchase and distribute the proceeds thereof to the counties
26 and municipalities in the proportion in which such counties
27 and municipalities had contributed to the acquisition, mainte-
28 nance and operation of such airport or landing field. In case
29 of a failure of the counties and municipalities to agree upon
30 the disposition of such airport or landing field and the equip-
31 ment thereon or connected therewith or in its operation or main-
32 tenance, any one or more of the counties and municipalities
33 interested therein may bring a suit in the circuit court of the
34 county in which said airport or landing field or the larger part
35 thereof is located and upon a trial of the cause, held in the
36 manner provided by law for other suits in equity, said court
37 shall make such decree or decrees with reference to the dis-
38 position of the property, distribution of the proceeds or other
39 moneys involved as to said court may seem best to the in-
40 terests of all the parties involved and an appeal to the supreme
41 court of appeals of West Virginia shall lie as in other equity
42 suits.

Sec. 6. The local authorities of a county, city, town or vil-
2 lage to which this act is applicable, having power to appropriate
money therein may lay a levy, not to exceed, five cents on each
one hundred dollars of valuation for a period not exceeding
three years and appropriate therefrom funds for the purpose
of acquiring an airport or landing field. Funds necessary for
providing maintenance or operating expenses for such airport
or landing field may be appropriated out of the general funds
of the county or municipality.

Sec. 7. It shall be unlawful for any person to engage in
aviation, either in operating aircraft or otherwise, within this
state in any form of aviation for which license is required by
the United States government, where such aviation is inter-
and not intrastate, unless such person have such license as is
required by the United States government.

Sec. 8. The certificate of the license herein required shall be
kept in the personal possession of the licensee when he is oper-
ating aircraft within this state and must be presented for
inspection upon the demand of any passenger, any peace offi-
cer of this state, or any official, manager, or person in charge
of any airport or landing field in this state upon which he
shall land.

Sec. 9. It shall be unlawful for any person to avigate an
aircraft within this state unless such aircraft is registered and
licensed pursuant to the lawful rules and regulations of the
United States government in force at the time, if the circum-
stances of such avigation are of the character that such regis-
tration would be required in the case of interstate avigation.

Sec. 10. A person who violates any provision of either of the
three preceding sections of this chapter shall be guilty of a
misdemeanor and punishable by a fine of not more than five
hundred dollars or by imprisonment for not more than one
year, or both.

Sec. 11. Whoever engages in avigation by operating an air-
craft or otherwise while in an intoxicated condition shall be
guilty of a misdemeanor and punishable by a fine of not more
than five hundred dollars or by imprisonment for not more
than one year, or both. Whoever, while in an intoxicated condi-
tion and engaging in avigation, does serious bodily injury to
another, shall be guilty of felonious assault and the offender
shall, at the discretion of the court, either be confined in the
penitentiary not less than one nor more than five years or be
Sec. 12. Whoever engages in avigation over any city, town or village or public gathering elsewhere except at a duly established airport or landing field at an altitude of less than twenty-five hundred feet shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

Sec. 13. Any person who, under circumstances not constituting larceny as otherwise defined by law, shall, without the consent of the owner, take, use or operate or cause to be taken, used or operated any aircraft for his own profit, use or purpose, steals the same and is guilty of larceny and shall be punishable accordingly.

CHAPTER 62
(Senate Bill No. 73—By Mr. White of Wood)
AN ACT to amend and re-enact sections sixteen and seventeen of chapter ninety-two of the acts of the legislature of one thousand eight hundred and eighty-two, being sections sixteen and seventeen of chapter forty-seven of Barnes' code of one thousand nine hundred and twenty-three, relating to terms of municipal officers.

[Passed February 5, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 16. Terms of municipal officers; terms of present officers.

Sec. 17. Rules and regulations for municipal elections.

Be it enacted by the Legislature of West Virginia:

That sections sixteen and seventeen of chapter ninety-two of the acts of the legislature of one thousand eight hundred and eighty-two, being sections sixteen and seventeen of chapter forty-seven of Barnes' code of one thousand nine hundred and twenty-three, be amended and re-enacted so as to read as follows:

Section 16. The officers first elected in such city, town or village shall hold their offices until their successors are elected and qualified. The terms of all officers elected after the said first election shall commence on the first day of July in each
5 year and shall be for one year, and until their successors are
6 elected and qualified according to law; provided, that the of-
7 ficers whose terms began on the first day of February, one thou-
8 sand nine hundred and twenty-nine, shall serve in the official
9 capacity to which they were elected until the first day of July,
10 one thousand nine hundred and thirty, or until their successors
11 are elected and qualified, unless such officers are sooner re-
12 moved by death, resignation or otherwise.

Sec. 17. After the first election of officers in such corpora-
2 tion they shall be elected on every first Tuesday of June, at
3 such place in the town or village, and under such supervision,
4 rules and regulations, not inconsistent with the laws regulating
5 district elections, as the council may prescribe.

CHAPTER 63
( Senate Bill No. 04—By Mr. Smith of Marion )

AN ACT requiring notice to foreign railroads or other foreign cor-
porations of every proposal to grade, pave, curb, or otherwise
improve, any street or alley, or to construct any sewer or
other drainage, in any city, town or village, to be paid for in
whole or in part by any such foreign railroad or other foreign
corporation as owner of any property abutting or bounding
upon any such street, alley, sewer or other improvement, or
whose property abutting or bounding thereon may be assessed
with the cost of such improvement in whole or in part; and
prescribing that such notice shall be given to the state auditor.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec. 1. Notice by municipality to foreign railroad or other corporation of
improvement of street, alley, etc., abutting on property of corpora-
tion; how notice served; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That if the common council or other governing
2 body of any city, town or village which has been or may be
3 vested with power so to do, either by general law or under
4 special act incorporating any such city, town or village, and
5 amendments thereto, proposes to order and cause the grading,
6 paving, curbing, or other improving of any street or alley, or
7 the construction of any sewer or other drainage, to be paid for
8 in whole or in part by any foreign railroad or other foreign
corporation as owner of any property abutting or bounding
10 on such street, alley, sewer or other improvement, or whose
11 property abutting or bounding thereon may be assessed with
12 such improvement, in whole or in part, such foreign railroad
13 company or other foreign corporation shall be given notice of
14 such proposal by service upon or acceptance by the state au-
ditor at least thirty days before the enactment or adoption of
16 any ordinance or resolution relating to said work of improve-
ment or declaring the necessity or purpose thereof; which said
notice shall set forth substantially the nature of the work to
be proposed, the extent thereof, its location and the manner of
paying for the same; and no ordinance or resolution shall be
binding upon any such railroad or other foreign corporation
22 unless such notice shall have been so given.
23 It shall be the duty of the state auditor without delay to
24 forward by United States mail, every notice served upon him
25 hereunder to the foreign corporation or corporations designated in such notice to its latest address on file in his office.
27 All acts and parts of acts, whether special or general, and
28 all provisions of any act incorporating any city, town or village,
29 and amendments thereto, which are in conflict with the pro-
visions of this act, are hereby repealed.

CHAPTER 64
(Senate Bill No. 111—By Mr. Miller)

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 twenty-three, as amended and re-enacted by chap-
ter twenty-nine of the acts of one thousand nine hundred and
twenty-three; and also to amend and re-enact sections thirty-
one, thirty-one-a and thirty-one-b of said chapter, as amended
and re-enacted by chapter one hundred and fifteen of the acts
of one thousand nine hundred and twenty-one, relating to the
manufacture, sale, storage, possession, transportation and de-
livery of liquors and of any mixture, compound or preparation
intended to be used in violation of the prohibition laws; and of
the operation and ownership of moonshine stills; and of
searches, seizures and procedures and to further amend said
chapter by enacting as additional thereto one section to be
numbered section forty-one, relating to intoxication and the
operating of motor vehicles while intoxicated; and providing
penalties in relation thereto.

[Passed March 6, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec.

4. Manufacture of non-intoxicating
wine and of vinegar and non-in-
toxicating cider, etc., when not
prohibited; when use of alcohol
and sale of pure grain alcohol
and sherry wine not prohibited;
permits for manufacture, sale,
etc., form of; fees for; fee for
registration of stills; payment
of fees into state treasury.

31. Unlawful transportation by rail-
road, bus company, etc., prohib-
ited; penalty for violation.

31-a. Unlawful transportation into or
in state of certain liquors, malt,
etc., prohibited; penalty for vi-
olation.

31-b. Unlawful sale by non-resident
vendor; penalty for violation;
unlawful use of moonshine still;
definition; penalties; form of
indictment; penalty for posses-
sion of moonshine liquor; penalty
for unlawful possession of mash;
form of indictment for; penalty
for second conviction; penalty
for unlawful possession of home
brew; penalty for second offense;
what sections of code govern of-
fenses under this section; bond
for felony charge; destruction of
stills, etc.

41. Penalty for being intoxicated in
public place; revocation of
license for driving motor vehicle
while intoxicated; certification
to state road commission.

42. Inconsistent acts 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 twenty-three, as
amended and re-enacted by chapter twenty-nine of the acts of one
thousand nine hundred and twenty-three, and also to amend and
re-enact sections thirty-one, thirty-one-a and thirty-one-b of said
chapter, as amended and re-enacted by chapter one hundred and
fifteen of the acts of one thousand nine hundred and twenty-one,
relating to the manufacture, sale, storage, possession, transporta-
tion and delivery of liquors and of any mixture, compound or
preparations intended to be used in violation of the prohibition
laws; and of the operation and ownership of moonshine stills; and
of searches, seizures and procedure; and to further amend said
chapter by enacting as additional thereto one section to be num-
bered section forty-one, relating to intoxication and the operating
of motor vehicles while intoxicated; and providing penalties in re-
lation thereto, be amended, re-enacted and added to, so as to read
as follows:

Section 4. The provisions of this act shall not be construed
2 to prevent any one from manufacturing (other than by “moon-
3 shine still”) from fruit grown exclusively in this state, non-
4 intoxicating wine for his own domestic consumption; or to pre-
vent the manufacture from fruit grown exclusively within this
state of vinegar and non-intoxicating cider for use or sale; or
7 to prevent the manufacture and sale of pure grain alcohol, at
8 wholesale to druggists, hospitals, sanitariums, laboratories, and
9 manufacturers for medical, pharmaceutical, scientific and me-
10 chanical purposes, or of wine for sacramental purposes by re-
11ligious bodies, or to prevent the sale and keeping and storing
12 for sale by druggists of wine for sacramental purposes, by re-
13ligious bodies, or any United States pharmacopoeia or national
14 formulary preparation in conformity with the West Virginia
15 pharmacy law, or any preparation which is exempted by the
16 provisions of the national pure food law; or to prevent the sale
17 by druggist, through pharmacists of pure grain alcohol for
18 medicinal, scientific, pharmaceutical and mechanical purposes;
19 or to prevent the use of such alcohol by physicians, dentists and
20 veterinarians in the practice of their profession; or to prevent
21 the medication and sale of pure grain alcohol according to
22 formulae and under regulations of the national prohibition act;
23 or to prevent the purchase and use in the manufacture of med-
24 ical preparations and compounds by wholesale druggists only
25 of sherry wine in quantities not exceeding twenty-five wine
26 gallons during any period of ninety days; provided, that no
27 one shall manufacture, sell, keep for sale, purchase or trans-
28 port any liquors, as defined in section one of this act and as
29 herein excepted without first obtaining a permit from the com-
30 missioner of prohibition so to do. Forms of application and per-
31 mits shall be prepared by the commissioner and a fee for each
32 permit issued shall be collected by him as follows:
33 (a) All manufacturers of liquors and wholesale dealers
34 herein shall pay a fee of fifty dollars for each permit; (b) all
35 purchasers in wholesale quantities of ethyl alcohol in any form,
36 whether pure, medicated, or denatured for use as herein pro-
37 vided, shall pay a fee of ten dollars for each permit; (c) all
38 purchasers in wholesale quantities of liquors as defined in sec-
39 tion one, for sale at retail, except duly licensed druggists, shall
40 pay a fee of two dollars for each permit; (d) all persons except
41 duly licensed druggists registering stills and given permits
42 to use the same for lawful purposes shall pay a fee of five dol-
43 lars for each permit; provided, that any still used only for the
44 manufacture of chemicals including water in which the process
45 of distillation is a common and necessary operation, and which
still shall not be used for the distillation of ethyl alcohol in any form, shall be required to be registered but the owner and operator thereof shall not be required to obtain a permit, therefor, or to pay license tax thereon. No fee shall be required for a permit to obtain wine for sacramental 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 commissioner and in accordance with regulations issued in pursuance of the "national prohibition act."

Sec. 31. It shall be unlawful for any railroad company, express company, aerial navigation company, bus company, taxi company, or any common carrier, or any officer, agent or employee of any of them, or any other person, to knowingly ship, carry, transport into, or deliver in this state in any manner or by any means whatsoever, any malt, brewed, vinous or fermented liquors, intoxicating liquors, or any mixture, compound or preparation; whether patented or not and whether intoxicating or not, to any person, corporation or firm within the territory of this state when the said liquors, mixture, compounds or preparation or any of them are intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package or otherwise in violation of the prohibition laws of this state.

If any one shall violate the provisions of this section he shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than three hundred dollars for the first offense, and for the second or any subsequent offense he shall be fined not less than one hundred dollars nor more than five hundred dollars and confined in jail not less than two nor more than six months. In case any firm, association or corporation shall violate this section the provisions of section twenty-seven of chapter thirty-two-a of Barnes' code of one thousand nine hundred twenty-three shall apply in enforcing the penalties herein provided.

Sec. 31-a. It shall be unlawful for any person, association or corporation to order, purchase, sell or cause any malt, brewed,
3 vinous or fermented liquors, intoxicating liquors, or any mix-
4 ture, compound or preparation, whether patented or not and 
5 whether intoxicating or not, to be transported into this state 
6 or from one place to another within the state when the said 
7 liquors, mixture, compound or preparation or any of them are 
8 intended by any person interested therein to be received, pos-
9 sessed, sold, or in any manner used, either in the original pack- 
10 age or otherwise in violation of the prohibition laws of this 
11 state. If any one shall violate the provisions of this section, he 
12 shall be guilty of a misdemeanor and upon conviction thereof 
13 the punishment of each offense hereunder shall be the same as 
14 that prescribed for offenses arising under section thirty-one 
15 of this act.

Sec. 31-b. It shall be unlawful for any non-resident vendor, 
2 dealer, or other person to sell or furnish any malt, brewed, 
3 vinous, or fermented liquors, intoxicating liquors, or any mix-
4 ture, compound or preparation, whether patented or not and 
5 whether intoxicating or not, to any person, corporation or firm 
6 within the territory of this state when the said liquors, mixture, 
7 compound or preparation are intended by any person inter-
8 ested therein to be received, possessed, sold or in any manner 
9 used, either in the original package or otherwise in violation of 
10 the prohibition laws of this state; and in case of such sale or 
11 furnishing in which a shipment or delivery of such liquors is 
12 made by a common, or other carrier, the sale and furnishing 
13 thereof shall be deemed to be made in the county wherein the 
14 delivery thereof is made by such carrier to the consignee, his 
15 agent or employee. If any one shall violate the provisions of 
16 this section he shall be guilty of a misdemeanor and upon con-
17 viction thereof the punishment of each offense hereunder shall 
18 be the same as that prescribed for offenses arising under section 
19 thirty-one of this act.

Sec. 37. It shall be unlawful for any person to own, operate, 
2 maintain or have in his possession, or have any interest in any 
3 apparatus for the manufacture of liquors, commonly known as 
4 a "moonshine still." For the purpose of this act any mechan-
5 ism, apparatus, or device that is used or is capable of being 
6 used for manufacturing, distilling, or making liquors shall be 
7 taken and deemed to be a "moonshine still," and the owner and 
8 operator shall be deemed a "moonshiner." Any person owning, 
9 operating, maintaining or having in his possession, or having
any interest in a moonshine still, or who shall aid or abet the persons so owning, operating or maintaining a moonshine still, shall be guilty of a felony and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars and be confined in the penitentiary not less than one nor more than five years.

An indictment 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 ............................................., 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, and did unlawfully and feloniously aid and abet others owning, operating and maintaining 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 combined with water or other liquids or substances, commonly known as "mash" or any mixture of like kind or character,
51 for the purpose of making intoxicating liquors.
52 Any person who makes, has, or has in his possession, or on
53 his premises, or on the premises of another, or who has under
54 his control, or an interest in any mixture of fermenting sub-
55 stances or materials, such as corn meal, other crushed cereals,
56 fruits or roots combined with water or other liquids and sub-
57 stances, commonly known as "mash" or any mixture of like
58 kind or character, shall be guilty of a misdemeanor, and upon
59 conviction thereof, shall be confined in the county jail not less
60 than two months nor more than six months, and fined not less
61 than one hundred dollars nor more than five hundred dollars.
62 An indictment for an offense hereunder shall be sufficient if
63 in the form and effect following:
64 "STATE OF WEST VIRGINIA,
65 County of .............................................. , to-wit:
66 In the circuit court of said county:
67 The grand jurors in and for the body of the said county of
68 ........................................................., upon their oaths do present that
69 A. B., within one year next prior to the finding of this indict-
70 ment in the said county of .............................................., did
71 unlawfully make, and have in his possession, and under his
72 control, and did have an interest in a certain mixture of fer-
73 menting substances and materials, commonly known as "mash,"
74 against the peace and dignity of the State."
75 Upon the conviction of any person for the second or any
76 subsequent offense of making, or having in his possession
77 "mash," or any mixture of like kind or character he shall be
78 guilty of a misdemeanor, and shall be confined in the county
79 jail not less than six months nor more than one year and in
80 addition thereto may be fined not less than one hundred nor
81 more than five hundred dollars, and the provisions of section
82 three relating to second or any subsequent offense shall be ap-
83 plicable thereto.
84 It shall be unlawful for any person to make, or to have in his
85 possession, or on his premises, or on the premises of another, or
86 elsewhere, or to have under his control, or an interest in any
87 malt or brewed drink, commonly known as "home brew" or
88 drink of like kind or character.
89 Any person who makes or has in his possession any
90 quantity of what is commonly known as "home brew,"
91 or drink of like kind or character, shall for the first offense, be
guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars.

Upon the conviction of any person for the second or any subsequent offense of making or having in his possession "home brew," or drink of like kind or character, he shall be guilty of a misdemeanor, and shall be confined in the county jail not more than one year and in addition thereto may be fined not less than one hundred nor more than five hundred dollars.

Sections three, nine, ten, eleven, twelve, thirteen and thirty-two of chapter thirty-two-a of Barnes' code, one thousand nine hundred and twenty-three and supplement relating to searches and seizures and procedure, shall apply to and govern the offenses under this section, so far as they are applicable; provided, that any person held by a justice under this section to answer for a felony, shall give a bond in the penalty of not less than one thousand dollars to appear at the next term of the circuit, criminal or intermediate court having jurisdiction, to answer an indictment, if one be preferred against him, and provided, further, that it shall be the duty of any officer charged with the enforcement of the prohibition laws of this state to seize and forthwith destroy all moonshine stills and liquors and paraphernalia found in connection therewith.

Sec. 41. Any person found in a state of intoxication upon any street, road or alley or in any other public place, in this state, shall be guilty of a misdemeanor, and any officer charged with the enforcement of law in this state, shall, without a warrant, take such person into custody and detain him until complaint can be made before a justice, and a warrant issued for his arrest. Upon conviction he shall for the first offense be fined not less than ten dollars nor more than fifty dollars, and for a second or any subsequent offense, he shall be fined not less than twenty-five dollars nor more than one hundred dollars, and be confined in jail not less than ten days nor more than sixty days; provided, however, that if the person so found under the influence of liquor shall at the time be engaged in driving or operating an automobile, truck, or other motor vehicle requiring a state license to operate, then upon his conviction as aforesaid, his operator's or chauffeur's certificate licensing him to operate motor vehicles in this state under section eighty-four chapter
18 one hundred twelve. acts of the legislature of one thousand
19 nine hundred and twenty one, shall be canceled and revoked by
20 the court or justice trying the case as an additional penalty,
21 and same shall not be re-issued for a period of at least one year
22 after the revocation thereof.
23 All convictions under this section, wherein the penalty in-
24 eludes the revocation of an operator's or chauffeur's certificate
25 shall be immediately certified to the state road commission of
26 this state, by the justice or other court in which such conviction
27 is had.

Sec. 42. All acts and parts of acts in conflict herewith are
2 hereby repealed.

CHAPTER 65
(Senate Bill No. 117—By Mr. Smith of Marion)

AN ACT providing for and adding section forty-four-a to section
forty-four of chapter one hundred and thirty-seven of Barnes' code of West Virginia, one thousand nine hundred and twenty-three, by adding a new section thereto, providing for the payment of fees in cases of naturalization and passports, duties being performed under the laws of the United States.

[Passed March 9, 1929; in effect ninety days from passage. Became a law without
the approval of the Governor.]

Sec. 44-a. Circuit clerk to receive one-half of naturalization and passport fees.

Be it enacted by the Legislature of West Virginia:

That section forty-four-a be added to chapter one hundred and thirty seven of Barnes' code of West Virginia, one thousand nine hundred and twenty-three.

Section 44-a. That all clerks of the circuit court of the several counties of the state of West Virginia shall be entitled to
3 and receive, in addition to the remuneration provided in section
4 forty-four of chapter one hundred and thirty-seven, one-half
5 of all fees taxed by the United States of America and paid by
6 the person to the clerks of the circuit court of the several counties for services rendered and performed in the naturalization
8 of persons to citizenship in the United States of America and
9 for preparing applications for passports from the United
10 States.
CHAPTER 66
(Senate Bill No. 123—By Mr. Smith, of Marion)

AN ACT to amend and re-enact section seventy-six-a of chapter thirty-four of Barnes’ code of West Virginia, one thousand nine hundred and twenty-three, providing for the regulation of certain persons, associations, and corporations engaged in the business of soliciting or receiving deposits or payments on annuity contracts, certificates or annuity bonds.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC.
1. Payments on annuity contracts or bonds: when permit required; exemptions from provisions of act.
2. License from insurance commissioner necessary.
3. Deposit with state treasurer required.
4. Definition of bonds and securities.
5. Appraisal of mortgaged property or bond; exemption from making deposit; credit for deposits in other states; fee for permit.
6. When permit revoked or suspended.
7. Examination by insurance commissioners.
8. Penalties for violations of act.
9. Limitation on loans to officer, director or stockholder.
10. Loans to be approved by directors.
11. Receiving of reward for negotiating loan prohibited.
12. Authority of insurance commissioner.
13. Personal liability of officer or director for loans.

Be it enacted by the Legislature of West Virginia:

Section 1. No person, association, or corporation shall engage in the business of soliciting or receiving deposits or payments on any annuity contract or certificate or annuity bond in fixed and stipulated installments within this state, without first having obtained from the insurance commissioner a permit to do business in this state. Provided, however, that this act shall not be construed as applying to persons, associations, or corporations engaged in selling merchandise on installments, insurance companies, foreign or domestic, duly authorized to do business in this state, building and loan associations, national banks and banks or trust companies organized and authorized to do business under the laws of this state, fraternal insurance companies or surety companies doing business under the laws of this state.

Sec. 2. No person, association or corporation shall sell or offer for sale or deliver within this state any contract, certificate or bond of any person, association, or corporation required by this act to obtain a license from the insurance commissioner to transact business in this state until such license has been issued by said insurance commissioner.
Sec. 3. Before a permit to transact business in this state shall be issued by the insurance commissioner to any person, association, or corporation within the purview of section one of this act, the insurance commissioner shall require said applicant to deposit with the state treasurer, in accordance with chapter five, acts of the legislature of one thousand nine hundred and twenty-seven, in trust, for the benefit of its contract holders, bonds and securities approved by said insurance commissioner to the amount of one hundred thousand dollars, and in addition to said deposit, said person, association, or corporation shall maintain at all times a deposit with the state treasurer of bonds and securities approved by said insurance commissioner to an amount equal to one hundred per cent of the liability on all outstanding contracts, in vaults at places in West Virginia approved by the state board of public works.

Sec. 4. The words "bonds and securities" used in the foregoing section shall be bonds or obligations of the United States government or bonds of any political subdivisions thereof, or like bonds or obligations of foreign governments or territorial possessions thereof, or bonds of private corporations secured by first mortgages or deeds of trust on the property of said corporations, or secured bonds of which two-thirds or more of collateral security is other collateral than corporate stock, or debentures, notes, and preferred or guaranteed stocks of corporations, the net income of which for five years preceding investment shall have been equal to four per cent on the par value of all its stock, or in case of stock of no par value, on the value for which such stock was issued, providing that no corporation shall have more than ten per cent of the preferred stock of issuing corporation, or bills and acceptances eligible for purchase by federal reserve banks, or stock of corporations that have shown a consistent rate of earning and have a ready market, or mortgages on unencumbered real estate, or loans secured by deeds of trust where the amount loaned does not exceed fifty per cent of the appraised value of said real estate.

Said mortgages or loans secured by deeds of trust shall be upon improved property, accompanied by an abstract of title with fire insurance policy to protect the improvements thereon.

Sec. 5. The insurance commissioner may require an independent appraisal at the expense of the company, of any property on which it holds a mortgage or deed of trust, or any bond
or other investment extended by the company for the purpose of maintaining the required deposit or deposits in section three of this act. Provided, that when by the laws of any other state, any such person, association or corporation shall have been required to make and shall have made such deposit in said state, equal or greater in amount for the benefit of contract holders in said state; upon the filing of a certificate from the proper officer in said state with the insurance commissioner of this state, such person, association, or corporation shall not be required to make such deposit with the insurance commissioner of this state for the benefit of its contract holders in said state; and, provided, further, that when the laws of any other state require such a deposit less in amount, such person, association or corporation shall file a certificate from the proper officer in said state with the insurance commissioner of this state, showing the amount of the deposit made, and shall deposit with the insurance commissioner of this state an amount which, together with the deposit made in said state, shall make up the total amount required by this state to be deposited by said person, association, or corporation, and said contract holders in said states shall not be entitled to the benefit of the securities deposited with the insurance commissioner of this state under this act, except so much of said deposit which may be made to complete the total amount required by this act where the law of any other state requires a lesser amount. Said permit shall be issued for one year, or the fractional part of a year, and for issuing same a fee of ten dollars shall be charged.

One hundred per cent of the liability on all outstanding contracts as used in this act is hereby defined to mean the total amount which such person, association, or corporation may be liable to pay in cash to the holders of all contracts under the terms thereof at the time of the deposit.

Sec. 6. On the failure of such person, association, or corporation to deposit such additional bonds and securities with the state treasurer when so required by said insurance commissioner, the permit to do business in this state shall be revoked by said insurance commissioner. Whenever the said insurance commissioner, upon an examination of the affairs of any such person, association, or corporation, finds the liabilities of such person, association, or corporation exceed the assets thereof, the insurance commissioner shall suspend the permit.
Sec. 7. The insurance commissioner shall annually examine, or cause to have examined, the affairs of all persons, associations, or corporations, coming within the purview of this act, at the expense of such persons, associations or corporations, and shall certify to such person, association or corporation so examined the result of such examination, and shall require an annual report of the financial condition of all such persons, associations, or corporations as of the thirty-first day of December of each year, and said report shall be returned to said insurance commissioner on or before the first day of March next ensuing.

Sec. 8. The violation of any of the provisions of this act shall be deemed a misdemeanor and shall subject the person, association, or corporation, upon conviction, to a fine of not less than fifty dollars and not more than five hundred dollars.

Sec. 9. No officer, director, or stockholder of any company chartered or licensed under this act shall borrow, directly or indirectly, more than ten per cent of the total capital and surplus of such company, nor shall said company invest more than ten per cent of their assets in the securities of any one corporation.

Sec. 10. No loan or investment shall be made by any company chartered or licensed under this act without either approval of a majority of a committee of at least three directors empowered by said corporation to make investments, or the approval of a majority of the directors of such company present at a meeting of such directors.

Sec. 11. No director or officer of any company chartered or licensed under this act shall receive any money or valuable thing for negotiating or recommending any loan from such company, or for aiding in the sale of any stocks, bonds, or other securities to such company.

Sec. 12. The insurance commissioner shall have the same authority over persons, associations, or corporations engaged in selling annuity contracts, certificates, or bonds, as over insurance companies and if in his opinion the assets are impaired or the company is not complying with these laws, said commissioner shall have authority to revoke the license of said per-
7 sons, associations, or corporations to do business in this state, and if said license is so revoked, the deposit or a sufficient amount of same, shall remain under the authority and control of the insurance commissioner until the total liability of all the contracts, certificates or annuity bonds or contracts issued by said person association or corporation in this state is redeemed or settled.

Sec. 13. Every officer or director of any company under purview of this act knowingly consenting to a loan or investment in wilful violation of any of the provisions hereinbefore enumerated shall be personally liable to the company for any loss which may be sustained by such investment or loan to be recovered in an action to be brought by the insurance commissioner on the complaint of the holder of any contract, certificate, or annuity bond or contract, certificate or share interest in the company suffering thereby, and shall be fined not more than one thousand dollars and imprisoned not more than five years.

Sec. 14. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAPTER 67
(Senate Bill No. 160—By Mr. Hutchinson)
AN ACT to amend and re-enact section twenty-eight of chapter one hundred and forty-five of Barnes' code of West Virginia, of one thousand nine hundred and twenty-three, by adding thereto a section to be known as twenty-eight-d, relating to hogs running at large, and making the owners thereof liable for injury done by hogs to the properties of others than the owners of hogs running at large.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Recovery for damages done by hogs running at large.

Be it enacted by the Legislature of West Virginia:

Section 1. That it shall be unlawful for any hogs to run at large, and should such hogs, while running at large, destroy or injure the property of another, the owner thereof shall pay
4 to the party whose property may be injured or destroyed, the
5 amount of damages sustained by him by reason of such destruct-
6 tion or injury. And the party so injured may, if he finds such
7 hogs on his premises, retain them, or a sufficient number thereof,
8 until all damages and the cost of keeping be paid. Such dam-
9 ages and costs may be collected in the manner provided by sec-
10 tion two of chapter forty-two of the acts of the legislature of
11 one thousand eight hundred and ninety-seven.

CHAPTER 68

(Senate Bill No. 178—By Mr. Woods)

AN ACT amending and re-enacting section one hundred of chapter
thirty-two of Barnes' West Virginia code, one thousand nine
hundred and twenty-three, relating to the business of a junk
dealer.

[Passed March 5, 1923; in effect ninety days from passage. Became a law without
the approval of the Governor.]

Sec. 100. Amount of license; list of agents
to be certified to clerk of the
county court by dealer; unlawful purchase of copper wires,
etc.; when bill of sale required; provisions concerning transportation of junk
from state; penalties for violation.

Be it enacted by the Legislature of West Virginia:

That section one hundred of chapter thirty-two of Barnes' code
of West Virginia, one thousand nine hundred and twenty-three, be
amended and re-enacted as follows:

Section 100. On every resident license to buy junk or carry
2 on the business of a junk dealer or itinerant purchaser of junk,
3 twenty-five dollars; on every agent, solicitor, canvasser or sales-
4 man employed by any resident junk dealer, ten dollars; on
5 every non-resident dealer, or his agent who buys or solicits for
6 the purchase of junk within this state, except from licensed
7 dealers, fifty dollars; and, provided, that every dealer shall
8 certify to the clerk of the county court the name or names of
9 the agents for whom he desires a license certificate, and that he
10 shall give to each agent so employed by him a certificate of
11 authority, which said agent at all times shall keep with his
12 license, and no such junk dealer agent's license shall be valid
13 and effective without such certificate of authority.
14 It shall be unlawful for any person or persons, firm or corporation, to barter, purchase, exchange, buy or accept from any person whatsoever, except plumbers, the owner or owners of buildings from which the material is taken, coal companies, industrial, manufacturing and public utility companies, or the authorized agents of such companies, lawful owners and licensed junk dealers, copper wires, cables, copper trolley wire, aluminum wire, brass bearings or fittings or lead, shipped or delivered from points within this state. Every junk dealer purchasing any of the items hereinbefore mentioned from the aforesaid persons, firms or corporations, shall accurately list such purchase in a permanent record showing kind and character of junk purchased, date of purchase and from whom purchased, which record shall be open to the inspection of all law enforcement officers.

15 It shall be unlawful for any junk dealer to purchase any of the items hereinbefore mentioned, except from the persons, firms or corporations named aforesaid, without securing from the seller a bill of sale, receipt of other proof of lawful ownership, which shall be retained by such purchaser or dealer, and the said purchaser or dealer shall list in a record book the full name and address of the seller, a complete description of the kind and character of the junk or material purchased, the hour and day purchased and the license number of any automobile or truck which may be used in making delivery of such junk or materials, which record shall be open to the inspection of all law enforcement officers, and be preserved for a period of not less than one year.

16 Every non-resident junk dealer, before transporting from the state any of the items hereinbefore mentioned, shall file with the sheriff of the county where such purchase was made a complete description of the property he proposes to transport from the state, showing the date of purchase, the names of the buyer and seller, the party to whom consigned and the license number of any automobile or truck which may be employed in transporting such junk or materials hereinbefore mentioned.

17 Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction before any justice of the peace or court of competent jurisdiction, shall be fined not less than one hundred dollars and not more than five hundred dollars; provided, however, when any person other than the lawful owner shall take, transport, sell or
offer for sale any such junk or items hereinbefore mentioned of a scrap value of less than twenty dollars, it shall constitute petit larceny and where the scrap value of such items is twenty dollars or more it shall constitute grand larceny.

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

CHAPTER 69
(Senate Bill No. 181—By Mr. Martin)

AN ACT to amend and re-enact section fourteen-a-one of chapter thirty-four of the acts of one thousand nine hundred and thirteen, as amended by chapter eighty-two of the acts of one thousand nine hundred and twenty-one, chapter forty-five of the acts of one thousand nine hundred and twenty-five, and chapter fifteen of the acts of one thousand nine hundred twenty-seven.

[Passed March 6, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

14-a-1. Time within which and method by which taxes not returned delinquent may be collected.

Be it enacted by the Legislature of West Virginia:

That section fourteen-a-one of chapter thirty of the code of West Virginia, as amended by chapter thirty-four of the acts of one thousand nine hundred and thirteen, and also as amended by chapter eighty-two of the acts of one thousand nine hundred and twenty-one, and also as amended by chapter forty-five of the acts of one thousand nine hundred and twenty-five, and also as amended by chapter fifteen of the acts of one thousand nine hundred and twenty-seven, be amended and re-enacted so as to read as follows:

Section 14-a-1. The sheriffs of the several counties of the state of West Virginia whose term of office expired on the thirty-first day of December one thousand nine hundred and twenty-eight, shall be allowed until the thirty-first day of December, one thousand nine hundred and twenty-nine within which to make distraint and sale for the collection of taxes, with interest thereon, and costs of collection, not returned delinquent for the years one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and twenty-
EXEMPTIONS PAYMENT VEHICLE LICENSE FEE

10 twenty-seven, and one thousand nine hundred and twenty-eight, 11 and the said sheriffs and their deputies and the constables of 12 their respective counties are empowered to collect the said taxes, 13 either by suit or by making distraint and sale of the property 14 of the persons against whom such assessment for taxes were 15 made for the years one thousand nine hundred and twenty-five, 16 one thousand nine hundred and twenty-six, one thousand nine 17 hundred and twenty-seven and one thousand nine hundred and 18 twenty-eight, and for which taxes have not been returned de- 19 linquent for those years; and in case any such person against 20 whom such assessments were made for those years has removed 21 or shall remove to another county, the said sheriff and his 22 deputies are authorized to make distraint and sale in such county 23 to which any such person has removed or shall remove. Such 24 sheriff may send a statement of the taxes due from any such 25 person who has removed to another county to the sheriff of the 26 county to which he or she has removed, and the sheriff of that 27 county is authorized and empowered to make levy and collection 28 of said taxes as on assessments made in his own county.

CHAPTER 70
(Senate Bill No. 194—By Mr. Helmick)

AN ACT to amend and re-enact section eighty of chapter seventeen 1 of the acts of the legislature of one thousand nine hundred 2 and twenty-five, relating to the exemption from the payment 3 of any fees on account of registration of any vehicle.

[Passed March 9, 1929; in effect ninety days from passage. Became a law without 4 the approval of the Governor.]

SEC. 80. Exemption of certain vehicles from payment of registration fee.

Be it enacted by the Legislature of West Virginia:

That section eighty of chapter seventeen of the acts of the legisrometer of one thousand nine hundred and twenty-five is hereby amended and re-enacted to read as follows:

Section 80. The United States government, the state, or any 2 political subdivision thereof, shall be exempt from the pay- 3 ment of any fee on account of registration of any vehicle, owned 4 or operated by the United States government, state or any po-
litical subdivision thereof, as the case may be; provided, that the proper representative of the federal government, state, or any political subdivision shall make, or cause to be made, on the form provided for that purpose, an application for registration of such vehicle so owned and operated; and the registration plate or plates issued for such vehicle shall be displayed or caused to be displayed as provided in this act; provided, further, that fire apparatus owned by the United States government, the state or any political subdivision of the state shall be exempted from all the provisions of this act, except such provisions as relate to the qualifications and licensing of drivers; provided, further, that any ambulance used exclusively for charitable purposes, for which use there is no charge, shall be exempted from all the provisions of this act, except such provisions as relate to the qualification and licensing of drivers.

CHAPTER 71
(Senate Bill No. 200—By Mr. Woods)

AN ACT to amend and re-enact section one of chapter nine of the acts of the legislature of one thousand nine hundred and fifteen; section eighteen of chapter fifty-eight of the acts of the legislature of one thousand nine hundred and twenty-three; section twenty-nine of chapter one hundred and thirty-one of the acts of the legislature of one thousand nine hundred and nineteen; section thirty-eight of chapter fifty-eight of the acts of the legislature of one thousand nine hundred and twenty-three; section forty of chapter nine of the acts of the legislature of one thousand nine hundred and fifteen; section forty-three of chapter one hundred and thirty-one of the acts of the legislature of one thousand nine hundred and nineteen and sections forty-seven and fifty-two of chapter sixty-eight of the acts of the legislature of one thousand nine hundred and twenty-five, and to repeal section fifty-seven of chapter sixty-eight of the acts of the legislature of one thousand nine hundred and twenty-five, all relating to workmen’s compensation.
WORKMEN'S COMPENSATION

[Passed March 7, 1929; in effect from passage. Approved by the Governor.]

SEC. 1. Appointment, qualification and term of office of state compensation commissioner; oath and bond; duty of attorney general; salary and official seal.

15. Commissioner to classify industries; to keep account of money credited to compensation fund and of liability incurred and disbursements made; amount charged in fatal and permanent disabilities; rates of premiums; reserves; premium rate uniform as to classes; exceptions; rates for individual subscribers; notice to employer of change of rate and of payments to injured employ-ees; creation of surplus fund.

16. When funeral expense may be paid.

20. Surgical or hospital treatment, amount allowed.

29. Jurisdiction of commissioner over each case to be continuing.

33. Proceedings upon making of an award going to the basis of claimant's right to compensation; appeal to supreme court of appeals; procedure; cost of, how taxed.

47. Examination of claimant.

52. Application of act to employer engaged in interstate or foreign commerce; section fifty-seven, chapter sixty-eight, acts 1925 repealed.

Be it enacted by the Legislature of West Virginia:

That section one of chapter nine of the acts of the legislature of one thousand nine hundred and fifteen; section eighteen of chapter fifty-eight of the acts of the legislature of one thousand nine hundred and twenty-three; section twenty-nine of chapter one hundred and thirty-one of the acts of the legislature of one thousand nine hundred and nineteen; section thirty-eight of chapter fifty-eight of the acts of the legislature of one thousand nine hundred and twenty-three; section forty of chapter nine of the acts of the legislature of one thousand nine hundred and fifteen; section forty-three of chapter one hundred and thirty-one of the acts of the legislature of one thousand nine hundred and nineteen and sections forty-seven and fifty-two of chapter sixty-eight of the acts of the legislature of one thousand nine hundred and twenty-five, be amended and re-enacted and that section fifty-seven of chapter sixty-eight of the acts of the legislature of one thousand nine hundred and twenty-five, be repealed, so as to read as follows:

Section 1. The office of state compensation commissioner is hereby created. The governor, by and with the consent of the senate, may on or before the thirty-first day of May, one thousand nine hundred and twenty-nine, appoint as state workmen's compensation commissioner some citizen of this state entitled to vote, whose term of office shall begin at the date of appointment and shall continue for six years and until the successor of such commissioner is appointed and qualified, unless he be sooner removed. An appointment may be made to fill a vacancy or otherwise when the senate is not in session, but shall be acted upon at the next session thereof. The person so appointed shall take the oath or affirmation prescribed by section five of article
SEC. 17. 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 reclassify into groups, or schedules, at any time, said industries, and to create additional groups or schedules.

(a) The commissioner shall keep an accurate account of all money or moneys paid or credited to the compensation fund, and of the liability incurred and disbursements made against
10 same; and an accurate account of all money or moneys received
11 from each individual subscriber, and of the liability incurred
12 and disbursements made on account of injuries and death of the
13 employees of each subscriber; and of the receipts and incurred
14 liability of each schedule and class.
15 In fatal cases and permanent disability cases exceeding eighty-
16 five per centum disability, the amount charged against the em-
17 ployer’s account shall be such sum as is estimated to be the
18 average cost of such cases to the fund; providing, the commis-
19 sioner decides that the injury or injuries causing death or per-
20 manent disability was received in the course of and resulting
21 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 the
25 creation and maintenance of a reasonable surplus in each sched-
26 ule after providing for the payment to maturity of all liability
27 incurred by reason of injury or death to employees entitled to
28 benefits under the provisions of this act. A readjustment of
29 rates shall be made yearly on the first day of July, or at any
30 time same may become necessary. The determination of the
31 lowest possible rates of premiums within the meaning hereof and
32 of the existence of any surplus, or deficit in the fund, shall be
33 predicated solely upon the experience and statistical data com-
34 35 piled from the records and files in the commissioner’s office
36 under this and prior acts in the State of West Virginia for the
37 period from the first day of June, one thousand nine hundred
38 and thirteen, to the nearest practicable date prior to such read-
39 justment; provided, however, that any expected future return,
40 in the nature of interest or income from invested funds, shall
41 be predicated upon the average realization from investments,
42 to the credit of the compensation fund for the two years next
43 preceding. Any reserves set up for future liabilities and any
44 commutation of benefits, shall likewise be predicated solely upon
45 prior experience under this and preceding acts and upon ex-
46 pected realization from investments determined by said re-
47 spective past periods, as aforesaid.
48 The commissioner may fix a rate of premium applicable alike
49 to all subscribers forming a schedule or class and such rates shall
50 be determined from the record of such schedule or class shown
51 upon the books of the commissioner; provided, that if any
52 schedule has a sufficient number of employers with considerable
53 difference in their degrees of hazard, the commissioner may fix
54 a rate for each subscriber of such schedule, such rate to be
55 based upon the subscriber's record on the books of the commis-
56 sioner for the twelve months last ending April thirtieth of the
57 year in which the rate is to become effective; and the liability
58 part of such record shall include such cases as have been acted
59 upon by the commissioner during said twelve months' period,
60 irrespective of the date the injury was received; and any sub-
61 scriber, in a schedule so rated, whose record for said twelve
62 months' period can not be obtained, shall be given a rate based
63 upon his record for any part of said period or such rate as may
64 be deemed just and equitable by the commissioner; and the com-
65 missioner shall have authority to fix a reasonable minimum and
66 maximum for any schedule to which this individual method of
67 rating is applied, and to add to the rate determined from the
68 subscriber's record such amount as may be necessary to liqui-
69 date any deficit in the schedule or to create a reasonable surplus.
70 It shall be the duty of the commissioner whenever he changes
71 any rate to notify every employer affected thereby of that fact
72 and of the new rate and when the same takes effect. It shall
73 also be his duty to furnish to each employer yearly, or oftener
74 if requested by the employer, a statement giving the name of
75 each of his employees who were paid for injury and the amount
76 so paid during the period covered by the statement.
77 Ten per centum of all that shall hereafter be paid into the
78 workmen's compensation fund shall be set aside for the cre-
79 ation of a surplus fund until such surplus shall amount to the
80 sum of five hundred thousand dollars, after which time the sum
81 of five per centum of all the money paid into the said fund shall
82 be credited to such surplus fund, until such time as in the judg-
83 ment of the commissioner, such surplus fund shall be sufficiently
84 large to cover the catastrophe hazard and all losses not other-
85 wise specifically provided for in this act.

Sec. 29. In case the personal injury causes death within the
2 period of four years from the date of original injury and dis-
3 ability is total and continuous from the date of such injury to
4 date of death reasonable funeral expense not to exceed one hun-
5 dred and fifty dollars, may be paid from the fund. Payment to
6 be made to the persons who have furnished the service and sup-
7 plies, or to the persons who have advanced payment for same,
as the commissioner may deem proper, in addition to such award
as may be made to the employee’s dependents.

Sec. 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, sur-
gical or hospital treatment, after due notice to the employer,
expend an amount not to exceed the sum of six hundred dol-
ars 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, surgical or hospital treatment provided
for in this section unless such treatment has been duly author-
ized by the commissioner prior to the rendering of such treat-
ment.

Sec. 40. The power and jurisdiction of the commissioner over
each case shall be continuing, and he may from time to time,
after due notice to the employer, make such modifications or
change with respect to former findings or orders with respect
thereto as in his opinion may be justified; provided, no further
award may be made except, within one year after death of em-
ployee in fatal cases, or, except in case of non-fatal injuries
within two years after payments for temporary disability shall
have ceased and within one year after the commissioner shall
have made the last payment in any permanent disability case.

Sec. 43. The commissioner shall have full power and au-
thority to hear and determine all questions within his juris-
diction, and to review the action of any employer taken under
section fifty-four hereof, but upon the making of any award
going to the basis of claimant’s right to compensation, as here-
infer provided from the fund or directly from any employer
under section fifty-four, or upon the review of any action of
any employer under section fifty-four, the commissioner shall
give notice in writing to employer, employee or dependent, as the
case may be, of his action, which action shall be final unless the
employer, employee or dependent shall, within ten days after
receipt of said notice, object to said finding, in which event
upon receipt of objection in writing from the employer, em-
ployee or dependent relative to the basis of the claim on the
ground that the injury was self inflicted or that it was not re-
received in the course of and resulting from his employment, or upon any other ground going to the basis of the claimant's or employer's right, the commissioner shall set a time and place for the hearing of evidence, notifying both the employer and claimant at least ten days in advance; and the evidence taken shall be transcribed and become a part of the record in the proceedings, together with other records thereof in the commissioner's office. After said hearing the action of the commissioner affirming, reversing or modifying his former action shall be final; provided, however, that the claimant or the employer may, within ninety days after notice of the final action of the commissioner, apply to the supreme court of appeals for a review of the record and such decision.

The applicant shall file a petition before said supreme court of appeals against the commissioner and other party, (claimant or employer, as the case may be), within said period of ninety days, and the commissioner and other party shall be notified forthwith by the clerk of said court of the filing of such petition for review. And the commissioner shall, within ten days after the receipt of such notice, file with the clerk of said court the record of such proceedings before the commissioner, including a transcript of the evidence. The court, or any judge thereof, may thereupon decide whether a review shall be granted or not, and if such review be granted to a non-resident of this state, he shall execute and file before the clerk of said court, before such proceeding for review becomes effective, a bond with surety to be approved by said clerk conditioned to pay all costs which may be awarded against him on such review. If a review be granted, the commissioner and the opposing party, (claimant or employer), or their attorneys, shall be notified of the fact, by mail, by the clerk of said court. If a review be granted as aforesaid, the case shall be tried by said court in the same manner as other cases before it, save and except that neither the records nor briefs need be printed, and that every such review granted prior to thirty days before the beginning of any term shall be placed upon the docket for such term, and such reviews shall have precedence over other cases on such docket. The attorney general, without extra compensation, or other counsel, if the commissioner sees fit to employ the same, shall represent the commissioner on such review. The supreme court on such review shall determine the matter and certify its decision to
the commissioner, and if it determines the issue in claimant's favor, the commissioner shall fix his compensation within the limits and under the rules prescribed in this act and as directed by said court. The cost of such proceedings, including a reasonable attorney's fee, not exceeding one hundred dollars, to the claimant's attorney, shall be fixed by the court and taxed against the employer if the latter be unsuccessful, and if the claimant be unsuccessful, such costs, not including attorney's fees, shall be taxed against the commissioner, payable out of any funds available in his hands, or shall be taxed against the claimant, in the discretion of the court.

Sec. 47. The commissioner shall have power, after due notice to the employer, and whenever in his opinion it shall be necessary, to order a claimant to appear for examination before a medical examiner, selected by the commissioner. Claimant shall be entitled to reasonable traveling and other expenses necessarily incurred by him in obeying said order, which shall be paid out of the amount allotted under this act for medical, surgical and hospital treatment.

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

That unless, and until the congress of the United States has by appropriate legislation established a rule of liability or method of compensation governing employers and employees engaged in commerce within the purview of the commerce clause
23 of the federal constitution (article one, section eight), section 24 nine of chapter fifteen-p, of Barnes' code of one thousand nine 25 hundred and twenty-three, as amended by chapter sixty-eight of 26 the acts of the legislature of one thousand nine hundred and 27 twenty-five, shall apply without regard to the inter-state or 28 intra-state character or nature of the work or business engaged 29 in; provided, however, that this act shall not apply to employees 30 of steam railroads, or steam railroads partly electrified, or ex- 31 press companies, engaged in inter-state commerce.

Section fifty-seven of chapter sixty-eight of the acts of the 33 legislature in regular session for the year one thousand nine 34 hundred and twenty-five is hereby repealed.

CHAPTER 72

(Senate Bill No. 209—By Mr. Hugus)

AN ACT to permit the trustees of property held in trust for benevo-

lent, charitable or public purposes to transfer such trust 3 property and obligations to a trust company having general

authority from this state to execute trusts.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the

Governor.]

Sec. 1. Conveyance or transfer to trust 3 companies of benevolent, charit-

able or public property held by 4 trustees; duty of successor trust-

tee. 2. Proceedings by circuit court to ap-

point trustee in lieu of substi-
tuted trustee.

Be it enacted by the Legislature of West Virginia:

Section 1. The trustees of any property which is lawfully 2 held in trust for any benevolent, charitable or public pur-

pose may assign or convey and transfer all of such prop-

erty, and any prospective right thereto, upon the same 5 trusts, to any trust company having general authority 6 from the state of West Virginia to execute trusts, or to any 7 national banking association located in this state, and having 8 trust company powers, or to such company or such association 9 and one or more individuals as co-trustees. Such trustees shall 10 promptly cause such assignment or conveyance to be duly ad-

mitted to recordation in the county in which the principal office 12 of such trust company is located, and in any other county in 13 which the trust or the greater portion thereof was created.
14 Their powers and rights with respect to such property shall
15 thereupon cease; and they shall have no further duties or lia-
16 bilities concerning the trust except to furnish to such successor
17 trustee all of their papers and information which may be use-
18 ful in the performance of the trust, and to settle their accounts'
19 as required by law. Such successor trustee shall proceed to
20 execute the said trust, in accordance with its provisions and
21 with the requirements of law. But if any one of said trustees
22 shall have been appointed to such trust in a proceeding in a
23 circuit court of this state, such assignment and conveyance shall
24 not be valid until authorized by an order of such court, and
25 shall not be filed for recordation until such order shall have
26 been duly entered.

Sec. 2. The circuit court of either of the counties above re-
2 ferred to shall have jurisdiction to appoint a trustee or trus-
3 tees in lieu of such substituted trustee, upon application of any
4 person who has contributed a part of the trust property, or who
5 has a legal interest in the execution of the trust; but such ap-
6 pointment shall only be made upon a hearing after such notice
7 as the court may require; and upon ascertaining that such
8 change of trustee will be appropriate in view of the provisions
9 of the trust and in consideration of the intended beneficiaries.

CHAPTER 73
(Senate Bill No. 214—By Mr. Hallanan)

AN ACT to amend and re-enact chapter twenty-nine, acts of the
legislature of West Virginia, of one thousand nine hundred
and fifteen, entitled “A Bill re-districting the state for rep­
representatives in the congress of the United States.”

[Passed March 9, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec. 1. Apportionment In house of repre- | representatives of the United States
sentatives of the United States
by congressional districts.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine of the acts of the legislature of one
thousand nine hundred and fifteen, be amended and re-enacted
so as to read as follows:
Section 1. The number of members to which this state is entitled in the house of representatives of the United States shall be apportioned amongst the several counties of the state arranged into six districts, numbered as follows, that is to say:

First Congressional District: Brooke, Hancock, Marion, Marshall, Ohio, Taylor and Wetzel.
Third Congressional District: Braxton, Clay, Doddridge, Gilmer, Harrison, Lewis, Nicholas, Ritchie, Upshur and Webster.
Fourth Congressional District: Cabell, Calhoun, Jackson, Mason, Pleasants, Putnam, Roane, Tyler, Wirt and Wood.
Fifth Congressional District: Summers, Lincoln, Mercer, Mingo, Monroe, McDowell, Wayne and Wyoming.
Sixth Congressional District: Boone, Fayette, Kanawha, Logan, Pocahontas, Raleigh and Greenbrier.

CHAPTER 74
(Senate Bill No. 225—By Mr. West)

AN ACT to amend and re-enact section twenty-nine-a of chapter thirty-two of the acts of the legislature of one thousand nine hundred and fifteen, relating to the practice of dentistry and dental hygiene.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 29-a-(1) State board of dental examiners continued; number, qualifications and terms.
(2) Organization, meetings and bond of secretary-treasurer.
(3) Fees charged by and per diem of board; compensation of and clerk for secretary-treasurer; accounting for funds received by board; report by.
(4) Unlawful to practice dentistry without license; exception.
(5) Disposition of practicing dentistry; exceptions.
(6) Who deemed to be practicing dental hygiene.
(7) Qualification and examination of applicants for license.
(8) For what license may be revoked or suspended; procedure and appeal.
(9) License to practice to be displayed in conspicuous place in office.
(10) When board may license dentists moving into state from another state; provisions for temporary license, fee for.
(11) Certificate to dentist moving to another state.
(12) Fees for certificates.
(13) Use of trade names to practice dentistry prohibited.
(14) Dental hygienists, revocation of license.
(15) Dental hygienists, fee for license for; qualifications.
Examination for dental hygienists to be both practical and theoretical.

When board may issue license to dental hygienists without examination; fee.

Penalty for filling diploma or license of another.

Right of dentist to prescribe drugs and perform surgical operations.

Prosecuting attorney to prosecute violations of act.

Penalty for violation of act.

Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section twenty-nine-a of chapter one hundred and fifty of the code, as last amended and re-enacted by chapter thirty-two of the acts of one thousand nine hundred and fifteen, be and the same is hereby amended and re-enacted so as to read as follows:

Section 29-a. (1) That the West Virginia state board of dental examiners heretofore created be continued, to consist of five practicing dentists, whose duty it shall be to make such rules and regulations as are necessary to carry out the purposes and enforce the provisions of this act as hereinafter specified.

The members of said board shall be graduates of reputable dental colleges, schools or dental departments of a reputable university, and at the time of their appointment upon said board must have been actual residents and legally licensed practicing dentists of this state for a period of five years, or more, immediately preceding their appointment; provided, however, that no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning, or dental supply business. The term for which the members of said board shall hold office shall be five years, and no person so appointed shall serve to exceed two consecutive terms, provided, that the present members of the board in office at the time of the passage of this act shall continue in office until their respective terms have expired, or until their successors are appointed and qualified.

(2) The said board of dental examiners shall choose one of its members president, and one secretary-treasurer thereof, at each annual meeting on the fourth Tuesday in June of each year. Said board may meet oftener, if necessary, at the discretion of the board, at such place as it may deem proper, for the examination of applicants who may desire to practice dentistry or dental hygiene in this state, and for the transaction of any other business that may come before it. Said board shall keep a record in which shall be registered names,
addresses and license numbers of all persons legally entitled to
practice dentistry or dental hygiene in this state. A majority
of the members of said board shall at all times constitute a
quorum for the transaction of business, and the proceedings
of said board shall be recorded in a minute book open at all
reasonable times to public inspection. The secretary-treasurer
shall execute to the said board, bond, with approved security,
for the faithful performance of his duties the amount of said
bond to be determined by said board.

(3) Said board shall charge each person applying for an
examination for a license to practice dentistry in this state an
examination fee of twenty-five dollars and, in addition thereto,
a fee of five dollars for every duplicate license issued by said
board. Said board shall receive their actual and necessary
expenses and ten dollars for each day actually spent in attend-
ing its sessions and in necessary travel, to be paid from the
fund collected under this act. The secretary-treasurer shall
receive such compensation as may be fixed by the board, not
to exceed the sum of three hundred dollars per annum; pro-
vided, that such secretary-treasurer may, with the consent of
said board, employ a stenographer or clerk to assist in the
performance of his official duties; provided, further, that the
state shall not be liable for the payment of any expense in-
curred by said board under the provisions of this act. All
moneys received under the provisions of this act shall be
deposited and accounted for by the secretary-treasurer and
shall be paid out by him upon the order of said board entered
of record in its minute book, but not otherwise. Said board
shall, on or before the first day of February of each year, make
and file with the governor an annual report showing the total
receipts and disbursements of said board for the preceding
year and the governor may, in his discretion, require said
board to pay into the state treasury any surplus funds then
remaining in hands of said board.

(4) Any person practicing or offering to practice dentistry
or dental hygiene in this state shall be required to submit
evidence that he is qualified so to practice, and shall be licensed
as hereinafter provided, and it shall be unlawful for any per-
son to practice or offer to practice dentistry or dental hygiene
in this state except under the provisions of this act. Provided,
71 however, nothing in this act shall be so construed as to apply
72 to anyone already engaged in the practice of dentistry or
73 dental hygiene.

74 (5) Any person shall be regarded as practicing dentistry
75 within the meaning of this article, who shall diagnose or pro-
76 fess to diagnose or treat or profess to treat any of the diseases
77 or lesions of the oral cavity, teeth, gums or maxillary bones,
78 or shall prepare to fill cavities in human teeth, correct mal-
79 position of teeth, or jaws, or supply artificial teeth as sub-
80stitutes for natural teeth, or administer anaesthetics, general
81 or local, in connection with any of the said work, or make
82 dental x-ray negatives or pictures of the teeth, or make diag-
83nosis therefrom, or perform any other work included in the
84 curricula of recognized dental colleges. To open an office for
85 the practice of dentistry, or to announce to the public in any
86 way a readiness to do any act defined herein as being dentistry,
87 shall be deemed to be engaged in the practice of dentistry
88 within the meaning of this article. Provided, however, that
89 nothing in this article shall be so construed as to prevent a
90 regularly licensed physician and surgeon from extracting teeth
91 or treating any disease coming within the province of the
92 practice of medicine; or to prohibit an unlicensed person from
93 performing merely mechanical work upon inert matter in a
94 dental office or laboratory or to prevent a bona fide student of
95 dentistry from performing dental operations under the super-
96vision of competent instructors within a dental school or college
97 or the dental department of a university recognized by the
98 dental educational council of America; or to apply to a bona
99 fide student of dentistry in the clinic room of a reputable
100 dental school, college or department, or under the direct super-
101vision of a preceptor who is licensed to practice dentistry in
102-104 this state.

105 (6) Any person other than a regularly licensed dentist shall
106 be said to be practicing dental hygiene within the meaning of
107 this act, who shall remove deposits, accretions and stains from
108 the exposed surface of the teeth, and polish the same, or shall
109 practice the use of escharotic drugs in or about the teeth, or
110 shall make dental examinations of teeth and diagnose diseases
111 of the same.

112 (7) An applicant for a license shall be of good moral
113 character, at least twenty-one years of age at the time of making
114 the application, and the application shall be accompanied by
115 satisfactory evidence that he is possessed of a general educa-
116 tion, equal to that required for graduation from a first class
117 high school of this state, and a graduate of and has a diploma
118 from the faculty of a reputable dental college, dental school,
119 or dental department of a reputable university rated as class
120 A or class B by the dental educational council of America.
121 The applicant shall pass an examination in the following
122 branches: Anatomy, physiology, bacteriology, histology, path-
123 ology, materia-medica, and therapeutics, anaesthetics, chem-
124 istry, metallurgy, oral-surgery, cooperative dentistry, opera-
125 tive dentistry, orthodontia, and such others as the board may
126 from time to time deem proper. The examination shall be
127 both written and clinical, and of such other character as to
128 thoroughly test the qualifications of the applicant to practice
129 dentistry. The board may, in its discretion, refuse to grant
130 a license to any person whom they find guilty of cheating,
131 deception or fraud during such examination. All manuscripts
132 used in any examination shall be filed by the secretary of the
133 board for safe keeping for a period of one year.
134 (8) The board shall have the power to revoke or to suspend
135 the license of any dentist for any of the following causes:
136 1. His conviction of a crime involving moral turpitude,
137 in which case a certified copy of the court record shall be
138 conclusive evidence, upon receipt of which the board may
139 revoke or suspend the license of the person so convicted.
140 2. For any violation of the provisions of this act.
141 3. For fraud or deceit in procuring admission to practice.
142 4. For the advertisement of a dental business in which
143 untruthful or impossible statements are made; and habitual
144 intemperance or gross immorality. In case any person shall
145 make an accusation against any license under the second, third,
146 or fourth subdivisions above, the same shall be reduced to
147 writing, verified by some person familiar with the facts therein
148 stated, and three copies thereof filed with the secretary of the
149 board. If the board shall deem that the charges made are suffi-
150 cient, if true, to warrant suspension or revocation of license, it
151 shall make an order fixing the time and place for a hearing
152 and requiring the accused to appear and answer thereto, such
order, together with a copy of the charges to be served upon the accused at least twenty days before the date set for a hearing either personally or by registered mail sent to his last known post office address. The person accused shall appear at the time and place fixed in the order and answer said charges and make his defense thereto unless for sufficient cause the board shall assign some other date. If he shall not appear the board may hear and determine the matter in his absence. If the accused pleads guilty, or if after a hearing he shall be found guilty by the board of any of the charges made, it may revoke, or suspend his license for a limited period and shall enter the order upon its records. Upon such hearing the board and accused may be represented by counsel, and the board shall have the power to take depositions and compel the attendance of witnesses by the issue of subpoenas under its seal and signed by the secretary. A licensee feeling himself aggrieved by the decision of the board may within ten days after revocation or suspension of his license, take an appeal to the circuit court of the county in which he resided by filing with the clerk of the court an affidavit setting forth the substance of the proceedings had by the board, and the errors of law or questions of fact upon which he relies, and serving the secretary of the board with a copy thereof. The board shall within ten days of the service of such a copy, file with the circuit clerk a transcript of the proceedings had before it, whereupon the circuit court is hereby vested with the jurisdiction to hear and determine the questions of law and fact involved, as in appeals from justices of the peace, except that if the board prevails the judgment of the circuit court shall be that the decision of the board be affirmed, and if the licensee prevails the judgment of the court shall be that the proceedings against him be dismissed. Pending the hearing of the appeal the action of the board suspending or revoking the license shall be stayed.

(9) The license to practice dentistry or dental hygiene herein provided for, shall at all times be displayed in a conspicuous place in the office of the holder thereof, and the person holding such license shall, whenever requested, exhibit the same to any member of the board of dental examiners.

(10) The board may, at its discretion, after an oral or
clinical examination, issue a license to practice dentistry to a legal and ethical practitioner of dentistry who removes to West Virginia from another state in which he conducted a legal practice of dentistry immediately preceding his removal, provided that such applicant shall present a certificate from the dental board, or a like board, of the state or territory from which he removes, certifying that he is a legal, competent dentist, and of good moral character; provided, further, that such certificate shall be presented to the West Virginia board of dental examiners within six months after the date of its issue, and that the board of such other state or territory shall permit in like manner by law the recognition of licenses issued by the West Virginia board of dental examiners when presented to such other board by legal practitioners of dentistry from this state who may wish to remove to or practice in such other state or territory.

A director of dental clinic established under an act of the legislature may file the names of one or more dentists who are graduates of a reputable dental school or a dental department of a university, or the names of one or more dental hygienists licensed to practice in one or more states, and graduates from an authorized hygienist school in any country, with the secretary of the state board of dental examiners, who shall issue to him a temporary license for one year to practice while employed by such dental clinic. The director of such clinic shall pay a fee of five dollars for each temporary license under this act. The board of dental examiners shall grant a temporary license to any graduate of a recognized school for the training of dental hygienists who is possessed of a license to practice dental hygiene in another state or territory, provided, that such temporary license shall terminate at the next succeeding examination for the purpose of granting license to practice dental hygiene, and that such temporary license shall not be renewed.

Anyone who is a legal and competent practitioner of dentistry in this state, of good moral character, and known to the board of dental examiners as such, who shall desire to change his residence to another state or territory, or foreign country, shall, upon application to said board of dental examiners, receive a special certificate over the signature of the
president and secretary of said board, and bearing its seal, which shall attest the facts above mentioned, and give the date upon which he was licensed.

(12) The fee for issuing the license to a legal practitioner from another state, as provided in section twelve of this article, shall be fifty dollars, and the fee for issuing a certificate to a legal practitioner in this state, as provided in section twelve of this article, shall be five dollars, and in each case the fee shall be paid before the license or certificate, respectively, is issued.

(13) No person shall practice, or offer or undertake to practice dentistry under any firm name or trade name, or under any name other than his own true name; provided, that nothing herein contained shall prohibit the practice of dentistry by a partnership under a firm name containing nothing but the surname of every member of said partnership.

(14) Any licensed dentist may employ assistants who shall be known as dental hygienists. These hygienists may remove lime deposits, accretions and stains from the exposed surface of the teeth, and directly beneath the free margin of the gum, or administer preliminary or post-operative treatment for any dento-surgical operation, or administer prophylactic treatment to teeth and gums, but shall not perform any other operation on the teeth or on any diseased tissues of the mouth. They may practice in the office of any licensed dentist under his direct supervision, or in any industrial clinic, school clinic or state institutional clinic where they may practice under the general supervision of a licensed dentist. The state board of dental examiners may revoke the license of any dental hygienist who shall perform any operation other than that permitted under the provisions of this section.

(15) No person who has not heretofore been licensed as a dental hygienist in this state shall practice as a dental hygienist in this state until he has passed an examination given by the West Virginia board of dental examiners under such rules and regulations as it may formulate. The fee for the examination shall be ten dollars. The board of dental examiners shall issue licenses to practice dental hygiene in this state to those who have passed such examination; provided, however, that no person shall be entitled to such
license unless he be at least eighteen years of age, of good
moral character, a graduate of a class A high school, or its
equivalent, and a graduate of a training school for dental
hygienists approved by the board of dental examiners; but
where the applicant is not permitted to attend such school for
dental hygienists, a license shall be issued to him if he possess
all other requirements herein mentioned and pass the required
examination.

(16) The examination of an applicant for a license to prac-
tice dental hygiene shall be both practical and theoretical.

(a) The practical examination shall consist of such operative
work as the board may deem proper, together with oral quiz-
zing by the examiners.

(b) Theoretical examinations; anatomy; physiology; dental
histology; bacteriology and sterilization; dental caries and
malocclusion; oral prophylaxis.

(17) The board of dental examiners may, at its discretion,
without the examination herein provided, issue a license to
practice dental hygiene to any applicant therefor, who shall
furnish proof satisfactory to the board that he has been duly
licensed to practice as a dental hygienist in another state
after full compliance with the requirements of its dental laws;
provided, however, that his professional and preliminary edu-
cation shall not be less than that required in this state, and that
he shall have been in active practice at least two years previous
to his application for a license. The fee for issuing a license
to a legal practitioner of dental hygiene from another state
shall be ten dollars, which shall be paid before the license is
issued.

(18) Any applicant for license to practice dentistry or
dental hygiene who shall file or attempt to file as his own the
diploma or license of another, or a forged affidavit of identifi-
cation or qualification, shall be guilty of a felony, and upon
conviction thereof, shall be confined in the penitentiary not
less than one nor more than three years, or imprisoned in the
county jail not less than six nor more than twelve months, and
fined not less than one hundred nor more than five hundred
dollars, at the discretion of the court.

(19) A dentist or dental surgeon shall have the same rights
to prescribe drugs or medicines, perform such surgical opera-
311 tions, administer general or local anaesthetics, and use such
312 appliances as may be necessary to the proper treatment of the
313 special class of diseases mentioned in this act, as are enjoyed
314 by registered physicians in this state. Druggists of this state
315 shall fill prescriptions of legally licensed dentists in this state
316 for any drugs necessary for the practice of dentistry.
317 (20) It shall be the duty of the prosecuting attorney of
318 each county in this state to prosecute all violations of the afore-
319 said provisions of this act in their respective counties in which
320 such violations occur.
321 (21) Any person, company or association, who shall violate
322 any of the provisions of this act shall be guilty of misdemeanor,
323 and upon conviction thereof, shall be fined not less than fifty
324 nor more than two hundred and fifty dollars.
325 (22) All acts and parts of acts in conflict with this act are
326 hereby repealed.

CHAPTER 75

(House Bill No. 160—By Mr. Tabor)

AN ACT to amend and re-enact section nine, chapter one hundred and fifty, Barnes' code, one thousand nine hundred and twenty-three, as amended by chapter thirty-nine of the acts of one thousand nine hundred and twenty-three, relating to qualifications of those desiring to practice medicine in the state of West Virginia.

[Passed March 2, 1920: In effect from passage. Approved by the Governor.]

Sec.
9. Qualifications of medical practitioners; when examination waived; provisions for examination; who excluded from provisions of act. 9-a. Permits to practice in prescribed areas; when revoked.

Be it Enacted by the Legislature of West Virginia:

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

Section 9. The following persons and no others shall 2 hereafter be permitted to practice medicine in this state:
3 (1) All such persons as shall be legally entitled to practice
WHO MAY PRACTICE MEDICINE IN STATE

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4 medicine in this state at the time of the passage of this act.
5 (2) All such persons as shall be graduates of class "A"
6 medical schools as classified by the council on education of
7 the American Medical Association, American Association
8 of Medical Colleges, the American Institute of Homeopathy,
8-a National Eclectic Medical Association and American Osteo-
8-b pathic Association, and then only from such schools when so
9 classified as do require as a condition to entrance upon the
10 study of medicine at least two years of academic work of
11 collegiate grade in a standard college of arts and sciences of
12 equal rank with the college of arts and sciences in the Uni-
13 versity of West Virginia, who shall pass an examination be-
14 fore said public health council and shall receive a certificate
15 therefrom as hereinafter provided. Provided, however, that
16 the public health council, or majority of them, may accept,
17 in lieu of an examination the certificate of the National
18 Board of Medical Examiners, or the certificate of license to
19 practice medicine legally granted by the state board of regis-
20 tration or examination or licensing board of another state,
21 territory or any foreign country whose standard of qualifica-
22 tion for the practice of medicine is equivalent to that of this
23 state, and grant to the said applicant a certificate of license
24 to practice medicine in this state; provided such states, terri-
25 tories or foreign countries accord like privilege to licentiates
26 of this state. The public health council shall at such times
27 as a majority of them deem proper, hold examinations for
28 the licensing of practitioners of medicine; such examinations
29 shall not be less than two during the year, and shall be held
30 at such points in the state as shall be most convenient for
31 those presenting themselves for examination, or to the public
32 health council; at such examinations, written and oral ques-
33 tions shall be submitted for the applicants for license, cover-
34 ing all the essential branches of the science of medicine and
35 surgery, and the examination shall be a thorough and decis-
36 ive test of the knowledge and ability of the applicants. The
37 president and secretary of the public health council shall
38 issue certificates to all who successfully pass the said exami-
39 nation and to all those whose certificates said public health
40 council or a majority of them shall accept in lieu of an ex-
41 amination as hereinbefore provided, except that in all the
42 certificates issued to applicants who adhere to the osteopathic
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43 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.

Sec. 9-a. Whenever in the judgment of the public health council a condition exists, in which medical service may be required, the said council is authorized to grant permits for the practice of medicine to qualified physicians in the prescribed areas and such permits shall be subject to revocation when the agreement, under which they were issued, has been violated.
CHAPTER 76

(Senate Bill No. 244—By Mr. Helmick)

AN ACT to amend and re-enact section twelve of chapter seventy-five of Barnes’ code, edition of one thousand nine hundred and twenty-three of West Virginia, relating to bonds of contractors on public works.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

Be it enacted by the Legislature of West Virginia:

That section twelve of chapter seventy-five of Barnes’ code of West Virginia be amended and re-enacted to read as follows:

Section 12. It shall be the duty of the state board of control and of all county courts, boards of education, boards of trustees, and all other legal bodies having authority to contract for the erection, construction, improvement, alteration or repair of any public building or other structure, or any building or other structure used or to be used for public purposes, to require of every person to whom it shall award, and with whom it shall enter into, any contract for the erection, construction, improvement, alteration or repair of any public building or other structure used or to be used for public purposes, to require of every person to whom it shall award, and with whom it shall enter into, any contract for the erection, construction, improvement, alteration or repair of any such public building or other structure used or to be used for public purposes, that said contractor shall cause to be executed and delivered to the secretary of said board or other legal body, or other proper and designated custodian of the papers and records thereof, a good, valid, solvent and sufficient bond, in the penal sum equal at the least to the reasonable cost of the materials, machinery, equipment and labor required for the completion of said contract, and conditioned that in the event such contractor shall fail to pay in full for all such materials, machinery, equipment and labor delivered to him for use in the erection, construction, improvement, alteration or repair of such public building or other structure, or building or other structure used or to be used for public purposes, then said bond and the sureties thereon shall be responsible to said materialmen, furnisher of machinery or equipment, and furnisher or performer of said labor, or their assignees, for the full payment of the full value thereof. All such bonds shall have as surety thereon either some incorporated
27 bonding and/or surety company authorized to carry on busi-
28 ness in the state of West Virginia, or in lieu of said corporate
29 surety the contractor may deposit as surety for said bond with
30 the said state board of control, county courts, boards of educa-
31 tion, boards of trustees or other legal body having authority so
32 to contract, a sum in cash or bonds and securities of the United
33 States of America or of the state of West Virginia of sufficient
34 amount and value equal at least to the reasonable cost of ma-
35 terials, machinery, equipment and labor required for the com-
36 pletion of said contract. Immediately upon the acceptance of
37 either of said bonds by the state board of control, county courts, 
38 boards of education and boards of trustees, or other legal body,
39 the bond shall be recorded by the secretary of the said board or
40 other legal body or by the proper designated custodian of the
41 papers or records thereof, in the office of the clerk of the county
42 court of the county or counties wherein said work is to be done
43 and where said materials, machinery or equipment are to be
44 delivered and no such contract shall be binding and effective
45 upon either party or parties thereto until such bond has been
46 executed, delivered and recorded as aforesaid.

CHAPTER 77
(Senate Bill No. 250—By Mr. Hugus)

AN ACT to amend and re-enact section three, chapter sixty-six of
the acts of the legislature one thousand nine hundred and
twenty-five, relating to the West Virginia Securities Law.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the
Governor.]

SEC.
3. Definitions.

Be it enacted by the Legislature of West Virginia:

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

Section 3. When used in this act the following terms shall,
2 unless the text otherwise indicates, have the following respective
3 meanings:
4 (1) "Security" shall include any note, stock, treasury stock,
bond, debenture, evidence of indebtedness, certificate of interest
or participation, certificate of interest in a profit-sharing agree-
ment, certificate of interest in a syndicate agreement, certificate
or share of or in an investment trust, certificate of interest in
an oil, gas or mining lease, collateral trust certificate, pre-
organization certificate, pre-organization subscription, any share,
investment contract, or beneficial interest in or title to property,
profits or earnings or any other instrument commonly known as
a security.

(2) "Person" shall include a natural person, a corporation
created under the laws of this or any other state, country, sover-
eignty, or political subdivision thereof, a partnership, an as-
sociation, a syndicate, a joint stock company, a trust and any
unincorporated organization. As used herein the term "trust"
shall be deemed to include a common law trust, but shall not in-
clude a trust created or appointed under or by virtue of a last
will and testament, or by a court of law or equity, or any public
charitable trust.

(3) "Sale" or "sell" shall include every disposition, or at-
tempt to dispose, of a security or interest in a security for value.
Any security given or delivered with, or as a bonus on account
of, any purchase of securities or any other thing, shall be con-
clusively presumed to constitute a part of the subject of such
purchase and to have been sold for value. "Sale" or "sell"
shall also include an exchange, an attempt to sell, an option of
sale, a solicitation of a sale, a subscription or an offer to sell,
directly or by an agent, or by a circular, letter, advertisement
or otherwise.

(4) "Dealer" shall include every person other than a sales-
man who in this state engages either for all or part of his time
directly or through an agent in the business of selling any
securities issued by another person or purchasing or otherwise
acquiring such securities from another for the purpose of re-
selling them or of offering them for sale to the public, or offer-
ing, buying, selling or otherwise dealing or trading in securities
as agent or principal for a commission or at a profit, or who deals
in futures or differences in market quotations of prices or values
of any securities or accepts margins on purchases or sales or pre-
tended purchases or sales of such securities; provided, that the
word "dealer" shall not include a person having no place of
business in this state who sells or offers to sell securities ex-
elusively to brokers or dealers actually engaged in buying and
selling securities as a business.

(5) "Issuer" shall mean and include every person who pro-
poses to issue, has issued, or shall hereafter issue any security.

Any natural person who acts as a promoter for and on behalf of
a corporation, trust or unincorporated association or partner-
ship of any kind to be formed shall be deemed to be a issuer.

(6) "Salesman" shall include every natural person, other
than a dealer, employed or appointed or authorized by a dealer,
or issuer to sell securities in any manner in this state. The
partners of a partnership and the executive officers of a corpora-
tion or other association registered as a dealer shall not be sales-
men within the meaning of this definition.

(7) "Agent" shall mean salesman as hereinabove defined.

(8) "Commissioner" shall mean the commissioner of
securities.

CHAPTER 78

(House Bill No. 39—By Mr. McGlothlin)

AN ACT providing for the creation of a permanent endowment
fund for cemetery associations, the income from which is to
be annually applied to the beautifying and maintaining of
cemeteries and providing for the appointment of trustees
therefor.

(Passed March 5, 1929; in effect ninety days from passage. Approved by the
Governor.)

Sec. 1. Permanent endowment funds for
cemetery associations.

2. How created.

3. How invested; report by trustee.

4. Trustee for; how appointed; bond
of; vacancy; how filled.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby authorized the creation of per-
manently endowment funds for cemetery associations to be
known as "permanent endowment funds", the income from
which is to be annually spent by such cemetery associations,
or their successors, in beautifying and maintaining cemeteries
owned or controlled by such associations.

Sec. 2. The "permanent endowment funds" are to be
created by depositing in said fund all permanent funds de-
rived from all sources set apart by the board of directors of such associations, and by donations, gifts, and bequests made to such cemetery associations for such purpose.

Sec. 3. The principal of such permanent endowment funds shall be invested in some safe securities, to be approved by the board of directors of such cemetery association, or its successors, in the name of a trustee appointed as hereinafter provided. Such trustee shall make an annual report to the board of directors of such cemetery association showing the amount of the permanent endowment fund, at the beginning of each year, the names of the donors, if any, and the amounts contributed by each during the year in which the report is made, the income derived from the said fund during the year, and the amount on hand at the end of the year; and a copy of said report is to be annually filed with the clerk of the county court of the county in which said cemetery association is located. The trustee during the year, or at the end thereof, shall turn over to such cemetery association, or its successor, all income derived from said permanent endowment fund during the year, which shall be expended in accordance with this act.

Sec. 4. The board of directors of any such cemetery association, shall, within ninety days after the passage of this act, appoint a trustee, who shall be a responsible business man or some solvent and reliable bank or trust company, to act as such trustee for a period of two years, or until his, or its, successor is appointed. Such trustee shall be known as the trustee of the permanent endowment fund of such cemetery association, and shall immediately upon his, or its, appointment and acceptance of the trust, give bond, to the said cemetery association, with some solvent and reliable bonding company authorized to do business in the state of West Virginia under the laws thereof, in a sum equal to the amount which may come into the hands of said trustee, which bond shall be increased or diminished from time to time to always at least equal the amount of the trust funds in the hands of said trustee; and the premium upon said bond shall be paid out of the income of the trust funds in said trustee’s hands and as part of the cost of the administration of said trust fund. No trustee appointed under this act shall enter upon
20 the discharge of his, or its, duties until such bond is given
21 and approved by the board of directors of said cemetery asso-
22 ciation; and boards of directors of said cemetery associations
23 shall not allow to any such trustee, for service as such, a sum
24 in excess of two per cent of the annual net income from such
25 trust funds. In the event of a vacancy in said trusteeship,
26 or failure of the board of directors of any such cemetery asso-
27 ciation to appoint such trustee, after being requested so to do
28 by any stockholder of any such cemetery association or its
29 successor, or any citizen interested, application may be made
30 to the circuit court of the county wherein such cemetery
31 association is located, and it shall be the duty of the circuit
32 court of said county to appoint a trustee, who, when so ap-
33 pointed and qualified, shall have all the powers and perform
34 all the duties of such trustee as provided in this act.
35 All acts or parts of acts inconsistent with this act are here-
36 by repealed.

CHAPTER 79
(House Bill No. 64—By Mr. Hogg)

AN ACT to amend and re-enact section eight of chapter sixty-four
of the acts of the legislature of West Virginia of one thou-
sand nine hundred and twenty-five, relating to conditional
sales, making said section apply to conditional sales of com-
cmercial water-craft and barges and the equipment thereon.

[Passed February 5, 1929; in effect from passage. Approved by the Governor.]

SEC. 8. When sale of railroad, street or in-
terurban railway equipment not valid unless acknowledged and recorded: how property marked.

Be it enacted by the Legislature of West Virginia:

That section eight of chapter sixty-four of the acts of the legis-
lature of the state of West Virginia for the year one thousand
nine hundred and twenty-five, relating to conditional sales, be
amended and re-enacted so as to read as follows:

Section 8. No conditional sale of railroad or street or in-
terurban railway equipment or rolling stock or of commercial
watercraft or barges or any equipment thereon shall be valid
as against the purchasers and creditors described in section
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5 five, unless the contract shall be acknowledged by the buyer
6 or attested in like manner as a deed of real property and the
7 contract, or a copy thereof, shall be recorded in the office of
8 the secretary of state; and unless when any engine or car or
9 such watercraft or barge so sold is delivered, there shall be
10 then plainly and conspicuously marked upon each side thereof
11 the name of the seller, followed by the word "owner."

CHAPTER 80
(House Bill No. 84—By Mr. McIntire)

AN ACT to define the manner and method of sale of county and
district owned property.

[Passed March 2, 1929; in effect ninety days from passage. Approved by the
Sec. 1. Sale of county or district owned property: how made; limitation of.

Be it enacted by the Legislature of West Virginia:

That in all instances where the county court of a county is
by law authorized to sell or dispose of any property either real
or personal belonging to the county or any district thereof, the
same shall be sold at public auction, at the front door of the
courthouse of the county, and such sale shall be conducted by
the president of the county court, but before making any such
sale, notice of the time, terms and place of sale shall be given by
publication thereof, for two consecutive weeks in some newspaper
of general circulation in said county, which notice shall contain
a brief description of the property to be sold, provided, however,
that this act shall not apply to the sale of any one item of prop-
erty of less value than one thousand dollars.
AN ACT to provide for the preparation and publication of a roster, West Virginia soldiers, sailors and marines.

[Passed March 9, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Roster of West Virginia soldiers, sailors and marines, Spanish-American and World Wars; how made.

Sec. 2. Contents of.

Sec. 3. Contract for printing of.

Sec. 4. Distribution of.

Sec. 5. Appropriation for.

Be it enacted by the Legislature of West Virginia:

Section 1. That the adjutant general of West Virginia is hereby authorized to prepare and secure the publication in book form of a complete roster of all West Virginia soldiers, sailors and marines who entered the service of the United States in the war with Spain in one thousand eight hundred and ninety-eight and in the war with the central powers in Europe in one thousand nine hundred and seventeen and one thousand nine hundred and nineteen. The preparation and publication of such roster shall be under the direction and supervision of the adjutant general who shall employ such assistants and incur such expenses as may be necessary and the compensation of such assistants and such expenses shall be paid out of the state treasury on the warrant of the auditor from the funds hereinafter appropriated under section five hereof upon presentation of voucher signed by the adjutant general.

Section 2. Such roster shall contain the principal items of the record of each soldier, sailor or marine as shown by the rolls in the office of the adjutant general of the state of West Virginia and in the war and navy departments of the United States, and shall include a notation of all decorations bestowed upon any soldier, sailor or marine by the United States or any foreign governments. In the preparation of such roster all names shall be arranged in alphabetical order if possible or in such a manner as to render all information therein readily accessible. Preparation of the roster shall begin as soon as possible and continue until the work is completed.

Section 3. The contract for the printing of the roster shall be let to the lowest and best bidder and such contract may be let for the entire roster or bids may be taken for the printing of each volume as completed. Not more than one thousand...
5 copies or sets of such roster shall be printed and when com-
6 pleted shall be delivered to the adjutant general.

Sec. 4. The distribution of said volumes shall be under the
2 direction of the adjutant general and shall be as follows:
3 To each member of the legislature of the year one thousand
4 nine hundred and twenty-nine two copies or sets;
5 To each elective state officer to be kept as a part of the
6 official records of his office one copy or set;
7 To the department of archives and history one hundred
8 copies or sets for distribution or exchange;
9 To the adjutant general two copies or sets to be retained
10 permanently;
11 To each public library of the state one copy or set;
12 To each college or university library one copy or set;
13 To the county clerk of each county of the state of West
14 Virginia to be kept by his office and transferred to his suc-
15 cessor as other public records one copy or set;
16 To the adjutant general of each state one copy or set;
17 To the state headquarters of each active, independent vet-
18 erans organization or society having two or more subordinate
19 posts, camps or societies within the state of West Virginia
20 one copy or set.
21 The remainder of said copies after said distribution shall be
22 delivered by the adjutant general to the superintendent of
23 public printing of the state of West Virginia and shall be
24 placed on sale by the said superintendent of public printing
25 at a price not greater than the cost of publication. The
26 superintendent of public printing shall keep a record of such
27 sales and shall pay into the state treasury weekly all the
28 amounts received by him as the result of sale of such roster.

Sec. 5. For the preparation and printing of the roster, as
2 provided for in this act, there shall be appropriated a sum not
3 to exceed ten thousand dollars.

CHAPTER 82
(House Bill No. 126—By Mr. Hogg)

AN ACT to provide for a veterans' guardianship and commit-
ment act and to make uniform the law with relation
thereto.
[Passed March 9, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. When guardian or committee may be appointed.
Sec. 2. When unlawful to appoint; removal.
Sec. 3. Petition for appointment; contents.
Sec. 4. When necessity for appointment exists.
Sec. 5. What petition for mentally incompetent must show.
Sec. 6. Notice of filing of petition.
Sec. 7. Qualification and bond of guardian.
Sec. 8. Settlement of account of guardian.
Sec. 9. Removal for failure to make settlement.
Sec. 10. Compensation of guardian.
Sec. 11. Investment of funds by guardian.
Sec. 12. Estate of ward, how disbursed.
Sec. 13. Copy of public record furnished without cost.
Sec. 15. Discharge of guardian.
Sec. 16. Act applies only to beneficiaries of federal government.
Sec. 17. How act cited.
Sec. 18. How act interpreted.
Sec. 19. When part of act invalid.
Sec. 20. Repealing inconsistent acts.

Be it enacted by the Legislature of West Virginia:

Section 1. Whenever, pursuant to any law of the United States or regulation of any bureau or agency thereof, the appointment of a guardian, or committee for any person to act in a fiduciary capacity is required prior to a payment of benefits, pensions, compensation for service or for any other reason for which payments are due from the government of the United States or any agency thereof, such appointment shall be made in the manner hereinafter provided.

Sec. 2. Except as hereinafter provided, it shall be unlawful for any person to accept appointment as guardian of any ward if such proposed guardian shall at that time be acting as guardian for five wards. In any case, upon presentation of a petition alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge such guardian in said case, upon his delivery to a successor properly qualified, the property with which he was chargeable.

11-a The limitations of this section shall not apply where the guardian is a bank or trust company acting for the wards’ estates only. An individual may be guardian of more than five wards if they are all members of the same family.

Sec. 3. A petition for the appointment of a guardian may be filed in any court of competent jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such petition within thirty days after mailing of notice by the bureau or other agency of the government of the United States directly
8 interested in the payment of the sums due the person or persons to the last known address of such person indicating the necessity for the same, a petition for such appointment may be filed in any court of competent jurisdiction by or on behalf of any responsible person residing in this state.

9 The petition for appointment shall set forth the name, age, place of residence of the ward, the names and places of residence of the nearest relative, if known, and the fact that such ward is entitled to receive moneys payable from the government of the United States and shall set forth the amount of moneys then due and the amount of probable future payments.

10 The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward.

11 In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent on examination by an examining board employed or convened by the government of the United States in accordance with the laws and regulations governing the bureau or agency of the government from which payments are to be made.

Sec. 4. Where a petition is filed for the appointment of a guardian of a minor ward a certificate setting forth the age of such minor as shown by the records and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the government of the United States shall be prima facie evidence of the necessity for such appointment.

Sec. 5. Where a petition is filed for the appointment of a guardian or committee of a mentally incompetent ward a certificate setting forth the fact that such person has been rated incompetent by an examining board employed or convened by the government of the United States on examination in accordance with the laws and regulations governing such bureau or agency of government from which payments are to be made; and that the appointment of a guardian is a condition precedent to the payment of any moneys due such person, shall be prima facie evidence of the necessity for such appointment.
Sec. 6. Upon the filing of a petition for the appointment of a guardian or committee under the provisions of this act, the court shall cause such notice to be given as provided by law.

Sec. 7. Before making an appointment under the provisions of this act the court shall be satisfied that the guardian whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file a bond to be approved by the court in an amount not less than the sum then due and estimated to become payable during the ensuing year. The said bond shall be in the form and be conditioned as required of guardian appointed under the guardianship laws of this state. The court shall have power from time to time to require additional bond. No such bond tendered by a guardian or committee appointed under the provisions of this act shall be valid unless the surety thereon shall be a solvent surety or bonding company authorized to and legally doing business in this state. And the premiums on such bond shall be properly payable out of the estate in the hands of such guardian or committee. Provided, however, that where the total estate coming into the hands of such guardian or committee shall at no time exceed the sum of five hundred dollars, then a bond with personal sureties, with at least three such sureties thereon, may be accepted, if such personal sureties are solvent and are worth, respectively, the amount named as the penalty of the bond.

Sec. 8. Every guardian, who shall receive on account of his ward any moneys from the government of the United States or any agency thereof, shall file with the commissioner of accounts annually, on the anniversary date of the appointment, or within thirty days thereafter, in addition to such other accounts as may be required, a full, true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested. A certified copy of each of such accounts filed with the commissioner of accounts shall be sent by the guardian to the office of the bureau or other agency of the government having jurisdiction over the area in which such court is located and from which payments are made. The commissioner of ac-
counts shall fix a time and place for the hearing on such ac-
count not less than fifteen days nor more than thirty days
from the date of filing same and notice thereof shall be given
by the commissioner of accounts to the aforesaid bureau or
other agency of the government not less than fifteen days prior
to the date fixed for the hearing. Notice of such hearing shall
in like manner be given to the guardian.

Sec. 9. If any guardian shall fail to file any account of
the money received by him from the bureau or other agency
of the government on account of his ward within thirty days
after such account is required by either the commissioner
of accounts or the bureau or other agency of the government,
or shall fail to furnish the bureau or other agency of the gov-
ernment a copy of his accounts as required by this act, such
failure shall be grounds for a removal.

Sec. 10. Compensation payable to guardian shall not ex-
ceed five per cent of the income of the ward during any year.
In the event of extraordinary services rendered by such
guardian the circuit court may, upon petition and after hear-
ing thereon, authorize additional compensation therefor payable
from the estate of the ward. Notice of such petition and
hearing shall be given the proper office of the bureau or
other agency of the government in the manner provided in
section eight. No compensation shall be allowed on the
corpus of an estate received from a preceding guardian.
The guardian may be allowed from the estate of his ward
reasonable premiums paid by him to any corporate surety
upon his bond.

Sec. 11. Every guardian shall invest the funds of the es-
tate in such manner or in such securities, in which the
guardian has no interest, as allowed by law or approved by
the court.

Sec. 12. A guardian shall not apply any portion of the
estate of his ward for the support and maintenance of any
person other than his ward, except upon order of the court,
and after a hearing, reasonable notice of which has been given
the proper office of the bureau or other agency of the govern-
ment directly interested in the payment of moneys to said
guardian for his ward, in the manner provided in section eight.
Sec. 13. Whenever a copy of any public record is required by the bureau or other agency of the government to be used in determining the eligibility of any person to participate in benefits made available to such agency, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the representative of such agency with a certified copy of such record.

Sec. 14. Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United States hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the county court, or other tribunal in lieu thereof, of the county in which such veteran resides is hereby authorized to communicate with the official in charge of such hospital with reference to available facilities and eligibility, and upon receipt of a certificate from the official in charge of such hospital the court may then direct such veteran’s commitment to such United States hospital. Thereafter such veteran upon admission shall be subject to the rules and regulations of such hospital and the officials of such hospital shall be vested with the same powers now exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention of custody of the veteran so committed. Notice of such pending proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied.

Sec. 15. When a ward for whom a guardian has been appointed under the provisions of this act or other laws of this state shall have attained his or her majority, and if incompetent shall be declared competent by the examining board employed or convened by the bureau or other agency of the government of the United States, and the court, and when any incompetent ward, not a minor, shall be declared competent by said examining board employed or convened by the bureau or other agency of the government of the United States and the court, the guardian shall upon making a satisfactory accounting be discharged upon a petition filed for that purpose.
Sec. 16. This act shall be construed liberally to secure the beneficial intents and purposes thereof, and shall apply only to beneficiaries of the government of the United States.

Sec. 17. This act may be cited as the "uniform veterans' guardianship act."

Sec. 18. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enacted it.

Sec. 19. The invalidity of any portion of this act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

Sec. 20. All laws or parts of laws relating to beneficiaries of the states inconsistent with this act are hereby repealed.

CHAPTER 83

(House Bill No. 140—By Mr. McIntire)

AN ACT to amend and re-enact section fifty-nine of chapter fifteen of Barnes' code of one thousand nine hundred and twenty-three, relating to labor.

(Passed February 25, 1929; in effect ninety days from passage. Approved by the Governor.)

Sec. 1. Protection from dangerous, power-driven and other machinery; provisions concerning scaffolding, etc.; when first aid equipment shall be kept on hand.

Be it enacted by the Legislature of West Virginia:

That section fifty-nine of chapter fifteen of Barnes' code of one thousand nine hundred and twenty-three be amended and re-enacted so as to read as follows:

Section 59. All power driven machinery, including, all saws, planers, wood shapers, jointers, sand paper machines, iron mangles, emery wheels, ovens, furnaces, forges and rollers of metal; all projecting set screws or moving parts; all drums, cogs, gearing, belting, shafting, fly wheels and flying shuttles; all laundry machinery, mill gearing and machinery of every description; all vats or pans and all receptacles containing molten metal or hot or corrosive fluids in any factory, mer- cantile establishment, mill or workshop, shall be located, when-
10 ever possible, as not to be dangerous to employees or, where
11 possible, be properly enclosed, fenced or otherwise protected.
12 All dangerous places in or about mercantile establishments,
13 factories, mills or workshops, near to which any employee is
14 obliged to pass or to be employed, shall, where possible, be
15 properly enclosed, fenced or otherwise guarded. No machine
16 in any factory, mercantile establishment, mill or workshop,
17 shall be used when the same is known to be dangerously de-
18 fective, and no repairs shall be made to the active mechanism
19 or operative part of any machine when the machine is in
20 motion. The state commissioner of labor is authorized to
21 adopt the codes promulgated by the American society of
22 mechanical engineers and approved by the United States de-
23 partment of labor, relating to the construction of scaffolding,
24 hoists and temporary flooring of buildings two or more stories
25 in height, in the course of erection. All factories, mills or
26 workshops employing five or more people in the mechanical
27 department shall keep on hand, easily accessible, necessary
28 first aid equipment recommended by the bureau of labor and
29 approved by the state health department.

CHAPTER 84
(House Bill No. 212—By Mr. Hiner)

AN ACT to amend and re-enact section thirty-eight of chapter
ninety-six of the acts of the legislature, regular session, of
one thousand eight hundred and eighty-two, relating to the
issuance of duplicate certificates of corporate stock when
the original has been lost, being section thirty-eight of chap-
ter fifty-three of Barnes' code, one thousand nine hundred
and twenty-three.

(Passed March 6, 1929; in effect ninety days from passage. Approved by the Governor.)


Be it Enacted by the Legislature of West Virginia:

That section thirty-eight of chapter ninety-six of the acts of
the legislature, regular session, one thousand eight hundred and
eighty-two, being section thirty-eight of chapter fifty-three of
Barnes' code one thousand nine hundred and twenty-three, be amended and re-enacted so as to read as follows:

Section 38. Unless otherwise provided for by the by-laws of the corporation, when a person to whom a certificate has been issued, alleges it to have been lost, he shall file in the office of the corporation, first, an affidavit setting forth the time, place and circumstances of the loss, to the best of his knowledge and belief; second, proof of his having advertised the same in a newspaper of general circulation, published near the principal office of the corporation, once a week for four weeks; and third, a bond to the corporation, with one or more sufficient sureties, conditioned to indemnify the corporation and all persons against any loss in consequence of a new certificate being issued in lieu of the former. And thereupon the board of directors shall cause to be issued to him a new certificate, or duplicate of the certificate alleged to be lost.

A new certificate may be issued in lieu of the one lost, in the discretion of the board of directors without requiring the publication of the above notice or the giving of a bond.

CHAPTER 85

(House Bill No. 250—By Mr. Keatley)

AN ACT to amend and re-enact chapter forty-eight of the code of West Virginia, as amended and re-enacted by chapter one hundred and three of the acts of the legislature of one thousand nine hundred and twenty-one, by adding thereto and as a part thereof sections twelve-c and twelve-d, relating to doors in buildings used for public assemblages and open to the public, and to the duties of the state fire marshal with reference thereto.

[Passed March 2, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 12-c. State fire marshal may require exit doors to swing outward; to comply with order. 12-b. How penalty determined and recovered.
Be it enacted by the Legislature of West Virginia:

That chapter forty-eight-a of the code of West Virginia, as amended and re-enacted by chapter one hundred and three of the acts of the legislature of one thousand nine hundred and twenty-one, be amended and re-enacted by adding thereto and as a part thereof sections twelve-c and twelve-d to read as follows:

Section 12-c. The state fire marshal shall have authority to require exit doors to swing out on all school houses, churches, theaters, and all other buildings used for public assemblages or which are open to the general public. Provided, this act shall not apply to one and two room school houses and country churches. Failure to comply within a reasonable time with an order of the state fire marshal or one of his deputies, to provide such equipment, or to make alterations necessary to comply with such order, shall subject the owner of the property or his agent to a penalty of not less than ten dollars nor more than fifty dollars for each day the violation of such order continues.

Sec. 12-d. The penalty shall be determined by the state fire marshal, in his discretion, and recovery shall be had in an action brought by him before a justice of the peace, or other proper tribunal, in the county wherein the property involved is located, or where the owner or agent thereof resides.

CHAPTER 86
(House Bill No. 305—By Mr. Gay)

AN ACT to provide for the safe development and operation of oil and gas wells through workable coal seams by regulating the locating, drilling, casing, plugging and abandonment of natural gas and petroleum wells, and coal mining operations within the vicinity of such wells; providing administrative and judicial procedure and penalties for any violation of this act or any lawful order issued under authority thereof, and repealing all laws or parts of laws inconsistent herewith.

[Passed March 7, 1929; in effect ninety days from passage. Approved by the Governor.]
SEC.

1. Definitions.
2. When plat required for drilling; what to show.
3. When drilling permit to be granted; procedure when objection is made; when new location may be suggested; docket of plats and notices.
4. Exceptions by coal operator to approved location; procedure on; appeals to circuit and supreme courts.
5. Provision when well penetrates workable coal beds.
6. Use of packers and diversion of gas.
7. Casings for productive gas or petroleum wells.
8. Size of drill holes and use of liners.
9. Notice of abandonment and plugging of wells; affidavit concerning.
11. When coal operator to file maps and plans; notice of to well operator; application to remove coal; notice of petition to well operator and procedure on; appeals concerning.
12. Supervision and power of department of labor over wells and mining operations; hearings and findings of fact by; orders by department and appeals therefrom; department of labor to prescribe rules of procedure for hearing of evidence and administration of act; appeals to circuit and supreme courts. How obtained and hearing on.
13. Superintendence and power of department of labor over wells and mining operations; hearings and findings of fact by; orders by department and appeals therefrom; department of labor to prescribe rules of procedure for hearing of evidence and administration of act; appeals to circuit and supreme courts. How obtained and hearing on.
15. Inconsistent acts repealed.

Be it enacted by the legislature of West Virginia:

Section 1. That the term "well" when used in this act means a bore hole drilled or proposed to be for the purpose of producing natural gas or petroleum, or through which natural gas or petroleum, are being produced; the term "well operator" shall include any person or persons, firm, partnership or partnership association or corporation that proposes to or does locate, drill, operate or abandon any well as herein defined; the term "coal operator" shall include any person or persons, firm, partnership or partnership association or corporation that proposes to or does operate a coal mine; the term "department" or "department of mines" includes the duly constituted authorities under the laws of the state of West Virginia having jurisdiction over coal mining operations; the term "plat" means a map, drawing or print showing the location of a well or wells as herein defined; the term "casing" means a string or strings of pipe commonly placed in wells drilled for natural gas and petroleum; the terms "oil" and "gas" are synonyms for petroleum and natural gas respectively; the term "cement" means hydraulic cement properly mixed with water only; the term "workable coal bed" means a coal bed in fact being operated commercially or which in the judgment of the department of mines, can and will be operated and which, when operated, will require protection if wells are drilled through it.
Sec. 2. Before drilling for oil or gas on any tract of land known to be underlain with one or more workable beds of coal, the well operator shall have a plat prepared by a competent engineer showing the district and county in which the tract of land is located, the name and acreage of the same, and names of the owners of adjacent tracts, and the proposed location of the well determined by survey and the courses and distances of such location from two permanent points or landmarks on said tract and the number to be given the well, and shall forward by registered mail a copy of the plat to the department of mines and copies to each and every coal operator, if any, operating said beds of coal beneath said tract of land or within five hundred feet of the boundaries of the same, who has mapped the same and filed his maps as required by law. With each of said plats there shall be enclosed a notice (form for which shall be furnished on request by the department of mines) addressed to the department of mines and to each such coal operator at their respective addresses, informing them that said plat and notice are being mailed to them respectively by registered mail, pursuant to the requirements of this act. If no objections are made to such proposed location within ten days from receipt of said plat and notice by the department of mines, the same shall be filed and become a permanent record of said location, subject to inspection at any time by any interested person. The notice above provided for may be given to the coal operator by delivering or mailing it as above to any agent or superintendent in actual charge of mines.

Sec. 3. In case any such location is made above or in close proximity to any mine opening or shaft, entry, traveling, air, haulage, drainage or other passage-way, or to any proposed extension thereof in any operated or abandoned or operating coal mine, or coal mine already surveyed and platted, but not yet being operated, so that the well or the pillar of coal about the well necessary to the protection of the mine and of the well itself when drilled will interfere with or endanger the use of such mine opening, entries or ways, then the coal operator or operators affected may, and shall, if the drilling of a well at such proposed location will
12 cause a dangerous condition in their mine or mines, within
13 ten days from the receipt of said plat or notice by the de-
14 partment of mines, file objections in writing (forms for
15 which will be furnished by the department on request) to
16 such proposed location with the department of mines, setting
17 out therein as definitely as is reasonably possible the ground
18 or grounds on which such objections are based and indicat-
19 ing the direction and distance from the location shown the
20 proposed well should be drilled to overcome such objections.
21 If no such objections be filed, or be found, by the depart-
22 ment of mines, within said period of ten days, to said pro-
23 posed location, the department shall forthwith issue to the
24 well operator a drilling permit reciting the filing of such
25 plat, that no objections have been made by the coal opera-
26 tors to the location, or found thereto by the department, and
27 that the same is approved and the well operator authorized
28 to proceed to drill at said location.
29 If any objection or objections are so filed by any coal
30 operator or are made by the department of mines, the de-
31 partment shall notify the well operator of the character of
32 the objections and by whom made and fix a time and place
33 not less than ten days from the end of said ten day period,
34 at which such objections will be considered, of which time
35 and place the well operator and all coal operators to whom
36 a copy of said plat was mailed, whether objecting or not
37 objecting to the proposed location, shall be given at least lve
38 days written notice by the department, by registered mail and
39 summoned to appear, bringing with them their maps and plans
40 showing their mines and mine workings and prepared to
41 approve or to except to such location or locations as the
42 department may after hearing approve or itself fix in case
43 no agreement is reached. At the time and place so fixed
44 the well operator and the coal operators, or such of them as
45 are present or represented, shall proceed to consider the ob-
46 jections and to agree upon either the location as made or so
47 moved as to satisfy all objections and meet the approval of
48 the department, and any change in the original location so
49 agreed upon and approved by the department shall be indi-
50 cated on said plat on file with the department and the dis-
51 tance and direction of the new location from the original
location shall be shown, and so altered, the plat shall be filed and become a permanent record. Whereupon the department shall forthwith issue to the well operator a drilling permit reciting the filing of said plat, that at a hearing duly held a location as shown thereon was agreed upon and approved, and that the well operator is authorized to drill at said location.

"In case the well operator and the coal operator or such of the coal operators as are present or represented at such hearing are unable to agree upon a location or upon a location that meets the approval of the department of mines," then the department shall fix a location on said tract of land as near to the original location as possible in a pillar of suitable size, through which the well can be drilled safely, taking into consideration the dangers from creep, squeeze, or other disturbance, due to the extraction of coal. Should no such pillar exist, however, the well may be located and drilled through open workings where, in the judgment of the department of mines, it is practicable and safe so to do, taking into consideration the dangers from creeps, squeezes or other disturbances. Such new location shall be indicated on the plat on file with the department as provided in the next preceding paragraph of this section, and the department shall forthwith tender to the well operator a permit to drill at such location, which permit the well operator may accept or refuse to accept, and if it accepts such drilling permit, the coal operator or operators having filed objections and appearing or being represented at such hearing, may except to such location and to the issue of such drilling permit; and the well operator accepting the same may require the record of the hearing to show that it accepts such drilling permit at the location made by the department as a new or additional location and not in lieu of its original location, and that it reserves the right to appeal to the circuit court of the county in which its original location lies for relief, and that it excepts to the refusal of the department to approve such original location substantially as made. The department of mines shall number and keep an index of and docket each plat and notice mailed to it as provided in section two of this act, entering in such docket the name...
of the well operator, names of the coal operators notified
and their addresses, the date of receipt of any such plat and
of all objections filed, dates of hearings and all actions
taken by the department, permits issued or refused, which
docket shall be open to inspection by the public, and, to-
gether with the papers filed, shall constitute the record of
each such proceeding before the department.

Sec. 4. Any coal operator excepting to any location fixed
or approved by the department of mines or to the issuance
of any drilling permit, and any well operator excepting to
the refusal of the department to grant a drilling permit at
the location shown in the plat mailed to the department as
provided in section two of this act, or such location so shift-
ed as to be still substantially the same or the equivalent
thereof, may at any time within ten days of the taking of
such action by the department of mines appeal to the cir-
cuit court of the county in which the location involved lies.
The procedure shall be by petition and answer, duly verified,
and naming the department as one of the respondents. There
shall be attached to the petition or filed therewith a trans-
cript of the record before the department and copies of all
papers filed, and the petition shall briefly set forth the
matter in controversy, the ruling of the department and the
relief sought. The respondents shall be required to answer
under oath within ten days after service of copies of the
petition upon them and the procedure shall be expedited, as
far as is reasonably possible, having regard to possible drain-
age or loss of title by the well operator through its failure
to complete a well within the period fixed by the terms of
the lease under which it holds. The court may, by prelimin-
ary order, upon proper proof of the necessity therefor and
the giving of proper security, stay the drilling of any well
until a final decision on the appeal, and after a final hear-
ing, at which any competent and relevant evidence may be
introduced, may set aside any action or order of the depart-
ment and enter such final order and decree as in its judg-
ment is just and right and will best carry out the provisions
of this act. From such final orders and decrees of the cir-
cuit court an appeal may be taken to the supreme court of
appeals as now provided by law in proceedings in equity.
34 During vacation periods or when for any reason said cir-
35 cuit court is not in session, said proceedings shall be before
36 the judge of said court in vacation, or, in his absence, before
37 the judge of an adjoining circuit, who may act until the re-
38 turn of the regular judge to his circuit, whereupon all fur-
39 ther proceedings shall be had before the regular judge or
40 circuit court having initial jurisdiction therein, and all pro-
41 ceedings in vacation shall be of like force and effect as if
42 before the court in session.

Sec. 5. A well penetrating one or more workable coal beds
2 shall be drilled to such depth, and of such size, as will per-
3 mit the placing of casing and packers in the hole at such
4 points and in such manner as will exclude all oil, gas or gas
5 pressure from the coal bed, except such as may be found in
6 the coal bed itself. Each string of casing run in the hole
7 shall be provided with a steel casing shoe or collar firmly
8 fixed on the bottom of the string of casing. Each string of
9 casing run through a workable bed of coal shall be seated, at
10 least thirty feet below said coal bed, in twenty feet of cement,
11 mud, clay or such other nonporous material as will make an
12 effective seal. And after any such string of casing has been
13 so seated, drilling may proceed forthwith to any required
14 depth.

Sec. 6. In the event that gas is found beneath a workable
2 coal bed before the hole has been reduced from the size it
3 had at the coal bed, a packer shall be placed below the coal
4 bed, and above the gas horizon, and the gas by this means
5 diverted to the inside of the adjacent string of casing through
6 perforations made in said casing, and through it passed to the
7 surface without contact with the coal bed. Should gas be
8 found between two workable beds of coal, in a hole, of the
9 same diameter from bed to bed, two packers shall be placed,
10 with perforations in the casing between them, permitting the
11 gas to pass to the surface inside the adjacent casing. In
12 either of the cases here specified, the strings of casing shall
13 extend from their seats to the top of the well.

Sec. 7. In the event that a well becomes productive of
2 natural gas or petroleum, all coal-protecting strings of casing
3 shall remain in place during the life of the well. During
4 the life of the well the annular spaces between the various
5 strings of casing adjacent to workable beds of coal shall be
6 kept open, and the top ends of all such strings shall be pro-
7 vided with casing-heads, or such other suitable devices as will
8 permit the free passage of gas and prevent filling of such
9 annular spaces with dirt or debris.

Sec. 8. When a well is drilled through the horizon of a
2 coal bed where the coal has been removed, the hole shall be
3 drilled at least thirty feet below the coal bed, of a size suf-
4 ficient to permit the placing of a liner which shall start not
5 less than twenty feet beneath the horizon of the coal bed
6 and extend not less than twenty feet above it. Within this
7 liner, which may be welded to the casing to be used, shall
8 be centrally placed the largest sized casing to be used in the
9 well, and the space between the liner and casing shall be
10 filled with cement as they are lowered into the hole. Cement
11 shall be placed in the bottom of the hole to a depth of twenty
12 feet to form a sealed seat for both liner and casing. Fol-
13 lowing the setting of the liner, drilling shall proceed in the
14 manner provided above. Should it be found necessary to
15 drill through the horizon of two or more workable coal beds
16 where the coal has been removed, the said liner shall be
17 started not less than twenty feet below the lowest such hori-
18 zon penetrated and shall extend to a point not less than
19 twenty feet above the highest such horizon.

Sec. 9. Prior to the abandonment of any well, the well
2 operator shall notify, by registered mail, the coal operator
3 or operators to whom notices are required to be given by sec-
4 tion two of this act, and the department of mines, of its
5 intention to plug and abandon any such well (using such
6 form of notice as the department may provide); giving the
7 number of the well and its location and fixing the time at
8 which the work of plugging and filling will be commenced,
9 which time shall be not less than five days after the day on
10 which such notice so mailed is received or in due course
11 should be received by the department of mines, in order that
12 a representative or representatives of the coal operator and
13 of the department, or of both, may be present at the plug-
14 ging and filling of the well. Whether such representatives
15 appear or do not appear, the well operator may proceed at
16 the time fixed to plug and fill the well in the manner here-
17 inafter described. When said plugging and filling have been
18 completed, an affidavit, in triplicate, shall be made (on a
19 form to be furnished by the department) by two experienced
20 men who participated in the work, in which affidavit shall
21 be set forth the time and manner in which the well was
22 plugged and filled; one copy of this affidavit shall be re-
23 tained by the well operator, another (or true copies of same)
24 shall be mailed to the coal operator or operators, and the
25 third to the department of mines.

Sec. 10. Upon the abandonment or cessation of the oper-
2 ation of any well drilled for natural gas or petroleum, the
3 well operator, at the time of such abandonment, or cessation,
4 shall fill and plug the well in the following manner: (1)
5 Where the well does not penetrate workable coal beds: it
6 shall either be filled with mud, clay or other nonporous ma-
7 terial from the bottom of the well to a point twenty feet
8 above the top of its lowest oil, gas or water-bearing stratum:
9 or, a permanent bridge shall be anchored thirty feet below its
10 lowest oil, gas or water-bearing stratum, and from said bridge
11 it shall be filled with mud, clay or other nonporous material
12 to a point twenty feet above said stratum; at this point there
13 shall be placed a plug of cement or other suitable material
14 which will completely seal the hole. Between this sealing
15 plug and a point twenty feet above the next higher oil, gas
16 or water-bearing stratum, the hole shall either be filled, or
17 bridged and filled, in the manner just described; and at said
18 point there shall be placed another plug of cement, or other
19 suitable material which will completely seal the hole. In like
20 manner the hole shall be filled and plugged, or bridged,
21 filled and plugged with reference to each of its oil, gas or
22 water-bearing strata. However, whenever such strata are not
23 widely separated and are free from water, they may be
24 grouped and treated as a single sand, gas or petroleum hori-
25 zon, and the aforesaid filling and plugging be performed as
26 though there were but one horizon. After the plugging of
27 all oil, gas or water-bearing strata, as aforesaid, a final plug
28 shall be anchored approximately ten feet below the bottom
29 of the largest casing in the well; from this point to the sur-
30 face the well shall be filled with mud, clay or other nonporous
31 material. In case any of the oil or gas bearing strata in a
32 well shall have been shot, thereby creating cavities which
33 cannot readily be filled in the manner above described, the
well operator shall follow either of the following methods:

(a) Should the stratum which has been shot be the lowest one in the well, there shall be placed, at the nearest suitable point, but not less than twenty feet above the stratum, a plug of cement or other suitable material which will completely seal the hole. In the event, however, that the shooting has been done above one or more oil or gas-bearing strata in the well, plugging in the manner specified shall be done at the nearest suitable points, but not less than twenty feet below and above the stratum shot. Or (b), when such cavity shall be in the lowest oil or gas-bearing stratum in the well, a liner shall be placed which shall extend from below the stratum to a suitable point, but not less than twenty feet above the stratum in which shooting has been done. In the event, however, that the shooting has been done above one or more oil or gas-bearing strata in the well, the liner shall be so placed that it will extend not less than twenty feet above, nor less than twenty feet below, the stratum in which shooting has been done. Following the placing of the liner in the manner here specified, it shall be compactly filled with cement, mud, clay or other nonporous sealing material.

(2) Where the well has penetrated one or more workable coal beds; it shall be filled and securely plugged in the manner aforesaid, to a point forty feet below the lowest workable coal bed. If, in the judgment of the well operator, the coal operator and the department of mines, a permanent outlet to the surface is required, such outlet shall be provided in the following manner: A plug of cement, or other suitable material, shall be placed in the well at a suitable point, not less than thirty feet below the lowest workable coal bed. In this plug and passing through the center of it shall be securely fastened an open pipe not less than two inches in diameter, which shall extend to the surface. At or above the surface the pipe shall be provided with a device which will permit the free passage of gas, and prevent obstructing of the same. Following the setting of the cement plug and outlet pipe as aforesaid, the hole shall be filled with cement to a point twenty feet above the lowest workable coal bed. From this point the hole shall be filled with mud, clay or other nonporous material to a point thirty feet beneath the next underlying workable coal bed, if such there be, and the next suc-
ceeding fifty feet of the hole filled with cement, and similarly, in case there are more overlying workable coal beds. If, in the judgment of the well operator, the coal operator and the department of mines, no outlet to the surface is considered necessary, the plugging, filling and cementing shall be as last above described.

Sec. 11. Before hereafter removing any coal or other material, or driving any entry or passageway within less than five hundred feet of any well, and also before hereafter extending the workings in any coal mine beneath any tract of land on which wells are already drilled, or within five hundred feet of any well, or under any tract of land in visible possession by a well operator for the purpose of drilling for oil or gas, the coal operator shall forward, by registered mail, to or file a copy of the parts of its maps and plans which it is required by law to prepare and file and bring to date, from time to time, showing its mine workings and projected mine workings beneath such tract of land and within five hundred feet of the outer boundaries thereof, simultaneously, with the well operator and the department of mines, accompanying each of said copies with a notice (form of which shall be furnished on request by the department of mines), addressed to the well operator and to the department of mines at their respective addresses, informing them that said plans or maps and notice are being mailed by registered mail to them, or are being filed and served upon them, respectively, pursuant to the requirements of section eleven of this act, and following the filing of such parts of said plans or maps as aforesaid, the coal operator may proceed with its mining operations in the manner and as projected on said plans or maps, but shall not remove any coal or other material or cut any passageway nearer than two hundred feet of any completed well or wells that is being drilled, or for the purpose of drilling a derrick is being constructed, without the consent of the department of mines, and the coal operator shall, at least every six months, bring such plans or maps so filed with the department to date, or file new plans and maps complete to date.

Application may be made at any time to the department of mines by the coal operator for leave to mine or remove coal or conduct its mining operations within two hundred feet of
any well, by petition, duly verified, showing the location of
the well, the workings adjacent to the well and any other ma-
terial facts, and what further mining operations within two
hundred feet of the well are contemplated, and praying the
approval of the same by the department, and naming the well
operator as a respondent. The coal operator shall file such
petition with, or mail the same by registered mail to, the de-
partment and shall at the same time serve upon or mail by
registered mail a true copy to the well operator. The de-
partment of mines shall, forthwith upon receipt of such copy,
notify the well operator that it may answer the petition within
five days, and that in default of an answer the department
may approve the proposed operations as requested, if it be
shown by the petitioner or otherwise to the satisfaction of the
department that such operations are in accordance with law
and with the provisions of this act. At the expiration of
said five-day period, the department, whether an answer be
filed or not filed, shall fix a time and place of hearing within
ten days, of which it shall give the coal operator and the
well operator five days' written notice by registered mail,
and after a full hearing, at which the well operator and coal
operator, as well as the department of mines, shall be per-
mitted to offer any competent and relevant evidence, the de-
partment shall grant the request of the coal operator or
refuse to grant the same, or make such other decision with
respect to said proposed further operations in the vicinity
of any such well as in its judgment is just and reasonable
under all the circumstances and in accordance with law and
the provisions of this act. The department of mines shall
docket and keep a record of such proceedings substan-
tially as required in the last paragraph of section three of
this act, and from any such final decision or order of the
department of mines, either the well operator or coal operator,
or both, may, within ten days, appeal to the circuit court of
the county in which the well about which approval of such
further operations is involved is located. The procedure in
the circuit court shall be substantially as provided in section
four, the department being named as a respondent. From
any final order or decree of the circuit court, an appeal may
be taken to the supreme court of appeals as heretofore
provided.
Sec. 12. The department shall exercise supervision over the drilling, casing, plugging and filling of all wells and of all mining operations in close proximity to any well and shall have such access to the plans, maps and other records and to the properties of the well operators and coal operators as may be necessary or proper for this purpose, and, either as the result of its own investigations or pursuant to charges made by any well operator or coal operator, the department may itself enter, or shall permit any aggrieved person to file before it, a formal complaint charging any well operator with not drilling or casing, or not plugging or filling, any well in accordance with the provisions of this act, or charging any coal operator with conducting mining operations in proximity to any well contrary to the provisions of this act, or to the order of the department. True copies of any such complaints shall be served upon or mailed by registered mail to any person so charged, with notice of the time and place of hearing, of which the operator or operators so charged shall be given at least five days' notice. At the time and place fixed for hearing, full opportunity shall be given any person so charged or complaining to be heard and to offer such evidence as desired, and after a full hearing, at which the department may offer in evidence the results of such investigations as it may have made, the department shall make its findings of fact and enter such order as in its judgment is just and right and necessary to secure the proper administration of this act, and, if it deems necessary, restraining the well operator from continuing to drill or case any well or from further plugging or filling the same, except under such conditions as the department may impose in order to insure a strict compliance with the provisions of this act relating to such matters, or restraining further mining operations in proximity to any well, except under such conditions as the department may impose. From any such order appeal, naming the department as a respondent, may be taken by the operator or operators so restrained, within ten days of notice of entry of the same, to the circuit court of the county in which the well involved is located, and the department or complainant or complainants, or both, may, in case such order is disobeyed, apply at any time to such circuit court for a decree enforcing the same.
Sec. 13. The department shall prescribe rules of procedure and for offering evidence in all matters brought before it and shall prepare and, on request, furnish to applicants copies of forms of notices and of other forms that the department may require to be used and prescribe the manner of serving the same. The department may also promulgate such other rules and regulations as it may deem necessary or helpful in securing uniformity of procedure in the administration of this act. Any matter in controversy before the department shall, after hearing or hearings, of which all persons interested have had due notice and at which they have been given an opportunity to appear and be heard and to offer evidence and to make argument by counsel if desired, be decided by the department as may seem to it to be just and reasonable and necessary or desirable for the proper enforcement of the provisions of this act. Whether or not it be so expressly stated, an appeal from any final decisions or action by the department in administering the provisions of this act may be taken by any aggrieved person within ten days of notice of such action or decision, to the circuit court of the county in which the subject matter of such decision or action is located, and in all cases of appeals to the circuit court, that court shall certify its decisions to the department of mines, and from all such final decisions an appeal shall lie to the supreme court of appeals as now provided by law in cases in equity. Any party feeling aggrieved by the final order of the circuit court, affecting him or it, may present his or its petition in writing to the supreme court of appeals, or to a judge thereof in vacation, within twenty days after the entry of such order, praying for the suspension or modification of such final order. The applicant shall deliver a copy of such petition to the department of mines and to all other parties of record, before presenting the same to the court or judge. The court or judge shall fix a time for the hearing on the application, but such hearing shall not be held sooner than seven days, unless by agreement of the parties, after its presentation, and notice of the time and place of such hearing shall be forthwith given to the department of mines and to all other parties of record. If the court or judge, after such hearing, be of opinion that the said final order should be suspended or modified, the
court or the judge may require bond, upon such conditions and in such penalty, and impose such terms and conditions upon the petitioner as are just and reasonable. For such hearing the entire record before the circuit court or a certified copy thereof, shall be filed in the supreme court, and that court, upon such papers, shall promptly decide the matter in controversy as may seem to it to be just and right, and may award costs in each case as to it may seem just and equitable.

Sec. 14. Any person or persons, co-partnership, partnership association or corporation wilfully violating the provisions of this act which prescribe the manner of drilling and casing or plugging and filling any well, or which fixes the distance from wells within which mining operations shall not be conducted without the approval of the department, or violating the terms of any order of the department allowing mining operations within a lesser distance of any well than that prescribed by the act, shall be guilty of a misdemeanor, and on conviction, be punished by a fine not exceeding two thousand dollars, or imprisonment in jail for not exceeding twelve months, or both, in the discretion of the court, and prosecutions under this section may be brought in the name of the state of West Virginia in the circuit court of the county in which the violation of such provisions of the act or terms of such order was committed, and at the instance and upon the relation of any citizens of the state.

Sec. 15. Sections one and two of chapter sixty-two-d of Barnes' West Virginia code, one thousand nine hundred and twenty-three, and all other acts and parts of acts inconsistent therewith, are hereby repealed.

CHAPTER 87

(AN ACT to amend and re-enact section nine of chapter four, of Barnes' nineteen hundred and twenty-three code of West Virginia, relating to vacancies in the office of county commissioner, clerk of county court, justices and constables.}

(AN ACT to amend and re-enact section nine of chapter four, of Barnes' nineteen hundred and twenty-three code of West Virginia, relating to vacancies in the office of county commissioner, clerk of county court, justices and constables.}
Be it enacted by the Legislature of West Virginia:

That section nine of chapter four, of Barnes' nineteen hundred and twenty-three code of West Virginia be amended and re-enacted so as to read as follows:

Section 9. Vacancies in the office of the county court commissioner and clerk of the county court, justices and constables, shall be filled by the county court of the county until the next general election; at which election every such vacancy shall be filled by a vote of the people for the unexpired term; of which election to fill such vacancy, notice shall be given by order of the county court, and published as prescribed in the next preceding section, except that such notice in case of an election to fill a vacancy in the office of justice of peace or constable, instead of being published in a newspaper, may in the discretion of said court, be posted at the front door of the court house of the county and at each voting place in the district wherein such vacancy occurs. Provided, however, in the case of a vacancy in the office of the county court commissioner in any county in the state if the remaining members of such county court fail, refuse or neglect to fill such vacancy within sixty days from the time it occurs then the governor of the state shall appoint some qualified citizen of said county belonging to the same political party as the vacating member, to serve as county court commissioner until the next general election. All acts or parts of acts inconsistent herewith are here- by repealed.

CHAPTER 88

(House Bill No. 378—By Mr. Vandervort, by request)

AN ACT to amend and re-enact section one, chapter one hundred and forty-four, of the acts of the legislature of West Virginia, for one thousand nine hundred and twenty-three, relating to the payment of county commissioners.
SEC. 1. Compensation of county commissioners other than services in court.

Be it enacted by the Legislature of West Virginia:

That section one, of chapter one hundred and forty-four of the acts of the legislature of one thousand nine hundred and twenty-three 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 inhabitants, the sum of one hundred dollars per month of their term of service respectively, and for each county that has more than twenty-five thousand inhabitants and less than thirty thousand inhabitants and not more than three commissioners, the sum of twenty-five dollars per month for each month of their term of service respectively. Provided, that in the county of Berkeley from and after June first, one thousand nine hundred and twenty-nine, the salaries of each of said county commissioners shall be one hundred dollars per month for each month of his term of service, respectively, for services other than services in court; provided, further, that in the county of Wayne the salaries of each of said county commissioners shall be seventy-five dollars per month of his term for services other than services in court;
provided further, that in the counties of Jefferson, each of the five commissioners, and Preston, each of the eight commissioners, shall receive thirty-five dollars per month, from and after the first day of June, one thousand nine hundred and twenty-three, for each month of his term of service respectively, for services other than services in court.

Provided, further, that in the county of Monongalia from and after June first, nineteen hundred and twenty-three the salaries of each of said county commissioners shall be two hundred dollars per month for each month of his term of service, respectively, for services other than services in court.

CHAPTER 89

(Senate Bill No. 33—By Mr. White of Mingo)

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

[Passed March 16, 1929; in effect from passage]
50. West Virginia children's home.
51. West Virginia colored orphans' home.
52. State home for aged and infirm colored men and women.
53. West Virginia training school.
54. Printing, binding and stationery.
55. West Virginia geological survey.
56. State board of children's guardians.
57. Point Pleasant battle monument commission.
58. Berkeley Springs park.
59. Rumseyan society.
60. State board of pharmacy.
61. Florence Crittenden home (Wheeling).
62. Droop Mountain battle field.
63. Miscellaneous tablet—Wetzel county.
64. Crippled children.
65. Hospital service for laborers and others.
66. Treatment of tuberculosis.
67. Treatment of inmates, West Virginia industrial home for girls, afflicted with infectious diseases.
68. West Virginia penitentiary; appropriation for John Gilliland.
69. Department of public safety.
70. Insurance on public buildings.
71. West Virginia university.
72. University extension work.
73. Agricultural experiment station.
74. Marshall college.
75. Potomac state school, Keyser.
76. New River state school, Montgomery.
77. Fairmont state normal school.
78. Concord state normal school.
79. Glenville state normal school.
80. Shepherd college state normal school.
81. West Liberty state normal school.
82. West Virginia school for the deaf and blind.
83. West Virginia school for colored deaf and blind.
84. West Virginia state college.
85. Bluefield colored institute.
86. Storer college.
87. Appropriations payable out of general revenue.
88. Legislative department, Senate.
89. Legislative department, House of Delegates.
90. Legislative printing and stationery.
91. Salaries of members of the legislature.
92. Miscellaneous appropriations.
93. Appropriations payable out of general school funds.
94. Department of education.
95. Appropriations payable out of state aid fund.
96. State road commission.
97. Appropriations payable out of state aid fund.
98. Public service commission.
99. Appropriations payable out of special fund.
100. Workmen's compensation.
101. Appropriation of special revenues or collections; appropriation of capital fund revenue.
102. Appropriation for refunding overpayments on account of taxes, etc.; limitation on appropriations of amounts collected by particular institution, etc.

PART ONE.

6-a. Auditor's office, fire marshal's and securities departments.
12-a. Department of agriculture, fire and nursery registration.
21-a. State health department.
K-1. Forest, game and fish commission.

PART TWO.

37-a. State board of control.
38-a. Huntington state hospital.
40-a. Weston state hospital.
41-a. State hospital for colored insane.
42-a. McDowell hospital No. 2.
43-a. State tuberculosis sanitarium.
44-a. Rutherford state sanitarium.
45-a. State colored tuberculosis sanitarium.
46-a. West Virginia industrial school for boys.
47-a. State industrial school for colored boys.
48-a. West Virginia industrial home for girls.
49-a. State industrial home for colored girls.
50-a. West Virginia children's home.
51-a. West Virginia colored orphans' home.
52-a. State home for aged and infirm colored men and women.
55-a. West Virginia geological survey.
57-a. Point Pleasant battle monument commission.
65-a. West Virginia penitentiary.
71-a. West Virginia university.
75-a. Potomac state school.
76-a. New River state school.
77-a. Fairmont state normal school.
78-a. Concord state normal school.
79-a. Glenville state normal school.
80-a. Shepherd college state normal school.
81-a. West Liberty state normal school.
82-a. West Virginia schools for the deaf and blind.
83-a. State schools for colored deaf and blind.
84-a. West Virginia state college.
K-2. Welch Hospital No. 1.
K-3. Fairmont hospital No. 3.
K-5. State board of examiners for nurses.
K-6. Veterinary examining board.
K-7. State board of embalmers.
K-10. Board of engineers.
103. How appropriation for state board or institutions drawn from treasury; when architect's estimate required; compensation of members of state boards or commissions.
104. Printing, etc., when paid out of general school fund; what printing not paid out of appropriation for public printing, etc.; what boards, etc., required to pay for their own printing; certification of cost by superintendent of public printing to auditor; publication of annual or biennial report.
105. Limitation on amount paid out of treasury.
106. Certification of appropriation bill to auditor and treasurer by Clerk of the House and Clerk of the Senate.
107. Appropriation for monument to Union soldiers, etc., continued in effect.

Be it enacted by the Legislature of West Virginia:

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

Sec. 2. The amounts appearing in the column headed "1930" are for the fiscal year ending June thirty, one thousand nine hundred and thirty and the amounts appearing in the column headed "1931" are for the fiscal year ending June thirty, one thousand nine hundred and thirty-one.

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"

Salaries

<table>
<thead>
<tr>
<th>Purpose</th>
<th>1930</th>
<th>1931</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of the Governor</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Salary of the Auditor</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Salary of the Treasurer</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Salary of the Attorney General</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Salary of the Commissioner of Agriculture</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Salary of Superintendent of Free Schools</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Salary of the Secretary of State</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Salary of the State Law Librarian</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Salary of Adjutant General</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Amount 1</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>13</td>
<td>Commissioner</td>
<td>6,000.00</td>
</tr>
<tr>
<td>14</td>
<td>Salaries of the members of the Public Service Commission</td>
<td>18,000.00</td>
</tr>
<tr>
<td>15</td>
<td>Salary of the Chief of the Department of Mines</td>
<td>7,000.00</td>
</tr>
<tr>
<td>16</td>
<td>Salary of the Commissioner of Banking</td>
<td>6,000.00</td>
</tr>
<tr>
<td>17</td>
<td>Salary of the Commissioner of Labor</td>
<td>4,000.00</td>
</tr>
<tr>
<td>18</td>
<td>Salary of the State Historian and Archivist</td>
<td>3,600.00</td>
</tr>
<tr>
<td>19</td>
<td>Salary of the State Commissioner of Health</td>
<td>4,800.00</td>
</tr>
<tr>
<td>20</td>
<td>Salary of the Janitor and Custodian</td>
<td>2,100.00</td>
</tr>
<tr>
<td>21</td>
<td>Salary of the Keeper of the Rolls</td>
<td>300.00</td>
</tr>
<tr>
<td>22</td>
<td>Salaries of the three members of the Board of Control</td>
<td>18,000.00</td>
</tr>
<tr>
<td>23</td>
<td>Salary of the State Commissioner of Prohibition</td>
<td>5,000.00</td>
</tr>
<tr>
<td>24</td>
<td>Salary of the Director of the Bureau of Negro Welfare and Statistics</td>
<td>3,600.00</td>
</tr>
</tbody>
</table>

**JUDICIARY**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>Salaries of the judges of the Supreme Court of Appeals</td>
<td>50,000.00</td>
<td>50,000.00</td>
</tr>
<tr>
<td>37</td>
<td>Salaries of the judges of the Circuit Courts</td>
<td>130,500.00</td>
<td>130,500.00</td>
</tr>
</tbody>
</table>

**EXECUTIVE DEPARTMENT**

*Attorney General’s Office*

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Salaries of three assistant Attorneys General</td>
<td>14,400.00</td>
<td>14,400.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of printing clerk</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Salary of reading clerk</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>5</td>
<td>Salaries of Chief clerk and stenographers</td>
<td>5,700.00</td>
<td>5,700.00</td>
</tr>
<tr>
<td>6</td>
<td>Current general and traveling expenses</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
</tbody>
</table>
Sec. 6. Salary of Chief Clerk.. 4,000.00 4,000.00
2 Salary of auditor of claims.............. 4,000.00 4,000.00
3 Salary of corporation clerk.............. 3,000.00 3,000.00
4 Salary of chief tax clerk................. 3,000.00 3,000.00
5 Salary of cashier.......................... 2,400.00 2,400.00
6 Salaries of other clerks, bookkeepers, stenographers and assistants 28,750.00 28,750.00
9 Current general expenses.................. 5,000.00 5,000.00
10 Salary of deputy insurance commissioner 4,000.00 4,000.00
12 Salaries and current general expenses of insurance department, including salary of actuary..... 16,000.00 16,000.00
15 Salary of deputy securities commissioner 4,000.00 4,000.00
17 For refunding moneys erroneously paid in to the treasury such sums are hereby appropriated as may be erroneously so paid, payable out of the same fund into which paid.
23 For pay of State agents, such amounts are hereby appropriated as may be necessary to pay commissions of State agents, payable out of the fund collected; provided, that in no case shall the amount so paid exceed ten per centum of the funds collected and paid into the treasury by any such agents.
33 For refunding to counties, districts and municipal corporations, county, district and municipal taxes paid into the treasury for the redemption of lands, such amount is hereby appro-
39 appropriated as will be necessary
40 to refund to the counties, dis-
41 tricts and municipal corpora-
42 tions entitled thereto the taxes
43 so paid into the treasury.
44 For refunding county, district
45 and municipal taxes paid into
46 the treasury by railroads and
47 other companies, such sum is
48 hereby appropriated as will be
49 necessary to refund to each
50 county, district and municipal
51 corporation the amount of such
52 taxes as may be paid into the
53 treasury to the credit of such
54 county, district and municipal
55 corporation.

Governor’s Office
Sec. 7. Salary of private sec-
2 retary to the Governor.............. 5,000.00 5,000.00

Pardon Attorney’s Office
Sec. 8. Salary of the Pardon
2 Attorney ................................. 4,800.00 4,800.00
3 Salary of the stenographer......... 900.00 900.00
4 Current general expenses.......... 600.00 600.00

Civil Contingent Fund
Sec. 9. For civil contingent
2 fund, to be expended upon the
3 order of the Governor, no part of
4 which, however, is to be used for
5 clerk hire in any of the State offices
6 or institutions other than the Gov-
7 ernor’s office............................. 25,000.00 25,000.00

Treasurer’s Office
Sec. 10. Salary of assistant
2 treasurer ................................. 4,000.00 4,000.00
3 Salary of chief accountant....... 3,600.00 3,600.00
4 Salary of bookkeeper.............. 3,000.00 3,000.00
5 Salary of chief clerk, bond de-
General Appropriations

Department of Agriculture

1. Salary of assistant clerk, bond department
   2. Salary
   3. Salaries of other clerks, bookkeepers, stenographers and assistants
   4. Current general and traveling expenses
   5. To pay premiums on official bonds
   6. Replacement of bookkeeping machines and typewriters

Secretary of State’s Office

1. Expenses of secretary of state’s office, including compensation of clerks, stenographers and other expenses
   2. Salary clerk board of public works

Department of Agriculture

1. Salaries of Clerks and stenographers
   2. Current general and traveling expenses
   3. For carrying out the provisions of law relating to diseased animals and the eradication of bovine tuberculosis
   4. For carrying out the provisions of law relating to control of plant diseases and control of corn borer
   5. For carrying out the provisions of law relating to pure seeds, commercial fertilizer and commercial feeding stuffs
   6. Bureau of Markets and publication of bulletins
   7. For advertising the resources and natural advantages of West Virginia
   8. No part to be used for the payment of salaries and traveling
24 expenses.
25 To be expended under the direc-
26 tions of the Commissioner of
27 Agriculture, with the approval
28 of the Governor.

**State Law Library**

<table>
<thead>
<tr>
<th>Sec. 13. Current general expenses and clerk hire</th>
<th>2,400.00</th>
<th>2,400.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase and binding books for State law library (Charleston)</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
</tbody>
</table>

**Criminal Charges**

| Sec. 14. To pay criminal charges, including transportation of prisoners and extradition of criminals and fugitives | 125,000.00 | 125,000.00 |

**State Tax Commissioner’s Office**

<table>
<thead>
<tr>
<th>Sec. 15. Salary of law assistant to commissioner</th>
<th>5,000.00</th>
<th>5,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of chief assistant</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>Salaries of other clerks, stenographers and assistants</td>
<td>20,000.00</td>
<td>20,000.00</td>
</tr>
<tr>
<td>To pay all expenses in connection with securing a proper assessment of property including compilation of returns and apportionment of valuations of public utilities</td>
<td>12,500.00</td>
<td>12,500.00</td>
</tr>
<tr>
<td>Current general and traveling expenses</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>All forfeitures and license taxes collected by the State Tax Commissioner, or his agents, under and by virtue of the authority granted by law, shall be paid into the treasury as provided in Chapter 8, Acts of 1925. All necessary salaries, expenses, commissions and attorneys’ fees authorized by law for the col-</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
lection of same shall be paid by
the Tax Commissioner through
the State treasury out of the
gross collections. Any part of
such forfeitures that may from
time to time be due the State
or any county, district or mu-
cipality shall be distributed
through the State treasury by
the Tax Commissioner upon the
basis provided by law by secur-
ing State checks for said pur-
poses and such amounts are
hereby appropriated. A suffi-
cient amount of the aforesaid
moneys collected and paid into
the State treasury is hereby ap-
propriated to pay the salaries,
expenses, commissions or fees
authorized by law, and it shall
be the duty of the Auditor and
Treasurer to keep a separate
account of the receipts and dis-
bursements of such funds.

GROSS SALES DEPARTMENT

48 Salary of assistant, Gross Sales Tax ................................................ 4,800.00 4,800.00
50 Salaries of auditors, bookkeepers clerks and stenographers.......... 16,500.00 16,500.00
52 Salaries of collectors and field agents .............................................. 15,700.00 15,700.00
54 Current general and traveling expenses ........................... 10,000.00 10,000.00

ACCOUNTING DEPARTMENT

56 Salary of chief accountant.............. 6,000.00 6,000.00
57 Expenses of uniform system of accounting, including compensa-
tion of assistants, stenographers
and other expenses.......................... 10,000.00 10,000.00

61 Expenses of auditing state de-
### General Appropriations

<table>
<thead>
<tr>
<th>Department</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Commissioner of Prohibition</td>
<td>Salary of secretary</td>
<td>4,000.00</td>
</tr>
<tr>
<td></td>
<td>Salary of permit and file clerk</td>
<td>2,100.00</td>
</tr>
<tr>
<td></td>
<td>Salary of bookkeeper</td>
<td>1,800.00</td>
</tr>
<tr>
<td></td>
<td>Salary of two stenographers and clerk</td>
<td>3,300.00</td>
</tr>
<tr>
<td></td>
<td>Salaries of field officers and other field assistants, traveling and other expenses of Commissioner, field officers and assistants</td>
<td>45,000.00</td>
</tr>
</tbody>
</table>

Provided, that in the discretion of the Commissioner a sum not to exceed $5,000.00 of the foregoing appropriation may be used for educational purposes.

Provided, however, that no part of this appropriation shall be used to pay the salaries or expenses of prohibition officers, deputy prohibition officers, special deputies, agents or others, who have been dismissed as federal prohibition officers for violations of rules and regulations, as county prohibition officers, deputy sheriffs and state or city policemen for neglect of duty or abuse of power, or who have been convicted of crime.

Current general expenses | 3,000.00 |
To pay premiums to the State Compensation Fund for the insurance of employees | 1,500.00 |

### Department of Mines

<table>
<thead>
<tr>
<th>Section</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Salary of chief clerk</td>
<td>3,600.00</td>
</tr>
<tr>
<td></td>
<td>Salaries of twenty-eight inspectors</td>
<td>95,200.00</td>
</tr>
<tr>
<td></td>
<td>Salaries of clerks and stenographers</td>
<td>6,740.00</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>6</td>
<td>Traveling expenses of chief and inspectors</td>
<td>32,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Salary of inspector of sand and limestone mines</td>
<td>2,400.00</td>
</tr>
<tr>
<td>8</td>
<td>Traveling expenses of inspector of sand and limestone mines</td>
<td>1,200.00</td>
</tr>
<tr>
<td>9</td>
<td>Salary of chief director of mine safety and rescue work</td>
<td>2,900.00</td>
</tr>
<tr>
<td>10</td>
<td>Salaries of four assistant directors of mine safety and rescue work</td>
<td>9,600.00</td>
</tr>
<tr>
<td>11</td>
<td>Salaries of directors of mine safety and rescue work</td>
<td>7,500.00</td>
</tr>
<tr>
<td>12</td>
<td>Current general expenses maintaining rescue stations and trucks and for Safety Day Demonstrations and Instruction</td>
<td>18,300.00</td>
</tr>
<tr>
<td>13</td>
<td>Salaries twenty rescue teams</td>
<td>7,200.00</td>
</tr>
<tr>
<td>14</td>
<td>Current general expenses</td>
<td>2,800.00</td>
</tr>
<tr>
<td>15</td>
<td>Salary of clerk and stenographer to carry out the provisions of House Bill No. 305</td>
<td>1,600.00</td>
</tr>
</tbody>
</table>

**Commissioner of Banking**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Salaries of examiners, secretary, stenographers and assistants</td>
<td>37,900.00</td>
<td>37,900.00</td>
</tr>
<tr>
<td>3</td>
<td>Traveling expenses of commissioner, examiners and assistants</td>
<td>22,500.00</td>
<td>22,500.00</td>
</tr>
<tr>
<td>4</td>
<td>Current general expenses</td>
<td>3,500.00</td>
<td>3,500.00</td>
</tr>
</tbody>
</table>

**Bureau of Labor and Department of Weights and Measures**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Salaries of six factory inspectors</td>
<td>14,400.00</td>
<td>14,400.00</td>
</tr>
<tr>
<td>3</td>
<td>Salary of chief clerk</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Salaries of assistants and stenographers, Bureau of Labor and Department of Weights and Measures</td>
<td>4,200.00</td>
<td>4,200.00</td>
</tr>
<tr>
<td>5</td>
<td>Current general expenses of the Department of Weights and Measures</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
</tbody>
</table>
### Ch. 89] General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 Current general expenses of the</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>12 Bureau of Labor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 Traveling expenses of the Commissioner of Labor and factory</td>
<td>9,000.00</td>
<td>9,000.00</td>
</tr>
<tr>
<td>14 Salaries of two inspectors of weights and measures</td>
<td>4,200.00</td>
<td>4,200.00</td>
</tr>
<tr>
<td>15 Traveling expenses of two inspectors of</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>16 Salaries of two inspectors of</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Department of Archives and History

**Sec. 20. Salary of the Librarian**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salary of the Librarian</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>3 Salary of the stenographer</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>4 Salary of the cataloguer</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>5 Salary of the messenger and janitor</td>
<td>1,320.00</td>
<td>1,320.00</td>
</tr>
<tr>
<td>6 Current general expenses</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>7 Purchase of books, periodicals, magazines and newspapers</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
</tbody>
</table>

#### State Health Department

**Sec. 21. Salaries and current general expenses**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 For the purchase of typhoid, smallpox and other vaccine ser-</td>
<td>120,000.00</td>
<td>120,000.00</td>
</tr>
<tr>
<td>3 For the purchase of typhoid, smallpox and other vaccine ser-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 For the purchase of typhoid, smallpox and other vaccine ser-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Health commissioner</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

#### Capitol Building and Grounds

**Sec. 22. For water, light, heat, current expenses, other than re-**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Repairs and improvements</td>
<td>30,000.00</td>
<td>30,000.00</td>
</tr>
<tr>
<td>3 Repairs and improvements</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

#### Governor’s Mansion and Grounds

**Sec. 23. Current general expenses**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Repairs, improvements and furnishings</td>
<td>7,000.00</td>
<td>7,000.00</td>
</tr>
<tr>
<td>3 Repairs, improvements and furnishings</td>
<td>7,000.00</td>
<td>7,000.00</td>
</tr>
</tbody>
</table>

#### Labor Funds, Capitol Building

**Sec. 24. Salaries of engineers, watchmen, janitors, charwomen,**
Sec. 25. To carry into effect the provisions of chapter eighteen, Barnes’ Code as amended, relating to the militia Armory rentals, repairs and equipment, light, heat, water, caretaker and janitor service...

All other expenditures for Militia

Repairs and improvement of the state property known as Camp Dawson

Repairs and improvement to armory at Huntington

All appropriations appearing in section twenty-five are to be paid on the requisition of the Adjutant General, subject to the approval of the Governor.

To pay for the preparation and printing of the roster of West Virginia soldiers, sailors and marines, as provided by House Bill No. 118

The Adjutant General is hereby authorized to pay out of the foregoing appropriations, not to exceed $1,280.00, to Eddie Russell, employee of the West Virginia National Guard, who was injured while employed at the State Camp at Pt. Pleasant.

Not to exceed $179.00 to John L. Ellis, member of West Virginia National Guard, who was injured while on duty in the service of the state, for hospital and medical expense. See section
State Sinking Fund Commission

Sec. 26. Expenses of State Sinking Fund Commission, including compensation of assistants, stenographers and all other expenses .................................. 14,280.00 14,280.00

Bureau of Negro Welfare and Statistics

Sec. 27. To pay for clerk hire.. 2,100.00 2,100.00

Current general and traveling expenses ..................................... 2,000.00 2,000.00

General School Fund

Sec. 28. To supplement the general school fund to meet the requirements of section 7, chapter 126, Acts of the Legislature of 1921.............................. 1,000,000.00 1,250,000.00

The foregoing appropriation shall be distributed by the State Auditor, upon the order of the State Board of Public Works, designating the amount to which each district is entitled under existing law.

Said order shall designate the district and fix the amount allowed to said district and said Board of Public Works shall file a certified copy thereof with the State Auditor within the time provided in said section referred to herein. This appropriation shall not be available except upon the order of the state board of public works and payments to districts shall be made under rules and regulations of said board, and no payment shall be made to any dis-

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Sinking Fund Commission</td>
<td>14,280.00</td>
<td>14,280.00</td>
</tr>
<tr>
<td>Bureau of Negro Welfare and Statistics</td>
<td>2,100.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td>Current general and traveling expenses</td>
<td>2,000.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>General School Fund</td>
<td>1,000,000.00</td>
<td>1,250,000.00</td>
</tr>
</tbody>
</table>
strict unless the said board shall
first find and certify that the
property of such district has
been assessed, for the current
year, at its true and actual
value as provided by law.

World War—Soldiers, Sailors and Marines
Sec. 29. For the relief of sick,
disabled or indigent soldiers,
sailors and marines residing in
West Virginia, who served in
the World War, including cost
of administration, to be ex-
pended under such rules and
regulations as may be pre-
scribed by the Board of Public
Works .......................................... 42,000.00 42,000.00
Provided, however, this appropri-
ation shall be available for the
relief of those who served in
the Spanish-American War who
are not receiving pensions from
the Federal Government.
Salary of service officer............. 3,000.00 3,000.00
Current expenses, including sten-
ographer and travel..................... 5,000.00 5,000.00

Publication of Delinquent Lists
Sec. 30. To pay cost of pub-
lishing list of delinquent cor-
porations as provided by sec-
tions 134 and 136, Chapter 32
of the Code, payable on requisi-
tion of Governor or Auditor...... 800.00 800.00

State Aid for Agricultural Fairs or Associations
Sec. 31. To carry out the pro-
visions 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 Com-
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>missioner of Agriculture</td>
<td>20,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Provided, that five thousand dollars for each year shall be distributed to such fairs as may be designated by the department of agriculture as Four-H regional fairs. Provided, however that of the remaining fifteen thousand dollars not more than two thousand five hundred dollars each year shall be paid to any one agricultural fair or association.</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Provided, however that of the remaining fifteen thousand dollars not more than two thousand five hundred dollars each year shall be paid to any one agricultural fair or association.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Emergency and Law and Order Appropriations</td>
<td>50,000.00</td>
</tr>
<tr>
<td>11</td>
<td>Sec. 32. To meet emergencies that arise during the time that the Legislature is not in session and for the preservation of law and order to be disbursed on the order of the Governor.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Provided, that upon the necessity of the use of the fund in case the appropriation for the first year becomes exhausted, the Governor shall have the right to draw upon the appropriation herein made for the second year, and in case the appropriation for the first year be not expended, it shall automatically become available during the second year.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Provided, however, that no part of this appropriation shall be used to supplement appropriations for State Departments other than State Institutions and Department of Public Safety.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>All expenditures other than for the preservation of law and or-</td>
<td></td>
</tr>
</tbody>
</table>
der shall be made on the order of the Governor with the approval of the Board of Public Works. The provisions of section thirty-three, chapter seventy, acts of one thousand nine hundred and twenty-seven, shall not be construed so as to prohibit supplementing the appropriations for the department of public safety.

It shall be unlawful for any State board, commission, officer or employee 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 employee 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 employee violating the provisions of this section shall be personally liable for any debt unlawfully incurred or for any payment unlawfully made.

Rent of Capitol Annex and Other Property

Sec. 33. To pay rent of Capitol...
### JUDICIARY DEPARTMENT

**Supreme Court of Appeals**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of the clerk</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Salary of deputy clerk</td>
<td>3,600.00</td>
</tr>
<tr>
<td>Salary of assistant clerk</td>
<td>1,800.00</td>
</tr>
<tr>
<td>Salaries of five law clerks</td>
<td>18,000.00</td>
</tr>
<tr>
<td>Per diem of the crier</td>
<td>950.00</td>
</tr>
<tr>
<td>Mileage of the Supreme Court judges</td>
<td>650.00</td>
</tr>
<tr>
<td>Current general expenses of the Supreme Court</td>
<td>2,500.00</td>
</tr>
<tr>
<td>Printing and binding Supreme Court reports</td>
<td>7,000.00</td>
</tr>
<tr>
<td>Reprinting, binding, proofreading one thousand volumes each Supreme Court Reports Nos. 49 and 54</td>
<td>2,750.00</td>
</tr>
<tr>
<td>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</td>
<td>1,200.00</td>
</tr>
<tr>
<td>Compensation of stenographers for the judges of the Supreme Court of Appeals</td>
<td>3,600.00</td>
</tr>
</tbody>
</table>

**Circuit Courts**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation of special judges of the circuit courts</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Mileage of the judges of the circuit courts</td>
<td>2,500.00</td>
</tr>
<tr>
<td>Allowance for office rent, stenographic services, lighting and heating office as provided by Chapter 86, Acts one thousand nine hundred and twenty-one</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>
National Cemetery

Sec. 36. To carry out the provisions of Chapter 57, Acts of one thousand nine hundred and twenty-seven, relating to National Cemetery, Grafton... 1,000.00 1,000.00

SUB-SECTION "B"

1 All appropriations appearing under "Sub-Section 'B'" are payable only on the requisition and approval of the State Board of Control.

EXECUTIVE DEPARTMENT

State Board of Control

Sec. 37. Salary of secretary... 3,600.00 3,600.00
2 Salary of buyer............. 2,400.00 2,400.00
3 Salary of director of building construction............... 3,000.00 3,000.00
4 Salary of chief clerk, printing department.............. 3,600.00 3,600.00
5 Salaries of bookkeepers, stenographers and other assistants... 39,300.00 39,300.00
6 Current general expenses........ 7,500.00 7,500.00
7 Traveling expenses............... 2,500.00 2,500.00

Huntington State Hospital

Sec. 38. Current general expenses.................. 60,000.00 60,000.00
2 Repairs and improvements........... 20,000.00 20,000.00

Spencer State Hospital

Sec. 39. Current general expenses.................. 110,000.00 110,000.00
2 Repairs and improvements........... 12,500.00 12,500.00

Weston State Hospital

Sec. 40. Current general expenses.................. 245,000.00 245,000.00
2 Repairs and improvements, including sprinkler system........ 42,500.00 42,500.00
5 The State Board of Control is hereby authorized to contract for the installation of a sprink-
8 ler system upon the passage of
9 this Act.
10 Repairs to sewage disposal plant... 2,000.00 2,000.00
11 Buildings .............................. 100,000.00 100,000.00

**State Colored Hospital for the Insane**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 41</td>
<td>Current general expenses</td>
<td>60,000.00</td>
<td>60,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>20,000.00</td>
<td>20,000.00</td>
</tr>
<tr>
<td></td>
<td>Buildings and land</td>
<td>75,000.00</td>
<td></td>
</tr>
</tbody>
</table>

**McKendree Hospital No. 2**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 42</td>
<td>Current general expenses</td>
<td>22,000.00</td>
<td>22,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>4,500.00</td>
<td></td>
</tr>
</tbody>
</table>
|         | This appropriation shall be available for the biennial period, but
|         | if the Governor and the State Board of Control should at any
|         | time desire to convert McKendree Hospital No. 2 for other
|         | state purposes, authority is hereby given for same and this appropriation may be available for
|         | such purpose.                                  |          |          |

**State Tuberculosis Sanitarium**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 43</td>
<td>Current general expenses</td>
<td>200,000.00</td>
<td>175,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements, including laundry equipment</td>
<td>50,000.00</td>
<td>50,000.00</td>
</tr>
<tr>
<td></td>
<td>Buildings and land</td>
<td>50,000.00</td>
<td></td>
</tr>
</tbody>
</table>

**Rutherford State Sanitarium**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 44</td>
<td>Current general expenses</td>
<td>70,000.00</td>
<td>70,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
</tbody>
</table>

**State Colored Tuberculosis Sanitarium**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 45</td>
<td>Current general expenses</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
</tbody>
</table>
### West Virginia Industrial School for Boys

**Sec. 46.** Current general expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Repairs and improvements</td>
<td>100,000.00</td>
<td>100,000.00</td>
</tr>
<tr>
<td>4. To pay George A. Barnard, employee, permanently, totally disabled, by inmate, to be paid in monthly installments</td>
<td>1,200.00</td>
<td>1,200.00</td>
</tr>
<tr>
<td>8. To pay Walter Crawford, former inmate, who was disabled while employed, to be paid in monthly installments</td>
<td>600.00</td>
<td>600.00</td>
</tr>
</tbody>
</table>

### State Industrial School for Colored Boys

**Sec. 47.** Current general expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Repairs and improvements</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
<tr>
<td>4. To pay R. L. French, an inmate, employed on account of the death of his son, Hugh</td>
<td>365.00</td>
<td>365.00</td>
</tr>
</tbody>
</table>

### West Virginia Industrial Home for Girls

**Sec. 48.** Current general expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Repairs and improvements</td>
<td>50,000.00</td>
<td>50,000.00</td>
</tr>
<tr>
<td>3. Repairs and improvements</td>
<td>7,500.00</td>
<td>7,500.00</td>
</tr>
</tbody>
</table>

### State Industrial Home for Colored Girls

**Sec. 49.** Current general expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Repairs and improvements</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>3. Repairs and improvements</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

### West Virginia Children’s Home

**Sec. 50.** Current general expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Repairs and improvements</td>
<td>18,000.00</td>
<td>18,000.00</td>
</tr>
<tr>
<td>3. Repairs and improvements</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

### West Virginia Colored Orphans’ Home

**Sec. 51.** Current general expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Repairs and improvements</td>
<td>11,000.00</td>
<td>11,000.00</td>
</tr>
<tr>
<td>3. Repairs and improvements</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
</tbody>
</table>

### State Home for Aged and Infirm Colored Men and Women

**Sec. 52.** Current general expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Repairs and improvements</td>
<td>12,000.00</td>
<td>12,000.00</td>
</tr>
</tbody>
</table>

### West Virginia Training School

**Sec. 53.** Buildings and land

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Repairs and improvements</td>
<td>75,000.00</td>
<td>75,000.00</td>
</tr>
</tbody>
</table>
### Printing, Binding and Stationery

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>54</td>
<td>For printing, binding, stationery and storage</td>
<td>75,000.00</td>
</tr>
<tr>
<td></td>
<td>The state board of control is hereby authorized to determine the necessity and advisability of all expenditures for printing, binding, stationery and storage, except where the same is specifically required by law.</td>
<td></td>
</tr>
</tbody>
</table>

### West Virginia Geological Survey

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>Salaries</td>
<td>22,000.00</td>
</tr>
<tr>
<td></td>
<td>Current general expenses</td>
<td>20,000.00</td>
</tr>
<tr>
<td></td>
<td>For investigation of mineral waste products</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

### State Board of Children’s Guardians

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>56</td>
<td>Salaries, traveling and current general expenses</td>
<td>45,000.00</td>
</tr>
</tbody>
</table>

### Point Pleasant Battle Monument Commission

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>57</td>
<td>Maintenance, Tu-En-die Wei Park</td>
<td>1,500.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and improvements</td>
<td>1,500.00</td>
</tr>
</tbody>
</table>

### Berkeley Springs Park

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>58</td>
<td>Repairs and improvements</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

### Rumseyan Society

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>59</td>
<td>For maintenance of grounds at Shepherdstown</td>
<td>250.00</td>
</tr>
<tr>
<td></td>
<td>For improvement of roads or driveway at Shepherdstown</td>
<td>250.00</td>
</tr>
</tbody>
</table>

### State Board of Pharmacy

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>Salaries and current general expenses</td>
<td>2,500.00</td>
</tr>
</tbody>
</table>

### Florence Crittendon Home (Wheeling)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>61</td>
<td>For the care and treatment of wayward girls and their children, residents of West Vir-</td>
<td></td>
</tr>
</tbody>
</table>
ginia, who may become public
charges, admitted under regu-
lations prescribed by the State
Board of Control .................. 5,000.00 5,000.00

Droop Mountain Battlefield
Sec. 62. To carry out the provisions of House Joint Reso-
lution No. 8, 1927 Legislature,
relating to the marking of the battle field at Droop Mountain 1,000.00 1,000.00
The foregoing appropriation to be expended by the State Board.
of Control with the approval of the Board of Public Works.

Memorial Tablet
Sec. 63. To pay for and install bronze tablets, Wetzel County Memorial Building .................. 1,250.00 1,250.00

Crippled Children
Sec. 64. For the treatment, care and hospitalization of deformed
and physically defective children, salaries of one or more orthopedic surgeons and neces-
sary assistants, transportation,
traveling expenses, equipment,
contingent and other expenses
incident to carrying out the pro-
visions of Chapter 18, the Acts of 1925, creating and providing for the Crippled Children's Council .................. 40,000.00 40,000.00
Provided, that in case the appro-
priation for the first year be not expended, it shall be avail-
able during the second year.
(This appropriation to be ex-
pended on order of the State Board of Control, under rules
and regulations prescribed by 
said board, and the Crippled 
Children’s Council.)

**Hospital Service**

Sec. 65. For the treatment of 
laborers and others who may 
become public charges, to be 
paid upon approval of the State 
Board of Control in manner 
hereafter set forth ....................... 40,000.00

October 1, 1929, 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 board shall 
apportion the said one-fourth ap-
propriated so that each claim 
will receive its pro rata share. 
(This appropriation to be ex-
pended on order of the State 
Board of Control, under rules 
and regulations prescribed by 
said board.)

**Treatment of Tuberculosis.**

Sec. 66. For the care and treat-
ment of persons afflicted with
3 tuberculosis, residents of West Virginia, who may become public charges admitted to a sanitarium under regulations prescribed by the State Board of Control .............................. 20,000.00

To Carry Out Section 175, Chapter 144, Acts 1921.
Sec. 67. Treatment of girls committed to the West Virginia Industrial Home for Girls who are afflicted with infectious diseases ............... 7,500.00

West Virginia Penitentiary.
Sec. 68. Repairs and Improvements ............................................. 25,000.00
3 To pay John Gillaland, injured while on duty as a guard at the West Virginia Penitentiary....... 300.00

Department of Public Safety
Sec. 69. To pay the expenses of the Department of Public Safety, including the compensation of the officers, employees and members, and all other expenses thereof, according to the provisions of Chapter 12, Acts of the extra session of the Legislature of 1919 and amendments thereto ......................... 432,500.00

Any member of the department of public safety who has been or may hereafter be injured while in the line of duty in the services of the state shall be entitled to receive such compensation for such period of time as determined and fixed by the State Board of Control; provided, however, such com-
21. Compensation shall not exceed the rate of compensation received at the time of injury, payable out of the foregoing appropriation.

Not to exceed $3,600.00 per year of the foregoing appropriation shall be used for salary of a deputy superintendent of state.

**Insurance on Public Buildings**

Sec. 70. To pay for insurance on public buildings

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>125,000.00</td>
</tr>
</tbody>
</table>

**West Virginia University**

Sec. 71. Salaries of officers, teachers and employees

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>683,600.00</td>
</tr>
</tbody>
</table>

To pay expenses in connection with preparatory work for the establishment of a graduate school

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12,000.00</td>
</tr>
</tbody>
</table>

Current general expenses

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>225,000.00</td>
</tr>
</tbody>
</table>

Library books

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25,000.00</td>
</tr>
</tbody>
</table>

Repairs and improvements

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>125,000.00</td>
</tr>
</tbody>
</table>

Buildings and land, men’s field house

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>85,000.00</td>
</tr>
</tbody>
</table>

Building and land—Land

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>31,250.00</td>
</tr>
</tbody>
</table>

Buildings

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>150,000.00</td>
</tr>
</tbody>
</table>

**University Extension Work**

Sec. 72. Mining and Industrial Extension

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40,000.00</td>
</tr>
</tbody>
</table>

Agricultural, Horticultural and Home Economics Extension

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>85,000.00</td>
</tr>
</tbody>
</table>

To pay all expenses in co-operation with Federal Government in carrying out the provisions of Capper-Katchem Federal Act for Boys and Girls’ work

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10,616.08</td>
</tr>
</tbody>
</table>

4-H Camp for boys and girls club work at Jackson’s Mills

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25,000.00</td>
</tr>
</tbody>
</table>

Repairs and Improvements, Jack-
### General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>son’s Mills</td>
<td>7,500.00</td>
<td>7,500.00</td>
</tr>
<tr>
<td>Purchase of land, Jackson’s Mills</td>
<td>20,000.00</td>
<td>20,000.00</td>
</tr>
<tr>
<td>Community Packing Plant, Current expenses, Inwood</td>
<td>8,000.00</td>
<td>8,000.00</td>
</tr>
<tr>
<td>Machinery and equipment, Community Packing Plant at Inwood</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Purchase of building and land, Community Egg Packing Plant</td>
<td>12,500.00</td>
<td>12,500.00</td>
</tr>
</tbody>
</table>

No part of any of the appropriations for the West Virginia University shall be used for the purchase of land, erection of buildings for, maintenance or operation of a University rural high school created under chapter seventy-one, acts one thousand nine hundred and twenty-seven.

### Agricultural Experiment Station

Sec. 73. Salaries of officers—

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>technical staff and labor</td>
<td>40,000.00</td>
<td>40,000.00</td>
</tr>
<tr>
<td>Current general expense</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
<tr>
<td>Repairs and improvements</td>
<td>20,000.00</td>
<td>20,000.00</td>
</tr>
<tr>
<td>Live stock</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Current general expenses, Reymann Memorial Farms</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>Repairs and improvements, Reymann Memorial Farms</td>
<td>2,000.00</td>
<td>2,000.00</td>
</tr>
</tbody>
</table>

### Marshall College

Sec. 74. Salaries of officers,

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>teachers and employees</td>
<td>235,000.00</td>
<td>235,000.00</td>
</tr>
<tr>
<td>Current general expenses</td>
<td>50,000.00</td>
<td>50,000.00</td>
</tr>
<tr>
<td>Repairs and improvements</td>
<td>20,000.00</td>
<td>20,000.00</td>
</tr>
<tr>
<td>Installing sprinkler system</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>The State Board of Control is hereby authorized to contract</td>
<td></td>
<td></td>
</tr>
<tr>
<td>for the installation of a sprinkler system upon the passage of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>this act.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td>100,000.00</td>
<td>100,000.00</td>
</tr>
<tr>
<td>School</td>
<td>Section</td>
<td>Salaries of officers</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Potomac State School Keyser</td>
<td>Sec. 75</td>
<td>62,000.00</td>
</tr>
<tr>
<td>New River State School, Montgomery</td>
<td>Sec. 76</td>
<td>75,000.00</td>
</tr>
<tr>
<td>Fairmont State Normal School</td>
<td>Sec. 77</td>
<td>125,000.00</td>
</tr>
<tr>
<td>Concord State Normal School</td>
<td>Sec. 78</td>
<td>76,000.00</td>
</tr>
<tr>
<td>Glenville State Normal School</td>
<td>Sec. 79</td>
<td>70,000.00</td>
</tr>
<tr>
<td>Shepherd College State Normal School</td>
<td>Sec. 80</td>
<td>57,000.00</td>
</tr>
</tbody>
</table>
### West Liberty State Normal School

Sec. 81. Salaries of officers,

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 teachers and employees</td>
<td>50,000.00</td>
</tr>
<tr>
<td>3 Current general expenses</td>
<td>12,500.00</td>
</tr>
<tr>
<td>4 Repairs and improvements</td>
<td>12,500.00</td>
</tr>
<tr>
<td>5 Buildings</td>
<td>50,000.00</td>
</tr>
</tbody>
</table>

### West Virginia School for the Deaf and Blind

Sec. 82. Salaries of officers,

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 teachers and employees</td>
<td>93,000.00</td>
</tr>
<tr>
<td>3 Current general expenses</td>
<td>70,000.00</td>
</tr>
<tr>
<td>4 Repairs and improvements</td>
<td>30,000.00</td>
</tr>
</tbody>
</table>

### West Virginia School for Colored Deaf and Blind

Sec. 83. Salaries of officers,

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 teachers and employees</td>
<td>12,500.00</td>
</tr>
<tr>
<td>3 Current general expenses</td>
<td>17,000.00</td>
</tr>
<tr>
<td>4 Repairs and improvements</td>
<td>10,000.00</td>
</tr>
<tr>
<td>5 Buildings and land</td>
<td>15,000.00</td>
</tr>
</tbody>
</table>

### West Virginia State College

Sec. 84. Salaries of officers,

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 teachers and employees</td>
<td>140,000.00</td>
</tr>
<tr>
<td>3 Current general expenses</td>
<td>52,500.00</td>
</tr>
<tr>
<td>4 Repairs and improvements</td>
<td>35,000.00</td>
</tr>
<tr>
<td>5 Vocational Training Building</td>
<td>60,000.00</td>
</tr>
<tr>
<td>6 To complete grading of campus, to erect barn and farm outhouses removed because of grading</td>
<td>7,500.00</td>
</tr>
</tbody>
</table>

### Bluefield Colored Institute

Sec. 85. Salaries of officers,

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 teachers and employees</td>
<td>55,000.00</td>
</tr>
<tr>
<td>3 Current general expenses</td>
<td>15,000.00</td>
</tr>
<tr>
<td>4 Repairs and improvements</td>
<td>13,500.00</td>
</tr>
<tr>
<td>5 Buildings</td>
<td>60,000.00</td>
</tr>
</tbody>
</table>

### Storer College

Sec. 86. Salaries of officers,

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 teachers and employees, and repairs and improvements</td>
<td>17,500.00</td>
</tr>
</tbody>
</table>

### SUB-SECTION “C”

Sec. 87. All appropriations appearing under Sub-Section “C” are payable out of the General Revenue of the State Fund for the fiscal year ending June thirty, one thousand
nine hundred and twenty-nine. Except appropriations in
Section 91 which are payable for the years one thousand
nine hundred and thirty and one thousand nine hundred and
thirty-one.

**LEGISLATIVE DEPARTMENT**

**SENATE**

Sec. 88. Mileage of the members of the Senate
for the regular session of one thousand nine hun-
dred and twenty-nine................................................ $ 1,046.10

President of the Senate, two dollars per day as pre-
siding officer for sixty-seven days............................ 134.00

*Compensation and Per Diem of Other Elective Officers*

Compensation of the Clerk of the Senate, including
fifteen dollars advanced for postage and telegrams 1,690.00
Sergeant-at-Arms of the Senate.................................. 804.00
Doorkeeper of the Senate.......................................... 670.00
D. C. Bennett, Sergeant-at-Arms, session one thou-
sand nine hundred and twenty-seven, assembling
furniture and preparing Senate chamber for the
opening of the session.............................................. 150.00

*Presidential Appointees*

One supervisor of stenographers for sixty days..... 600.00
Twelve floor stenographers for sixty days........... 5,760.00
One floor stenographer for forty days and one for
thirty days.............................................................. 560.00
Seven floor stenographers for seven days’ extended
session ................................................................. 392.00
One mailing and one assistant mailing and banking
page ............................................................................. 1,016.00
One clerk to the committee on roads.................. 600.00
One stenographer to the committee on roads............ 480.00
Twenty committee clerks......................................... 9,600.00
One committee clerk, seven days’ extended session 56.00
Eight document room clerks................................. 3,840.00
Two document room clerks for seven days’ ex-
tended session ......................................................... 112.00
One chief journal page............................................ 536.00
Three journal pages................................................ 1,080.00
Seven mailing room clerks.................................... 2,520.00
One day and one night watchman.......................... 938.00
32 One private secretary to the President ..................... 1,005.00
33 One stenographer to the President .......................... 670.00
34 One messenger to the President .............................. 360.00
35 One clerk to the committee on finance ..................... 804.00
36 One assistant clerk to the committee on finance ........ 670.00
37 One stenographer to the committee on finance ........... 670.00
38 One messenger to the committee on finance .............. 335.00
39 One clerk to the committee on the judiciary ............. 804.00
40 One assistant clerk to the committee on the judiciary ... 600.00
41 One stenographer to the committee on the judiciary ..... 536.00
42 One assistant stenographer to the committee on the judiciary 670.00
43 One messenger to the committee on the judiciary ....... 335.00
44 One chaplain to the Senate .................................. 402.00
45 One assistant sergeant at arms ............................. 600.00
46 One assistant doorkeeper ................................. 600.00
47 Six floor pages .................................................. 2,160.00
48 One ladies’ maid .................................................. 335.00
49 Two toilet room attendants .................................. 670.00
50 Four cloak room attendants .................................. 1,200.00
51 Two cloak room attendants for seven days' extended session 70.00
52 To pay Richard Batten (Cedar Grove), thirty days as committee clerk 240.00

Clerk’s Appointees

53 One reading clerk .............................................. 804.00
54 Two abstract clerks ............................................ 1,524.00
55 Supervisor and assistant supervisor of printing .......... 1,874.00
56 One roll clerk .................................................. 670.00
57 Two bill editors ................................................ 1,340.00
58 One clerk on enrolled bills .................................. 670.00
59 One warrant clerk and bookkeeper ........................ 804.00
60 Two office stenographers ................................... 1,340.00
61 Superintendent and assistant superintendent document room 1,474.00
62 Secretary to clerk .............................................. 804.00
63 Two bill record clerks ....................................... 1,608.00
64 One file clerk .................................................. 670.00
65 One proof reader on enrolled bills ......................... 670.00
66 Joint supervisor of printing (Senate’s part) ............ 502.50
72 One bill receipt clerk.............................................. 600.00
73 Eleven proof readers and copy holders..................... 7,020.00
74 Nine general assistant clerks................................. 5,680.00
75 One messenger ....................................................... 335.00
76 One page........................................................................ 335.00

77 To pay J. M. Lynn, custodian, city hall, for services of extra janitors, watchmen, elevator operators and charwomen employed during the legislative session of one thousand nine hundred and twenty-nine, at the rate of $5.00 per day as per itemized bill presented. This includes the services for restoration of offices and Senate chamber to normal condition................................................ 4,422.00

78 To pay M. S. Hodges 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 employment of contributors, the preparation of matter, clerical hire, stenographic services and proof reading, and for shipping charges in connection with the distribution of the book:

96 For the year ending June thirty, one thousand nine hundred and thirty........................................ 7,000.00
97 For the year ending June thirty, one thousand nine hundred and thirty-one.................................. 7,000.00

100 Said amounts to be paid monthly out of the state treasury upon proper requisitions drawn upon the auditor.

103 The appropriation contained in the appropriation bill of the session of one thousand nine hundred and twenty-seven for the publication of said Manual for the year one thousand nine hundred and twenty-nine to the late John T. Harris is hereby directed to be paid to M. S. Hodges, who shall perform the work of publishing said Manual for the year one thousand nine hundred twenty-nine, as provided in said appropriation bill of one thousand nine hundred and twenty-seven.
After the distribution provided for in the Acts of one thousand nine hundred and twenty-one above referred to, or by further resolution of the Legislature, the remainder of the edition shall be sold by the superintendent of public printing to persons desiring to purchase the same at the price of two dollars and fifty cents per volume.

The editing, compiling and publication of said Manual shall be made by M. S. Hodges, Clerk of the Senate, under the superintendence and at the direction of a committee consisting of the President of the Senate, the chairman of the Senate finance committee and the chairman of the Senate judiciary committee, who shall direct what matter shall be used and in what years said Manual shall be published.

Contingent fund of the Senate ........................................ 30,000.00

**Miscellaneous Appropriations**

To pay the following named persons and firms for supplies furnished and services rendered, one thousand nine hundred and twenty-nine session, Senate:

- Bond-Rider-Jackson Company, towels, soap, etc. ........................................ 52.00
- Tom S. Burdette, making roll for committee assignments ........................................ 5.00
- Bertie Cantley ........................................................................................................ 4.00
- Charleston Engraving Company, copper half-tone book of Abe Lincoln ...................... 7.27
- Charleston Cut Flower Co., flowers ................................................................. 52.10
- Charleston School Supply Co., plate holders and plates ........................................ 48.75
- C. & P. Tel. Co. of Va., telephone service ........................................................... 339.37
- Clutter Typewriter Exchange, typewriter rental, ribbons, etc. ................................. 32.00
- Diamond Ice & Coal Co., ice ................................................................................. 53.82
- Farmers’ Hardware Company, glasses, ladder, oil ................................................. 2.48
- Federal Publishing Co., Barnes’ Codes and supplements ....................................... 384.50
- Marie F. Ford, typewriter rental .............................................................................. 30.00
- Gunther & Totten, making and engraving silver plate ................................................ 6.50
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>153</td>
<td>Arthur E. Harmon, engraving resolutions</td>
<td>20.00</td>
</tr>
<tr>
<td>154</td>
<td>E. L. Hilbert, scales</td>
<td>5.00</td>
</tr>
<tr>
<td>155</td>
<td>Telford Hutchinson, transfer and hauling service</td>
<td>502.50</td>
</tr>
<tr>
<td>156</td>
<td>Jordan Taxi, for taxi fare</td>
<td>2.50</td>
</tr>
<tr>
<td>157</td>
<td>H. R. Judy, keys, locks and repairs</td>
<td>31.35</td>
</tr>
<tr>
<td>158</td>
<td>Jack's Toggery, chairs</td>
<td>63.00</td>
</tr>
<tr>
<td>159</td>
<td>S. S. Kresge Co., coat hangers and glassware</td>
<td>2.05</td>
</tr>
<tr>
<td>160</td>
<td>Laird Office Equipment Co., supplies and rent on chairs</td>
<td>49.70</td>
</tr>
<tr>
<td>161</td>
<td>H. B. Lee, 2 copies of Criminal Trials in the Virginias</td>
<td>20.00</td>
</tr>
<tr>
<td>162</td>
<td>Mathews Printing &amp; Litho. Co., Barnes' supplements</td>
<td>85.00</td>
</tr>
<tr>
<td>163</td>
<td>Mathews Storage Company, drayage</td>
<td>89.50</td>
</tr>
<tr>
<td>164</td>
<td>Mitchell Bros., drayage</td>
<td>1.50</td>
</tr>
<tr>
<td>165</td>
<td>Mock Orange Water Co., drinking water</td>
<td>126.90</td>
</tr>
<tr>
<td>166</td>
<td>S. Spencer Moore Co., file cases, supplies, etc.</td>
<td>1,318.62</td>
</tr>
<tr>
<td>167</td>
<td>National Towel Supply Company, towel service</td>
<td>27.50</td>
</tr>
<tr>
<td>168</td>
<td>Studio Swan, frame and photo—John T. Harris</td>
<td>25.00</td>
</tr>
<tr>
<td>169</td>
<td>Smith &amp; Brooks, soap, towels and supplies</td>
<td>70.95</td>
</tr>
<tr>
<td>170</td>
<td>Talley's, table, supplies, etc.</td>
<td>92.82</td>
</tr>
<tr>
<td>171</td>
<td>W. F. Thompson, installing electric lights</td>
<td>47.50</td>
</tr>
<tr>
<td>172</td>
<td>Underwood Typewriter Co., typewriter rental, repairs, etc.</td>
<td>184.25</td>
</tr>
<tr>
<td>173</td>
<td>W. Va. School Journal, use of Addressograph machine</td>
<td>50.00</td>
</tr>
<tr>
<td>174</td>
<td>Western Union, telegrams</td>
<td>1.08</td>
</tr>
<tr>
<td>175</td>
<td>Philip Hersher, Treas. Public Library Commission, rent for office in Capitol Annex building</td>
<td>280.00</td>
</tr>
<tr>
<td>176</td>
<td>H. B. Hyscl, janitor services, office Capitol Annex building</td>
<td>80.00</td>
</tr>
<tr>
<td>177</td>
<td>To pay C. B. Stewart, superintendent document room, services for thirty-two days, recess period session of one thousand nine hundred and twenty-seven</td>
<td>256.00</td>
</tr>
<tr>
<td>178</td>
<td>To pay John Javins, assistant superintendent document room, services for thirty-two days, recess period session of one thousand nine hundred and twenty-seven</td>
<td>256.00</td>
</tr>
<tr>
<td>179</td>
<td>Ruth C. Copenhaver, stenographic services to the joint committee to investigate the penitentiary</td>
<td>75.00</td>
</tr>
</tbody>
</table>
197 The Clerk of the Senate is authorized to draw his warrant upon the Auditor, payable out of the contingent fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, and for bills for supplies and services incurred after adjournment, including office rent, if it becomes necessary to rent offices to close up the work of the session.

HOUSE OF DELEGATES

See. 89. Mileage of the members of the house of delegates
2 delegates ................................................................. $6,344.40
3 Per diem of the speaker of the house at $2.00 ........... 134.00
4 Contingent fund of the house of delegates ............... 40,000.00

Compensation of Other Elective Officers
5 Compensation of the clerk of the house for services during the regular and extended sessions 1,675.00
6 Compensation of the sergeant-at-arms for services during the regular and extended sessions 804.00
7 Compensation of the doorkeeper of the house for services during the regular and extended sessions 670.00

Clerk’s Appointees
11 One supervisor printing ........................................... 804.00
12 One reading clerk .................................................. 804.00
13 Two journal clerks .................................................. 1,390.00
14 Two senate and house bill record clerks .................... 1,270.00
15 One bill receipt clerk .............................................. 600.00
16 Two abstract clerks ................................................ 1,474.00
17 One secretary to clerk ........................................... 804.00
18 One file clerk ....................................................... 670.00
19 Three bill editors .................................................. 2,208.00
20 One roll clerk ........................................................ 600.00
21 Two desk clerks .................................................... 1,270.00
22 One clerk on enrolled bills ..................................... 600.00
23 One journal editor ................................................ 804.00
24 Two bill comparing clerks ....................................... 1,200.00
25 Six printing clerks ................................................ 4,008.00
26 Six copyholders .................................................... 3,810.00
27 One clerk on engrossed bills .................................. 804.00
28 One calendar clerk ............................................... 600.00
### Ch. 89 | GENERAL APPROPRIATIONS

| 29 | Four stenographers | 1,976.00 |
| 30 | One messenger | 335.00 |
| 31 | One page | 300.00 |
| 32 | One joint supervisor of printing on part of house | 502.50 |

#### Speaker’s Appointees

| 33 | Private secretary to speaker | 1,005.00 |
| 34 | Private stenographer to speaker | 670.00 |
| 35 | Three assistant sergeants-at-arms | 1,496.00 |
| 36 | Clerk to sergeant-at-arms | 536.00 |
| 37 | Clerk and assistant clerk to committee on taxation and finance | 1,284.00 |
| 38 | Stenographer and assistant stenographer to committee on taxation and finance | 726.00 |
| 39 | Clerk and assistant clerk to committee on judiciary | 1,474.00 |
| 40 | Stenographer to committee on judiciary | 670.00 |
| 41 | Clerk and stenographer to committee on roads | 1,080.00 |
| 42 | Clerk and stenographer to committee on education | 1,150.00 |
| 43 | Supervisor and twenty-three committee clerks | 11,744.00 |
| 44 | Stenographer to committee on mines and mining | 480.00 |
| 45 | Supervisor and fourteen floor stenographers | 8,062.00 |
| 46 | Seven typists | 3,360.00 |
| 47 | Ten pages | 3,768.00 |
| 48 | Chief and four assistant journal clerks | 2,568.00 |
| 49 | Supervisor and six assistant mailing clerks | 3,640.00 |
| 50 | Mailing and banking page | 480.00 |
| 51 | Messenger to the speaker | 402.00 |
| 52 | Messenger to minority | 480.00 |
| 53 | Messenger to executive department | 600.00 |
| 54 | Page to committee on taxation and finance | 300.00 |
| 55 | Four cloak room attendants | 1,485.00 |
| 56 | Four toilet room attendants | 1,200.00 |
| 57 | One chief custodian and eight janitors | 3,015.00 |
| 58 | One maid | 469.00 |
| 59 | Three day and night watchmen | 1,122.00 |
| 60 | One chaplain | 469.00 |
| 61 | Three assistant doorkeepers | 1,496.00 |

#### Miscellaneous Appropriations

| 62 | Bernard Williams, journal page at the first and second units of the capitol and departments of state government in the city of Charleston, other than |
67 the legislature, sixty-five days at $8.00 per day... 520.00
68 Woodrum Home Outfitting Company................. 1.75
69 Kanawha Valley Lumber Company................... 12.04
70 Laird Office Equipment Company...................... 39.00
71 J. W. Dudley Sons Company, flowers (Sen. Reitz)... 30.00
72 Thomas O. Laird, rental on adding machine........ 20.00
73 George A. Goshorn, Jr., administering oath to mem-
bers ........................................................................ 46.50
75 Superior Stamp Company................................... 5.00
76 R. H. Kyle & Company, chairs.......................... 30.00
77 Virginian Electric Company, merchandise........... 40.49
78 Peoples Store, merchandise............................. 9.58
79 Farmers Hardware ................................................. 0.50
80 Empire Dry Cleaning Company, dry cleaning....... 4.00
81 B. S. Ray, desk ....................................................... 60.00
82 Howard B. Lee, three copies criminal trial........ 30.00
83 Dana, Barnes Company, merchandise................. 5.00
84 C. H. Gebhart, plumbing repairs..................... 5.00
85 Federal Publishing Company, thirty-five Barnes’
Codes ........................................................................... 525.00
86 Mathews Storage Company, hauling, material and
labor not included in storage contract................. 190.00
89 Royal Confectionery, merchandise.................... 44.60
90 Telford Hutchison to transporting journals and bills
with truck to post office, as per resolution of Mr.
Keatley ................................................................. 502.50
93 S. Spencer Moore Company, supplies............... 677.05
94 W. H. Burford, hauling paper and trash sixty days 90.00
95 Callahan’s Garage .................................................. 3.50
96 Charleston School Supply Company, B plates........ 52.00
97 Welhans, florist, flowers Delegate Beard’s father... 20.00
98 Kanawha County Court, part expense, water, light
and fuel ................................................................. 975.00
100 J. T. Pauley, supplies paid for personally........ 15.60
101-104 Schwabe & May, merchandise............... 10.00
105 Whittaker Paper Company, Cincinnati, Ohio..... 75.60
106 Jordan Taxi Company......................................... 92.25
107 Diamond Ice & Coal Company ......................... 18.90
108 Standard Oil Company, merchandise................. 53.60
109 Talleys, merchandise ........................................ 214.23
110 Mock Orange Mineral Water Company............ 87.00
Ch. 89] General Appropriations 365

111 Superior Laundry Company ............................... .67
112 Benjamin Auto Electric Company ....................... 6.75
113 Tribune Printing Company, printing and supplies .... 208.65
114 Kanawha Novelty Works, keys, repairing and changing locks ................................. 28.50
115 Royal Typewriter Company, rental ...................... 317.50
116 Smith & Brooks, supplies ................................. 256.66
118 Underwood Typewriter Company, rental ............... 75.50
119 Ault Auto Company, supplies ......................... 11.50
120 Chesapeake & Potomac Telephone Company .......... 237.38
121 T. K. Massie, rental on typewriter .................. 7.50
122 Theodore Ayres, for Janitor services rendered ...... 150.00
123 Mathews Storage Warehouses, hauling and storage of furniture as per contract dated March 7, 1929 1,400.00
125 The auditor, upon the certification of the Clerk of the House of Delegates, or the sergeant-at-arms of the house is hereby authorized to pay out of the contingent fund of the house of delegates any bills for supplies and services that may have been incurred by the house of delegates, and not included in the appropriation bill, and bills for supplies and services incurred after adjournment, including office rent, if it becomes necessary to rent offices to close up the work of the session.

Legislative Printing and Stationery

Sec. 90. To pay the cost of legislative printing and stationery, the appropriation to be available for the year ending June thirty, one thousand nine hundred and twenty-nine. If the work is not completed prior to June thirty, one thousand nine hundred and twenty-nine, then the appropriation shall continue in effect until completed .................. 70,000.00

Salaries of Members of the Legislature

1930 1931

See. 91. Salaries of members
Sec. 92. All appropriations appearing under Sub-Section "D" are payable out of the general revenue of the State Fund for the fiscal year ending June thirty, one thousand nine hundred and twenty-nine.

MISCELLANEOUS APPROPRIATIONS

To pay for river bank in front of present Capitol building site, including costs, said property being acquired by condemnation proceedings .................. 13,809.60

To purchase and install freight elevator lift in first unit of Capitol building .................. 6,000.00

For the removal of records of the secretary of state's office from the old vaults to the new capitol building, including labor of re-erecting and refiling said records, binding books and filing equipment, said appropriation to continue in effect until the purposes for which it is appropriated have been carried out, and to be paid on the order of the secretary of state .................. 2,500.00

To reimburse C. H. Henderson, Sheriff of Ohio County, for certain witness claims in felony cases, subject to approval of State Auditor .................. 565.00

To pay for additional printing, binding and stationery .................. 15,000.00

To pay Scholl Printing Co. of Parkersburg balance for printing furnished to the state when acting as public printer .................. 3,951.00
31 To pay five claims filed with the commissioner of agriculture for services and expenses incurred prior to March, one thousand nine hundred and twenty-five, payment to be made on the order of the commissioner of agriculture ............................. 1,079.20

39 To pay J. Z. Terrell, former warden of the state penitentiary for money advanced to state road camps ........................................... 1,138.76

48 To pay O. E. Summers, deputy prohibition commissioner, hospital expenses and medical service rendered to him resulting from injuries received in line of duty on June fifth, one thousand nine hundred and twenty-eight .......................... 295.37

55 To pay amounts due field agents and assistants for the fiscal year ending June thirtieth, one thousand nine hundred and twenty-eight — Prohibition Department ........................ 526.00

79 To pay premiums to Workmen's Compensation for balance of fiscal year one thousand nine hundred and twenty-nine—Prohibition Department ...................... 500.00

89 To pay stenographers and assist-
GENERAL APPROPRIATIONS

90 ants remainder of fiscal year one
91 thousand nine hundred and
92 twenty-nine — Prohibition De-
93 partment .............................. 500.00
94 To pay additional salary of the
95 commissioner of banking for the
96 remainder of the year ending
97 June thirtieth, one thousand
98 nine hundred and twenty-nine.... 83.33
99 To pay additional salary of the
100 chief of the department of
101 mines for the remainder of the
102 year ending June thirtieth, one
103 thousand nine hundred and
104 twenty-nine ...................... 83.33
105 To pay additional salary of the
106 six elective state officers other
107 than the governor for the re-
108 mainder of the year ending
109 June thirtieth, one thousand
110 nine hundred and twenty-nine.. 3,887.22
111 To pay salaries of bookkeepers,
112 stenographers and assistants of
113 the state board of control for
114 the remainder of the year end-
115 ing June thirtieth, one thou-
116 sand nine hundred and twenty-
117 nine ............................... 1,500.00

SUB-SECTION "E"

Sec. 93. All appropriations appearing under Sub-Section
2 "E" are payable out of the general school fund of the State.

Department of Education

Sec. 94. Salary of assistant su-
2 perintendent ......................... 4,000.00 4,000.00
3 Salary of chief clerk ................ 3,600.00 3,600.00
4 Salary of state aid clerk, part time 1,500.00 1,500.00
5 Salary of statistical clerk .......... 3,000.00 3,000.00
6 Salary of printing and supply
7 clerk .................................. 2,700.00 2,700.00
8 Salary of high school super-
9 visor .................................. 4,000.00 4,000.00
10 Salary of rural school super-
10-a visor ......................................... 4,000.00 4,000.00
10-b The appropriation covering sal-
10-c ary and expenses of rural
10-d school supervisor is made
10-e necessary account withdrawal
10-f of funds by the general edu-
10-g cation board, which board
10-h formerly paid said salary and
10-i expenses.
11 Salaries of two assistant super-
12 visors of rural schools..................... 7,200.00 7,200.00
13 Salary of supervisor of teacher-
14 training ........................................ 3,600.00 3,600.00
15 Salary of director of physical ed-
16 ucation ........................................ 3,300.00 3,300.00
17 Salary of supervisor of Negro
18 schools ........................................ 3,600.00 3,600.00
19 Stenographers and other clerks.... 12,000.00 12,000.00
20 Expenses for conducting uniform
21 examinations ................................ 8,500.00 8,500.00
22 Printing, binding and stationery.. 27,500.00 27,500.00
23 Expenses of state superintendent.. 500.00 500.00
24 Current general expenses............. 7,500.00 7,500.00
25 Traveling and other necessary ex-
26 penses of inspectors and super-
27 visors of colored schools, rural
28 schools, high schools, confer-
29 ences and other general ex-
30 penses ........................................... 7,000.00 7,000.00
31 For investigation and research
32 work in co-operation with State
33 Board of Education in connec-
34 tion with elementary schools,
35 high schools and of institu-
36 tions of higher learning; for the
37 preparation and distribution of
38 courses of study; for the prepa-
39 ration and distribution of plans
40 and specifications for one, two,
41 three and four room schools and
for the necessary printing and travel in connection therewith 10,000.00 10,000.00

State Board of Education

Salaries of six members of State Board of Education 6,000.00 6,000.00
Salaries of two advisory members of State Board of Education 2,000.00 2,000.00
Expenses of members of State Board of Education 3,500.00 3,500.00
Expenses of advisory members of State Board of Education 600.00 600.00
Salary and expenses of secretary of State Board of Education 5,000.00 5,000.00
Salaries of stenographers to secretary 1,800.00 1,800.00

To assist in rehabilitation work in cooperation with the Federal Government, payable on order of the State Board of Education and the State Board of Control 17,500.00 17,500.00
Vocational education, payable on order of the State Board of Education and State Board of Control 30,000.00 30,000.00
State aid to out of state students, to carry out the provisions of Chapter 10, Acts one thousand nine hundred and twenty-seven, to be disbursed by the State Board of Control upon requisition of the State Superintendent of Free Schools 7,000.00 7,000.00

General Expenses
Salaries of county superintendents 95,000.00 95,000.00
Compensation and expenses of institute instructors 15,000.00 15,000.00
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 following
(payable on requisition of the
Auditor):

To pay salaries and current gen-
eral expenses of land department 15,000.00

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 requisi-
tion of the Auditor.

In addition to the foregoing appro-
priations the balance of the re-
cipts for each year of said fund
is hereby appropriated for sup-
plemental aid to schools in ac-
cordance with the provision of
general law.

Current Year Appropriation

To pay cost of printing publica-
tions relating to elementary
course of study and state school
survey ........................................ 7,500.00

To pay expenses for conducting
uniform examinations for re-
mainder of year ending June
thirtieth, one thousand nine
hundred and twenty-nine........ 1,500.00

To pay current general expenses
for remainder of year ending
June thirtieth, one thousand
nine hundred and twenty-nine.. 1,350.00

The foregoing appropriations to
be available for payment upon
the passage of this Act.

SUB-SECTION “F”

Sec. 95. 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. 96. For cost of manufacturing license tags for sale to automobile owners, including cost of storage, envelopes for mailing, postage, freight, express and cartage
90,000.00 90,000.00

Salaries of clerks, stenographers and other necessary assistants
115,000.00 115,000.00

To pay salaries and expenses of field agents for the enforcement of the collection of motor vehicle license taxes
20,000.00 20,000.00

Administration Expenses

Salaries of the commissioners
22,500.00 22,500.00

Salaries of engineers, clerks, stenographers, property accounting, recording and other assistants
137,500.00 137,500.00

Traveling expenses
30,000.00 30,000.00

Office rent, including heat, light, water and janitor service, including automobile bureau
15,000.00 15,000.00

Current general expenses, including automobile bureau
57,500.00 57,500.00

Federal Aid supervision
5,000.00 5,000.00

To pay premiums to the State Compensation Fund for the insurance of employees
30,000.00 30,000.00

Gasoline Tax

To pay all expenses in connection with carrying out the provisions of Chapter 34, Acts one thousand nine hundred and twenty-three, as amended, relating to tax on gasoline; payable on requisition of State Tax Commissioner
17,500.00 17,500.00

For complying with and carrying
out the provisions of section 83,
good roads act, one thousand
nine hundred and twenty-five,
relating to refunds and for re-
funding moneys erroneously
paid through the commission
into the treasury, such sums are
hereby appropriated as may be
erroneously paid.
In addition to the foregoing ap-
propriations the balance or resi-
due of the annual receipts of
the state road fund are hereby
appropriated for the payment
of interest on and principal of
outstanding road bonds, for
maintenance and construction
and reconstruction of state
roads, in accordance with the
provisions of the good roads act
of one thousand nine hundred
and twenty-one and amend-
ments thereto sections 15, 23
and 72.
To pay claims against the State
Road Commission resulting
from personal injury or prop-
erty damages; this amount ap-
propriated for remainder of
year ending June thirty, one
thousand nine hundred and
twenty-nine, and to remain in
effect until the claims are
paid ...................................................

Provided, that two hundred dol-
ars of this amount shall be paid
to Alvin Self of Brushy Run,
West Virginia, and one hundred
dollars to E. L. Bailey, of Spen-
cer, West Virginia, for damages
to his property.
SUB-SECTION "G"

Sec. 97. 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 amendment thereto.

Public Service Commission

Sec. 98. To pay salaries and current general expenses........... 80,000.00 80,000.00

Provided, that not more than $5,000.00 of the foregoing appropriation may be expended annually in cooperation with the West Virginia Geological Survey, and/or, the United States Geological Survey for investigation of water power resources of the state.

SUB-SECTION "H"

Sec. 99. All appropriations appearing under Sub-section "H" are payable out of the fund created by chapter 9 Acts of 1915 (extraordinary session) and amendments thereto.

Workmen’s Compensation

Sec. 100. Salary of State Compensation Commissioner.............. 6,000.00 6,000.00

Current general expenses............. 250,000.00 250,000.00

To pay court costs, attorneys’ fees and special auditing in case of State Compensation Commissioner vs. the New River & Pocahontas Consolidated Coal Company to recover premiums 10,000.00

Above appropriation to be payable during the year ending June thirty, one thousand nine hundred and twenty-nine, and to continue in effect until the purpose of the appropriation has been carried out.
SUB-SECTION "I"

Sec. 101 All appropriations made by general law payable
2 out of special revenue, which special revenue is not required to
3 be paid into the general revenue of the state under the pro-
4 visions of Senate Bill 104, one thousand nine hundred and
5 twenty-nine legislature, are hereby authorized payable out of
6 the special revenue or collections made for the specific purposes.
7 All revenue collected under the Act of the one thousand nine
8 hundred and twenty-nine legislature relating to the construc-
9 tion of a capitol is hereby appropriated and authorized to be
10 expended for the purposes designated by the Act.

SUB-SECTION "J"

Sec. 102. For refunding overpayments made into the treas-
2 ury on account of taxes, licenses, fines and commissions, to be
3 paid out of the fund into which they were paid, such an amount
4 as may be necessary for such purpose is hereby appropriated.

SUB-SECTION "K"

No payments shall be made from appropriations appearing
2 in Sub-Section "K" in excess of the amounts hereinafter set
3 forth, and no payments shall be made in excess of the amount
4 of collections, for the particular institution, department, com-
5 mission or board, paid into the general revenue of the state.
6 under the provisions of Senate Bill 104, one thousand nine hun-
7 dred and twenty-nine legislature.
8 Payments may be made from the appropriations appearing
9 herein at any time during the fiscal year so long as the aggre-
10 gate for the year does not exceed the amount of the appropria-
11 tion and does not exceed the collections that will be made for
12 the year and paid into the general revenue of the state.
13 All appropriations appearing in "Part One" are payable on
14 the requisition of the head of the particular department, com-
15 mission or board.
16 All appropriations appearing under "Part Two" are payable
17 on the requisition of the State Board of Control.

PART ONE

Auditor’s Office

Sec. 6-a. Salary of fire mar-
2 shal ................................................ $ 4,000.00 $ 4,000.00
3 Salaries and current general ex-
<table>
<thead>
<tr>
<th>Department</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL APPROPRIATIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Salaries and current general expenses—Fire</td>
<td>41,000.00</td>
<td>41,000.00</td>
</tr>
<tr>
<td>5. Marshal’s Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Salaries and current general expenses—Securi-</td>
<td>17,500.00</td>
<td>17,500.00</td>
</tr>
<tr>
<td>ties Department</td>
<td></td>
<td></td>
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<tr>
<td><strong>Department of Agriculture</strong></td>
<td></td>
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<tr>
<td>2. Salaries and current general expenses relat-</td>
<td>4,000.00</td>
<td>4,000.00</td>
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<tr>
<td>ing to sire registration and nursery registra-</td>
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<td>tion</td>
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<td></td>
</tr>
<tr>
<td><strong>State Health Department</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Salaries and current general expenses</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td><strong>Militia</strong></td>
<td></td>
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<tr>
<td>2. Salaries and current general expenses</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td><strong>The Public Service Commission</strong></td>
<td></td>
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<tr>
<td>9. Collections to pay salaries and expenses of</td>
<td>20,000.00</td>
<td>20,000.00</td>
</tr>
<tr>
<td>expert engineers or other experts or qualified</td>
<td></td>
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<tr>
<td>persons especially engaged and assigned to the</td>
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<tr>
<td>work of investigation and supervision</td>
<td></td>
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<tr>
<td>9. of proposed water power development as pro-</td>
<td></td>
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<tr>
<td>vided in section three, sub-section C and sec-</td>
<td></td>
<td></td>
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<td>tion six of sub-section B of the water power</td>
<td></td>
<td></td>
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<tr>
<td>act of 1929</td>
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</tr>
<tr>
<td><strong>Forest, Game and Fish Commission</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. To pay all salaries and expenses for adminis-</td>
<td>154,120.00</td>
<td>154,120.00</td>
</tr>
<tr>
<td>tration of game and fish protection and propa-</td>
<td></td>
<td></td>
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<tr>
<td>gation, including dissemination of information</td>
<td></td>
<td></td>
</tr>
<tr>
<td>or otherwise</td>
<td>152,420.00</td>
<td>154,120.00</td>
</tr>
<tr>
<td>7. To pay all salaries and expenses for forest</td>
<td></td>
<td></td>
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<tr>
<td>fire control, construction equipment, personnel,</td>
<td></td>
<td></td>
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<tr>
<td>maintenance, administration and reforestation,</td>
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<td>including dissemination of information by publi-</td>
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<td>cation or otherwise</td>
<td>86,000.00</td>
<td>86,000.00</td>
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<td>13.</td>
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<td></td>
</tr>
</tbody>
</table>
PART TWO

State Board of Control

Sec. 37-a. Collections for general expenses ................................ $1,500.00 $1,500.00

Huntington State Hospital

Sec. 38-a. Collections for general expenses ................................ 150,000.00 150,000.00

Spencer State Hospital

Sec. 39-a. Collections for general expenses ................................ 20,000.00 20,000.00

Weston State Hospital

Sec. 40-a. Collections for general expenses ................................ 30,000.00 30,000.00

State Hospital for Colored Insane

Sec. 41-a. Collections for general expenses ................................ 10,000.00 10,000.00

McKendree Hospital No. 2

Sec. 42-a. Collections for general expenses ................................ 18,000.00 20,000.00

State Tuberculosis Sanitarium

Sec. 43-a. Collections for general expenses ................................ 160,000.00 180,000.00

Rutherford State Sanitarium

Sec. 44-a. Collections for general expenses ................................ 30,000.00 40,000.00

State Colored Tuberculosis Sanitarium

Sec. 45-a. Collections for general expenses ................................ 20,000.00 25,000.00

West Virginia Industrial School for Boys

Sec. 46-a. Collections for general expenses ................................ 30,000.00 30,000.00

State Industrial School for Colored Boys

Sec. 47-a. Collections for general expenses ................................ 5,000.00 6,000.00

West Virginia Industrial Home for Girls

Sec. 48-a. Collections for general expenses ................................ 7,000.00 7,500.00

State Industrial Home for Colored Girls

Sec. 49-a. Collections for general...
<table>
<thead>
<tr>
<th>Institution</th>
<th>Section</th>
<th>General Expenses</th>
<th>State Appropriation</th>
</tr>
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<tbody>
<tr>
<td>West Virginia Children's Home</td>
<td>50-a</td>
<td>$2,000.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>West Virginia Colored Orphans' Home</td>
<td>51-a</td>
<td>$1,500.00</td>
<td>$2,000.00</td>
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<tr>
<td>State Home for Aged and Infirm Colored Men and Women</td>
<td>52-a</td>
<td>$15,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Printing, Binding and Stationery</td>
<td>54-a</td>
<td>$20,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>West Virginia Geological Survey</td>
<td>55-a</td>
<td>$1,250.00</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>State Board of Children's Guardians</td>
<td>56-a</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Point Pleasant Battle Monument Commission</td>
<td>57-a</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>Berkeley Springs Park</td>
<td>58-a</td>
<td>$3,500.00</td>
<td>$4,500.00</td>
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<tr>
<td>West Virginia Penitentiary</td>
<td>68-a</td>
<td>$400,000.00</td>
<td>$400,000.00</td>
</tr>
<tr>
<td>West Virginia University</td>
<td>71-a</td>
<td>$300,000.00</td>
<td>$300,000.00</td>
</tr>
<tr>
<td>Marshall College</td>
<td>74-a</td>
<td>$80,000.00</td>
<td>$85,000.00</td>
</tr>
<tr>
<td>Potomac State School</td>
<td>75-a</td>
<td>$10,000.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>Institution</td>
<td>Collections for general expenses</td>
<td>Amount</td>
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<tr>
<td>New River State School</td>
<td>Sec. 76-a.</td>
<td>25,000.00</td>
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<td></td>
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<td>30,000.00</td>
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<tr>
<td>Fairmont State Normal School</td>
<td>Sec. 77-a.</td>
<td>27,500.00</td>
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<td></td>
<td></td>
<td>30,000.00</td>
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<tr>
<td>Concord State Normal School</td>
<td>Sec. 78-a.</td>
<td>18,000.00</td>
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<td></td>
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<td>20,000.00</td>
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<tr>
<td>Glenville State Normal School</td>
<td>Sec. 79-a.</td>
<td>16,000.00</td>
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<td></td>
<td></td>
<td>18,000.00</td>
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<tr>
<td>Shepherd College State Normal School</td>
<td>Sec. 80-a.</td>
<td>11,000.00</td>
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<td></td>
<td></td>
<td>12,500.00</td>
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<tr>
<td>West Liberty State Normal School</td>
<td>Sec. 81-a.</td>
<td>10,000.00</td>
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<td>10,000.00</td>
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<tr>
<td>West Virginia Schools for the Deaf and the Blind</td>
<td>Sec. 82-a.</td>
<td>1,500.00</td>
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<td>1,500.00</td>
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<tr>
<td>State Schools for Colored Deaf and Blind</td>
<td>Sec. 83-a.</td>
<td>1,000.00</td>
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<td>1,000.00</td>
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<tr>
<td>West Virginia State College</td>
<td>Sec. 84-a.</td>
<td>17,500.00</td>
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<td>17,500.00</td>
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<tr>
<td>Bluefield Colored Institute</td>
<td>Sec. 85-a.</td>
<td>4,000.00</td>
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<td>4,500.00</td>
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<tr>
<td>Welch Hospital No. 1</td>
<td>Sec. K-2.</td>
<td>65,000.00</td>
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<td></td>
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<td>65,000.00</td>
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<tr>
<td>Fairmont Hospital No. 3</td>
<td>Sec. K-3.</td>
<td>48,000.00</td>
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<td></td>
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<td>48,000.00</td>
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<tr>
<td>State Board of Dental Examiners</td>
<td>Sec. K-4.</td>
<td>2,500.00</td>
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<td></td>
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<td>2,500.00</td>
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</tr>
</tbody>
</table>
State Board of Examiners for Nurses
Sec. K-5. Collections for general expenses .......................... 2,500.00

Veterinary Examining Board
Sec. K-6. Collections for general expenses .......................... 250.00

State Board of Embalmers
Sec. K-7. Collections for general expenses .......................... 500.00

State Board of Examiners in Optometry
Sec. K-8. Collections for general expenses .......................... 1,500.00

Board of Architects
Sec. K-9. Collections for general expenses .......................... 1,900.00

Board of Engineers
Sec. K-10. Collections for general expenses .......................... 1,900.00

Board of Bar Examiners
Sec. K-11. Collections for general expenses .......................... 500.00

Board of Osteopathy
Sec. K-12. Collections for general expenses .......................... 500.00

Board of Examiners of Accountants
Sec. K-13. Collections for general expenses .......................... 250.00

Sec. 103. 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 wilfully make a greater charge for such services or expenses than truth justifies, he shall be guilty of embezzlement and punished accordingly.

Sec. 104. All printing, binding, printing paper and stationery for the state superintendent of free schools shall be paid for out of the general school fund. All of said printing, binding, printing paper and stationery shall be purchased on requisition through the superintendent of public printing. 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 appropriation 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 optometry, state board of embalmers, Welch hospital No. 1, McKendree hospital No. 2, Fairmont hospital No. 3, state fire marshall, 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, Rutherford Sanitarium, state colored tuberculosis sanitarium, children's home, 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 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 thereof, 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. 105. No sum of money shall be paid out of the treasury for the years ending June thirtieth, one thousand nine hundred and thirty, and one thousand nine hundred and thirty-one, 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. 106. 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. 107. Appropriation made by the one thousand nine hundred and twenty-seven Legislature for the erection of a monument to the Union Soldiers, Sailors and Marines is hereby continued in effect and made available for expenditure during such time as would be authorized by law had said appropriation been made by this appropriation bill.

CHAPTER 90
(Senate Bill No. 53—By Mr. Woodyard)

AN ACT to amend and re-enact section eight of chapter seventy-one of the acts of one thousand nine hundred and seventeen, relating to Spencer independent school district, as amended and re-enacted by chapter twenty-one of the acts of one thousand nine hundred and twenty-seven, as further amended by chapter eighty-seven of the acts of one thousand nine hundred and twenty-seven.

[Passed February 8, 1929; in effect from passage. Approved by the Governor.]


Be it enacted by the Legislature of West Virginia:

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

Section 8. The board of education of Spencer independent school district shall also meet at the time and perform the duties required of boards of education (other than those for independent districts), except as herein otherwise provided, for the purpose of making, and shall make, estimates of the amount of money required to maintain the schools in said independent school district for the ensuing year, both as to the teachers' and various maintenance and building funds, and of providing for a sinking fund to pay off any bonded indebtedness; and said board of education shall determine the number of months of school to be taught in said district for said year, both in the high and graded schools and any department thereof, which shall not be fewer than nine months for any one year; and shall levy upon the taxable property in said independent school district a sufficient sum for said purposes, which, however, shall not exceed one dollar on each one hundred dollars valuation of the taxable property therein for teachers' funds, and such sum, not to exceed forty cents on each one hundred dollars valuation for maintenance and building funds; and also such sum as may be necessary to pay off any bonded indebtedness within the time provided by the proceedings had and orders entered in respect to bonded indebtedness and the obligation in respect thereto given.

The said levy of one dollar on each one hundred dollars valuation shall not be laid for the year one thousand nine hundred and twenty-nine, and thereafter, unless the question of said proposed levy of one dollar shall be authorized by a majority of the qualified voters of said Spencer independent school district at the regular school election for said district, provided by law to be held in the month of March, in the year one thousand nine hundred and twenty-nine. In the submission of the said levy of one dollar, separate ballots shall be prepared by the proper officers charged with the preparation of the regular election ballot, and said ballots shall be endorsed by the election officers as now provided by law, and be substantially in the following form:

For increased levy for teachers' fund.
Against increased levy for teachers’ fund.

The result of said election, so far as the vote on said levy is concerned, shall be ascertained and declared in the same manner as the general results of said election.

In case a majority of said votes be in favor of said one dollar levy, then the said board of education is authorized annually to levy an amount not to exceed one dollar on each one hundred dollars valuation of the taxable property of said independent school district for a teachers’ fund, which authority for said maximum levy shall remain in force until otherwise provided by law.

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

CHAPTER 91
(Senate Bill No. 77—By Mr. Hallanan)

AN ACT to amend and re-enact section three of chapter seventy-four of the acts of the legislature of West Virginia of one thousand nine hundred and eleven relating to the manner of holding elections for members of the board of education of the Charleston independent school district.

[Passed February 8, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 3. The said board of education shall determine the time, place and manner of holding all elections within said school district, and shall determine the manner of certifying the result thereof; the board of education of said district shall estab-
5lish at least two voting precincts within each ward of the city
6 of Charleston within said district, and the registration for the
7 next preceding general election either municipal or for state
8 and county officers shall be taken as the registration for such
9 elections, and for this purpose the board of education shall have
10 the use of the registration lists without cost.
11 All powers and duties heretofore vested in the county court
12 relating to elections within the said district are hereby con-
13 ferred on the board of education.

CHAPTER 92
(Senate Bill No. 100—By Mr. Smith of Lincoln)

AN ACT to create and establish a joint-district high school for the
districts of Sheridan, Laurel Hill, and Harts Creek, in the
county of Lincoln, upon the site of Guyan Valley high school,
and to provide for the maintenance thereof, and for the erec-
tion of future units thereto.

[Passed March 6, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. Establishing of joint district high
school; how board of education
constituted.
2. Organization and meetings of
board.
3. Term of president of board; duties.
4. Board of education as corporation;
title to school property vested in;
contracts made by Sheridan
district board ratified.
5. Power of board to lay levies; pur-
chase of real estate by; certain
exemption from levy; special new
building fund levy of previous
session validated; liability of
Sheridan district for.
6. Duties of board as to furniture,
7. Transportation of high school
pupils; allowance on transporta-
tion not furnished; limitation on
allowance.
8. Compensation and duties of secre-
try of board.
9. Salary of commissioners; summer
school; qualifications of pupils.
10. Qualifications and duties of prin-
cipal.
11. Oaths of commissioners; how va-
cancies filled.
12. Election to vote on withdrawal of
certain districts from high
school.
13. Provisions of general school law to
apply to high school.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby
2 established in the county of Lincoln, state of West Virginia, at
3 Pleasant View, Sheridan district, at the site of the present
4 Guyan Valley high school, which school shall continue to be
5 known as Guyan Valley high school, but which shall hereafter
6 be a joint-district high school, and the property of the three
7 districts of Sheridan, Laurel Hill and Harts Creek, the board
8 of education of which shall consist of the boards of
9 education of Sheridan, Laurel Hill, and Harts Creek districts
10 acting jointly as a high school board.

Sec. 2. The said board of education at its first meeting, after
2 the passage of this act, and on the first Monday in July, one
3 thousand nine hundred and twenty-nine, and each succeeding
4 year thereafter, on the first Monday in July, shall elect one of
5 its members president, and shall appoint a secretary who is
6 not a member of said board and who shall have no vote in its
7 proceedings. Said board shall hold its meetings at the prin-
8 cipal’s office in the high school building, on the first Saturday
9 of each month, during the school term, and at such other times
10 as may be deemed necessary by the president, or any two mem-
11 bers of the board, who are hereby authorized to call special
12 meetings of said board for the transaction of any general or
13 special business, of which meeting notice shall be given to each
14 member of the board. A majority of said board shall constitute
15 a quorum for the transaction of any and all business.

Sec. 3. The president of said board shall hold his office
2 until his successor shall have been appointed, pursuant to this
3 act, and shall perform such duties as usually devolve upon the
4 presiding officer of a deliberative body, except that he shall
5 have a vote upon each and every question as any other com-
6 missioner, but he shall have but one vote upon any one ques-
7 tion. In his absence, the board may choose a president pro-
8 tempore from among their number, who shall exercise all the
9 powers and duties of the president of said board. Any mem-
10 ber of this board may be removed in accordance with the
11 provisions of general law.

Sec. 4. The Board of education of the said “Guyan Valley
2 high school” shall be a corporation, by the name of the “Board
3 of Education of Guyan Valley high school,” and as such may
4 sue and be sued, plead and be impleaded, contract and be con-
5 tracted with; may purchase and hold such real estate and per-
6 sonal property as it may deem necessary for the purpose of high
7 school education in said district, and may receive and hold any
8 gift, grant or donation, device or bequest, for the benefit of
9 Guyan Valley high school; and shall succeed and be substituted
10 to the rights of Sheridan district board of education of the dis-
11 trict of Sheridan, in the county of Lincoln, in so far as relates
12 to, or in any way affects the Guyan Valley high school. The
13 title of all school property both real and personal located at
Guyan Valley high school, or on the premises thereof, or elsewhere, if used in connection with said high school, is hereby vested in said board of education and its successors. All contracts heretofore made by the Sheridan district board of education respecting said high school, are hereby ratified and affirmed; Provided, that any litigation now pending or hereafter arising by reason of any contract or contracts entered into by the board of education of Sheridan district shall be at the expense of the board of education of Sheridan district and any judgment rendered in any such litigation shall be paid by the board of education of Sheridan district. Said board of education of Guyan Valley high school shall have and exercise all rights and powers now conferred by law on district boards of education.

Sec. 5. The board of education of the said Guyan Valley high school, is hereby authorized, empowered, and directed to lay and collect annually such levies, not to exceed the legal levies permitted to boards of education by general law, on each one hundred dollars of the assessed valuation of all taxable property in said districts of Sheridan, Laurel Hill and Harts Creek, in the county of Lincoln, and state of West Virginia, beginning in the year one thousand nine hundred twenty-nine, as may be necessary for the purpose of providing funds for acquiring additional grounds for the campus, and building additions to the said Guyan Valley high school, when and as the same may be needed for future conditions. Provided, that not exceeding two hundred and fifty dollars may be paid for any lot of land as originally laid out on the map of Pleasant View, and that only such lots may be purchased as are necessary to complete the square on which the high school building is located, and the six lots necessary to complete the square on which the first twenty-four lots were purchased by Sheridan district board of education. Provided, further, that the said districts of Harts Creek and Laurel Hill shall not be taxed for the completion of unit Number two of said building now under construction, but that said unit shall be paid for entirely from the revenues of Sheridan district. Provided, further, that this act shall in no way invalidate the special new building fund levy, authorized by the legislature of one thousand nine hundred and twenty-seven, for the erection of said Guyan Valley high school, as
provided in section two of chapter seventy-six of the acts of
one thousand nine hundred and twenty-seven, but that levy and
the regular twenty cent new building fund levy shall be laid for
the year one thousand nine hundred and twenty-nine, by Sheri-
dan district board of education, and applied toward the present
indebtedness of the district, so far as they pertain to Guyan Val-
ley high school. The teachers levy for the Guyan Valley high
school shall be used only in the payment of salaries for teachers,
principal, librarian, and other assistants. Provided, further,
that after paying all indebtedness, any money remaining in the
high school funds of Sheridan, Laurel Hill, or Harts Creek dis-
tricts, shall be transferred by proper orders to the board of
education of Guyan Valley high school.

Sec. 6. It shall be the duty of the said board of education
to provide, at the earliest possible date, furniture and fixtures,
apparatus and appliances, and all other supplies which are, or
may be necessary to meet the requirements for a first-class high
school, and to keep the school property in good repair, and to
supply high school with proper fuel or light and heat, and
other things necessary for the comfort and convenience of the
said high school, and to pay the cost of the same out of the
high school maintenance building fund, or the new building
fund of said high school board of education. The said board
shall also employ a janitor for the high school, and fix his com-
ensation at not exceeding one hundred dollars per month, pay-
able monthly as other salaries are paid, and may remove such
janitor, for any cause, whenever it shall appear to said board,
that his removal is for the best interest of said high school.

Sec. 7. The said board of education may make
provisions for the transportation of high school pupils entitled
to attend said high school, and for this purpose, it may purchase
school busses, and employ capable drivers therefor, at not more
than seventy-five dollars per month for the regular school term.
Said school busses may only be used on county or state hard
roads. The board shall, where it is impracticable to provide
transportation for any pupil, allow such pupil, while attending
said high school, the sum of fifteen dollars per month in lieu
of transportation. Provided that, in no case, shall any such
allowance be furnished to any pupil living within three miles
of the high school, by the nearest traveled way, or within two
miles, by such traveled way, of any point where transportation facilities furnished by the board may be reached.

Sec. 8. The secretary shall hold office during the will and pleasure of the board, and shall receive such compensation as the board shall determine, not to exceed twenty-five dollars per month. The said secretary shall record in a book provided for the purpose all the official acts and proceedings of the board and the same shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office at the high school, all papers containing evidences 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 the order of the board of education. In the absence of such secretary, the board may appoint a secretary pro tempore. Any vacancy in the office of secretary, shall be filled by the board for the unexpired term, at the regular salary herein provided for the secretary.

Sec. 9. The salary of each commissioner of the said high school board of education and the commissioner acting as president, as herein provided, shall be five dollars per day for not more than fifteen days in anyone year. The said high school board of education may annually make proper provisions for a summer school of nine weeks, beginning within one week of the close of each regular term, in accordance with the recommendation of the principal of said Guyan Valley high school, and under his supervision. Said summer school shall be conducted in such a manner as to maintain the first-class standing of the high school. No pupil shall be entitled to enter Guyan Valley high school until the principal of the said school shall have satisfied himself that the said pupil has made due proficiency, in the grades below the one he wishes to enter.

Sec. 10. At any time after the first of January, in any year, the said board of education shall elect a principal of Guyan Valley high school, for a period of not more than three years, and fix his salary. Said principal shall be a graduate of some well recognized college or university, and shall have had at least three years' experience as principal or superintendent of a school, or system of schools, having a first-class high school rated and recognized as such by the state, at the time said principal or
9 superintendent was in charge of said school or schools. It shall
10 be the duty of said principal to keep himself constantly ac-
11 quainted with the conditions of the high school, and to make
12 definite recommendations to the board of education for the
13 efficient working and control of said high school, and, subject
14 to the approval of the board, shall have final authority and
15 control in determining the discipline and management of said
16 school. He shall investigate and nominate to the board, a suf-
17 ficient number of thoroughly qualified teachers, and a librarian
18 or other assistants as, in his discretion, may be necessary to
19 conduct the high school in such a way as to insure its first-class
20 rating. He may, in case of sickness or other emergencies, em-
21 ploy substitutes to be paid at the expense of teachers or other
22 employees, off duty.

Sec. 11. Before entering upon their duties as school officers,
2 each of said commissioners shall be required to qualify, by tak-
3 ing and subscribing to the oath of office required by law of
4 officers in this state. The secretary of the board of education
5 or any person authorized to administer oaths are hereby author-
6 ized to administer said oath, a copy of which shall be filed with
7 the secretary and kept by him in the files of his office at the
8 high school. Any vacancy that may occur in the office of school
9 commissioner by death, resignation, refusal to serve, removal
10 from the magisterial district from which he was elected, or other-
11 wise, shall be filled by the county superintendent of free schools,
12 within ten days after such vacancy occurs, by the appointment
13 of a suitable person, who shall be a bona fide resident of the
14 magisterial district from which his predecessor was elected, and
15 who shall hold his office until the next general election, when a
16 commissioner shall be elected for the unexpired term, as now
17 provided by general law.

Sec. 12. At any time after November one, one thousand nine
2 hundred and thirty-two, on petition of three hundred voters
3 from either Laurel Hill, or Harts Creek district, the board of
4 education of said district is hereby authorized, empowered and
5 directed to call a special election to vote on the question of
6 withdrawing from the said Guyan Valley high school which
7 vote shall be determined by a two-thirds majority of the votes
8 cast in said election. The special election herein provided shall
9 be otherwise conducted in accordance with the provisions of
10 general law. In case of the withdrawal of either Laurel Hill
11 or Harts Creek districts from the said Guyan Valley high
12 school, as herein provided, said district shall automatically
13 surrender any and all its rights to said Guyan Valley high
14 school, or any property connected with said school, and the
15 title to said school and all said property shall thereafter be
16 vested in and be jointly under the control of the remaining dis-
17 trict or districts acting jointly as a high school board.

Sec. 13. The provision of the general school law of the state,
2 when not in conflict with or contrary to the provisions of this
3 act, shall be applicable to the Guyan Valley high school hereby
4 established.
5 All acts or parts of acts inconsistent with the provisions of
6 this act, in so far as they may relate to said high school, are
7 hereby repealed.

CHAPTER 93
(Senate Bill No. 126—By Mr. Henshaw)
AN ACT to validate the proceedings authorizing the issuance of
school bonds of the board of education of the district of
Charles Town in the county of Jefferson, state of West Vir­
ginia, in the sum of one hundred and twenty-five thousand
dollars, authorized at an election held in the district of Charles
Town on the sixth day of November, one thousand nine hun­
dred and twenty-eight, by a vote of three-fifths of the voters
voting at said election upon the question of issuing said bonds
for the purpose of establishing a high school in or near the
town of Charles Town in the district of Charles Town, and
also for the purpose of establishing a colored grade school for
the colored pupils of school age in said district of Charles
Town, and to authorize the execution and sale of said bonds
and to provide a tax to pay the same and the interest thereon.

[Passed February 12, 1929; in effect from passage. Approved by the Governor.]
Be it enacted by the Legislature of West Virginia:

That certain proceedings authorizing the issuance of school bonds of the district of Charles Town in the county of Jefferson and state of West Virginia be validated and the execution and sale of said bonds be authorized; and that provision be made for a tax to pay the said bonds and the interest thereon.

Section 1. All proceedings authorizing the issuance of school bonds for the district of Charles Town in the county of Jefferson, state of West Virginia, in the sum of one hundred and twenty-five thousand dollars authorized at an election held on the sixth day of November, one thousand nine hundred and twenty-eight, by a vote of three-fifths of the voters of said district voting upon the question of issuing said bonds for the purpose of establishing a high school in the district of Charles Town and also to establish a grade school for the colored pupils of school age in said district as set out in the order of the board of education of the district of Charles Town in the county of Jefferson on the twenty-seventh day of September, one thousand nine hundred and twenty-eight, submitting the proposition of issuing said bonds to the voters of said district, are hereby in all respects validated and confirmed.

Sec. 2. The board of education of the district of Charles Town in the county of Jefferson, state of West Virginia, is hereby authorized to execute, make sale of and deliver the bonds described in section one of this act pursuant to the proceedings mentioned therein, which said bonds shall bear date as of the first day of January, one thousand nine hundred and twenty-nine, and interest at the rate of five per centum per annum, payable semi-annually, and be in the denomination of five hundred dollars each, and numbered from one to two hundred and fifty, both inclusive, and payable as provided in said order of the board of education of the district of Charles Town, in the county of Jefferson, made on the eleventh day of December, one thousand nine hundred and twenty-eight.

Sec. 3. Each of said bonds herein authorized and the coupons to be attached thereto shall be in words and figures as follows, to-wit:

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
SCHOOL BONDS OF THE DISTRICT OF CHARLES
TOWN IN THE COUNTY OF JEFFERSON AND
STATE OF WEST VIRGINIA.

KNOW ALL MEN BY THESE PRESENTS:

That the board of education of the district of Charles Town in the county of Jefferson and state of West Virginia, a corporation created and existing under and by virtue of the laws of the state of West Virginia, for value received, acknowledges itself to be indebted and promises to pay to the bearer the sum of five hundred dollars in gold coin of the United States of America of the present standard of weight and fineness, on the first day of January, 18......, together with interest thereon at the rate of five per cent per annum, payable semi-annually on the first day of July and the first day of January in each year until the maturity of the bonds; both the principal and interest thereon being payable to the bearer at the office of the treasurer of the state of West Virginia, or at the National City Bank of New York in the City of New York, at the option of the holder of this bond; said interest being payable only upon presentation and surrender of annexed coupons as they severally become due and payable. This bond is one of thirty-one series of two hundred and fifty bonds of five hundred dollars each and aggregating one hundred and twenty-five thousand dollars, numbered consecutively from one to two hundred and fifty inclusive, of like date, amount, tenor and effect, except as to number and maturity, "issued for the purpose of establishing a high school in or near the town of Charles Town in the district of Charles Town for the separate use of the district of Charles Town, and for the purpose of establishing a colored grade school for the colored pupils of school age in said district of Charles Town."

The holder of this bond shall present the same for payment on the date and at the place or places fixed for payment thereof, and failure to so present said bond shall cause the interest thereon to cease, and no interest thereon shall be paid after this bond becomes due unless the same be presented and no interest coupon attached thereto shall bear interest after the date fixed for the presentation thereof unless presented.

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, including an act passed by the legislature on the....................day of..................................,
In testimony whereof, the board of education of the district of Charles Town in the county of Jefferson and state of West Virginia has caused this bond to be signed by its president and countersigned by its secretary with the corporate seal of the said board of education of the district of Charles Town in the county of Jefferson, hereto affixed; and has caused annexed interest coupons to be executed with the engraved fac simile signatures of said president and secretary, and this bond is dated as of the first day of January, one thousand nine hundred and twenty-nine.

Board of Education of the District of Charles Town in the County of Jefferson.
By.............................................., President.

Countersigned,
By..................................................., Secretary.

Form of Coupon

No......................... $12.50
On the.................. day of................................., 19........,
the board of education of the district of Charles Town in the county of Jefferson, state of West Virginia, will pay to the bearer twelve dollars and fifty cents at the office of the treasurer of the state of West Virginia, or at the National City Bank of New York, in the City of New York, at the option of the holder, it being six months interest on its bond number............. for five hundred dollars, dated the first day of January, one thousand nine hundred and twenty-nine.

Board of Education of the District of Charles Town in the County of Jefferson.
By.............................................., President.

Countersigned,
By..................................................., Secretary.

Sec. 4. The board of education of the district of Charles Town in the county of Jefferson, state of West Virginia, shall annually at the levy term thereof make and lay a levy on all the taxable property in said district, sufficient in amount to pay the interest on the bonds herein authorized, and the principal thereof at maturity.
Sec. 5. The provisions of this bill shall take effect from passage.

CHAPTER 94

(Senate Bill No. 139—By Mr. Hallanan)

AN ACT to amend and re-enact section one of chapter seventy-four of the acts of the legislature of West Virginia of one thousand nine hundred and eleven, as amended by chapter one hundred and ten of the acts of the legislature of one thousand nine hundred and fifteen and by chapter seventy-two of the acts of the legislature of one thousand nine hundred and twenty-seven relating to the boundaries of Charleston independent school district.

(Passed March 1, 1929; in effect from passage. Approved by the Governor.)

Sec. 1. Boundary; approval of voters required. 2. Form of ballot; how election conducted; publication of notice.

Be it enacted by the Legislature of West Virginia:

That section one of chapter seventy-four of the acts of the legislature of West Virginia of one thousand nine hundred and eleven, as amended by chapter one hundred and ten of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen; and by chapter seventy-two of the acts of the legislature of one thousand nine hundred and twenty-seven, relating to the boundaries of Charleston independent school district, be amended and re-enacted so as to read as follows:

Section 1. That the boundaries of the Charleston independent school district, as defined in section one, of an act of the legislature of West Virginia, passed on the fifteenth day of February one thousand nine hundred and eleven, (being chapter seventy-four of the acts of one thousand nine hundred and eleven of said legislature) as amended by an act of the legislature of West Virginia, passed on the sixteenth day of February, one thousand nine hundred and fifteen, (being chapter one hundred and ten of the acts of one thousand nine hundred and ten of the acts of one thousand nine hundred and fifteen of said legislature); and by an act of the legislature of West Virginia, passed on the first day of April,
one thousand nine hundred and twenty-seven, (being chapter seventy-two of the acts of one thousand nine hundred and twenty-seven of said legislature) be, and the same are hereby enlarged so as to include all the following described territory, lying within the Charleston independent school district, and the school districts of Charleston and Loudon in the county of Kanawha, state of West Virginia, namely:

Beginning at the upper or east property line of Patrick street at its intersection of the Kanawha river at low water mark in Charleston district; thence following the property lines on the east side of Patrick street north thirty-two degrees forty-one minutes east to a point one hundred forty-seven and five-tenths feet northeast of the north property line of Second avenue; thence north fifty-seven degrees nineteen minutes west six hundred feet to an iron pipe; thence north thirty-two degrees forty-one minutes east five hundred and eighteen feet to the north right-of-way line of the New York Central railroad company; thence following the north right-of-way line of said railroad westerly to Two Mile creek; thence following the center of Kanawha Two Mile creek in a northeasterly direction to a point in the northeast line extended of lot five, block thirty-eight of West Charleston; thence in a northeast direction in a straight line to the southwest corner of the Littlepage Hill addition at the intersection of Charleston street and the Sissonville road; thence north seventy degrees thirty-five minutes east three hundred feet; thence north sixty-six degrees fifteen minutes east two hundred and one feet; thence north sixty-six degrees east ninety-nine feet; thence north forty-two degrees east one hundred and ninety-one feet; thence north seventy-eight degrees thirty minutes east one hundred ninety feet; thence south fifty-four degrees east sixty-two feet to the northeast corner of the Littlepage Hill addition; thence south fifty-six degrees one hundred and seventy feet to the northeast corner of the Sunset View addition; thence in a northeast direction following the north line of the Bellevue addition to the west line of the Parsons-Poling addition; thence in a northeast direction following the west line of the Parsons-Poling addition to the northwest corner of said addition; thence east following the northeast line to the northeast corner of said
53 addition; thence east following the north line of the Valley
54 View addition to the west line of the Fairview addition;
55 thence south twenty-eight degrees west to the north line
56 extended of lot two hundred and sixty-one of the second
57 resubdivision of Fairview; thence south sixty-two degrees
58 east with the south line of an alley extended to the east
59 side of Chandler road; thence south forty-four degrees
60 forty-five minutes west eighty feet more or less to a point
61 marked three hundred and ninety-six on said Fairview
62 map; thence south sixty-two degrees fifteen minutes west
63 eighty feet; thence south seventy-one degrees twenty-five
64 minutes west seven and twenty-one one-hundredths feet;
65 thence south sixty-two degrees east two hundred thirty and
66 seventy-four one-hundredths feet to the west line of lot
67 one hundred and fourteen; thence north twenty-eight degrees
68 east one hundred seventy-seven and five one-
69 hundredths feet to the northwest corner of lot one hundred
70 and seventeen; thence south sixty-two degrees no minutes
71 east one hundred and fifty feet to the northeast corner of
72 lot one hundred and seventeen; thence by a straight line
73 to the southeast corner of lot two hundred and eight; thence
74 north two hundred and eighty east one hundred and
75 twenty feet to the northwest corner of lot two hundred
76 and eight; thence south sixty-two degrees east one hundred
77 and forty-two six one-hundredths feet with the north lines
78 of lots two hundred and eight and two hundred and seven
79 to the northeast corner of lot two hundred and seven; thence
80 by a straight line to the northwest corner of lot two hun-
81 dred and four; thence south sixty-two degrees east one
82 hundred and twenty feet to the northeast corner of lot two
83 hundred and four; thence by a straight line to the north
84 corner of lot two hundred and fifty-three of Fairview;
85 thence north two hundred and eighty degrees east with the
86 east side of Wilton avenue three hundred and eighty-nine
87 eighty-four one-hundredths feet to a point; thence by a line
88 curving to the right with a radius of two hundred and
89 twenty-nine two one-hundredths feet to the northeast cor-
90 ner of lot six hundred and sixty-five Fairview; thence with
91 the south side of Wood road in Edgewood Park to the
92 northeast corner of lot three of Edgewood Park; thence
93 with the east line of lot three south thirteen degrees ten
94 minutes east one hundred and seventy-one eight one-
95 hundredths feet to the southeast corner of lot three; thence
96 with the south line of lot two south forty-four degrees one
97 minute east two four one-hundredths feet; thence
98 south twenty-nine degrees twenty-eight minutes east twenty
99 feet; thence south forty-one degrees forty minutes east
100 nine seven one-hundredths feet; thence south sixty-four de-
101 grees forty minutes east twenty-five feet; thence south
102 thirty degrees west crossing Edgewood drive to a point
103 one hundred and twenty feet south of the south line of
104 Edgewood drive; thence in a westerly and southerly direc-
105 tion one hundred and twenty feet from and parallel to the
106 east line of Edgewood drive to a point three hundred and
107 ten feet from the north line of lot seventy-four, block G
108 Edgewood; thence with a straight line in an easterly direc-
109 tion to a stake at the extreme northern end of Carr street;
110 thence with a straight line to the northwest corner of lot
111 sixteen of block D of the Sunkist Heights addition; thence
112 with the north line of the Sunkist Heights addition to
113 Magazine road; thence with Rockway road to a point two
114 hundred feet from Magazine road; thence with a line par-
115 allel to and two hundred feet from Magazine road to the
116 south line of the Hope property; thence with a straight
117 line to the west corner of lot thirty-one, block F of the
118 Allen addition; thence following the back line of the Allen
119 addition to the Hillsdale addition; thence with the north
120 line of the Hillsdale addition to the northeast corner of lot
121 eighty of the Hillsdale addition; thence east by a straight
122 line to the center of the branch in Gill hollow; thence with
123 the center of the branch in Gill hollow extended to the low
124 water mark on the south side of Elk river; thence down
125 said Elk river at low water mark to a point in the center
126 of Coal branch; thence in a straight line to the northeast
127 corner of lot one, block one of the Capitol Hill property,
128 as shown on the map of same and recorded in the office
129 of the clerk of the county court of Kanawha county; thence
130 in a straight line to the southwest corner of lot thirteen of
131 the Jeffries Hill land; thence with a straight line to the
132 southeast corner of lot two of the Jeffries Hill land; thence
133 in a straight line to the northwest corner of the East Wood-
400 CHARLESTON INDEPENDENT DISTRICT

134 land addition; thence with the north line of the East Wood-
135 land addition to the northeast corner thereof; thence east
136 crossing Ruffner Hollow drive to a point two hundred feet
east of Ruffner Hollow drive; thence in a southerly direc-
138 tion two hundred feet east of and parallel to Ruffner Hol-
139 low drive to a point two hundred feet from Piedmont road;
thence in an easterly direction parallel with the Piedmont
141 road and two hundred feet northeast of same to a point in
142 the west line extended of lot forty-four of the Floyd addi-
143 tion to the city of Charleston; thence in a northeasterly di-
144 rection to the southwest corner of lot two of the Floyd addi-
145 tion; thence in a northerly direction following the back line
146 of lots two to thirty-six inclusive of the Floyd addition to
147 the northwest corner of lot thirty-six of the Floyd addition;
thence in a southeasterly direction following the northeast
149 line of Floyd's addition to the northwest corner of lot
150 thirty-seven of the Floyd addition, also corner to a lot
151 owned by L. E. McWhorter; thence in a northeast direction
to a pine tree at the north corner of the said L. E. Mc-
153 Whorter lot; thence in a southeast direction to the north-
154 east corner of lot three hundred and ninety-four of the
155 Riverview addition; thence following the westerly line of
156 Lower way to Wilson way; thence following the westerly line
157 of Wilson way to the southeast corner of lot fifty of the River-
158 view addition; thence in a southeasterly direction to the
159 northwest corner of lot sixty-five of the Riverview addition;
thence following the south line of Midway easterly, to the
161 northeast corner of lot seventy; thence following the east
162 line of lot seventy extended to low water mark of the
163 Kanawha river; thence with low water mark of Kanawha
164 river to a point opposite the east line of Twenty-seventh
165 street, Kanawha City; thence across said river to the east
166 side of Twenty-seventh street, Kanawha City in Loudon
167 district; thence with the east side of Twenty-seventh street
168 extended to a point in the south line of the county road;
thence easterly with the south line of the county road to
170 the east line of the school lot; thence with the east line
171 of the school lot extended to a point five hundred feet
172 south of the Chesapeake & Ohio Railroad right-of-way;
thence westerly five hundred feet from and parallel to the
174 Chesapeake & Ohio right-of-way to a point in the west
175 line of the Loudon Heights addition; thence in a southerly
176 direction with the west line of the Loudon Heights addition
177 to the south corner of lot twenty of said Loudon Heights
178 addition; thence with a straight line to the east corner of
179 block one in the subdivision of south Charleston; thence
180 in a southwesterly direction with the southerly lines of
181 blocks one, two, three and four of the subdivision of South
182 Charleston to the southeast corner of Block four of the
183 said subdivision; thence with the southwesterly lines of
184 blocks four, five and eight of the subdivision of South
185 Charleston to Bridge avenue; thence southwesterly to the
186 intersection of the west side of Bridge avenue and the
187 north side of Ravinia drive; thence westerly with the north
188 side of Ravinia drive to Ferry Branch; thence northerly
189 with the center of Ferry Branch to a point in the old cor-
190 poration line where same intersects Ferry Branch; thence
191 down Ferry Branch to the Chesapeake & Ohio right-of-
192 way as follows; north eight degrees fifteen minutes east six
193 hundred and sixty feet; north seven degrees west two
194 hundred and sixty-four and two-fifths feet; north one degree
195 thirty minutes west two hundred and fifteen feet; north
196 fifteen degrees west one hundred and forty feet; north
197 seven degrees thirty minutes east one hundred and ninety-
198 four and one-tenth feet; north twenty-nine degrees east
199 three hundred and seventy feet; north thirty-one degrees
200 east three hundred and forty-nine and seven-tenths feet;
201 north eighteen degrees west three hundred and ninety feet;
202 north thirty-seven degrees thirty minutes west two hun-
203 dred and eighty feet; north forty degrees thirty minutes
204 west two hundred feet; north thirty degrees thirty minutes
205 east three hundred and fifteen feet; north one degree thirty
206 minutes east two hundred and ninety-four feet; north fifty
207 degrees thirty-four minutes east two hundred feet; north
208 forty-one degrees east seven hundred and eighty-one feet; north
209 seventy-nine degrees east four hundred feet; north one de-
210 gree thirty minutes west eight hundred ten feet to low
211 water mark of the Kanawha river at the mouth of Ferry
212 Branch; thence down the Kanawha river at low water mark
213 on the south side of said river to a point opposite the upper
214 or east line of Patrick street; thence across the Kanawha
215 river to the place of beginning.
Provided, however, that before this act shall take effect it shall be submitted to the voters of the several school districts out of which said Charleston independent school district is to be formed, that is to say, to the voters of Loudon and Charleston districts and of the said Charleston independent school district, at a special election to be held in said several districts under the direction and control of the county court of Kanawha county, on the third Tuesday in May, one thousand and nine hundred and twenty-nine.

Sec. 2. The tickets for said special election shall have written and printed thereon "for independent school district" and "against independent school district." Such election shall be held at such of the voting places established for general elections in said districts of Loudon, Charleston and Charleston independent school districts as said court may prescribe. Said election shall be conducted and the result thereof ascertained by officers to be appointed by said county court for the purpose, who shall certify the result thereof at each voting place to said county court and said county court shall canvass said returns of said election and determine and declare the result thereof.

Notice of said election shall be given by the said county court by publication once a week for two successive weeks prior thereto in two newspapers of opposite politics, published in the City of Charleston, Kanawha county, West Virginia, and having general circulation in said districts of Loudon and Charleston and Charleston independent school districts.

If the majority of the votes cast upon said question at said election shall be for said independent school district, then said territory hereinbefore described, shall thereafter be included in and constitute the said Charleston independent school district.

If the majority of the votes cast on said question in said election shall be against said Charleston independent school district then the boundaries of the territory embraced in the Charleston independent school district, shall remain as at present, that is to say, as provided by section one of chapter seventy-four of the acts of the legislature of West Virginia of one thousand nine hundred and eleven, as amended by chapter one hundred and ten of the acts of the legislature of one thousand nine hundred and fifteen and chapter seventy-two of the acts of the legislature of one thousand nine hundred and twenty-seven.
AN ACT to amend and re-enact sections one, three and four of chapter one hundred fifteen of the acts of the legislature of West Virginia, regular session, one thousand nine hundred nineteen, and section two of chapter fifty-three of the acts of the legislature of West Virginia, nineteen hundred twenty-one, entitled "an act authorizing the establishment of a school teachers' retirement pension fund for the Charleston independent school district, of Charleston."

[Passed March 1, 1929; 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. The Board of Education of the Charleston Independent school district is hereby authorized to establish a school employees' retirement pension fund for the Charleston Independent school district, and to adopt and enforce rules and regulations not inconsistent herewith, for the creation, maintenance, government, investment and distribution of said fund.

Sec. 2. Said fund if so established, shall be made up of (a) such sums as the said board of education shall from time to time appropriate for the benefit of said fund from the school funds of the Charleston Independent school district; (b) such donations, legacies and gifts as shall at any time be made for the benefit of said fund.

Sec. 3. Said fund, if so established, shall be maintained solely for the benefit of retiring school employees who shall have rendered long service in the employ of said board of education, and who retire from service after such length of time as shall, by uniform rules, be fixed by said board.

Sec. 4. The words "Public schools" as used in this act shall be taken to include the primary or sub-district schools, the junior high schools and the high schools of the Charleston Independent school district, of Charleston, and the words
5 "school employees" as used in this act shall be taken to include all teachers, superintendents of instruction, principals, 7 special teachers, secretaries, clerks, librarians, nurses, dental 8 hygienists, janitors and other employees regularly employed 9 by said board of education in said public schools in any 10 manner.

CHAPTER 96

(Senate Bill No. 146—By Mr. Woods)

AN ACT to fix the salary of the clerical assistant to the county superintendent of free schools of McDowell county, and providing for the payment of the same.

[Passed February 26, 1929; in effect from passage. Became a law without the approval of the Governor.]

Sec. 1. County court to provide clerical assistance for county superintendent; salary.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of McDowell county is hereby authorized and directed to provide proper clerical assistance for the office of the county superintendent of free schools of McDowell county, and to pay monthly out of the county fund the salary of the person performing such service; the amount of said salary so paid said assistant shall not exceed eighteen hundred dollars per annum.

CHAPTER 97

(Senate Bill No. 106—By Mr. Davis of Ritchie)

AN ACT to create the Washington independent school district of Pleasants county, West Virginia.
Be it enacted by the Legislature of West Virginia:

Section 1. The Washington independent school district in the county of Pleasants and state of West Virginia is hereby created and shall include the territory contained within the boundaries of the magisterial district of Washington in the said county of Pleasants and state of West Virginia.

Sec. 2. There shall be a board of education of the said Washington independent school district consisting of a president and two commissioners, residents thereof, to be elected by the qualified voters of said district, the terms of office of each of whom shall be four years. The present members of the board of education of said magisterial district of Washington in said county shall hold office until the expiration of their respective terms, or until their successors have been chosen.

Sec. 3. Successors to the present members of the board of education of said Washington independent school district shall be chosen at the general election to be held on the first Tuesday after the first Monday of November, one thousand nine hundred and thirty and one thousand nine hundred and thirty-two, and as provided under section forty-one of chapter forty-five, Barnes' code, one thousand nine hundred and twenty-three, the said president and commissioners of said board 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. The officer so elected shall, within twenty days after his election or appointment, and before he shall enter upon the duties of his office, take and subscribe the oath of office as prescribed for district officers as provided by general laws, which may be done before any person authorized by law to administer oaths, or before the president of the board of education of said...
Sec. 4. Any vacancy that may occur in the office of said board by death, resignation, refusal to serve or otherwise, shall be filled by the board of education of the said district at their first regular meeting thereafter, or as soon as circumstances will permit, by the appointment of a suitable person, who shall hold his office until the next election of members of said board, when a member shall be elected for the unexpired term.

Sec. 5. The board of education shall hold regular meetings at such times and places as may be designated 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 members shall be required to elect a superintendent or teachers and to decide all questions involving the expenditure of money. Each member of the said board shall be entitled to receive as compensation for his services three dollars per day in each day spent in the performance of his official duties; provided, however, that the president of said board shall not receive pay for more than fifteen days, and no commissioner shall receive pay for more than twelve days in any year.
Sec. 6. The board of education of the said Washington independent school district shall be a body corporate in law, and as such may purchase, hold, sell or convey real estate or personal 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 district.

Sec. 7. The board of education shall have exclusive control over 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 district, 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 may prescribe text books for the use of the schools in the district, or supplement the list adopted for the county, and may furnish books and stationery for the use of indigent children in attendance at the schools. They may furnish all necessary apparatus and books for the use of the schools and incur all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of the district. They shall have power to establish such other departments in said schools, such as manual training, music, drawing, or other departments, as shall be deemed advisable to the interest of said independent school district.

Sec. 8. The board of education shall provide by purchase, lease, building, or otherwise, a sufficient number of suitable school houses and other buildings to meet the educational needs of the district and shall also provide such furniture, fixtures, and apparatus for said school houses and other buildings, as may be necessary for the effectiveness of the schools and for the convenience, health and cleanliness of the pupils, and shall cause the school property to be kept in good order and repair. The board of education shall have authority to sell any school
buildings when in its judgment, they are improperly located or unsuitable for school purposes. Said board, may at its discretion, provide proper medical and dental inspection of pupils.

Sec. 9. The board of education shall have authority to appoint a superintendent of schools for the said Washington independent school district of said Pleasant county at any time after the first of January in any year. The compensation of said superintendent shall be fixed by the board of education. Said superintendent, in addition to the duties specified in this act, shall perform such other appropriate duties with relation to the schools of said independent district as the board may prescribe. He shall be liable to removal by the board of education for any palpable violation of the law or omissions of duty, or for other good and sufficient cause, but he shall not be removed unless charges be preferred to the board by a member thereof, 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 defense.

Said superintendent shall exercise general supervision over all schools of the district and shall prepare and revise, with the approval of the board, courses of study to be used in the schools.

He shall recommend for appointment teachers to be employed in the district schools and shall make all necessary reports and, insofar as he is able, shall furnish such information relating to the schools as the board of education may desire.

Sec. 10. At any time after January first, the board of education shall have power and authority to employ, for the ensuing school year, teachers, janitors, truant officer and other employees for the public schools of the district and fix their salaries and shall establish rules and regulations to which they shall be subjected and may be removed at any time for proper cause. Said board shall have the power of prescribing the qualifications of teachers in the schools of the district, and may appoint an examining committee for the purpose of examining applicants for positions as teachers and granting certificates to those found qualified to teach in the schools.

Sec. 11. It shall be the duty of the board of education of the Washington independent school district of said Pleasant county annually, at the same time and in the same manner now pro-
vided, 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 therein. It shall be the duty of the board of education annually, at such meeting to levy as many cents on each one hundred dollars of valuation of the taxable property of the district, according to the last assessment thereof, as will produce the amount shown by the estimate of said board to be necessary to be levied for the different school fund purposes as provided in the general school law of the state, which will continue adequately the schools of the district for a minimum term of nine months and the board of education of said independent school 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.

Sec. 12. All provisions of the general school law of this 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 this state. Provided, however, that the provisions of this act shall not apply to said magisterial district of Washington in said county of Pleasants until the qualified voters residing therein, by a majority of votes cast at a special or general election, called by the board of education of said district, declare in favor thereof.

CHAPTER 98
(Senate Bill No. 100—By Mr. Watkins)

AN ACT to authorize the board of education, Fetterman district of Taylor county, to transfer funds now in the high school maintenance fund of that district to the high school teachers' fund.
AUTHORIZING TRANSFER SCHOOL FUNDS [Ch. 99

Passed February 26, 1929; in effect from passage. Became a law without the approval of the Governor.

SEC. 1. Board of education authorized to transfer certain money to high school teachers fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Fetterman district, Taylor county, is hereby authorized to transfer the sum of one thousand seven hundred and fifty-one dollars and ninety-four cents now in the high school maintenance fund of said district to the high school teachers' fund of said district and to use such funds for all of the purposes now authorized by law for high school teachers' funds.

CHAPTER 99

(House Bill No. 13—By Mr. Reed)

AN ACT to authorize the board of directors of the Clay county high school to appropriate and use the funds levied for dormitory purposes to construct and equip additional buildings for classroom and other purposes.

Passed January 31, 1929; in effect from passage. Approved by the Governor.

SEC. 1. Transferring Clay county high school dormitory fund.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of directors of the Clay county high school are hereby authorized to use all funds formerly levied by said board of directors under the provisions of section eighty-three of chapter forty-five of Barnes' code of West Virginia, and held by them as a dormitory fund, for the purpose of constructing additional buildings other than a dormitory, for classroom and other purposes in connection with said Clay county high school.
CHAPTER 100

(House Bill No. 40—By Mr. Cooper)

AN ACT to validate the high school at Glen Rogers, in Slab Fork district, Wyoming county, West Virginia, and to authorize its maintenance and support.

[Passed February 12, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec.

Be it enacted by the Legislature of West Virginia:

Section 1. The high school at Glen Rogers in Slab Fork district of Wyoming county, West Virginia, is hereby in all respects validated and confirmed.

Sec. 2. The board of education of said Slab Fork district is hereby authorized to maintain and control said high school in the same manner, and under the same limitations as are provided for high schools established under section seventy-five of chapter forty-five of Barnes’ code of West Virginia of one thousand nine hundred and twenty-three.

CHAPTER 101

(House Bill No. 40—By Mr. Fonner)

AN ACT to amend and re-enact sections one and four of chapter twenty-three of the acts of the legislature of one thousand nine hundred and seven, establishing a high school in the county of Tyler, state of West Virginia.

[Passed February 11, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec.
1. Board of directors for. 4. Levy for: transportation of pupils, how paid; property exempt from levy.

Be it enacted by the Legislature of West Virginia:

That sections one and four of chapter twenty-three of the acts of the legislature of one thousand nine hundred and seven be amended and re-enacted so as to read as follows:
Section 1. That a high school has been established and the same is now operating in the county of Tyler, in the town of Middlebourne, state of West Virginia, which is known as "The Tyler County High School." The board of directors of the said high school shall consist of the presidents of boards of education in the several districts not now maintaining a first class high school, and the term of office of said board of directors shall be for the term of office for which the members thereof were elected or appointed. The county superintendent of free schools of said county shall be a member and also ex-officio president of the Tyler county high school board of directors.

Sec. 4. For the purpose of increasing grounds and buildings, as the growth of the school may demand, the said board of directors shall lay a levy not in excess of the amount now fixed by the general high school law on the assessable property within their various districts. And further, the said board of directors shall lay a levy not in excess of the amount fixed by the general high school law on the assessable property represented in their various districts for the teachers salaries and the maintenance of the said Tyler county high school, and they shall, upon the demand of any board of education under the jurisdiction of the Tyler county high school, furnish one-half the necessary expense for the transportation of the students from that district, and the cost of said transportation shall be chargeable jointly to the maintenance fund of the Tyler county high school and the district so demanding transportation. The assessable property of any district or independent district now maintaining its own first class high school in the county of Tyler, state of West Virginia, shall be exempt from taxation by said board of directors.

CHAPTER 102

(House Bill No. 67—By Mr. Haymnod)

AN ACT to amend and re-enact section one of chapter twenty-nine of the acts of the legislature of West Virginia of the year one thousand, nine hundred and twenty-one, relating to the boundary lines of Grafton independent school district.
CHAPTER 103
(House Bill No. 72—By Mr. Peters)

AN ACT to validate the high school at Glenwood, in Beaver Pond district, Mercer county, West Virginia, and to authorize its maintenance and support.

[Passed February 12, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Validation of Glenwood high school. 2. How maintained and controlled.

Be it enacted by the Legislature of West Virginia:

Section 1. The high school at Glenwood in Beaver Pond district, Mercer county, West Virginia, is hereby in all respects validated and confirmed.

Sec. 2. The board of education of said Beaver Pond district is hereby authorized to maintain and control said high school in the same manner and under the same limitations as are provided for high schools established under section seventy-eight of chapter forty-five of Barnes' code of West Virginia, of one thousand nine hundred and twenty-three.
CHAPTER 104
(House Bill No. 73—By Mr. Peters)

AN ACT to validate the high school at Brush Fork, in Beaver Pond District, Mercer county, West Virginia, and to authorize its maintenance and support.

[Passed February 12, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 1. Validation of Brush Fork high school.
SEC. 2. How maintained and controlled.

Be it enacted by the Legislature of West Virginia:

Section 1. The high school at Brush Fork, in Beaver Pond District of Mercer county, West Virginia, is hereby in all respects validated and confirmed.

Sec. 2. The board of education of said Beaver Pond District is hereby authorized to maintain and control said high school in the same manner, and under the same limitations as are provided for high schools established under section seventy-eight of chapter forty-five of Barnes’ code of West Virginia, of one thousand nine hundred and twenty-three.

CHAPTER 105
(House Bill No. 93—By Mr. Cooper)

AN ACT to establish a high school for colored pupils in Barkers Ridge district in Wyoming county.

[Passed February 12, 1929; in effect from passage. Approved by the Governor.]

SEC. 1. High school for colored pupils in Barkers Ridge district established.
SEC. 2. How governed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Barkers Ridge District, Wyoming county, is hereby authorized to establish in said district a high school for the use and benefit of the colored pupils therein.

Sec. 2. The high school provided for in section one of this act shall be governed in all respects by the general laws relating to high schools.
CHAPTER 106

(House Bill No. 94—By Mr. Cooper)

AN ACT to establish a high school for colored pupils in Slab Fork district in Wyoming county.

[Passed February 12, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. High school for colored pupils in Slab Fork district established.

Sec. 2. High school for colored pupils in Slab Fork district to be governed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Slab Fork district, Wyoming county, is hereby authorized to establish in said district, a high school for the use and benefit of the colored pupils therein.

Section 2. The high school provided for in section one of this act shall be governed in all respects by the general laws relating to high schools.

CHAPTER 107

(House Bill No. 230—By Mr. Smith of Doddridge)

AN ACT to provide for the establishing of a county high school in the county of Doddridge.

[Passed February 20, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. County high school established.

Sec. 2. Board of directors for vacancies in.

Sec. 3. Board of directors, a body corporate.

Sec. 4. Meetings of board; salaries of members.

Sec. 5. Levy for high school.

Sec. 6. When districts exempt from levy.

Sec. 7. Special election concerning; ballots for; when held; election of officials, salaries.

Be it enacted by the Legislature of West Virginia:

That a high school be and is hereby established in the county of Doddridge, to be known as the Doddridge county high school.

Section 1. That a high school be and the same is hereby established in and for the county of Doddridge, state of West Virginia, at or near the town of West Union, for such districts in said county as may ratify this act, which shall be known as the Doddridge 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 districts and independent district boards of education of Doddridge county, except as hereinafter provided, who shall annually, at a regular meeting to be held on the first Tuesday 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. In case of the failure of the board of directors to fill such vacancy within thirty days after it shall occur, it shall be the duty of the county superintendent of free schools of Doddridge 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 Doddridge 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 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 Doddridge 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 spe-
10. All meetings shall be in writing and shall be handed to each
11. member in person or mailed to his proper postoffice address.
12. The said board of directors shall also hold such statutory meet-
13. ings as are provided by general law for district boards of edu-
14. cation. The president of said board of directors shall receive
15. sixty dollars a year, and the members shall receive three dol-
16. lars for each meeting attended, not to exceed twelve in any
17. one year. The secretary shall receive such compensation as the
18. board of directors may determine. Compensation as herein
19. provided shall be paid out of the maintenance fund provided
20. for by said boards of directors, and in the manner provided
21. by general law for district boards of education.

Sec. 5. For the purpose of purchasing a site and of erect-
2. ing and equipping such building or buildings as may be needed
3. for school and dormitory uses only for said high school, said
4. board of directors is hereby authorized and empowered to lay
5. a levy, for the years one thousand nine hundred twenty nine,
6. one thousand nine hundred thirty, one thousand nine hundred
7. thirty one and one thousand nine hundred thirty two, not to
8. exceed forty cents on the one hundred dollars valuation of tax-
9. able property in such districts as shall ratify this act, and for
10. the maintenance of the said school the board of directors shall
11. levy annually not to exceed twenty cents on the hundred dol-
12. lars valuation of taxable property in such districts as shall
13. ratify this act. It is provided, however, that until more than
14. three districts have ratified this act, that said board of direc-
15. tors shall establish and maintain the high school provided by
16. this act in the same manner and by imposing the same levies
17. as is now provided by law for the maintenance of joint dis-
18. trict high schools.

Sec. 6. Districts that shall ratify this act and that shall have
2. heretofore or hereafter established and maintain high schools,
3. except West Union independent district, shall be exempt
4. from the levies provided in section five as follows: for a four-
5. year high school, the entire levy; for a three-year high
6. school, three-fourths of the levy; for a two-year high school,
7. one-half of the levy; and for a one-year high school, one-
8. fourth of the levy; and students from various districts shall
9. be entitled to attend the said county high school free of
10. tuition for such number of years as represents the difference
11. between the length of term provided by their district board
12 of education and the completion of a four-year high school
13 course.

Sec. 7. This act shall take effect in such districts as may
2 ratify the same at a special election which shall be called and
3 conducted by the county court of Doddridge county, in the
4 manner provided by law for conducting general elections, so
5 far as applicable, not later than the first of June, in the year
6 one thousand nine hundred twenty nine. Such vote shall be
7 by districts, including the independent school district of West
8 Union. It is provided, however, that there shall be no regis-
9 tration of the voters for said election, but any person other-
10 wise entitled to vote in this precinct who has not theretofore
11 been registered therein, may vote, upon making affidavit that
12 he is entitled to vote at said election. It is also provided that
13 the ballots used at such election shall have written or printed
14 thereon, in effect the following:

15 □ For County High School.
16 □ Against County High School.

17 And all ballots which contain a mark within the square op-
18 posite "For county high school" shall be counted as votes for
19 establishing said high school, and all ballots with a mark in the
20 square before "Against county high school" shall be counted
21 as votes against establishing such high school. And if a ma-
22 jority of the votes in any district of said county shall be for
23 said high school, this act shall thereupon become and be ef-
24 fective in said district. It is further provided that in any dis-
25 trict where a majority of the votes cast at said election are
26 against said high school, that in such district the question of
27 the ratification or rejection of this act shall be submitted to
28 the voters therein at any general or primary election to be held
29 in said district upon a petition presented to the county court
30 of said county, signed by not less than twenty per cent of the
31 legal voters therein, as shown by the next preceding registra-
32 tion of such voters. It is provided, further, that the officers at
33 each precinct conducting said special election shall consist of
34 three commissioners and two clerks appointed by the county
35 court of said county, and that each of said officers shall re-
36 ceive 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.
39 And it is also provided that at said special election the places
40 of voting shall be opened at six o'clock a. m., and closed at six
41 o'clock p. m.

CHAPTER 108

(House Bill No. 303—By Mr. Leonard)

AN ACT to create and establish a district high school in the
district of Butler, in the county of Wayne and state of
West Virginia, to create and establish a board of directors
therefor, to provide revenues for the establishment and
maintenance thereof, and authorizing the said board of di-
rectors to make contracts for the purchase of sites and erec-
tion of buildings thereon for high school purposes and to
provide equipment therefor, to employ principals, teachers
and other employees necessary for said school, and to locate
said district high school at Fort Gay, West Virginia.

[Passed March 7, 1929; in effect July 1, 1929. Approved by the Governor.]

Sec. 1. Butler district high school established; location; how controlled.
2. Board of directors; names and terms; election of; organization of and vacancy in.
3. Board of directors a body corporate.
4. Board of directors, powers of.
5. How school erected and maintained.
6. Qualifications for admission.
7. Levy for.
8. Revenues, how disbursed.
9. Exemption of district from levy for county high school.
10. No referendum required.
11. Effective date.
12. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby
2 established in the district of Butler, in the county of Wayne
3 and state of West Virginia, and shall be located within the
4 corporate limits of the town of Fort Gay, West Virginia,
5 which shall hereafter be known as the “Butler district high
6 school.” Said Butler district high school shall be the prop-
7 erty, and under the control and supervision of a board of
8 directors of the district of Butler in the county of Wayne
9 and state of West Virginia as hereinafter provided, and the
10 said Butler district high school shall be subject to and be
11 maintained and governed by the general laws of the state of
12 West Virginia, so far as they are not in conflict with this
13 act.
Sec. 2. That a board of directors for said Butler district high school is hereby created and established, which said board of directors shall be a non-partisan board, that is to say, not more than three of the said board shall belong to the same political party. Upon this act becoming effective, the said board of directors shall consist of Edgar Crabtree, L. M. Wellman, and Ed Smith, as the three Democratic members, and of E. C. McClure, L. W. Borders and L. L. Lycan, as the three republican members, whose term of office shall continue until the thirty-first day of December, one thousand nine hundred and thirty. At the next general election, there shall be elected six members, three of whom receiving the highest number of votes shall be elected for the term of four years commencing on the first day of January, one thousand, nine hundred and thirty-one, and the three receiving the next highest number of votes shall be elected for the term of two years commencing on the first day of January, one thousand, nine hundred and thirty-one, and thereafter at each general election three members shall be chosen for the term of four years, provided, however, that not more than three members of the said board of directors shall belong to the same political party. The said board of directors shall choose from their members a president of said board of directors and a secretary thereof. Any vacancy occurring in the membership of said board of directors shall be filled by the remaining members of said board until the next general election.

Sec. 3. Such board of directors shall be a body corporate, and as such may sue and be sued, and shall acquire, receive, hold and dispose of according to the usual forms of law, and the intent of the instrument conferring titles, all gifts, grants or devises made for the use of such high school, and shall be deemed the owner of all property belonging to said high school, and shall be liable for all claims which may be legally assessed against it.

Sec. 4. The said board of directors, as hereinbefore constituted, shall have full power and authority to make such rules and regulations as it may deem necessary for the management, control and maintenance of said high school; to employ necessary principals, teachers and other employees and fix the salaries of same; to establish a graded course of study and grant diplomas upon graduation of pupils, and to per-
8 form such other acts as are necessary and essential to the welfare and maintenance of said high school; and to provide equipment therefor.

Sec. 5. The said high school shall be erected, maintained and conducted in the same manner as provided by general law for the erection, maintenance and conducting of other district high schools; and all the provisions of the general law, not in conflict with this act, shall be applicable to said Butler district high school.

Sec. 6. The qualifications for admission to the said Butler district high school shall be subject to such regulations as may be prescribed by the said board of directors of said district high school.

Sec. 7. For the purpose of establishing such high school a levy not to exceed thirty cents on each one hundred dollars assessed valuation on all property in said Butler district for taxable purposes may be laid; and the board of directors of said district high school is hereby authorized to lay such levy for the purpose of acquiring sites and of building and maintaining said high school, and paying the salaries of principals, teachers and other employees necessary for said high school.

Sec. 8. All revenues from taxation as provided herein, shall be collected and disbursed by the sheriff of the said county of Wayne, in the manner provided by general law.

Sec. 9. After the thirteenth day of June, one thousand nine hundred and twenty-nine, no property in the school district of Butler shall be subject to any levy or levies for the support of the Wayne county high school under the provisions of chapter one hundred and five of the acts of the legislature of West Virginia of one thousand, nine hundred and twenty-five.

Sec. 10. It shall not be necessary to submit to the voters of said Butler district the question of the establishment of the said high school.

Sec. 11. This act shall become effective on the first day of July, one thousand nine hundred and twenty-nine.

Sec. 12. All acts and parts of acts inconsistent with this act are hereby repealed.
CHAPTER 109

(House Bill No. 330—By Mr. Fazenbaker)

AN ACT to provide for the establishment of a county high school for colored pupils in the county of Mineral.

[Passed March 2, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 1. High school for colored pupils in or near Keyser.
SEC. 2. Board of directors, how constituted; powers and duties.
SEC. 3. Site, buildings and pupils.
SEC. 3-a. Levies for site and maintenance.
SEC. 4. Salaries of board of directors.
SEC. 5. Approval by voters of Mineral County.

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 a suitable building or buildings and establish therein a high
school for the colored pupils of high school grade, without cost for tuition to any such pupil in Mineral county, but said board may, in its discretion, admit colored pupils of high school grade from outside said county, upon such terms and the payment of such tuition fees as it may fix.

Sec. 3-a For the purpose of securing a site, and erecting and equipping suitable building or buildings thereon, said board of directors is empowered to lay a levy of not more than ten cents on each one hundred dollars of taxable property in said county for as many years, but not to exceed three in all, as may be necessary to raise sufficient funds for the purpose specified above and beginning with the year in which said high school is ready to open and each subsequent year thereafter, a levy not to exceed five cents on each one hundred dollars valuation of the taxable property in said county for a maintenance building fund and ten cents for a teachers' fund. Said levies shall be laid at the time and in the manner that school levies are laid by district boards of education. All revenue from taxation shall be collected and disbursed by the sheriff of said county in the manner prescribed by general law.

Sec. 4. The members of said board of directors, except the county superintendent, shall be allowed a compensation of five dollars per day for the services for the time they are actually employed in transacting the business of said high school, which shall not exceed twenty days for the year following the ratification of this act, nor exceed ten days for any subsequent year. The salary of the secretary shall be fixed by said board at a sum not to exceed seventy-five dollars per year. Said per diem and salary shall be paid out of the maintenance fund.

Sec. 5. Before this act shall be in effect, it shall be submitted to the voters of Mineral county, at the first general election held following its passage and must receive a majority of the votes cast upon the question. The ballot commissioners of said county shall provide a separate ballot having thereon the words "For county colored high school" and "Against county colored high school," and said election shall be conducted and the result ascertained and declared in the manner provided by law for general elections.
CHAPTER 110

(House Bill No. 342—By Mr. Brown of Nicholas)

AN ACT to amend and re-enact section four of chapter forty-eight of the acts of the legislature of West Virginia, one thousand nine hundred and twenty-one, and section ten of chapter one hundred and seven, acts of the legislature of West Virginia, one thousand nine hundred and twenty-five, relating to the establishing, governing and maintaining of the Nicholas county high school in Nicholas county.

[Passed March 7, 1920; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 4. Levy for teachers, furniture and supplies.

SEC. 10. Additional levy for teachers' training department; independent district of Richwood exempted from levies.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Said board of directors is authorized for each 2 year hereafter to lay a levy not to exceed thirteen cents on 3 the one hundred dollars of taxable property in said county as 4 ascertained by the last preceding assessment for state and 5 county purposes, for the purpose of employing teachers and 6 assistants, procuring necessary furniture, equipment and sup- 7 plies and for any other purposes of carrying on and main- 8 taining said high school and for services, taking care of the 9 high school building and grounds, which levy shall be known 10 as the county high school fund; and said board of directors 11 is likewise authorized to lay an additional levy when needed, 12 not to exceed two and one-half cents on one hundred dollars 13 of taxable property, as aforesaid, for the purpose of erecting 14 suitable buildings to be used in connection with said high 15 school and for maintaining and equipping the same, which 16 said levy shall be known as the high school building fund.

Sec. 10. Said board of directors is hereby authorized to 2 lay an additional levy of not to exceed three cents on the 3 one hundred dollars of taxable property in said county, as 4 ascertained by the last preceding assessment for state and
5 county purposes, for the purpose of procuring teachers, 6 building, room or accommodation and equipment, furniture, 7 fixtures and supplies, for the maintenance and continuation 8 of a normal or teachers' training department as provided for 9 first-class normal training high schools under the law of this 10 state. And said board of directors is hereby authorized to 11 procure such teachers' accommodation, equipment, furniture, 12 fixtures and supplies, either by contract, and agreement or 13 by the erection of necessary building or room, and purchase 14 of equipment, furniture, fixtures and supplies. But the in- 15 dependent district of Richwood is excepted from said levies, 16 as provided in section nine of chapter one hundred and thirty- 17 six. acts of one thousand nine hundred and fifteen. 18 All acts and parts of acts inconsistent herewith are hereby 19 repealed.

CHAPTER 111

(House Bill No. 343—By Mr. Bartlett)

AN ACT to validate the high schools at Sardis and Wallace in
Sardis district, Harrison county, West Virginia, and to au-
thorize their maintenance and support.

[Passed March 2, 1929; in effect from passage. Approved by the Governor.]

SEC. 1. High schools of Sardis and Wallace validated.

SEC. 2. Board of education of Sardis to maintain and control.

BE IT ENACTED BY THE LEGISLATURE OF WEST VIRGINIA:

Section 1. The high schools of Sardis and Wallace in 2 3 Sardis district, of Harrison county, West Virginia are here-
by in all respects, validated and confirmed.

SEC. 2. The board of education of said Sardis district is 2 hereby authorized to maintain and control said high schools 3 in the same manner, and under the same limitations as are 4 provided for high schools established under section seventy- 5 eight, chapter forty-five of Barnes' code of West Virginia of 6 one thousand nine hundred and twenty-three.
CHAPTER 112

(House Bill No. 876—By Mr. Rankin)

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

[Passed March 7, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Levy for high school at Tunnelton.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Kingwood district of Preston county, be, and the same is hereby authorized and empowered to lay a levy for the years nineteen hundred and thirty, and nineteen hundred and thirty-one, of not exceeding thirty cents on each one hundred dollars assessed valuation of all taxable property in said district each year for the purpose of erecting and equipping a new high school building in the incorporated town of Tunnelton in said district. Said levy to be in addition to all other levies now provided by general law for new building and improvement fund purposes, and to be levied, in like manner as the regular building and improvement fund levy.

CHAPTER 113

(Senate Bill No. 8—By Mr. Helmick)

AN ACT authorizing the City of Thomas to lay a special levy of thirty-five cents on the one hundred dollars valuation on all real estate and personal property therein for a period of two years for the purpose of completing and extending the water works and system of said city and providing for the collection thereof.

[Passed January 31, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. City of Thomas may lay a special levy to complete waterworks; total amount; how expended.
Be it enacted by the Legislature of West Virginia:

Section 1. That the City of Thomas, a municipal corporation in the county of Tucker, and state of West Virginia, be and it is hereby authorized through and by its common council to lay a special levy, not exceeding thirty-five cents on the one hundred dollars valuation of all real and personal property therein situate, for a period of two years and for the ensuing years of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty for the purpose of paying for and completing the water works and water mains of said city and extending the same, the total amount to be raised by said levy not to exceed the sum of seven thousand dollars.

All moneys and funds arising from and derived from said levy shall be used and applied by the common council of said city for said purposes and none other.

CHAPTER 114

(Senate Bill No. 26—By Mr. Woods)

AN ACT to authorize the county court of Mingo county, West Virginia to lay a special levy of not exceeding ten cents on each one hundred dollars of the assessed valuation of the taxable property in the said county, for the years one thousand nine hundred twenty-nine and one thousand nine hundred thirty to supplement the funds derived from the levy of thirty cents for county purposes, other than roads and bridges, as now authorized by section two, chapter twenty-eight-a, of Barnes' code of one thousand nine hundred twenty-three; and providing for the disbursement of the funds arising from said special levy.

[Passed January 31, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec.
1. County court authorized to lay special levy for two years for county purposes.
2. How laid and collected.
3. How funds used.
4. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Mingo county, West Virginia, at the levy terms thereof held in August, one thou-
INDEBTEDNESS LEVY, WYOMING COUNTY  [Ch. 115

3 sand, nine hundred twenty-nine, and in August, one thousand
4 nine hundred thirty, be, and it is hereby authorized to lay a
5 special levy for each of said years only, of not exceeding ten
6 cents on each one hundred dollars of the assessed valuation of
7 the taxable property in said county; the funds derived from
8 which special levy shall be used for county purposes, other than
9 roads and bridges, and shall be in addition to and in supplement
10 of the funds derived from the levy of thirty cents now author-
11 ized to be levied under the provisions of paragraph “a” of the
12 third sub-section of section two, chapter twenty-eight-a, of
13 Barnes’ code of one thousand nine hundred twenty-three.

Sec. 2. Said special levies shall be made and collected in the
2 same manner and at the same time as other levies authorized by
3 law, and shall not be laid after the year one thousand nine
4 hundred thirty.

Sec. 3. The funds derived from said special levy shall be
2 employed by the county court for county purposes, other than
3 roads and bridges, either for current expenses for the tax year
4 or in discharge of subsisting valid debts on this fund.

Sec. 4. All acts and parts of acts inconsistent herewith are
2 hereby repealed, in so far as they apply to the said county of
3 Mingo.

CHAPTER 115
(Senate Bill No. 56—By Mr. Woods)

AN ACT to authorize the county court of Wyoming county to lay
a special levy and appropriate other county funds for the
purpose of discharging the present indebtedness of the county
of Wyoming, and to fix the maximum levies for the general
county, county road, and district road funds during the time
such special levy is laid.

[Passed February 12, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec. 1. Special levy to pay off indebtedness
   of county.
2. Application of proceeds.
   3. Maximum of other county levies.
   4. Appropriation of other moneys to
      pay indebtedness of county.
Be it enacted by the Legislature of West Virginia:

Section 1. Beginning with the next levy period, until the present indebtedness of the county of Wyoming is fully paid off and discharged, or payment thereof provided for, not however to exceed a period of five years, the county court of Wyoming county shall have authority to lay, at the same time and in the same manner in which other levies are laid, a special levy not to exceed twenty cents on each one hundred dollars of valuation of the taxable property in the county of Wyoming as shown by the assessments thereof.

Sec. 2. The funds derived from the special levy laid pursuant to section one of this act shall be applied only to the payment of the present indebtedness of Wyoming county, and for no other purpose.

Sec. 3. During the years the said special levy shall be laid, the maximum of certain other levies which the county court is now authorized by law to lay, shall be, on each one hundred dollars of the taxable property as follows:

5 For general county fund, twenty-five cents.
6 For county road fund, fifteen cents.
7 For district road funds, ten cents.

Sec. 4. The county court shall appropriate to the payment of the present indebtedness of the county, any and all moneys, other than tax moneys, collected from persons, firms or corporations now indebted to the county.

Sec. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 116

(Senate Bill No. 122—By Mr. Roberts)

AN ACT to amend and re-enact chapter one hundred and thirty-two of the acts of the legislature of one thousand nine hundred and twenty-seven, relating to the laying of special road levies in the magisterial districts in Marshall county.
SPECIAL ROAD LEVIES MARSHALL COUNTY

[Ch. 116]

[Passed March 1, 1929; in effect January 1, 1930. Approved by the Governor.]

Sec. 1. Special road levy for bridges and roads: vote upon.

Sec. 2. How roads and bridges to be constructed from special levy; selected; court order, what to contain.

Sec. 3. Notice of election.

Sec. 4. How election held and result ascertained.

Sec. 5. Form of ballot.

Sec. 6. Duty of court to lay levy; when.

Sec. 7. How funds from levy expended.

Sec. 8. Conflicting acts repealed.

Be it enacted by the Legislature of West Virginia:

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

Section 1. That for the purpose of constructing any road or roads, bridge or bridges, or both roads or bridges, the county court of Marshall county is hereby authorized and empowered to lay a special road levy of not exceeding fifteen cents on each one hundred dollars valuation of property in any magisterial district in the county of Marshall for any year or years during a period of five years, beginning the first day of July, one thousand nine hundred and thirty, when such levy shall be authorized by a vote of three-fifths of all the voters voting upon the question of laying said special levy at a general election or at a special election to be called by the county court.

Sec. 2. Whenever, in the opinion of the county court, any road, or roads, bridge or bridges, or both roads and bridges in any magisterial district, including the territory therein within any municipal corporation, should be constructed from funds derived from a special levy, it shall cause its county road engineer or some competent engineer appointed for that purpose, to make and file in the office of the clerk of the county court a detailed report of the road or roads, or bridge or bridges, to be constructed, showing the location, the extent, and the character, class and quantities of the work proposed to be done and of materials used, and the estimated cost thereof, and shall enter an order which shall contain:

(a) The route or routes of the road or roads, or the location of the bridge or bridges, proposed to be constructed, and the character of the construction and kind and class of work and materials to be used, and the approximate or estimated cost thereof.
(b) Valuation of the taxable property of the district as shown by the last prior assessment thereof.

(c) Rate of the proposed levy and the number of years it is proposed to be laid.

(d) Date of election.

(e) If a special election, names of commissioners and clerks for holding same.

(f) If a special election, statement that the county court will meet on the fifth day preceding the election for the purpose of correcting the registration made at the last preceding election, and registering qualified voters.

Sec. 3. Notice of said election shall be published and posted in accordance with section ten of chapter twenty-eight-a, Barnes’ code, one thousand nine hundred and twenty-three, of West Virginia.

Sec. 4. Said election shall be held, conducted and the result ascertained in conformity with the general laws of the state in so far as the same are not in conflict with the provisions of this act and are applicable.

Sec. 5. The ballot to be used in elections hereunder shall be substantially as follows:

"Shall the county court of Marshall county lay a special road levy in ...............district for the years ...............for the purpose of (here state improvement to be made), according to an order of the county court made and entered on the ...............day of ...............19 ...........

YES □ □

NO □

Notice to voters: To vote in favor of the levy place an X in the square after the word ‘yes.’ To vote against the levy place an X in the square after the word ‘no’.

Sec. 6. If, as shown by the result of any election held hereunder, three-fifths of the total number of voters, voting for and against the proposed special levy, voted in favor of such levy, it shall be the duty of the county court to lay the levy authorized at the rate and for the year or years stated in the order, at the same time and in the same manner as other district levies are laid.
Sec. 7. Funds derived from any levy laid hereunder shall be used only for the purposes specified in the order, and for no other purpose or purposes.

Sec. 8. All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 117

(Senate Bill No. 137—By Mr. Wiseman)

AN ACT authorizing a special county bridge levy in Nicholas county, for the purpose of constructing a public bridge across Gauley river at the mouth of Cherry river in said county.

[Passed March 5, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Special levy for bridge across Gauley river. 2. Approval of plans: funds for to be kept in separate account.

Be it Enacted by the Legislature of West Virginia:

Section 1. That for the purpose of constructing a public bridge across Gauley river at the mouth of Cherry river in Nicholas county, West Virginia, the county court of said county is hereby authorized to lay a special levy on all the taxable property within the said county for the year one thousand nine hundred and twenty-nine, for the year one thousand nine hundred and thirty and for the year one thousand nine hundred and thirty-one not to exceed in either year ten 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 bridge levy," and the funds derived therefrom shall be used for said purpose and for no other purpose.

Sec. 2. Said bridge shall be constructed according to plans and specifications for bridges on state roads to be furnished by the state road commission or body or officer acting in lieu thereof and approved by said county court. And all moneys realized from said special levy shall be collected by the sheriff of said county and shall be kept in a separate fund and a separate account kept of the receipts and disbursements of the same, and may be used and expended in connection with any other funds available for the purpose of constructing said bridge.
AN ACT to authorize the county court of Hancock county to lay special levies for general county purposes in the years one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty.

[Passed February 26, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. County court to lay special levy for general county purposes.

Sec. 2. Amount of levies.

Sec. 3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That, the county court of Hancock county be, and it is hereby authorized to lay special levies for general county purposes in the years one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty.

Sec. 2. During the year one thousand nine hundred and twenty-nine the special levy shall not exceed the sum of fifteen cents, and during the year one thousand nine hundred and thirty the special levy shall not exceed the sum of six cents on each one hundred dollars of valuation of taxable property in the county of Hancock as shown by the assessments thereof for each respective year, provided, however, that if the levy laid hereunder for the year one thousand nine hundred and twenty-nine shall be less than fifteen cents, then the county court may, for the year one thousand nine hundred and thirty in addition to the six cent levy hereinbefore authorize, lay an additional levy equal to the amount by which the levy laid for the year one thousand nine hundred and twenty-nine is less than fifteen cents.

Sec. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.
CHAPTER 119

(House Bill No. 27—By Mr. Gay)

AN ACT to authorize the county court of Logan county, West Virginia, to lay a special levy of not exceeding ten cents on each one hundred dollars of the assessed valuation of the taxable property in said county for each of the years one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty to supplement the funds derived from the levy of thirty cents for county purposes, other than roads and bridges, as now authorized by section two of chapter twenty-eight-a of Barnes' code of one thousand nine hundred and twenty-three, and providing for the disbursement of the funds derived from said levy.

[Passed February 21, 1929; in effect from passage. Became a law without the approval of the Governor.]

Sec. 1. Special levies, for what year laid and how expended.
Sec. 2. How laid and collected.
Sec. 3. Warrants anticipating payment of levies.
Sec. 4. Conflicting acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Logan county, West Virginia, at the levy terms thereof held on the fourth Tuesday in August, one thousand nine hundred and twenty-nine, and on the fourth Tuesday in August one thousand nine hundred and thirty, shall be, and it hereby is, authorized to lay a special levy for each of said two years only, of not exceeding ten cents on each one hundred dollars of the assessed valuation of the taxable property in said county, the funds derived from which special levy shall be used for county purposes other than roads and bridges, and shall be in addition to and supplemental of the fund derived from the levy of thirty cents now authorized to be levied under the provisions of paragraph "(a)" of the third sub-section of section two of chapter twenty-eight-a of Barnes' code of one thousand nine hundred and twenty-three.

Sec. 2. Said special levy shall be laid and collected in the same manner as other levies authorized by law, and shall not be laid after the year one thousand nine hundred and thirty.

Sec. 3. Said county court, insofar as may be necessary to meet the current expenses required by law to be paid for the
3 fiscal years aforesaid, is hereby authorized and empowered
4 to anticipate the payment of said special levies, and at any
5 time during the year one thousand nine hundred and twenty-
6 nine to issue warrants payable on the first day of December,
7 one thousand nine hundred and twenty-nine, out of said spe-
8 cial levy authorized for that year, and at any time during the
9 year one thousand nine hundred and thirty, to issue warrants
10 payable on the first day of December, one thousand nine hun-
11 dred and thirty, out of said special levy authorized for that
12 year; and the warrants thus issued shall, from the time they
13 are presented to the sheriff and endorsed by him, thereafter,
14 until the first day of December next after their issuance, bear
15 interest at the rate of six per centum per annum.

Sec. 4. All acts or parts of acts inconsistent herewith are
2 hereby repealed, insofar as they apply to the said county of
3 Logan.

CHAPTER 120

(House Bill No. 66—By Mr. Haymond)

AN ACT to provide for the construction of bridges in Taylor
county.

[Passed February 18, 1929; in effect ninety days from passage. Became a law
without the approval of the Governor.]

Sec.
1. Special levy, period of and purpose: referendum.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Taylor county shall have
2 the power to lay a special levy for a period of six years of
3 not more than fifteen cents on every one hundred dollars of
4 the assessed valuation of the property in said county for each
5 of said years, to be used exclusively for the construction of
6 bridges in said county: provided, that the power to lay such
7 levy shall not be effective until the question of laying the
8 same shall have been submitted by the county court of said
9 Taylor county to the voters of said county at a general elec-
10 tion or any special election called for that purpose, and a
11 majority of the votes cast upon the question of laying such
12 levy shall have been in favor thereof.
CHAPTER 121

(House Bill No. 90—By Mr. Calderwood)

AN ACT to authorize and permit the city council of the City of Dunbar to lay a special levy of ten cents on each one hundred dollar valuation of assessable property within the corporate limits of said city for a period of seven years, to provide revenue for the building of a trunk sewer line along what is known as Aaron’s Branch in said city, from Park street to the Kanawha river, and also to provide for a twelve-inch sewer for one thousand feet along one of the tributaries of said branch.

[Passed February 20, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 1. Special levy to build trunk line

2. Cost of, how paid; right-of-way for sewer.

Be it enacted by the Legislature of West Virginia:

That the charter of the City of Dunbar be amended and reenacted so as to permit the laying of a levy of ten cents on each one hundred dollars valuation of assessable property in said city to read as follows:

Section 1. The council of the City of Dunbar is hereby authorized, empowered and directed to lay and assess a special levy not to exceed ten cents on each one hundred dollars of the assessed valuation of all taxable property in the corporate limits of said city of Dunbar for a period of seven years, beginning with the year one thousand nine hundred and twenty-nine, for the purpose of providing funds for the construction and building of a main trunk line sewer with lateral connections into same in said city along what is known as Aaron’s Branch from Park street to the Kanawha river, and also for the purpose of laying one thousand feet of twelve inch sewer up a tributary of Aaron’s branch, which tributary lies north of Railroad street, which is unnamed but which joins Aaron’s Branch just north of the point where the railroad culvert crosses said branch, and the said council is hereby empowered and directed to proceed as soon as practicable after the passage of this act to contract for the erection and completion of said sewer line and cause same to be erected
18 and completed with all reasonable speed, said work to be 19 paid for from the levies herein provided when available.

Sec. 2. And should the council deem it advisable, in contract- 2 tracting for the erection and building of said sewer, issue 3 drafts for same which shall be negotiable and which shall be 4 payable as said levies are collected each year for a period of 5 seven years, they are hereby authorized to issue said drafts 6 at the completion of said contract and deliver same to the 7 contractor; but said drafts shall be issued in amounts which 8 shall equal the money realized from the levy each year and 9-11 shall be payable during the year that the money is collected.

12 The council shall contract the construction of said trunk 13 sewer line and laterals to same to the lowest responsible bidder 14 in same way as paving contracts are provided in the chapter 15 of the City of Dunbar. The successful bidder shall give bond in 16 some responsible surety company and also give a maintenance 17 bond for at least twenty-five per cent of the bid covering a 18 period of five years.

19 The council shall not contract said trunk line sewer and 20 lateral until it has first secured through agreement or condem- 21 nation proceedings a deed for a right-of-way along and through 22 the private property through which said Aaron’s Branch runs.

23 All acts or parts of acts inconsistent herewith are hereby 24 repealed.

CHAPTER 122

House Bill No. 149—By Mr. Scott)

AN ACT to authorize the county court of Randolph county for a period of three years, to increase the county levy for general county purposes from thirty cents to thirty-five cents upon the one hundred dollars, and to reduce the county levy for road purposes from twenty-five cents to twenty cents upon the one hundred dollars:

[Passed February 6, 1920; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 1. Special levy for general county purposes; reduction of levy for road purposes.
Be it enacted by the Legislature of West Virginia:

That the county court of Randolph county be, and it is hereby authorized and empowered, for the period of three years, as an emergency, to levy and collect for general county purposes, the sum of thirty-five cents upon the one hundred dollars valuation of the property therein instead of thirty cents as now provided by law, and at the same time reduce the rate of levy for road purposes from twenty-five cents to twenty cents upon the one hundred dollars valuation.

CHAPTER 123

(House Bill No. 187—By Mr. Smith of Wayne)

AN ACT to provide for the laying, collecting and expenditure of special levies by the county court of Wayne county, West Virginia, for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, and one thousand nine hundred and thirty-one, on all the taxable property in Ceredo, Butler, and Lincoln magisterial districts of said county for the purpose of constructing, grading, draining and hard surfacing a county road beginning at a point in State highway number eight, near the foot of Bull mountain and on Bull creek, thence down the waters of Tug river and Big Sandy river to State highway number seventy-five, at a point where the Docks creek road intersects with said state highway, near the Darling farm, and providing for the receipt and disbursement of all moneys raised by said levies.

(Passed March 7, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.)

Sec. 1. Special levy for county road in Lincoln district.
2. Special levy for county road in Butler district.
3. Special levy for county road in Ceredo district.
4. Construction of county road beginning at Cyrus Station.
5. Plans and advisory committee for 6. Funds from general county road 7. When act as Ceredo district void. 8. Who to agree on plans and special road.
levy may be used.
levies as special funds.

S1:ct 1. Special levy for county road in Lincoln district. 2. Special levy for county road in Butler district. 3. Special levy for county road in Ceredo district. 4. Construction of county road beginning at Cyrus Station.
Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of constructing, grading, draining and hard surfacing a county road, beginning at a point where State highway number eight intersects with the county road running down Bull creek near the foot of Bull mountain, Lincoln district, Wayne county, West Virginia; thence down Bull creek; thence down Tug river to Glenhayes; thence to the Butler magisterial district line by way of Nursery Gap, at or near Nursery Gap; in Lincoln magisterial district, county of Wayne, the county court of Wayne county is hereby authorized to lay a special levy on all taxable property within the said Lincoln magisterial district, for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, and one thousand nine hundred and thirty-one, not to exceed twenty-five cents on the one hundred dollar valuation of said property in said magisterial district, as assessed for regular state, county and district taxation; said levy shall be called the "special county road levy of Lincoln magisterial district," and the funds derived therefrom shall be used for said purposes and for no other purpose.

Sec. 2. For the purpose of constructing, grading, draining and hard surfacing the main leading county road, beginning at the point where the main leading county road, described in section one of this act leaves off, that is to say, beginning at the Butler magisterial district-Lincoln magisterial district line, at or near Nursery Gap; thence down Mill creek to State highway number thirty-seven; thence with said State highway number thirty-seven to the foot of the hill on Big Hurricane creek; thence down Big Hurricane creek to Hubbardstown; thence down Big Sandy river through Prichard to the mouth of Elijah's creek; thence up Elijah's creek following generally the present county road, across the hill to Gregstone creek; thence up Gregstone creek to Ben Blair's store; thence to the Ceredo magisterial district line near Centerville, Butler district, Wayne county, West Virginia, the county court of said county is hereby authorized to lay a special levy on all taxable property within said Butler magisterial district, for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, and one thousand nine hundred and thirty-one.
20 hundred and thirty-one, not to exceed twenty-five cents on
21 the one hundred dollar valuation on said property as assessed
22 for regular state, county and district taxation; said levy shall
23 be called "the special county road levy of Butler magisterial
24 district," and the funds derived therefrom shall be used for
25 said purposes and for no other purpose.

Sec. 3. For the purpose of constructing, grading, draining
2 and hard surfacing the main leading county road, beginning
3 at a point where the main leading county road, described in
4 section two of this act leaves off, that is to say, beginning at
5 the Butler magisterial district-Ceredo magisterial district line
6 near Centerville; thence down White's creek to a concrete
7 arch bridge near the residence of G. W. Staley, across White's
8 creek; thence following or near the present county road on
9 the west side of White's creek down to the crossing across White's
10 creek at the Phenix farm; thence with or near the present
11 county road from that point to Cyrus, near the mouth of
12 White's creek; thence down the Big Sandy river with or near
13 the present county road, to the mouth of Docks creek; thence
14 up Docks creek to the point where the said Docks creek road
15 intersects with State highway number seventy-five at or near
16 the Darling farm, Ceredo magisterial district, Wayne county,
17 West Virginia, the county court of said county is hereby
18 authorized to lay a special levy on all the taxable property
19 within the said Ceredo magisterial district for the years one
20 thousand nine hundred and twenty-nine, one thousand nine
21 hundred and thirty and one thousand nine hundred and
22 thirty-one, not to exceed thirty cents on the one hundred
23 dollar valuation of said property as assessed for regular
24 state, county and district taxation; and the said levy shall
25 be called "the special county road levy of Ceredo magisterial
26 district," and the funds derived therefrom shall be used for
27 said purposes and for no other purpose.

Sec. 4. After the road through Ceredo magisterial district.
2 as described in section three, shall have been constructed,
3 there shall be constructed out of funds available for that pur­
4 pose, a county road from Cyrus station up the Big Sandy
5 river to the mouth of Gregstone and from the station of
6 Dunlieth on State road number seventy-five running at or near
7 the present county road up Buffalo creek to the Buffalo
Valley Baptist church on Buffalo creek; said road shall be constructed out of the funds remaining in the hands of the county court from the levy above provided or from funds made available for that purpose by the county court out of the general county road levy.

Sec. 5. Said road shall be constructed according to such plans or specifications as the state road commission of the state of West Virginia and the county court of Wayne county may decide upon; and there is hereby created by this act an advisory committee consisting of three men, one from each magisterial district traversed by said road, to-wit: D. W. Vincent, Saltpetre, West Virginia, Lincoln district; Curtis Thompson, Prichard, R. F. D. West Virginia, Butler district, and W. T. Wallace, Kenova, West Virginia, Ceredo, district, of which committee the said W. T. Wallace shall act as chairman; said advisory committee shall, in all matters affecting said road, be consulted by the county court of Wayne county and said advisory committee shall advise with the county court as to matters of location, surveys, character of road, drainage, width of road, and type of hard surface, and before any contract is let for the construction of any part of said road, said advisory committee shall approve of the letting before the county court shall let the same to contract.

Sec. 6. It is further provided that the county court of Wayne county may set aside and appropriate funds from the general county road levy and expend the same upon the construction of the roads herein provided.

Sec. 7. It is further provided that should the citizens and voters of Ceredo magisterial district vote a bond issue to build roads in Ceredo magisterial district, which includes the roads described in sections three and four of this act, at any time before the second Tuesday in August of this year, one thousand nine hundred and twenty-nine, then this act, so far as it provides for the laying of a special levy of thirty cents in Ceredo magisterial district, shall be void but all other parts of this act shall remain in full force and effect.

Sec. 8. Said road shall be constructed according to such plans and specifications as the state road commission of the state of West Virginia, the county court of Wayne county and the advisory committee may decide upon, and all moneys...
5 realized from said special levies shall be kept in special funds
6 and a separate account of the receipts and disbursements of
7 the same.

CHAPTER 124

(Com. Sub. for House Bill No. 210—By Mr. Raine)

AN ACT authorizing the county court of Greenbrier county, West
Virginia, to lay a special levy in the year one thousand nine
hundred and twenty-nine and the four succeeding years, if
required, for the remodeling of and making permanent re­
pairs upon and the building of additions to its present court
house and for building, adjacent thereto, a new jail and
jailer’s residence, or, in the discretion of said county court,
for the building of a new court house and such jail and
jailer’s residence approximately upon the site of its present
court house, or, in the discretion of said county court, for
acquiring a new site at the county seat of said county and
for building thereon a new court house, jail and jailer’s res­
idence, and, in any of said events, for furnishing and equip­
ning the same.

[Passed March 6, 1929; in effect from passage. Approved by the Governor.]

SEC. 1. Special court house and jail levy: how laid and collected; investment of
purposes; contract for work; special bond election.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Greenbrier county, West
Virginia, is hereby empowered and authorized to lay a special
levy in the year one thousand nine hundred and twenty-nine
and four succeeding years, if required, not to exceed in any
one of said years twenty cents on each one hundred dollars
valuation of taxable property in said county of Greenbrier
for the purpose of the remodeling and fireproofing of and the
making of permanent repairs upon and the building suitable
and adequate to fireproof additions to its present court house
in said county, and for the building, adjacent thereto, of a
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11 combined new fireproof jail and jailer's residence, or for the
12 purposes of the building of a suitable and adequate new court
13 house and, adjacent thereto, a jail and jailer's residence ap-
14 proximately upon the site of its present court house, or, in
15 the discretion of said county court, for acquiring a new site
16 at the county seat of said county and for building thereon a
17 new court house, jail and jailer's residence, all of which
18 buildings shall be of modern fireproof construction, and in
19 any of said events for adequately furnishing and equipping
20 the same. Said levy shall be called "a special court house and
21 jail levy" and the funds derived therefrom shall be used and
22 expended for the purposes herein specified and no other, and
23 a separate, account shall be kept of all receipts to and dis-
24 bursements from said fund.

Sec. 2. Said special levy shall be laid and collected in the
2 same manner as other levies authorized by law and shall not
3 be laid after the year one thousand nine hundred and thirty-
4 three, and the county court shall cumulate the funds derived
5 from said levy, investing the same in good interest bearing
6 securities in the meantime, until such time as the accumulated
7 amount thereof will be sufficient to pay for the work and ex-
8 penditures hereinbefore specified out of the funds then on
9 hand together with the levy for the then current year and to
10 enable the said county court to contract for the said work
11 and expenditures, respectively, without violating the inhibi-
12 tion contained in section eight of article ten of the constitu-
13 tion of this state; at which time the said county court of
14 Greenbrier county is hereby empowered and authorized to
15 contract for the work and expenditures, respectively, herein-
16 before authorized and specified, and the said county court
17 may in its discretion let to contract said court house construc-
18 tion separately from the said jail construction, upon the con-
19 ditions and within the limitations aforesaid; provided, how-
20 ever, that should the said county court acquire, hereunder, a
21 new site and contract for the building thereon a new court
22 house, jail and jailer's residence, it shall sell the present
23 court house and site, and, in either event, it shall sell the
24 present jail and site, and shall apply the proceeds thereof,
25 pro tanto, to the purposes hereinbefore specified.

Provided, further, that should a special bond election for
27 the purposes aforesaid be called, held and carried as provided
28 by existing law at any time during the said five year period, 29 then any fund on hand accumulated from the special court 30 house and jail levy hereinbefore authorized shall immediately 31 become available for the purposes aforesaid, and only so 32 many of the bonds voted at said election shall be sold as may 33 be necessary, in addition to the amount then on hand raised 34 by said levy, to complete the projects as provided for in this 35 act.

Sec. 3. All acts and parts of acts coming within the pur- 2 view of this act and inconsistent herewith are hereby repealed 3 insofar as they apply to the said county of Greenbrier.

CHAPTER 125
(House Bill No. 233—By Mr. Wysong)

AN ACT to authorize the county court of Webster county to lay a levy for the purpose of paying the existing indebtedness of the Four-H clubs of the said county and to provide for the collection of the same.

[Passed February 26, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec.
1. Levy to pay indebtedness of 4-H club.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Webster county be, 2 and it is hereby authorized and empowered for the year of 3 one thousand nine hundred and twenty-nine, as an emergency, 4 to levy and collect for the purpose of paying the existing 5 indebtedness of the Four-H club, or “Camp Cesaro” located 6 in said county, the sum of two cents upon the one hundred 7 dollars valuation of all the property listed for taxation in the 8 said county and subject thereto, in addition to all other 9 levies that are now or may be authorized by law to be im-10 posed by the said county court.
CHAPTER 126

(House Bill No. 206—By Mr. Dean)

AN ACT to authorize the county court of Braxton county, West Virginia, to lay a special levy of not exceeding fifteen cents on each one hundred dollars of the assessed valuation of the taxable property in the said county for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty and one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, to supplement the funds derived from the levy of thirty cents for county purposes, other than roads and bridges, as now authorized by section two, chapter twenty-eight-a of Barnes' code of one thousand nine hundred and twenty-three, and providing for the disbursement of the funds arising from said special levy.

[Passed March 8, 1920; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Special levy for existing indebtedness.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Braxton county, West Virginia, at the levy terms thereof held in August, one thousand nine hundred and twenty-nine, in August, one thousand nine hundred and thirty, in August, one thousand nine hundred and thirty-one, and in August, one thousand nine hundred and thirty-two, be and is hereby authorized to lay a special levy for each of said years only of not exceeding fifteen cents on each one hundred dollars of the assessed valuation of the taxable property in said county; the fund derived from which special levy shall be used for the payment of the valid existing indebtedness of the county, represented by drafts drawn on the county fund, and shall be in addition to and in supplement of the funds derived from the levy of thirty cents now authorized to be levied under the provisions of paragraph a of the third subsection of section two, chapter twenty-eight-a of Barnes code of one thousand nine hundred and twenty-three.
Sec. 2. Said special levy shall be made and collected in the same manner and at the same time as other levies authorized by law and shall not be made after the year one thousand nine hundred and thirty-two.

Sec. 3. The fund derived from said special levy, shall be employed by the county court for the payment of the valid existing indebtedness of the county represented by drafts drawn on the general county fund and shall not be used for any other purposes.

Sec. 4. All acts and parts of acts inconsistent herewith are hereby repealed insofar as they apply to the said county of Braxton.

CHAPTER 127

(House Bill No. 367—By Mr. Kyle)

AN ACT to amend and re-enact sections eight, nine and ten of chapter one hundred and thirty of the acts of the legislature, regular session of one thousand nine hundred and twenty-seven relating to the construction of a court house for Harrison county.

[Passed March 1, 1929; in effect from passage. Approved by the Governor.]

Sec. 8. Bond issue for construction and equipment of court house; before levy laid, committee to be appointed. 9. Members of committee to serve without charge; powers of committee. 10. Act to prevail over any conflicting general statute.

Be it enacted by the Legislature of West Virginia:

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

Section 8. Notwithstanding that levies for raising funds may be laid and collected under section seven of said chapter, the county court of Harrison county may issue bonds within the maximum amount prescribed in said chapter, when authorized as therein provided, to raise sufficient funds to complete the construction and equipment of a court house for said county. No levy authorized by section seven of
8 said chapter shall be made for the purposes therein specified
9 unless the resolution or order of the county court authorizing
10 and laying the same shall provide a committee to be made
11 up in the manner prescribed in said chapter, which com-
12 mittee shall have the same powers and shall exercise the
13 same duties with respect to the construction and equipment
14 of the court house by funds raised by levies as are conferred
15 and imposed upon the committee in the event that the court
16 house shall be constructed and paid for by moneys raised by
17 the issuance and sale of bonds under said chapter.

Sec. 9. The members of the committee shall serve without
2 charge or compensation. The county court shall not employ
3 any person as architect, supervisor or inspector, and shall
4 not pay out or disburse any funds raised by the sale of bonds
5 or by levies as in said chapter provided, in employing an archi-
6 tect to make plans, drawings, designs and specifications for
7 such court house, or in purchasing plans, drawings, designs
8 and specifications for such court house, except with the assent
9 and upon the approval of a majority of the members of the
10 committee provided for in said chapter.

Sec. 10. This act shall not operate as a repeal of any
2 general statute, but in all cases wherein it conflicts with any
3 general statute, the provisions of this act, for the objects
4 and purposes thereof shall prevail.

CHAPTER 128
(House Bill No. 308—By Mr. Wysong)

AN ACT to authorize the county court of Webster county, for
a period of three years, to increase the county levy for gen-
eral county purposes from thirty cents to forty cents upon
the one hundred dollars and to reduce the county levy for
road purposes from twenty-five cents to fifteen cents upon
the one hundred dollars:

[Passed March 9, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec.
1. County court may increase county and reduce road levies.
Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Webster county be, and it is hereby authorized and empowered, for the period of three years, as an emergency, to levy and collect for general county purposes the sum of forty cents upon the one hundred dollars valuation of the property therein instead of thirty cents as now provided by law and at the same time reduce the rate of levy for road purposes from twenty-five cents to fifteen cents upon the one hundred dollars valuation.

CHAPTER 129

(Senate Bill No. 88—By Mr. Hallanan)

AN ACT to validate all the proceedings authorizing the issuance of bonds by the county court of McDowell county, West Virginia, for and on behalf of the magisterial district of Sandy River district, McDowell county, West Virginia, in the sum of one hundred and fifty thousand dollars authorized at an election held in said district on the sixth day of November, one thousand nine hundred and twenty-eight by a vote of three-fifths of the voters voting at said election upon the question of issuing said bonds, for the purpose of constructing buildings, making repairs and permanent improvement of county and district public roads located and situated in said Sandy river district; and to authorize the execution and sale of said bonds, and to provide a tax to pay the same and the interest thereon.

[Passed February 5, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. Certain bonds of Sandy river magisterial district validated.
2. How executed and delivered; when payable.
3. Form of bonds.
4. Levy to pay bonds.

Be it enacted by the Legislature of West Virginia:

Section 1. All proceedings authorizing the issuance of bonds of the county court of McDowell county, West Virginia, for and on behalf of the magisterial district of Sandy river therein, in the amount of one hundred fifty thousand dollars authorized at an election held in said Sandy river district on
the sixth day of November, one thousand nine hundred and
7 twenty-eight, by a vote of three-fifths of the voters of said dis-
8 trict voting upon the question of issuing said bonds, for the
9 purpose of constructing building, making repairs and the per-
10 manent improvement of certain county and district roads
11 located and situated in said Sandy river district; and provid-
12 ing for the payment of same and the interest thereon, are here-
13 by in all respects validated and confirmed.

Sec. 2. The county court of McDowell county, state of West
2 Virginia, is hereby authorized to execute, make sale of and de-
3 liver bonds described in section one of this act for and on
4 behalf of the magisterial district of Sandy river, McDowell
5 county, West Virginia, pursuant to the proceedings validated
6 and confirmed by section one of this act, which said bonds shall
7 bear date as of the first day of January, one thousand nine
8 hundred and twenty-nine, and bear interest at the rate of five
9 per centum per annum, payable semi-annually, and be of the
10 denomination of one thousand dollars each and numbered from
11 one to one hundred and fifty, both inclusive, and payable as
12 follows:
13 Numbers one to five, both inclusive, shall be payable on Jan-
14 uary first, one thousand nine hundred and thirty.
15 Numbers six to ten, both inclusive, shall be payable on Jan-
16 uary first, one thousand nine hundred and thirty-one.
17 Numbers eleven to fifteen, both inclusive, shall be payable on
18 January first, one thousand nine hundred and thirty-two.
19 Numbers sixteen to twenty, both inclusive, shall be payable
20 on January first, one thousand nine hundred and thirty-
21 three.
22 Numbers twenty-one to twenty-five, both inclusive, shall be
23 payable on January first, one thousand nine hundred and
24 thirty-four.
25 Numbers twenty-six to thirty, both inclusive, shall be pay-
26 able on January first, one thousand nine hundred and thirty-
27 five.
28 Numbers thirty-one to thirty-five, both inclusive, shall be
29 payable on January first, one thousand nine hundred and
30 thirty-six.
31 Numbers thirty-six to forty, both inclusive, shall be payable
32 on January first, one thousand nine hundred and thirty-seven.
33 Numbers forty-one to forty-five, both inclusive, shall be pay-
34 able on January first, one thousand nine hundred and thirty-eight.
36 Numbers forty-six to fifty, both inclusive, shall be payable on January first, one thousand nine hundred and thirty-nine.
38 Numbers fifty-one to fifty-five, both inclusive, shall be payable on January first, one thousand nine hundred and forty.
40 Numbers fifty-six to sixty, both inclusive, shall be payable on January first, one thousand nine hundred and forty-one.
42 Numbers sixty-one to sixty-five, both inclusive, shall be payable on January first, one thousand nine hundred and forty-two.
44 Numbers sixty-six to seventy, both inclusive, shall be payable on January first, one thousand nine hundred and forty-three.
46 Numbers seventy-one to seventy-five, both inclusive, shall be payable on January first, one thousand nine hundred and forty-four.
48 Numbers seventy-six to eighty, both inclusive, shall be payable on January first, one thousand nine hundred and forty-five.
50 Numbers eighty-one to eighty-five, both inclusive, shall be payable on January first, one thousand nine hundred and forty-six.
52 Numbers eighty-six to ninety, both inclusive, shall be payable on January first, one thousand nine hundred and forty-seven.
54 Numbers ninety-one to ninety-five, both inclusive, shall be payable on January first, one thousand nine hundred and forty-eight.
56 Numbers ninety-six to one hundred, both inclusive, shall be payable on January first, one thousand nine hundred and forty-nine.
58 Numbers one hundred and one to one hundred and five, both inclusive, shall be payable on January first, one thousand nine hundred and fifty.
60 Numbers one hundred and six to one hundred and ten, both inclusive, shall be payable on January first, one thousand nine hundred and fifty-one.
62 Numbers one hundred and eleven to one hundred and fifteen, both inclusive, shall be payable on January first, one thousand nine hundred and fifty-two.
75 Numbers one hundred and sixteen to one hundred and
76 twenty, both inclusive, shall be payable on January first, one
77 thousand nine hundred and fifty-three.
78 Numbers one hundred and twenty-one to one hundred and
79 twenty-five, both inclusive, shall be payable on January first,
80 one thousand nine hundred and fifty-four.
81 Numbers one hundred and twenty-six to one hundred and
82 thirty, both inclusive, shall be payable on January first, one
83 thousand nine hundred and fifty-five.
84 Numbers one hundred and thirty-one to one hundred and
85 thirty-five, both inclusive, shall be payable on January first,
86 one thousand nine hundred and fifty-six.
87 Numbers one hundred and thirty-six to one hundred and
88 forty, both inclusive, shall be payable on January first, one
89 thousand nine hundred and fifty-seven.
90 Numbers one hundred and forty-one to one hundred and
91 forty-five, both inclusive, shall be payable on January first, one
92 thousand nine hundred and fifty-eight.
93 Numbers one hundred and forty-six to one hundred and fifty;
94 both inclusive, shall be payable on January first, one thousand
95 nine hundred and fifty-nine.

Sec. 3. Each of the bonds herein authorized and the cou-
pons to be attached thereto, shall be substantially in words and
figures as follows, to-wit:

UNITED STATES OF AMERICA

STATE OF WEST VIRGINIA,

SANDY RIVER DISTRICT,

MCDOWELL COUNTY.

8 Numbers one to one hundred and fifty. One thousand dollars.

ROAD IMPROVEMENT BOND.

10 Know all Men by These Presents: That the county court of
11 McDowell county, West Virginia, a corporation created and
12 existing under and by virtue of the laws of the state of West
13 Virginia, for and on behalf of the magisterial district of Sandy
14 river, for value received, acknowledges itself to be indebted
15 and promises to pay the bearer the sum of

ONE THOUSAND DOLLARS

17 in gold coin of the United States of America, of the present
18 standard of weight and fineness, on the first day of January,
19 nineteen................., together with interest thereon at the rate
20 of five per centum per annum, payable semi-annually, on the
21 first day of January and July of each year, both the principal
22 and interest thereon being payable to the bearer at the office of
23 the treasurer of the state of West Virginia, or at the McDowell
24 County National bank, Welch, West Virginia, or at the Hanover
25 National bank of New York city, in the state of New York, at
26 the option of the holder hereof, said interest being payable only
27 upon presentation and surrender of the annexed coupons as
28 they severally become due and payable.
29 This bond is one of a series of one hundred and fifty bonds,
30 aggregating the sum of one hundred and fifty thousand dol-
31 lars, numbered from one to one hundred and fifty inclusive of
32 like date, tenor and effect except as to number and maturity
33 issued for the purpose of providing funds for the cost of im-
34 proving certain roads in Sandy River district, McDowell
35 county, West Virginia.
36 The holder of this bond shall present the same for payment
37 upon the date and at the place, or any of the places fixed for
38 payment thereof, and failure to so present such bond shall cause
39 the interest thereon to cease, and no interest thereon shall be
40 paid after this bond becomes due, unless the same be presented
41 and no interest coupon shall bear interest after the date fixed
42 for presentation thereof, unless presented.
43 This bond is issued pursuant to and in conformity with the
44 constitution and laws of the state of West Virginia.
45 In testimony whereof, the county court of McDowell county,
46 state of West Virginia, has caused this bond to be signed by its
47 president and countersigned by its clerk with the seal of the
48 said court thereto affixed, and has caused the annexed interest
49 coupons to be executed with the engraved fac-simile signatures
50 of the said president and clerk and this bond is dated the first
51 day of January, in the year one thousand nine hundred and
52 twenty-nine.

COUNTY COURT OF MCDOWELL
COUNTY, WEST VIRGINIA.
(Seal)

By ...................................................
President.

Countersigned ............................................. Clerk

Coupon

Numbers one to one hundred and fifty. Twenty-five dollars.
On the first day of January (July) one thousand nine hun-
dred and twenty-nine (to one thousand nine hundred and fifty-
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62 nine) the county court of McDowell county, West Virginia, will
63 pay to the bearer twenty-five dollars at the office of the treas-
64 urer of the state of West Virginia, or McDowell County Na-
65 tional bank, of Welch, West Virginia or the Hanover National
66 bank of New York city, in the state of New York, at the option
67 of the holder hereof, it being six months’ interest on its road
68 bond of Sandy River district, of said county, number ................,
69 for one thousand dollars dated January one, one thousand nine
70 hundred and twenty-nine.

COUNTY COURT OF MCDOWELL
COUNTY, WEST VIRGINIA.

By ............................................ President.

74 Countersigned: ............................................ Clerk.

75 Sec. 4. The county court of McDowell county, West Vir-
76 ginia, shall annually impose and collect a tax in excess of all 77 other taxes, on all property, subject to taxation in said Sandy 78 River district, sufficient in amount to pay annually the interest 79 on the bonds herein authorized, and the principal thereof at 80 maturity.

CHAPTER 130
(Senate Bill No. 184—By Mr. White of Wood)

AN ACT to validate certain bonds of the City of Parkersburg and the issuance thereof and the several maturities thereof, which bonds are known and designated as “Water Works Improvement and Extension Bonds,” are in the aggregate amount of four hundred thousand dollars and were authorized at an election held in said city on the twenty-eighth day of June, one thousand nine hundred and twenty-seven, by the affirmative votes of three-fifths of the voters voting at said election, and which bonds are dated as of July first, one thousand nine hundred and twenty-seven.
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[Passed February 21, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Waterworks Improvement and extension bonds validated. | 2. Form of bond and interest coupons. | 3. Denominations and maturities.

Be it enacted by the Legislature of West Virginia:

Section 1. The bonds of the City of Parkersburg, and the issuance thereof, in the aggregate amount of four hundred thousand dollars, together with the several maturities thereof, which bonds are known and designated as “Water Works Improvement and Extension Bonds” and were authorized at an election held in the City of Parkersburg on the twenty-eighth day of June, one thousand nine hundred and twenty-seven, by the affirmative votes of three fifths of the voters voting at said election, and which bonds are dated as of July first, one thousand nine hundred and twenty-seven, are hereby in all respects validated and confirmed.

Sec. 2. The bonds hereby validated and confirmed and the coupons attached thereto, are each substantially in the words and figures as follows, to-wit:

UNITED STATES OF AMERICA
No. STATE OF WEST VIRGINIA $ .
CITY OF PARKERSBURG .
5% WATER WORKS IMPROVEMENT AND EXTENSION BOND.

City Series Q.

KNOW ALL MEN BY THESE PRESENTS: That the City of Parkersburg in the county of Wood, state of West Virginia, a municipal corporation created and existing under and by virtue of the laws of the state of West Virginia, for value received, acknowledges itself indebted to, and promises to pay to, the bearer the sum of Dollars ($ ) in lawful money of the United States of America, on the first day of July, together with interest thereon at the rate of five per centum per annum, payable semi-annually on the first day of January and first day of July in each year, both principal and interest being payable to bearer at the office of the treasurer of the state of West Virginia, in the City of Charleston, or at the National City Bank of New York in the city and
state of New York (at the option of the holder), said interest
being payable only upon presentation and surrender of the an-
exed coupons as they severally become due and payable.

This bond is one of a series of four hundred and three bonds
numbered from one to four hundred and three, consecutively,
of which three hundred and ninety-seven to-wit: Nos. one to
thirty-one inclusive, thirty-three to fifty-four inclusive, fifty-six
to seventy-nine inclusive, eighty-one to two hundred and fifty-
five inclusive, two hundred and fifty-seven to three hundred and
five inclusive, and three hundred and seven to four hundred
and ninety-two inclusive, are for one thousand dollars each,
and six to-wit: Nos. thirty-two, fifty-five, eighty, two hundred
and fifty-six, three hundred and six and four hundred and three
are for five hundred dollars each, aggregating four hundred
thousand dollars, all being of like date, tenor and effect except
as to amount, number and maturity, issued for the purpose of
providing funds for water works improvement and extension in
said City of Parkersburg, the last of which bonds is payable
twenty-six years after date, that is, on July first one thousand
nine hundred and fifty-three.

The holder of this bond shall present the same for payment
on the date and at one of the places fixed for payment thereof,
and failure to so present said bond shall cause the interest there-
on to cease, and no interest thereon shall be paid after this bond
becomes due unless the same be presented as herein provided,
and no interest coupon attached hereto shall bear interest after
the date fixed for the presentation thereof unless so presented.

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, and by virtue of a cer-
tain ordinance of the City of Parkersburg, enacted on the sev-
enteenth day of May, one thousand nine hundred and twenty-
seven, and pursuant to an election held in said city, whereat
more than three-fifths of the voters voting on said ordinance
voted in favor of the ratification thereof and the issuance of
this bond.

IN TESTIMONY WHEREOF the City of Parkersburg has
caused this bond to be signed by its mayor, and countersigned
by its clerk, with the corporate seal of said City of Parkersburg
hereto affixed, and has caused the annexed interest coupons to
be executed with the engraved *fac simile* signatures of the said mayor and city clerk. This bond is issued and dated as of the first day of July, one thousand nine hundred and twenty-seven.

**THE CITY OF PARKERSBURG,**

By ..........................................

Mayor

Countersigned:

Clerk of the City of Parkersburg.

Coupon No. ................... $...................

Series Q.

On the first day of ....................., 19........, The City of Parkersburg, a municipal corporation in Wood county, West Virginia, will pay to the bearer $................... at the office of the treasurer of the state of West Virginia, in the City of Charleston, West Virginia, or at the National City Bank of New York in the City and state of New York (at the option of the holder), it being six months interest on its Water Works Improvement and Extension Bond No............. for $................... issued on behalf of said City of Parkersburg and dated as of July first, one thousand nine hundred and twenty-seven.

City Clerk. Mayor.

Sec. 3. The schedule of maturities of said bonds, which schedule is hereby validated and confirmed, is as follows:

- Five thousand dollars par value shall mature three years after date of issue;
- Six thousand dollars par value shall mature four years after date of issue;
- Ten thousand dollars par value shall mature five years after date of issue;
- Ten thousand five hundred dollars par value shall mature six years after date of issue;
- Eleven thousand dollars par value shall mature seven years after date of issue;
- Eleven thousand five hundred dollars par value shall mature eight years after date of issue;
- Twelve thousand dollars par value shall mature nine years after date of issue;
- Twelve thousand five hundred dollars par value shall mature ten years after date of issue;
Thirteen thousand dollars par value shall mature eleven years after date of issue;
Fourteen thousand dollars par value shall mature twelve years after date of issue;
Fifteen thousand dollars par value shall mature thirteen years after date of issue;
Sixteen thousand dollars par value shall mature fourteen years after date of issue;
Seventeen thousand dollars par value shall mature fifteen years after date of issue;
Eighteen thousand dollars par value shall mature sixteen years after date of issue;
Nineteen thousand dollars par value shall mature seventeen years after date of issue;
Twenty thousand dollars par value shall mature eighteen years after date of issue;
Twenty-one thousand dollars par value shall mature nineteen years after date of issue;
Twenty-two thousand five hundred dollars par value shall mature twenty years after date of issue;
Twenty-four thousand dollars par value shall mature twenty-one years after date of issue;
Twenty-five thousand five hundred dollars par value shall mature twenty-two years after date of issue;
Twenty-seven thousand dollars par value shall mature twenty-three years after date of issue;
Twenty-eight thousand dollars par value shall mature twenty-four years after date of issue;
Twenty-nine thousand dollars par value shall mature twenty-five years after date of issue;
Twelve thousand five hundred dollars par value shall mature twenty-six years after date of issue.
CHAPTER 131
(Senate Bill No. 19—By Mr. Miller)

AN ACT to amend and re-enact section one-g and lines seven, eight and nine of section one-h of chapter fifty-one of the acts of the legislature of the state of West Virginia, regular session, one thousand nine hundred and twenty-seven, relating to the time of holding regular terms of circuit court in the seventh and twenty-fourth judicial circuits.

[Passed February 8, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1-g. Terms of court in seventh circuit. 1-h. Terms of court in twenty-fourth circuit.

Be it enacted by the Legislature of West Virginia:

That section one-g and lines seven, eight and nine of section one-h of chapter fifty-one of the acts of the legislature of the state of West Virginia, in regular session, one thousand nine hundred and twenty-seven, relating to the time of holding regular terms of circuit court in the seventh and twenty-fourth judicial circuits, be amended and re-enacted so as to read as follows:

Section 1-g. Seventh circuit. For the county of Logan on the 2 second Monday in January, the first Monday in April, the first 3 Monday in July, and the first Monday in October.

Sec. 1-h. For the county of Wayne on the first Monday in 2 March, the first Monday in June, the first Monday in Septem-3 ber, and the first Monday in December.

CHAPTER 132
(House Bill No. 2—By Mr. Wysong)

AN ACT fixing the time of holding circuit courts in the fifth and fourteenth judicial circuits of West Virginia, as established by chapter eighty-four of the acts of the legislature of West Virginia, session of one thousand nine hundred and twenty-one, and by chapter fifty-one of the acts of the legislature of West Virginia, session of one thousand nine
hundred and twenty-seven, and amending and re-enacting sections one-e, one-m, and one-n of chapter one hundred and twelve of Barnes' code of one thousand nine hundred and twenty-three.

[Passed February 28, 1929; in effect May 1, 1929. Approved by the Governor.]

Sec. 1. Time of holding courts in fifth judicial circuit.

Sec. 2. Time of holding courts in fourteenth judicial circuit.

Sec. 3. Repealing conflicting acts.

Be it enacted by the Legislature of West Virginia:

That sections one-e, one-m and one-n of chapter one hundred and twelve of Barnes' code of one thousand nine hundred and twenty-three be amended and re-enacted so as to read as follows:

Section 1. On and after January one, one thousand nine hundred and twenty-nine, the terms of the several circuit courts for the fifth judicial circuit of West Virginia shall commence and be held as follows:

5 For the county of Roane on the third Monday in January, the third Monday in May and the third Monday in September; for the county of Jackson on the first Monday in April, the first Tuesday in August and the second Tuesday in November; for the county of Calhoun on the third Tuesday in April, the third Tuesday in August and the third Tuesday in November; for the county of Mason on the first Monday in January, the first Monday in May and the first Monday in September.

Sec. 2. On and after January first, nineteen hundred and twenty-nine, the terms of the several circuit courts for the fourteenth judicial circuit of West Virginia, shall commence and be held as follows:

14 For the county of Webster, the first Tuesday in January, the first Tuesday in May and the first Tuesday in September.

16 For the county of Braxton, the second Tuesday in March, the second Tuesday in July and the third Tuesday in November.

19 For the county of Clay, the fourth Tuesday in January, the fourth Tuesday in May and the Fourth Tuesday in September.

22 For the county of Gilmer, the third Tuesday in February, the third Tuesday in June and the third Tuesday in October.

Sec. 3. All acts and parts of acts inconsistent herewith are hereby expressly repealed.
CHAPTER 133

(House Bill No. 14—By Mr. Hutchinson)

AN ACT to amend and re-enact sub-section one-b of section one, of chapter one hundred and twelve, of the code of West Virginia, relating to the holding of terms of the circuit court in the second judicial circuit, as amended and re-enacted by chapter eighty-four of the acts of the legislature for the year one thousand nine hundred and twenty-one.

[Passed February 14, 1929; in effect from passage. Approved by the Governor.]

SEC. 1-b. Time of holding courts in the second judicial circuit.

Be it enacted by the Legislature of West Virginia:

That sub-section one-b of section one, of chapter one hundred and twelve of the code of West Virginia, relating to the holding of terms of the circuit court in the second judicial circuit be amended and re-enacted so as to read as follows:

Section 1-b. For the county of Marshall, on the second Tuesday in February, the second Tuesday in June, and the second Tuesday in October.

For the county of Tyler on the third Tuesday in March, the third Tuesday in July, and the third Tuesday in November.

For the county of Wetzel the first Tuesday in January, the first Tuesday in May, and the first Tuesday in September.

CHAPTER 134

(House Bill No. 208—By Mr. Kennedy)

AN ACT to amend and re-enact section one-h of chapter one hundred and twelve of Barnes’ West Virginia code of one thousand nine hundred and twenty-three, as amended by chapter fifty-one of the acts of the legislature of West Virginia of the session of one thousand nine hundred and twenty-seven, relating to the time of holding terms of the circuit court in the eighth judicial circuit.
AN ACT to amend and re-enact section eight of chapter one hundred and sixty-eight of the acts of the legislature of West Virginia, second extraordinary session, nineteen hundred and twenty, and session nineteen hundred and twenty-one, relating to the time of holding terms of court of the domestic relations court of Cabell county, West Virginia.

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(Passed March 8, 1929; in effect from passage. Approved by the Governor.)

Sec. 8. Terms of domestic relations court.

Be it enacted by the Legislature of West Virginia:

That section eight, of chapter one hundred and sixty-eight of the acts of the legislature of West Virginia, second extraordinary session, nineteen hundred and twenty, and session nineteen hundred and twenty-one, relating to the time of holding terms of court of the domestic relations court of Cabell county, West Virginia,
4 second Monday in April, first Monday in June, September
5 and December.
6 All acts or parts of acts in conflict herewith are hereby
7 repealed.

CHAPTER 136

( Senate Bill No. 34—By Mr. Smith of Lincoln)

AN ACT to fix the salary of the clerk of the circuit court of Lincoln
county.

[Passed February 21, 1929; in effect ninety days from passage. Became a law
without the approval of the Governor.]

Sec. 1. Salary of clerk of circuit court of Lincoln county; effective date of
act.

Be it enacted by the Legislature of West Virginia:

Section 1. That the salary of the office of clerk of the circuit
court of Lincoln county be and the same is hereby fixed at
the sum of two thousand dollars per year, which salary shall
be paid monthly out of the treasury of Lincoln 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 July, one thousand, nine hundred and twenty-
nine.
9 All acts or parts of acts inconsistent herewith are hereby
10 repealed.

CHAPTER 137

( Senate Bill No. 35—By Mr. Watkins)

AN ACT providing compensation for the prosecuting attorney of
Taylor county, for services as attorney for the boards of edu-
cation of Taylor county.
Be it enacted by the Legislature of West Virginia:

Section 1. The prosecuting attorney of Taylor county shall receive for his services as attorney for the boards of education of Taylor county, as now or hereafter provided by law, the sum of six hundred dollars annually, payable monthly out of the county treasury.

CHAPTER 138

(Senate Bill No. 50—By Mr. Hugus, by request)

AN ACT authorizing the board of commissioners of Ohio county to pay the prosecuting attorney of Ohio county additional compensation for services rendered the boards of education of Ohio county.

Section 1. The board of commissioners of Ohio county may pay to the prosecuting attorney of Ohio county for services as attorney to the boards of education of Ohio county, including the Wheeling Independent School District Board, as now or hereafter constituted by law, a sum not to exceed one thousand two hundred dollars annually, payable out of the county treasury, on and after January one, one thousand nine hundred and thirty.
CHAPTER 139

(Senate Bill No. 70—By Mr. Smith of Marion, by request)

AN ACT to authorize the county court of Marion county to pay to the judge of the sixteenth judicial circuit, in addition to the amount paid out of the state treasury, such sum as may be just and proper, not to exceed twenty-two hundred dollars per annum.

[Passed February 21, 1929; in effect from passage. Approved by the Governor.]
Sec. 1. County court may pay additional compensation to circuit court judge.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Marion county is hereby authorized to pay to the judge of the sixteenth judicial circuit, in addition to the amount allowed and paid out of the state treasury, such sum as may be just and proper, not to exceed the sum of twenty-two hundred dollars per annum, which allowance may commence with the first day of January, one thousand nine hundred and twenty-nine.

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

CHAPTER 140

(Senate Bill No. 185—By Mr. Davis of Ritchie)

AN ACT to empower the judge of the circuit court of the third judicial circuit to employ a competent stenographer, defining duties, and providing for the manner of payment.

[Passed February 26, 1929; in effect from passage. Became a law without the approval of the Governor.]
Sec. 1. Circuit court of third judicial circuit may employ competent stenographer by order entered of record.
2. Compensation, amount and how paid.

Be it enacted by the Legislature of West Virginia:

Section 1. The circuit court of the third judicial circuit, or the judge thereof in vacation, is hereby empowered and authorized to employ and appoint a competent stenographer to aid
the said judge in the performance of all his official duties. Said
appointment and employment of such stenographer may be
made by the judge of said court by an order entered of record
in said court, and said stenographer so appointed shall hold
office during the pleasure of the court.

Sec. 2. The compensation of such stenographer shall be fixed
by said judge at such sum as he shall deem proper, not to exceed
one hundred dollars per month, of which said compensation an
amount not to exceed fifty dollars per month shall be paid out
of the state treasury as provided by section one-d of chapter
eleven of the code, an amount not to exceed twenty-five dollars
per month by the county court of Ritchie county, an amount
not to exceed fifteen dollars per month by the county court of
Doddridge county, and an amount not to exceed ten dollars
per month by the county court of Pleasants county.

CHAPTER 141

(Senate Bill No. 247—By Mr. Mathews, by request)

AN ACT providing for the compensation to be paid to the sheriff,
assessor and circuit clerk of Pocahontas county.

[Passed March 5, 1929; in effect ninety days from passage. Approved by the
Governor.]

Sec.
1. Compensation of sheriff.
2. Compensation of assessor.

Be it enacted by the Legislature of West Virginia:

Section 1. Beginning on the first day of January, one thou-
sand nine hundred and thirty-three, the compensation of the
sheriff of Pocahontas county shall be two thousand four hun-
dred dollars per annum, payable out of the county treasury in
equal monthly instalments.

Sec. 2. Beginning on the first day of January, one thousand
nine hundred and thirty-three, the compensation of the assessor
of Pocahontas county shall be twelve hundred dollars per annum,
payable out of the county treasury in equal monthly instalments.
Sec. 3. Beginning on the first day of January, one thousand two nine hundred and thirty-three, the compensation of the clerk of the circuit court of Pocahontas county, shall be one thousand four eight hundred dollars per annum, payable out of the county treasury in equal monthly instalments.

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

CHAPTER 142

(House Bill No. 10—By Mr. Rice)

AN ACT authorizing the county courts of Berkeley, Jefferson and Morgan counties, or any of them, to pay additional compensation to the judge of the twenty-third judicial circuit, and repealing all acts in conflict therewith.

[Passed February 14, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Authorizing county court of Berkeley, Jefferson or Morgan county to pay additional compensation to circuit judge.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Berkeley county, the county court of Jefferson county and the county court of Morgan county, be, and they are, each hereby authorized to pay out of their respective county treasuries, to the judge of the twenty-third judicial circuit of West Virginia, in addition to the amount now or hereafter allowed to said judge out of the state treasury, as compensation or salary, an amount not to exceed twenty-five hundred dollars per annum, payable in monthly installments, provided, the total additional compensation allowed by said county courts, or any of them, shall not exceed twenty-five hundred dollars per annum.

All acts and parts of acts inconsistent herewith are hereby repealed.
CHAPTER 143

(House Bill No. 122—By Mr. Deuley)

AN ACT to fix the salary of the clerk of the circuit court of Brooke county.

[Passed February 13, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. Salary of clerk of circuit court of Brooke county.

Be it enacted by the Legislature of West Virginia:

Section 1. That after the first day of January, one thousand nine-hundred and thirty-one, the county court of Brooke county shall allow and pay to the clerk of the circuit court of said county an annual salary of one thousand eight hundred dollars, which salary shall be paid monthly in the same manner as the salary of other county officers are paid.

CHAPTER 144

(House Bill No. 210—By Mr. Farnsworth, by request)

AN ACT to provide a stenographer for the prosecuting attorney of Lewis county, and for payment therefor.

[Passed March 8, 1929; in effect from passage. Became a law without the approval of the Governor.]

Sec. 1. When prosecuting attorney may employ stenographer; how paid.

Be it enacted by the Legislature of West Virginia:

Section 1. That by and with the consent and approval of the county court of Lewis county, the prosecuting attorney of said county is hereby authorized to employ a competent stenographer to assist him in his official duties as such prosecuting attorney, and in addition to the other provisions made by law for the support of his office he may be allowed and paid by said court, out of the county treasury of said county, a sum to be fixed by said court but not to exceed seventy-five dollars per month for such stenographic assistance.
CHAPTER 145

(House Bill No. 222—By Mr. Smith of Preston)

AN ACT authorizing the prosecuting attorney of Preston county to employ a stenographer.

[Passed March 2, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. Stenographer for prosecuting attorney: salary, how paid.

Be it enacted by the Legislature of West Virginia:

Section 1. That the prosecuting attorney of Preston county may employ a stenographer for his office, at a salary of not more than one thousand two hundred dollars annually, to be paid in monthly payments, out of the county treasury, in the same manner that all other county officials are paid.

CHAPTER 146

(House Bill No. 226—By Mr. Kyle)

AN ACT to amend and re-enact section four of chapter twenty-seven of the acts of the legislature of one thousand nine hundred and nine, as amended and re-enacted by section four of chapter twelve of the acts of the legislature of one thousand nine hundred and nineteen, relating to the salary of the judge of the criminal court of Harrison county.

[Passed February 20, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. Salary judge of criminal court, how paid.

Be it enacted by the Legislature of West Virginia:

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

Section 4. The judge of the said criminal court shall receive for his services a salary of five thousand dollars per year; said amount to be fixed and paid from year to year by the county court of said county, out of the funds of said county, as provided by statute.
CHAPTER 147

(House Bill No. 248—By Mr. Davis)

AN ACT providing stenographic or other clerical assistance to the prosecuting attorney of Hampshire county.

[Passed February 14, 1929; in effect from passage. Approved by the Governor.]

Sec. 1. County court to pay for stenographic or other clerical assistance for prosecuting attorney.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Hampshire county is hereby authorized to provide pay for stenographic or other clerical assistance to the prosecuting attorney of said county, but the said county court shall not expend for said purpose an amount exceeding fifty dollars per month, the same to be paid out of the county funds of said county.

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

CHAPTER 148

(House Bill No. 354—By Mr. Hays)

AN ACT to provide an assistant for the prosecuting attorney of Calhoun county.

[Passed March 7, 1929; in effect from passage. Became a law without the approval of the Governor.]

Sec. 1. County court to employ assistant for prosecuting attorney; salary.

Be it enacted by the Legislature of West Virginia:

That the county court of Calhoun county be required to employ an assistant for the prosecuting attorney of said county as follows:

Section 1. That the county court of Calhoun county shall employ one assistant for the prosecuting attorney of said county, in addition to the other provisions made by law for the support of the office of said prosecuting attorney, at a compensation of twenty-five dollars a month, payable out of the county treasury upon the order of the court as other salaries
CHAPTER 149
(House Bill No. 379—By Mr. Cole)

AN ACT authorizing the county courts of Mercer and Wyoming counties to pay to the judge of the ninth judicial circuit additional compensation and to repeal all acts in conflict therewith.

[Passed March 8, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Additional compensation for judge of the ninth judicial circuit.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 150
(House Bill No. 382—By Mr. Davis)

AN ACT relating to the salary of the clerk of the circuit court of Hampshire county.

[Passed March 8, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 1. Salary of circuit court clerk; when effective.

Be it enacted by the Legislature of West Virginia:

Section 1. The annual salary of the clerk of the circuit court of Hampshire county shall not be less than one thousand dollars nor more than thirteen hundred dollars. The county
court of Hampshire county is hereby authorized to fix said salary, but not at a greater nor less sum than herein specified.
This act shall become effective at the expiration of the term of office of the present incumbent.
All acts or parts of acts inconsistent herewith are hereby repealed.

CHAPTER 151
(Senate Bill No. 188—By Mr. Helmick)
AN ACT to amend and re-enact section one of chapter one hundred and twenty-six of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-five, relating to clerical assistance, prosecuting attorney, of Tucker county.

(Passed February 21, 1929; in effect from passage. Became a law without the approval of the Governor.)

Sec. 1. Compensation to prosecuting attorney for stenographic and clerical help.
1. Compensattion to prosecuting attorney for stenographic and clerical help.
2. Duties of stenographic or clerical helper.

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and twenty-six of the acts of the legislature of one thousand nine hundred and twenty-five be amended and re-enacted to read as follows: relating to the employment of stenographic and clerical help of the prosecuting attorney of Tucker county, fixing the salary and defining the duties to be performed.

Section 1. The prosecuting attorney of Tucker county shall be paid the sum of six hundred dollars per year for the employment of stenographic and clerical help out of the county fund, in addition to his salary as provided in section forty-four of chapter one hundred and thirty-seven of the code of West Virginia, Barnes’ edition of one thousand nine hundred and twenty-three.

Sec. 2. That such stenographic or clerical help of the prosecuting attorney of Tucker county shall attend all meetings of the county board of health, mental hygiene, applications for mothers’ pensions, board of equalization and review, take and transcribe such evidence as may be adduced and take and keep the minutes of said meetings in a loose leaf record book to be kept in the office of the clerk of the county court.
CHAPTER 152
(House Bill No. 300—By Mr. Reed)

AN ACT to provide for the appointment of two deputy sheriffs in Clay county and to fix their salaries.

[Passed March 8, 1929; in effect from passage. Became a law without the approval of the Governor.]

SEC. 1. Additional deputy sheriffs; salaries.

Be it enacted by the Legislature of West Virginia:

Section 1. The sheriff of Clay county shall appoint such deputy sheriffs as he may need, not exceeding two in number. Each deputy sheriff so appointed shall receive a salary of one thousand seven hundred dollars per annum. The salaries of all such deputy sheriffs shall be paid out of the county treasury of said county of Clay, from and after the first day of July one thousand nine hundred and twenty-nine.

All acts or parts of acts, in conflict with the provisions of this act are hereby repealed.

CHAPTER 153
(House Bill No. 300—By Mr. Meredith)

AN ACT providing stenographic or other clerical assistance to the prosecuting attorney of Roane county.

[Passed March 7, 1929; in effect from passage. Became a law without the approval of the Governor.]

SEC. 1. County court to provide pay for stenographic or other clerical assistance for prosecuting attorney.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Roane county is hereby authorized to provide pay for stenographic or other clerical assistance to the prosecuting attorney of said county but the said county court shall not expend for said purpose an amount exceeding fifty dollars per month, the same to be paid out of the county funds of said county. All acts and parts of acts inconsistent herewith are hereby repealed.
CHAPTER 154

(House Bill No. 403—By Mr. Stephens, by request)

AN ACT fixing the salaries of clerk of the circuit court, sheriff, clerk of the county court and prosecuting attorney of Putnam county.

[Passed March 6, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 1. Salaries of certain county officials; when act effective.

Be it enacted by the Legislature of West Virginia:

Section 1. The annual compensation of the clerk of the circuit court of Putnam county shall be eighteen hundred dollars; the sheriff of Putnam county shall be twenty-two hundred dollars; the clerk of the county court of Putnam county shall be twenty-two hundred dollars, and the prosecuting attorney of Putnam county shall be fifteen hundred dollars, to be paid out of the county treasury in monthly installments on the last day of each month.

Provided, however, that the provisions of this act shall not become effective during the term of any present incumbent of either of said offices.

CHAPTER 155

(Senate Bill No. 80—By Mr. Watkins)

AN ACT to provide for the construction of bridges in Taylor county.

[Passed February 10, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. County court may lay special levy for six years for construction of bridges; vote on question of laying levy.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Taylor county shall have the power to lay a special levy for a period of six years of not more than fifteen cents on every one hundred dollars of the assessed valuation of the property in said county for each of said years,
to be used exclusively for the construction of bridges in said county; provided, that the power to lay such levy shall not be effective until the question of laying the same shall have been submitted by the county court of said Taylor county to the voters of said county at a general election or any special election called for that purpose, and a majority of the votes cast upon the question of laying such levy shall have been in favor thereof.

CHAPTER 156

(Senate Bill No. 37—By Mr. Watkins)

AN ACT to amend and re-enact section sixteen of chapter seventy-nine of the acts of the legislature of West Virginia for the year one thousand nine hundred and thirteen, and to require publication of financial statement by the City of Grafton.

[Passed February 12, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 16. Publication of financial statement of cities by commission.

Be it enacted by the Legislature of West Virginia:

That section sixteen of chapter seventy-nine of the acts of the legislature of West Virginia for the year one thousand nine hundred and thirteen be amended and re-enacted so as to read as follows:

Section 16. The commission shall cause to be published in two newspapers of opposite politics, if there be such published therein, at a compensation not to exceed the rate provided by law for like publications, for one issue, a sworn statement of the financial condition of said city. Said statement shall be prepared by the commission every twelve months, and shall be so printed and published within sixty days after the close of each fiscal year.
AN ACT to amend and re-enact chapter one hundred and forty-eight, of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-seven authorizing the board of commissioners of the county of Ohio to pay such sums to the City of Wheeling as have been or will be assessed against the owners of the property abutting on that portion of McColloch street in the City of Wheeling between Sixteenth and Baker streets, and that portion of Baker street in the City of Wheeling between McColloch street and the southerly end of the Baker street bridge over Wheeling creek, on account of paving done by the said City of Wheeling during the year one thousand nine hundred and twenty-four and one thousand nine hundred and twenty-five and to authorize said board from time to time to join with the City of Wheeling in the maintenance, repair and paving of the above named portions of said streets.

[Passed February 4, 1929; in effect ninety days from passage. Approved by the Governor.]

Sec. 1. Board of commissioners may pay City of Wheeling for certain street paving.

Sec. 2. Board may contribute to maintenance of paving on certain streets.

Be it enacted by the Legislature of West Virginia:

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

Section 1. That the board of commissioners of the county of Ohio be, and hereby is, authorized to assume and take over and pay such sums to the City of Wheeling that are now due or may hereafter become due for the amounts of the assessments laid against the owners of property, abutting on that portion of McColloch street in the City of Wheeling between Sixteenth and Baker streets and on that portion of Baker street in the said city between McColloch street and the southerly end of the Baker street bridge over Wheeling creek, on account of the paving of said streets between said points during the year one thousand nine hundred and twenty-four and one thousand nine hundred and twenty-five. Said boards, as said as-
13 assessments become due may, out of the general county road
14 funds, pay to the City of Wheeling each year, a part or all of
15 such assessment and said property owners shall be credited with
16 the amounts so paid by the said board.

Sec. 2. That the board of commissioners of the county of
2 Ohio may, from time to time, contract with the said City of
3 Wheeling whereby said board may contribute to the City of
4 Wheeling for the upkeep, maintenance, repair, resurfacing or
5 repaving of that portion of McColloch street between Sixteenth
6 and Baker streets in said city and that portion of Baker street
7 in the said city between McColloch street and the southerly
8 end of the Baker street bridge over Wheeling creek, and said
9 board may assume all or part of the assessments which ordi-
10 narily would be laid against the property owners along said
11 portions of said streets, and said board may pay out of the gen-
12 eral county road fund, such sum or sums as may be necessary
13 to pay such part of the cost of the maintenance, repair, resur-
14 facing or repaving of the said portion of McColloch street be-
15 tween Sixteenth and Baker streets and the said portion of Baker
16 street in the said city between McColloch street and the south-
17 erly end of the Baker street bridge over Wheeling creek, includ-
18 ing that part of the assessments against the abutting property
19 owners, as said board may agree with said city to pay; pro-
20 vided, however, that nothing herein contained shall relieve the
21 City of Wheeling or the abutting property owners of its or
22 their obligations except, if, as, when, and to such extent as the
23 said board of commissioners may agree to assume and pay.
24 All acts and parts of acts inconsistent herewith are hereby
25 repealed.

CHAPTER 158

(Senate Bill No. 83—By Mr. Hugus)

AN ACT to amend and re-enact section thirteen of chapter one
1 hundred and twenty of the acts of the regular session of one
2 thousand nine hundred and twenty-five of the legislature, re-
3 lating to the intermediate court of Ohio county.
Be it enacted by the Legislature of West Virginia:

That section thirteen of chapter one hundred and twenty of the acts of the legislature of one thousand nine hundred and twenty-five, relating to the intermediate court of Ohio county, be amended and re-enacted so as to read as follows:

Section 13. The said court shall impanel a grand jury at each term thereof, and said court, or the judge thereof, may in his discretion, order a grand jury to be drawn or summoned to attend at any special or adjourned term of said court, or at any other time when in his opinion it is proper to do so. Such grand jury may consider any offense against the laws committed within said court of Ohio, whether the same shall have been committed before the next preceding term of the court or not, and whether the accused shall have been held for trial or not prior to the next preceding regular term, and all the provisions of chapter one hundred and fifty-seven of the code of West Virginia, in regard to grand juries in the circuit court shall apply, so far as applicable, to grand juries in said intermediate court. The grand and petit juries serving in said court shall be chosen and impaneled in the same manner as they are chosen and impaneled by law in the circuit court, and shall receive the same compensation as said jurors in the circuit court.

Provided, that there shall not be a separate set of jury commissioners for said court, and the jury commissioners of the circuit court of Ohio county and their successors in office at the time this act becomes effective, shall be ex-officio the jury commissioners of this court, and all petit juries for this court shall be selected from the same list and box from which petit jurors for the said circuit court are selected and in the manner prescribed by chapter one hundred and sixteen of the code; except, first, that said jury commissioners are hereby authorized, for the purpose of selecting a sufficient number of jurors for said circuit court and for this court, to add to said list and box the names of not more than one thousand additional in-
30 habitants of the county, duly qualified for jury service and not
31 exempted as in said chapter provided; and, except, secondly,
32 so far as otherwise provided in section twenty-one of chapter
33 one hundred and sixteen of the code.

CHAPTER 159

(Senate Bill No. 155—By Mr. Hugus)

AN ACT to amend and re-enact section three of chapter one hun-
dred and eighty-three of the acts of the legislature of West
Virginia of one thousand nine hundred and twenty-one, re-
lating to the powers and duties of the board of commissioners
of the county of Ohio.

[Passed February 21, 1929; in effect from passage. Approved by the Governor.]

Sec. 3. Transfer of unexpended balances of bond issues; special levy to pay interest and create a sinking fund.

Be it enacted by the Legislature of West Virginia:

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

Section 3. The proceeds of any such bond issue or of any
2 such special road fund levy authorized by sections one, two and
3 four of this act shall constitute a fund to be expended by the
4 board of commissioners of the county of Ohio for the purpose
5 specified in the order of said board under which the vote on any
6 such bond issue was taken or under which any such special road
7 fund levy was laid and for no other purpose; provided, that if
8 upon the completion of any project authorized under this act
9 and the payment of all bonds, interest or other claims on ac-
10 count of or against said project there remains a balance in the
11 fund for said project, said balance shall be transferred to the
12 general county road fund of Ohio county. After the issuance
13 and sale by the said board of commissioners of any such bonds
14 as are mentioned herein, the said board shall each year there-
15 after lay a levy on all of the taxable property in the county, in
16 addition to all other levies authorized by law, sufficient to pay
17 the annual interest on said bonds and to create a sinking fund
18 sufficient to pay said bonds when due.
19 All acts and parts of acts inconsistent herewith are hereby
20 repealed.

CHAPTER 160

(House Bill No. 111—By Mr. Haymond)

AN ACT to amend chapter seventy-nine of the acts of the West
Virginia legislature for the year one thousand nine hundred
and thirteen by adding thereto section seven-a., limiting the
power of the City of Grafton to sell, mortgage or otherwise
encumber certain public property of said city.

[Passed March 2, 1920; in effect ninety days from passage. Approved by the
Governor.]

Sec. 7-a. No sale or mortgage of water
works or electric light plants of

Be it enacted by the Legislature of West Virginia:

That chapter seventy-nine of the acts of the West Virginia
legislature for the year one thousand nine hundred and thirteen
be amended by adding thereto the following section:

Section 7-a. But the commission shall not grant, sell, con-
voy, transfer, let, assign, pledge, mortgage, charge or other-
wise alien or encumber the water works plant, or the electric
light plant belonging to said city, or any part thereof, with-
out first submitting the question of the proposed disposition
of such property to a vote of the people of the City of Graf-
ton at a general election, or at a special election called for
that purpose, and the majority of the votes at such election
shall have been cast in favor of the proposed disposition of
said property; provided, however, that said commission shall
have the power to sell, exchange, or otherwise dispose of any
worn or obsolete machinery, equipment or parts thereof, be-
longing to such water works plant or electric light plant for
the purpose of replacing the same with new and more mod-
ern equipment, or making proper repair thereof.
CHAPTER 161

(House Bill No. 174—By Mr. Cusack)

AN ACT for the establishment and maintenance of a county law library for Wetzel county.

[Passed February 12, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 1. County court may establish and maintain law library. 2. Board of directors for; duties of.

3. Penalty for removing or damaging books. 4. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Wetzel county, be, and the same is hereby authorized to establish and maintain a law library for the use of the judges of all courts of said county, all public officers of said county or sub-divisions thereof or municipalities therein, and for the use of such other persons and upon such terms as may be designated and prescribed by the Wetzel county library board herein-after created, and said county court shall provide and maintain a suitable room or rooms for the same, with all necessary conveniences, furniture and fixtures. The said county court shall provide suitable law books for said library and any and all purchases of law books for the office of the prosecuting attorney of this county, or for the office of the judge of the circuit court heretofore made are hereby ratified and confirmed and such books shall be considered a part of said library. Said county court may acquire books for said library by purchase, rental, lease, gift, donation, or loan.

Sec. 2. There is hereby created a board of directors of said library consisting of three members, of which one shall be the judge of the circuit court of Wetzel county, a second to be appointed by the county court, and the third shall be appointed by the Wetzel county bar association, the last two of whom shall hold office during the will and pleasure of the respective appointing powers, and said board shall be a body corporate under the name and style of "Wetzel County Law Library Board," and as such may sue and be sued. Said Wetzel County Law Library Board shall have control of said library and shall adopt and publish suitable rules and
12 regulations governing its use not inconsistent with this act
13 and shall have the power from time to time to repeal, alter,
14 revise and amend said rules and regulations. The books for
15 said library shall be purchased, rented or leased by the
16 county court of Wetzel county upon the order and requisition
17 of said board but no contract of rental or lease shall
18 extend more than five years from the date thereof.

Sec. 3. Except in case of fire or some like necessity it
2 shall be unlawful for anyone to remove any book or books
3 forming a part of said library from the room or rooms designated
4 for their location or injure, deface or destroy any of
5 them. Any person violating this section shall be guilty of a
6 misdemeanor and upon conviction thereof before a justice of
7 the peace or in the circuit court of Wetzel county shall be
8 fined not less than ten dollars and may be imprisoned in the
9 county jail not more than sixty days.

Sec. 4. All acts and parts of acts in conflict herewith
2 are hereby repealed.

CHAPTER 162

(House Bill No. 188—By Mr. Deuley)

AN ACT to authorize the county court of Brooke county, West Virginia, a corporation, to remove the remains of the dead interred in a certain lot of land, to be acquired by the said county court, near Short creek, Buffalo district, Brooke county, West Virginia, and to reinter the same in a suitable cemetery, as near as possible thereto.

Whereas, the state road commission of the State of West Virginia, is constructing, widening, straightening, grading and altering a certain state road, known as state route number two, at a point in Buffalo district, Brooke county, West Virginia, near what is known as Short creek, West Virginia, and

Whereas, it becomes the duty, pursuant to section thirty-one, chapter forty-three of Barnes' one thousand nine hundred and twenty-three code of West Virginia, as amended by chapter six, of the one thousand nine hundred and twenty-three acts of the
legislature of the state of West Virginia, for the county court of
Brooke county, West Virginia, a corporation to acquire the neces­
sary right-of-ways for the said constructing, widening, straight­
ening, grading and altering, and

Whereas, on the said right-of-way to be acquired as aforesaid.
which said property is now recorded in the name of W. J. and
Nellie R. Ashcraft, there are graves of at least three or more
persons, and it thus becomes necessary to remove the bodies
therefrom, therefore

[Passed February 13, 1929; in effect from passage. Became a law without the
approval of the Governor.]

SEC. 1. Removal of dead interred on state

road right-of-way; publication of
notice concerning.

Be it enacted by the Legislature of West Virginia:

That it shall be lawful for the said county court, after hav­
ing acquired title to the above described right-of-way, to dis­
inter the remains of the dead, buried therein, provided the
said county court properly reinter the said remains, together
with all marks and monuments pertaining thereto, in a suit­
able cemetery to be selected by the said county court, after
having given notice for four consecutive weeks in a news­
paper published in Brooke county, West Virginia, of its in­
tention to remove the said remains and after having given
due consideration to the wishes of any of the decedents rela­
tives.

CHAPTER 163

(House Bill No. 221—By Mr. Buzzerd)

AN ACT to empower the county court of Morgan county to ap­
propriate and contribute towards the support and main­
tainance of the "Morgan County Library," located on the
state property at Berkeley Springs in Morgan county, the
sum of three hundred dollars, annually, as an aid to educa­
tion in said county.
[Passed February 25, 1929; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 1. Payment by county court for county library.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Morgan county, West Virginia, is hereby authorized and empowered to pay out of the general county levy towards the support and maintenance of the Morgan county library, located on the state property at Berkeley Springs in Morgan county, the sum of three hundred dollars, annually, as an aid to education in said county:

CHAPTER 164

(House Bill No. 267—By Mr. Vandervort)

AN ACT to authorize and empower the county court of Monongalia county to establish, equip, maintain, operate and manage a general hospital in said county for the treatment and care of patients, charitable and otherwise, and to use in part the county infirmary buildings for such purpose.

[Passed March 2, 1929; in effect ninety days from passage. Approved by the Governor.]

SEC. 1. County court may establish general hospital; may use infirmary buildings and grounds; pay patients and indigent poor.

2. Cost of, how paid.

3. Reservation of room for indigent poor.

4. No discrimination by county court.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Monongalia county is hereby authorized and empowered to establish, equip, maintain, operate and manage a general hospital in said county, to be known as the Monongalia county hospital, and for that purpose to use in part, the county infirmary buildings, grounds and equipment, and to admit thereto for treatment and hospitalization such pay patients as are able and willing to pay the reasonable cost thereof and for the care, hospitalization and treatment of the indigent poor for which the said court is responsible.
Sec. 2. The cost thereof and of so doing shall be provided for by said county court out of any funds in the hands of said court not otherwise appropriated.

Sec. 3. Such court shall at all times reserve in said buildings all such room as shall be necessary to care for the poor, who are a county charge, as prescribed by law.

Sec. 4. Said court shall make no discrimination among the legal practitioners of said county or their patients.
"Proposing location of Summer White House in West Virginia."

WHEREAS, The President of the United States of America has called to the attention of Congress by message, the need of a nearby White House to make less burdensome upon the Chief Executive and First Lady of the Land, the duties incident to their positions, and,

WHEREAS, West Virginia comes within the suggested distance and has a topography and a climate that are ideal, and in it are found many very desirable locations for such purpose, surrounded by adequate acreage and served by direct highway and railway connections with Washington; therefore, be it

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

That the Governor be and hereby is authorized and empowered to appoint a commission of not more than five citizens to represent the interest of our state in this matter. The commission is authorized to hold or attend meetings within or without the state from time to time, and to employ such clerical and other help and assistance as may be needed to properly present to and urge upon the proper authorities the available locations in West Virginia suitable for the above mentioned purpose,

Resolved, further, That the Department of History and Archives is hereby directed to give all assistance requested by the commission in gathering data for its use in advocating the selection of a site in West Virginia,

Resolved, That the expense of the commission be paid out of the Governor's contingent fund, upon proper vouchers.
SENATE JOINT RESOLUTION NO. 2

(Adopted January 29, 1929)

"Relating to the amendment of section twenty-two, article six, of the constitution of the state."

WHEREAS, The legislature of West Virginia, at the regular session thereof in the year one thousand nine hundred and twenty-seven, to-wit, on April twenty-seven, one thousand nine hundred and twenty-seven, duly adopted a proposed amendment to section twenty-two of article six of the constitution of the state of West Virginia, which said amendment, having been read on three several days in each house, was agreed to on its third reading by two-thirds of the members elected thereto, and was thereupon entered on the journals of each house in accordance with section two of article fourteen of said constitution; the said proposed amendment providing that said section twenty-two of article six of the constitution be amended so as to read as follows:

"Sec. 22. All sessions of the legislature, other than extraordinary sessions, shall continue for a period of sixty days from the date of beginning. But all regular sessions may be extended by the concurrence of two-thirds of the members elected to each house."

And,

WHEREAS, On the same day, to-wit, the twenty-seventh day of April, one thousand nine hundred and twenty-seven, said legislature, by an act then and there duly passed, provided for the submission of said proposed amendment to the voters of the State for ratification or rejection at the next general election to be held in the year one thousand nine hundred and twenty-eight, which act is designated as chapter twenty-eight of the acts of the legislature of West Virginia, regular session of one thousand nine hundred and twenty-seven, in which said act the said proposed constitutional amendment, designated as "Legislative Amendment," is purported to be quoted in the following language, to-wit:

"Sec. 22. All sessions of the legislature, other than extraordinary sessions, shall continue in session for a period not exceeding sixty days from the date of convening without a concurrence of two-thirds of the members elected to each house."
And,

WHEREAS, The said proposed amendment, pursuant to said act, was published at least three months before such election in some newspaper in every county in the state, and at the said general election held in said state on Tuesday, the sixth day of November, one thousand nine hundred and twenty-eight, the said proposed amendment was ratified by more than a majority of the qualified voters voting on the question pursuant to said act, and said result was duly ascertained and declared by the governor, and said result proclaimed by him by publication in one or more newspapers published at the seat of government, as provided by said act; in pursuance whereof the said proposed amendment became effective as part of the constitution of this state from and after the said sixth day of November, one thousand nine hundred and twenty-eight; and,

WHEREAS, It appears that the reference to said proposed amendment and, the language thereof as purported to be quoted in the act aforesaid, does not follow the exact terms of the amendment so agreed to and proposed by the legislature aforesaid, though conforming thereto in general meaning and intent; and that the amendment quoted in said act is ambiguous and uncertain in meaning;

Now, therefore, in order to obviate any question as to the legality of the ratification and adoption of said amendment and of its validity as part of the constitution as aforesaid, as well as any question as to the meaning and intent of the said amendment so ratified, be it

Resolved by the Legislature of West Virginia:

First. That the said proposed amendment to section twenty-two of article six of the constitution of this state, as duly agreed to by two-thirds of the members elected to each house at the regular session of one thousand nine hundred and twenty-seven, and entered upon the journals thereof, be, and the same is hereby declared to have been duly ratified by the voters of this state and adopted as part of the constitution thereof, and that the same now constitutes a part of said constitution, in the following language, to-wit:

"Sec. 22. All sessions of the legislature, other than extraordinary sessions, shall continue for a period of sixty days from the
date of beginning. But all regular sessions may be extended by the concurrence of two-thirds of the members elected to each house.”

Second. That the variance in the language of said amendment as contained in said act providing for the submission thereof to the voters and as contained in the proclamation and publication thereof prior to said election, be, and the same is hereby declared to be immaterial and not to affect in any way the validity of the submission and ratification of said proposed amendment, and that any error, irregularity and variance therein be, and the same is now hereby declared to be of no effect as against the due and legal adoption of said amendment and the ratification thereof by the voters of the state.

Third. That the true meaning and intent of the language of said proposed amendment as purported to be set out in the act aforesaid and in the proclamation of the governor pursuant thereto be, and the same is now hereby declared to be the same as and identical with the said proposed amendment as originally agreed to by both houses of the legislature and entered upon its journals as aforesaid, and that the same shall in all cases be so construed; and that in all matters wherein the same may hereafter come in question, the meaning and intent thereof shall be held and construed to be that all sessions of the legislature, other than extraordinary sessions, shall continue for a period of sixty days from the date of beginning. But all regular sessions may be extended by concurrence of two-thirds of the members elected to each house.”

SENATE JOINT RESOLUTION NO. 4

(Adopted January 16, 1929)

“Providing for furnishing a set of West Virginia Reports to Hon. Elliott Northcott, United States Circuit Judge.”

Be it Resolved by the Legislature of West Virginia:

That the secretary of state be authorized and directed to deliver to the Hon. Elliott Northcott, United States circuit judge, for the fourth circuit, one complete set of the reports of the supreme court
of appeals of West Virginia, without cost, the same to be delivered at the office of said Judge at Huntington, West Virginia; and to furnish him additional volumes of said reports as the same are published.

SENATE JOINT RESOLUTION NO. 8

(Adopted January 29, 1929)

"Providing for the submission to the voters of the state an amendment to the constitution of the state, amending section one and section sixteen of article seven thereof."

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

That section one and section sixteen of article seven of the constitution of the state of West Virginia be amended so as to read as follows:

Section 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, state superintendent of free schools, auditor, treasurer, commissioner of agriculture and attorney-general who shall be ex-officio reporter of the court of appeals. Their terms of office respectively shall be for four years and shall commence on the first Monday following the second Wednesday in January next after their election. They shall, except the lieutenant-governor, reside at the seat of government during their terms of office, and keep there the public records, books and papers pertaining to their respective offices and shall perform such duties as may be prescribed by law. The lieutenant-governor shall be president of the senate and shall be entitled to vote only in case of a tie. His salary shall not exceed one thousand dollars per annum. An election for lieutenant-governor shall be held at the same time and in the same manner as the election for governor, and a contest therefor determined in the same manner. The Senate shall choose a president pro-tempore in the absence or disability of the lieutenant-governor or when he shall exercise the office of governor of the state.

Sec. 16. Succession to Governorship. In case of the death, con-
viction or impeachment, failure to qualify, resignation or other disability of the governor, the lieutenant-governor shall act as governor until the expiration of the term thereof or until the disability is removed; and if the lieutenant-governor, for any of the above named causes shall become incapable of performing the duties of governor, the same shall devolve upon the president pro tempore of the senate and if he is unable to act, then upon the speaker of the house of delegates; and in all other cases where there is no one to act as governor, one shall be chosen by a joint vote of the legislature.

SENATE JOINT RESOLUTION NO. 9

(Adopted January 24, 1929)

"Concerning Jackson Memorial Highway."

WHEREAS, an improved highway is now either completed or under construction leading from the City of Erie through the state of Pennsylvania, via the City of Pittsburgh, to the West Virginia State line; and thence through the State of West Virginia, via Morgantown, Fairmont, Clarksburg, Sutton, Summersville, Gauley Bridge, Fayetteville, Beckley, Princeton, and Bluefield, to the Virginia state line; and thence leading through the states of Virginia, Tennessee, North Carolina, Georgia and Florida to the Golf of Mexico, which highway is known and designated as United States route No. 19; and,

WHEREAS, the said highway passes through the City of Clarksburg, West Virginia, which is the birthplace of Stonewall Jackson, a military genius, of whom all Americans are proud; therefore, be it

Resolved by the Legislature of West Virginia:

"That the said highway above described, covering all the portion thereof which traverses the state of West Virginia, shall be known and is hereby designated as "The Stonewall Jackson Memorial Highway."

Resolved, further, That the legislatures of each of the other several states through which the said highway leads from the
City of Erie to the Gulf of Mexico, are hereby memorialized and requested to pass resolutions similar to this one, to the end that the said highway may, throughout its entire length, from the Great Lakes to the Gulf of Mexico, be known and designated as "The Stonewall Jackson Memorial Highway";

Resolved further, That the clerk of the senate of West Virginia shall certify a copy of this resolution to the clerk of the state senate in each of the other states traversed by said highway, and shall also certify a copy thereof to the executive committee of the American Association of State Highway Officials, Washington, D. C.

SENATE JOINT RESOLUTION NO. 10

(Adopted January 28, 1929)

"Concerning appropriations for the improvement of the Ohio and Kanawha Rivers."

WHEREAS, there is now pending before the National congress, the so-called rivers and harbors act providing for appropriations for important improvements of the Ohio and Great Kanawha rivers, and

WHEREAS, the appropriation for the Ohio river will bring to completion the lock and dam system, long sought by the Western Border of this state, and to the tributaries thereto, and

WHEREAS, the proposed improvement to the Great Kanawha river will afford great relief to the coal industry of southern West Virginia, and will contribute another means of transportation to the great chemical plant located in the Kanawha Valley, and will enhance the opportunities for National defense where chemical plants, easily converted in time of war to munition factories, may safely operate on a protected inland stream and still be accessible to the Atlantic sea board; therefore, be it

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

That the legislature of West Virginia, concurring with proponents of the said act pending before the National congress, earnestly urges that no time should be lost in the enactment of this
measure in order that important work contemplated may be in­
augurated at once.

Resolved further, that copies of this resolution be forwarded
to the West Virginia delegation in the House of Representatives
and in the United States Senate and that they be urged to use
their influence to bring forth an early enactment of said measure.

SENATE JOINT RESOLUTION NO. 12
(Adopted February 28, 1929)

"Providing for the submission to the voters of the state of an
amendment to the constitution of the state as follows:"

Amending article eight by adding section thirty-one.

Resolved by the Legislature of West Virginia, the Senate and
House of Delegates both concurring therein:

"That the question of the ratification or rejection of an amend­
ment to the constitution of West Virginia shall be submitted to
the voters of the state at the next general election to be held in the
year one thousand nine hundred and thirty, which proposed
amendment is as follows:"

Proposed Amendment

That article eight of said constitution of West Virginia be
amended by adding section thirty-one, to read as follows:

Section 31. Jurisdiction in all matters of probate, the appoint­
ment and qualification of personal representatives, guardians,
committees and curators, and the settlement of their accounts,
shall hereafter be vested exclusively in the circuit court. Provi­
sion shall be made by the legislature for the appointment by each
circuit court of a probate commissioner in each county who may
be authorized by general law to exercise the powers and discharge
the duties of the circuit court with respect to all or any of the
matters above mentioned in this section, under the supervision and
subject to the control of said court. Said probate commissioner
shall hold office at the pleasure of said circuit court, but his
compensation shall be fixed by general law.
SENATE JOINT RESOLUTION NO. 15

(Adopted March 1, 1929)

"Authorizing the state board of control to receive for the West Virginia university and West Virginia state college, grants of money provided by the act of the congress of the United States approved by the President, May twenty-two, one thousand nine hundred and twenty-eight, and known as the Capper-Ketcham act."

WHEREAS, The congress of the United States has passed an act approved by the President, May twenty-two, one thousand nine hundred and twenty-eight, entitled "an act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the acts entitled "an act donating public lands of the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts approved July second, one thousand eight hundred and sixty-two, and all acts supplementary thereto, and the United States department of agriculture;" and

WHEREAS, It is provided in section one of the acts aforesaid, that the grants of money authorized by this act shall be paid annually "to each state which shall by action of its legislature assent to the provisions of this act;" therefore, be it

Resolved, by the Legislature of West Virginia:

That the assent of the legislature of the state of West Virginia be and is hereby given to the provisions and requirements of said act, and the state board of control the fiscal governing body of the West Virginia university and West Virginia state college, be and it is hereby authorized and empowered to receive the grants of money appropriated under said act, said moneys to be deposited in the state treasury, to the credit of the West Virginia university and West Virginia state college, as Capper-Ketcham funds, and to organize and conduct agricultural extension work which shall be carried on in connection with the college of agriculture of said university and West Virginia state college in accordance with the terms and conditions expressed in the act of congress aforesaid.
SENATE JOINT RESOLUTION NO. 17

(Adopted March 2, 1929)

"Requesting a revised Budget Bill from the Budget Commission."

WHEREAS, Senate Bill No. 104 has been passed by both houses of the legislature, and has been engrossed for the governor’s approval, and

WHEREAS, under the provisions of this bill, all fees, commissions and other moneys collected by state institutions, state departments and other state agencies, with certain general exceptions, shall go into the state fund, general revenue, on and after July 1, 1929, and

WHEREAS, these moneys, aggregating a large sum, have heretofore gone into special funds and have been disbursed without specific legislative appropriation, which practice, under the provisions of Senate Bill No. 104, will be discontinued, and

WHEREAS, the budget bill submitted to the legislature by the budget commission was made up originally without knowledge that there would be a change in the administrative practice of handling these fees and commissions, and that such budget bill will need to be revised under this new plan,

Therefore, be it resolved by the Senate, the House of Delegates concurring therein:

That the budget commission be requested and privileged to withdraw the present budget bill now pending before the finance committees of the senate and house, with a view of making such amendments as may be deemed necessary in the appropriation of public moneys for the ensuing biennial period, and that the revised budget bill, when returned by the budget commission, shall be submitted and considered as a substitute for the pending budget bill.
"Adopting a state flag for the state of West Virginia."

WHEREAS, The legislature of West Virginia, by joint resolution passed on the twenty-fourth day of February, one thousand nine hundred and five, adopted a state flag prescribing the design thereof; and

WHEREAS, The design so adopted is impractical of manufacture, making the cost of purchase thereof prohibitive to the schools of the state and others desiring to purchase said flag; and

WHEREAS, There has been worked out a design embodying all of the features of the first West Virginia state flag so adopted, but so designed as to be practical of manufacture at a reasonable cost to those desiring to purchase the same; and

WHEREAS, It seems desirable to change the design of the West Virginia state flag; therefore, be it

Resolved by the Legislature of West Virginia:

That the legislature of West Virginia hereby adopts a state flag of the following design and proportions to-wit:

The proportions of the flag of the state of West Virginia shall be the same as those of the United States ensign; the field shall be pure white, upon the center of which shall be emblazoned in proper colors, the coat-of-arms of the state of West Virginia, upon which appears the date of the admission of the state into the Union, also with the motto "Montani Semper Liberi" (Mountaineers Always Freeman) above the coat-of-arms of the state of West Virginia there shall be a ribbon lettered, state of West Virginia, and arranged appropriately around the lower part of the coat-of-arms of the state of West Virginia a wreath of rhododendron maximum in proper colors. The field of pure white shall be bordered by a strip of blue on four sides. The flag of the state of West Virginia when used for parade purposes shall be trimmed with gold colored fringe on three sides and when used on ceremonial occasions with the United States ensign, shall be trimmed and mounted in similar fashion to the United States flag as regards fringe cord, tassels and mounting.
SENATE CONCURRENT RESOLUTION NO. 1

(Adopted January 9, 1929)

"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, three 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. 2

(Adopted January 23, 1929)

Providing for the appointment of a joint supervisor of printing for the two houses."

Resolved, That the clerks of the senate and house of delegates appoint a supervisor of printing who shall have general oversight and direction of the printing of the two houses, under the direction and supervision of the clerks, one-half of his compensation to be paid by the senate and one-half by the house of delegates, at a per diem of fifteen dollars per day.

SENATE CONCURRENT RESOLUTION NO. 3

(Adopted February 13, 1929)

"Raising a joint committee to investigate the Penitentiary."

WHEREAS, It is evident that a serious condition exists at the state penitentiary at Moundsville as the result of over-crowding of the institution, and
Whereas, The problem of employment of prison labor has been dealt with by the Federal congress in such a way as will seriously affect the contracts under which prison labor in West Virginia has been employed, and

Whereas, A situation of grave serious concern confronts the State of West Virginia in the problems arising from the overcrowded condition in the state penitentiary, and also the matter of relieving same, and

Whereas, The effect of federal legislation presents a serious problem in dealing with the employment of this labor to the extent that the penitentiary may become a heavy charge upon the State of West Virginia, and

Whereas, These matters are of such grave importance that the legislature should have first hand information in dealing with the same, therefore, be it

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

That a joint committee of seven members, three to be appointed by the president of the senate and four to be appointed by the speaker of the house, be created, with full authority to make an investigation of present conditions at the state penitentiary on all phases of the question of administration and the employment of labor and any other matters dealing therewith, and that this committee shall proceed to make a full investigation and report to the legislature at the earliest possible time with its recommendations for the guidance of the legislature in dealing with these problems.

Said committee shall have power to employ such clerical assistance as it shall deem necessary, in the proper and efficient discharge of its duties, and is hereby vested with power and authority to administer oaths, compel the attendance and testimony of witnesses, and the production of such books, papers or accounts as the committee may deem necessary to make a thorough examination into the condition of said institution.

SENATE CONCURRENT RESOLUTION NO. 4

(Adopted March 5, 1929)

"Providing for the introduction of a bill, relating to the charter of the City of Weston."
Permission is hereby given to introduce a bill with the following title:

"A Bill to amend and reenact section ten of chapter ninety of the Acts of the Legislature of West Virginia of one thousand nine hundred and thirteen; relating to the charter of the City of Weston."

SENATE CONCURRENT RESOLUTION NO. 5
(Adopted March 7, 1929)

"Providing for the introduction of a bill, submitting an amendment to section ten of article eight of the constitution."

Permission is hereby given to introduce a bill with the following title:

"A Bill to provide for submission to the voters of the state an amendment to the constitution of the state, amending section ten of article eight of the constitution."

HOUSE JOINT RESOLUTION NO. 3
(Adopted March 7, 1929)

"Proposing an amendment to section fifty-one of article six of the constitution of this state."

Resolved by the Legislature of West Virginia, two-thirds of all the members of each House agreeing thereto:

That the question of the ratification or rejection of an amendment to the constitution of West Virginia, proposed in accordance with the provision of section two of article fourteen of said constitution, shall be submitted to the voters of the state at the next general election to be held in the year of one thousand nine hundred and thirty, which proposed amendment is as follows:

Section 51. The legislature shall not appropriate any money out of the treasury except in accordance with the following provisions:

Sub-Section A

Every appropriation bill shall be either a budget bill or a supplementary appropriation bill as hereinafter mentioned.
First. Within ten days after the convening of the legislature, unless such time shall be extended by the legislature for the session at which the budget is to be submitted, the governor shall submit to the legislature two budgets, one for each ensuing fiscal year. Each budget shall contain a complete plan of proposed expenditures and estimated revenues for the particular fiscal year to which it relates; and shall show the estimated surplus or deficit of revenues at the end of the year. Accompanying each budget shall be a statement showing (1) the revenues and expenditures for each of the two fiscal years preceding; (2) the current assets, liabilities, reserves and surplus or deficit of the state; (3) debts and funds of the state; (4) an estimate of the state’s financial condition as of the beginning and end of each of the fiscal years covered by the two budgets above provided; (5) any explanation the governor may desire to make as to the important features of any budget and any suggestion as to methods for the reduction or increase of the state’s revenue.

Second. Each budget shall be divided into two parts, and the first part shall be designated “governmental appropriations” and shall embrace an itemized estimate of the appropriations: (1) for the legislature as certified to the Governor in the manner herein-after provided; (2) for the executive department; (3) for the judiciary department, as provided by law, certified to the governor by the auditor; (4) to pay and discharge the principal and interest of any debt of the state of West Virginia created in conformity with the constitution, and all laws enacted in pursuance thereof; (5) for the salaries payable by the state under the constitution and laws of the state; (6) for the aid of public schools in conformity with the laws of the state; (7) for such other purposes as are set forth in the constitution and laws made in pursuance thereof.

Third. The second part shall be designated “general appropriations,” and shall include all other estimates of appropriations. The governor shall deliver to the presiding officer of each house the budgets and a bill for all of the proposed appropriations of the budgets clearly itemized and classified; and the presiding officer of each house shall promptly cause said bill to be introduced therein and such bill shall be known as the “Budget Bill.” The governor may, before final action thereon by the leg-
is legislature, amend or supplement either of said budgets to correct an oversight; or, in case of an emergency, with the consent of the legislature, by delivering such an amendment or supplement to the presiding officers of both houses; and such amendment or supplement shall thereby become a part of said budget bill as an addition to the items of said bill or as a modification of or a substitute for any item of said bill such amendment or supplement may effect.

The legislature shall not amend the budget so as to create a deficit, but may amend the bill by increasing or diminishing the items therein, or inserting new items therein; provided, however, that the salary or compensation of any public officer shall not be increased or diminished during his term of office.

When such bill has been passed by both houses, it shall be immediately presented to the governor, who may approve, veto as a whole, veto any item therein, or decrease any item therein.

If the governor veto the bill as a whole, or any item therein, or decrease any item therein, he shall return the bill to the house in which it originated, together with a statement of his reasons for so doing. The legislature may, by a two-thirds vote of all the members elected to each branch, taken by yeas and nays, override the veto of the governor, in which case it shall become a law as originally passed, notwithstanding the veto of the governor.

Fourth. The governor and such representatives of the executive departments, boards, officers and commissions of the state, expending or applying for state moneys as have been designated by the governor for this purpose, shall have the right, and when requested by either house of the legislature, it shall be their duty to appear and be heard with respect to any budget bill during the consideration thereof, and to answer inquiries relating thereto.

Sub-Section C—Supplementary Appropriation Bills

Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriation shall be valid except in accordance with the provisions following: (1) every such appropriation shall be embodied in a separate bill limited to some single work, object or purpose therein stated and called herein a supple-
mentary appropriation bill; (2) each supplementary appropriation bill shall provide the revenue necessary to pay the appropriation thereby made by a tax direct or indirect, to be laid and collected as shall be directed in said bill, unless it appears from such budget that there is sufficient revenue available; (3) no supplementary appropriation bill shall become a law unless it be passed in each house by a vote of a majority of the members present, and the yeas and nays recorded on its final passage; (4) each supplementary appropriation bill shall be presented to the governor of the state as provided in section fourteen of article seven of the constitution, and thereafter all the provisions of said section shall apply.

Nothing in this amendment shall be construed as preventing the legislature from passing in time of war an appropriation bill to provide for the payment of any obligation of the state of West Virginia within the protection of section ten of article one of the constitution of the United States.

**Sub-Section D—General Provisions**

*First.* If the budget bill shall not have been finally acted upon by the legislature three days before the expiration of its regular session, the governor may, and it shall be his duty to issue a proclamation extending the session for such further period as may, in his judgment, be necessary for the passage of such bill; but no other matter than such bill shall be considered during such extended session, except a provision for the cost thereof.

*Second.* The governor, for the purpose of making up his budgets, shall have power and it shall be his duty to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions and agencies expending or supervising the expenditure of and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he shall direct. The estimates for the legislative departments, certified by the presiding officer of each house, of the judiciary, as provided by law, certified by the auditor, and for the public schools, as provided by law, shall be transmitted to the governor, in such form and at such times as he shall direct, and shall be included in the budget.
The governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies, and of all institutions applying for state moneys. After such public hearings, he may, in his discretion, revise all estimates except those for the legislative and judiciary departments and for the public schools as provided by law.

Third. The legislature may, from time to time, enact such laws not inconsistent with this section as may be necessary and proper to carry out its provisions.

Fourth. In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, except amendments thereto heretofore made and ratified by the people, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the governor from calling extraordinary sessions of the legislature, as provided by section seven of article seven, or as preventing the legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

HOUSE JOINT RESOLUTION NO. 4
(Adopted March 9, 1929)

"Providing for the submission to the voters of the state of an amendment to the constitution of the state as follows:"

Amending section ten, article eight.

Resolved by the Legislature of West Virginia, the Senate and House of Delegates both concurring therein:

"That the question of the ratification or rejection of an amendment to the constitution of West Virginia shall be submitted to the voters of the state at the next general election to be held in the year one thousand nine hundred and thirty, which proposed amendment is as follows:"
Proposed Amendment

"That section ten of article eight of said constitution of West Virginia be amended to read as follows:"

Section 10. The legislature shall divide the state into circuits, and shall determine the number of judges to be elected in each circuit. Each of the judges so elected shall hold his office for a term of eight years unless sooner removed in the manner prescribed in this constitution. The judges of the circuit courts in office when this article takes effect, shall remain therein until the expiration of the term for which they have been elected in the circuits in which they may respectively reside, unless sooner removed as aforesaid. A vacancy in the office of a judge of the circuit court shall be filled in the same manner as is provided for in the case of a vacancy in the office of a judge of the supreme court of appeals. During his continuance in office the judge of a circuit court shall reside in the circuit of which he is the judge. In those circuits where there shall be elected more than one judge, the business of the circuits shall be apportioned between the judges thereof in such manner as may be prescribed by law. The judges may hold courts in the same county or in different counties within the circuit at the same time or at different times, as may be prescribed by law.

HOUSE JOINT RESOLUTION NO. 5

(Adopted March 9, 1929)

"Authorizing the Governor to appoint a commission to study constitutional needs."

WHEREAS, The constitution of the state of West Virginia was adopted in one thousand eight hundred and seventy-two, many years prior to the development of our resources, in a period when the state was sparsely settled, educational facilities were limited and transportation difficulties precluded intimate contact with other states; and

WHEREAS, Our expanding industrial, commercial and social life has made it imperative in subsequent years to submit a deluge of amendments to the original constitution at ensuing elections in efforts to perfect the fundamental law of the state; and

WHEREAS, These patch-work amendments have been given but scant consideration by the successive legislatures which have
submitted them and have failed to meet the existing necessity for greater constructive changes and amendments to the constitution; therefore,

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

That as soon as practicable after March fourth, one thousand nine hundred and twenty-nine, the governor of the state of West Virginia be and he is hereby authorized and directed to appoint a commission to study the constitution and the needs of the state and to submit to the governor at least thirty days prior to the next regular session of the legislature such amendments to the state constitution as the commission deems necessary to remove existing barriers and restrictions to the further and greater development of the state and its diversified interests. Said commission shall consist of eleven members, including a judge of the supreme court of appeals. In the appointment of other members of the said commission the governor is hereby directed to designate at least one member from each of the six congressional districts and to give consideration in making such appointments to those interests generally known as agriculture, public utilities, labor, coal, manufacturing, oil and gas and to the legal profession. Upon the completion of the report the commission shall file same with the governor who is hereby directed to make it public in order that it may have the thorough consideration of the people of the state prior to the assembling of the legislature and to transmit said report to the next regular session of the legislature.

**HOUSE JOINT RESOLUTION NO. 8**

*(Adopted March 6, 1929)*

“Relating to the printing of the minutes of the Wheeling Convention of one thousand eight hundred and sixty-one and the Constitutional Convention of one thousand eight hundred and sixty-two.”

*Whereas,* There appears in the acts of the legislature of one thousand nine hundred and seven at page five hundred and fifty-seven the following:

“To pay Granville D. Hall for manuscript containing full minutes of the proceedings of the convention held at Wheeling, West
Virginia, in one thousand eight hundred and sixty-one, known as the Wheeling convention, two thousand five hundred dollars; and

WHEREAS, There was delivered to the State of West Virginia and deposited in the department of archives and history such manuscript as prepared by Granville D. Hall, in the year one thousand nine hundred and seven, where the same has remained and is now so deposited, and,

WHEREAS, Such manuscript contains a very important part of the history of the formation of the State of West Virginia, and has never been printed or distributed, and is not now accessible to the people of the State, and there is a general desire on the part of a large number of citizens to obtain copies of such historical manuscript; therefore,

Be it Resolved by the Legislature of West Virginia:

That the board of public works be and it is hereby requested to provide in its supplementary budget a sufficient sum of money to print and bind in a proper form at least the number of two thousand copies of such manuscript now owned by the State of West Virginia which copies when so printed and bound shall be sold at a price for each volume fixed by the board of public works and in fixing such price the board shall give due consideration to the cost thereof. Such printing and binding may be done under the supervision of the Secretary of State. Sufficient copies should be given to the libraries of the university, and other state supported schools, and to all tax supported public libraries and state law library and to all elected officials and to all judges of the courts, and to all members of the Senate and House of Delegates.''

SENATE SUB. FOR HOUSE JOINT RESOLUTION NO. 10
(Adopted March 8, 1929)

"Raising a joint committee to examine the report of the revisers of the code."

WHEREAS, The Legislature of one thousand nine hundred and twenty-seven provided for the appointment of a joint committee of the Legislature to examine and report upon the report of the revisers of the code of West Virginia, and
WHEREAS, The committee was to report to a special session of the Legislature to be held in January, one thousand nine hundred and twenty-eight, and

WHEREAS, No such special session was held and no one of the House members of said committee is now a member of the House, and

WHEREAS, There appears to be an almost universal desire for the adoption of the revised code with certain changes and modifications that have been suggested by the state bar association and sundry persons and organizations and,

WHEREAS, It will be necessary to make further examination of said report, as to the proposed modifications and changes and the changes that will be necessary owing to the acts of the legislature of one thousand nine hundred and twenty-seven and the acts of the present session and the proper codifications thereof. Therefore, be it Resolved by the Legislature of West Virginia:

That a joint committee consisting of the members of the Senate who were members of the committee appointed in one thousand nine hundred and twenty-seven, under Senate Joint Resolution No. 16, the Speaker of the House of Delegates and three members thereof to be appointed by the Speaker of the House, together with five members of the bar, to be appointed by the Governor, be hereby created, for the purpose of making further examination of the report of the revisers of the code of West Virginia and proposed modifications and changes thereof, and the codifications and changes made necessary by reason of the acts of the legislature passed since the filing of the report of the revisers of the code. The committee shall in all respects execute and complete the revision and codification of the statutes of West Virginia in such manner as in their opinion will harmonize the general statutes and make the code of statute law as existing at the close of their work as complete as possible. Promptly upon completion of their work they shall make to the Governor a report accompanied by a bill of adoption of the code. For that purpose the said joint committee is authorized, empowered and directed to act in conjunction with any committee of the state bar association in making their said examination and necessary changes in said revisers report. The members of the said committee appointed by the Governor shall serve without compensation.

Resolved, further, that the Governor be requested to call a spe-
cial session of the legislature for the purpose of considering and acting upon the proposed revised code of West Virginia.

HOUSE CONCURRENT RESOLUTION NO. 2
(Adopted January 9, 1929)

"Raising a joint assembly."
Resolved, That the Senate and House meet in joint assembly at 3:30 P. M., today in the chamber of the House of Delegates, to receive any communication His Excellency the Governor, may care to present."

HOUSE CONCURRENT RESOLUTION NO. 3
(Adopted January 10, 1929)

"Raising a joint assembly."
Resolved, That the two houses of the Legislature convene in joint assembly in the hall of the House of Delegates at 2:30 o'clock in the afternoon of this day, that the Speaker of the House may, in the presence of the Senate, open and publish the returns of the election of Governor and the other State officers elected at the general election held throughout the state on the 6th day of November, 1928, as provided by section 3 of article 7 of the Constitution of this state.

HOUSE CONCURRENT RESOLUTION NO. 4
(Adopted January 16, 1929)

"Raising a Joint Committee on Rules."
Resolved, by the House of Delegates of West Virginia, the Senate concurring therein:
That, a committee of three members of the House, to be appointed by the Speaker, and a like number from the Senate, to be appointed by the President, constitute a joint committee on Joint Rules of the House and Senate.
HOUSE CONCURRENT RESOLUTION NO. 5  
(Adopted January 16, 1929)  

"Authorizing the Auditor to draw his warrants for the mileage of members and for the per diem of officers and attaches of the House and Senate."

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

That the Auditor is authorized to draw his warrants upon the Treasury, in advance of the appropriation for the purpose, for the mileage of the members of the House and Senate, and for the per diem of the officers and attaches of the House and Senate.

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HOUSE CONCURRENT RESOLUTION NO. 7  
(Adopted February 4, 1929)  

"For the establishment and maintenance of a general hospital for the care and treatment of veterans within the State of West Virginia."

Whereas, The government of the United States has provided by law that free hospitalization be granted to all honorably discharged veterans of wars in which the United States has engaged, regardless of whether veteran was shot in battle or otherwise disabled in the service. This service is extended first to veterans suffering from service connected disabilities, then to other veterans so far as beds are available, and

Whereas, The veterans of West Virginia are placed at a peculiar disadvantage for treatment by reason of the great distance to the hospitals to which such veterans are all located, and by reason of a certain shortage in beds at the hospitals at the most difficult seasons of the year, and

Whereas, The American Legion, department of West Virginia, by resolution adopted at the ninth annual convention held during the month of August, one thousand nine hundred and twenty-seven, and re-affirmed at the tenth annual convention held during the month of September, one thousand nine hundred and
twenty-eight, recommended and urged that a general medical hospital be established at some point in the state of West Virginia, and

WHEREAS, The present session of the Congress of the United State has before it an appropriation act providing for ten million dollars for enlarging the present hospitals and for building new ones, and

WHEREAS, There is no provision in this bill for the relief of the veterans of West Virginia as urged and recommended, and

WHEREAS, The establishment of such a hospital located at such point to be of convenient access, for the treatment of sick and disabled former soldiers would relieve the government from the payment of vast sums in compensation and transportation charges and would release and refit many of these men to the fields of peaceful industry as useful citizens employed in gainful pursuits, therefore be it

Resolved by the Legislature of West Virginia:

That a committee of five be appointed from the senate and house of delegates, two by the president of the senate and three by the speaker of the house, to wait upon and represent to the director of the United States veterans bureau and other officers having authority in the establishment and location of hospitals, the necessity and advantage in establishing and maintaining a general medical hospital for the care and treatment of veterans within the state of West Virginia.

Resolved, further, That the expense of this committee be paid out of the governor's contingent fund, upon proper vouchers drawn by the committee.

HOUSE CONCURRENT RESOLUTION NO. 10

(Adopted February 8, 1929)

"Recognizing the distinguished service of Master Sergeant Roy W. Hooe, U. S. Army, formerly of Charles Town, Jefferson county, West Virginia, to the cause of aviation and expressing the deep appreciation of the State of West Virginia of his contribution in the historic flight of the "'Question Mark'."

WHEREAS, Master Sergeant Roy W. Hooe, a native of Charles Town, Jefferson county, West Virginia, a skillful and masterful
mechanic, has taken part in the historic flight of the "Question Mark" in which a new world record for endurance was established; and

WHEREAS, his genius, persistence, and courage have awakened the admiration and wonder of his fellow aviators in placing in him the trust and faith that was occasioned by reason of his previous service to aviation and,

WHEREAS, it is reported that Sergeant Hooe and other members of the crew of the "Question Mark" are today the guests of his native town for the bestowal of proper honors upon its distinguished son, therefore be it

Resolved by the Legislature of West Virginia:

That in recognition of his distinguished service to the cause of aviation and the honor that he has reflected upon his native state by his undaunted courage and skill, this body do formally express upon behalf of the State of West Virginia its deep appreciation of Master Sergeant Hooe's contribution to this historic flight and that the Governor extend an invitation to Master Sergeant Roy W. Hooe and his comrades to visit the state capitol before returning to Washington or at some other future time convenient to him to receive therefrom its thanks and sincere appreciation for their valorous and courageous service.

HOUSE CONCURRENT RESOLUTION NO. 13.

(Adopted February 27, 1929)

"Concerning the birthplace of Nancy Hanks."

WHEREAS, The press throughout the country during the past two years has frequently announced that the birth place of the mother of Abraham Lincoln (Nancy Hanks) has been definitely established within the borders of West Virginia, and

WHEREAS, Many articles have appeared in reliable magazines throughout the country written by the Lincoln biographer, Hon. William E. Barton, establishing the fact that Nancy Hanks was born on Mike's Run, a tributary of Patterson's Creek in Mineral County, West Virginia, and

WHEREAS, A local organization has been established in Mineral county known as the Nancy Hanks Memorial Association with
the object of marking the birth place of the mother of our martyred President;

Resolved, That the Governor be empowered to appoint a commission consisting of five citizens of West Virginia whose duty it shall be to investigate the evidence supporting the assertions and declarations as to the birth place of Nancy Hanks, and if found to be true said commission is to report these facts to the next legislature with recommendations as to the advisability of the State of West Virginia, erecting there a suitable memorial.

HOUSE CONCURRENT RESOLUTION NO. 14
(Adopted February 28, 1929)

"Relating to Booker T. Washington."

WHEREAS, The late Booker T. Washington, renowned educator and emancipator, spent his early childhood and manhood at Malden, Kanawha County, West Virginia, and

WHEREAS, Through great difficulties and at a great sacrifice, he secured an education; in order to uplift his people, at a time when educational opportunities were meager for the white race and practically none at all for the race to which he belonged,

WHEREAS, Being a child of slavery, born in obscurity, handicapped by poverty, he nevertheless succeeded in breaking the chains of ignorance and superstition of his people, supplanting in its place industry and thrift, and through this and the great contribution he made in bringing the races closer together, he arose to be acclaimed by two continents as one of the greatest men America has produced, and

WHEREAS, He has been justly called the father of industrial education, having popularized it to the extent that it has been put into the public school systems of several States.

WHEREAS, The negro clubwomen through the West Virginia state federation of colored women’s clubs have formed a corporation to establish and maintain a memorial park with a fitting monument and buildings therein on the old home spot and surrounding territory of Malden, West Virginia, and

WHEREAS, The president, Mrs. A. L. Spaulding, and the executive secretary, Mrs. J. H. Love, have secured the endorsements and recommendations of leading statesmen, financiers and philan-
thropists of the state and nation, including the President of the United States, Hon. Calvin Coolidge and President-elect, Hon. Herbert Hoover.

Be it Resolved, That the legislature of West Virginia, by resolution go on record as endorsing said memorial, not only as a means of honoring this distinguished son of West Virginia, but as a sign of encouragement to the youth of America, who are laboring under similar handicaps.

HOUSE CONCURRENT RESOLUTION NO. 15.

(Adopted March 9, 1929.)

"Providing for the printing and distribution of advance copies of the acts of the regular session of one thousand nine hundred and twenty-nine."

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

That the clerks of the two houses are hereby directed to have printed by the public printer, two thousand five hundred advance copies of the acts of this session exclusive of municipal charters, properly head noted, and with a full table of contents, and in paper binding, for distribution among the members of the legislature, judges of the supreme court of appeals, and of the circuit, criminal and intermediate courts, circuit and county clerks, sheriffs and prosecuting attorneys.

Said public printer shall print and deliver said advance copies to the clerks of the two houses as soon as possible after the adjournment of this session. Upon receipt of the same, the clerks shall, without delay, forward by mail or express to each member of the Senate and House of Delegates at least ten of said advance copies, and one copy each to the officials hereinbefore enumerated, and ten copies to each of the state officials, and the remainder, if any, they shall deliver to the secretary of state for general distribution. The said clerks are also authorized and directed to have printed in signature form or advance sheets, any general law which they may deem of sufficient importance to be issued and distributed in that form. The sum of two hundred dollars out of
the contingent fund of the House and one hundred dollars out of the contingent fund of the Senate is hereby directed to be paid by the auditor upon proper warrants, respectively, to pay the postage or expressage on said advance copies.

For extra work provided for in this resolution, the time of said clerks, the secretaries to the clerks, the supervisor of printing of the two houses and four assistant clerks from each house is extended for sixty days, the compensation to be paid out of the contingent fund of the Senate and House, respectively, upon proper warrants being drawn therefor by the clerk of the Senate and Sergeant-at-Arms of the House, and the Auditor is hereby authorized and directed to pay the same.

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HOUSE CONCURRENT RESOLUTION NO 16.

(Adopted March 16, 1929)

"Raising a joint committee to wait upon the Governor."

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

That a joint committee of five, consisting of three on the part of the House of Delegates, to be appointed by the Speaker thereof, and two on the part of the Senate, to be appointed by the President thereof, be appointed for the purpose of notifying the Governor that the legislature is ready, under the constitution, to adjourn sine die, and ask him if he has any further communication to make.
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