

ACTS  
*and*  
RESOLUTIONS  
*of the*  
FORTY-SECOND  
LEGISLATURE  
*of*  
WEST VIRGINIA

---

Regular Session 1935



#### NOTE BY THE CLERK OF THE HOUSE OF DELEGATES

This volume contains all the Acts of the 1935 regular session of the forty-second Legislature, including municipal charters. It also contains all Senate and House Joint and Concurrent resolutions adopted, as well as all the Senate and House resolutions adopted by the respective bodies.

# List of Members and Officers of the Legislature of West Virginia 1935

## SENATE OFFICERS

*President*—CHARLES E. HODGES, Morgantown  
*Clerk*—CHARLES LIVELY, Weston  
*Sergeant-at-Arms*—FRED D. WOLFE, Ripley  
*Doorkeeper*—G. W. TRIPLETT, Huntington

DISTRICT	MEMBERS	POST OFFICE
First.....	James Paull, Jr. (D).....	Wellsburg
	*C. Lee Spillers (D).....	Wheeling
Second.....	*Frank A. Young (R).....	Sistersville
	Harry Elbin (D).....	Cameron
Third.....	Dan B. Fleming (D).....	St. Marys
	*Clinton L. Howard (D).....	Parkersburg
Fourth.....	*L. O. Curtis (R).....	Spencer
	Ray E. Ritchie (R).....	Ravenswood
Fifth.....	J. T. Garrett (D).....	Hurricane
	*J. Patrick Beacom (D).....	Huntington
Sixth.....	C. Frank Millender (D).....	Wayne
	*John H. Greene (D).....	Williamson
Seventh.....	Grover C. Mitchell (D).....	Union
	*O. C. Canterbury (D).....	Beckley
Eighth.....	Luther R. Jones (D).....	Madison
	*Alvin J. Barnhart (D).....	Charleston
Ninth.....	Perry N. Wiseman (D).....	Summersville
	*F. W. Tuckwiller (D).....	Lewisburg
Tenth.....	A. G. Mathews (D).....	Grantsville
	*G. C. Belknap (D).....	Gassaway
Eleventh.....	Earl H. Smith (D).....	Fairmont
	*Chas. E. Hodges (D).....	Morgantown
Twelfth.....	Louis A. Henderson (D).....	West Union
	*Byron B. Randolph (D).....	Clarksburg
Thirteenth.....	Lee J. Sandridge (D).....	Phillippi
	*G. O. Young (R).....	Buckhannon
Fourteenth.....	A. L. Helmick (R).....	Thomas
	*E. Bunker Reynolds (R).....	Keyser
Fifteenth.....	J. E. Helsley (D).....	Berkeley Springs
	*M. O. Rouss (D).....	Charles Town

\*Holdover Senators, who will serve in the 1937 session.

24—Democrats  
6—Republicans

## Standing Committees of the Senate

### ON RULES

Messrs. Hodges (Mr. President) (*Chairman ex officio*), Jones, Fleming, Paull and Helmick.

### ON PRIVILEGES AND ELECTIONS

Messrs. Jones (*Chairman*), Sandridge, Howard, Garrett, Paull, Tuckwiller, Mathews, Reynolds and Young (of Upshur).

### ON THE JUDICIARY

Messrs. Paull (*Chairman*), Barnhart, Helsley, Spillers, Fleming, Beacom, Canterbury, Greene, Jones, Mathews, Smith, Henderson, Belknap, Randolph, Reynolds, Young (of Tyler), Curtis and Ritchie.

### ON FINANCE

Messrs. Jones (*Chairman*), Fleming, Wiseman, Tuckwiller, Mathews, Smith, Henderson, Sandridge, Rouss, Paull, Elbin, Howard, Millender, Mitchell, Garrett, Helmick, Reynolds and Young (of Upshur).

### ON EDUCATION

Messrs. Smith (*Chairman*), Paull, Elbin, Fleming, Wiseman, Barnhart, Garrett, Reynolds and Ritchie.

### ON COUNTIES AND MUNICIPAL CORPORATIONS

Messrs. Mathews (*Chairman*), Jones, Spillers, Howard, Randolph, Sandridge, Greene, Helmick and Young (of Tyler).

### ON ROADS AND NAVIGATION

Messrs. Henderson (*Chairman*), Mitchell, Paull, Elbin, Howard, Beacom, Millender, Canterbury, Barnhart, Wiseman, Tuckwiller, Belknap, Sandridge, Mathews, Helsley, Ritchie and Helmick.

### ON BANKS AND CORPORATIONS

Messrs. Wiseman (*Chairman*), Paull, Elbin, Howard, Greene, Henderson, Mathews, Young (of Tyler) and Young (of Upshur).

## ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS

Messrs. Tuckwiller (*Chairman*), Henderson, Elbin, Beacom, Millender, Mitchell, Barnhart, Belknap, Rouss, Helmick and Ritchie.

## ON THE PENITENTIARY

Messrs. Millender (*Chairman*), Spillers, Elbin, Belknap, Smith, Henderson, Jones, Helmick and Ritchie.

## ON RAILROADS

Messrs. Rouss (*Chairman*), Sandridge, Spillers, Howard, Garrett, Canterbury, Jones, Reynolds and Helmick.

## ON MILITIA

Messrs. Beacom (*Chairman*), Randolph, Tuckwiller, Smith, Canterbury, Helsley, Millender, Ritchie and Young (of Tyler).

## ON FEDERAL RELATIONS

Messrs. Belknap (*Chairman*), Millender, Barnhart, Wiseman, Sandridge, Rouss, Beacom, Curtis and Ritchie.

## ON INSURANCE

Messrs. Garrett (*Chairman*), Helsley, Mitchell, Barnhart, Mathews, Henderson, Paull, Ritchie and Young (of Upshur).

## ON AGRICULTURE

Messrs. Mitchell (*Chairman*), Tuckwiller, Millender, Garrett, Belknap, Rouss, Sandridge, Helmick and Curtis.

## ON MINES AND MINING

Messrs. Sandridge (*Chairman*), Canterbury, Smith, Wiseman, Jones, Millender, Beacom, Reynolds and Young (of Upshur).

## ON MEDICINE AND SANITATION

Messrs. Spillers (*Chairman*), Belknap, Elbin, Garrett, Canterbury, Henderson, Rouss, Reynolds and Young (of Upshur).

## ON LABOR

Messrs. Greene (*Chairman*), Jones, Spillers, Fleming, Garrett, Wiseman, Randolph, Reynolds and Curtis.

## ON CLAIMS AND GRIEVANCES

Messrs. Randolph (*Chairman*), Barnhart, Rouss, Paull, Fleming, Beacom, Millender, Helmick and Young (of Tyler).

## ON FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS

Messrs. Elbin (*Chairman*), Howard, Greene, Barnhart, Belknap, Smith, Henderson, Reynolds and Young (of Upshur).

## ON PUBLIC PRINTING

Messrs. Canterbury (*Chairman*), Beacom, Spillers, Fleming, Jones, Helsley, Smith, Young (of Tyler) and Curtis.

## ON PUBLIC LIBRARY

Messrs. Helsley (*Chairman*), Sandridge, Smith, Tuckwiller, Canterbury, Greene, Howard, Reynolds and Young (of Upshur).

## TO EXAMINE THE CLERK'S OFFICE

Messrs. Randolph (*Chairman*), Rouss and Garrett.

## ON TEMPERANCE

Messrs. Garrett (*Chairman*), Mathews, Fleming, Greene, Wiseman, Randolph, Helsley, Reynolds and Curtis.

## ON FORESTRY AND CONSERVATION

Messrs. Barnhart (*Chairman*), Mitchell, Paull, Beacom, Millender, Tuckwiller, Randolph, Helsley, Reynolds and Young (of Upshur).

## ON REDISTRICTING

Messrs. Fleming (*Chairman*), Jones, Spillers, Greene, Smith, Randolph, Sandridge, Helmick and Curtis.

## JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE SENATE

Messrs. Howard (*Chairman*), Wiseman, Rouss, Greene and Reynolds.

## JOINT COMMITTEE ON JOINT RULES ON THE PART OF THE SENATE

Messrs. Hodges (*President*), Jones and Helmick.

## House Of Delegates

## OFFICERS

*Speaker*—JOHN J. PELTER, Dehue*Clerk*—JOHN S. HALL, Williamson*Sergeant-at-Arms*—HAL DEPUÉ, Charleston*Doorkeeper*—J. N. FINLEY, Chester

COUNTY	MEMBERS	POSTOFFICE
Barbour.....	William Janes (R).....	Philippi
Berkeley.....	Charles R. Beard (R).....	Martinsburg
Boone.....	Arnold G. Breedlove (D).....	Danville
Braxton.....	Claude R. Linger (D).....	Burnsville
Brooke.....	Glen B. Wade (R).....	Wellsburg
Cabell.....	Joe G. Gentry (D).....	Huntington
	W. D. Keister (D).....	Huntington
	A. M. Martin (D).....	Barboursville
	Ed. V. Perry (D).....	Huntington
	William W. Roberts (D).....	Huntington
Calhoun.....	J. A. Morford (D).....	Grantsville
Clay.....	E. Ray Reed (R).....	Clay
Doddridge.....	Howard H. Jones (R).....	Smithburg
Fayette.....	Mrs. S. W. Price (D).....	Scarbrough
	C. N. Proctor (D).....	Clifftop
	Arnold M. Vickers (D).....	Montgomery
	Emmett O. Wiseman (D).....	Fayetteville
Gilmer.....	E. E. Cottrill (D).....	Sand Fork
Grant.....	Arch J. Welton (R).....	Petersburg
Greenbrier.....	W. H. Gum (D).....	White Sul. Spgs.
	Harry L. Van Sickle (D).....	Lewisburg
Hampshire.....	J. Burr Saville (D).....	Romney
Hancock.....	John W. Hertnick (R).....	Weirton
Hardy.....	J. D. Chipley (D).....	Moorefield
Harrison.....	Stanley C. Butler (D).....	Wolf Summit
	John H. Clifford (D).....	Clarksburg
	James L. Gaylord (D).....	Clarksburg
	Edgar E. Righter (D).....	Shinnston, Rt. 2
Jackson.....	Charles F. Ong (R).....	Ripley
Jefferson.....	U. S. Martin (D).....	Shepherdstown
Kanawha.....	John E. Amos (D).....	Charleston
	W. T. (Suey) Brotherton (D).....	Charleston
	Carl C. Calvert (D).....	Chelyan
	J. Horner Davis, II (D).....	Charleston
	Ernest K. James (D).....	Charleston
	Roy F. Jimison (D).....	Kayford
	Howard Kuhn (D).....	Charleston
	James Kay Thomas (D).....	Charleston
Lewis.....	Harvey A. Hall (R).....	Weston
Lincoln.....	Watson Adkins (D).....	Hart
Logan.....	Hugh Paul (D).....	Logan
	John J. Pelter (D).....	Dehue
	Paul C. Winter (D).....	Chapmanville
Marion.....	Fred L. Doring (D).....	Fairmont
	Robert L. McCoy (D).....	Fairmont
	Howard E. Woodward (D).....	Fairmont

HOUSE OF DELEGATES

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COUNTY	MEMBERS	POSTOFFICE
Marshall.....	Will F. Crow (R).....	Glen Easton
	Allen Simmons (R).....	Moundsville
Mason.....	George A. Ralrden (R).....	Leon
Mercer.....	J. A. Douglas Bailey (D).....	Bluefield
	W. Broughton Johnston (D).....	Princeton
	H. Dennis Wright (D).....	Montcalm
Mineral.....	Geo. F. Parrish (D).....	Keyser
Mingo.....	Hlram Phillips (D).....	Sprigg
	Mark Russell, Jr. (D).....	Williamson
Monongalla.....	Charles B. Morris (D).....	Morgantown
	Junius M. Strouss (D).....	Morgantown
Monroe.....	William M. LaFon (D).....	Union
Morgan.....	Harvey D. Beeler (R).....	Berkeley Springs
McDowell.....	J. R. Anderson (D).....	Northfork
	A. C. Dickerson (D).....	Raysal
	Lewis E. Fite (D).....	War
	R. H. Inscore (D).....	Jenkljones
	Fleming A. Jones, Jr. (D).....	Welch
Nicholas.....	J. A. Neal (D).....	Fenwick
Ohio.....	Jack R. Adams (D).....	Wheeling
	Carl B. Galbralth (D).....	Wheeling
	Geo. W. Oldham (D).....	Wheeling
	Stephen J. Russek (D).....	Wheeling
Pendleton.....	R. M. Hiner (D).....	Franklin
Pleasants.....	B. A. Dotson (D).....	St. Marys
Pocahontas.....	Stanley J. Rexrode (R).....	Marlinton
Preston.....	Clarence B. Bishoff (R).....	Manheim
Putnam.....	Harry W. Bayer (R).....	Winfield
Raleigh.....	T. E. Bibb (D).....	Beckley
	J. R. Gilmore (D).....	Beckley
	A. D. Preston (D).....	Beckley
Randolph.....	J. Buhl Shahan (D).....	Elkins
Ritchie.....	A. H. Lawson (R).....	Harrisville
Roane.....	Harry Holswade (D).....	Spencer
Summers.....	W. Carthon Haythe (D).....	Hinton
Taylor.....	Dallas Wolfe (R).....	Grafton
Tucker.....	Lloyd Erhard (D).....	Davis
Tyler.....	I. M. Underwood (R).....	Middlebourne
Upshur.....	Henj. L. Beall (R).....	Buckhannon
Wayne.....	Rufus Lester (D).....	Fort Gay
	Oscar Watts (D).....	Huntington
Webster.....	William S. Wysong (D).....	Webster Springs
Wetzel.....	L. E. Lantz (D).....	Jacksonburg
Wlrt.....	J. Wamsley Vandall (R).....	Creston
Wood.....	Ben H. Butcher (D).....	Parkersburg
	Forbes R. Hiehle (D).....	Parkersburg
	George Sheddan (R).....	Parkersburg
Wyoming.....	Ward Wylie (D).....	Mullens

(D)—Democrats..... 72  
 (R)—Republicans..... 22  
 —  
 Total..... 94

## Standing Committees of the House of Delegates

### AGRICULTURE

Messrs. Chipley (*Chairman*), Brotherton (*Vice Chairman*), Bailey, Butler, Cottrill, Davis, Gum, Holswade, Keister, Lester, Martin (of Jefferson), Neal, Mrs. Price, Messrs. Righter, Bayer, Crow, Hall and Ong.

### ARTS, SCIENCE, AND GENERAL IMPROVEMENTS

Messrs. Cottrill (*Chairman*), Preston (*Vice Chairman*), Anderson, Breedlove, Chipley, Doring, Gilmore, Gum, Jimison, Martin (of Cabell), Righter, Shahan, Vickers, Watts, Beall, Butler, Ong and Simmons.

### BANKS AND CORPORATIONS

Messrs. Lantz (*Chairman*), McCoy, (*Vice Chairman*), Amos, Anderson, Breedlove, Clifford, Dotson, Galbraith, Hiner, James, LaFon, Martin (of Jefferson), Paul, Preston, Wright, Wysong, Beeler, Crow, Hertnick, Janes and Reed.

### CLAIMS AND GRIEVANCES

Messrs. Roberts (*Chairman*), Lester (*Vice Chairman*), Adams, Adkins, Brotherton, Doring, Fite, Gaylord, Gum, Jimison, Linger, Martin (of Jefferson), Morris, Perry, Phillips, Saville, Wright, Beall, Bishoff, Lawson and Sheddan.

### COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS

Messrs. Clifford (*Chairman*), Johnston (*Vice Chairman*), Bailey, Brotherton, Dickerson, Doring, Jimison, Martin (of Cabell), McCoy, Perry, Righter, Russek, Strouss, Van Sickler, Vickers, Winters, Wiseman, Beard, Hall, Simmons and Underwood.

### EDUCATION

Messrs. Strouss (*Chairman*), Butler (*Vice Chairman*), Adams, Adkins, Amos, Anderson, Bailey, Calvert, Cottrill, Galbraith, Jones (of McDowell), Lester, Linger, Martin (of Cabell), Parrish, Mrs. Price, Messrs. Shahan, Winter, Wiseman, Rairden, Rexrode, Simmons, Vandall and Wolfe.

## ELECTIONS AND PRIVILEGES

Messrs. Galbraith (*Chairman*), Hiehle (*Vice Chairman*), Bailey, Bibb, Breedlove, Clifford, Dickerson, Erhard, Fite, Haythe, James, Keister, Morford, Oldham, Bishoff, Janes and Welton.

## EXECUTIVE OFFICES AND LIBRARY

Messrs. Martin (of Jefferson) (*Chairman*), Adkins (*Vice Chairman*), Adams, Breedlove, Butcher, Calvert, Doring, Dotson, Erhard, Fite, Gilmore, Haythe, Holswade, Inscore, Kuhn, Beard and Crow.

## FEDERAL RELATIONS

Messrs. Butcher (*Chairman*), Fite (*Vice Chairman*), Clifford, Johnston, Jones (of McDowell), Lester, Linger, Martin (of Cabell), Morris, Neal, Paul, Preston, Russell.

## FORESTRY AND CONSERVATION

Messrs. Proctor (*Chairman*), Gaylord (*Vice Chairman*), Adams, Adkins, Bailey, Butcher, Erhard, Gilmore, Hiehle, Linger, Righter, Russell, Shahan, Wiseman, Beall, Rexrode, Simmons and Wolfe.

## FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS

Messrs. Wysong (*Chairman*), Amos (*Vice Chairman*), Cottrill, Gum, Hiner, Kuhn, Oldham, Parrish, Paul, Roberts, Saville, Watts, Woodward, Rairden, Reed, Shedden and Vandall.

## GAME AND FISH

Messrs. Calvert (*Chairman*), Watts (*Vice Chairman*), Amos, Bibb, Brotherton, Chipley, Cottrill, Galbraith, Gilmore, Lantz, Morford, Righter, Roberts, Saville, Shahan, Vickers, Wright, Beeler, Lawson, Wade and Wolfe.

## HUMANE INSTITUTIONS AND PUBLIC BUILDINGS

Mrs. Price (*Chairman*), Messrs. Phillips (*Vice Chairman*), Dotson, Gaylord, Hiehle, Holswade, Keister, Linger, Preston, Righter, Roberts, Russek, Wylie, Bayer, Bishoff, Hall and Wade.

## INSURANCE

Messrs. Parrish (*Chairman*), Davis (*Vice Chairman*), Amos, Breedlove, Clifford, Galbraith, Gaylord, Inscore, Keister, Martin

(of Cabell), McCoy, Woodward, Wylie, Hertnick, Jones (of Doddridge), Lawson and Underwood.

#### JUDICIARY

Messrs. LaFon (*Chairman*), Wysong (*Vice Chairman*), Amos, Butcher, Clifford, Davis, Galbraith, Haythe, Hiner, James, Johnston, Jones (of McDowell), Preston, Proctor, Roberts, Russell, Van Sickler, Vickers, Woodward, Bayer, Janes, Shedan and Underwood.

#### LABOR

Messrs. Woodward (*Chairman*), Dickerson (*Vice Chairman*), Adams, Anderson, Breedlove, Butcher, Butler, Erhard, Gentry, Gilmore, Inscore, Morris, Neal, Perry, Phillips, Roberts, Thomas, Watts, Winter, Wiseman, Wright, Beard, Hertnick and Wade.

#### MEDICINE AND SANITATION

Messrs. Wylie (*Chairman*), Morford (*Vice Chairman*), Butler, Chipley, Haythe, James, Jones (of McDowell), Kuhn, Morris, Mrs. Price, Messrs. Wiseman, Woodward, Wysong, Crow, Hertnick, Jones (of Doddridge) and Underwood.

#### MILITARY AFFAIRS

Messrs. Holswade (*Chairman*), Doring (*Vice Chairman*), Adams, Anderson, Bailey, Calvert, Gentry, Inscore, Jones (of McDowell), Perry, Preston, Woodward, Wylie, Beall, Hertnick, Jones (of Doddridge), Ong, Simmons and Wolfe.

#### MINES AND MINING

Messrs. Bibb (*Chairman*), Paul (*Vice Chairman*), Breedlove, Dickerson, Erhard, Fite, Gilmore, Jimison, Kuhn, Morris, Perry, Phillips, Proctor, Shahan, Strouss, Thomas, Winter, Wiseman, Woodward, Wright, Wylie, Beard, Reed and Simmons.

#### PENITENTIARY

Messrs. Preston (*Chairman*), Perry (*Vice Chairman*), Bibb, Butler, Davis, Fite, Gentry, Hiehle, Hiner, Lester, Phillips, Russek, Wylie, Beeler, Bishoff, Crow and Underwood.

## PRINTING AND CONTINGENT EXPENSES

Messrs. Gentry (*Chairman*), Anderson (*Vice Chairman*), Inscore, Russek, Van Sickler, Vickers, Watts, Janes, Jones (of Doddridge), Vandall and Welton.

## RAILROADS

Messrs. Jimison (*Chairman*), Haythe (*Vice Chairman*), Adams, Adkins, Butler, Calvert, Gentry, Hiner, McCoy, Morris, Oldham, Parrish, Paul, Proctor, Russell, Watts, Beard, Crow, Ong and Rairden.

## REDISTRICTING

Messrs. Doring (*Chairman*), Russell (*Vice Chairman*), Adkins, Calvert, Chipley, Cottrill, Davis, Hiner, Inscore, Johnston, Keister, Lester, Oldham, Parrish, Saville, Van Sickler, Winter, Beeler, Hall, Lawson and Rairden.

## ROADS

Messrs. Van Sickler (*Chairman*), Proctor (*Vice Chairman*), Adkins, Bibb, Chipley, Davis, Dickerson, Dotson, Erhard, Gaylord, Johnston, Lantz, Linger, Martin (of Jefferson), Morford, Phillips, Russek, Saville, Winter, Bishoff, Lawson, Rexrode and Wade.

## RULES

Messrs. Speaker (*Chairman ex officio*), Gentry, Hiner, James, LaFon, Strouss, Underwood and Welton.

## STATE BOUNDARIES

Messrs. Neal (*Chairman*), Keister (*Vice Chairman*), Butcher, Dotson, Gum, Haythe, Hiehle, Holswade, Inscore, Jones (of McDowell), Kuhn, Mrs. Price, Messrs. Shahan, Strouss, Vickers, Shedan, Vandall and Welton.

## TAXATION AND FINANCE

Messrs. Thomas (*Chairman*), Righter (*Vice Chairman*), Anderson, Bibb, Brotherton, Dotson, Gaylord, Gentry, Hiehle, Holswade, James, Lantz, McCoy, Morford, Oldham, Parrish, Paul, Proctor, Russek, Strouss, Wylie, Hall, Rairden, Reed and Welton.

## TEMPERANCE

Messrs. Saville (*Chairman*), Gum (*Vice Chairman*), Adams, Brotherton, Dickerson, Fite, Lantz, McCoy, Neal, Parrish, Proctor, Russek, Winter, Hertnick, Jones (of Doddridge), Rexrode and Wade.

## JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE HOUSE

Messrs. Vickers (*Chairman*), Hiehle, Shahan, Winter and Beeler.

## JOINT COMMITTEE ON JOINT RULES ON THE PART OF THE HOUSE

Messrs. Speaker (*Mr. Pelter*), Hiner and Underwood.

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# LEGISLATURE OF WEST VIRGINIA

## ACTS OF 1935

### REGULAR SESSION

## CHAPTER 1

(Senate Bill No. 78—By Mr. Fleming)

AN ACT permitting persons, associations, partnerships or corporations of the state of West Virginia to borrow funds from production credit associations, regional agricultural credit corporations, the reconstruction finance corporation, banks for cooperatives, or the government of the United States or any department, agency or officer thereof, federal intermediate credit banks or any institution which has made arrangements to discount therewith or to procure funds therefrom on the security of the obligation of the borrower and providing a means of securing said loans on chattels and crops.

[Passed March 9, 1935; in effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Persons or cooperative associations may borrow funds from federal agencies and give chattel deed of trust on personal property, including crops, to secure repayment; lien of deed of trust.
2. When lien of chattel deed of trust on crops has priority; exceptions.
3. Deed of trust may secure future advances to be made within

Sec.

- three years; lien of future advances.
4. Deed of trust may include replacements or increase of livestock; permitted use of hay, grain, etc. covered by deed of trust, for livestock.
5. Acknowledgment of deed of trust.
6. (a) Filing and docketing by county clerk of deed of trust.

Sec.		Sec.	
	(b) Filing and docketing by county clerk of assignment of deed of trust.	11.	Lien of deed of trust not impaired by removal of encumbered property to another county.
7.	Fees of county clerk.	12.	When trustee may take possession of the encumbered property.
8.	Deed of trust invalid after five years; how lien of, extended.	13.	How deeds of trust foreclosed.
9.	Assignment of deed of trust, how made, indexed and filed.	14.	Act to be liberally construed; provisions of act separable.
10.	Release of deed of trust, how made, indexed and filed.		

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

Section 1. Any person may enter into an agreement with, and borrow funds from, a production credit association organized under the farm credit act of one thousand nine hundred thirty-three, a regional agricultural credit corporation, the reconstruction finance corporation, or the government of the United States or any department, agency or officer thereof, a federal intermediate credit bank, or any institution which has made arrangements to discount therewith, or to procure funds therefrom on the security of, the obligations of the borrower, and any cooperative association or corporation composed of agricultural producers and/or purchasers may enter into an agreement with, and borrow from, any bank for cooperatives organized under said farm credit act of one thousand nine hundred thirty-three and/or from any federal intermediate credit bank, and the repayment of any funds so borrowed, and/or of any then existing indebtedness to any such institution may be secured by chattel deed of trust upon personal property of any kind, character or description owned at the time of the execution of the chattel deed of trust, or property of the same class as is covered by the chattel deed of trust or mortgage if acquired by the grantor subsequent to the execution of the chattel deed of trust, and prior to its extinguishment, or upon any crop or crops, annual or perennial, including fruit crops, grown or growing, either already planted or to be planted and/or maturing within one year from the execution of such chattel deed of trust. Such chattel deed of trust shall be a lien upon the property therein described from the time of the docketing of such chattel deed of trust as provided for herein, which lien shall be good and valid against, and superior to all rights of subsequent creditors, purchasers, mortgagees, and other lienors and encumbrancers, and any of them. For the purposes of this act, all such property shall be deemed to

33 be personal property and encumberable and mortgageable as  
34 such.

Sec. 2. The lien of any chattel deed of trust on crops executed in pursuance of the provisions of this act shall be superior to any mortgages, deeds of trust, or judgments upon the land upon which any such crop has been so seeded and/or may be growing, and any sale made under any mortgage, deed of trust, or judgment upon such land before said crop has been severed shall be made subject to any lien on said crops acquired as provided for in this act: *Provided, however,* That the provisions of this act shall not in any manner whatever affect any deed of trust, mortgage, or judgment upon the land, recorded or docketed prior to the approval of this act: *Provided further,* That nothing in this act shall be construed to affect in any manner the rights of a landlord to his proper share of rents or his rights of distress or attachment for the same, unless such landlord shall expressly waive such rights in writing.

Sec. 3. Any such deed of trust or mortgage may secure future advances to be made by the beneficiary, at its option, within a period of three years from the execution of such deed of trust, but not to exceed in the aggregate an amount stated in such deed of trust; and all advances so made shall be secured by such deed of trust equally and to the same extent as the amount originally advanced on the security of such deed of trust; and all such future advances shall be a lien upon the property therein described from the time of the docketing of such deed of trust, good and valid against and superior to all rights of subsequent creditors, purchasers, mortgagees and other subsequent lienors and encumbrancers and any of them.

Sec. 4. Such chattel deed of trust may include replacements of any of the encumbered property therein described and all increase of animals and livestock of all kinds. No chattel deed of trust of livestock and hay, grain or other food stuffs shall be invalid in any particular because provision is contained therein, or the beneficiary consents, that the grantor may use and consume food, forage and/or fodder crops in preserving and preparing for market the livestock covered thereby.

Sec. 5. Any chattel deed of trust given under and pursuant to this act shall be executed by the grantor and need not be

3 sealed or witnessed, but shall be acknowledged in the same  
4 manner as deeds of trust on real property.

Sec. 6. (a) Any chattel deed of trust given under and  
2 pursuant to this act, or instrument intended to operate as such,  
3 shall be filed in the office of the clerk of the county court for  
4 the county in which the chattels or crops are located at the  
5 time of the execution of such deed of trust. The county court  
6 clerk shall docket such instrument when presented to him for  
7 that purpose, in a well bound book to be known as the "Fed-  
8 eral Farm Credit Lien Book", and shall alphabetically index  
9 same therein, setting forth the date of the lien, the name of  
10 the grantor, the trustee and beneficiary, the amount advanced  
11 and the limit thereof, and a brief description of the chattels  
12 described therein and/or the crops affected, and the property  
13 on which said chattels and/or crops are located.

14 (b) Every assignment made of any instrument executed un-  
15 der and pursuant to this act shall be filed in the office of the  
16 clerk of the county court where the original instrument is  
17 docketed; and when any such assignment is presented for filing,  
18 the said clerk of the county court shall enter upon the margin  
19 of the page on which is docketed the original instrument, the  
20 names of the assignor and assignee and the addresses of each,  
21 the amount of the debt or the date of the assignment, the date  
22 of the execution of the assignment and the date of filing thereof.

Sec. 7. The county court clerks are entitled to receive a fee  
2 of fifty cents for the docketing and entering of chattel deed of  
3 trust filed and docketed under and pursuant to this act, and a  
4 fee of twenty-five cents for each assignment and each release  
5 filed and indexed pursuant to this act.

Sec. 8. A chattel deed of trust executed under and pursuant  
2 to this act shall be invalid as against creditors, purchasers,  
3 mortgagees, and other lienors and encumbrancers after the ex-  
4 piration of a period of five years, reckoning from the time of  
5 the docketing of said chattel deed of trust, unless before the  
6 expiration of such term the beneficiary or someone on behalf  
7 of the beneficiary shall file a statement containing the names  
8 of the parties to the deed of trust, the time and place where  
9 docketed, and the amount then due thereon for principal and  
10 interest, in which case the lien of the deed of trust shall be

11 extended for five years from and after the date of the filing of  
12 said statement. The officer filing the statement shall enter the  
13 same in the "Federal Farm Credit Lien Book" and shall be  
14 entitled to the same fee as in the case of the docketing and  
15 entry of a chattel deed of trust under this act.

Sec. 9. Any deed of trust executed under and pursuant to  
2 this act may be assigned by an instrument in writing, signed  
3 and acknowledged by the beneficiary, its agent or assignee,  
4 and upon presentation of such assignment to the county court  
5 clerk in the office in which the original deed of trust is docketed,  
6 such assignment shall be by such county court clerk indexed  
7 and filed and the fact thereof shall be noted on the margin of  
8 the page in which the original deed of trust is docketed, and  
9 such assignment shall, except as to the parties thereto, take  
10 effect and be valid only from the time of filing and noting as  
11 herein provided.

Sec. 10. Any chattel deed of trust executed under and  
2 pursuant to this act may be released by an instrument in writ-  
3 ing signed and acknowledged by the beneficiary, or its as-  
4 signee, or the duly authorized agent of such beneficiary, or  
5 assignee, and upon presentation of such release in the office  
6 of the clerk of the county court, where the original chattel  
7 deed of trust is docketed, the clerk of the county court shall  
8 index and file the same and shall note such release and the date  
9 thereof on the margin of the page of the book where the original  
10 chattel deed of trust is docketed, and when so noted such re-  
11 lease shall fully and effectually release the lien of said chattel  
12 deed of trust.

Sec. 11. The lien of the deed of trust shall not be ex-  
2 tinguished or impaired by the removal of the encumbered  
3 property from the county in which the deed of trust is dock-  
4 eted.

Sec. 12. Upon default in any of the terms and provisions of  
2 any deed of trust executed in accordance with the provisions of  
3 this act, the trustee shall have the right, without process of law,  
4 immediately to take possession of the encumbered property  
5 and do all things necessary to preserve same, and any expense  
6 incurred in connection therewith shall be included in and se-  
7 cured by the lien of said deed of trust.

Sec. 13. In addition to any other methods of foreclosing  
 2 chattel deeds of trust under the laws of this state, chattel deeds  
 3 of trust executed under and pursuant to this act may be fore-  
 4 closed in the manner provided for in said chattel deed of trust.  
 5 Where such chattel deed of trust contains a power of sale, the  
 6 same may be foreclosed upon compliance with the provisions  
 7 of sale as set out in said chattel deed of trust: *Provided, That*  
 8 all sales are made at public auction.

Sec. 14. This act shall be liberally construed to effectuate  
 2 the purposes hereof and substantial compliance herewith shall  
 3 be sufficient hereunder. The provisions of this act, so far as the  
 4 same are applicable, shall govern and control chattel deeds of  
 5 trust given under and pursuant hereto. If any provision of  
 6 this act, or the application thereof to any person or circum-  
 7 stances, is held invalid, the remainder of the act, and the appli-  
 8 cation of such provisions to other persons or circumstances,  
 9 shall not be affected thereby. All laws or clauses of laws in  
 10 conflict herewith are hereby repealed.

## CHAPTER 2

(Senate Bill No. 79—By Mr. Fleming)

AN ACT to amend and reenact section eighteen, article eleven,  
 chapter thirty-eight of the code of West Virginia, one thou-  
 sand nine hundred thirty-one, as amended by chapter seventy-  
 four, acts of the Legislature, second extraordinary session, one  
 thousand nine hundred thirty-three, relating to advances made  
 for crops.

[Passed March 9, 1935; in effect from passage. Became a law without the  
 approval of the Governor.]

Sec.  
 18. Lien of advances for crops; how  
 secured; filing and docketing;

Sec. itemized statement to sheriff;  
 how validity contested.

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

That section eighteen, article eleven, chapter thirty-eight of the  
 code of West Virginia, one thousand nine hundred thirty-one, as

last amended by chapter seventy-four, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 18. If any person makes advances, either in money or supplies, or other thing of value, to anyone who is engaged in, or is about to engage in, the cultivation or cropping of land, the person so making such advances shall have a lien on the crops which may be made or seeded, or fruit and/or other crops maturing during the year upon the lands in or about the cultivation or cropping of which the advances so made have been or were intended to be expended, to the extent of such advances made for the cultivation, cropping, harvesting and/or marketing of such crops; but the person making such advances shall not have the benefit of the liens given in this section, unless there is an agreement, in writing, signed by both parties, in which there is specified the amount advanced, or a limit to be fixed beyond which any advances, made from time to time during the year, shall not go, and a description of the land cultivated or cropped, or to be cultivated or cropped, sufficient to identify it, and a description of the crops to be cultivated, cropped, harvested and/or marketed, and such agreement be filed in the office of the clerk of the county court of the county in which such land so cultivated or cropped or to be cultivated or cropped, lies, in a well-bound book to be known as "Crop Lien Book", and alphabetically indexed therein. by such clerk, setting forth the date of the lien, a brief description of the land so cultivated or cropped, or to be cultivated or cropped sufficient to identify the same as stated in the writing, the name of the lienor and the lienee, the amount advanced or the limit thereof, and of the crops to be cultivated, cropped, harvested and/or marketed; and from the time such lien is so filed it shall have the same force and effect as a duly recorded trust deed, and shall be valid as to purchasers without notice from, and the creditors of, the parties or party obtaining such advances; and in the event of a sale, under a trust deed or mortgage, of the land upon which any such crop has been so seeded and/or may be growing, and before such crop has been severed, such sale shall be made subject to such crop lien: *Provided*, That whenever the crops are subject to a lien of a fieri facias or attachment, whether a levy be actually made or not, it shall be the duty of the person claiming a lien under this section,

39 upon the request of the sheriff, or any party in interest, to  
 40 render to the sheriff of the county wherein the crops are grown  
 41 a complete and itemized statement, under oath, of the claims  
 42 for advances, showing the nature of the claims, the dates of  
 43 advancement and the respective amounts. And in case the  
 44 person claiming the advances fails to render to the sheriff of  
 45 such county the verified itemized statement above provided for  
 46 within ten days after request has been made, he shall forever  
 47 lose the benefit of the lien on the crops for advances granted  
 48 him under this section: *Provided further*, That if the execution  
 49 creditor or attachment creditor desires to contest the validity  
 50 of the claims for advances, he may cause the clerk of the circuit  
 51 court of the county in which such crops are grown to summon  
 52 the person claiming such lien to appear before such court and  
 53 show to the satisfaction of the court that such money, supplies,  
 54 and other things of value were advanced for the purpose of, and  
 55 were actually used in and about the cultivation, production,  
 56 harvesting and/or marketing of the crops upon which the lien  
 57 is claimed. For the services of the clerk in recording a crop  
 58 lien under this section, he shall receive a fee of fifty cents.

## CHAPTER 3

(Senate Bill No. 80—By Mr. Fleming)

AN ACT to permit certain cooperative associations to give deeds of trust or chattel mortgages on rotating stocks of goods to secure loans from banks for cooperatives, organized under the farm credit act of one thousand nine hundred thirty-three, or from federal intermediate credit banks, organized under the agricultural credits act of one thousand nine hundred twenty-three.

[Passed March 9, 1935; in effect from passage. Became a law without the approval of the Governor.]

Sec.  
1. Cooperative associations may  
give chattel deeds of trust on  
stocks of goods or inventories  
to secure certain loans to

Sec. them; lien of deed of trust  
to attach to articles replacing  
encumbered articles.

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

Section 1. Any cooperative association or corporation, or-  
 2 ganized under the laws of this state, or under the laws of the

3 United States, or qualified to do business in this state, and  
4 qualified as a cooperative association under the laws of this  
5 state and/or under the laws of the United States, may give as  
6 security for any loan or loans obtained from any bank for  
7 cooperatives, organized under the act of congress known as  
8 the "Farm Credit Act" of one thousand nine hundred thirty-  
9 three, or for any loan or loans obtained from any federal in-  
10 termediate credit bank, organized under an act of congress  
11 known as the "Agricultural Credits Act" of one thousand nine  
12 hundred twenty-three, a chattel mortgage or deed of trust  
13 covering stocks of goods or inventories, or other things in bulk,  
14 but changing in specifics, in which case the lien of such mort-  
15 gage or deed of trust shall be lost as to all articles disposed of  
16 by the mortgagor prior to the extinguishment of such mortgage,  
17 but shall attach to any articles purchased to supply their places.

## \*CHAPTER 4

(House Bill No. 119—By Mr. Pelter, by request)

AN ACT repealing chapter sixty, as amended, of the code of West Virginia, one thousand nine hundred thirty-one, and enacting in lieu thereof a new chapter sixty providing for state control of alcoholic liquors, and repealing all acts or parts of acts inconsistent herewith.

[Passed February 22, 1935; in effect March 1, 1935. Approved by the Governor.]

### ARTICLE I.

#### Sec.

1. Purpose of act.
2. Provisions of act to govern sale, etc., of alcoholic liquors in state.
3. Restrictions of sale, manufacture and consumption of alcoholic liquors.
4. All sales to be made by or through the West Virginia Liquor Control Commission.
5. Definitions.
6. Chapter cited as "Liquor Control Act".
7. Provisions of act do not apply to nonintoxicating beer.

### ARTICLE II.

#### Sec.

1. West Virginia liquor control commission created.
2. Members of commission appointed by Governor, with consent of Senate; to devote entire time to duties.
3. Terms of members of commission.
4. Qualifications of members of commission.
5. Office of member becoming a candidate for, or holding public office or membership on committee of political party vacated.
6. Members of commission to have

\*Amended by chapter five, acts of this session.

## Sec.

- no personal interest in or derive gain from manufacture, sale or use of alcoholic liquor.
- 7. Oath and bond of members of commission.
- 8. Organization and quorum of commission.
- 9. Salaries and traveling expenses of commission.
- 10. Offices of commission.
- 11. Powers and duties of commission.
- 12. Commission to employ assistants and employees and fix salaries.
- 13. Bonds of employees.
- 14. Commission to grant and revoke licenses.
- 15. Advertising of alcoholic liquors.
- 16. Rules and regulations of commission.
- 17. What powers and duties of commission may be exercised by employees.
- 18. Procedure in hearings and proceedings before commission.
- 19. Attorney general and prosecuting attorneys to render legal services to commission.
- 20. When members of commission not civilly responsible for acts.
- 21. Tax commissioner to audit affairs of commission; cost paid from operating fund.

## ARTICLE III.

## Sec.

- 1. Sale of alcoholic liquors a state monopoly and made at retail only through stores and agencies of commission; sales at wholesale to be made by commission.
- 2. Commission to establish and discontinue store and agencies for retail sales; location.
- 3. Commission may establish and manage not more than four warehouses.
- 4. Commission to appoint managers and assign employees to state stores; manager responsible to commission.
- 5. Rules and regulations to govern state stores and agencies.
- 6. State agencies to procure stocks from commission; sales by agencies.
- 7. State agencies classified; compensation and bond of agent.
- 8. Agent to receive no profit from sales.
- 9. Commission shall, from time to time, fix uniform prices; price lists to be posted and distributed.
- 10. Uniform system of records and accounts for stores and agencies; daily report and monthly audits.
- 11. Stock or inventory control for stores, agencies and warehouses.
- 12. Commission to fix day and hours

## Sec.

- agencies may sell; days on which stores shall not open or agencies sell.
- 13. Display, distribution of advertising matter or recommendation of brands of alcoholic liquors by stores or agencies prohibited.
- 14. How commission may acquire by purchase or lease necessary equipment, etc.; sworn statement as to purity to accompany delivery of alcoholic liquors to commission; analysis of liquors by commission.
- 15. Amount of stock on hand not to exceed estimated requirement for sixty days' sales; commission may contract for manufacture of "state brand".
- 16. Liquors to be sold in sealed packages; what manufacturer's label to show.
- 17. Regulations of commission for handling and depositing moneys to be approved by Governor and state treasurer; deposit of funds in state treasury.
- 18. Operating fund, uses; reserve fund, uses; transfers from reserve to operating fund.
- 19. Amount of operating; and reserve funds; excess transferred monthly to state treasury.
- 20. Sales by stores and agencies to be for cash only.
- 21. Sales limited to one gallon to a person at one time; exceptions.
- 22. To whom sales shall not be made.
- 23. What purchaser may not do upon premises of store or agency.
- 24. Authority of employees to make arrests.

## ARTICLE IV.

## Sec.

- 1. Commission to grant and revoke licenses; licenses issued or renewed for calendar year.
- 2. Separate licenses for manufacture of alcoholic liquors.
- 3. To whom licensed manufacturer may sell.
- 4. Licenses to wholesale druggists; sales by.
- 5. Licenses for purchase at wholesale for industrial or scientific uses.
- 6. Licenses to druggists to sell upon prescriptions.
- 7. Licenses, without fee, for stills used for laboratory or pharmaceutical purposes.
- 8. Licenses for stills used by commercial chemists for laboratory purposes.
- 9. Each place of business requires separate license; license not transferable, but may be amended to change location.
- 10. Applicant for license to post and publish notice; exception

Sec.

- as to druggists selling on prescription.
- 11. When applicant for license to file application and pay license fee.
- 12. Commission to grant or refuse license within fifteen days; if refused, license fee refunded.
- 13. When commission shall refuse license.
- 14. When licensee shall pay fee; license revoked upon failure to pay.
- 15. Amount of license fees.
- 16. Records of and reports by licensee.
- 17. Rules and regulations for reports.
- 18. No municipal fee for license.
- 19. When license shall be revoked.
- 20. Notice of and hearing on revocation of license; disposition of stock on revocation.
- 21. Appeal from action of commission granting or revoking, or refusing to grant or revoke license.

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Sec.

- 1. Local option election in county or municipality.
- 2. Local option election called on petition of twenty-five per cent of qualified voters.
- 3. Form of petition for local option election.
- 4. Publication of notice of special local option election; when held; election officers.
- 5. Form of ballot.
- 6. How election conducted and results certified.
- 7. Within thirty days after local option election if result is "No", state stores and agencies to be closed.
- 8. When local option election may be held or held again.

## ARTICLE VI.

Sec.

- 1. When lawful to possess, use or serve alcoholic liquors.
- 2. When lawful to manufacture and sell wine and cider.
- 3. Provisions of chapter not to apply to use of ethyl alcohol for certain purposes.
- 4. To what medicinal, toilet and

Sec.

- other preparations provisions of chapter do not apply.
- 5. To what uses by physicians, druggists and others, provisions of act do not apply.
- 6. Transportation into and in state of not to exceed one gallon of alcoholic liquors.
- 7. Specified acts in regard to alcoholic liquors forbidden; penalties.
- 8. Unlawful sales or possession of alcoholic liquors by licensee; penalties.
- 9. Intoxication, or drinking, in public place; buying or possessing alcoholic liquors unlawfully acquired; penalty.
- 10. Unlawful operation of plant to manufacture distilled spirits; penalty.
- 11. Unlawful manufacture, transportation or sale of alcoholic liquors while armed; penalty.
- 12. Unlawful transportation of alcoholic liquors for sale; penalties.
- 13. When importation of alcoholic liquors into, or transportation in, state permitted.
- 14. When transportation deemed to be for sale.
- 15. Penalties for violations of chapter not otherwise specified; if conflict, heavier penalty to control.
- 16. When places deemed common and public nuisances; penalty for maintaining; abatement.
- 17. Suit to abate nuisances; injunction.
- 18. Search warrants, issuance and execution.
- 19. When stills, distilling apparatus and containers contraband and forfeited to state.
- 20. When vehicles used for transportation of alcoholic liquors deemed contraband and forfeited to state; disposition of same.
- 21. Court procedure as to contraband and forfeited articles.
- 22. No action to be maintained, except by state or commission, to recover price of alcoholic liquors sold unlawfully.
- 23. Unconstitutionality or invalidity of any section, etc., not to affect validity of remaining sections, etc.

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

That chapter sixty, as amended, of the code of West Virginia, one thousand nine hundred thirty-one, is hereby repealed; and a new chapter sixty providing for the state control of alcoholic liquors is hereby enacted to read as follows:

**ARTICLE I.**

Section 1. The purpose of this chapter is to give effect to the mandate of the people expressed in the repeal of the state prohibition amendment; and to assure the greatest degree of personal freedom that is consistent with the health, safety and good morals of the people of the state. To these ends the police power of the state is pledged to the sound control and the temperate use of alcoholic liquors.

Sec. 2. A person shall not sell, possess for sale, transport, or distribute alcoholic liquors in this state except in accordance with the provisions of this chapter.

Sec. 3. Subject to the provisions of this chapter, alcoholic liquors, in this state:

(1) Shall be sold only in sealed packages.

(2) Shall not be sold for consumption on the premises where sold.

(3) Shall be manufactured only by persons licensed under the provisions of this chapter.

(4) Shall not be consumed or sold for consumption in a public place.

Sec. 4. Alcoholic liquors shall be sold at wholesale and retail in this state only by or through the West Virginia Liquor Control Commission, or its retail agencies.

Sec. 5. For the purposes of this chapter:

"Alcohol" shall mean ethyl alcohol whatever its origin, and shall include synthetic ethyl alcohol but not denatured alcohol.

"Beer" shall mean any beverage obtained by the fermentation of barley, malt, hops or any other similar product or substitute, and containing more than five per cent of alcohol by weight.

"Non-intoxicating beer" shall mean any beverage obtained by the fermentation of barley, malt, hops, or similar product or substitute, and containing not more than five per cent of alcohol by weight.

"Wine" shall mean any alcoholic beverage obtained by the

13 fermentation of the natural content of fruits, or other agri-  
14 cultural products, containing sugar.

15 "Spirits" shall mean any alcoholic beverage obtained by  
16 distillation and mixed with potable water and other substances  
17 in solution, and includes brandy, rum, whiskey, cordials and  
18 gin.

19 "Alcoholic liquor" shall include alcohol, beer, wine and  
20 spirits, and any liquid or solid containing more than five per  
21 cent of alcohol by weight and capable of being used as a bev-  
21-a erage.

22 "Original package" shall mean any closed or sealed con-  
23-29 tainer or receptacle used for holding alcoholic liquor.

30 "Sale" shall mean any transfer, exchange, or barter in any  
31 manner or by any means, for a consideration, and shall include  
32 all sales made by principal, proprietor, agent or employee.

33 "Selling" shall include solicitation or receipt of orders; pos-  
34 session for sale; and possession with intent to sell.

35 "Person" shall mean an individual, firm, partnership, cor-  
36 poration or voluntary association.

37 "Manufacture" means to distill, rectify, ferment, brew, make,  
38 mix, concoct, process, blend, bottle, or fill an original package  
39 with any alcoholic liquor.

40 "Manufacturer" shall mean any person engaged in the manu-  
41 facture of any alcoholic liquor, and among others includes a  
42 distiller, a rectifier, a wine maker, and a brewer.

43 "Brewery" shall mean an establishment where beer is manu-  
44 factured or in any way prepared.

45 "Winery" shall mean an establishment where wine is manu-  
46 factured or in any way prepared.

47 "Distillery" shall mean an establishment where alcoholic  
48 liquor other than wine or beer is manufactured or in any way  
49 prepared.

50 "Public place" shall mean any place, building or convey-  
51 ance to which the public has, or is permitted to have access,  
52 including restaurants, soda fountains, and hotel dining rooms  
53 and lobbies, and corridors of hotels, and any highway, street,  
54 lane, park or place of public resort or amusement.

55 "State Liquor Store" shall mean a store established and op-  
56 erated by the commission under this chapter for the sale of  
57 alcoholic liquor in the original package for consumption off  
58 the premises.

59 "An agency" shall mean a drug store, grocery store or gen-  
60 eral store designated by the commission as a retail distributor  
61 of alcoholic liquor for the West Virginia Liquor Control Com-  
62 mission.

63 "Department" shall mean the organization through which  
64 the commission exercises powers imposed upon it by this  
65 chapter.

66 "Commission" shall mean the West Virginia Liquor Control  
67 Commission.

Sec. 6. This chapter may be cited as the "Liquor Control  
2 Act".

Sec. 7. The provisions of this act do not apply to non-  
2 intoxicating beer except as is otherwise specifically provided.

## ARTICLE II.

Section 1. To accomplish the purposes of this chapter there  
2 is hereby created the "West Virginia Liquor Control Commis-  
3 sion," which shall be a corporation, and, as such, may sue and  
4 be sued, contract and be contracted with, and it shall have a  
5 common seal.

Sec. 2. The commission shall consist of three members to be  
2 appointed by the governor, with the advice and consent of the  
3 senate. The commissioners shall devote their entire time to the  
4 duties of the office.

Sec. 3. The term of office of members of the commission shall  
2 be four years, except the governor, upon the adoption of this  
3 act, shall appoint the members of the commission upon the fol-  
4 lowing basis: One member for a term of two years, one member  
5 for a term of three years, and one member for a term of four  
6 years. As these appointments expire, subsequent appointments  
7 shall be made for four-year terms.

8 Any appointment to fill a vacancy shall be for the unexpired  
9 term.

Sec. 4. The members of the commission shall be selected with  
2 special reference to their ability and fitness to perform the  
3 duties required of them by this chapter.

4 Not more than two of the commission shall be members of the  
5 same political party.

Sec. 5. A member of the commission shall not be a candidate for or hold any public office other than that of member of the commission; nor shall he be a member of any committee of a political party. In case a member becomes a candidate for or is appointed to any public office or political committee, his office as member of the commission shall be automatically vacated.

Sec. 6. A member of the commission shall have no personal interest in or derive any gain from an enterprise or industry engaged in the manufacture, sale or use of alcoholic liquor.

Sec. 7. Before entering upon their duties, members of the commission shall each take and subscribe to the oath prescribed by section five, article four of the constitution of this state, and shall give bond in the penalty of twenty-five thousand dollars, to be approved by the governor and conditioned upon the faithful performance of his duties and the accounting for and payment into the treasury of all moneys coming into his custody by virtue of his office. The bond and oath shall be filed with the secretary of state.

Sec. 8. The governor shall designate one member of the commission as the chairman, who shall be the presiding officer, and the members shall choose one of their own members secretary. A majority of the members shall constitute a quorum for the conduct of official business.

Sec. 9. Each member of the commission shall receive a salary of six thousand dollars per annum and his actual and necessary traveling expenses incurred in the performance of his duties.

Sec. 10. The offices of the commission shall be maintained at the state capitol and shall be the regular place of meeting of the commission.

Sec. 11. The state liquor commission shall have the following powers and duties and any and all other powers and duties reasonably necessary and convenient for the purposes of this act:

(1) Exercise general supervision of, and make rules and regulations for the management of its department;

7 (2) Sign and execute in the name of the commission any  
8 contract or agreement authorized by this chapter;

9 (3) Supervise the fiscal affairs and responsibilities of the  
10 department;

11 (4) Obtain by lease or agreement, after receiving competi-  
12 tive bids, lands and buildings required for the purposes of this  
13 chapter; but nothing herein contained shall empower the com-  
14-15 mission to acquire title to any real estate. But all such leases  
16 and/or agreements shall contain a condition whereby such  
17 leases or agreements shall terminate and all liability to the com-  
18 mission thereunder shall cease and determine, should the sale  
19 of alcoholic liquors be prohibited under the provisions of article  
20 five of this chapter.

21 (5) Keep a complete and accurate record of all proceedings,  
22 record and file all bonds and contracts taken or entered into,  
23 and assume responsibility for the custody and preservation of  
24 all papers and documents pertaining to the commission;

25 (6) Purchase or lease as provided by law all equipment  
26 necessary for the conduct of the department;

27 (7) Report to the governor each year all information rela-  
28 tive to the operation and functions of the department. They  
29 shall make such other reports and recommendations as may be  
30 required by the governor;

31 (8) Exercise any other power that may be necessary or  
32 proper for the orderly conduct of the business and the effective  
33 discharge of the duties of the commission;

34 (9) Invoke any legal or equitable remedies for the en-  
35 forcement of the orders of the commission or the provisions of  
36 this chapter;

37 (10) All writings required to be executed on behalf of the  
38 commission shall be signed by the chairman and attested by the  
39 secretary, except that in the absence of the chairman such writ-  
40 ings may be executed by the other two members.

Sec. 12. The commission shall appoint or employ such as-  
2 sistants and employees as may be necessary to the efficient oper-  
3 ation of the department and fix their salaries. All assistants  
4 and employees shall be appointed or employed to serve during  
5 the will and pleasure of the commission.

Sec. 13. The commission shall require every employee who  
2 collects fees or handles funds or who has custody of equipment

3 and supplies belonging to the state to take the oath prescribed  
4 by section five, article four of the state constitution and give  
5 an official bond. The bond shall be properly conditioned upon  
6 the faithful performance of the employee's duties and the ac-  
7 counting for and payment into the state treasury as required  
8 by this chapter of all moneys coming into his custody by virtue  
9 of this chapter, and signed by sufficient sureties in a sum to be  
10 fixed by the commission, which bond shall be approved by the  
11 commission and filed in the office of the secretary of state.

Sec. 14. The commission shall have the authority to grant  
2 and revoke licenses as provided in article four of this chapter.

Sec. 15. The commission shall prescribe regulations gov-  
2 erning the advertising of alcoholic liquors in this state. The  
3 regulations shall prohibit advertising that encourages intem-  
4 perance, induces minors to purchase, or tends to deceive or mis-  
5 represent.

Sec. 16. The commission shall have the power to prescribe  
2 rules and regulations to give effect to the powers vested in it  
3 by this chapter. Rules and regulations shall be recorded in a  
4 book especially kept for that purpose, and in its discretion may  
5 be published for general circulation. All other records and  
6 entries necessary to show the official conduct of the commission  
7 shall be preserved and shall be public records and open for in-  
8 spection during business hours.

Sec. 17. All powers and duties vested in the commission, ex-  
2 cept the power to sign contracts, may be exercised by the ap-  
3 pointees or employees of the commission under its direction;  
4 but the commission shall be responsible for their acts.

Sec. 18. In all hearings and proceedings before the com-  
2 mission, the evidence of witnesses and the production of docu-  
3 mentary evidence may be required. Summons may be issued by  
4 it for appearance at any designated place of hearing. In case  
5 of disobedience to a summons or other process, the commission  
6 or any party to the proceedings before the commission may in-  
7 voke the aid of any circuit court in requiring the evidence and  
8 testimony of witnesses and the production of papers, b'

9 documents. Upon proper showing, the court shall issue an  
10 order requiring witnesses to appear before the commission,  
11 produce all books and papers, and give evidence touching the  
12 matter in question. Any person failing to obey the order may  
13 be punished by the court as for contempt. A claim that evi-  
14 dence may tend to incriminate the person giving the evidence  
15 shall not excuse him from testifying, but he shall not be prose-  
16 cuted for any offense concerning which he is compelled to  
17 testify.

Sec. 19. The attorney general and the prosecuting attorneys  
2 of the several counties shall render to the commission, without  
3 addiitonal compensation, such legal services as it may require  
4 of them in the discharge of its duties under the provisions of  
5 this chapter.

Sec. 20. The members of the commission shall not be civilly  
2 responsible for any act done or omitted in good faith in the  
3 discharge of duties imposed upon them by this chapter.

Sec. 21. At the close of each fiscal year, the state tax com-  
2 missioner shall audit the affairs of the West Virginia depart-  
3 ment of liquor control and report the results of the audit to the  
4 governor. The cost of the audit shall be paid from the oper-  
5 ating fund.

### ARTICLE III.

Section 1. The sale of alcoholic liquors at wholesale and  
2 retail in this state shall be a state monopoly. Alcoholic liquors  
3 shall be sold at retail only through the state stores and the  
4 agencies of the West Virginia Liquor Control Commission.

5 The commission may sell such liquors at wholesale to per-  
6 sons licensed to purchase at wholesale as provided in this  
7 chapter.

Sec. 2. The commission shall establish state stores and  
2 agencies at places throughout the state so as to serve adequately  
3 and reasonably the demand for the sale at retail of alcoholic  
4 liquors, subject only to the limitations imposed by article five  
5 of this chapter. It may discontinue a store or agency when  
6 in its opinion it is advisable to do so.

7 A store or agency shall not be located in the immediate vicin-  
8 ity of a church or school.

Sec. 3. The commission shall establish and manage as many warehouses as may be necessary, but not more than four, for the storage of alcoholic liquors and the supply of state stores and agencies.

Sec. 4. The commission shall appoint a manager for and assign employees to each state store. The manager shall be responsible to the commission for the conduct and operation of the store.

Sec. 5. The commission shall issue appropriate rules and regulations to govern the conduct of state stores and agencies.

Sec. 6. A state agency shall procure stocks of alcoholic liquor for sale at retail only from the commission. Sales at retail in agencies shall be made in the same manner as sales in state stores.

Sec. 7. The commission shall classify state agencies into not more than three groups with respect to volume of business. An agent shall be compensated in a fixed sum, uniform within each group, and in an amount to be fixed by the commission, but not more than one thousand dollars in any one year. Each agent shall give bond in an amount fixed by the commission conditioned upon the faithful observance of the provisions of this chapter, compliance with the rules and regulations of the commission, and the accounting for and paying over of all moneys coming into his custody by virtue of his agency. An agent shall not, at any time, have on hand a stock of alcoholic liquors greater in value than the amount of his bond.

Sec. 8. An agent shall make no profit from the sale of alcoholic liquors, nor shall he receive compensation for the performance of his duties as agent other than that paid him by the commission.

Sec. 9. The commission shall, from time to time, fix uniform prices for each variety, class and brand of alcoholic liquors offered for sale in state stores. Alcoholic liquors shall be sold in state stores and agencies only at the uniform prices fixed by the commission.

The commission shall prepare price lists showing the price of each variety, class or brand. Price lists shall be posted

8 prominently in each store and shall be available for distribu-  
9 tion and inspection in every state store and agency.

Sec. 10. The commission shall install a uniform system of  
2 records and accounts for state stores and agencies. It shall  
3 require a daily report of sales and stock inventory, and shall  
4 audit the accounts and check the stock inventory of each store  
5 and agency at least once in every thirty days.

Sec. 11. The commission shall prescribe a method of stock  
2 or inventory control that will show the amount of each variety,  
3 class and brand of alcoholic liquor on hand in each state store,  
4 agency, and warehouse at any time.

Sec. 12. The commission shall fix the days on which state  
2 stores shall be open and the hours of opening and closing, and  
3 the hours during which agencies shall sell alcoholic liquors.  
4 Stores shall not be open nor shall agencies sell alcoholic liquors  
5 on:

- 6 (1) Sundays;
- 7 (2) Legal holidays;
- 8 (3) Any general or special election day.

Sec. 13. A store or agency shall not display any alcoholic  
2 liquor or display or distribute any advertising matter, nor  
3 shall a person employed in a state store or agency advertise,  
4 display or recommend any type, class or brand of alcoholic  
5 liquors, nor shall he discuss or comment upon the relative merits  
6 of any such liquors.

Sec. 14. The commission shall acquire by purchase or lease  
2 equipment, materials, supplies and other property necessary  
3 for the operation of state stores in the manner required for  
4 the purchase or lease of property by other state departments.  
5 This requirement shall not apply to the purchases of alcoholic  
6 liquor for sale or to the leasing of premises for state stores  
7 or warehouses.

8 The commission shall require a sworn statement with the  
9 delivery of alcoholic liquors purchased by it that the goods  
10 are as represented, and do not contain any impure or de-  
11 leterious matter. The commission shall by frequent chemical  
12 analysis determine that liquors offered for sale in state stores  
13 and agencies are pure, potable, and not misrepresented.

Sec. 15. In order to avoid the accumulation of excessive  
2 stocks in warehouses and stores, the commission shall so  
3 plan its purchases of alcoholic liquors for sale in state stores  
4 and agencies that the stock on hand at any time does not  
5 exceed the estimated requirements for sixty days' sales.

6 The commission may, with the consent of the governor,  
7 contract for the manufacture of alcoholic liquors for sale in  
8 state stores and agencies. Such liquors shall bear a special  
9 designation as a "state brand".

Sec. 16. Alcoholic liquors shall be sold only in sealed  
2 packages, bearing such seals and labels as the commission  
3 may require.

4 A manufacturer of liquor offered for sale in state stores  
5 and agencies shall attach to each bottle a special label bearing  
6 an accurate description of the contents of the bottle in such  
7 form and detail as the commission may require.

Sec. 17. The commission, with the approval of the gover-  
2 nor and the state treasurer, shall prescribe regulations for the  
3 handling and depositing of all moneys collected by the commis-  
4 sion. All receipts shall be remitted promptly to the state  
5 treasury.

Sec. 18. The following funds are created in the state treasury  
2 for the purposes of this chapter:

3 (1) The operating fund, which shall be a revolving fund  
4 from which all expenses of operation and administration shall  
5 be paid except those authorized to be paid from the reserve  
6 fund.

7 (2) The reserve fund, which shall be a reserve for con-  
8 tingencies and depreciation. This fund may be used for  
9 (a) the purchase of equipment and other property having a  
10 useful life of more than one year from date of purchase, and  
11 (b) transfer to the operating fund to meet unusual require-  
12 ments arising in the course of business.

13 Transfers from the reserve fund to the operating fund shall  
14 be made as follows: The commission shall recommend such  
15 transfer to the governor and the governor shall draw the requi-  
16 sition if he approves the transfer. Moneys in the reserve fund  
17 not needed for cash reserve shall, with the approval of the gov-  
18 ernor, be invested by the Board of Public Works in obligations

19 of the United States, of the State of West Virginia, or any of  
20 its subdivisions.

Sec. 19. All moneys collected by the commission shall be  
2 credited to the operating fund until that fund reaches an  
3 amount sufficient for the current, and routine requirements of  
4 the department, this amount to be fixed by the commission  
5 with the approval of the governor. The receipts in excess of the  
6 requirements of the operating fund shall be paid into the  
7 reserve fund until the amount of the reserve fund equals one  
8 million dollars. Receipts in excess of the requirements of the  
9 operating and reserve funds shall be transferred monthly into  
10 the general fund of the state treasury upon requisition of the  
11 governor.

Sec. 20. The sale of alcoholic liquors in state stores and in  
2 state agencies shall be for cash only.

Sec. 21. Not more than one gallon of alcoholic liquor shall  
2 be sold to a person at one time; but a sale in excess of one  
3 gallon may be made to a person licensed to purchase at whole-  
4 sale, and to a religious organization purchasing wine for sac-  
5 ramental purposes.

Sec. 22. Alcoholic liquors shall not be sold to a person who  
2 is:

- 3 (1) Less than twenty-one years of age;
- 4 (2) An habitual drunkard;
- 5 (3) Intoxicated;
- 6 (4) Addicted to the use of narcotic drugs;
- 7 (5) Mentally incompetent.

Sec. 23. A person, while on the premises of a state store or  
2 agency, shall not:

- 3 (1) Break the seal upon any package of alcoholic liquors;
- 4 (2) Consume alcoholic liquor;
- 5 (3) Loiter.

Sec. 24. An appointee or employee of the commission shall  
2 have the authority of a peace officer, to arrest a person for an  
3 act committed on or about the premises of a state warehouse,  
4 state store, or agency, and in his presence, which amounts to:

- 5 (1) A violation of a provision of this chapter;

6 (2) Disorderly conduct.

7 The commission shall furnish its appointees and employees  
8 with an official badge as evidence of this authority.

#### ARTICLE IV.

3 be issued and renewed for the period of the calendar year.

Section 1. The commission shall grant and revoke licenses  
2 in accordance with the provisions of this article. Licenses shall

Sec. 2. The commission may grant licenses for the manu-  
2 facture of alcoholic liquors. Separate licenses shall be issued  
3 to the following classes of manufacturing establishments:

4 (1) Distilleries, in which only alcoholic liquors other than  
5 wine or beer shall be manufactured;

6 (2) Wineries, in which only wines shall be manufactured;

7 (3) Breweries, in which beer shall be manufactured;

8 (4) Bottling plants, in which beer only shall be bottled.

9 Licenses for manufacture shall authorize the manufacture  
10 and sale of alcoholic liquors as provided by this chapter.

Sec. 3. A person who is licensed to manufacture alcoholic  
2 liquors in this state may sell such liquors in this state only to the  
3 West Virginia Liquor Control Commission, and to wholesalers  
4 and retailers licensed as provided in this chapter. A manu-  
5 facturer may sell alcoholic liquors outside of the state for use or  
6 resale outside of the state.

Sec. 4. The commission may grant to wholesale druggists  
2 licenses to purchase alcoholic liquors at wholesale from or  
3 through the West Virginia Liquor Control Commission for the  
4 purpose of resale in this state to licensed druggists for com-  
5 pounding and sale at retail in accordance with the provisions  
6 of this chapter. A person holding a license issued under the  
7 authority of this section may sell to druggists outside of this  
8 state for compounding and resale outside of this state.

Sec. 5. The commission may grant licenses to persons to  
2 purchase alcoholic liquors at wholesale from or through the  
3 West Virginia Liquor Control Commission for industrial, or  
4 scientific uses, or for use in institutions as provided in article  
5 six, section five of this chapter.

6 The commission may issue special permits authorizing trans-  
7 actions at wholesale for industrial purposes only.

Sec. 6. The commission may issue licenses to druggists to  
2 sell alcoholic liquors upon prescription as provided in this  
3 chapter.

Sec. 7. The commission shall license without fee a still  
2 used solely for laboratory purposes in an educational institu-  
3 tion and a still used solely for pharmaceutical purposes.

Sec. 8. The commission shall license a still used by a com-  
2 mercial chemist for laboratory purposes only, and not used for  
3 the purpose of the manufacture of alcoholic liquors for resale,  
4 at a fee of five dollars.

Sec. 9. Each separate place of business shall require a  
2 separate license. Licenses shall not be transferable but, with  
3 the approval of the commission in such form and manner as  
4 the commission may prescribe, may be amended to change the  
5 location of the business licensed.

Sec. 10. A person who desires to apply for a license autho-  
2 rized by the provisions of this chapter shall, not more than thirty  
3 nor less than ten days before the filing of formal application,  
4 give notice of his intention. He shall give notice by posting  
5 a statement of his intention in such form as the commissioner  
6 may require at the front door or principal entrance of the place  
7 where the business is to be conducted. He shall also publish  
8 notice, in such form as the commission may require, at least  
9 once in a newspaper published or having a general circulation  
10 in the county and municipality in which he intends to do busi-  
11 ness: *Provided, however,* That retail druggists desiring to sell  
12 alcoholic liquors on prescriptions shall not be subject to the  
13 provisions of this section: *Provided further,* That such retail  
14 druggists shall file formal application in writing with the com-  
15 mission and shall pay the license fee.

Sec. 11. Not less than ten days after giving notice of his in-  
2 tentation, a person desiring to apply for a license shall file formal  
3 application, in writing, with the commission and shall pay  
4 the license fee.

Sec. 12. Within fifteen days after the filing of formal ap-

2 plication for a license the commission shall either grant or  
3 refuse the license.

4 If the commission refuses to grant the license it shall re-  
5 fund the license fee.

Sec. 13. The commission shall refuse the license if it finds  
2 that:

3 (1) The applicant is not a suitable person;

4 (2) The place to be occupied by the applicant is not a suit-  
5 able place;

6 (3) A sufficient number of licenses have already been issued.

Sec. 14. A person possessing a license issued under the pro-  
2 visions of this chapter shall pay the fee annually on or before  
3 the first day of January of each year. If the license fee is not  
4 paid on that day, the license shall be automatically revoked,  
5 unless the commission shall, for good cause, grant an extension  
6 in writing for not more than ten days.

Sec. 15. A person to whom a license is issued under the pro-  
2 visions of this chapter shall pay, annually, to the commission  
3 a license fee as follows, for:

4 (1) Distilleries, five hundred dollars;

5 (2) Wineries, two hundred and fifty dollars;

6 (3) Breweries, two hundred and fifty dollars;

7 (4) Bottling plants, one hundred dollars;

8 (5) Wholesale druggists, fifty dollars;

9 (6) Institutions, ten dollars;

10 (7) Industrial use, fifty dollars;

11 (8) Retail wine, twenty-five dollars;

12 (9) Retail druggists, ten dollars.

Sec. 16. The commission shall prescribe records to be kept  
2 by licensees and shall require regular reports at least every  
3 thirty days of the amounts and kinds of alcoholic liquors manu-  
4 factured, sold, or kept in stock under the authority of a license  
5 issued according to the provisions of this article.

6 Records which the licensee is required to keep shall be open  
7 at all reasonable times to inspection by the commission or its  
8 agents.

Sec. 17. The commission shall have the authority to pre-  
2 scribe such rules and regulations and to require the reporting

3 of such information by licensees as may be necessary for the  
4 effective administration of the provisions of this chapter.

Sec. 18. A municipal corporation shall not impose a fee or a  
2 special tax as a condition upon the exercise of a license issued  
3 under the provisions of this chapter.

Sec. 19. The commission shall revoke a license issued by  
2 it if it shall find that:

- 3 (1) The licensee is not a suitable person;
- 4 (2) The place occupied by the licensee is not a suitable place;
- 5 (3) The licensee has violated a provision of this chapter or  
6 a regulation made by the commission under the authority of  
7 this chapter;
- 8 (4) The licensee has failed to comply with the spirit and  
9 intent of this chapter by encouraging intemperance, the un-  
10 lawful consumption of alcoholic liquors, or otherwise.

Sec. 20. Before revoking a license issued under the authority  
2 of this chapter, the commission shall give at least ten days  
3 notice to the licensee. Notice shall be in writing, shall state the  
4 reason for revocation and shall designate a time and place when  
5 the licensee may show cause why the license should not be re-  
6 voked. Notice shall be sent by registered mail to the address  
7 for which the license was issued. The licensee may, at the time  
8 designated for the hearing, produce evidence in his behalf and  
9 be represented by counsel. On the final revocation of a license  
10 or licenses the commission shall immediately take over the stocks  
11 of liquors possessed by the licensee, and pay to the licensee the  
12 amount paid by him to the state for such stocks less the amount  
13 necessary to defray the costs incurred by the commission in the  
14 revocation proceedings.

Sec. 21. A decision of the commission granting or revoking,  
2 or refusing to grant or to revoke a license authorized by this  
3 chapter shall be subject to judicial review upon the appeal of a  
4 licensee and applicant for a license, a resident of the com-  
5 munity in his own behalf or in behalf of the community, or an  
6 interested party who is dissatisfied with the decision of the com-  
7 mission in granting, refusing to grant, revoking or refusing  
8 to revoke a license authorized by this chapter, but in any such  
9 judicial review only the legality of the decision of the commis-

10 sion under the constitution and laws of this state and the  
11 United States shall be determined.

## ARTICLE V.

Section 1. A county, or any municipality may in an election  
2 held especially for the purpose, determine whether the sale of al-  
3 coholic liquors for beverage purposes shall be permitted within  
4 that county or municipality.

5 A local option election shall not be held within sixty days of  
6 a general or municipal election.

Sec. 2. The county court, or the governing body of the  
2 municipality, as the case may be, shall call a special "local  
3 option election" upon the filing of a petition signed by not less  
4 than twenty-five per cent of the qualified voters within the  
5 county or municipality.

Sec. 3. The petition shall be in the following form:

2                   Petition for Local Option Election

3 We, the undersigned legally qualified voters, resident within  
4 the county (municipality) of ....., do hereby  
5 petition that a special election be held within the county (city,  
6 town) of ..... on the ..... day of  
7 ....., 19....., upon the following question:

8 Shall the sale of alcoholic beverages under the West Virginia  
9 Liquor Control Commission be permitted in.....?

10       Name	Address	Date
11                   (Post office or street and number)		

Sec. 4. The county court or governing body of the munici-  
2 pality shall give notice of the special "local option election" by  
3 publication in two newspapers of opposite politics and of gen-  
4 eral circulation in the area in which the election is held. Notice  
5 shall be given at least once each week for two successive weeks,  
6 prior to the election, and printed copies of the order shall be  
7 posted at each place of voting at least ten days before the elec-  
8 tion. If there is only one newspaper published in the county or  
9 municipality, the publication shall be made therein. The election  
10 shall be held not more than ninety nor less than sixty days from  
11 the filing of the petition. The regular election officers of the  
12 county or municipal corporation shall open the polls and con-  
13 duct the election in the same manner provided for general elec-  
14 tions.

Sec. 5. On the ballot shall be printed the following:

2 Shall the sale of alcoholic beverages under the West Virginia  
3 Liquor Control Commission be permitted in.....?

4 ☐ Yes.

5 ☐ No.

6 (Place a cross mark in the square opposite your choice.)

Sec. 6. The ballots shall be counted, returns made and can-  
2 vassed as in general elections, and the results certified by the  
3 commissioners of election to the county court of the county, or  
4 the governing body of the municipality, as the case may be.  
5 The county court or governing body shall without delay certify  
6 the result of the election to the commission.

Sec. 7. Within thirty days after a "local option election" in  
2 which a majority has voted "No," the commission shall close  
3 all state stores and discontinue all agencies situated within the  
4 county or municipality.

Sec. 8. When a "local option election" has been held in a  
2 county or municipality, another such election shall not be held  
3 for a period of two years; except that an election may be held  
4 within a municipality without regard to an election held in or  
5 the time limit applicable to the county within which the muni-  
6 cipality, or a part thereof, is located.

## ARTICLE VI.

Section 1. The provisions of this chapter shall not prevent:

2 (1) A person from keeping and possessing alcoholic liquors  
3 in his residence for the personal use of himself, his family, his  
4 servants or his guests if such alcoholic liquors shall have been  
5 lawfully acquired by him;

6 (2) A person, his family, or servants from giving or serving  
7 such alcoholic liquors to guests in said residence, when such gift  
8 or service is not for the purpose of evading the provisions of  
9 this chapter.

Sec. 2. The provisions of this chapter shall not prevent:

2 (1) A person from manufacturing wine at his residence for  
3 consumption at his residence as permitted by section one of this  
4 article;

5 (2) A person from manufacturing and selling unfermented  
6 cider;

7 (3) A person from manufacturing and selling cider made  
8 from apples produced by him within this state, to persons  
9 holding distillery licenses, but such manufacture and sale shall  
10 be under the supervision and regulation of the commission;

11 (4) A person from manufacturing and selling wine made  
12 from fruit produced by him within this state to persons holding  
13 winery licenses, but such manufacture and sale shall be under  
14 the supervision and regulation of the commission.

Sec. 3. The provisions of this chapter do not apply to ethyl  
2 alcohol used:

3 (1) For scientific, chemical, mechanical or industrial pur-  
4 poses.

5 (2) By those authorized to procure ethyl alcohol tax-free  
6 under the acts of Congress and regulations thereunder.

7 (3) In the manufacture of denatured alcohol produced and  
8 used as provided by the acts of Congress and regulations there-  
9 under.

10 (4) In the manufacture of scientific, chemical, mechanical  
11 and industrial preparations or products unfit for beverage  
12 purposes.

Sec. 4. The provisions of this chapter shall not prevent a  
2 person from manufacturing, selling, delivering or shipping:

3 (1) Any medicine containing sufficient medication to pre-  
4 vent its use as a beverage;

5 (2) Any medicinal preparation manufactured in accordance  
6 with formulas prescribed by the United States Pharmacopeia,  
7 and National Formulary, patent and proprietary preparations,  
8 and other bona fide medicinal and technical preparations, which  
9 are manufactured and sold to be used exclusively as medicine  
10 and not as beverages, and the sale of which does not now require  
11 the payment of a United States liquor dealer's tax;

12 (3) Toilet, medicinal and antiseptic preparations not in-  
13 tended for internal human use nor for beverage purposes;

14 (4) Any food products known as flavoring extracts manu-  
15 factured and sold for cooking and culinary purposes only and  
16 not for beverage purposes.

Sec. 5. The provisions of this chapter shall not prevent:

2 (1) A physician from prescribing the use of alcoholic liquors  
3 when necessary for a bona fide patient;

4 (2) A druggist from selling, upon a prescription properly  
5 issued by a physician, alcoholic liquors for medicinal purposes;

6 (3) A physician, dentist, or veterinarian, in the legitimate  
7 practice of his profession, from using and administering alco-  
8 holic liquors;

9 (4) Hospitals, sanitariums, or that division of any institu-  
10 tion which is regularly conducted as a hospital, dispensary or  
11 infirmary, from using or administering alcoholic liquors to bona  
12 fide patients. Institutions and the divisions thereof provided in  
13 this section may carry a stock of alcoholic liquors sufficient for  
14 this purpose;

15 (5) Religious organizations from using wine for sacramental  
16 purposes.

Sec. 6. The provisions of this chapter shall not prevent a  
2 person from bringing into or transporting in this state, in his  
3 possession or in his baggage, and not for resale, alcoholic liquor  
4 in a quantity not to exceed one gallon.

Sec. 7. A person shall not:

2 (1) Manufacture or sell in this state without a license any  
3 alcoholic liquor except as permitted by this article;

4 (2) Aid or abet in the manufacture or sale of alcoholic li-  
5 quor without a license except as permitted by this article;

6 (3) Sell without a license any alcoholic liquor other than  
7 permitted by this article;

8 (4) Adulterate any alcoholic liquor by the addition of any  
9 drug, methyl alcohol, crude, unrectified or impure form of  
10 ethyl alcohol, or other foreign or deleterious substance or liquid;

11 (5) Refill, with alcoholic liquor, any bottle or other con-  
12 tainer in which alcoholic liquor has been sold at retail in this  
13 state;

14 (6) Advertise any alcoholic liquor in this state except in  
15 accordance with the rules and regulations of the commission;

16 (7) Distribute, deal in, possess, or use crowns, stamps or  
17 seals required under the authority of this chapter, except in  
18 accordance with the rules and regulations prescribed by the  
19 commission.

20 A person who violates any provision of this section shall be  
21 guilty of a misdemeanor and upon conviction shall be fined not  
22 less than fifty nor more than five hundred dollars, or confined in  
23 jail not less than thirty days nor more than one year or both  
24 such fine and imprisonment, for the first offense. Upon con-  
25 viction of a second or subsequent offense, the court may in its  
26 discretion impose a penalty of confinement in the penitentiary  
27 for a period not to exceed three years.

Sec. 8. A licensed person shall not:

- 2 (1) Sell alcoholic liquors of a kind other than that which  
3 such license or this act authorizes him to sell;
- 4 (2) Sell beer to which wine, spirits, or alcohol has been  
5 added;
- 6 (3) Sell wine to which other alcoholic spirits have been  
7 added, otherwise than as required in the manufacture thereof  
8 under regulations of the commission;
- 9 (4) Sell alcoholic liquors to a person specified in section  
10 twenty-two, article three of this chapter;
- 11 (5) Sell alcoholic liquors except as authorized by his license;
- 12 (6) Sell any alcoholic liquor when forbidden by the pro-  
13 visions of this chapter;
- 14 (7) Keep on the premises covered by his license alcoholic  
15 liquor other than that which he is authorized to sell by such  
16 license or by this act.

17 A person who violates any provision of this section shall be  
18 guilty of a misdemeanor and upon conviction shall be fined not  
19 less than fifty nor more than five hundred dollars, or confined  
20 in jail not less than thirty days nor more than one year, or  
21 both such fine and imprisonment for the first offense. Upon  
22 conviction of a second or subsequent offense, the court may in  
23 its discretion impose a penalty of confinement in the peniten-  
24 tiary for a period not to exceed three years.

Sec. 9. A person shall not:

- 2 (1) Appear in a public place in an intoxicated condition;
- 3 (2) Drink alcoholic liquor in a public place;
- 4 (3) Drink alcoholic liquor in a motor vehicle on any high-  
5 way, street, alley, or in a public garage;
- 6 (4) Tender a drink of alcoholic liquor to another person in  
7 a public place;

8 (5) Buy alcoholic liquor from a person whom he knows or  
9 should know to be unauthorized by the provisions of this  
10 chapter to sell alcoholic liquor;

11 (6) Possess alcoholic liquor which he knows or should know  
12 was acquired in violation of this chapter.

13 A person who violates any provision of this section shall be  
14 guilty of a misdemeanor and upon conviction shall be fined not  
15 less than five nor more than one hundred dollars, or confined  
16 in jail not more than sixty days, or both such fine and imprison-  
17 ment.

Sec. 10. A person who unlawfully owns, operates, or main-  
2 tains a plant for the manufacture of distilled spirits, or aids or  
3 abets in the operation or maintenance of such a plant shall be  
4 guilty of a felony, and upon conviction shall be fined not less  
5 than one hundred nor more than one thousand dollars or con-  
6 fined in the penitentiary not less than one nor more than five  
7 years.

Sec. 11. A person who, while engaged in the unlawful  
2 manufacture, transportation or sale of alcoholic liquors, or  
3 while aiding or assisting in any of such acts, has in his actual or  
4 constructive possession a firearm or other lethal weapon, shall  
5 be guilty of a felony, and upon conviction shall be confined in  
6 the penitentiary not less than one nor more than ten years.

Sec. 12. A person who, without authorization under this  
2 chapter, transports alcoholic liquors for the purpose of sale,  
3 shall be guilty of a misdemeanor, and upon conviction shall  
4 be fined not less than fifty nor more than five hundred dollars  
5 or confined in jail not less than sixty days nor more than  
6 one year for the first offense. Upon conviction of a second  
7 or subsequent offense, the court may in its discretion impose  
8 a penalty of confinement in the penitentiary for a period not  
9 to exceed three years.

Sec. 13. Except as permitted by section six of this article,  
2 a person shall not import into, or transport in this state any  
3 alcoholic liquor unless it is:

4 (1) Consigned to the commission;

5 (2) Transported or shipped upon the direction of the com-  
6 mission directly to persons licensed to receive alcoholic  
7 liquors at wholesale; or

8 (3) Transported or shipped to persons outside the state for  
9 sale or delivery outside the state. A common carrier may trans-  
10 port through this state in a locked compartment alcoholic  
11 liquors which are kept as a part of its commissary.

Sec. 14. Transportation of alcoholic liquors in a quantity  
2 in excess of one gallon, except under authority of sections  
3 two, three, and thirteen of this article, shall be prima facie  
4 evidence of transportation for the purpose of sale, unless prior  
5 to transportation of a greater quantity a permit shall be pro-  
6 cured from the department of public safety.

Sec. 15. A person who violates any order, rule or regulation  
2 of the commission made under the authority of this chapter,  
3 or who violates any provision of this chapter for which punish-  
4 ment has not been specifically provided, shall be guilty of a  
5 misdemeanor and upon conviction shall be fined not less than  
6 ten nor more than five hundred dollars or confined in jail not  
7 less than five days nor more than six months, or by both such  
8 fine and imprisonment.

9 If, by the provisions of this chapter, conflicting penalties  
10 are prescribed for an offense, the section providing for the  
11 heavier penalty shall control.

Sec. 16. A place where alcoholic liquor is manufactured,  
2 sold, stored, possessed, given away, or furnished contrary to  
3 law shall be deemed a common and public nuisance. Boats,  
4 cars (including railroad and traction passenger cars operating  
5 in this state), automobiles, wagons, water and air craft, beasts  
6 of burden, or vehicles of any kind shall be deemed places  
7 within the meaning of this section and may be proceeded  
8 against under the provisions of section seventeen of this arti-  
9 cle. A person who shall maintain, or shall aid or abet or  
10 knowingly be associated with others in maintaining such com-  
11 mon and public nuisance shall be guilty of a misdemeanor,  
12 and upon conviction thereof shall be punished by a fine of  
13 not less than one hundred nor more than five hundred dollars,  
14 or by confinement in jail not less than sixty days nor more  
15 than six months for each offense, and judgment shall be given  
16 that such nuisance be abated or closed as a place for the manu-  
17 facture, sale, storage, possession, giving away, or furnishing  
18 contrary to law of alcoholic liquor, as the court may determine.

Sec. 17. The commission, its agents, the attorney general,  
2 the prosecuting attorney, or a citizen of the county or municipi-

3 pality where a nuisance as defined in section sixteen of this  
4 article is located, may maintain a suit in equity in the name  
5 of the state to abate and perpetually enjoin the same. Courts  
6 of equity shall have jurisdiction thereof. The injunction may  
7 be granted at the commencement of the suit and no bond shall  
8 be required. On the finding that the material allegations of  
9 the bill are true, the court or judge thereof in vacation shall  
10 order the injunction for such period of time as it or he may  
11 think proper, with the right to dissolve the injunction upon  
12 the application of the owner of the place, if a proper case is  
13 shown for such dissolution.

14 The continuance of the injunction as provided in this section  
15 may be ordered, although the place complained of may not at  
16 the time of hearing be unlawfully used.

Sec. 18. If there be complaint on oath or affirmation sup-  
2 ported by affidavit or affidavits setting forth the facts for such  
3 belief that alcoholic liquors are being manufactured, sold, kept,  
4 stored or in any manner held, used or concealed in a particular  
5 house or other place in violation of law, the justice of the peace,  
5-a circuit, criminal or intermediate court, or the judge thereof  
6 in vacation, or the mayor of any city, town or village, to  
7 whom such complaint is made, if satisfied that there is a  
8 probable cause for such belief, shall issue a warrant to search  
9 such house or other place for alcoholic liquors. Such warrants,  
10 except as herein otherwise provided, shall be issued, directed  
11 and executed in accordance with the laws of West Virginia  
12 pertaining to search warrants.

13 Warrants issued under this act for the search of any auto-  
14 mobile, boat, conveyance or vehicle, or for the search of any  
15 trunk, grip or other article of baggage, for alcoholic liquor,  
16 may be executed in any part of the state where the same is  
17 overtaken, and shall be made returnable before any justice of  
18 the peace, circuit, criminal or intermediate court, or the judge  
19 thereof in vacation, or the mayor of any city, town or village  
20 within whose jurisdiction such automobile, boat, conveyance,  
21 vehicle, trunk, grip or other article of baggage, or any of them,  
22 were transported or attempted to be transported contrary to  
23 law.

24 An officer charged with the execution of a warrant issued

25 under this section, may, whenever it is necessary, break open  
26 and enter a house, or other place herein described.

Sec. 19. All stills and distilling apparatus and material for  
2 the manufacture of the same, and all alcoholic liquors, and  
3 materials used in the manufacture of alcoholic liquors, and all  
4 containers in which alcoholic liquors may be found, which are  
5 kept, stored, possessed or in any manner used in violation of  
6 the provisions of this chapter shall be deemed contraband and  
7 shall be forfeited to the state.

Sec. 20. A motor vehicle or vehicles of any kind used for  
2 transportation of alcoholic liquors for purposes of sale in  
3 violation of section twelve of this article shall be deemed  
4 contraband and shall be forfeited to the state and proceeded  
5 against in the manner provided for confiscation by section  
6 twenty-one of this article.

7 All vehicles forfeited to the state under the provisions of  
8 this section shall be turned over to the commission which may  
9 retain the same for public use in the administration and en-  
10 forcement of this chapter. If it has no need for the vehicle,  
11 it may order its destruction or sale unless the department  
12 of public safety requests it, in which case the commission  
13 shall turn it over to the said department.

14 The net proceeds of sales made under this section shall be  
15 paid into the state treasury in the manner prescribed for  
16 receipts from state stores and agencies.

Sec. 21. Proceedings for confiscation of articles declared  
2 contraband and forfeited to the state under section twenty  
3 of this article shall be as follows:

4 (1) When such articles have been seized under or without  
5 a warrant provided for in section eighteen of this article, by  
6 an officer charged with the enforcement of this chapter, the  
7 officer shall produce the articles and the person in whose  
8 possession they were found, if any, and if no person be found  
9 in possession the return shall so state. A copy of the warrant  
10 shall be posted on the door of the place where the articles  
11 were found, or if there be no door, then in any conspicuous  
12 place upon the premises;

13 (2) Upon the return of the warrant, the justice of the  
14 peace, circuit, criminal, or intermediate court, or judge thereof

15 in vacation, or the mayor of any city, town or village, shall  
16 fix a time not less than ten nor more than thirty days there-  
17 after for hearing of the return, at which hearing it shall be  
18 determined whether or not the articles seized were used or  
19 in any manner possessed in violation of this chapter. If no  
20 claimant appear, the justice of the peace, circuit, criminal or  
21 intermediate court, or judge thereof in vacation, or the mayor  
22 of the city, town or village shall declare the articles seized  
23 forfeited to the state, and if such articles be not necessary as  
24 evidence in any proceeding, shall turn the same over to the  
25 commission. At such hearing a person claiming any interest  
26 in an article seized may appear and file a written claim setting  
27 forth particularly the character and extent of his interest,  
28 whereupon, if the trial be before a justice of the peace or  
29 mayor he shall forthwith certify the warrant, the articles  
30 seized and the claim filed to the circuit court or other court  
31 having jurisdiction which court shall docket the case, and  
32 shall hear and determine the validity of such claim. If, upon  
33 hearing, the evidence warrants, the court shall enter a judg-  
34 ment of forfeiture and order the articles turned over to the  
35 commission. Action under this section and the forfeiture  
36 of articles thereunder shall not bar prosecution under any  
37 other provisions of this chapter;

38 (3) Articles forfeited to the state and turned over to the  
39 commission in accordance with the provisions of this section  
40 shall be destroyed or sold as the commission deems proper.  
41 The net proceeds of sales made under this section shall be paid  
42 into the state treasury in the manner prescribed by this chapter  
43 for receipts from state stores.

Sec. 22. No action shall be maintained to recover the price  
2 of alcoholic liquor sold in violation of the provisions of this  
3 chapter, except that the state or the commission may recover  
4 from any person the price of any alcoholic liquor purchased by  
5 him in violation of this chapter, and from any person who may  
6 have sold alcoholic liquors in violation of the provisions of this  
7 chapter, the consideration received by him therefor.

Sec. 23. If any article, a section or part of an article or sec-  
2 tion of this chapter is for any reason declared unconstitutional,  
3 or otherwise invalid, the decision of the court shall not affect the  
4 validity of any remaining article, section or part of an article  
5 or section thereof.

## \*CHAPTER 5

(Senate Bill No. 294—By Mr. Jones, by request)

AN ACT to amend section twenty-one, article two, sections four and six, article four and section thirteen, article six of an act known as house bill number one hundred nineteen, enacted February twenty-fifth, at the regular session of the Legislature of West Virginia, one thousand nine hundred thirty-five, relating to the state control of alcoholic liquors.

[Passed March 8, 1935: in effect from passage. Became a law without the approval of the Governor.]

### ARTICLE II.

Sec.

21. Yearly audit by tax commissioner of the affairs of the West Virginia Liquor Control Commission; cost paid from operating fund of commission.

### ARTICLE IV.

Sec.

4. Licenses to wholesale druggists to purchase alcoholic liquors

Sec.

and ethyl alcohol for resale.

6. Licenses to retail druggists as purchase alcoholic liquors and ethyl alcohol for resale.

### ARTICLE VI.

Sec.

13. When importation of alcoholic liquors into, or transportation in, state permitted.

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

That section twenty-one, article two, sections four and six, article four and section thirteen, article six of an act known as house bill number one hundred nineteen, enacted February twenty-fifth, at the regular session of the Legislature of West Virginia, one thousand nine hundred thirty-five, be amended to read as follows:

### ARTICLE II

Section 21. At the close of each fiscal year the state tax  
2 commissioner shall audit the affairs of the West Virginia liquor  
3 control commission and report the results of the audit to the  
4 governor. The cost of the audit shall be paid from the  
5 operating funds.

\*Amending chapter four, acts of this session.

**ARTICLE IV.**

Section 4. The commission may grant to wholesale drug-  
2 gists, licenses to purchase alcoholic liquors at wholesale from  
3 or through the West Virginia liquor control commission for  
4 the purpose of resale outside this state. Notwithstanding any  
5 other provisions of the act known as house bill number one  
6 hundred nineteen, the commission may grant to wholesale drug-  
7 gists licenses to purchase ethyl alcohol for non-beverage pur-  
8 poses, at wholesale from their usual sources of supply, upon  
9 orders for same first approved by the West Virginia liquor  
10 control commission for sale, either within or without the state,  
11 to retail druggists or to persons licensed to purchase ethyl  
12 alcohol from said commission under the provisions of said  
13 act.

Sec. 6. The commission may issue licenses to retail drug-  
2 gists to sell, upon prescription, and for the purposes provided  
3 for in this chapter, alcoholic liquor purchased from the West  
4 Virginia liquor control commission. Notwithstanding any other  
5 provisions of the act known as house bill number one hundred  
6 nineteen, the commission may also issue licenses to retail drug-  
7 gists to purchase ethyl alcohol for non-beverage purposes from  
8 wholesale druggists within or without the state, or from their  
9 usual sources of supply, upon orders first approved by the  
10 commission.

**ARTICLE VI**

Section 13. Except as permitted by section six of this  
2 article, a person shall not import into, or transport in this  
3 state any alcoholic liquor unless it is:

4 (1) Consigned to the commission;

5 (2) Transported or shipped upon the direction of the com-  
6 mission directly to persons licensed to receive alcoholic liquors  
7 at wholesale;

8 (3) Transported or shipped to persons outside the state for  
9 sale or delivery outside the state; or

10 (4) Transported or shipped to persons who are duly author-  
11 ized salesmen of recognized brokers, distributors, or distillers  
12 for the purpose of being used solely as sample products for  
13 negotiating sales with the commission, provided the authority  
14 of the commission in writing be first had.

## CHAPTER 6

(House Bill No. 177—By Mr. LaFon, by request)

AN ACT to amend and reenact section one, article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, and to amend article twelve, chapter eleven of the code by enacting and adding thereto thirteen additional sections to be numbered ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred one, one hundred two and one hundred three; to provide for the raising of additional public revenue by a license tax on the business of selling non-intoxicating beer; to define non-intoxicating beer; to classify sales thereof, and to provide for the collection of such tax, and to repeal chapter twenty, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, and all other acts and parts of acts, general and special, in conflict with this act or the purpose thereof.

[Passed February 28, 1935; in effect March 1, 1935. Approved by the Governor.]

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|--|---|
| <p>Sec.<br/>1. For what businesses and purposes state licenses are required.</p> <p>91. Definition of non-intoxicating beer; alcoholic content.</p> <p>92. Definition of retailer, manufacturer or brewer, and distributor; sales in state by non-resident manufacturer to be through licensed wholesaler or distributor; sales by wholesaler or distributor of draught beer to consumers.</p> <p>93. Annual license tax on retailers, manufacturers or brewers and distributors; additional tax on barrelled beer; by whom paid; tax to be paid for each place of business; license tax on social, etc., clubs; license tax on dining, etc., cars.</p> <p>94. When unlawful for manufacturer, etc., to furnish, give, rent or sell equipment, etc., or to offer prizes, gifts, etc.; manufacturer or wholesale distributor to have no interest in sales under retail license.</p> | <p>Sec.<br/>95. License year same as fiscal year; when computed quarterly.</p> <p>96. Licenses issued by tax commissioner; when he may refuse a renewal; what application for license to show; surety bond of manufacturer, brewer or distributor; reports to tax commissioner by manufacturers, brewers and distributors.</p> <p>97. Collection of unpaid license tax by distraint or other legal proceedings; revocation of license for non-payment.</p> <p>98. Manufacturer, brewer and distributor to keep and preserve records, etc., required by tax commissioner; inspection and production of records; assessment of unpaid tax and penalty; revocation of license for non-payment; appeal by licensee from assessment.</p> <p>99. What application for retail license to show.</p> <p>100. Rules and regulations of tax commissioner; grounds for revocation of license; penalty for</p> |
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Sec.	false statement in application for license or renewal; municipalities may enact ordinances for enforcement of act.	Sec.	to state fund general revenue.
101.	Limitation on amount of municipal license taxes.	103.	Provisions of act separable; chapter twenty, acts of the Legislature, first extraordinary session, 1933, and all inconsistent acts repealed.
102.	Revenue collected to be credited		

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

That section one, article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, be and the same is hereby amended and reenacted, and article twelve, chapter eleven of said code be and the same is hereby amended by enacting and adding thereto thirteen additional sections to be numbered sections ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred one, one hundred two and one hundred three, which sections shall read as follows:

Section 1. No person without a state license therefor, shall

- 2 (a) Keep a hotel, eating house, or restaurant; or
- 3 (b) Keep, for public use or resort, a bowling alley, pool
- 4 table, billiard table, bagatelle table, or any table of like
- 5 kind; or
- 6 (c) Sell at wholesale or retail patent or proprietary medi-
- 7 cines in incorporated cities and towns; or
- 8 (d) Exhibit any circus, menagerie, circus and menagerie
- 9 combined, theatrical performance, street or other carnival, or
- 10 public show, to which admission is obtained for money or re-
- 11 ward, except for the benefit or under the auspices of a vol-
- 12 unteer fire department; or
- 13 (e) Run or operate, for profit, a merry-go-round, or roller
- 14 coaster, or scenic railway, or like device, or keep for public
- 15 use or resort, a shooting gallery, a skating rink; or ran, or
- 16 operate a cane rack, doll baby rack, knife rack, striking ma-
- 17 chine, jingle board, punch board, artful dodger, candy wheel,
- 18 or other scheme or device by which merchandise or other
- 19 things of value are disposed of by game of chance, or like de-
- 20 vice, or human laundry device, or dip device; or
- 21 (f) Act as a hawker or peddler; but bona fide farmers
- 22 vending farm products shall not be required to have a license;
- 23 or
- 24 (g) Act as an auctioneer; or
- 25 (h) Practice the business of real estate agent, stockbroker,

26 or other broker, by buying or selling for others, stocks, se-  
27 curities, or any other property for a commission or reward; or

28 (i) Practice the business of money broker, buying or sell-  
29 ing undercurrent or depreciated money or funds; or ex-  
30 changing one kind of money or funds for another, for bene-  
31 fit or reward; or

32 (j) Practice the business of pawnbroker by lending money  
33 or other things for profit, for or on account of personal  
34 property deposited with the lender in pledge; or

35 (k) Sell, or barter, or offer, or expose, for sale or barter,  
36 any patent right; or

37 (l) Sell, offer, or expose for sale, to merchants, trading  
38 stamps, premium stamps or certificates of like nature or char-  
39 acter, or undertake with merchants to redeem such stamps or  
40 certificates in money or goods; or

41 (m) Being a traveling agent, canvasser or salesman, or  
42 itinerant vendor, sell any sewing machines, pianos, organs,  
43 victrolas, phonographs, talking machines, or similar musical  
44 instruments, or, sell or contract to sell any books, maps, prints,  
45 pamphlets, and periodicals, except such books, pamphlets  
46 and periodicals that be of a religious or ethical nature, whether  
47 manufactured within or without the state; or

48 (n) Sell, offer or expose for sale, or solicit, or receive or-  
49 ders for manufactured tobacco, snuff, cigars, cigarettes, or  
50 other preparations of tobacco, or cigarette paper or wrapper,  
51 at wholesale or retail; or

52 (o) Carry on the business of junk dealer, or act as agent, so-  
53 licitor, canvasser, or salesman, for any junk dealer; or

54 (p) Sell pistols, revolvers, or weapons of like kind; or

55 (q) Maintain or occupy any house boat, or like structure or  
56 vessel, upon or along the bed, banks or shores of any navigable  
57 stream; or

58 (r) Maintain any slot machine, or other automatic device,  
59 which, for the same profit or reward, in each case and with-  
60 out any violation of the law, furnishes music, or exhibits pic-  
61 tures, or provides facilities for weighing, or supplies any  
62 merchandise or other thing or renders any service; but no slot  
63 machine or other automatic device with respect to which, or its  
64 operation, service, or supplies, there is any element of chance  
65 (being a gaming table, within the meaning of section one,

66 article ten, chapter sixty-one of this code), shall be protected  
67 by any license; or

68 (s) Being a corporation, heretofore or hereafter chartered  
69 under the laws of this state, whether its principal place of  
70 business or chief works be within or without the state, do,  
71 or attempt to do, any business by virtue of its charter or cer-  
72 tificate of incorporation; or

73 (t) Being a corporation chartered or organized under the  
74 laws of any other state or country, hold property or transact  
75 business in this state; or being a corporation, hold more than  
76 ten thousand acres of land in this state; or

77 (u) Solicit, carry on or practice the business of a collection  
78 agency, or association, whether it be a person, firm or corpor-  
79 ation; or

80 (v) Keep or maintain, a public park, admission to which is  
81 obtained for money or reward; or

82 (w) Carry on the business of a labor agency; or

83 (x) Manufacture, sell or distribute, either at retail or  
84 wholesale, any and all preparations of every kind, character  
85 or nature, such as are prepared, mixed and sold at soda foun-  
86 tain, and all such preparations as bevo, pablo, milo, moxie, gin-  
87 ger ale, near beer, coca cola, pop, and all other preparations of  
88 like nature and character commonly known as soft drinks; or

89 (y) Keep or maintain, for public use or resort, a taxi-cab  
90 stand or any place of like character; or

91 (z) Manufacture, sell or distribute, either at retail or  
92 wholesale, cereal malt beverage or products of the brewing  
93 industry, as defined in section ninety-one of this act.

94 Nothing in this article contained, and no license or payment  
95 under the provisions hereof, shall be taken to legalize any  
96 act which otherwise may be in violation of law, or exempt any  
97 person from any penalty prescribed for such violation.

Sec. 91. The words "non-intoxicating beer", as used in  
2 this act shall be construed to embrace all cereal malt bever-  
3 ages or products of the brewing industry, which same are com-  
4 monly referred to as beer, lager beer, ale and all other mix-  
5 tures and preparations produced by the brewing industry, and  
6 containing not more than five per cent of alcohol by weight,  
7 which are hereby declared to be non-intoxicating; and the  
8 word "liquor" as used in chapter sixty of the code of West

9 Virginia shall not be construed to include or embrace any  
10 cereal malt beverage or product of the brewing industry or any  
11 other mixtures or preparations of like nature containing not  
12 more than five per cent of alcohol by weight.

Sec. 92. The word "retailer" as used in this act, shall  
2 mean and include any person, firm, association, partnership or  
3 corporation selling, serving, delivering or otherwise dispensing  
4 non-intoxicating beer, whether in glass bottles or on draught,  
5 at his, its or their established and licensed place of busi-  
6 ness.

7 The words "manufacturer or brewer" as used in this act,  
8 shall mean and include any person, firm, association, partner-  
9 ship or corporation manufacturing non-intoxicating beer for  
10 sale at wholesale: *And provided further*, That no manufacturer  
11 or brewer whose chief place of business is without the state  
12 of West Virginia, shall offer his or their products for sale  
13 in the state of West Virginia except through a duly licensed  
14 wholesaler or distributor operating under the provisions of  
15 this act, and no manufacturer or brewer whose chief place of  
16 business is without the state of West Virginia, shall be con-  
17 nected either directly or indirectly with a wholesaler or dis-  
18 tributor.

19 The word "distributor" as used in this act, shall mean and  
20 include any person, firm, association, partnership, corporation,  
21 manufacturer or brewer, whose chief place of business is with-  
22 in the state of West Virginia, jobbing or distributing non-  
23 intoxicating beer to a retailer at wholesale: *Provided, however*,  
24 That a wholesaler or distributor may sell to a consumer, for  
25 personal use and not for resale, draught beer in quantities of  
26 one-eighth, one quarter and one-half barrels in the original  
27 container.

Sec. 93. There is hereby levied and imposed upon retail  
2 dealers as herein defined an annual license tax of one hundred  
3 dollars per year. There is hereby levied and imposed upon  
4 manufacturers or brewers, as herein defined, manufacturing  
5 non-intoxicating beer, as defined in section ninety-one of this  
6 act, within this state an initial license tax of five hundred dol-  
7 lars per year, and whether such non-intoxicating beer be kept  
8 or sold in barrels or other containers, an additional tax of one  
9 dollar on each barrel of thirty-one gallons, and in like ratio on

10 each part barrel so manufactured in this state for sale within  
11 this state. There is hereby levied and imposed upon distribu-  
12 tors, as herein defined, an initial license tax of two hundred  
13 fifty dollars per year, and an additional tax of one dollar on  
14 each barrel, and in like ratio on each part barrel of non-intoxi-  
15 cating beer whether distributed in barrels or other containers,  
16 so distributed in this state: *Provided, however,* That the barrel  
17 tax herein levied shall, as to non-intoxicating beer made in  
18 West Virginia, be paid by the manufacturer or brewer, and  
19 the barrel tax on non-intoxicating beer made outside of West  
20 Virginia shall be paid by the original consignee thereof with-  
21 in this state, who shall be deemed the distributor for the pur-  
22 poses of this act, and required to take out a license as such,  
23 and the issuance of such distributor's license shall operate as a  
24 forfeiture of any retail dealer's license held by him; and no  
25 non-intoxicating beer manufactured, sold or distributed in  
26 West Virginia shall be subject to more than one barrel tax.

27 Each such retail dealer, manufacturer or brewer and dis-  
28 tributor being engaged in the business of selling, delivering  
29 or otherwise distributing non-intoxicating beer, and having  
30 more than one place of business within the state of West  
31 Virginia, shall pay the full amount of the initial tax hereby  
32 imposed for each such place of business: *Provided further,*  
33 That any social, fraternal or business clubs not operating for  
34 profit, and having been in continuous operation for five years  
35 or more prior to the enactment of this law, shall pay an annual  
36 license tax of fifty dollars, as retailers hereunder; *And pro-*  
37 *vided further,* That railroads operating in this state may dis-  
38 pense non-intoxicating beer upon payment of an annual license  
39 tax of ten dollars for each dining, club or buffet car in which  
40 it is dispensed.

Sec. 94. It shall be unlawful for any manufacturer or  
2 brewer, wholesaler or distributor, to furnish, give, rent or  
3 sell any equipment, fixtures, or supplies, directly or indirectly,  
4 or through a subsidiary or affiliate, or by any officer, director,  
5 or firm member of the industry, to any person engaged in sell-  
6 ing products of the brewing industry for consumption on the  
7 premises where sold or to offer any prize, premium, gift, or  
8 other similar inducement, except advertising novelties of nomi-  
9 nal value, to either trade or consumer buyers.

10 No person, firm or corporation having an interest in the man-  
11 ufacture or wholesale distribution of non-intoxicating beer  
12 shall be permitted, either directly or indirectly, to be connected  
13 with, or have an interest in the sale or dispensing of non-in-  
14 toxicating beer under a retail license.

Sec. 95. Licenses for the sale of non-intoxicating beer shall  
2 be for the term of one year commencing on the first day of  
3 July of each year and ending on the thirtieth day of June  
4 of the following year. If granted for a less period than one  
5 year the initial state tax thereon shall be computed quarterly  
6 from the annual tax in proportion to such time as the license  
7 has to run.

Sec. 96. All licenses under this act for manufacturers,  
2 brewers, distributors and retail dealers shall be issued by the  
3 tax commissioner upon the filing of the application herein  
4 required, except that such tax commissioner shall not be re-  
5 quired to renew the licenses of any such manufacturer, brewer,  
6 distributor or retail dealer who shall have failed and refused  
7 to comply with any of the provisions of this act, or any law-  
8 ful regulation of the tax commissioner with relation to such  
9 business, during the time when any such applicant shall have  
10 operated under any license theretofore issued to him.

11 Every such retail dealer, on or before the first day of July  
12 of any year, shall make out and deliver to the state tax com-  
13 missioner, on the blank to be furnished by the commissioner  
14 for that purpose, a statement showing the name of such retail  
15 dealer, a brief and accurate description of the place or places  
16 where his business as such retail dealer is conducted and by  
17 whom owned. Such statement shall be signed and sworn to  
18 before a notary public or other officer empowered to administer  
19 oath.

20 Every manufacturer, brewer and distributor applying for  
21 license under this act shall, in addition to furnishing the in-  
22 formation required in the last preceding section, furnish a  
23 bond in some solvent surety company to be approved by the  
24 tax commissioner, payable to the state of West Virginia, in  
25 the minimum amount of one thousand dollars, and, within the  
26 discretion of the tax commissioner, in the maximum amount of  
27 ten thousand dollars, conditioned for the payment of any and

28 all additional taxes accruing during the period of such license.  
29 On or before the tenth day of each calendar month during  
30 the license period, every such manufacturer, brewer or distrib-  
31 utor shall make a report in writing under oath to the tax com-  
32 missioner, in such form as may be required by the tax commis-  
33 sioner, showing the number of barrels of non-intoxicating  
34 beer manufactured or distributed by such manufacturer,  
35 brewer or distributor for the preceding calendar month, or  
36 part thereof during which such manufacturer, brewer or dis-  
37 tributor was engaged in business and at the same time pay the  
38 tax thereon levied by this act. Within thirty days after the  
39 end of any license tax year each manufacturer or brewer and  
40 distributor shall make report in writing, under oath, to the tax  
41 commissioner, in such form as may be required by him, show-  
42 ing the number of barrels of non-intoxicating beer manufac-  
43 tured or distributed by such manufacturer or brewer or dis-  
44 tributor for the preceding license tax year, or part thereof.  
45 during which such manufacturer or brewer or distributor was  
46 engaged in business.

Sec. 97. If any manufacturer or brewer or distributor  
2 whose report to the tax commissioner provided for in the next  
3 preceding section hereof shows him, it or them to be liable  
4 for any unpaid license taxes shall fail to pay the same to the  
5 tax commissioner as provided therein, the tax commissioner  
6 shall be authorized to distrain immediately therefor, or col-  
7 lect the amount thereof in any appropriate legal proceeding  
8 instituted in the circuit court of the county wherein the seat  
9 of government is located, and in addition the state shall have  
10 a lien on all the property of such manufacturer or brewer or  
11 distributor for the full amount of the unpaid tax; and in ad-  
12 dition the tax commissioner may revoke the license of any such  
13 manufacturer or brewer or distributor so failing to pay any  
14 such tax.

Sec. 98. Every manufacturer or brewer and distributor  
2 shall maintain and keep and preserve for a period of two  
3 years such record or records of non-intoxicating beer  
4 manufactured, sold or distributed in this state, together with  
5 such invoices, records, receipts, bills of lading and other per-  
6 tinent papers as may be required by the tax commissioner, and

7 the tax commissioner shall have authority by himself or  
8 through his duly designated agent to inspect the books, ac-  
9 counts, records and memoranda of any manufacturer, brewer or  
10 distributor licensed under the provisions of this act, and to ex-  
11 amine under oath any officer, agent or employee of any manu-  
12 facturer or brewer and distributor. The tax commissioner  
13 may require the production, within this state at such time and  
14 place as he may designate, of any books, accounts, papers or  
15 records kept within or without the state, or verified copies in  
16 lieu thereof, in order that an examination thereof may be made  
17 by the tax commissioner or his duly designated agents. If as the  
18 result of such examination it shall be found that any non-intoxi-  
19 cating beer subject to the payment of a license tax, has been  
20 manufactured or brewed, sold or distributed, by any manufac-  
21 turer or brewer or distributor, upon which the tax has not been  
22 paid, the tax commissioner shall make an assessment of the  
23 amount of the tax so found to be due, and in addition there-  
24 to and as a part thereof shall assess a penalty of fifty per cent  
25 of the amount of such tax and shall notify such manufacturer  
26 or brewer or distributor of the additional amount due. If  
27 the same remains unpaid for a period of thirty days the tax  
28 commissioner shall have authority to revoke any license held  
29 at the time by the licensee and in addition thereto to collect  
30 the amount found to be due by an appropriate legal proceed-  
31 ing in the circuit court of the county in which the seat of  
32 government is located, unless an appeal is taken from the action  
33 of the tax commissioner as hereinafter provided.

34 Within thirty days after the receipt of notice of any addi-  
35 tional amount claimed to be due by any brewer or manufac-  
36 turer or distributor as shown by an examination by the tax  
37 commissioner, the licensee shall have the right to an appeal  
38 from his findings to the circuit court of the county in which  
39 the seat of government is located and such appeal shall be  
40 heard by the said circuit court de novo. Whether the find-  
41 ing of the tax commissioner is affirmed or reversed the cir-  
42 cuit court shall enter an order accordingly and either party  
43 shall then have the right of appeal to the supreme court of  
44 appeals of the state.

Sec. 99. A license shall be issued by the authorities so em-  
2 powered in this act to any person, firm, association, partnership

3 or corporation, who applies for a retail license and who submits  
4 a written application for a license, which application shall state  
5 under oath:

6 As to individuals:

7 (a) That he has been a resident of the state for five years  
8 or more and the name, and residence address of the applicant,  
9 and the length of time he has lived at such address;

10 (b) That he is a citizen of the United States;

11 (c) The place of birth of the applicant, and if the applicant  
12 is a naturalized citizen, the time and place of such naturaliza-  
13 tion;

14 (d) That the applicant has never been convicted of a felony;

15 As to all applicants:

16 (a) The location of the place or building where the appli-  
17 cant intends to operate;

18 (b) The name of the owner of the building and if such  
19 owner is not the applicant, that such applicant is the actual  
20 lessee of the premises;

21 (c) That the place or building where he intends to operate  
22 reasonably conforms to all laws and health and fire regula-  
23 tions, applicable thereto, and is a safe and proper place or  
24 building;

Sec. 100. The state tax commissioner shall have the power  
2 and authority to adopt and promulgate, repeal, rescind and  
3 amend, in the manner herein required, rules, regulations, stan-  
4 dards, requirements and orders necessary to carry out the pro-  
5 visions of this act including the following:

6 (a) Rules and regulations with reference to permits; and  
7 issuance of the same.

8 (b) Rules and regulations determining the nature and form  
9 of all packages and bottles to be used as containers for cereal  
10 malt beverages or products of the brewing industry to be kept or  
11 sold under this act.

12 (c) Rules and regulations pertaining to the branding or label-  
13 ing of packages or containers used in the sale of cereal malt bev-  
14 erages or products of the brewing industry.

15 (d) Rules and regulations governing the placing of all ex-  
16 terior advertising with reference to the sale of cereal malt bev-  
17 erages or products of the brewing industry, upon premises where  
18 permits have been granted for the sale of the same at retail.

19 And *provided further*, That the tax commissioner may revoke

20 the license of any licensee, subject to an appeal of any licensee  
21 to a court of competent jurisdiction whenever any licensee is  
22 aggrieved:

23 (1) When disorderly or immoral practices or other viola-  
24 tions of the law are permitted or intoxicating liquor is possessed  
25 or sold unlawfully on the premises;

26 (2) Where the word "saloon" is printed, painted or placed  
27 upon the door, window or in any other public place on or about  
28 the premises or when the word "saloon" is used in any adver-  
29 tisement by the licensee;

30 (3) When circumstances happen or become known to the  
31 properly empowered authorities under this act, which had they  
32 happened or been known at the time of the application for the  
33 license would have legally justified such authorities in refusing  
34 the license;

35 (4) Where any retail dealer shall sell or dispense non-intoxi-  
36 cating beer purchased from any other person other than a li-  
37 censed distributor under the laws of this state, without having  
38 first paid the barrel tax therefor herein imposed;

39 (5) When such licensee shall violate any of the provisions of  
40 of this act or any lawful rule or regulation promulgated by the  
41 tax commissioner under authority of this act.

42 Any person who violates any provisions of this act or who  
43 makes a false statement concerning any material fact in submit-  
44 ting an application for a license or for a renewal of a license or  
45 in any hearing concerning the revocation thereof, shall be pun-  
46 ished for each offense by a fine of not less than twenty-five dol-  
47 lars nor more than five hundred dollars or imprisonment in the  
48 county jail for not less than thirty days or more than six months  
49 or both such fine and imprisonment.

50 Any person (other than parent or guardian) firm, associa-  
51 tion, partnership or corporation holding a license under this  
52 act who shall sell or give any non-intoxicating beer to any per-  
53 son under the age of eighteen years, knowing, or having reason  
54 to believe, that such person is under the age of eighteen years,  
55 shall be guilty of a misdemeanor, and upon conviction thereof  
56 shall be fined by the court not less than twenty-five nor more  
57 than one hundred dollars.

58 Cities and incorporated towns are hereby specifically em-  
59 powered to enact ordinances for the enforcement of this act  
60 in conformity with the provisions of this act.

Sec. 101. Municipal corporations in this state shall have au-

2 thority to levy a license tax under the provisions of this act  
 3 upon any retail dealer, manufacturer or brewer and distrib-  
 4 utor of non-intoxicating beer; but the amount of the license  
 5 tax levied by such municipal corporation shall in no event  
 6 exceed one-half the amount fixed herein to be levied by the  
 7 state as an annual license tax upon retail dealers and an initial  
 8 license tax per year upon manufacturers and brewers and dis-  
 9 tributors.

Sec. 102. All taxes imposed and collected under the provi-  
 2 sions of this act from non-intoxicating beer shall be paid to the  
 3 treasurer of the state in the manner now provided by law, and  
 4 credited to the state fund, general revenue.

Sec. 103. The sections of this act and every part of such  
 2 sections are hereby declared to be independent sections and parts  
 3 of sections, and the holding of any section or any part thereof to  
 4 be void or ineffective shall not affect any other section or part of  
 5 section: *Provided further*, That chapter twenty, acts of the legis-  
 6 lature, first extraordinary session, one thousand nine hundred  
 7 thirty-three, being house bill number eight of that session, all  
 8 other acts and parts of acts, general or special, coming within  
 9 the purview of this act and inconsistent therewith are hereby  
 10 repealed.

## CHAPTER 7

(House Bill No. 524—By Mr. Wiseman)

AN ACT providing for the refunding of the purchase price of  
 stamps required to be affixed to spirituous liquors under the  
 provisions of subsection (e), section five, chapter twenty-one of  
 the acts of the Legislature, first extraordinary session, one  
 thousand nine hundred thirty-three.

[Passed March 1, 1935; in effect from passage. Approved by the Governor.]

Sec.

1. Owners and holders of stamps  
 required to be used in sale of  
 spirituous liquors to have re-

Sec.

fund of face value of unused  
 stamps; how amount of refund  
 ascertained and paid.

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

Section 1. That the owners and holders of stamps required  
 2 to be used in the sale of spirituous liquors, under the provisions

3 of subsection (e), section five, chapter twenty-one, acts of the  
4 Legislature, first extraordinary session, one thousand nine hun-  
5 dred thirty-three, shall, on and after the first day of March, one  
6 thousand nine hundred thirty-five, be entitled to be paid the face  
7 value of any such stamps, and the same shall be cancelled. The  
8 amount of any such stamps outstanding, on said date, shall  
9 be ascertained by the state tax commissioner, and the payment  
10 to the owner thereof shall be made by requisition, to be made  
11 on the state treasury by the tax commissioner, and the auditor  
12 shall draw his warrant on the state treasury therefor. The  
13 amount and ownership of such stamps outstanding may be  
14 established by the presentation of such stamps to the tax com-  
15 missioner, or, where that can not be done, through such proof  
16 as said tax commissioner may require.  
17 All acts and parts of acts in conflict herewith are hereby  
18 repealed.

## CHAPTER 8

(Senate Bill No. 210—By Mr. Hodges, by request)

AN ACT to appropriate money out of the treasury for the purpose  
of granting relief, in cooperation with the federal government,  
to the needy citizens of the state for the remainder of the  
current fiscal year.

[Passed March 8, 1935; In effect from passage. Approved by the Governor.]

Sec.

1. Appropriation of one million dol-  
lars from state general revenue  
for relief of needy of state, for  
remainder of fiscal year ending  
June 30, 1935; payments to be

Sec.

made as directed by the gov-  
ernor, but not to exceed two  
hundred fifty-thousand dollars  
in any one month.

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

Section 1. It appearing from the statement of the revenues  
2 of the current fiscal year and of the appropriations therefor  
3 that there remains in the general revenue for the current fiscal  
4 year, unappropriated, an amount in excess of the amount  
5 appropriated by this act, there is hereby appropriated to the  
6 governor, in order to afford relief to the needy citizens of the

7 state, and to gain the advantages of federal cooperation, for  
8 the remainder of the current fiscal year ending June thirtieth,  
9 one thousand nine hundred thirty-five, the sum of one million  
10 dollars, to be paid as the governor shall direct, but not to  
11 exceed the sum of two hundred fifty thousand dollars in any  
12 one month.

## CHAPTER 9

(Com. Sub. House Bill No. 257—Originating in the Committee on  
Taxation and Finance)

AN ACT making an appropriation of public money out of the  
treasury in accordance with section fifty-one, article six of the  
constitution.

[Passed March 11, 1935; in effect from passage. No action on bill by Governor  
required.]

### TITLE I.

#### Sec.

1. Purpose of act; duties of board of public works.
2. Definitions.
3. Purposes for which appropriations may be expended.
4. Manner in which appropriations may be expended.
5. Expenditure for each item limited to specific amount appropriated; how transfers of amounts between items authorized.

### TITLE II.

#### Sec.

1. Appropriations from state fund, general revenue for fiscal years 1936 and 1937 to legislative, judicial, executive, fiscal, legal, educational and other state departments, institutions, bureaus, boards and commissions; appropriations for relief of the needy and to supplement the general school fund.
2. Miscellaneous, supplemental and deficiency appropriations.
3. Appropriation to meet principal and interest of bonded obligations of state, other than road bonds.
4. Appropriations made by general law from special revenue not paid into state fund, general revenue.

#### Sec.

5. Unexpended appropriation for spending unit for fiscal year 1936 may be revived and expended in fiscal year 1937 by order of board of public works.
6. When specific payment of definite sum is required by general law, such sum to be paid from proper item of appropriation.
7. Funds or collection accounts dedicated to specific uses.
8. Refunding moneys erroneously paid into state treasury.
9. Expenditure of contingent funds; exception as to governor's civil contingent and legislative contingent funds.
10. Appropriation to state sinking fund commission to meet failure of taxing districts to remit necessary funds; repayment by commission.
11. Appropriation from forfeitures and license fees collected by tax commissioner of expenses of collections, attorneys' fees, etc.
12. Appropriation to counties, etc., taxes due them and paid into state treasury.
13. Cost of printing, binding and stationery to be paid from current expense appropriation for spending unit.
14. Payment to hospital for charity cases.

- Sec.  
15. Expenditure of appropriation for only a total sum.  
16. Appropriation of any balance of proceeds of general school fund.

**TITLE III.**

- Sec.  
1. Conditions attached to expenditure of appropriations, except for legislative and judicial branches of state government; requisitions through the director of the budget.  
2. Board of public works to control fiscal methods of spending units.  
3. Board of public works to examine progress of collection of state revenue.  
4. How board of public works may reduce appropriations.  
5. Reduction of appropriations to prevent overdraft or deficit in the general fund.  
6. Reduction of appropriation from certain funds.  
7. Classification of appropriations and reduction by percentages.  
8. Director of the budget, appointment, duties and salary.  
9. Director of the budget may require certain duties from the board of control.  
10. Board of public works to make personnel classifications of offices and employments in state government and agencies; ex-

- Sec.  
ceptions personnel classifications by state board of education, board of governors of West Virginia University and board of control.  
11. Board of public works to install accrual accounting system; to prescribe uniform records, accounts and forms.  
12. Executive officer of spending unit to submit to board of public works detailed plan of expenditure for fiscal year; what plan to show.  
13. If approved, plan to govern expenditures unless appropriations reduced by board, or plan altered.  
14. Request to board by executive officer of spending unit for quarterly allotment of funds.  
15. Quarterly allotments not to be exceeded; if not expended allotment carries over to any succeeding year.  
16. Record of receipts, etc. to be kept by director of the budget.  
17. Expenditure of excess collections of spending unit; expenditure without approval of board of public works unlawful.  
18. Transfer by board of public works of amounts between items of total appropriation for spending unit.  
19. Duties of spending unit.  
20. Provisions of other acts in conflict with act suspended.  
21. Provisions of act separable.

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

**TITLE I—GENERAL PROVISIONS**

Section 1. The purpose of this act is to appropriate money  
2 necessary for economical and efficient discharge of the duties  
3 and responsibilities of the state and its agencies during the  
4 fiscal years one thousand nine hundred thirty-six and one thou-  
5 sand nine hundred thirty-seven. To give effect to this pur-  
6 pose, the board of public works shall supervise the fiscal pol-  
7 icy, control the assumption of obligations, and regularize the  
8 expenditures of the agencies of the state.

Sec. 2. For the purpose of this act:

- 2 "Board" shall mean the board of public works;  
3 "Spending unit" shall mean the department, agency or in-  
4 stitution to which an appropriation is made.

Sec. 3. An appropriation for:

- 2 "Personal services" shall be expended only for the payment

3 of salaries, wages, fees, and other compensation for skill, work,  
4 or employment;

5 "Current expenses" shall be expended only for operating  
6 costs other than personal services or capital outlay. Repairs  
7 and improvements that do not increase the capital asset shall  
8 be paid for out of current expenses;

9 "Capital outlay" shall be expended only for buildings, land,  
10 and equipment;

10-a "Buildings" shall include construction and alteration of  
10-b structures and the improvement of lands and shall include  
10-c shelter, support, storage, protection, or the improvement of  
10-d a natural condition;

11 "Lands" shall be expended only for the purchase of land  
12 or interests in land;

13 "Equipment" shall be expended only for things which have  
14 an appreciable and calculable period of usefulness in excess  
15 of one year;

16 The "fiscal year one thousand nine hundred thirty-six" shall  
17 mean the period from July first, one thousand nine hundred  
18 thirty-five through June thirtieth, one thousand nine hundred  
19 thirty-six; and the "fiscal year one thousand nine hundred  
20 thirty-seven" shall mean the period from July first, one thou-  
21 sand nine hundred thirty-six through June thirtieth, one thou-  
22 sand nine hundred thirty-seven;

23 "From collections" shall mean the amount of the total ap-  
24 propriation which must be collected by the spending unit to be  
25 available for expenditure. If the authorized amount of collec-  
26 tions is not collected, the total appropriation for the spending  
27 unit shall be reduced automatically by the amount of the  
28 deficiency in the collection. If the amount collected exceeds  
29 the amount designated "from collections" the excess shall be  
30 set aside in a special surplus fund and may be expended for  
31 the purposes of the spending unit as provided by section  
32 seventeen of Title III of this act.

Sec. 4. Money appropriated by this act, unless otherwise  
2 specifically directed, shall be appropriated and expended ac-  
3 cording to the provisions of article three, chapter twelve of the  
4 code of one thousand nine hundred thirty-one or according  
5 to any law detailing a procedure specifically limiting that  
6 article.

Sec. 5. The expenditure of money appropriated by this act shall be limited to the specific amount appropriated to each item. There shall be no transfer of amounts between items of the appropriation of the spending unit without prior authorization by the board of public works, as provided by section eighteen, Title III of this act.

## TITLE II—APPROPRIATIONS

Section 1. "Governmental Appropriations." From the state fund, general revenue, except as otherwise provided, there is hereby appropriated conditionally upon the fulfillment of the provisions set forth in Title III of this act, the following amounts, as itemized, for expenditures during the fiscal years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven:

### LEGISLATURE

<i>Spending Unit</i>	<i>Fiscal Year</i>	
	<i>1936</i>	<i>1937</i>
<i>Acct. No. 1—Senate</i>		
1 Personal Services (salaries).....\$	15,000.00	\$ 15,000.00
2 Current Expenses	<i>Fiscal Year 1935</i>	
3 Mileage of members.....	917.50	
4 President of the Senate, \$2.00 per		
5 day, as presiding officer for sixty		
6 days .....	120.00	

### *Compensation and Per Diem of Other Elective Officers*

1 Compensation of the Clerk of the	
2 Senate .....	1,200.00
3 Compensation of the Sergeant-at-	
4 Arms .....	600.00
5 Compensation of the Doorkeeper..	600.00

### *Compensation of Presidential Appointees*

1 Nine floor stenographers.....	3,780.00
2 Three committee stenographers.....	1,260.00
3 Two clerks.....	840.00
4 Two committee clerks-at-large.....	1,200.00
5 One clerk to Committee on Finance	600.00

6	One clerk to Committee on the	
7	Judiciary .....	600.00
8	One clerk to Sergeant-at-Arms.....	420.00
9	One secretary to the Minority.....	720.00
10	One clerk to the Minority Leader..	540.00
11	One secretary to the President.....	720.00
12	One messenger to the President....	240.00
13	One chaplain.....	300.00
14	Four assistant doorkeepers.....	1,680.00
15	One night watchman.....	360.00
16	Five pages.....	1,200.00
17	Two cloakroom attendants.....	480.00

*Clerk's Appointees*

1	Two assistant clerks.....	1,440.00
2	Five assistant clerks.....	2,700.00
3	Seven assistant clerks.....	3,360.00
4	Two assistant clerks.....	840.00
5	Seven assistant clerks .....	2,520.00
6	Superintendent of Capitol Build-	
7	ing and Grounds and six assist-	
8	ants .....	1,560.00
9	Contingent fund of the Senate.....	45,000.00
10	To pay Charles Lively for editing,	
11	compiling and publishing the	
12	"West Virginia Blue Book",	
13	formerly known as the "West	
14	Virginia Legislative Hand Book	
15	and Manual and Official Regis-	
16	ter" under the same provisions	
17	as to distribution as were	
18	adopted in the session of one	
19	thousand nine hundred and	
20	twenty-one, including all ex-	
21	enses incurred in the employ-	
22	ment of contributors, prepara-	
23	tion of matter, clerical hire,	
24	stenographic services and proof	
25	reading, and for shipping	
26	charges in connection with the	

27	distribution of the book; which		
28	distribution shall include seven-		
29	ty-five copies each to members		
30	of the Legislature;		
31	For the fiscal year ending June		
32	thirty, one thousand nine hun-		
33	dred and thirty-six.....\$	10,000.00	
34	For the fiscal year ending June		
35	thirty, one thousand nine hun-		
36	dred and thirty-seven.....	\$	8,000.00
37	After the distribution provided for		
38	in the acts of one thousand nine		
39	hundred and twenty-one above		
40	referred to, or by further resolu-		
41	tion of the Legislature, the re-		
42	mainder of the edition shall be		
43	sold by the superintendent of		
44	public printing to persons desir-		
45	ing to purchase the same at the		
46	price of three dollars per vol-		
47	ume.		
48	The Clerk of the Senate is author-		
49	ized to draw his warrants upon		
50	the Auditor, payable out of the		
51	contingent fund of the Senate,		
52	for any bills for supplies and		
53	services that may have been in-		
54	curred by the Senate and not in-		
55	cluded in the appropriation bill,		
56	and for bills for supplies and		
57	services incurred after adjourn-		
58	ment, the requisition for same		
59	to be accompanied by bills to be		
60	filed with the Auditor.		

		<i>Fiscal Year</i>	
<i>Spending Unit</i>		<i>1936</i>	<i>1937</i>
<i>Acct. No. 2—House of Delegates</i>			
1	Personal Services (salaries).....\$	47,300.00	\$ 47,300.00
2	Current Expenses	<i>Fiscal Year 1935</i>	
3	Mileage .....	\$	2,711.90

4	Personal Services (salaries).....	605.00
5	Compensation and per diem of	
6	officers and attaches.....	56,800.00
7	Contingent Fund.....	85,000.00
8	The Clerk of the House of Dele-	
9	gates, with the approval of the	
10	Speaker of the House, is author-	
11	ized to draw his warrants upon	
12	the Auditor, payable out of the	
13	contingent fund, for any bills	
14	for supplies and services that	
15	may have been incurred by the	
16	House of Delegates and not in-	
17	cluded in this appropriation	
18	bill, for bills for supplies and	
19	services incurred after adjourn-	
20	ment, the requisition for same to	
21	be accompanied by a bill to be	
22	filed with the Auditor, but no	
23	payment shall be made to	
24	attaches under this paragraph.	

Acct. No. 3—*Legislative Printing*

1	To pay the cost of legislative	
2	printing and stationery, the ap-	
3	propriation to be available for the	
4	year ending June thirty, one thou-	
5	sand nine hundred thirty-five. If	
6	this work is not completed prior	
7	to June thirty, one thousand nine	
8	hundred thirty-five then the ap-	
9	propriation shall continue in effect	
10	until completed .....	\$ 75,000.00

*Fiscal Year*

*Spending Unit*    1936                      1937

JUDICIAL

Acct. No. 6—*Supreme Court of Appeals*

1	Personal Services .....	\$ 79,320.00	\$ 79,320.00
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2	Current Expenses .....	9,000.00	9,000.00
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3	Total .....	\$ 88,320.00	\$ 88,320.00
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*Acct. No. 7—Circuit Courts*

1	Personal Services .....	\$ 157,000.00	\$ 157,000.00
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2	Current Expenses .....	19,000.00	19,000.00
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3	Total .....	\$ 176,000.00	\$ 176,000.00
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*Acct. No. 7-A—Criminal Charges*

1	Total .....	\$ 125,000.00	\$ 125,000.00
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*Acct No. 9—Compensation of Special Judges  
of the Circuit Courts*

1	Personal Services .....	\$ 2,000.00	\$ 2,500.00
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*Acct. No. 10—State Law Library*

1	Personal Services .....	\$ 4,587.00	\$ 4,587.00
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2	Current Expenses .....	714.00	714.00
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3	Equipment .....	2,500.00	2,500.00
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4	Total .....	\$ 7,801.00	\$ 7,801.00
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## EXECUTIVE

*Fiscal Year*

<i>Spending Unit</i>	<i>1936</i>	<i>1937</i>
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*Acct. No. 120—Governor's Office: Executive*

1	Personal Services .....	\$ 12,430.00	\$ 12,430.00
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2	Civil Contingent Fund .....	20,000.00	20,000.00
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3	Total .....	\$ 32,430.00	\$ 32,430.00
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*Acct. No. 120-A—Governor's Office: Emergency Fund*

1	Total .....	\$ 125,000.00	\$ 125,000.00
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2 Of which \$25,000 may be ex-  
 3 pended each year for such research  
 4 and technical service as the gov-  
 5 ernor may require.

*Acct. No. 121—Governor's Office: Custodial*

1	Total .....	\$	9,000.00	\$	9,000.00
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*Acct. No. 122—Pardon Attorney*

1	Personal Services .....	\$	4,830.00	\$	4,830.00
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2	Current Expenses .....		500.00		500.00
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3	Total .....	\$	5,330.00	\$	5,330.00
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## FISCAL

*Fiscal Year*

<i>Spending Unit</i>	<i>1936</i>	<i>1937</i>
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*Acct. No. 150—Auditor's Office:**General Administration*

1	Personal Services .....	\$	13,430.00	\$	13,830.00
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2	Current Expenses .....		5,710.00		5,060.00
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3	Total .....	\$	19,140.00	\$	18,890.00
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*Acct. No. 151—Auditor's Office:**Accounting Department*

1	Personal Services .....	\$	6,520.00	\$	6,520.00
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2	Current Expenses .....		190.00		190.00
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3	Equipment .....		1,200.00		700.00
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4	Total .....	\$	7,910.00	\$	7,410.00
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*Acct. No. 152—Auditor's Office:**Claims Department*

1	Personal Services .....	\$	9,740.00	\$	9,740.00
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2	Current Expenses .....		1,200.00		1,200.00
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3	Equipment .....		145.00		
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4	Total .....	\$	11,085.00	\$	10,940.00
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*Acct. No. 153—Auditor's Office:**Criminal Claims Department*

1	Personal Services .....	\$	1,320.00	\$	1,320.00
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2	Current Expenses .....		375.00		375.00
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3	Equipment .....		290.00		
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4	Total .....	\$	1,985.00	\$	1,695.00
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Acct. No. 154—*Auditor's Office:**Corporation Department*

1	Personal Services .....	\$	4,600.00	\$	4,600.00
2	Current Expenses .....		865.00		865.00
3	Equipment .....		350.00		385.00
4	Total .....	\$	5,815.00	\$	5,850.00

Acct. No. 155—*Auditor's Office:**Taxation Department*

1	Personal Services .....	\$	8,400.00	\$	8,400.00
2	Current Expenses .....		715.00		715.00
3	Equipment .....		405.00		400.00
4	Total .....	\$	9,520.00	\$	9,515.00

Acct. No. 156—*Auditor's Office:**Land Department*

## FROM THE GENERAL SCHOOL FUND:

1	Personal Services .....	\$	26,800.00	\$	26,800.00
2	Current Expenses .....		3,200.00		3,200.00
3	Equipment .....		1,585.00		875.00
4	Total .....	\$	31,585.00	\$	30,875.00
5	In addition to the total appro-				
6	priation, for the auditor's office,				
7	land department, there is appro-				
8	priated a sum sufficient to pay the				
9	costs of publication required by				
10	section eight, article three, chap-				
11	ter thirty-seven of the code of				
12	West Virginia, one thousand nine				
13	hundred thirty-one, as amended.				

Acct. No. 157—*Auditor's Office:**Public Land Corporation*

## FROM THE GENERAL SCHOOL FUND:

1	Personal Services .....	\$	10,000.00	\$	10,000.00
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Acct. No. 62—*Auditor's Office:**Securities Department*

1 Personal Services .....	\$ 7,272.00	\$ 7,272.00
2 Current Expenses .....	2,180.00	2,180.00
3 Equipment .....	85.00	40.00
4 Total .....	\$ 9,537.00	\$ 9,492.00
5 From Collections .....	6,237.00	6,192.00

Acct. No. 63—*Auditor's Office:**Insurance Department*

1 Personal Services .....	\$ 12,040.00	\$ 12,040.00
2 Current Expenses .....	2,370.00	2,190.00
3 Equipment .....	290.00	470.00
4 Total .....	\$ 14,700.00	\$ 14,700.00

Acct. No. 16—*Treasurer's Office:*

1 Personal Services .....	\$ 27,800.00	\$ 27,800.00
2 Current Expenses .....	4,525.00	4,850.00
3 Equipment .....	3,425.00	3,470.00
4 Total .....	\$ 35,750.00	\$ 36,120.00

Acct. No. 17—*State Sinking Fund Commission:*

1 Personal Services .....	\$ 8,500.00	\$ 8,500.00
2 Current Expenses .....	500.00	500.00
3 Total .....	\$ 9,000.00	\$ 9,000.00

Acct. No. 180—*Tax Commissioner:*

## GENERAL ADMINISTRATION:

1 Personal Services .....	\$ 30,205.80	\$ 30,205.80
2 Current Expenses .....	34,690.11	34,690.11
3 Equipment .....	970.00	970.00
4 Total .....	\$ 65,865.91	\$ 65,865.91

Acct. No. 181—*Tax Commissioner:**Revenue Department*

1 Personal Services .....	\$ 132,000.00	\$ 132,000.00
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2	Current Expenses .....	52,977.00	52,977.00
3	Equipment .....	2,000.00	2,000.00
4	Total .....	\$ 186,977.00	\$ 186,977.00

Acct. No. 182—*Tax Commissioner:**Accounting Department*

1	Personal Services .....	\$ 20,260.00	\$ 20,260.00
2	Current Expenses .....	3,560.00	3,560.00
3	Equipment .....	2,000.00	2,000.00
4	Total .....	\$ 25,820.00	\$ 25,820.00

Acct. No. 183—*Tax Department:**Gasoline Tax*

## FROM THE ROAD FUND

1	Personal Services .....	\$ 9,400.00	\$ 9,400.00
2	Current Expenses .....	4,100.00	4,100.00
3	Equipment .....	2,000.00	2,000.00
4	Total .....	\$ 15,500.00	\$ 15,500.00

Acct. No. 19—*Board of Control:*

1	Personal Services .....	\$ 32,786.00	\$ 32,786.00
2	Current Expenses .....	6,797.00	6,797.00
3	Equipment .....	600.00	700.00
4	Total .....	\$ 40,183.00	\$ 40,283.00

Acct. No. 20—*Board of Public Works:**Director of the Budget*

1	Personal Services .....	\$ 24,000.00	\$ 18,000.00
2	Current Expenses .....	4,000.00	3,000.00
3	Equipment .....	12,000.00	9,000.00
4	Total .....	\$ 40,000.00	\$ 30,000.00

## LEGAL

*Fiscal Year**Spending Unit 1936 1937*Acct. No. 26—*Attorney General's Office*

1	Personal Services .....	\$ 29,811.00	\$ 29,811.00
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2	Current Expenses .....	4,439.00	4,439.00
3	Equipment .....	750.00	750.00
4	Contingent Fund .....	4,000.00	4,000.00
5	Total .....	\$ 39,000.00	\$ 39,000.00

## RECORDING

		<i>Fiscal Year</i>	
		<i>Spending Unit 1936</i>	<i>1937</i>
<i>Acct. No. 29—Secretary of State's Office</i>			
1	Personal Services .....	\$ 16,940.00	\$ 16,940.00
2	Current Expenses .....	2,210.00	2,647.00
3	Equipment .....		73.00
4	Total .....	\$ 19,150.00	\$ 19,660.00

## CUSTODIAL AND SERVICE

		<i>Fiscal Year</i>	
		<i>Spending Unit 1936</i>	<i>1937</i>
<i>Acct. No. 31—Capitol Building and Grounds</i>			
1	Personal Services .....	\$ 49,140.00	\$ 49,140.00
2	Current Expenses .....	58,924.00	28,924.00
3	Equipment .....	12,000.00	
4	Total .....	\$ 120,064.00	\$ 78,064.00

*Acct. No. 32—Mailing Department*

1	Personal Services .....	\$ 7,740.00	\$ 7,740.00
2	Current Expenses .....	73,874.00	75,844.00
3	Equipment .....	1,980.00	10.00
4	Total .....	\$ 83,594.00	\$ 83,594.00

*Acct. No. 33—Purchasing Department*

1	Personal Services .....	\$ 35,000.00	\$ 35,000.00
2	Current Expenses .....	5,000.00	5,000.00
3	Equipment .....	620.00	620.00
4	Total .....	\$ 40,620.00	\$ 40,620.00

5 In addition to the above appro-  
 6 priation, a Revolving Fund to  
 7 maintain printing, binding and  
 8 stationery inventories .....\$ 15,000.00

## EDUCATIONAL

*Fiscal Year**Spending Unit 1936**1937**Acct. No. 36—State Board of Education*

## 1 FROM THE GENERAL SCHOOL FUND:

2 Personal Services .....\$ 31,805.10 \$ 31,805.10

3 *Provided, however,* That no part of this decrease shall be de-  
 4 ducted from the appropriation for rehabilitation work, voca-  
 5 tional education, or for the legal services of Price, Smith and  
 6 Spillman.

3 Current Expenses ..... 31,266.00 29,716.00

4 Equipment ..... 300.00 250.00

5 Total .....\$ 63,371.10 \$ 61,771.10

6 From the total appropriated for  
 7 each year the following sums are  
 8 allocated for the purpose of co-  
 9 operating with the federal gov-  
 10 ernment:

11 For rehabilitation work \$14,000

12 For vocational educa-

13 tion ..... 30,000

14 From the total appropriations  
 15 above, pay the firm of Price,  
 16 Smith and Spillman for legal serv-  
 17 ices rendered in 1931-32.....\$1,500

18 State aid for Negro students,  
 19 \$7,000.00 for each year.

*Acct. No. 37—Department of Education*

## 1 FROM THE GENERAL SCHOOL FUND:

2 Personal Services .....\$ 113,440.00 \$ 111,940.00

3 Current Expenses ..... 39,935.00 38,745.00

4	Equipment .....	1,100.00	925.00
5	Total .....	\$ 154,475.00	\$ 151,610.00
6	Of the total amount appropri-		
7	ated for personal services \$60,000		
8	shall be expended each year for		
9	the salaries of county superin-		
10	tendents.		
11	<i>Provided, however, That no part</i>		
12	<i>of the above appropriation shall be</i>		
13	<i>used for state physical director,</i>		
14	<i>or state school architects.</i>		

Acct. No. 38—*West Virginia University*

1	Personal Services .....	\$ 908,765.00	\$ 908,765.00
2	Current Expenses .....	202,049.00	202,049.00
3	Equipment .....	151,560.00	68,686.00
4	Lands .....	2,000.00	2,000.00
5	Total .....	\$ 1,264,374.00	\$ 1,181,500.00
6	<i>From Collections .....</i>	<i>300,000.00</i>	<i>300,000.00</i>
7	The Board of Governors of		
8	West Virginia University and the		
9	Board of Control are specially		
10	authorized to expend directly		
11	\$68,000 of the amount appropri-		
12	ated for equipment for the year		
13	1936, to equip the new dormitor-		
14	ies at West Virginia University,		
15	known as P.W.A. project No. 465.		

Acct No. 400—*Marshall College*

1	Personal Services .....	\$ 228,500.00	\$ 228,500.00
2	Current Expenses .....	63,300.00	63,300.00
3	Equipment .....	8,550.00	2,700.00
4	Total .....	\$ 300,350.00	294,500.00
5	<i>From Collections .....</i>	<i>120,000.00</i>	<i>120,000.00</i>

Acct. No. 400A—*Fairmont State Teachers College*

1	Personal Services .....	\$ 116,200.00	\$ 116,200.00
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2	Current Expenses .....	20,150.00	20,150.00
3	Equipment .....	4,050.00	4,050.00
4	Total .....	\$ 140,400.00	\$ 140,400.00
5	From Collections .....	45,000.00	45,000.00

Acct. No. 401—*Glenville State Teachers College*

1	Personal Services .....	\$ 59,000.00	\$ 59,000.00
2	Current Expenses .....	18,000.00	18,000.00
3	Equipment .....	2,000.00	2,000.00
4	Total .....	\$ 79,000.00	\$ 79,000.00
5	From Collections .....	25,000.00	25,000.00
6	In addition to the total appro-		
7	priated, \$2,500 may be expended		
8	for the purchase of farm land and		
9	equipment from special revenue:		
10	Board and room fund.		

Acct. No. 402—*West Liberty State Teachers College*

1	Personal Services .....	\$ 52,000.00	\$ 52,000.00
2	Current Expenses .....	15,000.00	15,000.00
3	Equipment .....	4,000.00	
4	Total .....	\$ 71,000.00	\$ 67,000.00
5	From Collections .....	20,000.00	20,000.00

Acct. No. 403—*Shepherd State Teachers College*

1	Personal Services .....	\$ 49,000.00	\$ 49,000.00
2	Current Expenses .....	16,000.00	16,000.00
3	Equipment .....	1,000.00	1,000.00
4	Total .....	\$ 66,000.00	\$ 66,000.00
5	From Collections .....	20,000.00	20,000.00

Acct. No. 404—*Concord State Teachers College*

1	Personal Services .....	\$ 82,000.00	\$ 82,000.00
2	Current Expenses .....	17,500.00	17,500.00
3	Equipment .....	1,500.00	1,500.00
4	Total .....	\$ 101,000.00	\$ 101,000.00
5	From Collections .....	40,000.00	40,000.00

Acct. No. 405—*Potomac State School*

1	Personal Services .....	\$ 45,810.00	\$ 45,810.00
2	Current Expenses .....	12,265.00	12,265.00
3	Equipment .....	2,850.00	2,850.00
<hr/>			
4	Total .....	\$ 60,925.00	\$ 60,925.00
5	From Collections .....	12,000.00	12,000.00

Acct. No. 406—*New River State College*

1	Personal Services .....	\$ 61,400.00	\$ 61,400.00
2	Current Expenses .....	26,921.64	18,000.00
3	Equipment .....	4,500.00	4,000.00
<hr/>			
4	Total .....	\$ 92,821.64	\$ 83,400.00
5	From Collections .....	20,000.00	20,000.00
6	Of the amount appropriated for		
7	current expenses, 1936, \$8,921.64		
8	is allocated for the payment of a		
9	claim for paving bonds held by		
10	the estate of Dr. C. H. Martin.		

Acct. No. 407—*West Virginia State College*

1	Personal Services .....	\$ 120,000.00	\$ 120,000.00
2	Current Expenses .....	45,000.00	45,000.00
3	Equipment .....	4,000.00	2,000.00
4	Building .....	21,000.00	21,000.00
<hr/>			
5	Total .....	\$ 190,000.00	\$ 188,000.00
6	From Collections .....	35,000.00	35,000.00

Acct. No. 408—*Bluefield State Teachers College*

1	Personal Services .....	\$ 45,500.00	\$ 45,500.00
2	Current Expenses .....	12,000.00	12,000.00
3	Equipment .....	1,500.00	1,500.00
<hr/>			
4	Total .....	\$ 59,000.00	\$ 59,000.00
5	From Collections .....	12,000.00	12,000.00

Acct. No. 409—*Storer College*

1	Total .....	\$ 12,000.00	\$ 12,000.00
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Acct. No. 410—*West Virginia School  
for the Deaf and Blind*

1	Personal Services .....	\$ 85,000.00	\$ 85,000.00
2	Current Expenses .....	60,000.00	60,000.00
3	Equipment .....	23,000.00	23,000.00
4	Total .....	\$ 168,000.00	\$ 168,000.00
5	From Collections .....	2,500.00	2,500.00

Acct. No. 411—*West Virginia School  
for the Colored Deaf and Blind*

1	Personal Services .....	\$ 13,500.00	\$ 13,500.00
2	Current Expenses .....	12,000.00	12,000.00
3	Equipment .....	2,000.00	1,000.00
4	Total .....	\$ 27,500.00	\$ 26,500.00

Acct. No. 43—*Department of Archives and History*

1	Personal Services .....	\$ 9,500.00	\$ 9,500.00
2	Current Expenses .....	1,330.00	1,330.00
3	Equipment .....	1,580.00	1,000.00
4	Total .....	\$ 12,410.00	\$ 11,830.00

Acct. No. 460—*West Virginia Industrial School for Boys*

1	Personal Services .....	\$ 42,140.00	\$ 42,140.00
2	Current Expenses .....	46,038.00	44,320.50
3	Buildings .....	13,800.00	
4	Equipment .....	6,825.00	2,625.00
4-a	Total .....	\$ 108,803.00	\$ 89,085.50
5	From Collections .....	17,000.00	17,000.00
6	Out of the appropriations for per-		
7	sonal services to pay Lelia Ar-		
8	nett, widow of U. G. Arnett,		
9	killed by an inmate while in line		
10	of duty, to be paid in monthly		
11	installments .....	600.00	600.00
12	Out of the appropriation for per-		
13	sonal services, to pay George A.		

14	Barnard, employee, permanent-		
15	ly, totally disabled by an in-		
16	mate while in line of duty, to		
17	be paid in monthly install-		
18	ments .....	600.00	600.00
19	Out of the total appropriation for		
20	current general expense to pay		
21	the heirs of Hazel Woodward,		
22	deceased, for land rental ac-		
23	cruing since January 1, 1910,		
24	the sum of .....	\$ 1,355.24	

Acct. No. 461—*West Virginia Industrial School for Colored Boys*

1	Personal Services .....	\$ 8,500.00	\$ 8,500.00
2	Current Expenses .....	15,000.00	15,300.00
3	Equipment .....	1,076.00	441.00
4	Total .....	\$ 24,576.00	24,241.00
5	From Collections .....	4,000.00	4,000.00

Acct. No. 462—*West Virginia Industrial Home for Girls*

1	Personal Services .....	\$ 19,000.00	\$ 19,000.00
2	Current Expenses .....	21,481.00	21,481.00
3	Buildings .....	400.00	400.00
4	Equipment .....	1,715.00	1,065.00
5	Total .....	\$ 42,596.00	41,946.00
6	From Collections .....	9,000.00	9,000.00

Acct. No. 463—*West Virginia Industrial Home for Colored Girls*

1	Personal services .....	\$ 4,716.00	\$ 4,716.00
2	Current Expenses .....	7,360.00	7,310.00
3	Equipment .....	1,470.00	1,470.00
4	Total .....	\$ 13,546.00	\$ 13,496.00
5	From Collections .....	1,500.00	1,500.00

Acct. No. 464—*Florence Crittendon Home*

1	Total .....	\$ 4,000.00	\$ 4,000.00
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Acct. No. 465—*Colored Day Nursery and Child's Shelter*

1	Total .....	\$ 2,000.00	\$ 2,000.00
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