FOREWORD

This volume includes all the Acts and Resolutions of the 1943 Regular Session of the Forty-Sixth West Virginia Legislature, all Senate and House Concurrent Resolutions adopted, and all Senate and House Resolutions adopted by the respective bodies.

During the sixty-day session, which convened on January 13, 1943, and adjourned March 13, 1943, there was a total of 619 bills introduced in the two legislative bodies. There were 239 Senate Bills and 380 House Bills. The Legislature passed and sent to the Governor 52 Senate Bills and 72 House Bills.

Fourteen bills were vetoed by the Governor. These were S. B. No. 22, Executive Appointments Requiring Senate Confirmation; S. B. No. 170, Reduction of Privilege, and Business and Occupation Taxes; S. B. No. 205, Orders for General Relief; S. B. No. 212, Qualifications of Judges; H. B. No. 1, Naming of “Acting” Officer by Elective State Official Upon Entry of Such Official Into Military Service; H. B. No. 2, Repeal of Personal Income Tax Law; H. B. No. 30, Adoption; H. B. No. 70, Creating West Virginia State Bar; H. B. No. 112, Assessment of Public Service Corporations for Tax Purposes; H. B. No. 116, Board of Governors for Industrial School for Boys; H. B. No. 225, Relinquishment of Child to Child Welfare Agency; H. B. No. 238, Sentences of Imprisonment for Felony; H. B. No. 286, Licensing Board for Child Welfare Agencies; and H. B. No. 319, Payment of Unpaid University Stadium Bonds.

Senate Bills Nos. 22 and 170, and House Bills Nos. 1, 2, 30 and 112 were passed by both Houses, notwithstanding the veto of the Governor. The other bills named were vetoed after adjournment of the session. Of the 116 new laws enacted, 50 were Senate Bills and 66 House Bills.

There were 3 Senate Joint, 6 Senate Concurrent and 22 Senate Resolutions offered, of which 2 Senate Concurrent and 21 Senate Resolutions were adopted. Three House Joint, 32 House Concurrent and 35 House Resolutions were offered, of which 17 House Concurrent and 29 House Resolutions were adopted.

Advance copies of the Acts of this session were distributed as authorized by House Resolution No. 32. No provision is made for free distribution of this volume, except one copy to each member of the Legislature. This volume may be purchased from the Supervisor of Printing in the State Department of Purchases at $2.00 per copy.

J. R. Aliff, Clerk,
House of Delegates.
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† The Supreme Court of Appeals has held that so much of this chapter as provides that no person whose nomination to an office by the Governor has been rejected by the Senate "shall be appointed, during the recess of the Senate in which his nomination was rejected, to any other office the nomination for which must be submitted to the Senate for confirmation", is unconstitutional. State ex rel William W. Downey v. Edgar B. Sims, Auditor, etc.
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<td>Expressing appreciation of House to those in armed services and those contributing to war effort.</td>
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<td>Purchase of supplies, and repair of House offices and furniture prior to opening of next session of the Legislature.</td>
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<td>35.</td>
<td>Notifying Senate that House was ready to adjourn <em>sin die</em>.</td>
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### SENATE CONCURRENT RESOLUTIONS

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### SENATE RESOLUTIONS

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<tr>
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</table>
LEGISLATURE OF WEST VIRGINIA
MEMBERS, OFFICERS AND STANDING COMMITTEES

REGULAR SESSION, 1943

SENATE
OFFICERS
President—JAMES PAULL, Wellsburg
President Pro Tempore—DAN B. FLEMING, St. Marys
¶Clerk—FRED B. WATKINS, Fairmont
Sergeant-at-Arms—FRED WOLFE, Ripley
Doorkeeper—W. C. COOPER, Webster Springs

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(D) Democrat                         22
(R) Republican                        10
Total                                  32

(1) Elected March 13, 1943, to succeed A. Hale Watkins, resigned
(2) Hold-over Senators who will be members of the 1944 Legislature
(3) Appointed to fill vacancy caused by resignation of Ward Wylie (D), Mullens
Standing Committees of the Senate

AGRICULTURE
Messrs. Bowling (Chairman), Allen, Belknap, Ellison, Perry, Williams, Doak, Harmer and Musgrave.

BANKS AND CORPORATIONS
Messrs. Ellison (Chairman), Allen, Belknap, Eddy, Hardesty, McKown, Helmick, Morrison and Young.

CLAIMS AND GRIEVANCES
Messrs. Hall (of Boone), (Chairman), Burchett, Jimison, Johnston, McKown, Vickers, Boreman, Bowers and Reed.

COUNTIES AND MUNICIPAL CORPORATIONS

EDUCATION
Messrs. Fleming (Chairman), Allen, Bailey, Hardesty, McKown, Mitchell, Pelter, Williams, Boreman, Doak and Harmer.

ENROLLED BILLS
Messrs. Jimison (Chairman), Eddy, Hall (of Boone), Perry and Bowers.

EXAMINE CLERK'S OFFICE
Messrs. Bowling (Chairman), Williams and Harmer.

FEDERAL RELATIONS
Messrs. Winters (Chairman), Ellison, Hardesty, Johnston, Pelter, Williams, Harmer, Musgrave and Reed.

FINANCE
Messrs. Allen (Chairman), Vickers (Vice Chairman), Belknap, Bowling, Ellison, Fleming, Hall (of Raleigh), Hardesty, Mitchell, Pelter, Perry, Williams, Winters, Boreman, Doak, Hannig, Helmick and Young.

FORESTRY AND CONSERVATION
Messrs. McKown (Chairman), Allen, Eddy, Ellison, Hall (of Raleigh), Perry, Winters, Vickers, Morrison, Young and Bowers.
SENATE COMMITTEES

FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS
Messrs. McKown (Chairman), Allen, Bailey, Burchett, Ellison, Perry, Doak, Morrison and Musgrave.

INSURANCE
Messrs. Hardesty (Chairman), Eddy, Hall (of Boone), Hall (of Raleigh), Johnston, Vickers, Boreman, Morrison and Young.

INTERSTATE COOPERATION
Messrs. Williams (Chairman), Hardesty, Johnston, Pelter and Musgrave.

JUDICIARY
Messrs. Johnston (Chairman), Williams, (Vice Chairman), Vickers, Pelter, McKown, Jimison, Hall (of Boone), Fleming, Eddy, Burchett, Bowling, Belknap, Bailey, Bowers, Harmer, Morrison, Musgrave and Reed.

LABOR
Messrs. Eddy (Chairman), Bowling, Hall (of Boone), Jimison, Mitchell, Perry, Doak, Hannig and Young.

MEDICINE AND SANITATION
Messrs. Vickers (Chairman), Eddy, Fleming, Hall (of Raleigh), Johnston, Winters, Bowers, Reed and Young.

MILITIA
Messrs. Mitchell (Chairman), Jimison, Pelter, Perry, Williams, Winters, Doak, Helmick and Morrison.

MINES AND MINING

PENITENTIARY
Messrs. Mitchell (Chairman), Bailey, Burchett, Fleming, McKown, Winters, Bowers, Doak and Reed.

PRIVILEGES AND ELECTIONS
Messrs. Perry (Chairman), Belknap, Burchett, Eddy, Hall (of Boone), Jimison, Boreman, Hannig and Helmick.

PUBLIC BUILDINGS AND HUMANE INSTITUTIONS
Messrs. Bailey (Chairman), Bowling, Hall (of Boone), Hall (of Raleigh), Hardesty, Jimison, Johnston, Perry, Bowers, Musgrave and Reed.
PUBLIC LIBRARY
Messrs. Hall (of Raleigh), (Chairman), Bailey, Bowling, Ellison, Pelter, Winters, Boreman, Musgrave and Reed.

PUBLIC PRINTING
Messrs. Burchett (Chairman), Bailey, Fleming, Hall (of Boone), Hardesty, Mitchell, Hannig, Harmer and Reed.

RAILROADS
Messrs. Williams (Chairman), Allen, Burchett, Hall (of Raleigh), Jimison, Winters, Doak, Hannig and Young.

REDISTRICTING
Messrs. Fleming (Chairman), Belknap, Bowling, Eddy, Hall (of Raleigh), McKown, Boreman, Harmer and Morrison.

ROADS AND NAVIGATION
Messrs. Pelter (Chairman), Bailey, Belknap, Bowling, Burchett, Ellison, Fleming, Hall (of Raleigh), Jimison, Mitchell, Perry, Winters, Bowers, Hannig, Helmick, Musgrave and Reed.

RULES
Messrs. Paull (Chairman), Allen, Fleming, Johnston, Vickers, Helmick and Young.

TEMPERANCE
Messrs. Ellison (Chairman), Belknap, Burchett, Fleming, Hall (of Boone), Mitchell, Hannig, Helmick and Musgrave.

JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE SENATE
Messrs. Jimison (Chairman), Eddy, Perry, Hall (of Boone) and Bowers.

JOINT COMMITTEE ON JOINT RULES ON THE PART OF THE SENATE
Messrs. Paull (Chairman), Johnston and Young.
# HOUSE OF DELEGATES

## OFFICERS

**Speaker**—JOHN E. AMOS, Charleston  
**Clerk**—J. R. ALIFF, Fayetteville  
**Sergeant-at-Arms**—FRANK E. LEMON, Beckley  
**Doorkeeper**—AZEL McCURDY, Huntington

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<td>Barbour</td>
<td>William Janes (R)</td>
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(D) Democrats................................................. 50
(R) Republicans............................................... 44

Total.......................................................... 94

(*) Appointed January 15, 1943, to fill the vacancy caused by the death of Delegate-elect Edward J. Kells.
Standing Committees of the House of Delegates

AGRICULTURE
Messrs. McElwee (Chairman), Bass (Vice Chairman), Ansel, Casey, Downs, Fanning, Garten, McCoy, Moler, Saunders, Trumbo, Arnett, Beeler, Creel, Douglas, McCulty, Morris, Nichols, Schaeffer and Staats.

ARTS, SCIENCE AND GENERAL IMPROVEMENTS
Messrs. Blankenship (Chairman), Fanning (Vice Chairman), Alltop, Cline, Evans, Ferrell, Neely, Ross (of Mercer), Mrs. Walker, Messrs. Arnett, Beard, Brown, Callahan, Callinan and Dotson.

BANKS AND CORPORATIONS
Messrs. Moler (Chairman), Slater (Vice Chairman), Bass, Carey, Casey, Hansbarger, Holt (of Nicholas), McElwee, Morgan, Paul, Ballard, Beeler, Herd, Hope, Miller (of Wood) and Moore.

COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS
Messrs. Berry (Chairman), Paul (Vice Chairman), Bass, Carey, Doringer, Hansbarger, Jackson, Johnson, Knight, McElwee, Slater, Taylor (of Mingo), Van Sickler, Woodyard, Beeler, Brand, Farr, Herd, Hope, Hugus, Ross (of Upshur) and Williams.

EDUCATION
Messrs. Holt (of Lewis) (Chairman), Berry (Vice Chairman), Alltop, Ansel, Bass, Blankenship, Casey, Ferrell, Freshwater, Mills, Slater, Staley (of Wayne), Taylor (of Mingo), Mrs. Walker, Messrs. White, Douglas, Hartigan, Miller (of Raleigh), Nichols, Powell, Ross (of Upshur) and Williams.

ELECTIONS AND PRIVILEGES
Messrs. Doringer (Chairman), Ferrell (Vice Chairman), Bass, Blankenship, Holt (of Lewis), Johnson, McCoy, Morgan, Paul, Ross (of Mercer), Saunders, Schupbach, Staley (of Wayne), Woodyard, Callinan, Miller (of Wood), Moore, Nichols and Stealey (of Wood).
EXECUTIVE OFFICES AND LIBRARY

Messrs. Casey (Chairman), Neely (Vice Chairman), Fanning, Garten, Holt (of Lewis), Trumbo, Van Sickler, Brown, Dotson and Samms.

FEDERAL RELATIONS

Messrs. Holt (of Nicholas) (Chairman), Schupbach (Vice Chairman), Alltop, Carey, Cline, Doringer, Downs, Freshwater, Hudson, Johnson, McCoy, Neely, Shannon, Callinan, Hathaway, Janes, Morris, Rogers, Ross (of Upshur) and Stealey (of Wood).

FORESTRY AND CONSERVATION

Messrs. Trumbo (Chairman), McCoy (Vice Chairman), Cline, Downs, Evans, Garten, Knight, McElwee, Postalwait, Rotroff, Saunders, Tinsley, Dotson, Hathaway, LaFollette, Osborne, Pierson, Potts, Powell, Ross (of Upshur) and Schaeffer.

FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS

Messrs. Jackson (Chairman), Ward (Vice Chairman), Berry, Carey, Currey, Hudson, McCoy, Moler, Neely, Taylor (of Fayette), Woodyard, Harmer, LaFollette, Moore, Raese, Stealey (of Wood), Stout and Williams.

GAME AND FISH

Messrs. Knight (Chairman), Jackson (Vice Chairman), Ansel, Carey, Currey, Holt (of Nicholas), McElwee, Mills, Morgan, Rotroff, Saunders, Tinsley, Ward, Arnett, Ballard, Dotson, LaFollette, Osborne, Potts, Ross (of Upshur), Schaeffer and Staats.

HUMANE INSTITUTIONS AND PUBLIC BUILDINGS

Messrs. Ansel (Chairman), Mills (Vice Chairman), Blankenship, Carey, Currey, Downs, Evans, Ferrell, Flint, Johnson, Knight, McElwee, Moler, Saunders, White, Woodyard, Arnett, Beard, Brown, Hartigan, Herd, Potts, Powell, Reed, Ross (of Upshur) and Stout.

INSURANCE

Messrs. Bass (Chairman), Holt (of Lewis) (Vice Chairman), Ansel, Berry, Davis, Doringer, Evans, Flint, Hansbarger, Hudson, Johnson, Moler, Mrs. Walker, Messrs. Ward, Ballard, Brand, Brown, Flaccus, Herd, Miller (of Wood) and Ross (of Upshur).
JUDICIARY

Messrs. Van Sickler (Chairman), Davis (Vice Chairman), Ansel, Berry, Brand, Currey, Holt (of Nicholas), Hudson, McCoy, Paul, Ross (of Mercer), Rotroff, Saunders, Mrs. Walker, Messrs. Ballard, Callahan, Farr, Harmer, Janes, Moore, Person and Samms.

LABOR

Messrs. McCoy (Chairman), Flint (Vice Chairman), Alltop, Casey, Johnson, Knight, Ross (of Mercer), Shannon, Mrs. Walker, Messrs. Ballard, Brand, Callinan, Creel, Flaccus, Harmer, Hope, McCulty, Pierson, Powell, Rainden and Ross (of Upshur).

MEDICINE AND SANITATION

Messrs. Evans (Chairman), White (Vice Chairman), Carey, Downs, Freshwater, Garten, Holt (of Nicholas), Hudson, McCoy, Morgan, Saunders, Taylor (of Fayette), Trumbo, Mrs. Walker, Messrs. Ward, Beard, Hartigan, Pierson, Potts, Rogers and Stout.

MILITARY AFFAIRS

Messrs. Staley (of Wayne) (Chairman), Schupbach (Vice Chairman), Blankenship, Casey, Cline, Doringer, Downs, Holt (of Nicholas), Hudson, Jackson, Knight, Rotroff, Tinsley, Ballard, Creel, Farr, Flaccus, Hope and Powell.

MINES AND MINING

Messrs. Rotroff (Chairman), Woodyard (Vice Chairman), Berry, Fanning, Holt (of Lewis), Johnson, Morgan, Paul, Staley (of Wayne), Tinsley, Ward, Ballard, Beeler, Creel, Hartigan, Holley, Miller (of Raleigh), Moore, Raese and Staats.

PENITENTIARY

Messrs. Slater (Chairman), Currey (Vice Chairman), Alltop, Casey, Downs, Flint, Freshwater, Knight, Mills, Schupbach, Tinsley, Beeler, Creel, Hartigan, Hope, Powell, Reed, Williams and Yoho.

PRINTING AND CONTINGENT EXPENSES

Messrs. Woodyard (Chairman), Carey (Vice Chairman), Casey, Fanning, Ferrell, Knight, McCoy, Ross (of Mercer), Shannon, Taylor (of Mingo), Ward, White, Callinan, Hope, Schaeffer and Stealey (of Wood).
RAILROADS

Messrs. Slater (Chairman), Ansel (Vice Chairman), Carey, Davis, Flint, Garten, Hansbarger, Paul, Taylor (of Mingo), Van Sickler, Ballard, Beard, Beeler, Flaccus, Hugus, Moore, and Rogers.

REDISTRICTING

Messrs. Taylor (of Mingo) (Chairman), Carey (Vice Chairman), Ferrell, Freshwater, Garten, McCoy, Morgan, Neely, Postalwait, Taylor (of Fayette), Trumbo, Ward, White, Woodyard, Arnett, Creel, Dotson, Farr, Janes, Miller (of Raleigh), Osborne, Schaeffer and Staats.

ROADS

Messrs. Mills (Chairman), Hudson (Vice Chairman), Berry, Cline, Davis, Flint, Garten, Johnson, McCoy, Morgan, Staley (of Wayne), Taylor (of Fayette), Taylor (of Mingo), Trumbo, Van Sickler, White, Arnett, Beard, Brand, Douglas, Flaccus, Harmer and Nichols.

RULES

Messrs. Amos (Chairman, ex officio), Davis, Hansbarger, Paul, Van Sickler, Ballard, Hugus and Moore.

STATE BOUNDARIES

Messrs. Ferrell (Chairman), Garten (Vice Chairman), Alltop, Casey, Cline, Downs, Evans, Hudson, McCoy, Morgan, Neely, Schupbach, Trumbo, Beard, Miller (of Wood), Nichols, Osborne, Raese, Reed and Yoho.

TAXATION AND FINANCE

Messrs. Hansbarger (Chairman), McElwee (Vice Chairman), Davis, Doringer, Holt (of Lewis), Jackson, Johnson, Knight, Mills, Moler, Schupbach, Slater, Taylor (of Mingo), Ward, Woodyard, Beeler, Hathaway, Hartigan, Hugus, LaFollette, Powell, Rairden, Reed, Stealey (of Wood) and Stout.

TEMPERANCE

Messrs. Saunders (Chairman), Mills (Vice Chairman), Blankenship, Carey, Doringer, Hansbarger, Hudson, Holt (of Nicholas), McElwee, Morgan, Brown, Flaccus, Miller (of Raleigh), Moore, Morris, Raese, Rairden, Ross (of Upshur) and Yoho.
JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE HOUSE
Messrs. Rotroff (Chairman), Ferrell, Morgan, Hope and Miller (of Raleigh).

JOINT COMMITTEE ON JOINT RULES ON THE PART OF THE HOUSE
Messrs. Amos (Mr. Speaker) (Chairman ex officio), Van Sickler and Moore.

HOUSE MEMBERS OF THE COMMISSION ON INTERSTATE COOPERATION
Messrs. Knight (Chairman), Ferrell, Schupbach, Rogers and Schaeffer.
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 13, 1943; in effect from passage.]

Title
2. Appropriations.
3. Administration.

Title 1. General Provisions.

Section
1. General policy.
2. Definitions.
3. Classification of appropriations.
5. Limitations on expenditures.

Be it enacted by the Legislature of West Virginia:

Section 1. General Policy.—The purpose of this act is
to appropriate money necessary for economical and effi-
cient discharge of the duties and responsibilities of the
state and its agencies during the fiscal years one thousand
nine hundred forty-four and one thousand nine hundred
forty-five. To give effect to this purpose, the board of
Sec. 2. Definitions.—For the purpose of this act:

2 “Board” shall mean the board of public works;
3 “Spending unit” shall mean the department, agency, or institution to which an appropriation is made;
4 The “fiscal year one thousand nine hundred forty-four” shall mean the period from July first, one thousand nine hundred forty-three, through June thirtieth, one thousand nine hundred forty-four, and the “fiscal year one thousand nine hundred forty-five” shall mean the period from July first, one thousand nine hundred forty-four, through June thirtieth, one thousand nine hundred forty-five.
5 “From collections” shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collection. If the amount collected exceeds the amount designated “from collections”, the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by chapter thirty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine.

Sec. 3. Classification of Appropriations.—An appropriation for:

2 “Personal services” shall be expended only for the payment of salaries, wages, fees, and other compensation for skill, work, or employment;
3 “Current expenses” shall be expended only for operating costs other than personal services or capital outlay;
4 “Repairs and alterations” shall include all expenditures for materials, supplies and labor used in repairing and altering buildings, grounds and equipment.
5 “Equipment” shall be expended only for things which have an appreciable and calculable period of usefulness in excess of one year;
“Buildings” shall include construction and alteration of structures and the improvement of lands and shall include shelter, support, storage, protection, or the improvement of a natural condition;

“Lands” shall be expended only for the purchase of land or interests in lands.

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

Sec. 5. Limitations on Expenditures.—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 chapter thirty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine.

Sec. 6. Maximum Expenditures.—No authority or requirement of law shall be interpreted as requiring or permitting an expenditure in excess of the appropriations set out in this act.

Title 2. Appropriations.

Section 1. Governmental appropriations.

AGRICULTURE

Department of agriculture—Acct. No. 510
Department of agriculture (soil conservation)—Acct. No. 510
Agricultural awards—Acct. No. 518

BUSINESS AND INDUSTRIAL RELATIONS

Board of aeronautics—Acct. No. 6086
Bureau of labor and department of weights and measures—Acct. No. 450
Commission on interstate cooperation—Acct. No. 4727
Compensation commission—Acct. No. 900
Compensation commission (silicosis)—Acct. No. 905
Department of banking—Acct. No. 480
Department of mines—Acct. No. 460
Liquor control commission—Acct. No. 6676
Public service commission—Acct. No. 6617
Public service commission (motor carrier division)—Acct. No. 6624
Public service commission (salaries of members)—Acct. No. 470
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<tr>
<td>Pinecrest sanitarium—Acct. No. 431</td>
<td>40, 63</td>
</tr>
<tr>
<td>Spencer state hospital—Acct. No. 421</td>
<td>38</td>
</tr>
<tr>
<td>Tuberculosis field clinic—Acct. No. 435</td>
<td>41</td>
</tr>
<tr>
<td>Water commission—Acct. No. 401</td>
<td>35</td>
</tr>
<tr>
<td>Welch emergency hospital—Acct. No. 426</td>
<td>39</td>
</tr>
<tr>
<td>West Virginia foundation for crippled children—Acct. No. 433</td>
<td>41</td>
</tr>
<tr>
<td>Weston state hospital—Acct. No. 420</td>
<td>37</td>
</tr>
<tr>
<td>Weston state hospital (Barboursville unit)—Acct. No. 427</td>
<td>37</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGHWAYS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Road commission (administration and engineering)—Acct. No. 670</td>
<td>48</td>
</tr>
<tr>
<td>Road commission (primary and secondary roads)—Acct. No. 6406</td>
<td>49</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>JUDICIAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit courts—Acct. No. 111</td>
<td>10</td>
</tr>
<tr>
<td>Compensation of special judges—Acct. No. 113</td>
<td>10</td>
</tr>
<tr>
<td>Criminal charges—Acct. No. 119</td>
<td>10</td>
</tr>
<tr>
<td>Judicial council—Acct. No. 118</td>
<td>11</td>
</tr>
<tr>
<td>State law library—Acct. No. 114</td>
<td>10</td>
</tr>
<tr>
<td>Supreme court of appeals—Acct. No. 110</td>
<td>10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LEGISLATURE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>House of Delegates—Acct. No. 102</td>
<td>8</td>
</tr>
<tr>
<td>Joint expenses—Acct. No. 103</td>
<td>9</td>
</tr>
<tr>
<td>Senate—Acct. No. 101</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MISCELLANEOUS BOARDS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletic commission—Acct. No. 6017</td>
<td>56</td>
</tr>
<tr>
<td>Board of dental examiners—Acct. No. 6045</td>
<td>57</td>
</tr>
<tr>
<td>Board of embalmers and funeral directors—Acct. No. 6049</td>
<td>58</td>
</tr>
</tbody>
</table>
### MISCELLANEOUS BOARDS—(Continued)

| Board of examiners for architects—Acct. No. 6069 | 58 |
| Board of examiners for veterinarians—Acct. No. 6076 | 58 |
| Board of examiners of accountants—Acct. No. 6007 | 56 |
| Board of examiners of registered nurses—Acct. No. 6044 | 57 |
| Board of law examiners—Acct. No. 6005 | 56 |
| Board of optometry—Acct. No. 6048 | 57 |
| Board of osteopathy—Acct. No. 6047 | 57 |
| Board of pharmacy—Acct. No. 6046 | 57 |
| Board of registration for professional engineers—Acct. No. 6068 | 58 |

### PROTECTION

| Adjutant general; state militia—Acct. No. 580 | 54 |
| Auditor’s office; fire marshal—Acct. No. 6605 | 55 |
| Department of public safety—Acct. No. 570 | 54, 63 |
| Fire insurance—Acct. No. 591 | 56 |
| State council of defense—Acct. No. 581 | 55, 64 |

2. Awards for claims against the state.
4. Reappropriations.
5. Special revenue appropriations.
6. Appropriations revived and extended.
7. Specific statutory appropriations.
8. Specific funds and collection accounts.
11. Sinking fund deficiencies.
12. Appropriations from taxes and license fees.
13. Appropriations to pay premiums on bonds of county clerks.
15. Appropriations for local governments.
16. Printing costs.
17. Total appropriation.
18. General school fund.

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 chapter thirty-nine, acts of the Legislature, regular session, one thousand three hundred thirty-nine, the following amounts, as itemized, for expenditures during the fiscal years one thousand nine hundred forty-four and one thousand nine hundred forty-five.

### LEGISLATIVE

1—Senate

Acct. No. 101

<table>
<thead>
<tr>
<th>Fiscal Years</th>
<th>1943-44</th>
<th>1944-45</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of members</td>
<td>$16,000.00</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>2 To pay Clerk of the Senate for</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
compiling and publishing the
West Virginia Blue Book, in-
cluding all expenses incurred
in the employment of contrib-
utors, preparation of matter,
clerical hire, stenographic
services and proofreading,
and for shipping charges in
connection with the distribu-
tion of the Blue Book; which
distribution shall include
seventy-five copies each to
members of the Legislature...
To pay cost of printing 1943 and
1944 editions of Blue Book...
Mileage of members...
Compensation and per diem of
officers and attaches..
Current expenses and contin-
gent fund
To pay cost of printing 1942
Blue Book
The above appropriations for
the fiscal year 1942-43 are to
remain in full force and effect
until the convening of the
regular session of the Legis-
lature, 1945.
The Clerk of the Senate is au-
thorized to draw his warrants
upon the Auditor, payable
out of the contingent fund of
the Senate, for any bills for
supplies and services that
may have been incurred by
the Senate and not included
in the appropriation bill, and
for bills for supplies and serv-
ices incurred after adjourn-
ment, the requisition for same
44 to be accompanied by bills to
45 be filed with the Auditor.
46 To aid in the discharge of his
duties, the Clerk may expend
48 for stenographic services a
49 sum not exceeding twenty-
50 one hundred dollars per an-
51 num, and for janitor services
52 a sum not exceeding thirteen
53 hundred twenty dollars per
54 annum, both payable monthly
55 from the contingent fund of
56 the Senate.

2—House of Delegates
Acct. No. 102

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount Fiscal Year 1942-43</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of members</td>
<td>$47,000.00 $47,000.00</td>
</tr>
<tr>
<td>2 Mileage of members</td>
<td>$2,559.20</td>
</tr>
<tr>
<td>3 Compensation and per diem of officers and attaches</td>
<td>$52,172.00</td>
</tr>
<tr>
<td>4 Current expense and contingent fund</td>
<td>$85,000.00</td>
</tr>
<tr>
<td>8 Expense special house committee created by House</td>
<td>$2,500.00</td>
</tr>
</tbody>
</table>

11 The Clerk of the House of Delegates, with the approval of the
12 Speaker of the House, is au-
13 thorized to draw his requisi-
14 tions upon the Auditor, pay-
15 able out of the contingent
16 fund, for any bills for supplies
17 and services that may have
18 been incurred by the House of
19 Delegates and not included in
20 this appropriation bill, for
21 bills for supplies and services
22 incurred after adjournment,
23 the requisition for same to be
24 accompanied by a bill to be
filed with the Auditor, but no
payment shall be made to
attaches under this para-
graph.
For duties imposed by law and
by the House of Delegates, in-
cluding the salary allowed by
law as keeper of the rolls, the
Clerk of the House of Dele-
gates shall be paid a monthly
salary at the rate of five thou-
sand dollars per annum, pay-
able from the contingent fund
of the House of Delegates, and
the Clerk may employ a sec-
retary at a salary of not to
exceed eighteen hundred dol-
lars per annum, payable
monthly from the same fund.
During the sessions of the
Legislature the Clerk of the
House of Delegates shall keep
his office open during such
hours as the House may di-
rect. When the Legislature is
not in session the office of the
Clerk of the House of Dele-
gates shall be kept open as
other public offices in the
capitol are kept open.

3—Joint Expenses
Acct. No. 103

To pay the cost of legislative
printing and stationery, the
appropriation to be available
for the year ending June
thirty, one thousand nine
hundred forty-three. If this
work is not completed prior
to June thirty, one thousand
nine hundred forty-three,
then the appropriation shall
continue in full until com-
pleted $ 70,000.00

JUDICIAL

6—Supreme Court of Appeals
Acct. No. 110

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Judges</td>
<td>$ 50,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>44,930.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>10,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 104,930.00</strong></td>
</tr>
</tbody>
</table>

7—Circuit Courts
Acct. No. 111

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Judges of the Circuit</td>
<td><strong>$ 165,000.00</strong></td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>25,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 190,000.00</strong></td>
</tr>
</tbody>
</table>

8—Compensation of Special Judges
Acct. No. 113

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay Salaries of Special Judges</td>
<td>$ 5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 5,000.00</strong></td>
</tr>
</tbody>
</table>

9—State Law Library
Acct. No. 114

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td>$ 5,600.00</td>
</tr>
<tr>
<td>2 Salaries of Librarian and</td>
<td>700.00</td>
</tr>
<tr>
<td>3 Assistants</td>
<td>5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 11,300.00</strong></td>
</tr>
</tbody>
</table>

10—Criminal Charges
Acct. No. 119

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$ 75,000.00</td>
</tr>
</tbody>
</table>
11—The Judicial Council
Acct. No. 118

1 To pay the per diem of Members
2 and other General Expenses
3 Total $1,455.00 $1,455.00

EXECUTIVE
12—Governor’s Office
Acct. No. 120

1 Salary of Governor $10,000.00 $10,000.00
2 Other Personal Services, in-
3 cluding Salaries of Secre-
4 taries, Stenographers and As-
5 sistants $15,000.00 $15,000.00
6 Civil Contingent and Current
7 Expenses $15,000.00 $15,000.00
8 To be expended upon the order
9 of the Governor. One hun-
10 dred dollars annual dues to
11 the Governors’ Conference
12 shall be included in this item.
13 Emergency Fund $135,000.00 $135,000.00
14 Of this appropriation $35,000.00
15 shall be expended only for
16 the purpose of protecting the
17 state’s credit as to bond issues
18 by state institutions to cover
19 federal loans to such institu-
20 tions.
21 Custodial $13,500.00 $13,500.00
22 To be used for Current General
23 Expenses, including official
24 functions, and any additional
25 household expenses thereby
26 incurred.
27 Total $188,500.00 $188,500.00

13—Parole and Probation Investigation and Supervision
Acct. No. 123

1 Personal Services, including
### GENERAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Salary of Director</td>
<td>$33,000.00</td>
<td>3 Salary of State Auditor</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$15,000.00</td>
<td>2 Other Personal Services</td>
<td>$72,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$750.00</td>
<td>3 Current Expenses</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,000.00</td>
<td>4 Equipment</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$48,750.00</td>
<td>5 Total</td>
<td>$92,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$49,250.00</td>
<td>6 From Collections</td>
<td>$5,500.00</td>
</tr>
</tbody>
</table>

### FISCAL

#### 150—Auditor’s Office

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of State Auditor</td>
<td>$6,000.00</td>
<td>1 Salary of State Auditor</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$72,000.00</td>
<td>2 Other Personal Services</td>
<td>$72,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$11,000.00</td>
<td>3 Current Expenses</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,000.00</td>
<td>4 Equipment</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$92,000.00</td>
<td>5 Total</td>
<td>$92,000.00</td>
</tr>
<tr>
<td>6 From Collections</td>
<td>$5,500.00</td>
<td>6 From Collections</td>
<td>$5,500.00</td>
</tr>
</tbody>
</table>

#### 151—Auditor’s Office: Land Department

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$74,000.00</td>
<td>1 Personal Services</td>
<td>$52,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$4,000.00</td>
<td>2 Current Expenses</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$2,500.00</td>
<td>3 Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>4 Total</td>
<td>$80,500.00</td>
<td>4 Total</td>
<td>$56,000.00</td>
</tr>
</tbody>
</table>

The total appropriation to the Auditor’s Office, Land Department, shall include all expenditures necessary for the operation of the Land Department. Should any expenditures be made from the Operating Fund, Land Department, as provided by Chapter 117, Acts of the Legislature, 1941, for the operation of the Land Department, the total amount of this appropriation shall be reduced in like amount.
In addition to the total appropriation for the Auditor's Office, Land Department, there is hereby appropriated from the General School Fund, a sum not to exceed $300,000.00, to be available from passage, to pay the costs of publication, fees to Deputy Commissioners of Forfeited and Delinquent Lands, circuit court costs and premiums on bonds of the Deputy Commissioners of Forfeited Lands, as provided by Chapter 117, Acts of the Legislature, 1941. This appropriation shall remain in force until June 30, 1945.

16—Treasurer’s Office

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th></th>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of State Treasurer</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>$34,180.00</td>
<td>$34,180.00</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$6,019.00</td>
<td>$6,425.00</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>$1,360.00</td>
<td>$5,380.00</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td>$47,559.00</td>
<td>$51,985.00</td>
<td></td>
</tr>
</tbody>
</table>

17—Sinking Fund Commission

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th></th>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$8,190.00</td>
<td>$8,190.00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$500.00</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Total</td>
<td>$8,690.00</td>
<td>$8,690.00</td>
<td></td>
</tr>
</tbody>
</table>

18—Tax Commissioner

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th></th>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Tax Commissioner</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>$295,000.00</td>
<td>$280,000.00</td>
<td></td>
</tr>
</tbody>
</table>
### General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Current Expenses</td>
<td>120,000.00</td>
<td>120,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$425,000.00</td>
<td>$410,000.00</td>
</tr>
</tbody>
</table>

6 This appropriation shall include all expenditures for the operation of the Gasoline Department formerly appropriated from the State Road Fund, and all expenditures for the operation of the Beer Division formerly paid from gross collections as provided by Chapter 12, Article 15, Section 19, Acts of the Legislature, 1937.

18 Of the appropriation for “Other Personal Services”, not more than $6,000.00 annually shall be expended only for Special Legal Services.

19—West Virginia Board of Control

Acct. No. 190

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of the three members of the Board of Control</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>3 Other Personal Services</td>
<td>$22,000.00</td>
<td>$22,000.00</td>
</tr>
<tr>
<td>4 Current Expenses</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$900.00</td>
<td>$900.00</td>
</tr>
<tr>
<td>6 Total</td>
<td>$45,900.00</td>
<td>$45,900.00</td>
</tr>
</tbody>
</table>

21—Director of the Budget

Acct. No. 210

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of the Director of the Budget</td>
<td>$29,000.00</td>
<td>$29,000.00</td>
</tr>
<tr>
<td>4 Current Expenses</td>
<td>$1,800.00</td>
<td>$3,200.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>6 Total</td>
<td>$31,300.00</td>
<td>$32,700.00</td>
</tr>
</tbody>
</table>
### LEGAL

#### 25—Attorney General

<table>
<thead>
<tr>
<th>Acct. No. 240</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Attorney General</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
</tr>
<tr>
<td>3 Current Expenses</td>
</tr>
<tr>
<td>4 Equipment</td>
</tr>
<tr>
<td>5 Contingent Fund</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

To protect the resources or tax structure of the state in controversies or legal proceedings affecting same. Any unexpended balance remaining in this fund at the close of the fiscal year 1943-44 is hereby reappropriated for expenditure during the fiscal year 1944-45.

#### 26—State Court of Claims

<table>
<thead>
<tr>
<th>Acct. No. 243</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
</tr>
<tr>
<td>2 Current Expenses</td>
</tr>
<tr>
<td>3 Equipment</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

To pay per diem of members, and other general expenses in accordance with chapter twenty, acts of the Legislature, one thousand nine hundred forty-one.

#### 27—Commission on Uniform State Laws

<table>
<thead>
<tr>
<th>Acct. No. 245</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
</tr>
</tbody>
</table>
### GENERAL APPROPRIATIONS

#### INCORPORATING AND RECORDING

#### 29—Secretary of State

<table>
<thead>
<tr>
<th>Acct. No. 250</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Secretary of State</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$300.00</td>
<td>$300.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$24,300.00</strong></td>
<td><strong>$24,300.00</strong></td>
</tr>
</tbody>
</table>

The above appropriation for "Other Personal Services", includes salary of clerk of the State Court of Claims.

#### 30—State Election Commission

<table>
<thead>
<tr>
<th>Acct. No. 256</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$500.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

### CUSTODIAL AND SERVICE

#### 31—Capitol Building and Grounds

<table>
<thead>
<tr>
<th>Acct. No. 270</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$70,000.00</td>
<td>$70,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$36,000.00</td>
<td>$36,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$117,000.00</strong></td>
<td><strong>$117,000.00</strong></td>
</tr>
</tbody>
</table>

Out of the item "Current Expense" in the above appropriation, in the amount of $70,000.00, no moneys shall be
9 available for the purchase of
10 United States postage stamps.
11 It shall be available only for
12 the purchase of postage meter
13 service and routine current
14 expense. All state spending
15 units domiciled in or adjacent
16 to the capitol building, ex-
17 cept the Unemployment Com-
18 pensation Commission, and
19 the State Road Commission
20 as applies to auto license
21 tags, shall dispatch all mail
22 through the Central Mailing
23 Office. The Workmen’s Com-
24 pensation Commission and
25 the West Virginia Public
26 Service Commission shall re-
27 imburse the Current Expense
28 appropriation of the Central
29 Mailing Office monthly for
30 all meter service. Any spend-
31 ing unit receiving reimburse-
32 ment for postage costs from
33 the Federal Government shall
34 refund to the Current Ex-
35 pense appropriation of the
36 Central Mailing Office such
37 amounts. Should this appro-
38 priation for Current Expense
39 be insufficient to meet the
40 mailing requirements of the
41 state spending units as set
42 out above, any excess pos-
43 tage meter service require-
44 ments shall be a proper
45 charge against the units, and
46 each spending unit shall re-
47 fund to the Current Expense
48 appropriation of the Central
49 Mailing Office any amounts
required for that department
for postage in excess of this
appropriation.

33—Department of Purchases

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (1935)</th>
<th>Amount (1943-44)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Director of Purchases</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>30,000.00</td>
<td>30,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>1,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>43,000.00</strong></td>
<td><strong>43,000.00</strong></td>
</tr>
</tbody>
</table>

The revolving fund appropriated by Chapter 76, Acts of the Legislature, Regular Session, 1935, for printing, binding and stationery is hereby reappropriated for the fiscal years 1943-44 and 1944-45.

EDUCATIONAL

360—State Board of Education

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (1935)</th>
<th>Amount (1943-44)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries of members of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Board of Education</td>
<td>4,800.00</td>
<td>4,800.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>2,500.00</td>
<td>2,500.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>200.00</td>
<td>200.00</td>
</tr>
<tr>
<td>Out-of-State Aid to Negroes</td>
<td>9,000.00</td>
<td>9,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>22,500.00</strong></td>
<td><strong>22,500.00</strong></td>
</tr>
</tbody>
</table>

361—State Board of Education—Vocational Division

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (1935)</th>
<th>Amount (1943-44)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>12,500.00</td>
<td>12,500.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>300.00</td>
<td>300.00</td>
</tr>
</tbody>
</table>
### Ch. I | General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Vocational Aid</td>
<td>60,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>77,800.00</td>
</tr>
</tbody>
</table>

#### 362—State Board of Education—Rehabilitation Division

**Acct. No. 702**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>12,903.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>30,000.00</td>
</tr>
<tr>
<td>3 Total</td>
<td>42,903.00</td>
</tr>
</tbody>
</table>

#### 370—Department of Education

**Acct. No. 703**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Superintendent of Free Schools</td>
<td>6,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>63,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>35,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>1,000.00</td>
</tr>
<tr>
<td>5 Salaries of County Superintendents</td>
<td>62,000.00</td>
</tr>
<tr>
<td>6 Total</td>
<td>167,000.00</td>
</tr>
</tbody>
</table>

Out of the above appropriation an amount not to exceed $10,000.00 each year from the personal service account, and $5,000.00 each year from the current expense account shall be available for expenditure at the direction of the Board of School Finance in the performance of its duties as prescribed by law.

#### 371—Department of Education—Hot Lunches

**Acct. No. 705**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>4,500.00</td>
</tr>
<tr>
<td>2 1 State Supervisor</td>
<td>2,700.00</td>
</tr>
</tbody>
</table>
### General Appropriations

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk and Secretary</td>
<td>$1,800.00</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Office Equipment</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>Travel</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Supplies</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>Aid to Counties</td>
<td>$100,000.00</td>
<td>$100,000.00</td>
</tr>
</tbody>
</table>

Includes hot lunches and canning for hot lunches.

Total: **$106,500.00**

---

**372—Department of Education**

Acct. No. 6407

1 State Aid to supplement the
2 General School Fund         **$15,125,000.00** $15,125,000.00
3 To be transferred to the Gen-
   eral School Fund upon the
   requisition of the Governor.
6 To be distributed according to
7 Chapter 46, Acts of the
8 Legislature, Regular Session,
9 1939, as amended, except an
10 amount not to exceed $25,000.00 for each year of the
12 biennium, which sum shall
13 be available to the State
14 Board of School Finance to
16 aid counties in providing in-
17 struction for crippled children
17 under such rules and regu-
18 lations for instruction of crip-
19 pled children as may be
20 adopted by the State Board
21 of Education as provided by
22 section five, article two of the
23 West Virginia Code, one thou-
24 sand nine hundred thirty-one,
25 as amended.
26 State Aid to provide Bonus
27 for Teachers not to exceed.**$3,550,000.00** $3,550,000.00
28 The appropriation next above
29 includes, but is not limited
30 to the balance of the unen-
31 cumbered and unexpended
32 contingent items in subsection
33 5, Section 4 of the 1941
34 Budget Act as provided in
35 Section 4, Title Two of this
36 Act.
37 The sum for each year of the
38 biennium, as set forth above
39 shall be allocated monthly by
40 the State Board of School
41 Finance, to each county in
42 amounts to be computed by
43 multiplying by two hundred
44 twenty-five the number of
45 such teachers actually em-
46 ployed by the county board
47 for the current school year,
48 which number shall in no
49 instance exceed the number
50 of such teachers approved for
51 employment in such county
52 by the board of finance.
53 No part of the funds distrib-
54 uted under this subsection
55 shall be available for any
56 purpose other than teachers' sal-
57 aries, and no part of same
58 shall be made available to any
59 county board which reduces
60 salaries below the salaries
61 paid to teachers for the school
62 year one thousand nine hun-
63 dred forty-two and one thou-
64 sand nine hundred forty-
65 three, including the legal
66 minimum salary plus the ex-
67 cess salary paid by the county
68 board for the school year one
69 thousand nine hundred forty-
70 two and one thousand nine
22
GENERAL APPROPRIATIONS

71 hundred forty-three, except
72 that such excess salary may
73 be reduced on the approval
74 of the board of finance when
75 such reduction is based on
76 any or all of the following
77 factors affecting local reve-
78 nues out of which such ex-
79 cess salaries were paid: (a)
80 Rejection by the voters of
81 the county of a special levy
82 previously approved by the
83 voters of the county and ef-
84 fective during the school year
85 one thousand nine hundred
86 forty-two and one thousand
87 nine hundred forty-three or
88 forty-three and one thousand
89 nine hundred forty-four; (b)
90 a substantial decline in the
91 amount of revenue; (c) or
92 other reasons approved by
93 the board of finance.
94 The additional salary received
95 by any teachers as a result
96 of the provisions of this sub-
97 section shall not be counted
98 as earnable compensation for
99 purposes of computing mem-
100 bers' contributions to the
101 accumulation fund of the
102 state teachers' retirement
103 system as prescribed in
104 section fourteen, chapter
105 thirty-six, acts of the Legis-
106 lature, regular session, one
107 thousand nine hundred forty-
108 one.
109 The amount of money neces-
110 sary to comply with the pro-
visions of this appropriation shall, upon the request of the Director of the Budget, be transferred from the State Fund—General Revenue to the General School Fund.

373—Department of Education

Acct. No. 6405

1 State Aid to Supplement the General School Fund, Total...$ 100,000.00 $ 100,000.00
2 To be transferred to the General School Fund upon the requisition of the Governor, to provide an equalization fund for distribution to marginal counties by the State Board of School Finance in addition to the State Aid allocated in accordance with Chapter 46, Acts of Legislature, Regular Session, 1939, as amended: Provided, however, That the State Board of School Finance shall determine at the time the budget is approved that additional aid is needed to complete a nine months term of school, or such part thereof as the above appropriations will permit.

Any balance remaining in the above appropriations after the allocating of aid to marginal counties shall revert to the State Fund—General Revenue.

374—Department of Education

Acct. No. 6408

1 Textbooks for Schools .......................$ 150,000.00 $ 150,000.00
To be distributed according to Chapter 51, Acts of Legislature, Regular Session, 1939.

38—Teachers' Retirement Board
Acct. No. 6409
1 For maintenance and operation of the Teachers' Retirement Funds $1,300,000.00 $1,300,000.00
Of these amounts, not to exceed $25,000.00 in each year may be spent for the operation of these funds.

39—West Virginia University
Acct. No. 300
1 Personal Services, including Salary of President $925,000.00 $925,000.00
Current Expenses 154,000.00 154,000.00
4 Repairs and Alterations 40,000.00 40,000.00
5 Equipment 40,000.00 40,000.00
6 State Aid to Medical Students 20,000.00 40,000.00
7 To Equip Chemistry Building 35,000.00

Total $1,214,000.00 $1,199,000.00

From Collections 225,000.00 225,000.00

390—West Virginia University—Mining and Industrial Extension
Acct. No. 301
1 Personal Services $30,000.00 $30,000.00
2 Current Expenses 10,000.00 10,000.00
3 Repairs and Alterations 200.00 200.00
4 Equipment 300.00 300.00

Total $40,500.00 $40,500.00

391—West Virginia University—Agricultural, Horticultural and Home Economics Extension
Acct. No. 302
1 Personal Services $45,000.00 $45,000.00
<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td>51,000.00</td>
<td>51,000.00</td>
</tr>
</tbody>
</table>

392—West Virginia University—Jackson’s Mill—4-H Camp
Acct. No. 303

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>14,500.00</td>
<td>14,500.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>2,000.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td>31,500.00</td>
<td>31,500.00</td>
</tr>
</tbody>
</table>

393—West Virginia University—Cooperation with Oglebay Institute
Acct. No. 304

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total</td>
<td>2,000.00</td>
<td>2,000.00</td>
</tr>
</tbody>
</table>

394—West Virginia University—Extension Division
Acct. No. 305

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To pay salaries and expenses of County Home Demo-</td>
<td>29,000.00</td>
<td>29,000.00</td>
</tr>
<tr>
<td>2</td>
<td>nstration Agents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>To pay salaries and traveling expenses of County</td>
<td>67,100.00</td>
<td>67,100.00</td>
</tr>
<tr>
<td>4</td>
<td>Agricultural Agents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td>96,100.00</td>
<td>96,100.00</td>
</tr>
</tbody>
</table>

395—West Virginia University—Engineering Experiment Station
Acct. No. 306

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>6,650.00</td>
<td>6,650.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>1,900.00</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>1,450.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>10,000.00</td>
<td>8,650.00</td>
</tr>
</tbody>
</table>
### 396—West Virginia University—Agricultural Experiment Station

Acct. No. 310

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$40,000.00</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$9,000.00</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$1,700.00</td>
<td>$1,700.00</td>
</tr>
<tr>
<td>5 Purchase of Agronomy Farm</td>
<td>$7,500.00</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$60,700.00</strong></td>
<td><strong>$53,200.00</strong></td>
</tr>
</tbody>
</table>

### 397—West Virginia University Experiment Farm—Kearneysville

Acct. No. 311

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Maintenance and Operation</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>2 Equipment</td>
<td></td>
<td>$450.00</td>
</tr>
<tr>
<td>3 Apple Storage Plant</td>
<td>$4,500.00</td>
<td></td>
</tr>
<tr>
<td>4 Machine Shed</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$11,500.00</strong></td>
<td><strong>$5,450.00</strong></td>
</tr>
</tbody>
</table>

### 398—West Virginia University—Reymann Memorial Farm

Acct. No. 312

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,400.00</strong></td>
<td><strong>$2,400.00</strong></td>
</tr>
</tbody>
</table>

### 399—West Virginia University—Inwood Apple Packing Plant

Acct. No. 313

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 For the Maintenance and Operation of Inwood Apple Packing Plant, Total</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
</tbody>
</table>

### 400—Potomac State School of West Virginia University

Acct. No. 315

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of President</td>
<td>$62,000.00</td>
<td>$62,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$12,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$4,500.00</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
</tbody>
</table>
To purchase Warner Property_ 2,750.00

Total $ 85,250.00 $ 82,500.00

From Collections 13,000.00 13,000.00

401—Marshall College

Acct. No. 320

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td>300,000.00</td>
<td>300,000.00</td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>35,000.00</td>
<td>36,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>20,000.00</td>
<td>18,000.00</td>
</tr>
<tr>
<td>5 Building, Payment to Fairfield</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>6 Flood Wall Assessment</td>
<td>1,800.00</td>
<td>1,800.00</td>
</tr>
<tr>
<td>7 Operation of Student Union</td>
<td>3,500.00</td>
<td>3,500.00</td>
</tr>
</tbody>
</table>

Total $ 380,300.00 $ 375,800.00

402—Fairmont State Teachers College

Acct. No. 321

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td>142,000.00</td>
<td>142,000.00</td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
</tbody>
</table>

Total $ 165,000.00 $ 165,000.00

To be expended if and as directed by the Board of Public Works, with the approval of the Attorney General, for the acquisition of minerals and mineral rights to protect buildings, campus and athletic field of Fairmont State Teachers College. To be available for expenditure at any
18 time within the biennium $34,669.50
19 The unexpended part of the ap-
20 propriation made for this pur-
21 pose by Chapter 6, Acts of the
22 Legislature, Regular Session,
23 1941, is hereby retired.

403—Glenville State Teachers College
Acct. No. 322

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>$70,000.00</td>
<td>$70,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$12,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$6,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>6 Buildings and Improvements</td>
<td>$4,500.00</td>
<td></td>
</tr>
<tr>
<td>7 Total</td>
<td>$96,000.00</td>
<td>$90,500.00</td>
</tr>
<tr>
<td>8 From Collections</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

404—West Liberty State Teachers College
Acct. No. 323

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>$66,250.00</td>
<td>$66,250.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$8,500.00</td>
<td>$8,500.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$2,250.00</td>
<td>$2,250.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>6 Total</td>
<td>$79,500.00</td>
<td>$79,500.00</td>
</tr>
<tr>
<td>7 From Collections</td>
<td>$11,000.00</td>
<td>$11,000.00</td>
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</table>

405—Shepherd State Teachers College
Acct. No. 324

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>$62,000.00</td>
<td>$62,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$11,000.00</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>6 Total</td>
<td>$80,000.00</td>
<td>$80,000.00</td>
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<tr>
<td>7 From Collections</td>
<td>$12,000.00</td>
<td>$12,000.00</td>
</tr>
</tbody>
</table>
Out of the above appropriation an amount not to exceed $1,000 from the current expense account may be used for the purchase of land.

406—Concord State Teachers College

<table>
<thead>
<tr>
<th></th>
<th>Personal Services, including</th>
<th>Salary of President</th>
<th>$100,000.00</th>
<th>$96,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current Expenses</td>
<td>$15,000.00</td>
<td>15,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Repairs and Alterations</td>
<td>$4,500.00</td>
<td>4,500.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$4,000.00</td>
<td>4,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$123,500.00</td>
<td>119,500.00</td>
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</tr>
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<td></td>
<td>From Collections</td>
<td>$30,000.00</td>
<td>30,000.00</td>
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</table>

407—West Virginia Institute of Technology

<table>
<thead>
<tr>
<th></th>
<th>Personal Services, including</th>
<th>Salary of President</th>
<th>$104,000.00</th>
<th>$104,000.00</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Current Expenses</td>
<td>$18,000.00</td>
<td>18,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Repairs and Alterations</td>
<td>$6,000.00</td>
<td>6,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$10,000.00</td>
<td>10,000.00</td>
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</tr>
<tr>
<td></td>
<td>Total</td>
<td>$138,000.00</td>
<td>138,000.00</td>
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</tr>
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<td></td>
<td>From Collections</td>
<td>$20,000.00</td>
<td>20,000.00</td>
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</table>

408—West Virginia State College

<table>
<thead>
<tr>
<th></th>
<th>Personal Services, including</th>
<th>Salary of President</th>
<th>$160,000.00</th>
<th>$160,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current Expenses</td>
<td>$42,000.00</td>
<td>42,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Repairs and Alterations</td>
<td>$15,000.00</td>
<td>15,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$11,000.00</td>
<td>11,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Extension Service</td>
<td>$15,000.00</td>
<td>15,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$243,000.00</td>
<td>243,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>From Collections</td>
<td>$46,000.00</td>
<td>46,000.00</td>
<td></td>
</tr>
</tbody>
</table>
### 409—West Virginia State College—4-H Camp for Colored Boys and Girls

**Acct. No. 3289**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>5 Buildings</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$13,000.00</td>
<td>$13,000.00</td>
</tr>
</tbody>
</table>

### 410—Bluefield State Teachers College

**Acct. No. 329**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>$70,000.00</td>
<td>$70,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$14,500.00</td>
<td>$14,500.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>6 Library Books—To be expended</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 subject to the approval of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 State Superintendent of Schools</td>
<td>$10,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$104,500.00</td>
<td>$99,500.00</td>
</tr>
<tr>
<td>11 From Collections</td>
<td>$12,000.00</td>
<td>$12,000.00</td>
</tr>
</tbody>
</table>

### 411—Storer College

**Acct. No. 330**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$12,000.00</td>
<td>$12,000.00</td>
</tr>
</tbody>
</table>

### 420—West Virginia Schools for the Deaf and Blind

**Acct. No. 333**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$121,000.00</td>
<td>$121,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$7,400.00</td>
<td>$7,400.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$193,400.00</td>
<td>$193,400.00</td>
</tr>
<tr>
<td>7 Out of the above appropriation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8 an amount not to exceed
9 $5,000.00 for each year from
10 the current expense account
11 shall be limited to expendi-
12 tures for boilers or boiler
13 house.

421—West Virginia Schools for the Colored Deaf and Blind
Acct. No. 334

1 Personal Services, including
2 Salary of Superintendent $20,000.00 $20,000.00
3 Current Expenses 12,000.00 12,000.00
4 Repairs and Alterations 3,200.00 3,400.00
5 Equipment 1,500.00 1,500.00
6 Total $36,700.00 $36,900.00

44—Department of Archives and History
Acct. No. 340

1 Personal Services, including
2 Salary of State Archivist and
3 Historian 8,000.00 8,000.00
4 Current Expenses 2,000.00 2,000.00
5 Equipment 1,000.00 1,000.00
6 Total $11,000.00 $11,000.00

45—West Virginia Library Commission
Acct. No. 350

1 Personal Services $5,000.00 $5,000.00
2 Current Expenses 1,000.00 1,000.00
3 Equipment 500.00 500.00
4 Books and Periodicals 3,500.00 3,500.00
5 Total $10,000.00 $10,000.00

CHARITIES AND CORRECTION
460—West Virginia Industrial School for Boys
Acct. No. 370

1 Personal Services, including
2 Salary of Superintendent $45,000.00 $45,000.00
### West Virginia Industrial School for Colored Boys

**Acct. No. 371**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$33,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$74,000.00</strong></td>
</tr>
</tbody>
</table>

### West Virginia Industrial Home for Girls

**Acct. No. 372**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$33,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$74,000.00</strong></td>
</tr>
</tbody>
</table>
463—West Virginia Industrial Home for Colored Girls

**Acct. No. 373**

1 Personal Services, including
2 Salary of Superintendent ......$ 6,000.00 $ 6,000.00
3 Current Expenses .................. 6,000.00 6,000.00
4 Repairs and Alterations ........... 1,000.00 1,000.00
5 Equipment .......................... 500.00 500.00

6 Total ................................ $13,500.00 $13,500.00
7 From Collections ................... 1,200.00 1,200.00

47—West Virginia Penitentiary

**Acct. No. 375**

1 Personal Services, including
2 Salary of Warden .................. $155,000.00 $155,000.00
3 Current Expenses .................. 180,000.00 180,000.00
4 Repairs and Alterations ........... 7,000.00 7,000.00
5 Equipment .......................... 4,000.00 4,000.00

6 Total ................................ $346,000.00 $346,000.00
7 Out of the appropriation for
8 Personal Services, $600.00
9 shall be paid each year in
10 monthly installments to Ray
11 Estep, permanently injured
12 while employed in the peni-
13 tentiary coal mine.

470—West Virginia Penitentiary—Medium Security Prison

**Acct. No. 376**

1 Personal Services .................. $ 52,500.00 $ 52,500.00
2 Current Expenses .................. 75,000.00 75,000.00
3 Repairs and Alterations ........... 5,000.00 5,000.00
4 Equipment .......................... 7,000.00 3,000.00
5 Street Paving ...................... 10,000.00
6 Buildings (Dairy Barn) ............ 7,500.00

7 Total ................................ $157,000.00 $135,500.00
### GENERAL APPROPRIATIONS

#### 49—West Virginia Children's Home

<table>
<thead>
<tr>
<th>Acct. No. 380</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Personal Services, including</td>
<td></td>
</tr>
<tr>
<td><strong>2</strong> Salary of Superintendent</td>
<td>$11,000.00</td>
</tr>
<tr>
<td><strong>3</strong> Current Expenses</td>
<td>$14,500.00</td>
</tr>
<tr>
<td><strong>4</strong> Repairs and Alterations</td>
<td>$2,500.00</td>
</tr>
<tr>
<td><strong>5</strong> Equipment</td>
<td>$1,500.00</td>
</tr>
<tr>
<td><strong>6</strong> Total</td>
<td>$29,500.00</td>
</tr>
<tr>
<td><strong>7</strong> From Collections</td>
<td>$3,600.00</td>
</tr>
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</table>

#### 491—West Virginia Colored Children's Home

<table>
<thead>
<tr>
<th>Acct. No. 381</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Personal Services, including</td>
<td></td>
</tr>
<tr>
<td><strong>2</strong> Salary of Superintendent</td>
<td>$6,000.00</td>
</tr>
<tr>
<td><strong>3</strong> Current Expenses</td>
<td>$8,500.00</td>
</tr>
<tr>
<td><strong>4</strong> Repairs and Alterations</td>
<td>$1,500.00</td>
</tr>
<tr>
<td><strong>5</strong> Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>6</strong> Total</td>
<td>$17,000.00</td>
</tr>
</tbody>
</table>

#### 493—West Virginia Training School

<table>
<thead>
<tr>
<th>Acct. No. 383</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Personal Services, including</td>
<td></td>
</tr>
<tr>
<td><strong>2</strong> Salary of Superintendent</td>
<td>$17,000.00</td>
</tr>
<tr>
<td><strong>3</strong> Current Expenses</td>
<td>$17,500.00</td>
</tr>
<tr>
<td><strong>4</strong> Repairs and Alterations</td>
<td>$3,000.00</td>
</tr>
<tr>
<td><strong>5</strong> Equipment</td>
<td>$3,000.00</td>
</tr>
<tr>
<td><strong>6</strong> Water System</td>
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<td><strong>7</strong> Total</td>
<td>$49,500.00</td>
</tr>
<tr>
<td><strong>8</strong> From Collections</td>
<td>$4,500.00</td>
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</table>

#### HEALTH AND WELFARE

#### 520—State Health Department and Public Health Council

<table>
<thead>
<tr>
<th>Acct. No. 400</th>
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</thead>
<tbody>
<tr>
<td><strong>1</strong> Salary of Commissioner</td>
<td>$5,000.00</td>
</tr>
<tr>
<td><strong>2</strong> Other Personal Services</td>
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</tr>
<tr>
<td><strong>3</strong> Current Expenses</td>
<td>$32,000.00</td>
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</table>
### 521—State Water Commission

**Acct. No. 401**

<table>
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<tr>
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<th>Amount</th>
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<tbody>
<tr>
<td>1 Personal Services, including Salary of Director</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>3 West Virginia’s Contribution to Potomac Basin Interstate</td>
<td>$1,800.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,300.00</strong></td>
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</table>

### 522—State Committee of Barbers and Beauticians

**Acct. No. 402**

<table>
<thead>
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<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of Director</td>
<td>$14,000.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$9,000.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$23,000.00</strong></td>
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### 530—Department of Public Assistance

**Acct. No. 641**

<table>
<thead>
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<tbody>
<tr>
<td>1 Public Assistance Grants</td>
<td>$3,500,000.00</td>
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<tr>
<td>2 (Classified Aid)</td>
<td>$3,500,000.00</td>
</tr>
<tr>
<td>3 General Relief Grants:</td>
<td></td>
</tr>
<tr>
<td>4 Aid to Crippled Children</td>
<td>$300,000.00</td>
</tr>
<tr>
<td>5 Adult Physical Rehabilitation</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>6 Conservation of Vision and Prevention of Blindness</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>7 General Medical and Hospitalization</td>
<td>$345,000.00</td>
</tr>
<tr>
<td>8 Hospitalization of Needy Tubercular</td>
<td>$360,000.00</td>
</tr>
<tr>
<td>9 Child Welfare Services</td>
<td>$225,000.00</td>
</tr>
<tr>
<td>10 Services to War Veterans</td>
<td>$25,159.00</td>
</tr>
</tbody>
</table>
14 Direct Relief ........................................ 250,000.00 250,000.00

15 Total ........................................ $5,080,159.00 $5,085,159.00

The totals of the various items of this appropriation shall include costs of administration thereof, including a sum not to exceed $35,000.00 annually for the administration of the West Virginia Merit System Council. None of the funds so appropriated for administrative items of any nature whatsoever shall be available for expenditure except and unless the spending unit comply fully with the provisions of sections 25, 26 and 27, Article 5, Chapter 39, Acts of the Legislature, 1939: Provided, however, That of the total funds, from all sources, state, county and federal, for classified aid and direct relief for each fiscal year made available to the Department of Public Assistance for all programs, not more than eight per cent thereof shall be used for the combined overhead expenses of the state and county departments for each such fiscal year. The term "overhead" shall include all "administration" and "service" costs and all other charges and expenses incidental to the distribution of net grants and awards in classified and general relief assistance.
54 The appropriation for Hospitalization of Needy Tubercular shall be expended at the direction of the Public Health Council, and the administrative costs of the Department of Public Assistance shall for this purpose not exceed five per cent of this item.

531—Bureau of Negro Welfare and Statistics

Acct. No. 403

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Director</td>
<td>3,600.00</td>
<td>3,600.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>4,500.00</td>
<td>4,500.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>2,500.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>105.00</td>
<td>105.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10,705.00</strong></td>
<td><strong>11,205.00</strong></td>
</tr>
</tbody>
</table>

540—Weston State Hospital

Acct. No. 420

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>175,000.00</td>
<td>175,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>200,000.00</td>
<td>200,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>7,000.00</td>
<td>7,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>387,000.00</strong></td>
<td><strong>387,000.00</strong></td>
</tr>
<tr>
<td>7 From Collections</td>
<td>34,000.00</td>
<td>38,000.00</td>
</tr>
</tbody>
</table>

540A—Weston State Hospital—Barboursville Unit

Acct. No. 427

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>32,000.00</td>
<td>32,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>55,000.00</td>
<td>55,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>5 Special Equipment (Ventilating System) or to Supplement Current Expenses</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>107,000.00</strong></td>
<td><strong>107,000.00</strong></td>
</tr>
</tbody>
</table>
9 From Collections .................................. 15,000.00 15,000.00
10 In making this appropriation
11 the Legislature does not ratify the purchase of this in-
12 stitution.

541—Spencer State Hospital
Acct. No. 421

1 Personal Services, including
2 Salary of Superintendent ................ $ 70,000.00 $ 70,000.00
3 Current Expenses .................. 100,000.00 100,000.00
4 Repairs and Alterations ............ 7,500.00 7,500.00
5 Equipment ................... 5,000.00 5,000.00
6 Buildings and Lands ............ 5,000.00
7 Total .................................. $ 187,500.00 $ 182,500.00
8 From Collections ................. 23,000.00 23,000.00
9 Out of the appropriations for
10 Personal Services, $360.00
11 shall be paid each year, in
12 monthly installments to Mar-
13 tha Burdette, widow of J. M.
14 Burdette, who died as a result
15 of injuries received while
16 performing his duties as a
17 regular employee of the
18 state.

542—Huntington State Hospital
Acct. No. 422

1 Personal Services, including
2 Salary of Superintendent ........ $ 90,000.00 $ 90,000.00
3 Current Expenses ............... 155,000.00 155,000.00
4 Repairs and Alterations ........ 5,000.00 5,000.00
5 Equipment ................... 9,500.00 9,500.00
6 Total .................................. $ 259,500.00 $ 259,500.00
7 From Collections ................. 110,000.00 110,000.00

543—Lakin State Hospital
Acct. No. 423

1 Personal Services, including
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Salary of Superintendent</td>
<td>$31,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$93,000.00</td>
</tr>
<tr>
<td>7</td>
<td>From Collections</td>
<td>$14,000.00</td>
</tr>
</tbody>
</table>

544—McKendree Emergency Hospital  
Acct. No. 424

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of Superintendent</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Replacement of Water System</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>$39,000.00</td>
</tr>
<tr>
<td>8</td>
<td>From Collections</td>
<td>$14,000.00</td>
</tr>
</tbody>
</table>

545—Fairmont Emergency Hospital  
Acct. No. 425

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of Superintendent</td>
<td>$23,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$58,000.00</td>
</tr>
<tr>
<td>7</td>
<td>From Collections</td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>

546—Welch Emergency Hospital  
Acct. No. 426

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of Superintendent</td>
<td>$32,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>7</td>
<td>From Collections</td>
<td>$24,000.00</td>
</tr>
</tbody>
</table>
### 548—Hopemont Sanitarium
#### Acct. No. 430

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of Superintendent</td>
<td>$175,000.00 $175,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$205,000.00 $205,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$12,000.00 $12,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$8,000.00 $8,000.00</td>
</tr>
<tr>
<td>5 Surgery Fund</td>
<td>$10,000.00 $10,000.00</td>
</tr>
<tr>
<td>6 To Remodel Kitchen</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>7 Moon’s Project—Right-of-Way</td>
<td>$500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$430,500.00 $410,000.00</td>
</tr>
<tr>
<td><strong>From Collections</strong></td>
<td>$150,000.00 $150,000.00</td>
</tr>
</tbody>
</table>

### 548A—Hopemont Sanitarium—Sweet Springs Unit
#### Acct. No. 437

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 For the employment of caretaker and preservation of property</td>
<td>$10,000.00 $10,000.00</td>
</tr>
<tr>
<td>2 In making this appropriation the Legislature does not ratify the purchase of this institution.</td>
<td></td>
</tr>
</tbody>
</table>

### 549—Pinecrest Sanitarium
#### Acct. No. 431

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of Superintendent</td>
<td>$215,000.00 $215,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$250,000.00 $250,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$10,000.00 $10,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$12,000.00 $8,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$487,000.00 $483,000.00</td>
</tr>
<tr>
<td><strong>From Collections</strong></td>
<td>$235,000.00 $235,000.00</td>
</tr>
</tbody>
</table>

### 550—Denmar Sanitarium
#### Acct. No. 432

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of Superintendent</td>
<td>$44,000.00 $44,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$53,500.00 $53,500.00</td>
</tr>
</tbody>
</table>
### General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Repairs and Alterations</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>6 Total</td>
<td>$108,500.00</td>
<td>$108,500.00</td>
</tr>
<tr>
<td>7 From Collections</td>
<td>$36,000.00</td>
<td>$36,000.00</td>
</tr>
</tbody>
</table>

**West Virginia Foundation for Crippled Children**

Acct. No. 433

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Major Building repairs</td>
<td>$30,000.00</td>
</tr>
</tbody>
</table>

2 To be expended under the rules and regulations adopted by the West Virginia Board of Control for Major Building repairs as aforesaid. Any or all of this appropriation shall be available for expenditure within either fiscal year of the biennium.

551—Tuberculosis Field Clinic

Acct. No. 435

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

552—Morris Memorial Hospital

Acct. No. 434

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$45,000.00</td>
</tr>
</tbody>
</table>

2 To be expended under rules and regulations adopted by the West Virginia Board of Control for buildings, and roadways. This appropriation is to be available for expenditure either year of the biennium.

553—Berkeley Springs Sanitarium

Acct. No. 436

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td>$7,200.00</td>
<td>$7,200.00</td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
</tbody>
</table>
### General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>From Collections</th>
<th>To Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repairs and Alterations</td>
<td>$500.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$13,000.00</td>
<td>$12,700.00</td>
</tr>
</tbody>
</table>

### Business and Industrial Relations

**57—Bureau of Labor and Department of Weights and Measures**

**Acct. No. 450**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Commissioner</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$55,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$32,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Total</td>
<td>$94,500.00</td>
</tr>
</tbody>
</table>

### 59—Department of Mines

**Acct. No. 460**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Chief</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$260,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$381,000.00</td>
</tr>
</tbody>
</table>

### 600—Public Service Commission

**Acct. No. 470**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries of Three Members of</td>
<td>$13,500.00</td>
</tr>
<tr>
<td>the Public Service Commission</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$13,500.00</td>
</tr>
</tbody>
</table>

### 601—Public Service Commission

**Acct. No. 6617**

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$125,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>


3 Equipment 3,000.00 3,000.00

4 Total $153,000.00 $153,000.00

5 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections for special license fees from public service corporations, as provided by law.
6 Out of the above appropriation, not more than $800.00 may be expended annually for the maintenance of the office of the General Solicitor of the National Association of Railroads and Utilities Commissioners, and for representation in matters before the Interstate Commission and other federal departments at Washington, D. C.
7 Out of the above appropriation, $1,800.00 may be expended annually to cooperate with the U. S. Geological Survey in stream-flow measurement.

602—Public Service Commission—Motor Carrier Division

Acct. No. 6624

1 All special license fees or other receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor vehicle carriers, to be paid into the special fund designated "Public Service Commission Motor Carrier Fund", as authorized by law, are hereby appropriated for
the purpose of paying the ex-
penses of the commission, sal-
aries of the commissioners,
and the salaries, compensa-
tion, costs and expenses of its
employees in administering
such law, and for the expendi-
tures by the Public Service
Commission for the admini-
stration of such regulation, as
authorized and provided by
law: Provided, however, That
no expenditure shall be made
from moneys hereby appro-
priated except in compliance
with and in conformity to the
provisions of Chapter 39, Acts
of the Legislature, Regular
Session, one thousand nine
hundred thirty-nine, and the
Public Service Commission
shall, by proper minute order,
file with the Director of the
Budget on July 1, 1943, an ex-
act schedule of all encum-
brances against the Public
Service Commission — Motor
Carrier Division Fund as of
that date, and shall thereafter
submit to the Director of the
Budget for approval all pay-
rolls, requisitions for pur-
chases, contracts and other
prospective encumbrances.

61—Department of Banking

Acct. No. 480

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount (1943)</th>
<th>Amount (2023)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Commissioner</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>22,000.00</td>
<td>22,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>14,000.00</td>
<td>14,000.00</td>
</tr>
</tbody>
</table>
### General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Equipment</td>
<td>750.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>42,750.00</td>
</tr>
<tr>
<td>6 From Collections</td>
<td>20,000.00</td>
</tr>
</tbody>
</table>

#### 63—Workmen's Compensation Commission

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Commissioner</td>
<td>6,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>260,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>110,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>4,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>9,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>389,000.00</strong></td>
</tr>
</tbody>
</table>

There is hereby authorized to be paid out of the appropriation for Current Expenses the amount necessary for the premiums on bonds given by the State Treasurer and bond custodian for the protection of the Compensation Fund.

#### 63A—Workmen's Compensation Commission: Silicosis

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To administer the Workmen's Compensation Silicosis Fund</td>
<td></td>
</tr>
<tr>
<td>2 as provided in Chapter 79, Acts of Legislature, Regular Session, 1935, and to pay premiums on bonds given by the State Treasurer as custodian of the fund.</td>
<td></td>
</tr>
<tr>
<td>3 Total</td>
<td>20,000.00</td>
</tr>
</tbody>
</table>

#### 64—West Virginia Liquor Control Commission

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Three Members of</td>
<td></td>
</tr>
</tbody>
</table>
The total amount of this appropriation shall be paid from the Special Revenue Fund out of liquor revenues. The contingent fund appropriation of $45,000.00 annually shall be expended only for the purpose of establishment and maintenance of additional liquor warehouses in the event the Office of Defense Transportation restricts delivery of liquor from central warehouses.

The above appropriation does not include the salaries of store personnel, store inspectors, store operating expenses, or equipment, purchase of liquor, or equipment for administration offices. There is hereby appropriated from liquor revenues, in addition to the above appropriation, the necessary amounts to pay salaries of store personnel, store inspectors, store operating expenses, purchase of liquor and transportation thereof, and purchase of administration equipment: Provided, however, That no expenditures shall be made from moneys hereby appropriated, except in compliance with and in
conformity to the provisions of Chapter 39, Acts of the Legislature, Regular Session, one thousand nine hundred thirty-nine. The State Liquor Control Commission shall, by proper minute order, file with the Director of the Budget, on July 1, 1943, an exact schedule of all encumbrances against the liquor revenues as of that date, and shall thereafter submit to the Director of the Budget for approval all pay-rolls, requisitions for purchases, contracts and other prospective encumbrances.

650—Racing Commission
Acct. No. 6082

1 To pay per diem of Members and Other General Expenses.
2
3 Total $18,500.00 $18,500.00
4 From Collections $18,500.00 $18,500.00

651—Commission on Interstate Cooperation
Acct. No. 4727

1 Total $3,500.00 $3,500.00

652—Board of Aeronautics
Acct. No. 6086

1 Total $12,500.00 $12,500.00
2 The total of this appropriation shall be available for operation of the Board of Aeronautics and for state aid to county and municipal airports.
653—West Virginia Publicity Commission
Acct. No. 485
1 This account is hereby stricken
2 and no funds therefor shall be
3 expended from any state
4 moneys whatsoever.

654—West Virginia Planning Commission
Acct. No. 4729
1 To be expended in accordance
2 with Chapter 79, Acts of the
3 Legislature, 1941
4 $2,500.00

HIGHWAYS

670—State Road Commission: General Administration
and Engineering
Acct. No. 670
TO BE PAID FROM THE STATE ROAD FUND
1 Salary of Commissioner ........$ 6,000.00 $ 6,000.00
2 Other Personal Services ........ 385,000.00 $ 385,000.00
3 Current Expenses .............. 50,000.00 $ 50,000.00
4 Equipment ....................... 10,000.00 $ 10,000.00
5 Materials and Supplies ........ 75,000.00 $ 75,000.00

6 Total .........................$ 526,000.00 $ 526,000.00
7 In addition to the foregoing
8 appropriations and any other
9 appropriations or claims, as
10 authorized by this act to be
11 paid from the state road fund,
12 the balance or residue of the
13 annual receipts of the state
14 road fund are hereby appro-
15 priated for the payment of in-
16 terest on and principal of out-
17 standing road bonds, for main-
18 tenance, construction and
19 reconstruction of state roads,
20 in accordance with the pro-
visions of article three, chapter seventeen of the code of West Virginia, 1931, as amended: Provided, however, That no funds from the blanket appropriation in lines 7 to 23, inclusive, shall be available for expenditure except in compliance with and in conformity to the provisions of Chapter 39, Acts of the Legislature, Regular Session, one thousand nine hundred thirty-nine. The State Road Commission shall, by proper minute order, file with the Director of the Budget, on July 1, 1943, an exact schedule of all encumbrances against the state road fund as of that date, and shall thereafter submit to the Director of the Budget for approval all payrolls, requisitions for purchases, contracts, right-of-way acquisitions, debt service requirement and other prospective encumbrances: Provided further, That payments of interest on and principal of outstanding road bonds shall have precedence over expenditures for maintenance, construction and reconstruction of state roads.

672—State Road Commission

Acct. No. 6406

TO BE PAID FROM GENERAL REVENUE FUND

1 Primary Roads $1,200,000.00 $1,450,000.00
2 Secondary Roads .......................... $1,800,000.00 $2,300,000.00
3 Total ........................................ $3,000,000.00 $3,750,000.00

4 To supplement the State Road
5 Fund for maintenance and re-
6 construction of primary and
7 secondary roads, including co-
8 operation with the federal
9 government, or any of its
10 agencies.
11 To be transferred to the State
12 Road Fund upon order of the
13 Board of Public Works.

AGRICULTURE

70—Department of Agriculture

Acct. No. 510

1 Salary of Commissioner ............ $6,000.00 $6,000.00
2 Other Personal Services .......... $90,000.00 $90,000.00
3 Current Expenses .................. $65,000.00 $65,000.00
4 Equipment ............................. $5,000.00 $5,000.00
5 For the eradication and pre-
6 vention of livestock diseases
7 —To be expended at the
8 direction of the Commissioner
9 of Agriculture ......................... $65,000.00 $65,000.00

10 Total ..................................... $231,000.00 $231,000.00
11 From Collections ....................... $34,800.00 $34,800.00

70A—Department of Agriculture: Soil Conservation

Acct. No. 510

1 Total ..................................... $15,000.00 $15,000.00

71—Department of Agriculture: Agricultural Awards

Acct. No. 515

1 Incorporated County and Dis-
2 trict Fairs and Regional 4-H
3 Fairs .................................... $9,300.00 $9,300.00
4 State Agricultural Fairs and
Ch. 1] GENERAL APPROPRIATIONS 51

5 Agricultural and Industrial 6 Exhibits .......... 5,000.00 5,000.00

7 Total .......... $ 14,300.00 $ 14,300.00
8 To be expended at the direction
9 of the Commissioner of Agri-
10 culture for awards to prize
11 winners at agricultural fairs
12 and exhibits.

CONSERVATION AND DEVELOPMENT

730—West Virginia Geological Survey
Acct. No. 520

1 Personal Services, including
2 Salary of State Geologist .... $ 35,000.00 $ 35,000.00
3 Current Expenses ........... 15,000.00 15,000.00
4 Equipment .................. 2,500.00 2,500.00

5 Total .................. $ 52,500.00 52,500.00
6 From Collections .......... 2,000.00 2,000.00
7 Of the above appropriation for
8 Current Expenses not more
9 than $3,200.00 may be used
10 each year of the biennium to
11 cooperate with the United
12 States Geological Survey in
13 stream-flow measurement.

731—Conservation Commission: General Administration,
Division of Game, Fish and Forestry
Acct. No. 6612

TO BE PAID FROM SPECIAL REVENUE FUND

1 Salary of Commissioner ........... $ 5,000.00 $ 5,000.00
2 Other Personal Services ........ 26,500.00 26,500.00
3 Current Expenses .............. 26,500.00 26,500.00
4 Equipment .................. 1,000.00 1,000.00

5 Total .................. $ 59,000.00 $ 59,000.00
6 The total amount of this appro-
7 priation shall be paid from
the Special Revenue fees collected by the Conservation Commission. This appropriation is for administration purposes only and shall not be construed as a limit upon the expenditures from the Special Revenue collections of said department, except for administration.

### 732—Conservation Commission: Division of Game, Fish and Forestry

**Acct. No. 521**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>6,100.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>2,180.00</td>
</tr>
<tr>
<td>4 Buildings</td>
<td>800.00</td>
</tr>
<tr>
<td>5 White Pine Blister Rust Control</td>
<td>5,000.00</td>
</tr>
<tr>
<td>6 For Soil Conservation and Prevention of Soil Erosion, any part of which may be used for the purpose of matching Federal Funds</td>
<td>7,500.00</td>
</tr>
<tr>
<td>7 For Propagation and Stocking of Streams with Fish</td>
<td>17,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$59,080.00</strong></td>
</tr>
</tbody>
</table>

### 733—Conservation Commission: Division of State Parks

**Acct. No. 522**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$45,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>30,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>20,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>15,000.00</td>
</tr>
<tr>
<td>5 Major Building Repairs and Land Improvement</td>
<td>17,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$127,500.00</strong></td>
</tr>
<tr>
<td>8 From Collections</td>
<td>40,000.00</td>
</tr>
</tbody>
</table>
734—Clarke-McNary
Acct. No. 522
1 For cooperation with the
2 United States Department of
3 Agriculture in fire prevention and control.
5 Total ........................................ $ 60,000.00 $ 60,000.00

740—Droop Mountain Battlefield Monument
Acct. No. 5609
1 For maintenance of Historical
2 Monument.
3 Total ........................................ $ 100.00 $ 100.00

741—Point Pleasant Battle Monument Commission
Acct. No. 5619
1 Maintenance of Historical Monument ........................................ $ 1,000.00 $ 1,000.00
2 Repairs to Monument and
3 Grounds ........................................ 1,000.00
5 Total ........................................ $ 2,000.00 $ 1,000.00

742—Rumseyan Society
Acct. No. 5629
1 For maintenance of Historical
2 Monument.
3 Total ........................................ $ 100.00 $ 100.00

743—Morgan Morgan Memorial
Acct. No. 5639
1 For maintenance of Historical
2 Monument.
3 Total ........................................ $ 25.00 $ 25.00

744—Grafton G. A. R. Post
Acct. No. 5649
1 In aid of Memorial Day Patriotic Exercises.
3 Total ........................................ $ 500.00 $ 500.00
4 To be expended subject to the
5 approval of the Board of
6 Public Works upon presenta-
7 tion of satisfactory plans by
8 Grafton G. A. R. Post, Amer-
9 ican Legion, Veterans of
10 Foreign Wars and Sons of
11 Veterans.

PROTECTION

770—Department of Public Safety

Acct. No. 570

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Superintendent</td>
<td>$6,000.00</td>
<td>Other Personal Services</td>
<td>$430,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$325,000.00</td>
<td>Repairs and Alterations</td>
<td>$13,500.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$25,000.00</td>
<td>Total</td>
<td>$799,500.00</td>
</tr>
</tbody>
</table>

6 This appropriation shall include
7 all expenditures for the De-
8 partment of Public Safety,
9 including radio division and
10 enforcement of traffic.
12 Out of the appropriation for
13 “Current Expenses” there
14 shall be expended $184,620.00
15 for each year of the biennium
16 for subsistence only for of-
17 ficers and enlisted men.

771—Adjutant General: State Militia

Acct. No. 580

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Adjutant General</td>
<td>$5,000.00</td>
<td>Other Personal Services</td>
<td>$7,770.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$35,000.00</td>
<td>Repairs and Alterations</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$2,000.00</td>
<td>Total</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Compensation of Commanding Officers, Clerical Services and</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8 Care of Property __________________ 20,000.00 20,000.00

9       Total ______________________ $ 73,770.00 $ 73,770.00
10 Out of the above appropriations
11 there may be expended a sum
12 sufficient to maintain the
13 West Virginia State Guard
14 during the absence of the Na-
15 tional Guard.
16 From the above appropriation
17 there may be paid a sum not
18 to exceed $3,000.00 to Ser-
19 geant Thurman C. Seckman,
20 a member of the State Guard,
21 injured in line of duty in
22 Harrison County; and not to
23 exceed the sum of $700.00 to
24 the United States Govern-
25 ment in payment of such
26 sums as may be found to be
27 due in final settlement of na-
28 tional guard accounts.

772—State Council of Defense
Acct. No. 581

1 Personal Services .................. $ 40,000.00 $ 40,000.00
2 Current Expenses .................. $ 15,500.00 $ 13,500.00
3 Equipment .................. $ 5,000.00 $ 1,000.00

4 Total ................................ $ 60,500.00 $ 54,500.00

773—Auditor’s Office: Fire Marshal
Acct. No. 6605

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services .................. $ 18,000.00 $ 18,000.00
2 Current Expenses .................. $ 6,000.00 $ 6,000.00
3 Equipment .................. $ 650.00 $ 650.00

4 Total ................................ $ 24,650.00 $ 24,650.00

5 The total amount of this appro-
6 priation shall be paid from
7 the Special Revenue collections of special tax of ½ of one per cent of fire insurance companies premiums as provided by the Code of West Virginia, 1931.

775—Fire Insurance

Acct. No. 591

1 To be expended under the rules and regulations adopted by the Board of Control to pay fire insurance premiums on buildings and contents of State Institutions: Provided, however, that insurance agencies in any one county shall not receive more than 10% of this appropriation.

<p>| | | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
<td></td>
</tr>
</tbody>
</table>

780—State Board of Law Examiners

Acct. No. 6005

1 To pay the per diem of members and other general expenses.

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
<td></td>
</tr>
</tbody>
</table>

781—State Board of Examiners of Accountants

Acct. No. 6007

1 To pay the per diem of members and other general expenses.

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>From Collections</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
<td></td>
</tr>
</tbody>
</table>

782—State Athletic Commission

Acct. No. 6017

1 To pay the per diem of mem-
2  bers and other general ex-
3  penses.
4  Total ........................................ $ 3,500.00 $ 3,500.00
5  From Collections .................. 3,500.00 3,500.00

783—State Board of Examiners of Registered Nurses

Acct. No. 6044
1  To pay the per diem of members
2  and other general expenses.
3  Total ........................................ $ 4,000.00 $ 4,000.00
4  From Collections .................. 4,000.00 4,000.00

784—State Board of Dental Examiners

Acct. No. 6045
1  To pay the per diem of members
2  and other general expenses.
3  Total ........................................ $ 1,000.00 $ 1,000.00
4  From Collections .................. 1,000.00 1,000.00

785—State Board of Pharmacy

Acct. No. 6046
1  To pay the per diem of members
2  and other general expenses.
3  Total ........................................ $ 5,000.00 $ 5,000.00
4  From Collections .................. 5,000.00 5,000.00

786—State Board of Osteopathy

Acct. No. 6047
1  To pay the per diem of members
2  and other general expenses.
3  Total ........................................ $ 500.00 $ 500.00
4  From Collections .................. 500.00 500.00

787—State Board of Optometry

Acct. No. 6048
1  To pay the per diem of members
2  and other general expenses.
3  Total ........................................ $ 1,500.00 $ 1,500.00
4  From Collections .................. 1,500.00 1,500.00
788—State Board of Embalmers and Funeral Directors

Acct. No. 6049

1 To pay the per diem of members
2 and other general expenses.
3 Total ........................................ $ 5,500.00 $ 5,500.00
4 From Collections ......................... 5,500.00 5,500.00

789—State Board of Registration for Professional Engineers

Acct. No. 6068

1 To pay the per diem of members
2 and other general expenses.
3 Total ........................................ $ 4,000.00 $ 4,000.00
4 From Collections ......................... 4,000.00 4,000.00

790—State Board of Examiners for Architects

Acct. No. 6069

1 To pay the per diem of members
2 and other general expenses.
3 Total ........................................ $ 2,000.00 $ 2,000.00
4 From Collections ......................... 2,000.00 2,000.00

791—State Board of Examiners for Veterinarians

Acct. No. 6076

1 To pay the per diem of members
2 and other general expenses.
3 Total ........................................ $ 500.00 $ 500.00
4 From Collections ......................... 500.00 500.00

THE FOLLOWING SUPPLEMENTAL APPROPRIATIONS
SHALL BE AVAILABLE FOR EXPENDITURE UPON
DATE OF PASSAGE

151—Auditor's Office: Land Department

Acct. No. 704

TO BE PAID FROM THE GENERAL SCHOOL FUND

1 To supplement the 1942-43
2 appropriation:
3 Personal Services ......................... $ 27,000.00
362—State Board of Education: Rehabilitation Division
Acct. No. 702

TO BE PAID FROM THE GENERAL SCHOOL FUND
1 To supplement the 1942-43
2 appropriation:
3 Current Expenses .................. $ 4,000.00

371—Department of Education—Hot Lunches
Acct. No. 705

TO BE PAID FROM THE GENERAL SCHOOL FUND SUPPLEMENTARY
FOR 1942-43
1 Continuation of this year's
2 School Lunch—estimate 600
3 schools, 40 days ................. $ 18,000.00

38—Teachers' Retirement Board
Acct. No. 6409

1 To supplement the 1942-43
2 appropriation:
3 Employer's Accumulation Fund
4 —To Match Contribution of
5 Members ........................... $ 1,030,000.00

400—Potomac State School of West Virginia University
Acct. No. 315

1 The amount appropriated
2 "From Collections" for the
3 fiscal year 1942-43 is hereby
4 reduced from $20,000.00 to
5 $17,000.00 for the said fiscal
6 year.

401—Marshall College
Acct. No. 320

1 The amount appropriated
2 "From Collections" for the
3 fiscal year 1942-43 is hereby
4 reduced from $150,000.00 to
5 $130,000.00 for the said fiscal
6 year.

402—Fairmont State Teachers College
Acct. No. 321

1 The amount appropriated
2 “From Collections” for the
3 fiscal year 1942-43 is hereby
4 reduced from $45,000.00 to
5 $37,500.00 for the said fiscal
6 year.

402—Fairmont State Teachers College
Acct. No. 321

1 To supplement the 1942-43
2 appropriation:
3 To Complete and Equip Physi-
4 cal Education Building .......... $ 5,083.00

403—Glenville State Teachers College
Acct. No. 322

1 The amount appropriated
2 “From Collections” for the
3 fiscal year 1942-43 is hereby
4 reduced from $27,500.00 to
5 $21,250.00 for the said fiscal
6 year.

404—West Liberty State Teachers College
Acct. No. 323

1 The amount appropriated
2 “From Collections” for the
3 fiscal year 1942-43 is hereby
4 reduced from $18,000.00 to
5 $14,500.00 for the said fiscal
6 year.

405—Shepherd State Teachers College
Acct. No. 324

1 The amount appropriated
“From Collections” for the fiscal year 1942-43 is hereby reduced from $16,500.00 to $14,250.00 for the said fiscal year.

406—Concord State Teachers College
Acct. No. 325

The amount appropriated “From Collections” for the fiscal year 1942-43 is hereby reduced from $42,500.00 to $36,250.00 for the said fiscal year.

407—West Virginia Institute of Technology
Acct. No. 327

The amount appropriated “From Collections” for the fiscal year 1942-43 is hereby reduced from $30,000.00 to $24,750.00 for the said fiscal year.

407—West Virginia Institute of Technology
Acct. No. 327

Appropriation for fiscal year 1942-43:

To Complete and Equip Industrial Arts Building .................................. $15,000.00

408—West Virginia State College
Acct. No. 328

The amount appropriated “From Collections” for the fiscal year 1942-43 is hereby reduced from $60,000.00 to $55,000.00 for the said fiscal year.
409—Bluefield State Teachers College
Acct. No. 329
1 The amount appropriated
2 “From Collections” for the
3 fiscal year 1942-43 is hereby
4 reduced from $16,000.00 to
5 $13,500.00 for the said fiscal
6 year.

420—West Virginia Schools for the Deaf and Blind
Acct. No. 333
1 Appropriation for fiscal year
2 1942-43:
3 Fire Protection and Major
4 Building Repairs $ 13,000.00

470—West Virginia Penitentiary: Medium
Security Prison
Acct. No. 376
1 To supplement the 1942-43
2 appropriations:
3 Personal Services $ 5,000.00
4 Current Expenses 10,500.00

543—Lakin State Hospital
Acct. No. 423
1 To supplement the 1942-43
2 appropriation:
3 Current Expenses $ 5,000.00

548A—Hopemont Sanitarium: Sweet Springs Unit
Acct. No. 437
1 For employment of caretaker,
2 preservation of property, and
3 transportation of patients and
4 property $ 25,000.00
5 In making this appropriation
6 the Legislature does not ratify
7 the purchase of this institu-
8 tion.
549—Pinecrest Sanitarium
Acct. No. 431

1 To supplement the 1942-43 appropriation:
2 Equipment..............................$  652.02
3 This is to reimburse this Institution for an amount received
4 from sale of old equipment,
5 which amount was deposited
6 to General Revenue Fund.

549—Pinecrest Sanitarium
Acct. No. 431

1 The amount appropriated
2 “From Collections” for the
3 fiscal year 1942-43 is hereby
4 reduced from $235,000.00 to
5 $210,000.00 for the said fiscal
6 year.

63—Workmen’s Compensation Commission
Acct. No. 900

TO BE PAID FROM THE WORKMEN’S COMPENSATION FUND
1 To supplement the 1942-43 appropriation:
2 Personal Services .....................$  10,000.00
3 Repairs and Alterations .............  3,000.00
4 Total .................................... $ 13,000.00

63A—Workmen’s Compensation Commission: Silicosis
Acct. No. 905

TO BE PAID FROM THE WORKMEN’S COMPENSATION SILICOSIS FUND
1 To supplement the 1942-43 appropriation ..................$  4,250.00

770—Department of Public Safety
Acct. No. 570

1 To supplement the 1942-43 appropriation ..................
2 appropriation:
3 Repairs and Alterations .......... $ 426.20

772—State Council of Defense
Acct. No. 581

1 Appropriation for the fiscal year
2 1942-43:
3 Personal Services ................. $ 9,000.00

Sec. 2. Awards for Claims Against the State.—Appropriations to pay awards for claims against the state as approved and certified by the State Court of Claims are for the remainder of the fiscal year 1942-43, and to remain in effect until June 30, 1945.

Claims Versus State Tax Commissioner

TO BE PAID FROM THE GENERAL REVENUE FUND

1 Bailey, B. D. & Sons ................. $ 243.28
2 Blair Willison Company, Inc. .... 570.91
3 Blair Willison Company, Inc. .... 603.79
4 Elliott Brokerage Company .... 692.32
5 Leggett, C. W. & Company ...... 565.64
6 United Brokerage Company ...... 14.29

7 Total .................................. $ 2,690.23

Claims Versus State Conservation Commission

TO BE PAID FROM THE GENERAL REVENUE FUND

1 Sovine, N. H. ...................... $ 85.00
2 Tomich, Louis ..................... 31.20

3 Total ............................... $ 116.20

Claim Versus State Conservation Commission

TO BE PAID FROM APPROPRIATION APPEARING UNDER ITEM DESIGNATED 

"734—Clarke-McNary
Acct. No. 522"

1 Fleet Bailey .................... $ 2,500.00
### Claims Versus State Board of Control
TO BE PAID FROM THE GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapman, W. W. &amp; Mae</td>
<td>$600.00</td>
</tr>
<tr>
<td>Lynch, Max G.</td>
<td>$60.17</td>
</tr>
</tbody>
</table>

3 Total ........................................ $660.17

### Claims Versus State Auditor
TO BE PAID FROM THE GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lively, Charles</td>
<td>$3,041.33</td>
</tr>
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### Claims Versus State Auditor
TO BE PAID FROM THE GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>County Court of Brooke County</td>
<td>$7,760.09</td>
</tr>
</tbody>
</table>

### Claims Versus State Road Commission
TO BE PAID FROM THE STATE ROAD FUND

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Adkins, Dewey</td>
<td>$411.95</td>
</tr>
<tr>
<td>Adkins, G. B.</td>
<td>$681.35</td>
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<tr>
<td>Adkins, Joel H.</td>
<td>$798.56</td>
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<tr>
<td>Adkins, Walter &amp; B. D. Wilson, d/b/a Adkins &amp; Wilson</td>
<td>$756.89</td>
</tr>
<tr>
<td>Ashworth, Vernie E.</td>
<td>$50.00</td>
</tr>
<tr>
<td>Aspinall, William H. &amp; Company, a corporation</td>
<td>$50.54</td>
</tr>
<tr>
<td>Atkinson, Clarence R.</td>
<td>$4,000.00</td>
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<tr>
<td>Babb, Roy C.</td>
<td>$257.00</td>
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<tr>
<td>Balsley, George M.</td>
<td>$28.92</td>
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<tr>
<td>Bennett, C. C.</td>
<td>$89.57</td>
</tr>
<tr>
<td>Biggess, E. R.</td>
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<tr>
<td>Brown, James E.</td>
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<tr>
<td>James E. Brown, Adm. of the Estate of Roxie M. Brown, deceased</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Braid, William</td>
<td>$500.00</td>
</tr>
<tr>
<td>Broyles, Minnie</td>
<td>$50.00</td>
</tr>
<tr>
<td>Calvert Fire Insurance Company, a corporation</td>
<td>$154.11</td>
</tr>
<tr>
<td>Canterbury, Brookie, Admx. of</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>23</td>
<td>the Estate of Bert Canterbury,</td>
</tr>
<tr>
<td>24</td>
<td>Carson, Howard</td>
</tr>
<tr>
<td>25</td>
<td>Casto, Harman</td>
</tr>
<tr>
<td>26</td>
<td>Cecil, George B.</td>
</tr>
<tr>
<td>27</td>
<td>Chapman, John</td>
</tr>
<tr>
<td>28</td>
<td>Chesapeake &amp; Ohio Railway Company</td>
</tr>
<tr>
<td>29</td>
<td>Cobb, Hanna (Mrs.)</td>
</tr>
<tr>
<td>30</td>
<td>Consolidated Engineering Company</td>
</tr>
<tr>
<td>31</td>
<td>Cottle, A. S.</td>
</tr>
<tr>
<td>32</td>
<td>Cottle, Curtis</td>
</tr>
<tr>
<td>33</td>
<td>Cox, David</td>
</tr>
<tr>
<td>34</td>
<td>Crabtree, Dock</td>
</tr>
<tr>
<td>35</td>
<td>Damron, Rebecca</td>
</tr>
<tr>
<td>36</td>
<td>Damron, Wayne &amp; Calvert Fire Insurance Company,</td>
</tr>
<tr>
<td>37</td>
<td>Gibson, J. R.</td>
</tr>
<tr>
<td>38</td>
<td>Gorrell, Wayne</td>
</tr>
<tr>
<td>39</td>
<td>Griffith, James P.</td>
</tr>
<tr>
<td>40</td>
<td>Gulf Oil Corporation</td>
</tr>
<tr>
<td>41</td>
<td>Hart, Aubrey</td>
</tr>
<tr>
<td>42</td>
<td>Hash, Tom</td>
</tr>
<tr>
<td>43</td>
<td>Hatfield, Leslie and Hallie, surviving partners</td>
</tr>
<tr>
<td>44</td>
<td>Harry &amp; Company</td>
</tr>
<tr>
<td>45</td>
<td>Heiman, Matthew</td>
</tr>
</tbody>
</table>
Ch. 1] General Appropriations

63 Hicks, A. H. & General Exchange Insurance Company...
64 Hivick, Edwin 4.59
65 Houchins, Ezekiel 125.00
66 Irons, Charles 20.75
67 Irwin, D. C. 1.53
68 Jewell Tea Company 25.00
70 Keeley Construction Company, a corporation 860.50
72 Keeley Construction Company, a corporation 1,810.50
74 Kelso, Hugh E. 5.00
75 Kettering Baking Company 8.16
76 Kincaid, Betty Jane, infant 500.00
77 Kincaid, E. W. 50.00
78 Kincaid, Walter Lee, infant 150.00
79 Klages, E. C. (Mrs.) 25.28
80 Kolar, Evan 90.43
81 Loar, G. I. 15.13
82 Love, Harry M. 500.00
83 Lowe, Voss R. 28.10
84 Martin, Arnold L. 40.00
85 Maxwell, Donovan A. (Mrs.) 25.00
86 Mealey, Callie, Admx. of the Estate of James Clarence
88 Mealey, deceased 4,000.00
89 Meeks, Lawrence 6.00
90 Minton Chevrolet, Inc. 49.22
91 Morgan, Bill 5.36
92 Mullins, Dairl, infant 1,500.00
93 Mullins, Ira 2,500.00
94 Mullins, Irene, infant 1,500.00
95 Mullins, Rosa 200.00
96 McAllister, J. A. (Mrs.) 26.00
97 McCormick, Walter 95.00
98 McMillion, Roberty Dewey, infant 250.00
100 Nicholson, Gail 18.00
101 O’Ferrell, William (Mrs.) 5.61
102 Orndorff, J. Frank 33.90
<table>
<thead>
<tr>
<th>Reference</th>
<th>Name and Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>103</td>
<td>Pennington, C. B.</td>
<td>10.42</td>
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<tr>
<td>104</td>
<td>Perkins, G. H.</td>
<td>6.53</td>
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<tr>
<td>105</td>
<td>Powell, Margaret B.</td>
<td>19.28</td>
</tr>
<tr>
<td>106</td>
<td>Raleigh Steam Laundry</td>
<td>22.30</td>
</tr>
<tr>
<td>107</td>
<td>Riggs, A. C.</td>
<td>449.00</td>
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<tr>
<td>108</td>
<td>Riley, L. O.</td>
<td>7.00</td>
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<tr>
<td>109</td>
<td>Roberts, Alfred D. II</td>
<td>400.00</td>
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<tr>
<td>110</td>
<td>Roberts, Alfred D. III, infant</td>
<td>1,000.00</td>
</tr>
<tr>
<td>111</td>
<td>Rodgers, George</td>
<td>21.63</td>
</tr>
<tr>
<td>112</td>
<td>Rollins, W. F., and the Home Insurance Company of New York</td>
<td>248.92</td>
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<tr>
<td>113</td>
<td>Shingler Meat Company</td>
<td>69.37</td>
</tr>
<tr>
<td>114</td>
<td>Silar, Grady</td>
<td>65.00</td>
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<tr>
<td>115</td>
<td>Smith, John S.</td>
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<tr>
<td>116</td>
<td>Smith, L. G.</td>
<td>5.00</td>
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<tr>
<td>117</td>
<td>Smith, Ora</td>
<td>15.91</td>
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<td>118</td>
<td>Snodgrass, A. R.</td>
<td>47.86</td>
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<td>119</td>
<td>Spencer, J. D. (Mrs.)</td>
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<td>120</td>
<td>Spencer, J. H.</td>
<td>20.00</td>
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<td>121</td>
<td>Spencer, Sarah</td>
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<td>122</td>
<td>Steele, L. M.</td>
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<td>123</td>
<td>Strother, W. L.</td>
<td>53.53</td>
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<tr>
<td>124</td>
<td>Swiger, Harry (Mrs.)</td>
<td>15.30</td>
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<tr>
<td>125</td>
<td>Thompson, Elmo H.</td>
<td>25.00</td>
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<tr>
<td>126</td>
<td>Valley Camp Store Company, a corporation</td>
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<tr>
<td>127</td>
<td>Valvoline Oil Company</td>
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<td>128</td>
<td>Vandeveder, S. G.</td>
<td>50.00</td>
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<td>129</td>
<td>Wildman, Ray, Adm. of the Estate of H. L. Wildman, deceased</td>
<td>5,000.00</td>
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<td>130</td>
<td>Williams, Hughie A.</td>
<td>278.64</td>
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<td>131</td>
<td>Walker, C. J.</td>
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<td>132</td>
<td>Ward, Arzana M.</td>
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<td>133</td>
<td>Arnett, Besse D.</td>
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<tr>
<td>134</td>
<td>Arnold, W. E.</td>
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<td>135</td>
<td>Ashenbart, E. U.</td>
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<td>136</td>
<td>Bennett, Jacob F.</td>
<td>1,248.00</td>
</tr>
</tbody>
</table>
Ch. 1]  
GENERAL APPROPRIATIONS

143 (Payable in monthly install-
ments of $52.00 each for the
biennium 1943-45).

146 Bobbitt, J. S. .......................... 22.97
147 Bolby, Joe M., Company ............ 250.00
148 Bolyard, Dayton ...................... 31.42
149 Cain, James & Company ............. 5,500.00
150 Deck, Helen Clayton, Guardian
of William Clayton White, infant .... 53.00
153 Dornon, Freda M., Guardian of
Robert Dornon, infant ............ 1,000.00
155 Dornon, Freda M. .................... 5.00
156 Donovan, J. D. Dr. .................. 108.75
157 Edwards, R. H. Dr. ................ 200.00
158 Geimer, Tessie ....................... 250.00
159 Geimer, M. N. ....................... 350.00
160 Gore, Jim ............................. 75.79
161 Harpold Bros. ....................... 92.00
162 Hoover, W. P. ....................... 13.77
163 Jones Cornett Company ............. 12.00
164 Kessel, C. R. Dr. ................... 148.75
165 Keyser, W. R. ....................... 53.61
166 Lilly, Effie ......................... 103.35
167 Lindsey, M. B. ...................... 50.00
168 Lude, M. G. ......................... 5.20
169 McClung, Alice E. .................. 720.00
170 (To be paid in monthly in-
stallments of $30 each from
1-1-43 to 1-1-45).
173 Park Pontiac Inc. ................. 11.00
174 Peerless Milling Co., The ....... 141.00
175 Piggott, Bessie A. ................. 35.00
176 Pratt, Effie Savage ............... 240.00
177 (To be paid in monthly in-
stallments of $10 each from
1-1-43 to 12-31-44).
180 Pritchard Motor Car Company, .... 110.04
181 and Willie Morris ................. 250.00
182 Proudfoot, Hugh B. ...............
Sec. 3. Bonded Obligations.—

There is hereby appropriated out of the General Revenue Fund to meet the principal and interest requirements of funding bonds authorized under Chapter 58, Acts of the Legislature, First Extraordinary Session, 1933, to pay non-bonded debts existing at the time of the adoption of the tax limitation amendment.

Total $ 353,000.00 $ 342,000.00

Sec. 4. Reappropriations.—The date of expiration of the encumbered but unexpended parts of the following named appropriations made by section four, title two, chapter six (Budget Bill), Acts of the Legislature, Regular Session, 1941, to-wit:

Item 6, in the amount of $56,635.26;
Item 7, in the amount of $17,000.00;
Item 8, in the amount of $16,859.98;
Item 9, in the amount of $101,573.50;
Item 10, in the amount of $24,302.89;
Item 11, in the amount of $117,855.23;
Item 13, in the amount of $1,724.64;
Item 15, in the amount of $6,500.00;
Item 18, in the amount of $128,369.98;
Item 19, in the amount of $6,496.69;
Item 20, in the amount of $7,739.32;
Item 24, in the amount of $15,000.00;
Item 25, in the amount of $1,000,000.00;

is hereby extended to June 30, 1945, and such encumbered but unexpended parts are hereby reappropriated from the date of expiration to June 30, 1945, for the purposes for which they were originally appropriated.

The date of expiration of the following named appropriations made by section four, title two, chapter six (Budget Bill), Acts of the Legislature, Regular Session, 1941, to-wit:

Item 26, in the amount of $1,000,000.00;
Item 27, in the amount of $100,000.00 only;

is hereby extended to June 30, 1945, and said sum of one million dollars ($1,000,000.00) and one hundred thousand dollars ($100,000.00) are hereby reappropriated to June 30, 1945, for the purposes for which they were originally appropriated.

The unexpended and unencumbered balances in the items (2), (3), (4), (6), (7), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (27), of section 4, of subsection (5), of the 1941 Budget Act, are hereby earmarked to apply on the payment of monthly bonus to teachers for the biennium 1943-1945, as more specifically set out in account No. 6407 of Title Two of this act.

The provisions of section 12, article 3, chapter 12 of the code of West Virginia, 1931, shall be inoperative insofar as they conflict herewith.

Of the amount of item 11, herein reappropriated, $64,444.83 shall be available for expenditure only at Weston State Hospital, located at Weston, Lewis County, West Virginia, and $53,410.40 shall be available for expenditure only at Barboursville Unit of Weston State Hospital, for operating same to and through the month of June, 1943.

The above item (27) shall be expended by the Soil Con-
72. servation Commission for the establishment and operation
of limestone plants for the production of agricultural lime
for sale to persons engaged in agricultural pursuits in this
state.

Sec. 5. Special Revenue Appropriations.—There is hereby
appropriated for expenditure during the fiscal years one
thousand nine hundred forty-four and one thousand nine
hundred forty-five: Appropriations made by general law
from special revenue which is not paid into the state
fund as general revenue under the provisions of section
two, chapter twelve of the code of West
Virginia, one thousand nine hundred thirty-one: Provided,
however, That collections from the sale of farm and dairy
products shall be expended only for the improvement of
the farm on which such products were raised and for such
of the operating and maintenance expenses of the insti-
tution making the sales as are customarily paid out of its
current expense account: Provided further, That none of
the moneys so appropriated by this section shall be avail-
able for expenditure except in compliance with and in
conformity to the provisions of Articles 2 and 3, Chapter 12,
of the code of West Virginia, and Chapter 39, Acts of the
Legislature, Regular Session, one thousand nine hundred
thirty-nine, and unless the spending unit has filed with the
State Director of the Budget and the State Auditor prior
to the beginning of each fiscal year:
(a) An estimate of the amount and sources of all
revenues accruing to such fund;
(b) A detailed expenditure schedule showing for what
purposes the fund is to be expended.

Sec. 6. Appropriations Revived and Extended.—A part
of an appropriation to a spending unit that remains un-
expended at the end of the fiscal year one thousand nine
hundred forty-four may, by order of the board of public
works, be revived and expended to meet unforeseen con-
ingencies arising during the fiscal year one thousand nine
hundred forty-five.

Sec. 7. Specific Statutory Appropriations.—Whenever the
specific payment of a definite sum of money is required by
general law such sum shall be paid from the proper item
appropriated by this act.

Sec. 8. Specific Funds and Collection Accounts.—A fund
or collection account, which by law is dedicated to a
specific use, is hereby appropriated in sufficient amount
to meet all lawful demands upon the fund or collection
account, and shall be expended according to the provisions
of article three, chapter twelve of the code of West Vir-
ginia, one thousand nine hundred thirty-one.

Sec. 9. Appropriations for Refunding Erroneous Pay-
ments.—Money that has been erroneously paid into the
state treasury is hereby appropriated out of the fund into
which it was paid for refund to the proper person.
When the officer authorized by law to collect money for
the state finds that a sum has been erroneously paid he
shall issue his requisition upon the auditor for the refund-
ing of the proper amount. The auditor shall issue his
warrant to the treasurer and the treasurer shall pay the
warrant out of the fund into which the amount was origi-
nally paid.

Sec. 10. Contingent Fund.—A contingent fund may be
expended as appropriated, with the approval of the board
of public works, when the expenditure will improve the
governmental service and care for unexpended contin-
gencies. A part of a contingent fund that remains unex-
pended at the end of the first fiscal year shall automatically
become available for expenditure during the second fiscal
year.
The expenditure of the governor’s civil contingent fund.
and the legislative contingent funds shall not be conditioned
upon the approval of the board of public works.

Sec. 11. Sinking Fund Deficiencies.—There is hereby
appropriated to the board of public works a sufficient
amount to meet a deficiency that may arise in the fund
of the state sinking fund commission because of the fail-
ure of any state agency or local taxing district to remit
funds necessary for the payment of interest and sinking
fund requirements. The board of public works is author-
ized to transfer from time to time such amounts to the
9 state sinking fund commission as may be necessary for this purpose.
10 The state sinking fund commission shall reimburse the board of public works from the first remittance collected from any state agency or local taxing district for which the board of public works advanced funds, with interest at the rate carried by the bonds for which the advance was made.

Sec. 12. Appropriations from Taxes and License Fees.—There is hereby appropriated from all chain store tax fees and general license taxes collected by the state tax commissioner, all necessary salaries and expenses, not to exceed twenty-five per cent of the gross collections authorized by law to be expended in the collection of such chain store tax fees and general license taxes. All such salaries and expenses, authorized by law as aforesaid, shall be paid by the tax commissioner through the state treasurer out of gross collections.

Sec. 13. Appropriations to Pay Premiums on Bonds of County Clerks.—There is hereby appropriated out of the General School Fund, to be paid upon the requisition of the auditor, a sum sufficient to pay premiums on bonds of county clerks to protect funds belonging to the said General School Fund, and out of the Special Revenue Fund of the Conservation Commission, to be paid upon the requisition of the Commission, a sum sufficient to pay premiums on bonds of county clerks to protect funds belonging to the said Conservation Commission.

Sec. 14. Appropriation to Pay Costs of Publication of Delinquent Corporations.—There is hereby appropriated out of the State Fund, General revenue, out of funds not otherwise appropriated, to be paid upon requisition of the auditor and/or the governor, as the case may be, a sum sufficient to pay the costs of publication of delinquent corporations as provided by sections seventy-five and seventy-seven, article twelve, chapter eleven, of the code of West Virginia, one thousand nine hundred thirty-one.

Sec. 15. Appropriations for Local Governments.—There is hereby appropriated for payment to counties, districts,
3 and municipal corporations such amounts as will be neces-
4 sary to pay taxes due county, district, and municipal cor-
5 porations and have been paid into the treasury:
6 1. For the redemption of lands;
7 2. By public service corporations;
8 3. For tax forfeitures.

Sec. 16. Printing Costs.—The cost of printing, binding, and
2 stationery for each spending unit shall be paid from the
3 current expense appropriation for the spending unit.

Sec. 17. Total Appropriation.—Where only a total sum
2 is appropriated to a spending unit that total sum shall in-
3 clude personal services, current expenses, and capital out-
4 lay.

Sec. 18. General School Fund.—The balance of the pro-
2 cceeds of the General School Fund remaining after the pay-
3 ment of the appropriations made by this act is appropriated
4 for expenditure in accordance with section six, article
5 nine, chapter eighteen of the code of West Virginia, one
6 thousand nine hundred thirty-one, as amended.

Title 3. Administration.

Section
1. Appropriations conditional.
2. Suspension of certain acts.
2-a. Limitation on spending.
3. Constitutionality.

Section 1. Appropriations Conditional.—The expenditure
2 of the appropriations made by this act, except those appro-
3 priations made to the legislative and judicial branches of
4 the state government, are conditioned upon the compliance
5 by the spending unit with the requirements of article five,
6 chapter five of the code of West Virginia, one thousand
7 nine hundred thirty-one, as amended, by chapter thirty-
8 nine, acts of the Legislature, regular session, one thousand
9 nine hundred thirty-nine.

Sec. 2. Suspension of Certain Acts.—A provision of an-
2 other act, or of the code of West Virginia, one thousand
3 nine hundred thirty-one, as amended, which is in conflict
4 with the provisions of this act, is hereby suspended during
5 the operation of this act.
Sec. 2-a. Limitation on Spending.—The appropriations made by this act are made for the maintenance and operation of the departments, services, and institutions, humane, educational, eleemosynary, and penal, as heretofore established by the Legislature, and may be expended only for the maintenance and operation of the departments, services, and institutions as so established; and no part of any appropriation, including contingent and emergency appropriations, made by this act for any institution, humane, educational, eleemosynary, or penal, shall be expended for any purpose or at any place other than for the maintenance and operation of such institution at the geographical place or location at which such institution has heretofore been established by the Legislature, and for no other purpose and at no other place: Provided, however, that where any appropriation appears in the name of an institution, the name of which has been changed by an act of this session of the Legislature, the funds appropriated for the old institution shall be applied to the institution operating under the new name and succeeding to the possession of the physical plant of the former institution, and any officer or person who shall expend or shall participate in the expenditure of any part of any appropriation made by this act in violation of any of the provisions hereof shall be personally liable therefor.

Sec. 3. Constitutionality.—If any part of this act is declared unconstitutional by a court of competent jurisdiction its decision shall not affect any portion of this act which remains, but the remaining portions shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

CHAPTER 2
(Senate Bill No. 219—By Mr. Johnston, by request)

AN ACT to amend article two, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, numbered
section nineteen-a, relating to bonds of employees and deputies of the tax commissioner's office.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 2. Official and Other Bonds.

Section

19-a. Bonds of employees and deputies of the tax commissioner's office.

Be it enacted by the Legislature of West Virginia:

That article two, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, numbered section nineteen-a, to read as follows:

Section 19-a. Bonds of Employees and Deputies of the Tax Commissioner's Office.—The tax commissioner shall require every employee and deputy who collects fees or handles funds, or who has custody of equipment, supplies, and other property belonging to the state, to take the oath prescribed by section five, article four of the state constitution; and he shall require every employee and deputy to furnish, or he shall himself obtain, a bond, insurance policy, indemnity contract, or other contract, protecting and indemnifying the state against any and all loss or damage that may be occasioned by the failure of the employee or deputy faithfully to perform the duties pertaining to his employment, and to account for, pay over and deliver to the proper officer or agent of the tax commissioner or state all moneys and other property which may come into his custody or under his control by virtue of his employment. Such bond, insurance policy, indemnity contract, or other contract, shall be in such form, and in such sum, and with such security, as may be prescribed or approved by the tax commissioner, and may cover any one employee or deputy or any number of employees or deputies. The premiums for all such bonds, insurance policies, indemnity contracts, or other contracts, shall be paid by the tax commissioner.
AN ACT to amend and reenact section twenty, article four, chapter forty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, being section twenty, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to highway contractors' bonds.

[Passed March 6, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 4. State Road System; Primary and Secondary Roads.

Section 20. Execution of contract and bond by successful bidder; copy furnished clerk of county court; forfeiture or return of checks or bonds.

Be it enacted by the Legislature of West Virginia:

That section twenty, article four, chapter forty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, being section twenty, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 20. Execution of Contract and Bond by Successful Bidder; Copy Furnished Clerk of County Court; Forfeiture or Return of Checks or Bonds.—In any case where a contract for work and materials shall be let as a result of competitive bidding, the successful bidder shall promptly and within twenty days after notice of award execute a formal contract to be approved as to its form, terms and conditions by the commissioner, and shall also execute and deliver to the commissioner a good and sufficient surety or collateral bond, payable to the state of West Virginia, to be approved by the commissioner, in such amount as the commissioner may require, but not to exceed the contract price, conditioned that such contractor shall well and truly perform his contract and shall pay in full to the persons entitled thereto for all material, gas,
oil, repairs, supplies, equipment, rental charges for equipment and charges for the use of equipment, and labor used by him in and about the performance of such contract. An action, either at law or in equity, may be maintained upon such bond for breach thereof by any person for whose benefit the same was executed or by his assignee. The bidder who has the contract awarded to him and who fails within twenty days after notice of the award to execute the required contract and bond shall forfeit such check or bond, and the check or bond shall be taken and considered as liquidated damages and not as a penalty for failure of such bidder to execute such contract and bond. Upon the execution of such contract and bond by the successful bidder his check or bond shall be returned to him. The checks or bonds of the unsuccessful bidders shall be returned to them promptly after the bids are opened and the contract awarded to the successful bidder. A duplicate copy of such contract and bond shall be furnished by the state road commissioner in loose leaf form, to the clerk of the county court of the county in which such contract is to be performed, and it shall be the duty of the clerk to bind and preserve the same in his office, and index the same in the name of the commissioner and of the contractor.

CHAPTER 4
(Senate Bill No. 78—By Mr. Pelter)

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

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]

Section
1. Road bonds; amount; when may issue.
2. Transfer, fee; registration, fee; where payable; interest rate; tax exempt.
3. Form of bond.
4. Form of coupon.
5. Listing by auditor.
6. State road sinking fund, sources; used to pay bonds and interest; investment of remainder.
7. Tax levy to pay, unless other funds available.
8. Sale by governor; minimum price.
9. Proceeds paid into state road fund.
10. Plates property of state.
11. Auditor to be custodian of unsold bonds.
12. Interim certificates.
13. Payment of expenses.

Be it enacted by the Legislature of West Virginia:

Section 1. Road Bonds; Amount; When May Issue.—

Bonds of the state of West Virginia of the par value of five million dollars are hereby authorized to be issued and sold for the purpose of raising funds for assisting in building, constructing and maintaining the system of state roads and highways provided for by the constitution. Said bonds may be issued by the governor in such amounts, in coupon or registered form, in such denominations, at such times and bearing such date or dates as the governor may determine, and shall become due and payable serially in equal amounts beginning one year and ending twenty-five years from the date thereof: Provided, however, That no bonds may be issued under the provisions of this act until bonds authorized and issued under the provisions of the “good roads amendment” to the constitution of the state, ratified at the general election held in November, one thousand nine hundred twenty, have been retired and cancelled out of the state road sinking fund created by section six, chapter one hundred thirteen, acts of the Legislature of West Virginia, one thousand nine hundred twenty-one, in an amount equal to or greater than the amount to be issued hereunder at any one time.

Of the bonds authorized by this section, three million
dollars may be issued and sold for the purpose of raising funds for building and constructing the system of state roads and highways provided for by the constitution, and the issuance and sale of the remainder shall be limited to maintenance, subject to the limitations upon such issuance and sale hereinafter imposed: Provided, however, That no bonds authorized by this section for the purpose of maintaining the system of state roads and highways provided for by the constitution shall be issued for said purposes of maintenance until it shall have been ascertained by the board of public works, by order entered of record, that the total revenues of the state road commission of West Virginia from all sources have declined to the point that such revenues will not produce the sum of fourteen million dollars in the fiscal year in which such order is entered and during which the proceeds of said bonds are to be used for said maintenance purposes.

Sec. 2. Transfer, Fee; Registration, Fee; Where Payable; Interest Rate; Tax Exempt.—The auditor and treasurer are hereby authorized to arrange for the transfer of registered bonds, and for each such transfer a fee of fifty cents shall be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. Bonds taken in exchange will be cancelled by the auditor and treasurer and be carefully preserved by the treasurer. The treasurer shall make provisions for registering “payable to bearer” bonds and for each bond registered a fee of fifty cents shall likewise be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. All of such bonds shall be payable at the office of the treasurer of the state of West Virginia, or, at the option of the holder, at some designated bank in the city of New York to be designated by the governor. Said bonds shall bear interest at a rate not exceeding four and one-half per cent per annum, payable semi-annually, on the first day of .......... and the first day of .........., of each year, to bearer, at the office of the treasurer of the state of West Virginia, at the capitol of said state, or at the bank designated by the governor, upon presentation and surrender of interest coupons then due, in the
24 case of coupon bonds. In the case of registered bonds the
25 treasurer of the state of West Virginia shall issue his
26 check for the interest then due on the first day of .............
27 and ............... of each year, and mail the same to the regis-
28 tered owner at his address as shown by the record of
29 registration. Both the principal and interest of said
30 bonds shall be payable in lawful money of the United
31 States of America, and said bonds shall be exempt from
32 taxation by the state of West Virginia, or by any county,
33 district, or municipality thereof, which fact shall appear
34 on the face of the bonds as part of the contract with the
35 holder thereof.

Sec. 3. Form of Bond.—Said bonds and coupons shall
2 be engraved and the bonds shall be signed on behalf of
3 the state of West Virginia, by the treasurer thereof, un-
4 der the great seal of the state, and countersigned by the
5 auditor of the state, and shall be in the following form
6 or to the following effect, as nearly as may be, namely:

    COUPON ROAD BOND
    (Or registered road bond, as the case may be)
    OF THE
    STATE OF WEST VIRGINIA

$...................... No......................

The state of West Virginia, under and by virtue of
authority of an act of the Legislature passed at the regu-
lar session of one thousand nine hundred forty-three, on
the ............ day of .................... , one thousand nine hun-
dred forty-three, and approved by the governor on the
............ day of .................... , one thousand nine hundred
forty-three, which is hereby made a part hereof as fully
as if set forth at length herein, acknowledges itself to
be indebted to, and hereby promises to pay to the bearer
hereof (in the case of a coupon bond) or to ..............
or assigns (the owner of record, in case of registered
bonds) ............... years after the date of this bond, to-
wit: On the ............ day of .................... , 19 .... , in lawful
money of the United States of America at the office of
the treasurer of the State of West Virginia, at the capi-
tol of said state, or at the option of the holder at ............
bank in the City of New York, the sum of ..............
dollars, with interest thereon at .............. per centum per
annum from date, payable semi-annually in like lawful
money of the United States of America at the treasurer's
office or bank aforesaid, on the first day of ..................
and the first day of ................ of each year, (and in the
case of coupon bonds) according to the tenor of the an-
nexed coupons, bearing the engraved facsimile signature
of the treasurer of the state of West Virginia, upon sur-
render of such coupons. This bond (in the case of a cou-
pon bond) may be exchanged for a registered bond of
like tenor upon application to the treasurer of the state
of West Virginia.

To secure the payment of this bond, principal sum and
interest, when other funds and revenues sufficient are not
available for that purpose, it is agreed that, within the
limits prescribed by the constitution, the board of pub-
lic works of the state of West Virginia shall annually
cause to be levied and collected an annual state tax on all
property in the state, until said bond is fully paid, suf-
ficient to pay the annual interest on said bond and the
principal sum thereof within the time this bond becomes
due and payable.

This bond is hereby made exempt from any taxation
by the state of West Virginia, or by any county, district,
or municipal corporation thereof.

In testimony whereof, witness the signature of the
treasurer of the state of West Virginia, and the counter-
signature of the auditor of said state, hereto affixed ac-
cording to law, dated the ....... day of .............., one thousand nine hundred
, and the seal
of the state of West Virginia.

(Seal)

Treasurer of the State of West Virginia.

Countersigned:

Auditor of the State of West Virginia.

Sec. 4. Form of Coupon.—The form of coupon shall be
substantially as follows, to-wit:

STATE OF WEST VIRGINIA

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

On the first day of .............., 19 ......, the state
of West Virginia will pay to the bearer, in lawful money
of the United States of America, at the office of the
treasurer of the state, or at the option of the holder
at ........................................ bank in the City of New York,
the sum of .................................. dollars, the same being semi-
annual interest on Road Bond No. ........................., series
of one thousand nine hundred ..............................

Treasurer of the State of West Virginia.
The signature of the treasurer to said coupon shall be
by his engraved facsimile signature and the coupons
shall be numbered in the order of their maturity, from
number one consecutively. Said bonds and coupons may
be signed by the present treasurer and auditor, or by any
of their respective successors in office, and bonds signed
by the persons now in office may be sold by the governor
or his successor in office without being signed by the suc-
cessor in office of the present treasurer or auditor.

Sec. 5. Listing by Auditor.—All coupon and registered
bonds issued under this act shall be separately listed by
the auditor of the state in books provided for the pur-
pose, in each case giving the date, number, character
and amount of obligations issued, and in case of registered
bonds, the name and post office address of the person,
firm or corporation registered as the owner thereof.

Sec. 6. State Road Sinking Fund, Sources; Used to Pay
Bonds and Interest; Investment of Remainder.—Into the
state road sinking fund there shall be paid all moneys
received from the annual state tax levy on the taxable
property in the state levied under the provisions of this
act, from any and all appropriations made by the state
from other sources for the purposes of paying the in-
terest on said bonds or paying off and retiring same,
from fines, forfeitures and penalties, if any made appli-
cable by law for the payment of said bonds or the in-
terest thereon, from transfer fees as herein provided, and
from any source whatsoever, which is made liable by law
for the payment of the principal of said bonds or the
interest thereon.
All such funds shall be kept by the treasurer in a
separate account, under the designation aforesaid, and all
money belonging to said fund shall be deposited in the state treasury to the credit thereof.

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

Sec. 7. Tax Levy to Pay, Unless Other Funds Available.—In order to provide the revenue necessary for the payment of the principal and interest of said bonds, as hereinbefore provided, the board of public works, within the limits prescribed by the constitution, is authorized, empowered and directed to lay annually a tax upon all real and personal property subject to taxation within this state, sufficient to pay interest on said bonds accruing during the current year and one twenty-fifth of the total issue (at par value) of said bonds, for such number of years, not exceeding twenty-five, as may be necessary to pay the interest thereon and to pay off the principal sum of said bonds; and said taxes, when so collected, shall not be liable for or applicable to any other purpose: Provided, however, That if there be other funds in the state treasury, or in the state road funds, in any fiscal year, not otherwise appropriated, or if other sources of revenue be hereafter provided by law for the purpose, the board of public works is authorized, empowered and directed to set apart, in any year there be such funds, or other sources of revenue provided for such purpose, a sum suf-
ficient to pay the interest on bonds accruing during the
current year, and to pay off, and retire the principal of
said bonds, or any part thereof, at maturity.
The authority hereby vested in the board of public
works shall be in addition to the authority now vested
in it by present law.

Sec. 8. Sale by Governor; Minimum Price.—The gov-
ernor shall sell all bonds herein mentioned at such time
or times as he may determine necessary to provide funds
for road construction purposes, as herein provided, upon
recommendation of the state road commission. All sales
shall be at not less than par and accrued interest. All
interest coupons becoming payable prior to said sale date
shall be cancelled by the treasurer and rendered in-
effective, before the delivery of the bonds so sold.

Sec. 9. Proceeds Paid Into State Road
Fund.—The pro-
cceeds of all sales of bonds herein authorized shall be paid
into the state road fund created by section one, article
three, chapter forty, acts of the Legislature, first ex-
traordinary session, one thousand nine hundred thirty-
three.

Sec. 10. Plates Property of State.—The plates from
which the bonds authorized by this act are engraved
shall be the property of the state of West Virginia.

Sec. 11. Auditor to Be Custodian of Unsold Bonds.—The
state auditor shall be the custodian of all unsold bonds
issued pursuant to the provisions of this act.

Sec. 12. Interim Certificates.—The governor may au-
 thorize the issuance of interim certificates to be issued to
the purchasers of said bonds to be held by them in lieu
of engraved bonds. When said interim certificates are
so issued, they shall become full and legal obligations
of the state of West Virginia under all of the provisions
of this act just as fully and completely as the engraved
and permanent bonds.

Sec. 13. Payment of Expenses.—All necessary expenses
incurred in the execution of this act shall be paid out of
the state road fund on warrants of the auditor of the
state drawn on the state treasurer.
AN ACT to amend and reenact section twenty, article two, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended and reenacted by section twenty, chapter forty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-three, and as amended and reenacted by section twenty, chapter ninety-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-five, relating to payment of premiums on official bonds.

[Passed February 10, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 2. Official and Other Bonds.

Section 20. Premiums to be allowed on official bonds.

Be it enacted by the Legislature of West Virginia:

That section twenty, article two, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 20. *Premiums to Be Allowed on Official Bonds*.

2—Every officer or employee who is paid a salary and who
3 is required to give an official bond by virtue of the pro-
4 visions of this article, and who furnishes a surety com-
5 pany bond, shall be reimbursed by the state, county,
6 municipality or board of education, as the case may be,
7 for the actual premium paid to the surety company for
8 such bond, in an amount not exceeding seven dollars and
9 a half per thousand per annum.

CHAPTER 6

(House Bill No. 173—By Mr. Moler, by request)

AN ACT to amend chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by amending and reenacting section nine, article four,
relating to the inhibition against branch banks, the inhibition of a banking institution to sign indemnity contracts or pledge its assets to indemnify a surety, and exceptions as to the guarantee by a banking institution of federal deposits and deposits of state and divisions thereof; section twenty, article four, relating to interest allowed to a banking institution in certain cases; section seven, article eight, relating to examination of the books, accounts and records of a banking institution by the commissioner of banking and the communications from such commissioner; section fifteen, article eight, relating to the annual meeting of the stockholders of a banking institution, statement of the financial condition of the institution to such stockholders, and the appointment by such stockholders of an examining committee and the duties of such committee; section eighteen, article eight, relating to limitation of loans by a banking institution, the authorization of loans to officers and employees of a bank and banking department and the valuation of securities; all relating to banking institutions.

[Passed March 1, 1943; in effect from passage. Approved by the Governor.]


8. Business Operations and Supervision of Banking Institutions, Industrial Loan Companies and Building and Loan Associations.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and reenacting sections nine and twenty, article four, and sections seven, fifteen and eighteen, article eight, all to read as follows:


Section 9. Branch banks forbidden; bank not to sign indemnity contract or pledge its assets to indemnify a surety; exception as to guarantee of federal deposits, deposits of state and division thereof, and deposits of a bankrupt’s estate made pursuant to an order of a court of bankruptcy.

20. Interest allowed in certain cases.

Section 9. Branch Banks Forbidden; Bank Not to Sign Indemnity Contract or Pledge Its Assets to Indemnify a
Surety; Exception as to Guarantee of Federal Deposits, Deposits of State and Division Thereof, and Deposits of a Bankrupt's Estate Made Pursuant to an Order of a Court of Bankruptcy.—No banking institution chartered and authorized to engage in business under the laws of this state, shall hereafter install or maintain any branch bank, or engage in business at any place other than at its principal office in the state of West Virginia; or engage in any business other than as authorized in this article. No banking institution shall become or be accepted as surety on any bond or undertaking required by the laws or by the courts of this state, or any other state, or shall become surety or guarantor of any person for the discharge of any duty in any position or the performance of any contract or undertaking. No banking institution shall pledge, hypothecate or deliver any of its assets of any description whatsoever to any person to indemnify him as surety for such banking institution or as surety for any other person: Provided, That a bank or trust company may pledge, hypothecate, deliver or deposit securities to guarantee deposits of the United States, its agencies, state of West Virginia, a county, district, school district or a municipal corporation, and the deposits of a bankrupt's estate made pursuant to an order of a court of bankruptcy, and, with the consent in writing of the commissioner of banking, may pledge, hypothecate, deliver or deposit securities and/or assets to guarantee deposits made by receivers of closed and/or insolvent banking institutions, and the receiver of a closed and/or insolvent banking institution, if the proceeding be not in court, with the consent in writing of the commissioner of banking, and if the proceeding be in court, with the consent in writing of the commissioner of banking and the approval of the court, may accept securities and/or assets of a banking institution to secure deposits made by such receiver: Provided further, That the hypothecation of such securities and/or assets shall be by proper legal transfer as collateral security to protect and indemnify by trust any and all loss in case of any default on the part of the banking institution in its capacity as a
depository for any such deposits as aforesaid, and such collateral security shall be released only by order of record of the public officer or public body, or by the receiver of a closed and/or insolvent banking institution, if the proceeding be not in court, with the consent in writing of the commissioner of banking, and if the proceeding be in court, with the consent in writing of the commissioner of banking and the approval of the court, when satisfied that full and faithful accounting and payment of all the moneys has been made under the provisions hereof. The public officer or public body, or the receiver of a closed and/or insolvent banking institution, shall make ample provision for the safekeeping of such hypothecated securities and/or assets, and the interest thereon when paid shall be turned over to the banking institution, so long as it is not in default as aforesaid.

The foregoing shall not prevent the hypothecation of the securities and/or assets of any banking institution to secure the repayment of money borrowed from another banking institution.

Sec. 20. Interest Allowed in Certain Cases.—In addition to the interest rate provided in the article dealing with money and interest in chapter forty-seven of this code, a banking institution may charge and collect a reasonable amount to cover the expenses incurred in procuring reports and information respecting loans and the value of and title to property offered as security therefor, and a charge of one dollar may be made for any loan or forbearance of money or other thing where the interest at the rate of six per cent per annum would not amount to that sum, and the same shall not be a usurious charge or rate of interest. Any banking institution authorized to do, and doing business in this state, may contract for and charge for a secured or unsecured loan, repayable in installments, not in excess of six per cent per annum upon the face amount of the instrument or instruments, evidencing the obligation to repay the loan, for the entire period of the loan, and deduct such charge in advance: Provided, however, That
if the entire unpaid balance outstanding on the loan is paid on any installment date, prior to maturity, the bank shall make a refund or rebate of such charge in an amount computed on the aggregate installments not due, at the original contract rate of charge, prorated to the period of the loan covered by such unmatured installments; and any note evidencing any such installment loan may provide that the entire unpaid balance thereof at the option of the holder shall become due and payable upon default in payment of any stipulated installment without impairing the negotiability of such note, if otherwise negotiable.

Article 8. Business Operations and Supervision of Banking Institutions, Industrial Loan Companies and Building and Loan Associations.

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

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

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

Sec. 15. Annual Meeting; Examining Committee; Appointment; Failure to Act.—The stockholders of each banking institution shall meet annually, and at such annual meeting it shall be the duty of the cashier or other executive officer of such banking institution to prepare and submit to the stockholders a clear and concise statement of the financial condition of the corporation as of the close of business on the last day of the month next preceding. At such meeting the stockholders shall appoint an examining committee, whose duty it shall be to examine the condition of the bank at least once during each calendar year. The examining committee shall report to the board of directors, giving in detail all items included in assets of the bank which they have reason to believe are not of the value at which they appear on the books and records of the bank, and giving the value of each of such items according to their judgment. Should such committee deem it advisable, it may, with the consent and approval of the board of directors, employ competent accountants or auditors to
make such examination or make same in conjunction
with the regular examination of the banking depart-
ment. The examiners may require the presence of the
examining committee or the executive committee dur-
ing their examination. The board shall cause such re-
port to be recorded in the minute books of the bank,
and a duly authenticated copy thereof transmitted to
the commissioner of banking.

Sec. 18. Limitation on Loans; Authorization of Loans
to Officers and Employees of Banks and Banking Depart-
ment; Valuation of Securities.—The total liabilities to
any banking institution of any persons, firm or corpora-
tion, for money borrowed by note, bond, certificate of
indebtedness or other device, including, in the liabili-
ties of the firm the liabilities of the several members
thereof, including in the liabilities of any corporation
an investment by such banking institution in the stock
of such corporation, shall at no time exceed ten per cent
of the unimpaired capital stock, including debentures
and surplus fund of such banking institution. But the
discount of commercial or business paper actually owned
by the person, firm or corporation negotiating the same
shall not be considered as money borrowed within the
limitation of this section; and the obligations of any
person, firm or corporation, in the form of notes or drafts
secured by shipping documents, warehouse receipts or
other such documents transferring or securing titles cov-
ering readily marketable, nonperishable staples when
such property is fully covered by insurance, if it is
customary to insure such staples, shall be considered
money borrowed within the meaning of this section, but
shall be subject to the exception that with respect
thereto the limitation of ten per cent of the unimpaired
capital stock, including debentures and surplus fund, to
which reference has hereinbefore been made, may be
increased to twenty-five per cent when the market
value of such staples securing such obligations is not
at any time less than one hundred fifteen per cent of
the face amount of such obligations, and may be in-
creased up to fifty per cent of such unimpaired capital
stock, including debentures and surplus fund, with a
corresponding increase in market value of such staples
securing such obligation up to not less than one hun-
dred forty per cent of the face amount of such ad-
ditional obligation, but this exception shall not apply
to obligations of any one person, firm or corporation
arising from the same transaction or secured upon the
identical staples for more than ten months. This sec-
tion shall not apply to the obligations of the United
States or general obligations of any state or political
subdivision thereof (when there has been no default
in the payment of interest or principal in respect of
the general obligations of any state or political sub-
division thereof within ten years prior to the purchase
of such obligations), bonds or obligations issued un-
der the authority of the West Virginia bridge commis-
sion or the state road commission, commonly known
as bridge revenue bonds, or obligations issued under
authority of the federal farm loan act, as amended, or
issued by the federal home loan bank, or the home
owners' loan corporation, or any loans or obligations
to the extent that they are secured or covered by guar-
tanties, or by commitments or agreements to take over
or to purchase the same, made by any federal reserve
bank or by the United States or any department, board,
bureau, commission or establishment of the United
States, including any corporation wholly owned directly
or indirectly by the United States. Neither shall this
section apply to the obligations of a corporation owning
the building in which the banking institution is located,
when such banking institution has an unimpaired capital
and surplus of not less than one million dollars, or when
approved in writing by the commissioner of banking.
Nothing herein shall be construed to forbid the sale upon
credit of a bank building owned by a banking institu-
tion at the time this act takes effect.

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

Securities purchased by a banking institution shall be entered upon the books of the bank at actual cost, but may be carried thereafter at market value. For the purpose of calculating the undivided profits applicable to the payment of dividends, securities shall not be estimated at a valuation exceeding their present cost as determined by amortization; that is, by deducting from the cost of a security purchased at a premium, and charging to profit and loss a sum sufficient to bring it to par at maturity.

All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 7
(Senate Bill No. 131—By Mr. Allen, by request)

AN ACT to amend chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article to be known as article six-a, relating to the federal savings and loan insurance corporation.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]


Section
1. Powers of eligible institutions.
2. Powers as receiver; appointments.
3. Subrogation to rights of shareholder.
4. Examinations; reports.
5. Title to property vested in receiver.
6. When fact of corporation not a personal liability.
Be it enacted by the Legislature of West Virginia:

That chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new article, to be known as article six-a, to read as follows:

Section 1. Powers of Eligible Institutions.—Any institution eligible for insurance under the provisions of title four of the national housing act, approved the twenty-seventh day of June, one thousand nine hundred thirty-four, as amended, is hereby empowered to do all things necessary to obtain, continue, or terminate such insurance from the federal savings and loan insurance corporation, and every action heretofore taken by any such institution in connection with such insurance is hereby ratified and confirmed.

Sec. 2. Powers as Receiver; Appointments.—The federal savings and loan insurance corporation, created by title four of the national housing act, approved the twenty-seventh day of June, one thousand nine hundred thirty-four, as amended, is hereby authorized and empowered to be and act without bond as receiver or liquidator of any building and loan association, the shares, share accounts, or accounts in which are to any extent insured by said corporation, and which shall have been taken over for liquidation.

The appropriate state authority having the right to appoint a receiver or liquidator of any such insured association shall, in the event of the taking over of any such insured association for liquidation, tender to said corporation the appointment as receiver or liquidator thereof. If the corporation accepts such appointment, it shall have and possess all the powers and privileges provided by the laws of this state with respect to a receiver or liquidator of a building and loan association, its shareholders, investors, and other creditors, and be subject to all the duties of such receiver or liquidator.

Sec. 3. Subrogation to Rights of Shareholder.—Whether or not the federal savings and loan insurance corporation shall serve as receiver or liquidator of any such insured
association, whenever it shall pay or make available for
payment the liabilities of any such insured association
which are insured by it, it shall, upon the surrender and
transfer to it of any share, share account, or account in-
sured by it, be subrogated with respect to such share,
share account, or account, but such surrender and trans-
fer of such share, share account, or account shall not affect
any right which the transferor thereof may have in any
portion of such share, share account, or account which is
uninsured or any right to participate in the distribution
of the net proceeds remaining from the disposition of the
assets of such insured association: Provided, That the
rights of the holders of shares, share accounts, or accounts
of any such insured association shall be determined in
accordance with the applicable provisions of the laws
of this state.

Sec. 4. Examinations; Reports.—The state banking com-
missioner is authorized to accept, in his discretion, in lieu
of any examination authorized by the laws of this state
to be conducted by his department of a building and loan
association which has the insurance protection provided
by title four of the national housing act, as amended, the
examination that may have been made of same within
a reasonable period by the federal home loan bank ad-
ministration, a federal home loan bank, or the federal
savings and loan insurance corporation, provided a copy
of said examination is furnished to said state banking
commissioner. Said state banking commissioner may,
also, in his discretion, accept any report relative to the
condition of any such insured association which may have
been obtained by the federal home loan bank adminis-
tration, a federal home loan bank, or the federal savings
and loan insurance corporation within a reasonable
period, in lieu of a report authorized by the laws of this
state to be required of such association by his department,
provided a copy of such report is furnished to said state
banking commissioner.

Said state banking commissioner may furnish to the
federal home loan bank administration, a federal home
loan bank, or the federal savings and loan insurance cor-
poration, or to any official or examiner thereof, a copy or
copies of any or all examinations made of any such insured association and of any or all reports made by same, and shall give access to and disclose to the federal home loan bank administration, a federal home loan bank, or the federal savings and loan insurance corporation, or any official or examiner thereof, any and all information possessed by the office of said state banking commissioner with reference to the conditions or affairs of any such insured institution.

Nothing in this section shall be construed to limit the duty of any such insured association to comply with the provisions of the federal home loan bank act or the national housing act, their amendments or substitutions, or the requirements of the federal home loan bank administration, a federal home loan bank, or the federal savings and loan insurance corporation relative to examinations and reports, nor to limit the powers of the state banking commissioner with reference to examinations and reports under existing law.

Sec. 5. Title to Property Vested in Receiver.—Upon the acceptance of the appointment as receiver or liquidator as aforesaid by the federal savings and loan insurance corporation, the possession of and title to all the assets, business and property, of every kind and nature, of such insured association shall pass to and vest in said corporation without the execution of any instruments of conveyance, assignment, transfer or endorsement.

Sec. 6. When Fact of Corporation Not a Personal Liability.—Except as otherwise in writing specifically agreed by the federal savings and loan insurance corporation, no transaction contract, undertaking, or agreement, and no exercise by said corporation of any of the rights, powers, privileges and/or authority by this act or otherwise vested in it as receiver or liquidator or with respect to any receivership or liquidation shall constitute a personal debt, obligation, or liability of or on the part of said corporation.
AN ACT to amend chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article designated article thirteen, providing for the organization, incorporation, and operation of non-profit hospital service corporations, and the exemption of such corporations from the provisions of the insurance laws of this state.

[Passed March 9, 1943; in effect from passage. Became a law without the approval of the Governor.]


Section
1. Organization of corporations; purposes.
2. Corporation not to be converted into profit corporation.
3. Bond of officers and employees.
4. Insurance laws not applicable to such corporation.
5. Tax exemption.
6. Contractual obligations with approved hospitals.
7. Expiration of article.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding article thirteen thereto, to read as follows:

Section 1. Organization of Corporations; Purposes.—A non-profit, non-stock hospital service corporation may be organized in accordance with the provisions for the incorporation and organization of such corporations contained in chapter thirty-one, for the purpose of furnishing medical service and hospital service to persons who become subscribers with such corporation. Medical service shall consist of medical and surgical care as specified in a subscriber contract issued by the corporation to a subscriber and to be provided by physicians duly licensed under the laws of West Virginia. Hospital service shall consist of hospital care as specified in a subscriber contract issued by the corporation to a subscriber and to be provided by a hospital which is maintained by a corpora-
tion organized for hospital services under the law of this state, or other approved hospitals.

The term "hospital service corporation", as used in this article, includes any such corporation or any non-profit service corporation heretofore organized and operating within this state.

Sec. 2. Corporation Not to Be Converted Into Profit Corporation.—No hospital service corporation shall be converted into a corporation organized for pecuniary profit. Every such corporation shall be maintained and operated for the benefit of its members and subscribers as a non-profit corporation.

Sec. 3. Bond of Officers and Employees.—Every such corporation organized and operating under the provisions of this article shall provide in its by-laws that each officer, agent and employee of the corporation who is entrusted with the handling of funds shall furnish a corporate surety bond in a licensed corporate surety company in an amount specified by the board of directors of such corporation and conditioned upon the faithful accounting for all funds coming into his hands.

Sec. 4. Insurance Laws Not Applicable to Such Corporation.—Except where such corporations are expressly designated in other provisions of this chapter, such corporations shall be exempt from all provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose.

Sec. 5. Tax Exemption.—Every such corporation shall be declared to be a scientific non-profit institution, and its funds and property shall be exempt from all taxes.

Sec. 6. Contractual Obligations with Approved Hospitals.—Each hospital service corporation incorporated under the provisions of this article shall enter into contractual obligation with one or more approved hospitals in the area within which such subscriber contracts are sold for the rendering to such subscribers the services provided in such subscriber contracts.
Sec. 7. Expiration of Article.—This article shall expire February twenty-eighth, one thousand nine hundred forty-five, unless sooner repealed.

CHAPTER 9
(Senate Bill No. 130—By Mr. Allen, by request)

AN ACT to amend and reenact section eight, article six, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to building and loan associations.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]


Section 8. Members; shareholders; dues; minors as shareholders.

Be it enacted by the Legislature of West Virginia:

That section eight, article six, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 8. Members; Shareholders; Dues; Minors as Shareholders.—(a) The members of a building and loan association shall be only those to whom its shares have been issued or transferred in accordance with the provisions of its constitution and by-laws. Their membership shall continue until such shares have been matured and paid, withdrawn, retired, or forfeited. The payments made to any such association upon shares issued by it shall be called dues. They shall be paid in such sums and at such times as are provided by the by-laws until the shares reach their matured value, are withdrawn, retired, or forfeited.

(b) Any building and loan or federal savings and loan association may issue shares, share accounts or accounts to minors above the age of fourteen, each in their own
right, and such parties shall be subject to the same duties and liabilities as other shareholders. Any receipt, release, acquittance, or discharge given such association by a minor above the age of fourteen, who holds shares, share accounts or accounts, shall be a valid and sufficient receipt, release, acquittance, or discharge of any such association and shall be binding upon such minor to the same extent as if it were given by any other shareholder. Minors under fourteen years of age may hold shares in any such association by a trustee or guardian.

(c) Any building and loan or federal savings and loan association may issue shares, share accounts or accounts in the names of two or more persons payable to either, or payable to either or the survivor, in which event either of said named persons shall have power to act in all matters related to such shares, share accounts or accounts, including the right to collect dividends and to withdraw from such association, whether the other person or persons named in such shares, share accounts or accounts be living or not. The receipt or acquittance signed by any such person, to whom any payment or delivery of rights is made, shall be a valid and sufficient release and discharge of any such association for the payment or delivery so made.

(d) Any building and loan or federal savings and loan association may issue shares, share accounts, or accounts in the name of any administrator, executor, guardian, trustee, or other fiduciary, in trust for a named beneficiary or beneficiaries. Any such fiduciary shall have all the rights and privileges of membership, except the right to hold office. The payment or delivery of rights by any such association to any such fiduciary, or a receipt, release, acquittance, or discharge signed by any such fiduciary, to whom any such payment, or any such delivery of rights is made, shall be a valid and sufficient release and discharge of any such association for the payment or delivery so made. Whenever a person holding shares, share accounts, or accounts in a fiduciary capacity dies and no written notice of the revocation or termination of the trust relationship shall have been given to any such association, the withdrawal value of such shares,
57 share accounts, or accounts, and dividends thereon, or
58 other rights relating thereto, may, at the option of the
59 association, be paid or delivered, in whole or in part, to the
60 beneficiary or beneficiaries of such trust. The payment
61 or delivery of rights to any such beneficiary or benefi-
62 ciaries, or a receipt, release, acquittance, or discharge
63 signed by any such beneficiary or beneficiaries, to whom
64 any such payment, or any such delivery of rights is made,
65 shall be a valid and sufficient release and discharge of any
66 such association for the payment or delivery so made.

CHAPTER 10

(Com. Sub. for House Bill No. 205—Originating in the House Committee on
the Judiciary)

AN ACT to amend chapter sixty-eight, acts of the Legislature,
regular session, one thousand nine hundred thirty-five, as
amended by chapter fifty-five, acts of the Legislature, regu-
lar session, one thousand nine hundred thirty-seven, by
adding thereto a new section twenty-one-a, relating to mu-
nicipal administration and control of flood walls.

[Passed March 1, 1943; in effect from passage. Approved by the Governor.]

Article 4-a. Municipal Public Works; Bonds.

Section
21-a. Flood wall board; creation; members; powers and funds.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-eight, acts of the Legislature, regular
session, one thousand nine hundred thirty-five, as amended by
chapter fifty-five, acts of the Legislature, regular session, one
thousand nine hundred thirty-seven, be amended by adding
thereto a new section twenty-one-a to read as follows:

Section 21-a. Flood Wall Board; Creation; Members;
2 Powers and Funds.—In any municipality which now
3 maintains and operates a flood wall or walls for protec-
4 tion against floods by virtue of the provisions of this act,
or any municipality which may hereafter construct, maintain and operate any such flood wall or walls under the provisions of this act or any amendment hereafter made hereto, the municipal authorities thereof may, in their discretion, provide by ordinance that the custody, administration, operation and maintenance of such flood wall or walls shall be under the supervision and control of a board. If and when such ordinance is enacted creating such board, fixing the manner and method of the appointment thereof, and reciting therein its purpose to accept the provisions of this section, then such ordinance shall not thereafter be repealed or amended in such manner as to impair or defeat the purposes therein stated for which it was enacted. Such board shall consist of the number of members fixed in the ordinance creating the board, and the manner and mode of their selection and appointment shall be stated in such ordinance. The members of the board shall be chosen without regard to their political affiliations, but with regard to their business and professional experience or standing as citizens in the community. The chief executive officer of the municipality shall ex officio be a member and, if he so elects, the chairman of such board.

Except as herein otherwise provided, the board shall have the power to establish by-laws, rules and regulations for its own government which are not in conflict with the provisions of this act or the ordinance creating it, but the board shall not have the power to levy or collect ad valorem or any other taxes or assessments. The municipal authorities shall provide adequate funds to meet the needs of the board in accordance with the purposes of this act and in accordance with the purposes of the ordinance creating the board. All expenses, including attorney's fees of such board, shall be paid solely from funds provided under the authority of this act.
CHAPTER 11

(Senate Bill No. 28—By Mr. Hardesty)

AN ACT to amend article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be numbered section three-a, relating to police courts.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 4. Powers, Duties and Allied Relations of Municipal Corporations, Councils or Officers.

Section 3-a. Appointment of police court judge in municipality with population of twenty thousand or more.

Be it enacted by the Legislature of West Virginia:

That article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section to be numbered section three-a, to read as follows:

Section 3-a. Appointment of Police Court Judge in Municipality with Population of Twenty Thousand or More.—The governing body of any municipality with a population of twenty thousand or more may provide, by ordinance, for the appointment therein of an officer to be known as police court judge and fix his compensation within the limits of the respective applicable charter provisions, and prescribe the exercise by him of such of the powers and duties set forth in section three of article four, and similar or related powers and duties enumerated in the respective applicable charter provisions, as is deemed proper by the respective governing bodies.
AN ACT to amend and reenact section two, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to the compensation of municipal officers.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]

Article 4. Powers, Duties and Allied Relations of Municipal Corporations, Councils or Officers.

Section 2. Compensation of officers in municipalities with population of two thousand or less.

Be it enacted by the Legislature of West Virginia:

That section two, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 2. Compensation of Officers in Municipalities with Population of Two Thousand or Less.—In any municipal corporation of this state, where no provision is made by legislative charter or otherwise for compensation to municipal officers and employees, the mayor, recorder, superintendent of roads, streets and alleys, members of the council and policemen of such corporation, may each receive compensation for his services, to be fixed by the council, by proper ordinance, which shall not be increased or diminished during the term for which they shall have been elected or appointed. The compensation of each member of the council, other than the mayor and recorder, shall not exceed the sum of five dollars for each meeting of the council held at which such member is in actual attendance; and, in no event, shall a councilman, other than the mayor and recorder, receive compensation in any one fiscal year in excess of the sum of seventy-five dollars. Where employed and acting as such, the compensation of the sergeant in regard to the arrest of persons, the collection of claims, and the execution and return of process,
Ch. 13] SPECIAL MUNICIPAL FUNDS

21 shall be the same as that of a constable, except that he
22 shall receive for his services, in the collection of taxes and
23 assessments and such license and other fees as it is his
24 duty under the law to collect, a compensation, to be fixed
25 by the council, of not exceeding five per cent on the
26 amount duly collected and accounted for. The provisions
27 of this section shall apply only to municipal corporations
28 with population of two thousand or less.

CHAPTER 13

(House Bill No. 273—By Mr. Woodyard)

AN ACT to amend article four, chapter eight of the code of
West Virginia, one thousand nine hundred thirty-one, by
adding thereto a new section to be numbered section
twenty-three-a, relating to funds of municipalities raised
for certain purposes.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]

Article 4. Powers, Duties and Allied Relations of Municipal
Corporations, Councils or Officers.

Section
23-a. Disposition of funds raised for certain purposes where priority
restrictions make it impossible to use such funds presently.

Be it enacted by the Legislature of West Virginia:

That article four, chapter eight of the code of West Virginia,
one thousand nine hundred thirty-one, be amended by adding
thereto a new section to be numbered section twenty-three-a, to read as follows:

   Section 23-a. Disposition of Funds Raised for Certain
   Purposes Where Priority Restrictions Make It Impossible
to Use Such Funds Presently.—Any municipality in this
state that has raised, or which shall hereafter raise, by
taxation or otherwise, any funds for the purpose of en-
larging, improving, replacing or repairing its municipally
owned or operated water works, electric power or sewage
disposal systems, and is unable to obtain the materials
9 and equipment necessary for that purpose on account of
10 priority restrictions imposed by the federal government
11 on the sale of such materials and equipment, or for any
12 other reason, may, by proper resolution of its council,
13 or other governing body, place said funds in a special fund
14 until such time as such materials and equipment shall
15 become available to said municipality. When such ma-
16 terials and equipment shall become available to said mu-
17 nicipality, it shall by proper resolution of its council, or
18 other governing body, use said funds for the purpose, or
19 purposes, for which the same were raised.

CHAPTER 14

(Com. Sub. for House Bill No. 289—Originating in the House Committee on
Taxation and Finance)

AN ACT to amend article two-a, chapter twenty-nine of the
code of West Virginia, one thousand nine hundred thirty-
one, as last amended and reenacted by chapter seventy-
two, acts of the Legislature, regular session, one thousand
nine hundred thirty-five, by adding thereto a new section
to be designated section two-a, relating to the state board
of aeronautics.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]

Article 2-a. State Board of Aeronautics.

Section
2-a. Funds for county or municipal airports.

Be it enacted by the Legislature of West Virginia:

That article two-a, chapter twenty-nine of the code of West
Virginia, one thousand nine hundred thirty-one, as last
amended by chapter seventy-two, acts of the Legislature,
regular session, one thousand nine hundred thirty-five, be
amended by adding thereto a new section, to be designated
section two-a, to read as follows:

Section 2-a. Funds for County or Municipal Airports.—
2 Such board, out of any appropriations made to it by the
Legislature or out of any funds at its disposal, may make funds available by grant or otherwise to counties and municipalities for the construction, improvement or maintenance of airports or landing fields owned or operated by such counties or municipalities, and the removal or correction of hazards dangerous to flying to meet the requirements of the several agencies of the United States government in aid of the prosecutions of World War II. Acceptance of any moneys so made available to any county or municipality shall constitute the consent by the recipient that such airport or landing field may be used by the United States government, the state, or any of their respective agencies, including the state board of aeronautics and the national guard of West Virginia, for state purposes related or incidental to aeronautics.

CHAPTER 15

(Senate Bill No. 198—By Mr. Johnston, by request)

AN ACT to amend and reenact section twenty-five, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to the duties of mayors and police officers of municipalities to aid in the enforcement of the criminal laws of the state, and granting them authority to arrest violators of state laws.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 4. Powers, Duties and Allied Relations of Municipal Corporations, Councils or Officers.

Section 25. Municipal officers to aid in enforcing criminal laws of state.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:
CHAPTER 16

(Senate Bill No. 199—By Mr. Johnston, by request)

AN ACT to amend and reenact section five, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to the powers and duties of sergeants and policemen, and requiring sergeants to give bond.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 4. Powers, Duties and Allied Relations of Municipal Corporations, Councils or Officers.

Section 5. Powers and duties of sergeants and policemen; bond of sergeant.

Be it enacted by the Legislature of West Virginia:

That section five, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 5. Powers and Duties of Sergeants and Police-
2 men; Bond of Sergeant.—In addition to the powers and duties prescribed in section two, article seven of this chapter, the sergeant shall have all the powers, rights and privileges within the corporate limits of the town in regard to the arrest of persons, the collection of claims, and the execution and return of process that can legally be exercised by a constable of a district within the same. In order to arrest for violation of municipal ordinances and as to all matters arising within the corporate limits and coming within the scope of his official duties, the powers of the sergeant or of any policeman shall extend anywhere within the county or counties in which the municipality is situated. For an offense committed in his presence such officer may arrest the offender without a warrant and take him before the mayor or other police court to be dealt with according to law. He and his sureties shall be liable to all the fines, penalties and forfeitures that a constable of a district is liable to, for any failure or dereliction in such office, to be recovered in the same manner and in the same courts in which such fines, penalties and forfeitures are now recovered against such constable. The sergeant shall, before entering upon the duties of his office, execute a bond, conditioned according to law, with surety satisfactory to the council, payable to the town, in such penalty, not less than one thousand dollars, as the council may prescribe.

CHAPTER 17

(Senate Bill No. 161—By Mr. Burchett)

AN ACT to provide for the voluntary working of county prisoners in county buildings and institutions and upon county public works; to relieve the sheriff from liability for injury, damage, or death; and to reenact section four, article fifteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, and to amend and reenact section five, article fifteen, chapter seventeen of
the code, as amended, relating to guards for county prisoners.

[Passed March 12, 1943; in effect from passage. Approved by the Governor.]

Article 15. County Convict Road Force.

Section 4. Voluntary work by county prisoners; relief of sheriffs from liability for injuries, etc.

Section 5. Guards for county prisoners; monthly statement as to prisoners.

Be it enacted by the Legislature of West Virginia:

That section four, article fifteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended and reenacted, and that section five of said article, as amended, be amended and reenacted, all to read as follows:

Section 4. Voluntary Work by County Prisoners; Relief of Sheriffs from Liability for Injuries, etc.—Any person confined in the county jail, who is able-bodied, of sound mind and over the age of sixteen years, whether imprisoned under conviction or awaiting trial, may voluntarily consent to perform labor within the jail, as a trusty or otherwise, or in and upon the buildings, grounds, institutions, bridges and public works of the county, under the supervision, care and custody of the sheriff, his deputies, jailer and guards, and, if the sheriff be satisfied as to his or her trustworthiness, the sheriff may assign such prisoner, either singly or with others, to suitable work and labor in and about the jail and the other buildings, institutions and grounds and the bridges and other public works of the county, under such humane and safe methods of discipline and protection and such regulations as the sheriff may adopt or prescribe, and permit and cause such prisoner to work and labor therein and thereat, without liability of any kind upon the sheriff, his jailer, deputies, guards or agents in charge of such prisoner, for damages for accidents, injury or death to such prisoner or to third persons or for damage to property, which may occur from any cause whatsoever except for accident, injury, death or damage resulting directly from the sheriff’s neglect, malfeasance or carelessness. The
consent of the prisoner to perform such work shall be in writing, duly acknowledged.

Sec. 5. Guards for County Prisoners; Monthly Statement as to Prisoners.—The sheriff, with the approval of the county court, may employ a sufficient number of persons to guard the prisoners, not in excess of one for each ten prisoners, or a lesser number in one group, and with said approval shall fix the wages of such guards, and shall have the control and authority over them. The wages of such guards shall be reasonable and shall be paid by the county court out of the county treasury.

The keeper of the jail shall file with the clerk of the county court a monthly statement showing the number of prisoners sentenced to work under this article, the number of prisoners who may volunteer and be allowed by the sheriff to work hereunder, and the number of days' work each prisoner has performed, and the allowance to the sheriff for their keep, food, maintenance and supplies, in accordance with the provisions of section twelve, article seven, chapter seven of the code of West Virginia.

All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

CHAPTER 18

(Senate Bill No. 51—By Mr. Young)

AN ACT to repeal section five, article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter thirteen, acts of the Legislature, regular session, one thousand nine hundred forty-one, and to enact a new section five and sections five (one) to five (fifty-six) inclusive of said article and chapter, relating to compensation of county assessors and deputies.

[Passed March 6, 1943; in effect ninety days from passage. Approved by the Governor.]
**Article 2. Assessors.**

**Section**

5. Annual salary.

5-(1) to 5-(55). Salary of the assessors in the various counties of the state.

5-(56). Commission on capitation taxes collected; payment of salaries of assessors and their deputies, assistants and employees.

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

That section five, article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter thirteen, acts of the Legislature, regular session, one thousand nine hundred forty-one, be repealed, and that a new section five and sections five (one) to five (fifty-six) of said article and chapter be enacted to read as follows:

Section 5. *Annual Salary.*—The annual salary of the assessor in each county shall, on and after January one, one thousand nine hundred forty-five, be as follows:

<table>
<thead>
<tr>
<th>Section</th>
<th>County</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 5-(1)</td>
<td>Barbour County</td>
<td>For the county of Barbour, two thousand two hundred dollars.</td>
</tr>
<tr>
<td>Sec. 5-(2)</td>
<td>Berkeley County</td>
<td>For the county of Berkeley, two thousand dollars.</td>
</tr>
<tr>
<td>Sec. 5-(3)</td>
<td>Boone County</td>
<td>For the county of Boone, two thousand one hundred dollars.</td>
</tr>
<tr>
<td>Sec. 5-(4)</td>
<td>Braxton County</td>
<td>For the county of Braxton, one thousand eight hundred dollars.</td>
</tr>
<tr>
<td>Sec. 5-(5)</td>
<td>Brooke County</td>
<td>For the county of Brooke, two thousand one hundred dollars.</td>
</tr>
<tr>
<td>Sec. 5-(6)</td>
<td>Cabell County</td>
<td>For the county of Cabell, three thousand six hundred dollars.</td>
</tr>
<tr>
<td>Sec. 5-(7)</td>
<td>Calhoun County</td>
<td>For the county of Calhoun, one thousand two hundred dollars.</td>
</tr>
<tr>
<td>Sec. 5-(8)</td>
<td>Clay County</td>
<td>For the county of Clay, one thousand four hundred forty dollars.</td>
</tr>
<tr>
<td>Sec. 5-(9)</td>
<td>Doddridge County</td>
<td>For the county of Doddridge, one thousand six hundred dollars.</td>
</tr>
</tbody>
</table>
Sec. 5-(10). **Fayette County.**—For the county of Fayette, three thousand six hundred dollars.

Sec. 5-(11). **Gilmer County.**—For the county of Gilmer, one thousand eight hundred dollars.

Sec. 5-(12). **Grant County.**—For the county of Grant, one thousand five hundred dollars.

Sec. 5-(13). **Greenbrier County.**—For the county of Greenbrier, one thousand eight hundred dollars.

Sec. 5-(14). **Hampshire County.**—For the county of Hampshire, one thousand six hundred dollars.

Sec. 5-(15). **Hancock County.**—For the county of Hancock, two thousand two hundred dollars.

Sec. 5-(16). **Hardy County.**—For the county of Hardy, one thousand five hundred fifty dollars.

Sec. 5-(17). **Harrison County.**—For the county of Harrison, four thousand dollars.

Sec. 5-(18). **Jackson County.**—For the county of Jackson, one thousand five hundred dollars.

Sec. 5-(19). **Jefferson County.**—For the county of Jefferson, two thousand dollars.

Sec. 5-(20). **Kanawha County.**—For the county of Kanawha, five thousand dollars.

Sec. 5-(21). **Lewis County.**—For the county of Lewis, two thousand six hundred dollars.

Sec. 5-(22). **Lincoln County.**—For the county of Lincoln, two thousand dollars.

Sec. 5-(23). **Logan County.**—For the county of Logan, three thousand dollars.

Sec. 5-(24). **Marion County.**—For the county of Marion, three thousand dollars.

Sec. 5-(25). **Marshall County.**—For the county of Marshall, three thousand dollars.

Sec. 5-(26). **Mason County.**—For the county of Mason, one thousand eight hundred dollars.
Sec. 5-(27). *McDowell County.*—For the county of McDowell, three thousand nine hundred dollars.

Sec. 5-(28). *Mercer County.*—For the county of Mercer, three thousand six hundred dollars.

Sec. 5-(29). *Mineral County.*—For the county of Mineral, two thousand dollars.

Sec. 5-(30). *Mingo County.*—For the county of Mingo, two thousand seven hundred dollars.

Sec. 5-(31). *Monongalia County.*—For the county of Monongalia, two thousand six hundred dollars.

Sec. 5-(32). *Monroe County.*—For the county of Monroe, one thousand three hundred fifty dollars.

Sec. 5-(33). *Morgan County.*—For the county of Morgan, one thousand two hundred dollars.

Sec. 5-(34). *Nicholas County.*—For the county of Nicholas, one thousand eight hundred twenty dollars.

Sec. 5-(35). *Ohio County.*—For the county of Ohio, three thousand eight hundred dollars.

Sec. 5-(36). *Pendleton County.*—For the county of Pendleton, one thousand five hundred dollars.

Sec. 5-(37). *Pleasants County.*—For the county of Pleasants, one thousand two hundred dollars.

Sec. 5-(38). *Pocahontas County.*—For the county of Pocahontas, one thousand two hundred dollars.

Sec. 5-(39). *Preston County.*—For the county of Preston, two thousand six hundred dollars.

Sec. 5-(40). *Putnam County.*—For the county of Putnam, one thousand eight hundred dollars.

Sec. 5-(41). *Raleigh County.*—For the county of Raleigh, three thousand dollars.

Sec. 5-(42). *Randolph County.*—For the county of Randolph, two thousand five hundred dollars.
Sec. 5-(43). Ritchie County.—For the county of Ritchie, one thousand seven hundred dollars.

Sec. 5-(44). Roane County.—For the county of Roane, one thousand eight hundred dollars.

Sec. 5-(45). Summers County.—For the county of Summers, one thousand five hundred dollars.

Sec. 5-(46). Taylor County.—For the county of Taylor, two thousand dollars.

Sec. 5-(47). Tucker County.—For the county of Tucker, one thousand six hundred dollars.

Sec. 5-(48). Tyler County.—For the county of Tyler, two thousand two hundred dollars.

Sec. 5-(49). Upshur County.—For the county of Upshur, two thousand dollars.

Sec. 5-(50). Wayne County.—For the county of Wayne, two thousand six hundred dollars.

Sec. 5-(51). Webster County.—For the county of Webster, one thousand three hundred fifty dollars.

Sec. 5-(52). Wetzel County.—For the county of Wetzel, two thousand six hundred dollars.

Sec. 5-(53). Wirt County.—For the county of Wirt, one thousand one hundred dollars.

Sec. 5-(54). Wood County.—For the county of Wood, two thousand eight hundred dollars.

Sec. 5-(55). Wyoming County.—For the county of Wyoming, three thousand dollars.

Sec. 5-(56). Commission on Capitation Taxes Collected; Payment of Salaries of Assessors and Their Deputies, Assistants and Employees.—In addition to the above salary, each assessor shall receive a commission of ten per cent on all state school, road and municipal capitation taxes collected by him. The salaries of assessors and their deputies, assistants and employees shall be paid out of the county fund at the time and in the manner now provided by law for paying other county officers.
AN ACT to amend and reenact section seven, article one, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to the compensation of assessors for gathering statistics.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 1. Department of Agriculture.

Section 7. Compensation of assessor for gathering statistics required by commissioner of agriculture.

Be it enacted by the Legislature of West Virginia:

That section seven, article one, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 7. Compensation of Assessor for Gathering Statistics Required by Commissioner of Agriculture.—The county court of each county shall allow the assessor a reasonable compensation, not exceeding ten per cent of his salary, for such work as may be required of him under this article by the commissioner of agriculture, and no county court shall allow pay to assessors for performance of duties herein prescribed until such assessor has received a certificate that his reports are completed and satisfactory to said commissioner.

CHAPTER 20

(Senate Bill No. 230—By Mr. Fleming)

AN ACT requiring all county clerks to place of record an honorable discharge from the armed forces of the United States held by any person having served in such armed forces and providing that no fee is to be charged therefor, and
making recorded discharges legal evidence for certain purposes; and providing for the issuance of certain certificates by county clerks.

[Passed March 12, 1943; in effect from passage. Approved by the Governor.]

Section 1. County clerks required to record honorable discharges from the armed forces of the United States and issue certain certificates to soldiers and veterans without fee therefor; recorded discharges as proof of date of birth.

Be it enacted by the Legislature of West Virginia:

Section 1. County Clerks Required to Record Honorable Discharges From the Armed Forces of the United States and Issue Certain Certificates to Soldiers and Veterans Without Fee Therefor; Recorded Discharges as Proof of Date of Birth.—An honorable discharge from the armed forces of the United States, held by any and all persons, shall be recorded by a county clerk in a special record book, free of any and all fees or costs therefor. This book shall be kept on file in the office of the clerk of the county court of the county in which the person holding such discharge resides: Provided, That upon application to the vital statistics department, or any other agency authorized to issue birth certificates in this state, the original discharge, or a certified copy from the clerk’s office, where same is recorded, shall be taken as proof of the date of birth of the veteran for all purposes, and no other or further proof shall be required.

The county clerk of any county shall furnish records of marriage, divorce, adoption, birth or death, which he may have in his possession, without fee, to veterans of any war, soldiers in service, or the dependents of such veterans or soldiers, when these records are necessary to obtain benefits from the federal or state governments.
CHAPTER 21

(House Bill No. 345—By Mr. Ballard)

AN ACT to amend and reenact section six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter sixteen, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to assistants and stenographers or clerks for prosecuting attorneys; salaries; and when the court may appoint attorney to prosecute.

[Passed March 10, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 7. Salaries; Deputies and Assistants and Their Salaries.

Section 6. Assistants and stenographers for prosecuting attorney; salaries; when court may appoint attorney to prosecute.

Be it enacted by the Legislature of West Virginia:

That section six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter sixteen, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 6. Assistants and Stenographers for Prosecuting Attorney; Salaries; When Court May Appoint Attorney to Prosecute.—Any prosecuting attorney may, with the assent of the county court of his county, entered of record, appoint one (and Ohio, Harrison, Kanawha, Fayette, Raleigh, Cabell and McDowell counties two each) practicing attorney to assist him in the discharge of his official duties for and during his term of office, and such assistant shall take the same oath and may perform the same duties as his principal; and he may be removed from office as such at any time by his principal; and further he may be removed from his office as such assistant by the circuit court of the county in which he is appointed, for any cause for which his principal might be so removed. The compensation of
such assistant shall be paid by the principal, except
in the counties of Barbour, Berkeley, Boone, Brooke,
Cabell, Calhoun, Fayette, Harrison, Hancock, Kanawha,
Lewis, Lincoln, Logan, Marion, Marshall, McDowell,
Mercer, Mineral, Mingo, Monongalia, Nicholas, Ohio,
Putnam, Raleigh, Randolph, Summers, Taylor, Upshur,
Wayne, Wetzel, Wood and Wyoming, and in said coun-
ties the county court thereof shall allow annually to
such assistants such compensation to be paid out of the
county treasury as is deemed reasonable by the court;
in Ohio county for the first assistant, three thousand
dollars, and for the second assistant not to exceed two
thousand four hundred dollars; in Kanawha county for
the first assistant, not less than four thousand nor more
than five thousand dollars, and for the second assistant
not less than four thousand nor more than five thousand
dollars; in Cabell county, not more than twenty-four
hundred dollars for each assistant; in McDowell county,
not less than one thousand eight hundred dollars nor
more than two thousand four hundred dollars for each
assistant; in Marion county, not less than two thousand
nor more than three thousand dollars; in Raleigh county,
not more than three thousand dollars; in Mingo county,
Harrison, Logan and Mercer counties, not less than one
thousand five hundred nor more than three thousand
dollars; in Summers and Wood counties, not less than
one thousand nor more than two thousand dollars; in
Fayette county for the first assistant, not less than two
thousand four hundred nor more than three thousand
two hundred dollars, and for the second assistant not
to exceed one thousand eight hundred dollars; in Boone
and Wyoming counties, not less than one thousand two
hundred nor more than one thousand eight hundred
dollars; in Barbour county, one thousand dollars; in
Monongalia county, two thousand four hundred dollars;
in Wayne county, two thousand dollars; in Berkeley
county, not to exceed one thousand two hundred dollars;
in Lewis, Lincoln, Marshall, Mineral, Nicholas, Ran-
dolph and Upshur counties, not to exceed twelve
hundred dollars; in Wetzel county, not less than six
hundred nor more than nine hundred dollars; in Taylor county, not to exceed six hundred dollars; in Putnam and Calhoun counties, three hundred dollars. In each case such compensation shall include the compensation provided by law for such assistant's services as attorney for boards of education and other administrative boards and officers of the county.

In any case in which it would, in the opinion of the court, be improper for the prosecuting attorney and his assistant (if he has one) to act, or if the prosecuting attorney and his assistant be unable to act, such court shall appoint some competent practicing attorney to prosecute such case, and upon the performance of the service for which he was appointed, the court shall certify that fact, with its opinion of what would be a reasonable allowance to such attorney for the service rendered, to the county court of the county, and such sum, or a different sum, when allowed by the county court, shall be paid out of the county treasury: Provided, That nothing in this section shall be construed to prohibit the employment by any person of a competent attorney or attorneys to assist in the prosecution of any person or corporation charged with crime.

In each of the counties herein named, except Harrison, and including Greenbrier, Lewis, Hampshire, Pocahontas, Putnam, Ritchie, Roane and Upshur, the prosecuting attorney may employ a stenographer for his office at a salary, payable out of the county treasury, of not less than nine hundred nor more than two thousand dollars per annum; except, the annual salary of such stenographer in Barbour, Lewis, Pocahontas and Taylor counties shall not exceed one thousand two hundred dollars; in Upshur and Calhoun counties, shall not exceed nine hundred dollars; in Hampshire, Roane and Monroe counties, shall not exceed six hundred dollars, however, for the county of Monroe, no payment of salary shall be made as herein provided after January first, one thousand nine hundred forty-five; in Berkeley county, shall not be less than six hundred dollars nor exceed one thousand two hundred dollars; in Putnam and Ritchie counties, shall be seven hundred dollars; in Boone county,
SALARIES OF COUNTY COMMISSIONERS

98 shall be one thousand two hundred dollars; and in Brax-
99 ton county, shall be seven hundred twenty dollars; in Web-
100 ster county, shall be six hundred dollars; in Jeff-
101 erson county, shall not exceed nine hundred dollars:
102 Provided, That in each of the last two named counties
103 the prosecuting attorney may not employ a stenographer
104 except with the consent of the county court entered of
105 record.
106 In the county of Harrison, the prosecuting attorney
107 may employ two stenographers for his office at a salary
108 for each stenographer of not less than nine hundred
109 nor more than one thousand two hundred dollars per
110 annum, payable out of the county treasury.
111 In the counties of Clay and Wetzel, the prosecuting at-
112 torney may employ a clerk or a stenographer for his of-
113 fice at a salary of one thousand two hundred dollars per
114 annum, payable out of the county treasury.
115 In the counties of Mingo and Preston, the prosecuting
116 attorney may employ one stenographer for his office at
117 a salary not to exceed one thousand five hundred dollars
118 per annum, payable out of the county treasury.
119 In the county of Jackson, the prosecuting attorney may
120 employ one stenographer or clerk for his office at a sal-
121 ary of six hundred dollars per annum, payable out of the
122 county treasury.

CHAPTER 22

(Com. Sub. for House Bill No. 27—Originating in the House Committee on
Counties, Districts and Municipal Corporations)

AN ACT to amend and reenact sections five (three), five
(seventeen), five (twenty-two), five (twenty-five), five
(thirty), five (forty), five (forty-one), five (forty-nine),
five (fifty) and five (fifty-four), article one, chapter seven
of the code of West Virginia, one thousand nine hundred
thirty-one, as amended by chapter fourteen, acts of the
Legislature, regular session, one thousand nine hundred
forty-one, relating to salaries of county commissioners of
the counties of Boone, Lincoln, Harrison, Marshall, Mingo, Raleigh, Randolph, Wayne, Webster and Wyoming.

[Passed March 2, 1943; in effect from passage. Approved by the Governor.]


Section (Salaries of County Commissioners)

5-(3). Boone county.
5-(17). Harrison county.
5-(22). Lincoln county.
5-(30). Mingo county.
5-(40). Raleigh county.
5-(41). Randolph county.
5-(49). Wayne county.
5-(50). Webster county.
5-(54). Wyoming county.

Be it enacted by the Legislature of West Virginia:

That sections five (three), five (seventeen), five (twenty-two), five (twenty-five), five (thirty), five (forty), five (forty-one), five (forty-nine), five (fifty) and five (fifty-four), article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter fourteen, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 5-(3). Boone County.—For the county of Boone, seventy-five dollars per month.

Sec. 5-(17). Harrison County.—For the county of Harrison, two hundred dollars per month.

Sec. 5-(22). Lincoln County.—For the county of Lincoln, seventy-five dollars per month.

Sec. 5-(25). Marshall County.—For the county of Marshall, one hundred dollars per month.

Sec. 5-(30). Mingo County.—For the county of Mingo, one hundred fifty dollars per month.

Sec. 5-(40). Raleigh County.—For the county of Raleigh, one hundred twenty-five dollars per month.

Sec. 5-(41). Randolph County.—For the county of Randolph, fifty dollars per month.
Sec. 5-(49). Wayne County.—For the county of Wayne, 2
one hundred twenty-five dollars per month.

Sec. 5-(50). Webster County.—For the county of Web-
ster, fifty dollars per month.

Sec. 5-(54). Wyoming County.—For the county of Wy-
2
oming, one hundred dollars per month.

CHAPTER 23
(Com. Sub. for House Bill No. 157—Originating in the House Committee on
Counties, Districts and Municipal Corporations)

AN ACT to amend and reenact sections two and three, article
seven, chapter seven of the code of West Virginia, one
thousand nine hundred thirty-one, as amended and re-
enacted by chapter nineteen, acts of the Legislature, extra-
ordinary session, one thousand nine hundred thirty-two,
and as amended and reenacted by chapter eighty-three,
acts of the Legislature, regular session, one thousand nine
hundred thirty-seven, and as further amended and reen-
acted by chapter eighteen, acts of the Legislature, regular
session, one thousand nine hundred thirty-nine, relating
to the salaries of clerks of the county courts and clerks of
the circuit courts.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the
Governor.]

Article 7. Salaries; Deputies and Assistants and Their Salaries.

Section
2. Salaries of county clerks.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article seven, chapter seven of
the code of West Virginia, one thousand nine hundred thirty-
one, as amended and reenacted by chapter nineteen, acts of
the Legislature, extraordinary session, one thousand nine hun-
dred thirty-two, and as amended and reenacted by chapter eighty-three, acts of the Legislature, regular session, one thou-
sand nine hundred thirty-seven and as further amended and
reenacted by chapter eighteen, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 2. Salaries of County Clerks.—The annual compensation of the clerk of the county court in each county shall, on and after January one, one thousand nine hundred forty-five, be as follows: Barbour county, two thousand two hundred dollars; Berkeley county, two thousand five hundred dollars; Boone county, two thousand four hundred dollars; Braxton county, two thousand four hundred dollars; Brooke county, one thousand nine hundred dollars; Cabell county, five thousand dollars; Calhoun county, one thousand seven hundred dollars; Clay county, one thousand seven hundred dollars; Doddridge county, one thousand eight hundred dollars; Fayette county, three thousand two hundred dollars; Gilmer county, one thousand eight hundred dollars; Greenbrier county, two thousand five hundred dollars; Hampshire county, one thousand eight hundred dollars; Hancock county, two thousand four hundred dollars; Harrison county, four thousand dollars; Jackson county, one thousand eight hundred dollars; Jefferson county, two thousand one hundred dollars; Kanawha county, five thousand five hundred dollars; Lewis county, two thousand five hundred dollars; Lincoln county, two thousand four hundred dollars; Logan county, three thousand three hundred dollars; Marion county, four thousand eight hundred dollars; Marshall county, three thousand dollars; Mason county, two thousand five hundred dollars; McDowell county, four thousand five hundred dollars; Mercer county, three thousand six hundred dollars; Mineral county, three thousand dollars; Mingo county, three thousand dollars; Monongalia county, three thousand six hundred dollars; Monroe county, one thousand eight hundred dollars; Morgan county, one thousand nine hundred dollars; Nicholas county, two thousand two hundred fifty dollars; Ohio county, four thousand five hundred dollars; Pleasants county, one thousand eight hundred dollars; Pocahontas county, one thousand eight hundred dollars; Preston county, two thousand three hundred dollars; Putnam county, two thousand two hundred
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38 dollars; Raleigh county, three thousand six hundred dol-
39 lars; Randolph county, three thousand dollars; Ritchie
40 county, two thousand five hundred dollars; Roane county,
41 two thousand two hundred dollars; Summers county, one
42 thousand six hundred dollars; Taylor county, two thou-
43 sand dollars; Tucker county, one thousand nine hundred
44 dollars; Tyler county, two thousand dollars; Upshur
45 county, two thousand five hundred dollars; Wayne county,
46 two thousand seven hundred dollars; Webster county, two
47 thousand dollars; Wetzel county, two thousand six hun-
48 dred dollars; Wirt county, one thousand two hundred
49 dollars; Wood county, three thousand six hundred dollars;
50 Wyoming county, three thousand six hundred dollars.

Sec. 3. Salaries of Circuit Clerks.—The annual comp-
2 pensation of the clerk of the circuit court (or clerk of
3 the circuit and criminal or intermediate or other court of
4 limited jurisdiction) in each county shall, on and after
5 January one, one thousand nine hundred forty-five, be as
6 follows: Barbour county, two thousand dollars; Berkeley
7 county, two thousand dollars; Boone county, two thou-
8 sand four hundred dollars; Braxton county, two thousand
9 four hundred dollars; Brooke county, two thousand one
10 hundred dollars; Cabell county, five thousand dollars;
11 Calhoun county, one thousand two hundred dollars; Clay
12 county, one thousand four hundred dollars; Doddridge
13 county, one thousand five hundred dollars; Fayette county,
14 three thousand dollars; Gilmer county, one thousand six
15 hundred dollars; Greenbrier county, one thousand eight
16 hundred dollars; Hampshire county, one thousand dollars;
17 Hancock county, two thousand four hundred dollars; Har-
18 rison county, four thousand dollars; Jackson county, one
19 thousand five hundred dollars; Jefferson county, two
20 thousand dollars; Kanawha county, five thousand five
21 hundred dollars; Lewis county, two thousand two hun-
22 dred dollars; Lincoln county, two thousand dollars; Logan
23 county, three thousand dollars; Marion county, four thou-
24 sand eight hundred dollars; Marshall county, two thou-
25 sand four hundred dollars; Mason county, one thousand
26 eight hundred dollars; McDowell county, four thousand
27 five hundred dollars; Mercer county, three thousand six
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28 hundred dollars; Mineral county, three thousand dollars;
29 Mingo county, three thousand dollars; Monongalia county,
30 three thousand six hundred dollars; Monroe county, one
31 thousand two hundred dollars; Morgan county, one thou-
32 sand dollars; Nicholas county, two thousand dollars; Ohio
33 county, five thousand five hundred dollars; Pleasants
34 county, one thousand three hundred fifty dollars; Poca-
35 hontas county, one thousand eight hundred dollars; Pres-
36 ton county, two thousand dollars; Putnam county, one
37 thousand eight hundred dollars; Raleigh county, three
38 thousand three hundred dollars; Randolph county, two
39 thousand six hundred dollars; Ritchie county, one thou-
40 sand eight hundred dollars; Roane county, one thousand
41 eight hundred dollars; Summers county, one thousand
42 six hundred dollars; Taylor county, two thousand dol-
43 lars; Tucker county, one thousand six hundred dollars;
44 Tyler county, one thousand eight hundred dollars; Upshur
45 county, two thousand five hundred dollars; Wayne county,
46 two thousand four hundred dollars; Webster county, one
47 thousand eight hundred dollars; Wetzel county, two thou-
48 sand dollars; Wirt county, nine hundred dollars; Wood
49 county, three thousand dollars; Wyoming county, three
50 thousand six hundred dollars.

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CHAPTER 24
(Com. Sub. for House Bill No. 191—Originating in the House Committee on
Counties, Districts and Municipal Corporations)

AN ACT to amend and reenact section five, article seven,
chapter seven of the code of West Virginia, one thousand
nine hundred thirty-one, and to add thereto sections
five-(one) to section five-(fifty-five), inclusive, relating
to the salaries of prosecuting attorneys.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the
Governor.]
Article 7. Salaries; Deputies and Assistants and Their Salaries.

Section 5. Salaries of prosecuting attorneys.

Be it enacted by the Legislature of West Virginia:

That section five, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted, and that sections five (one) to section five (fifty-five) be added thereto, all to read as follows:

Section 5. Salaries of Prosecuting Attorneys.—The annual compensation of the prosecuting attorney in each county, including the compensation provided by law for his services as attorney for boards of education and other administrative boards and officers in the county, shall, on and after January one, one thousand nine hundred forty-five, be in the amounts set forth in sections five (one) to five (fifty-five), inclusive, of this article.

Sec. 5-(1). Barbour County.—For the county of Barbour, two thousand dollars.

Sec. 5-(2). Berkeley County.—For the county of Berkeley, one thousand eight hundred dollars.

Sec. 5-(3). Boone County.—For the county of Boone, two thousand four hundred dollars.

Sec. 5-(4). Braxton County.—For the county of Braxton, one thousand eight hundred dollars.

Sec. 5-(5). Brooke County.—For the county of Brooke, two thousand five hundred dollars.

Sec. 5-(6). Cabell County.—For the county of Cabell, four thousand eight hundred dollars.

Sec. 5-(7). Calhoun County.—For the county of Calhoun, one thousand two hundred dollars.

Sec. 5-(8). Clay County.—For the county of Clay, one thousand six hundred dollars.

Sec. 5-(9). Doddridge County.—For the county of Doddridge, one thousand two hundred dollars.
Sec. 5-(10). Fayette County.—For the county of Fayette, not less than three thousand six hundred dollars, nor more than four thousand two hundred dollars.

Sec. 5-(11). Gilmer County.—For the county of Gilmer, one thousand five hundred dollars.

Sec. 5-(12). Grant County.—For the county of Grant, one thousand dollars.

Sec. 5-(13). Greenbrier County.—For the county of Greenbrier, two thousand five hundred dollars.

Sec. 5-(14). Hampshire County.—For the county of Hampshire, one thousand dollars.

Sec. 5-(15). Hancock County.—For the county of Hancock, two thousand four hundred dollars.

Sec. 5-(16). Hardy County.—For the county of Hardy, one thousand dollars.

Sec. 5-(17). Harrison County.—For the county of Harrison, four thousand dollars.

Sec. 5-(18). Jackson County.—For the county of Jackson, one thousand two hundred dollars.

Sec. 5-(19). Jefferson County.—For the county of Jefferson, not less than one thousand two hundred dollars, nor in excess of one thousand eight hundred dollars, the amount to be fixed within such limits by the county court of said county.

Sec. 5-(20). Kanawha County.—For the county of Kanawha, six thousand dollars.

Sec. 5-(21). Lewis County.—For the county of Lewis, not less than two thousand dollars nor more than two thousand four hundred dollars.

Sec. 5-(22). Lincoln County.—For the county of Lincoln, two thousand four hundred dollars.

Sec. 5-(23). Logan County.—For the county of Logan, three thousand six hundred dollars.
Sec. 5-(24). Marion County.—For the county of Marion, 4,000 dollars.

Sec. 5-(25). Marshall County.—For the county of Marshall, 3,000 dollars.

Sec. 5-(26). Mason County.—For the county of Mason, 2,000 dollars.

Sec. 5-(27). McDowell County.—For the county of McDowell, 4,000 dollars.

Sec. 5-(28). Mercer County.—For the county of Mercer, 3,000 dollars.

Sec. 5-(29). Mineral County.—For the county of Mineral, 2,000 dollars.

Sec. 5-(30). Mingo County.—For the county of Mingo, 4,000 dollars.

Sec. 5-(31). Monongalia County.—For the county of Monongalia, 4,000 dollars.

Sec. 5-(32). Monroe County.—For the county of Monroe, 2,000 dollars.

Sec. 5-(33). Morgan County.—For the county of Morgan, 1,200 dollars.

Sec. 5-(34). Nicholas County.—For the county of Nicholas, 2,000 dollars.

Sec. 5-(35). Ohio County.—For the county of Ohio, 4,000 dollars.

Sec. 5-(36). Pendleton County.—For the county of Pendleton, 1,000 dollars.

Sec. 5-(37). Pleasants County.—For the county of Pleasants, 1,000 dollars.

Sec. 5-(38). Pocahontas County.—For the county of Pocahontas, 1,000 dollars.

Sec. 5-(39). Preston County.—For the county of Preston, 2,500 dollars.

Sec. 5-(40). Putnam County.—For the county of Putnam, 1,800 dollars.
Sec. 5-(41). Raleigh County.—For the county of Raleigh, not less than three thousand nor more than four thousand eight hundred dollars.

Sec. 5-(42). Randolph County.—For the county of Randolph, three thousand dollars.

Sec. 5-(43). Ritchie County.—For the county of Ritchie, one thousand two hundred dollars.

Sec. 5-(44). Roane County.—For the county of Roane, one thousand five hundred dollars.

Sec. 5-(45). Summers County.—For the county of Summers, one thousand six hundred dollars.

Sec. 5-(46). Taylor County.—For the county of Taylor, two thousand two hundred dollars.

Sec. 5-(47). Tucker County.—For the county of Tucker, one thousand two hundred dollars.

Sec. 5-(48). Tyler County.—For the county of Tyler, one thousand two hundred dollars.

Sec. 5-(49). Upshur County.—For the county of Upshur, one thousand five hundred dollars.

Sec. 5-(50). Wayne County.—For the county of Wayne, two thousand four hundred dollars.

Sec. 5-(51). Webster County.—For the county of Webster, one thousand eight hundred dollars.

Sec. 5-(52). Wetzel County.—For the county of Wetzel, two thousand dollars.

Sec. 5-(53). Wirt County.—For the county of Wirt, six hundred dollars.

Sec. 5-(54). Wood County.—For the county of Wood, three thousand six hundred dollars.

Sec. 5-(55). Wyoming County.—For the county of Wyoming, not less than three thousand dollars, nor more than four thousand dollars.
AN ACT to amend and reenact sections eight and nine, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, relating to compensation to be allowed to commissioners of courts and commissioners of accounts.

[Passed March 8, 1943; in effect from passage. Approved by the Governor.]

Article 1. Fees and Allowances.
Section

Be it enacted by the Legislature of West Virginia:
That sections eight and nine, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 8. Compensation of Commissioners of Courts.—
2 A commissioner, except where it is otherwise specially provided, shall be allowed for any service such compensation as the court of which he is commissioner may from time to time prescribe. The commissioner shall indicate to the court, in writing, the compensation he believes he is entitled to receive for services performed.
3 A commissioner shall not be compelled to make out or return a report until his compensation therefor be paid or security given him to pay so much as may be adjudged right by the court to whom the report is to be returned, or, if it be a circuit court or court of limited jurisdiction, by the judge thereof in vacation, unless the court or judge see cause to order it to be made out and returned without such payment or security, and shall so order.

Sec. 9. Compensation of Commissioners of Accounts.—
2 A commissioner of accounts, except where it is other-
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3 wise specially provided, shall be allowed for any service such compensation as the court for which he is such commissioner shall from time to time prescribe.

6 The commissioner shall indicate to the court, in writing, the compensation he believes he is entitled to receive for services performed.

CHAPTER 26

(Senate Bill No. 147—By Mr. Allen)

AN ACT to amend and reenact section eight, article eighteen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, pertaining to costs and executions in courts of justices of the peace.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 18. Criminal Jurisdiction and Procedure; Appeals.

Section
8. Costs; execution.

Be it enacted by the Legislature of West Virginia:

That section eight, article eighteen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 8. Costs; Execution.—Whether the trial is by jury or not, if the judgment be against the accused, it shall be for the costs of the proceeding in addition to the fine and term of imprisonment imposed, and when the accused is sentenced to imprisonment, whether a fine be also imposed or not, or is imprisoned for nonpayment of a fine and costs, the jailer's compensation for maintenance of the prisoner shall be included in the costs, and paid out of the justice fine fund of the county; but if the justice fine fund is not sufficient to pay all such costs, then to be paid out of the county fund general revenue.

Execution, to be collected out of the personal property
13 of the accused, may be issued on such judgment for fine
14 and costs, or for the costs alone, if the judgment be for
15 imprisonment and costs without fine. Fee bills may be
16 issued against the accused for costs incurred at his in-
17 stance, including the jailer’s compensation, under the
18 same regulations and with like effect as in civil suits.

CHAPTER 27
(House Bill No. 43—By Mr. Farr)

AN ACT to amend and reenact section one-c, article two, chap-
13 ter fifty-one of the code of West Virginia, one thousand
14 nine hundred thirty-one, relative to the terms of the cir-
15 cuit courts of the counties of Doddridge, Pleasants and
16 Ritchie, composing the third judicial circuit, and the times
17 for the commencing and holding of said terms.

[Passed February 9, 1943; in effect ninety days from passage. Approved by the
Governor.]

Article 2. Circuit Courts; Circuit, Criminal and Intermediate
Judges.

Section
1-c. Third circuit; terms of court.

Be it enacted by the Legislature of West Virginia:

That section one-c, article two, chapter fifty-one of the code
of West Virginia, one thousand nine hundred thirty-one, be
amended and reenacted to read as follows:

Section 1-c. Third Circuit; Terms of Court.—For the
2 county of Doddridge, on the first Tuesday in April, August
3 and November.
4 For the county of Pleasants, on the second Tuesday in
5 January, the fourth Tuesday in April, and the second
6 Tuesday in September.
7 For the county of Ritchie, on the second Tuesday in
8 February and June, and the first Tuesday in October.
CHAPTER 28
(House Bill No. 232—By Mr. Reed)

AN ACT to amend and reenact section one, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, providing for reference of an estate of decedent to a commissioner of accounts.

[Passed March 12, 1943; in effect from passage. Approved by the Governor.]

Article 2. Proof and Allowance of Claims Against Estates of Decedents.

Section 1. Estate of decedent to be referred to a commissioner of accounts.

Be it enacted by the Legislature of West Virginia:

That section one, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. Estate of Decedent to Be Referred to a Commissioner of Accounts.—Upon the qualification of any personal representative, the estate of his decedent shall, by order of the county court to be then made, be referred to a commissioner of accounts for proof and determination of debts and claims, establishment of their priority, determination of the amount of the respective shares of the legatees and distributees, and any other matter necessary and proper for the settlement of the estate: Provided,

That in counties where there are two or more such commissioners, the estates of decedents shall be referred to such commissioners in rotation, in order that, so far as possible, there may be an equal division of the work: Provided further, That, if and when, the personal representative shall file with the clerk of the county court an appraisement of the estate, showing its value to be two hundred dollars or less, then proceedings before the commissioner of accounts shall not be necessary, but the personal representative shall, within two months from his appointment, file with the county clerk his report of receipts and disbursements, and, unless some creditor or
heir shall within thirty days thereafter show good cause why the report is not correct, the personal representative and his bondsman shall be discharged.

CHAPTER 29
(House Bill No. 243—By Mr. Samms)

AN ACT to amend and reenact section four, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, relating to salaries of judges of circuit courts and additional compensation from counties.

(Passed March 11, 1943; in effect April 1, 1943. Approved by the Governor.)

Article 7. Compensation and Allowances.

Section 4. Salaries of judges of circuit courts; additional compensation from counties.

Be it enacted by the Legislature of West Virginia:

That section four, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 4. Salaries of Judges of Circuit Courts; Additional Compensation from Counties.—The salaries of the judges of the circuit courts shall be paid out of the state treasury and shall, unless otherwise provided by law, be in the following annual amounts:

(1) In circuits having more than one hundred thousand population, seven thousand five hundred dollars;
(2) In circuits having more than eighty thousand and less than one hundred thousand population, seven thousand dollars;
(3) In circuits having more than sixty thousand and less than eighty thousand population, six thousand five hundred dollars;
(4) In circuits having more than forty thousand and
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15 less than sixty thousand population, six thousand dollars;
16 (5) In circuits having less than forty thousand popula-
17 tion, five thousand dollars.
18 A county court may pay the judge of the circuit ad-
19 ditional compensation, but the salary and additional compen-
20 sation shall not exceed seven thousand five hundred dol-
21 lars, except in circuits of over one hundred thousand and
22 less than one hundred seventy-five thousand popula-
23 tion, wherein the salary and additional compensation
24 shall not exceed eight thousand dollars; and except in
25 circuits of over one hundred seventy-five thousand popu-
26 lation or more, wherein the salary and additional compen-
27 sation shall not exceed nine thousand five hundred dol-
28 lars; and except further that in the first judicial circuit,
29 the board of county commissioners of Ohio county is
30 hereby authorized to pay additional compensation to the
31 judges of said circuit, but the amount of such compensa-
32 tion shall not exceed two thousand dollars per annum to
33 each of said judges. Said board of county commissioners
34 may arrange with the county courts of Brooke and Han-
35 cock counties, or either or both of said counties, whereby
36 either or both of said county courts may contribute toward
37 the payment of any such additional compensation so paid
38 to said judges.
39 The population shall be according to the United States
census, or the estimate of the United States bureau of
census, as certified to the state auditor by the United
States director of the census, last preceding the beginning
of the calendar year in which the salary is payable.

CHAPTER 30

(House Bill No. 89—By Mr. Evans)

AN ACT to repeal section nine and to amend and reenact sec-
tion five, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, rela-
ting to the use of vehicles in aid of prostitution, to
houses of prostitution and assignation, prohibiting prostitution, lewdness, and assignation, prohibiting the letting or renting of any house, place, hotel, or other structure for the purpose of prostitution, lewdness or assignation, making such leases void, and defining the term “tourist camp”.

[Passed March 2, 1943; in effect from passage. Approved by the Governor.]

Article 8. Crimes Against Chastity, Morality and Decency.

Section

8. Houses and places of ill fame and assignation; penalties; jurisdiction of courts.


Be it enacted by the Legislature of West Virginia:

That section nine, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be repealed, and that section five, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 5. Houses and Places of Ill Fame and Assignation; Penalties; Jurisdiction of Courts.—(a) Any person who shall keep, set up, maintain, or operate any house, place, building, hotel, tourist camp, other structure, or part thereof, or vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation; or who shall own any place, house, hotel, tourist camp, other structure, or part thereof, or trailer or other conveyance, knowing the same to be used for the purpose of prostitution, lewdness, or assignation, or who shall let, sublet, or rent any such place, premises, or conveyance to another with knowledge or good reason to know of the intention of the lessee or rentee to use such place, premises, or conveyance for prostitution, lewdness, or assignation; or who shall offer, or offer to secure, another for the purpose of prostitution, or for any other lewd or indecent act; or who shall receive or offer or agree to receive any person into any house, place, building, hotel, tourist camp, or other structure, or vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation,
or to permit any person to remain there for such pur-
pose; or who for another or others shall direct, take, or
transport, or offer or agree to take or transport, or aid
or assist in transporting, any person to any house, place,
building, hotel, tourist camp, other structure, vehicle,
trailer, or other conveyance, or to any other person with
knowledge or having reasonable cause to believe that the
purpose of such directing, taking, or transporting is prosti-
tution, lewdness, or assignation; or who shall aid, abet,
or participate in the doing of any acts herein prohibited,
shall, upon conviction for the first offense under this
section, be punished by imprisonment in the county jail
for a period of not less than six months nor more than one
year, and by a fine of not less than one hundred dol-
ars and not to exceed two hundred fifty dollars, and
upon conviction for any subsequent offense under this
section shall be punished by imprisonment in the peni-
tentiary for a period of not less than one year nor more
than five years.

(b) Any person who shall engage in prostitution, lewd-
ness, or assignation, or who shall solicit, induce, entice,
or procure another to commit an act of prostitution,
lewdness, or assignation; or who shall reside in, enter,
or remain in any house, place, building, hotel, tourist
camp, or other structure, or enter or remain in any vehicle,
trailer, or other conveyance for the purpose of pros-
titution, lewdness, or assignation; or who shall aid, abet,
or participate in the doing of any of the acts herein
prohibited, shall, upon conviction for the first offense
under this section, be punished by imprisonment in
the county jail for a period of not less than sixty days
nor more than six months, and by a fine of not less
than fifty dollars and not to exceed one hundred dol-
lars; and upon conviction for the second offense under
this section, be punished by imprisonment in the county
jail for a period of not less than six months nor more
than one year, and by a fine of not less than one hun-
dred dollars and not to exceed two hundred fifty dollars,
and upon conviction for any subsequent offense under
this section shall be punished by imprisonment in the
penitentiary for not less than one year nor more than
three years.

The subsequent offense provision shall apply only to
the pimp, panderer, solicitor, operator or any person
benefiting financially or otherwise from the earnings of
a prostitute.

(c) All leases and agreements, oral or written, for
letting, subletting, or renting any house, place, building,
hotel, tourist camp, or other structure which is used
for the purpose of prostitution, lewdness, or assignation,
shall be void from and after the date any person who is a
party to such an agreement shall be convicted of an of-

cense hereunder. The term “tourist camp” shall include
any temporary or permanent buildings, tents, cabins, or
structures, or trailers, or other vehicles which are main-
tained, offered, or used for dwelling or sleeping quarters
for pay.

(d) In the trial of any person, charged with a viola-
tion of any of the provisions of this section, testimony
concerning the reputation or character of any house,
place, building, hotel, tourist camp, or other structure, and
of the person or persons who reside in or frequent same,
and of the defendant or defendants, shall be admissible
in evidence in support of the charge. Justices of the peace
shall have concurrent jurisdiction with circuit, inter-
mediate, and criminal courts to try and determine the
misdemeanors set forth and described in this section.

Sec. 9. This section is hereby repealed.

CHAPTER 31
(House Bill No. 287—By Mr. Farr)

AN ACT to amend and reenact sections eighteen and nineteen,
article eleven, chapter sixty-one of the code of West Vir-
ginia, one thousand nine hundred thirty-one, as last
amended by chapter twenty-six, acts of the Legislature,
regular session, one thousand nine hundred thirty-nine,
relating to the trial and punishment of second and third offenders.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]


Section
18. Punishment for second or third offense of felony.
19. Procedure in trial of persons for second or third offense.

Be it enacted by the Legislature of West Virginia:

That sections eighteen and nineteen, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter twenty-six, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 18. Punishment for Second or Third Offense of Felony.—When any person is convicted of an offense and is subject to confinement in the penitentiary therefore, and it is determined, as provided in section nineteen of this article, that such person had been before convicted in the United States of a crime punishable by imprisonment in a penitentiary, the court shall, if the sentence to be imposed is for a definite term of years, add five years to the time for which the person is or would be otherwise sentenced. Whenever in such case the court imposes an indeterminate sentence, five years shall be added to the maximum term of imprisonment otherwise provided for under such sentence.

When it is determined, as provided in section nineteen hereof, that such person shall have been twice before convicted in the United States of a crime punishable by confinement in a penitentiary, the person shall be sentenced to be confined in the penitentiary for life.

Sec. 19. Procedure in Trial of Persons for Second or Third Offense.—It shall be the duty of the prosecuting attorney when he has knowledge of former sentence or sentences to the penitentiary of any person convicted of an offense punishable by confinement in the penitentiary to give information thereof to the court immediately
upon conviction and before sentence. Said court shall, before expiration of the term at which such person was convicted, cause such person or prisoner to be brought before it, and upon an information filed by the prosecuting attorney, setting forth the records of conviction and sentence, or convictions and sentences, as the case may be, and alleging the identity of the prisoner with the person named in each, shall require the prisoner to say whether he is the same person or not. If he says he is not, or remains silent, his plea, or the fact of his silence, shall be entered of record, and a jury shall be impaneled to inquire whether the prisoner is the same person mentioned in the several records. If the jury finds that he is not the same person, he shall be sentenced upon the charge of which he was convicted as provided by law; but if they find that he is the same, or after being duly cautioned if he acknowledges in open court that he is the same person, the court shall sentence him to such further confinement as is prescribed by section eighteen of this article on a second or third conviction, as the case may be.

The clerk of such court shall transmit a copy of said information to the warden of the penitentiary, together with the other papers required by the provisions of section ten, article eight, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one. Nothing contained herein shall be construed as repealing the provisions of section four, article eight, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, but no proceeding shall be instituted by the warden, as provided therein, if the trial court has determined the fact of former conviction or convictions as provided herein.
CHAPTER 32

(Com. Sub. for House Bill No. 237—Originating in the House Committee on the Judiciary)

AN ACT to amend and reenact section eighteen, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter twenty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to the period of and discharge from parole.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]


Section 18. Period of parole; discharge.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter twenty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 18. Period of Parole; Discharge.—The period of parole shall in all cases be the maximum period for which, at the time of his release, the parolee was subject to imprisonment under his definite term or general sentence, as the case may be, but at any time after the expiration of his definite term or general sentence, less time deductions for good conduct and work as provided by law for inmates of the penitentiary, the director of probation and parole may, when in his judgment the ends of parole have been attained, release the parolee from further supervision and discharge him from parole, whereupon the term or sentence imposed shall be fully completed and satisfied.
AN ACT to amend and reenact section four, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the probation of offenders convicted in courts other than courts of record.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the Governor.]


Section 4. Probation of Offenders Convicted in Courts Other Than Courts of Record.—Whenever any person is found guilty of, or pleads guilty to, a crime in a court which is not a court of record, he may, at any time thereafter, file with the court of record to which an appeal would lie, or with the judge thereof in vacation, his petition in writing, together with a transcript of the docket of the court in which he was convicted, requesting that he be placed on probation. Upon the filing of such petition and transcript, said court of record or the judge thereof, shall have power to suspend the execution of the sentence of the lower court and to release the petitioner on probation upon such conditions as to said court or judge may seem fitting.

CHAPTER 34

(House Bill No. 81—By Mr. Janes)

AN ACT to amend and reenact section two, article six, chapter
sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, and to further amend said article by adding thereto a new section to be designated section two-a, relating to when recognizances are required, the contents thereof, the duration and effect of such recognizances, and cash deposits as recognize without surety.

[Passed March 1, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 6. Recognizances in Criminal Cases.

Section
2. When recognize required; contents.
2-a. Cash deposits as recognize without surety.

Be it enacted by the Legislature of West Virginia:

That section two, article six, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted, and that said article be further amended by adding thereto a new section designated section two-a, all to read as follows:

Section 2. When Recognizance Required; Contents.—A court, judge or justice letting any person to bail shall require a recognizance to be given.

Recognizances in criminal cases shall be payable to the state of West Virginia. Every such recognizance shall be in such sum and with such surety as the court or officer requiring it may direct; and if it be a witness, it may be with or without surety, as shall be deemed proper by the court or officer taking it. The condition of such recognizance shall be as follows, as the case may be:

(a) When it is taken of a person charged with a criminal offense, that he appear before the court, judge or justice, before whom the proceedings on such charge will be, at such time as may be prescribed by the court or officer taking it, then and there to answer for the offense with which such person is charged, and to any indictment concerning any such offense that may be thereafter returned, and then and there render himself amenable to the order and process of the court, judge or justice, and from term to term and time to time thereafter to which the proceedings concerning such charge, and in-
dictment may be continued, until the matter is finally
terminated, and if convicted shall appear for judgment
and render himself in execution thereof upon such day
as the court, judge or justice may order;
(b) When it is taken of a witness in a case against any
person charged with an offense, that such witness will
appear at such time as may be prescribed by the court or
officer taking such recognizance, and give evidence on
such charge before the grand jury, court, judge or jus-
tice before whom such charge may be pending, and from
term to term and time to time thereafter until all mat-
ters concerning such charge shall be finally termina-
ted;
(c) And in either of the foregoing cases, that the per-
son so charged or said witness, as the case may be, shall
not depart thence without the leave of said grand jury,
court, judge or justice; and
(d) When taken for any other purpose than to appear
so to answer or give evidence, that the person of whom
it is taken shall keep the peace and be of good behavior
for such time, not exceeding one year, as the court or
officer requiring it may direct; and if such court or officer
directs, it may, when taken of a person charged with an
offense, be with condition for so keeping the peace and
being of good behavior, in addition to the other con-
ditions of his recognizance.

And when such recognizance is taken by a court or
justice of a person to answer a charge, or of a witness to
give evidence, it shall be sufficient for the order of the
court or justice taking said recognizance to state that
the person or persons recognized were duly recognized
in such sum as the court may have directed with such
surety as the court may have accepted for his or their
appearance before the court, judge or justice, at such
time as may have been prescribed by the court or justice,
to answer for the offense with which such person is
charged, or to give evidence, as the case may be.

Sec. 2-a. Cash Deposits as Recognizance without Sur-
2 ety.—Whenever a person arrested on a criminal charge
has been admitted to bail by a court or an officer auth-
orized by law so to do, for his appearance before any
court, judge or justice, he may, instead of entering into
a recognizance with surety as required by law, give his
personal recognizance and deposit, or cause to be de-
posited for him, in cash, the amount of bail he is re-
quired to furnish, with the clerk of the circuit court of
the county, or with the clerk of any other court in which
he was admitted to bail, and the clerk with whom such
deposit is made shall give him a certificate thereof, and up-
on delivering said certificate to the court or officer admit-
ting him to bail, he shall be ordered to be released.

If there be no default in the observance of the con-
ditions of the recognizance, then, upon the termination of
the proceedings, the money so deposited, shall, by order
of the trial court or justice, be refunded to the defendant,
or upon his order; but if there be any such default, the
same action shall be taken, and the same proceedings
had, with like rules governing, so far as applicable, as
if the recognizance had been with surety instead of with
cash deposit aforesaid, and the clerk having the money
shall dispose of the same, if there be a judgment of
forfeiture, in the same manner as other money received
on account of forfeited recognizances is required to be
disposed of.

The defendant may surrender himself at any time be-
fore default in the same manner as sureties may surren-
der their principal, and the money so deposited shall
thereupon, by order of the court or officer to which or
to whom such surrender was made, be returned to the
defendant, or on his order.

CHAPTER 35
(House Bill No. 30—By Mr. Callahan)

AN ACT to amend and reenact article four, chapter forty-eight
of the code of West Virginia, one thousand nine hundred
thirty-one, as last amended and reenacted by chapter
twenty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to adoption.

[Passed March 5, 1943; in effect from passage. Vetoed by the Governor and passed by both Houses notwithstanding veto.]

Article 4. Adoption.

Section 1. Who may adopt; petition to circuit court; consent of parents.
2. Contents of petition; age of petitioners.
3. Proceedings on petition; appointment of next friend; contents of decree.
4. Recording of decree, fees of clerk; records of adoption proceeding; notice to registrar of vital statistics; birth certificate.
5. Effect of decree as to relations of parent and child and rights of inheritance.
6. Revocation of adoption by judicial proceedings or by child itself at majority.
7. Adoption of adults.
8. Jurisdiction of courts.

Be it enacted by the Legislature of West Virginia:

That article four, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter twenty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 1. Who May Adopt; Petition to Circuit Court; Consent of Parents.—It shall be lawful for any person not married, or any husband with his wife's consent, or any wife with her husband's consent, or any husband and wife jointly, to petition the circuit court of the county wherein he, she or they may reside, or the judge of such court in vacation, for permission to adopt any minor child, and also to petition for a change of name of such child: Provided, That if such child be of the age of twelve years, or over, the written consent of such child to such adoption, given in the presence of the judge having jurisdiction thereof, must be obtained and presented with the petition, and also the written consent, duly acknowledged, of the parent or parents, if living; or, if both parents should be dead or unknown, or insane, or shall have abandoned the child sought to be adopted, or have been deprived of the custody of the person of such child by law, then and in such case, the written consent, acknowledged
as aforesaid, of the legal guardian of such child or those having at the time the legal custody of the child, shall be obtained and so presented. And if there be no legal guardian nor any person having the legal custody of the child, then such consent must be obtained from some discreet and suitable person appointed by the court or judge thereof to act as the next friend of such child in the adoption proceedings. No such petition shall be made or presented until after the child sought to be adopted shall have lived in the home of the adopting parent or parents for a period of six months.

Sec. 2. Contents of Petition; Age of Petitioners.—Such petition shall set forth the name, age and place of residence of the petitioner or petitioners, and of the child, and the name by which the child shall be known; whether such child be possessed of any property, and a full description of the same, if any; whether such child has either father or mother, or both, and if he, she or they are alive, then the name or names, and place of residence of such father or mother, or if such be the fact, that the same are unknown to the petitioner or petitioners.

The persons petitioning as aforesaid shall be at least fifteen years older than the child sought to be adopted, and the petition shall be duly verified according to law.

Sec. 3. Proceedings on Petition; Appointment of Next Friend; Contents of Decree.—Upon the presentation of such petition to the court, or judge thereof in vacation, the same shall be ordered filed with the clerk of such court, and the court or judge thereof shall appoint a day for the hearing of such petition and the examination under oath of the parties in interest. And the court or judge thereof may adjourn the hearing of such petition or the examination of the parties in interest from time to time, as the nature of the case may require. Between the time of the filing of the petition for adoption and the hearing thereon, the court may cause a discreet inquiry to be made respecting the child, for the purpose of ascertaining whether such child is a proper subject for adoption, and shall cause a discreet inquiry to be made respecting the home of the petitioner or petition-
ers to determine whether it is a suitable home for such child. Such inquiry shall be made by any suitable person or agency designated by the court, and the results thereof shall be embodied in a full written report and shall be submitted to the court at or prior to the hearing upon the petition, and shall be filed with the records of the proceeding and become a part thereof. If it shall be necessary, under the provisions of this article, that a discreet and suitable person shall be appointed to act as the next friend of the child sought to be adopted, then and in that case the court or judge thereof shall order a notice of the petition and of the time and place when and where the appointment of next friend will be made, to be published in some newspaper of general circulation in the county where such court is located, once a week for two consecutive weeks; and at the time and place so named and upon due proof of the publication of such notice, the court or judge thereof shall make such appointment, and shall thereupon assign a day for the hearing of such petition and the examination of the parties interested. Upon the day so appointed the court or judge thereof shall proceed to a full hearing of the petition and examination of the parties in interest, under oath, and of such other witnesses as the court or the judge thereof may deem necessary to fully develop the standing of the petitioners and their responsibility, and the status of the child sought to be adopted; and if the court or judge thereof shall be of the opinion from the testimony that the facts stated in the petition are true, and if upon examination the court or the judge thereof is satisfied that the petitioner is, or the petitioners are, of good moral character, and of respectable standing in the community, and are able properly to maintain and educate the child sought to be adopted, and that the best interests of the child would be promoted by such adoption, then and in such case the court or judge thereof shall make a decree reciting at length the facts proved and the name by which the child shall thereafter be known, and declaring and adjudging that from the date of such decree, the rights, duties, privileges and relations, theretofore existing between the child and his or her parent or parents, shall be
in all respects at an end, excepting the right of inheritance; and that the rights, duties, privileges and relations between the child and his or her parent or parents by adoption, shall thenceforth in all respects be the same, including the right of inheritance, as if the child had been born to such adopting parent or parents in lawful wedlock, except only as otherwise provided in this article.

Sec. 4. Recording of Decree, Fees of Clerk; Records of Adoption Proceeding; Notice to Registrar of Vital Statistics; Birth Certificate.—The decree shall be recorded in a book kept for that purpose, and the clerk shall receive the same fees as in other cases in the circuit court or juvenile court, as the case may be. All records of proceedings in adoption cases and all papers and records relating to such proceedings shall be kept in a sealed file and shall not be open to inspection or copy by anyone other than the parties of record or their legal representatives, except upon court order for good cause shown. No person in charge of adoption records shall disclose the names of the adopting parent or parents or adopted child except by court order. Immediately upon the entry of such a decree of adoption, the court shall direct the clerk thereof forthwith to make and deliver to the state registrar of vital statistics a certificate under the seal of said court, showing:

(1) The date and place of birth of the adoptee, if known;
(2) The names of the natural parents of the adoptee, if known;
(3) The name by which said child has previously been known;
(4) The names and addresses of the adopting parents;
(5) The name by which the child is to be thereafter known; and
(6) Such other information from the record of said adoption proceedings as may be required by the law of this state relating to vital statistics, and as may enable the state registrar of vital statistics to carry out the duty imposed upon him by this section.

Upon receipt of said certificate the said registrar of
vital statistics shall forthwith issue and deliver by mail
to the adopting parents at their last known address a
birth certificate in form required by law, except that the
name of the adoptee shown in said certificate shall be
the name given him by the decree of adoption.

Sec. 5. Effect of Decree as to Relations of Parent and
Child and Rights of Inheritance.—Upon the entry of such
decree of adoption, the parents of the child, if living,
shall be divested of all legal rights and obligations in
respect to the child, and the child shall be free from
all legal obligations of obedience or otherwise to the
parents, and the adopting parent or parents of the child
shall be invested with every legal right in respect to
obedience and maintenance on the part of the child,
as if such child had been born to them in lawful wedlock;
and the child shall be invested with every legal right,
privilege, obligation and relation in respect to educa-
tion, maintenance, and the right of inheritance in the
estate of such adopting parent or parents as if born
to him or them in lawful wedlock; except that such child
shall not be capable of taking property expressly lim-
ited to the heirs of the body of the adopting parent or
parents, nor property coming from the lineal or colla-
teral kindred of such adopting parent or parents by
right of representation: Provided, That on the death of the
adopting parent or parents and the subsequent death of
the child so adopted without issue, the property of such
adopting deceased parent or parents shall descend to or
be distributed among the next of kin of such parent or
parents, and not the next of kin of the child adopted:
Provided further, That if such adopting parent or parents
shall have another child or children, theirs by birth,
then, and in that case, the adopted child shall share the
inheritance with the child or children born to the adopt-
ing parent or parents, and in such case also, such adopted
child and such child or children by birth shall respectively
inherit from and through each other the property and
estate of the adopting parent or parents, as if all had been
children of such parent or parents born in lawful wedlock.
If, however, the adopting parent is, at the time of adop-
tion, married to one of the natural parents of the child, the
relation of the child to such natural parent shall be in no
way altered or affected by the provisions of this act.

Sec. 6. Revocation of Adoption by Judicial Pro-
ceedings or by Child Itself at Majority.—A parent
or guardian of a minor, when a minor is adopted
under the provisions of this article, who had no no-
tice of the proceedings, may, at any time within a
year after receiving notice thereof, apply by petition
to the circuit court in which the petition mentioned
in the first section was filed, praying that the adoption
may be vacated. The court applied to shall fix a date for
a hearing, shall cause notice thereof to be given to the
person or persons who were permitted to adopt such
minor, and, at the time so fixed, shall hear the petitioner
and all parties interested, and may vacate or affirm the
adoption in its discretion. Any party interested may ap-
peal to the supreme court of appeals from the decision
of the circuit court in the matter, as in cases of appeals
in chancery matters. When any minor has been adopted,
he may, within one year after becoming of age, sign,
seal and acknowledge before proper authority, in the
county in which the decree of adoption was made, a
dissent from such adoption, and file such instrument of
dissent in the office of the clerk of the county court of
such county, and such clerk shall record and index the
same. Upon the filing of such instrument of dissent the
adoption shall be vacated.

Sec. 7. Adoption of Adults.—Any adult person who is
a resident of West Virginia may petition the circuit court
for permission to adopt one who has reached the age of
twenty-one years or over, and, if desired, to change the
name of such person. The consent of the person to be
adopted shall be the only consent necessary. The order
of adoption shall create the same relationship between
the adopting parent or parents and the person adopted,
and the same rights of inheritance as in the case of an
adopted minor child. If a change in name is desired, the
adoption order shall so state.

Sec. 8. Jurisdiction of Courts.—In counties where the
2 circuit court does not sit as a juvenile court, concurrent
3 jurisdiction in adoption proceedings is hereby extended to
4 such juvenile courts.

CHAPTER 36
(Com. Sub. for Senate Bill No. 92—Originating in the Senate
Committee on Finance)

AN ACT to amend and reenact section eleven, article nine-a,
chapter eighteen of the code of West Virginia, one thousand
nine hundred thirty-one, as amended by chapter twenty-
nine, acts of the Legislature, regular session, one thousand
nine hundred forty-one, relating to the allocation of state
aid to public schools and providing for increased salaries
for teachers.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the
Governor.]

Article 9-a. State Aid for Schools.
Section
11. Allocation of state aid; salary increase for teachers.
Be it enacted by the Legislature of West Virginia:
That section eleven, article nine-a, chapter eighteen of the
code of West Virginia, one thousand nine hundred thirty-one,
as last amended, be amended and reenacted to read as fol-
lows:

Section 11. Allocation of State Aid; Salary Increase for
2 Teachers.—The board of finance shall then proceed to
3 allocate the amount available for distribution as state aid
4 (as certified by the state auditor in accordance with sec-
5 tion six-a, article nine of this chapter) among the several
6 counties as follows:
7 (1) The board of finance shall first allocate to each
8 county (a) forty-five per cent of the cost of the founda-
9 tion program for that county, or (b) an amount equal
10 to the difference between the cost of the foundation
11 program for that county and the local share of revenue
12 for that county; whichever of (a) or (b) is greater.
The board of finance shall next allocate to each county an amount to be computed by multiplying by two hundred twenty-five the number of teachers actually employed by the county board for the current school year, which number, for purposes of this subsection, shall in no instance exceed the number of teachers approved for employment in such county by the board of finance. It is the purpose of this subsection to provide for each teacher so approved a salary increase of twenty-five dollars per month.

No part of the funds distributed under this subsection shall be available for any purpose other than teachers' salaries and no part of same shall be made available to any county board which reduces salaries below the salaries paid to teachers for the school year one thousand nine hundred forty-two and one thousand nine hundred forty-three, including the legal minimum salary plus the excess salary paid by the county board for the school year one thousand nine hundred forty-two and one thousand nine hundred forty-three, except that such excess salary may be reduced on the approval of the board of finance when such reduction is based on any or all of the following factors affecting local revenues out of which such excess salaries were paid: (a) Rejection by the voters of the county of a special levy previously approved by the voters of the county and effective during the school year one thousand nine hundred forty-two and one thousand nine hundred forty-three or one thousand nine hundred forty-four; (b) a substantial decline in the amount of revenue; (c) or other reasons approved by the board of finance. The allocation made by this subsection (2) shall terminate on the thirteenth day of June, one thousand nine hundred forty-five.

The additional salary received by any teacher as a result of the provisions of this subsection shall not be counted as earnable compensation for purposes of computing members' contributions to the accumulation fund of the state teachers' retirement system as prescribed in section fourteen, article seven-a of this chapter.

The board of finance shall then allocate the amount
remaining for distribution as state aid, after the requirements of (1) and (2) above have been met, among the several counties of the state in a uniform proportion to the number of teachers allotted each county. The amount to be received by a county under this subsection shall be computed by multiplying the amount available for distribution to all the counties by the number of teachers allotted to that county divided by the total number of teachers allotted to all the counties of the state.

The amount of state aid to be received by each county shall be the sum of the amounts determined as the result of (1), (2) and (3) above, and shall be used by the several counties in the support of the schools. No county shall employ more than the allotted number of teachers without the prior consent of the board of finance. By allotted number of teachers is meant the sum of three per cent of the corrected average daily attendance in elementary schools and four per cent of the corrected average daily attendance in high schools. In determining the corrected average daily attendance, under this paragraph, a non-isolated elementary school shall be counted as one full school and not as one-fourth of a school.

CHAPTER 37
(Senate Bill No. 64—By Mr. Boreman)

AN ACT to amend and reenact section three, article five, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to assignment of wages.

[Passed March 1, 1943; in effect from passage. Approved by the Governor.]

Article 5. Wages.

Section

3. Payment of wages by employers other than railroads; assignment of wages.
Be it enacted by the Legislature of West Virginia:

That section three, article five, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and reenacted to read as follows:

Section 3. Payment of Wages by Employers Other Than Railroads; Assignment of Wages.—Every person, firm or corporation doing business in this state, except railroad companies as provided in section one of this article, shall settle with its employees at least once in every two weeks, unless otherwise provided by special agreement, and pay them the amount due them for their work or services in lawful money of the United States, or by the cash order as described and required in the next succeeding section of this article: Provided, however, That if, at any time of payment, any employee shall be absent from his regular place of labor and shall not receive his wages through a duly authorized representative, he shall be entitled to such payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and where the next pay is due.

Nothing herein contained shall affect the right of an employee to assign part of his claim against his employer except as hereafter provided.

No assignment of or order for future wages shall be valid for a period exceeding one year from the date of such assignment or order. Such assignment or order shall be acknowledged by the party making the same before a notary public or other officer authorized to take acknowledgments, and such order or assignment shall specify thereon the total amount due and collectible by virtue of the same, and three-fourths of the periodical earnings or wages of the assignor shall at all times be exempt from such assignment or order and no assignment or order shall be valid which does not so state upon its face: Provided further, That no such order or assignment shall be valid unless the written acceptance of the employer of the assignor to the making thereof, is endorsed thereon: Provided further, That nothing herein contained shall be construed as affecting the right of employer and employees to agree between them-
selves as to deductions to be made from the payroll of em-
ployees: And provided further, That nothing herein
contained shall be construed as affecting the right of
teachers who have elected to become members of a county
teachers' retirement system, as permitted by section two,
article seven-a, chapter thirty-six, acts of the Legislature
of West Virginia, regular session, one thousand nine
hundred forty-one, to make assignments of or orders
for future wages to such systems for periods coextensive
with the term of their contracts of employment.

CHAPTER 38
(House Bill No. 169—By Mr. Blankenship)

AN ACT to amend and reenact section twenty-five, article
seven, chapter eighteen of the code of West Virginia, one
thousand nine hundred thirty-one, as last amended by
chapter thirty-one, acts of the Legislature, regular ses-
sion, one thousand nine hundred forty-one, relating to
high school certificates.

(Passed March 13, 1943; in effect ninety days from passage. Approved by the
Governor.)

Article 7. Teachers.

Section
25. High school certificates.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article seven, chapter eighteen of
the code of West Virginia, one thousand nine hundred thirty-
one, as last amended by chapter thirty-one, acts of the Legis-
lature, regular session, one thousand nine hundred forty-one,
be amended and reenacted to read as follows:

Section 25. High School Certificates.—Certificates valid
in high schools are authorized to include:

(1) First class high school certificate, valid for five
years, issued to college graduates who complete a re-
quired curriculum in an approved institution.

(2) Provisional high school certificate, valid for one
CHAPTER 39

(Senate Bill No. 195—By Mr. Williams)

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article designated as article nineteen, consisting of sections one to five, inclusive, providing educational opportunities for the children of deceased soldiers, sailors and marines who served in the armed forces of the United States during World War I and World War II; to repeal chapter forty-eight, acts of the Legislature, one thousand nine hundred thirty-five, and all other acts or parts of acts inconsistent herewith.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]


Section

1. Appropriation to provide educational opportunities.
2. Eligibility of applicant for benefits; application forms; preference.
3. No tuition fees to be charged; allowances expended by department of public assistance; when to cease.
4. When balances in fund revert to treasury.
5. Repeal of inconsistent acts.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, is hereby amended, by adding thereto a new article designated as article nineteen, consisting of sections one to five, inclusive, to read as follows:

Section 1. Appropriation to Provide Educational Opportunities.—For the purpose of providing educational opportunities for the children of those who served in the army, navy or marine corps of the United States during the world war from April sixth, one thousand nine hundred seventeen, to July second, one thousand nine hundred twenty-one, or served or may serve in the armed forces of the United States of America at any time between December first, one thousand nine hundred forty-one, and the declaration of peace by the Congress of the United States or as may be provided by law, all dates inclusive, and who were killed in action or have died or may hereafter die from disease or disability resulting from such war service, there shall be appropriated from the state fund general revenue the sum of at least five thousand dollars for each fiscal year commencing July first and ending on June thirty of each year of the next biennium to be used for the benefit of such children while attending state educational or training institutions.

Sec. 2. Eligibility of Applicant for Benefits; Application Forms; Preference.—To be eligible for the benefits of this act, said children must be at least sixteen and not more than twenty-two years of age and have had their domiciles in this state for at least twelve months preceding their application for said benefits. Such application shall be made to, and upon forms provided by, the department of public assistance of West Virginia, which department shall determine the eligibility of those who make such application and the yearly amount to be allotted each applicant, which amount, in the discretion of the department, may vary from year to year, but shall not exceed the sum of three hundred dollars in any one year. In
selecting those to receive the benefits of this act, preference shall be given those who are otherwise financially unable to secure said educational opportunities and to those whose parent was domiciled in this state during the period of such parent’s war service.

Sec. 3. No Tuition Fees to Be Charged; Allowances Expended by Department of Public Assistance; When to Cease.—No tuition fee shall be charged such applicants attending any state educational or training institution, and the funds herein appropriated shall be expended by said department of public assistance only for matriculation fees, board, room rent, books, supplies and other necessary living expenses of such children. Said department is charged with the duty of disbursing the funds herein provided and shall draw its requisitions upon the auditor for that purpose. In the discretion of said department, such requisitions may be made payable to said educational or training institutions or to those furnishing to said children board, room rent, books, supplies and other necessary living expenses, the department being first satisfied as to the correctness and amounts of such expenditures. Should any child withdraw from any such institution, all allowances to such child shall cease. No member or employee of said department shall receive any additional compensation for the services herein required.

Sec. 4. When Balances in Fund Revert to Treasury.—Balances in this fund remaining at the end of any fiscal year, shall not revert to the treasury but shall be available for use during the subsequent fiscal years, except that any balance accruing and remaining at the end of the fiscal year beginning July first, one thousand nine hundred sixty-two, shall revert to the treasury.

Sec. 5. Repeal of Inconsistent Acts.—Chapter forty-eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, and all other acts or parts of acts inconsistent herewith, are hereby repealed.
AN ACT to repeal sections eleven, twelve, twelve-a and thirteen, and to amend and reenact section ten, all of article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to enumeration of school youth, handicapped children and adults.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 7. Teachers.
Section 10. Enumeration of children of school age and of mentally and physically handicapped persons; records.

Be it enacted by the Legislature of West Virginia:

That sections eleven, twelve, twelve-a and thirteen, all of article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be repealed, and that section ten of the same article be amended and reenacted to read as follows:

Section 10. Enumeration of Children of School Age and of Mentally and Physically Handicapped Persons; Records.—A statewide school census of all youths aged four to twenty years, inclusive, as of September first of the year in which taken, or of such ages as otherwise may be determined by regulation of the state board of education, and of mentally and physically handicapped persons of all ages, shall be made during the first week of the school term one thousand nine hundred forty-three, and one thousand nine hundred forty-four, and at a corresponding time each five years thereafter. The school census shall be taken by the teachers under direction of the county superintendent and in accordance with regulations of the state board of education. Teachers taking the school census shall be entitled to use school hours not to exceed a total of one school day, and shall be compensated for such
time as for time taught. Forms for taking the school
census shall be prescribed by the state superintendent of
schools.
In order that the census record may be as currently
accurate as possible, and a reliable source of reference
through the school year, it shall be the duty of each county
superintendent of schools to establish and administer
through the office of the county director of school attend-
ance a system of cumulative census records prescribed
by the state superintendent of schools.
Sections eleven, twelve, twelve-a and thirteen, article
seven, chapter eighteen of the code of West Virginia, one
thousand nine hundred thirty-one, are hereby repealed.

CHAPTER 41
(House Bill No. 378—By Mr. Holt, of Lewis)

AN ACT to amend article eight, chapter eighteen of the code
of West Virginia, one thousand nine hundred thirty-one,
as last amended, by adding thereto a new section to be
numbered section one-a, relating to compulsory school
attendance in the war emergency.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]

Article 8. Compulsory School Attendance.
Section
1-a. Excusing pupils from school attendance to engage in food produc-
tion program of war emergency.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter eighteen of the code of West
Virginia, one thousand nine hundred thirty-one, as last
amended, be amended by adding thereto a new section to be
numbered section one-a, to read as follows:

Section 1-a. Excusing Pupils from School Attendance
to Engage in Food Production Program of War Emer-
gency.—Beginning with the effective date of this act and
4 continuing through the school years one thousand nine
5 hundred forty-three—one thousand nine hundred forty-
6 four, and one thousand nine hundred forty-four—one
7 thousand nine hundred forty-five, pupils may, upon evi-
8 dence approved by the principal or teacher, be excused
9 from school attendance while actually engaged in work-
10 ing gardens and on farms in the food production program
11 of the war emergency. The provisions of this section shall
12 be restricted to food production only, and shall be exer-
13 cised in a manner not to violate state and federal labor
14 laws. This section shall become non-effective June thir-
15 tieth, one thousand nine hundred forty-five.

CHAPTER 42
(Senate Bill No. 185—By Mr. Pelter)

AN ACT to amend article seven, chapter eighteen of the code
of West Virginia, one thousand nine hundred thirty-one,
by adding thereto a new section, numbered section thirty-a,
relating to the renewal of teachers' certificates held by
those who have entered, or may enter, the armed forces of
the United States during the present war, commonly
called World War II.

(Passed March 4, 1943; in effect ninety days from passage. Approved by the
Governor.)

Article 7. Teachers.

Section
30-a. Renewal of certificates held by those serving in armed forces of
the United States.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter eighteen of the code of West
Virginia, one thousand nine hundred thirty-one, be amended
by adding thereto a new section, numbered thirty-a, to read
as follows:

Section 30-a. Renewal of Certificates Held by Those
Serving in Armed Forces of the United States.—Any
teacher's certificate, of any class, held by anyone who has entered, or may hereafter enter, the armed forces of the United States during the present war, commonly referred to as World War II, if valid and in force at the time of such entry, shall be, at its expiration, automatically renewed for the duration of said war and for one year after the date said war shall have been officially declared to have ended and/or for one year after an honorable discharge has been granted to the holder thereof. Said renewal shall have the same force and effect as if the holder thereof actually had been actively engaged in teaching during the time for which any such certificate shall be so renewed. It shall be the duty of the county superintendent to see that all such certificates, without reminder or application on the part of the holder, upon expiration, are renewed as above provided. The state department of education shall prepare, and send to county superintendents, special forms on which shall be printed the form of recommendation by the county superintendent.

CHAPTER 43
(House Bill No. 256—By Mr. Holt, of Lewis)

AN ACT to amend article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, by adding thereto a new section to be designated section thirteen-a, relating to the return of retired teachers to teaching service as a war emergency measure without loss of prior service retirement credit.

(Passed March 12, 1943; in effect from passage. Approved by the Governor.)

Article 7-a. State Teachers' Retirement System.

Section 13-a. Resumption of teaching by retired teachers.

Be it enacted by the Legislature of West Virginia:

That article seven-a, chapter eighteen of the code of West
Section 13-a. Resumption of Teaching by Retired Teachers.—For the purpose of this section, reemployment of a former or retired teacher as a teacher shall in no way impair the teacher's eligibility for a prior service pension. For the duration of the present war and until such time thereafter as the state board of education shall have declared by resolution that a teacher emergency no longer obtains, teachers who have been retired on pension under the provisions of this article may resume teaching without forfeiting their pension rights granted upon first retirement, but will not be entitled to receive pension for the period of resumed teaching. When the amount received within any school year from teaching equals or exceeds the amount of pension for that year, such teachers shall not receive pension allowance for those months of the school year following the months taught. The pension allowance granted on first retirement shall be promptly resumed at such time as the teacher shall have filed with the retirement board a certified statement of withdrawal from teaching, together with any additional information the board may require, provided it is shown that the amount received from teaching was less than the amount that would have been received from pension that year; otherwise, the pension allowance shall be resumed at the end of the school year. The annuity paid any such teacher on first retirement resulting from the teachers' accumulation fund and the employers' accumulation fund shall continue throughout the teaching period and thereafter according to the option selected by the teacher upon first retirement: Provided, That retired teachers who resume teaching will not be eligible to make any further contribution to the teachers' accumulation fund and thus not affect the annuity under the option selected when first retiring.
CHAPTER 44
(House Bill No. 353—By Mr. Berry)

AN ACT to amend article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, by adding thereto a new section to be numbered section eleven-a, relating to the distribution of state aid to schools during the war emergency.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 9-a. State Aid for Schools.

Section
11-a. Adjusting state aid to the war emergency.

Be it enacted by the Legislature of West Virginia:

That article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended by adding thereto a new section to be numbered section eleven-a, to read as follows:

Section 11-a. Adjusting State Aid to the War Emergency.—In order that an abnormal absence of pupils from school to work in food production during the war emergency may not unduly disrupt the normal allotment of state aid under the provisions of this article, the board of finance is hereby authorized to base its computations for the distribution of state aid to be used during the school years one thousand nine hundred forty-three, one thousand nine hundred forty-four, and one thousand nine hundred forty-five, on the average daily attendance for the second to the seventh months of school inclusive of the school years one thousand nine hundred forty-two, respectively.
CHAPTER 45
(House Bill No. 358—By Mr. Knight)

AN ACT to amend article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section ten-a, relating to the adoption of textbooks by the state board of education.

(Passed March 13, 1943; in effect from passage. Approved by the Governor.)

Article 2. State Board of Education.

Section 10-a. Public school textbooks not to be changed until war is over.

Be it enacted by the Legislature of West Virginia:

That article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section to be designated section ten-a, to read as follows:

Section 10-a. Public School Textbooks Not to Be Changed Until War Is Over.—The state board of education shall not hold any hearings or accept any bids or make any changes in the textbooks now under contract for use in the public schools of the state until the cessation of hostilities in which the United States of America is now engaged.

CHAPTER 46
(House Bill No. 257—By Mr. Holt, of Lewis)

AN ACT to amend and reenact section seventeen, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter thirty-six, acts of the Legislature, regular session, one
thousand nine hundred forty-one, relating to retirement credit for services in the armed or auxiliary forces of the United States.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 7-a. State Teachers’ Retirement System.

Section
17. Statement and computation of teachers’ service; credit for services in armed or auxiliary forces of the United States.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter thirty-six, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 17. Statement and Computation of Teachers’ Service; Credit for Services in Armed or Auxiliary Forces of the United States.—Under such rules and regulations as the retirement board may adopt, each teacher shall file a detailed statement of his length of service as a teacher for which he claims credit. The retirement board shall determine what part of a year is the equivalent of a year of service. In computing such service, however, it shall credit no period of more than a month’s duration during which a member was absent without pay, nor shall credit for more than one year service performed in any calendar year.

The retirement board shall grant prior service credit for service in any of the armed or auxiliary forces of the United States in any period of national emergency within which a federal selective service act was in effect, if such service in any of the armed or auxiliary forces interrupted service as a teacher. Such service shall be deemed equivalent to public school teaching, and the salary equivalent for each year of such service shall be the actual salary of the member as a teacher for his last year of teaching next preceding induction into military service.

Subject to the above provisions and to such rules and regulations as the retirement board shall adopt, the board
25 shall verify as soon as practicable the statements of serv-
26 ice submitted.
27 The retirement board shall issue prior service certi-
28 ficates to members eligible to receive prior service pen-
29 sions under this article. Such certificates shall state the
30 length of such prior service in the state.

CHAPTER 47
(Senate Bill No. 103—By Mr. Morrison)

AN ACT to amend and reenact section ten, article eight,
chapter three of the code of West Virginia, one thousand
nine hundred thirty-one, relating to lawful and unlawful
election expenditures.

(Passed March 12, 1943; in effect ninety days from passage. Approved by the
Governor.)

Article 8. Things Required; Practices Forbidden; Penalties.

Section
10. Lawful and unlawful election expenditures.

Be it enacted by the Legislature of West Virginia:

That section ten, article eight, chapter three of the code
of West Virginia, one thousand nine hundred thirty-one, be
amended and reenacted to read as follows:

Section 10. Lawful and Unlawful Election Expendi-
2 tures.—No candidate, financial agent, or treasurer of a
3 political committee, shall pay, give or lend, or agree
4 to pay, give or lend, either directly or indirectly, any
5 money or other thing of value for any election ex-
6 penses, except for the following purposes:
7   (a) For rent, maintenance and furnishing of offices
8   to be used as political headquarters and for the pay-
9   ment of necessary clerks, stenographers, typists, janit-
10   ors and messengers actually employed therein;
11   (b) For printing and distributing books, pamphlets,
12   circulars and other printed matter and radio broad-
13   casting and painting, printing and posting signs, ban-
ners and other advertisements, all relating to political issues and candidates;

(c) For renting and decorating halls for public meetings and political conventions; for advertising public meetings, and for the payment of traveling expenses of speakers and musicians at such meetings;

(d) For the necessary traveling and hotel expenses of candidates, political agents and committees, and for stationery, postage, telegrams, telephone, express, freight and public messenger service;

(e) For preparing, circulating and filing petitions for nomination of candidates;

(f) For examining the lists of registered voters, securing copies thereof, investigating the right to vote of the persons listed therein, and conducting proceedings to prevent unlawful registration or voting;

(g) For conveying voters to and from the polls;

(h) For securing publication in newspapers and by radio broadcasting of documents, articles, speeches, arguments, and any information relating to any political issue, candidate, or question or proposition, submitted to a vote.

Every liability incurred and payment made shall be at a rate and for a total amount which is proper and reasonable and fairly commensurate with the services rendered.

CHAPTER 48
(Senate Bill No. 213—By Mr. Williams, by request)

AN ACT to amend and reenact section five, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter fifty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-nine; to amend and reenact section six-a, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-nine; to amend and reenact section thirty-five, acts of the Legislature, regular session, one
thousand nine hundred thirty-seven; and to amend and reenact section twelve, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty-two, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to the nomination of judges and other officers.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]


Section 5. Nomination of candidates for offices.
6-a. Filing fees and their disposition.
12. Form and contents of ballots.

Be it enacted by the Legislature of West Virginia:

That section five, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter fifty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted; that section six-a, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter thirty-five, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, be amended and reenacted; and that section twelve, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty-two, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted, all to read as follows:

Section 5. Nomination of Candidates for Offices.—At each primary election, the candidate or candidates of each political party for all offices to be filled at the ensuing general election by the voters of the entire state, of each congressional district, of each state senatorial district, of each judicial circuit except the first judicial circuit of West Virginia, of each county, except candidates for the office of judge of an inferior court in any county in the first judicial circuit, and of each magisterial district, in the state, shall be nominated by the voters of the different political parties, except that candidates for
membership on any county board of education shall be
nominated on a non-partisan ballot, and that no presi-
dential elector shall be nominated at a primary election.
Candidates for the offices of judge of the circuit and in-
ferior courts of the first judicial circuit shall continue
to be nominated at party conventions as provided in
section twenty-seven of this article, but said section
twenty-seven is hereby repealed and superseded by this
enactment in so far as said section heretofore relates to
the nomination of candidates for the office of judge of
courts of record of West Virginia, other than in the first
judicial circuit. In any primary election, the person re-
ceiving the highest number of votes of each political
party in all cases wherein one person only is to be elected,
and the persons receiving the highest number of votes,

Provided, however, That with respect to nomi-

nations of commissioners of county courts, no two of such
commissioners shall be nominated as the party candidates
from the same magisterial district where more than one
such commissioner is to be so nominated at any primary
election, and if two or more persons residing in the same
district shall in any case receive the greater number of
district shall in any case receive the greater number of
votes cast at such primary election, then only the one
of such persons receiving the highest number shall be
declared nominated as the candidate of his party, and
the person living in another district who shall receive
the next highest number of votes shall be declared nom-
inated as the candidate of his party, and so on to the
next highest in another district; and in no event shall
any such candidate be nominated from the same magis-
terial district wherein an already elected or otherwise
qualified member of such county court resides and who
will continue to hold office after the beginning of the
term for which such nomination is made: Provided fur-

ther, That with respect to nominations of members of a
county board of education, no more than two of such members shall be nominated from the same magisterial district where more than two such members are to be nominated at any primary election, and if more than two persons residing in the same district shall receive the greater number of votes cast at such primary election, then only the two of such persons receiving the highest number shall be declared nominated, and the person or persons living in another district who shall receive the next highest or two highest number of votes, as the case may be, shall be declared so nominated, and so on to the next highest in another district; and in no event shall any such candidate or candidates be nominated from the same magisterial district wherein two already elected or otherwise qualified members of such board of education reside and who will continue to hold office after the beginning of the term for which such nomination or nominations are made, except that, one such nomination may be made for the same magisterial district wherein only one such already elected or otherwise qualified member resides and will continue to hold office as aforesaid.

Sec. 6-a. Filing Fees and Their Disposition.—Every person who becomes a candidate for nomination for office in any primary election, shall, at the time of filing the certificate of announcement as required in section five-a, or section six of this article, pay a filing fee as follows:

(a) A candidate for United States senator, for member of the United States house of representatives, for governor, and for all other state elective offices, shall pay a fee equivalent to one per cent of the annual salary of the office for which the candidate announces.

(b) A candidate for the office of judge of a circuit court and judge of any court of record of limited jurisdiction shall pay a fee equivalent to one per cent of the annual salary of the office for which the candidate announces.

(c) A candidate for member of the house of delegates shall pay a fee of ten dollars, and a candi-
date for state senator shall pay a fee of twenty dol-

(d) A candidate for sheriff, prosecuting attorney, cir-
cuit clerk, county clerk, assessor, member of the county
court and member of the county board of education shall
pay a fee equivalent to one per cent of the annual salary
of the office for which the candidate announces: Pro-
vided, however, That the fee in no case shall be less than
five dollars. A candidate for any other county office
shall pay a fee of five dollars.

(e) A candidate for justice of the peace in districts
having a population of five thousand or less, shall pay a
fee of ten dollars; in districts having a population of
more than five thousand and not more than twenty-five
thousand, fifteen dollars, and in districts having more
than twenty-five thousand population, each candidate
shall pay a fee of twenty-five dollars.

(f) A candidate for constable in districts having a
population of five thousand or less, shall pay a fee of
five dollars; in districts having a population of more than
five thousand and not more than twenty-five thousand,
ten dollars, and in all other districts fifteen dollars.

(g) Delegates and alternate delegates to the national
convention of any political party shall pay the following
filing fees:

A candidate for delegate-at-large shall pay a fee of
twenty dollars; a candidate for alternate delegate-at-large
shall pay a fee of ten dollars; a candidate for delegate
from a congressional district shall pay a fee of ten dol-
lars; and a candidate for alternate delegate from a con-
gressional district shall pay a fee of five dollars.

(h) Candidates for members of political executive
committees and other political committees shall pay the
following filing fees:

A candidate for member of a state executive committee
of any political party shall pay a fee of ten dollars; a
candidate for member of a county executive committee
of any political party shall pay a fee of one dollar; and a
candidate for member of a congressional, senatorial or
judicial committee of any political party shall pay a fee
of one dollar.
Candidates filing for an office to be filled by the voters of one county shall pay the filing fee to the clerk of the circuit court, and candidates filing for an office to be filled by the voters of more than one county shall pay the filing fee to the secretary of state at the time of filing their certificates of announcement, and no certificate of announcement shall be received until the filing fee is paid. All moneys received by the circuit clerk from such fees shall be credited to the general county fund. Moneys received by the secretary of state from fees paid by candidates for offices to be filled by all the voters of the state shall be deposited in a special fund for that purpose and shall be apportioned and paid by him to the several counties on the basis of population, and that received from candidates from a district or judicial circuit of more than one county shall be apportioned to the counties comprising the district or judicial circuit in like manner. When such moneys are received by sheriffs, it shall be credited to the general county fund.

Sec. 12. Form and Contents of Ballots.—The official primary ballot shall contain at the left of each column of names of candidates, a perpendicular column, and shall be so printed as to leave a square at the left of each name on the ballot.

On such primary ballot, the names of candidates for president of the United States, for United States senator, for representative in Congress, and for delegates and alternate delegates to the national convention of the party, shall be placed in the first column of candidates; the names of candidates for all state offices, and all other offices to be filled by the voters of a political division greater than a county, including the state executive committee, but excluding candidates for the offices of judge of the first judicial circuit, in the second column; the names of all candidates for county offices, including members of the house of delegates, and congressional, judicial and senatorial executive committees, but excluding candidates for the office of judge of any inferior court of record in any county of the first judicial circuit, shall be placed in the third column; and the names of all can-
candidates for office in the magisterial districts shall be placed in the fourth column.

The face of every primary election ballot shall conform as nearly as practicable to that used at the general election.

The secretary of state, or the circuit court clerk, as the case may be, shall arrange the names of the candidates to be printed on the ballot in alphabetical order, according to the surname, under the title of the respective offices upon the ballot.

Immediately below the space so provided on the ballot for listing the candidates affiliated with the respective political party, there shall be printed in bold type the caption: “Non-Partisan Nomination of Candidates for ____________ County Board of Education.”

The names of the candidates for nomination to the respective county board of education, the length of term for which they announce their candidacy, and the number of candidates for which each voter is entitled to vote shall be printed beneath said caption, without reference to political party affiliation.

In printing each set of ballots the position of the names of the candidates shall be changed in each office division as many times as there are candidates in that office division. As nearly as possible an equal number of ballots shall be printed after each change. In making the change of position, the printer shall take the line of type containing the first name in the office division concerned and place it at the bottom of the list of names in that division and move up the column so that the name that before was second shall be first, after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change in position, and shall then be gathered by taking one from each pile. Sample ballots shall be in the same form as the official ballot, but the order of the names thereon need not be alternated.

All ballots used in primary elections shall be printed on paper conforming as nearly as practicable in weight, texture, and color to the samples furnished by the secretary of state, and the paper shall be sufficiently thick so that the printing cannot be discernible from the back.
On the back of the ballot shall be printed in black ink and in plain, legible, black face pica type, the name of the political party as contained in the heading, followed by the word "ballot". Under this designation shall be printed two blank lines followed by the words "poll clerks".

CHAPTER 49

(House Bill No. 371—By Mr. Davis and Mr. Ballard)

AN ACT to amend and reenact section nine, article four, and section five, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to the printing of ballots for elections.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]


Section 9. Publication and Printing of Ballots.—At least twenty-five days before the holding of any primary election, the ballot commissioners of each county shall prepare from the lists and certificates of announcements, as provided in this article, a sample official primary ballot for each party, placing thereon the names of all the candidates of the respective political party, and, as the case may be, the non-partisan candidates to be voted for at such primary election. They shall publish the same in
two issues of a newspaper of general circulation pub-
lished in such county and representing such party, if one
there be; if not, then in some other newspaper published
in such county in two issues of such newspaper.
The ballot commissioners shall cause official ballots, to
not more than one and one-twentieth times the number
of registered voters in each election precinct of each po-
itical party, to be printed and delivered to them for hold-
ing the primary election.

Article 5. Conducting Election; Ascertaining and Certifying the Result.

Section 5. Number of ballots; packages.

Section 5. Number of Ballots; Packages.—The board of
ballot commissioners shall, for each general election to be
held in their county, cause to be printed official ballots
to not more than one and one-twentieth times the number
of registered voters in the county. The ballots so printed
shall be wrapped and tied in packages, one for each pre-
cinct in their county, containing ballots to the number
of one and one-twentieth times the number of registered
voters in such precinct. Each package of ballots shall be
sealed with wax, and plainly marked with the number
of ballots therein, the name of the magisterial district, and
the number of the voting place therein, to which it is
intended to be sent. The names of the ballot commiss-
ioners shall also be indorsed thereon.

CHAPTER 50
(House Bill No. 236—By Mr. Davis)

AN ACT to repeal section twenty-seven, and to amend and
reenact sections twenty-four, twenty-six, twenty-nine,
thirty-two, thirty-four, thirty-five, and thirty-eight, article
two; to amend and reenact section eighteen, article four; to
amend and reenact section twenty-nine, article five; and
sections three and seven, article six, all of chapter three
of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and all relating to the registration of voters and the conduct of elections.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]

Article
2. The Electorate; Registration of Voters.
5. Conducting Election; Ascertaining and Certifying the Result.
6. Voting by Absentees.

Be it enacted by the Legislature of West Virginia:

That section twenty-seven, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections twenty-four, twenty-six, twenty-nine, thirty-two, thirty-four, thirty-five and thirty-eight, article two; section eighteen, article four; section twenty-nine, article five; and sections three and seven, article six, all of chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 2. The Electorate; Registration of Voters.

Section
26. Registration procedure in office of the clerk of the county court.
29. Disability suffered since registration.
32. Challenge of right to register.
34. Time of transfer.
35. Change of name.
38. Time of hearings before county court.

Section 24. Absentee Registration.—Any person who possesses the qualifications for registration, but who is absent from the state or county on account of occupation, or for any other necessary cause, including service in the armed forces of the United States, may at any time except during the thirty days preceding any election, register by mail according to the procedure prescribed by the secretary of state: Provided, however, That any person serving in any branch of the armed forces of the United States may take and subscribe to the oath or oaths required for absentee registration before any commissioned officer of any branch of the armed service of the
United States. Such oath may be taken at any place either
within or without the United States of America, or any
territory, possession or dependency thereof. The certi-
ficate of such oath need not state the place where same
is taken and shall require no seal to be affixed thereto.
The officer taking and certifying such oath must state
his rank, branch of military service, and identification
number; and such certificate may be in form and effect as
follows:

IN THE MILITARY SERVICE OF THE UNITED
STATES:

I, ____________________________, being duly sworn on oath
(affirmation) do swear (affirm) that the statements
herein contained are, to the best of my knowledge and
belief, true, and that I am legally qualified to vote.

____________________________________
Signature of Applicant.

Subscribed and sworn to before me this the ____________
day of ________________________, 19___.

____________________________________
Signature of Officer, Rank and
Identification Number.

Sec. 26. Registration Procedure in Office of the Clerk
of the County Court.—The clerk of the county court may
register any qualified person by filling in the prescribed
registration form or forms, as the case may be, and having
them signed by the applicant under oath or affirmation,
except as is otherwise provided in this article. Upon
proper proof, the registration record of any voter may be
altered, amended, corrected, or cancelled by the clerk of
the county court.
The aforesaid registration or alteration, correction, or
cancellation of registration records shall be carried on
throughout the year, except during the thirty days pre-
ceding any election. For the initial registration the county
court may, at its discretion, order the clerk of the county
court to maintain additional office hours in the evening.

Sec. 29. Disability Suffered Since Registration.—Any
voter who has since the time of registration suffered a
physical disability which renders him unable to sign his name, may at any time, except the thirty days immediately preceding any election, personally make application under oath to the clerk of the county court to have such fact entered on his registration record, together with a statement of the exact nature of his physical disability, and such entry shall be made accordingly. If such applicant is physically unable to appear before the clerk of the county court to cause such change to be made on the registration record, he may request the clerk of the county court to mail him the necessary forms, and the clerk of the county court upon receipt of such forms properly filled, together with a physician's certificate affirming such disability, shall alter the registration record of the voter accordingly: Provided, That when the clerk of the county court shall ascertain that any voter who has declared himself physically disabled or illiterate, no longer suffers from such physical disability or illiteracy, he shall forthwith cancel on the registration record the entry relating to physical disability or illiteracy, and shall notify such elector by mail of his action.

Sec. 32. Challenge of Right to Register.—Any person claiming the right to register may be challenged by the clerk of the county court or by any registrar, or, provided they appear in person at the office of the clerk of the county court, by the chairman of a political party or any other qualified voter. Such challenge shall be entered upon a form prescribed by the secretary of state and shall be filed as a matter of record in the office of the clerk of the county court. Upon receipt of such form the clerk of the county court shall mail to the person challenged a notice, the form of which shall be prescribed by the secretary of state. Any person so challenged may appear at the office of the clerk of the county court at any time, except during the thirty days immediately preceding any election, to show cause why the challenge should be removed. Failure to appear shall automatically constitute a cancellation of such person's registration record: Provided, That in no case shall such registration record be cancelled unless such person receives notice of
such challenge by registered mail with return receipt re-
quested at least five weeks preceding any election.

Sec. 34. Time of Transfer.—Transfers of the registra-
tion record may be made throughout the year except
during the thirty days immediately preceding any elec-
tion, and if any voter shall move from one place to an-
other within the county within the thirty-day period, he
shall, for that election only, vote in the precinct from
which he moved.

Sec. 35. Change of Name.—Whenever an elector, pre-
viously registered, shall change his name, such person
shall be required to register again. For this purpose such
person may register by mail in the same manner as an
absentee registrant, according to the procedure of sec-
tion twenty-four of this article. Upon such registration
the clerk of the county court shall cancel the registra-
tion record bearing the voter’s former name. When such
a change of name is made during the thirty days im-
mediately preceding any election, such elector, if duly
registered, may vote at the election under his former
name.

Sec. 38. Time of Hearings Before County Court.—The
county court shall hold such hearings as shall be neces-
sary for the purpose of reviewing any case pertaining to
registration: Provided, That no such hearings shall be
held within the thirty days immediately preceding the
election in which the person whose registration is affec-
ted seeks to vote.


Section
18. Ascertainment of result of primary; certificates.

Section 18. Ascertainment of Result of Primary; Certifi-
cates.—When the polls are closed, the commissioners of
election and the poll clerks shall proceed to ascertain
the result of the election as follows:
(a) The commissioners shall ascertain the number of
ballots destroyed during the election and the number
of ballots remaining not voted;
8 (b) The commissioners and clerks shall also ascer-
9 tain from the poll books, and set down therein the
total number of ballots of each party cast. The
10 commissioners shall report, over their signatures, to
11 the clerk of the county court, the number of votes
12 of each party cast, the number of ballots destroyed
during the election, and the number of ballots not
13 voted. All unused ballots shall at the same time
14 be returned to the clerk of the county court,
15 who shall immediately destroy them by fire or other-
16 wise.
17 Each commissioner who is a member of an election
18 board which fails to account for every ballot delivered
to it shall be guilty of a misdemeanor, and upon con-
19 viction thereof shall be fined not more than one thou-
20 sand dollars or confined in the county jail for not more
21 than one year, or both;
22 (c) The ballot box shall be opened and one of the
23 commissioners shall take therefrom one ballot at a
time, in the presence of all the other officers, and shall
24 announce what political party’s ballot it is, and shall
25 read therefrom the result of the vote on such ballot for
26 each office, and hand the ballot to another of the com-
27 missioners differing in politics from himself, who, if
28 satisfied that it is correctly read, shall string the same on
29 thread. The ballots of each party shall be strung on
30 separate threads. Each poll clerk shall keep an ac-
31 curate tally of the contents of each ballot of each party
32 on tally paper, which shall be provided for the pur-
33 pose, so as to show the number of votes received by
34 every person for any office. The ballots shall be
35 counted as they are strung upon the thread, and, when-
36 ever the number counted for any party shall equal the
37 number of votes entered upon the poll book of that
38 party, any other ballot of such party found in the bal-
39 lot box shall be immediately destroyed by fire or other-
40 wise, without unfolding the same, or allowing anyone
41 to examine or know the contents thereof;
42 (d) As soon as the results at the precinct are ascer-
43 tained, the commissioners and clerks shall make out
44 and sign four certificates, for each party represented,
of the vote for all candidates of such party, in the following form:

Certificate of result for........................................ party
candidates.

We, the undersigned commissioners and poll clerks of the primary election held at precinct No............................ of............................................ district of........................................ county, W. Va., on the........day of................... , 19........, do hereby certify that, having been first duly sworn, we have carefully and impartially ascertained the result of said election at said precinct for the candidates on the official ballot of the............................ party, and the same is as follows:

For the office of governor, A. B. received.................. votes.
For the office of governor, E. F. received .................. votes.
For the office of governor, G. H. received............... votes.

(And so on as to each office for which any candidate was voted for, stating in words and figures the number of votes cast for each candidate.)

Given under our hands this........day of................, 19.........

Three of such certificates of result of election, for each party, shall then be sealed in separately addressed envelopes, furnished for the purpose, and shall be disposed of by the precinct commissioners as follows: One certificate for each party shall be returned, under seal, to the clerk of the county court, with the election returns; one for each party shall be delivered by the commissioners to the clerk of the circuit court of the county; and one for each party shall be sent by registered mail to the secretary of state: Provided, however, That it shall not be necessary for the precinct commissioners and clerks to include, in the certificates to the secretary of state, the votes cast for any candidates for county and district offices, other than for members of the Legislature. The one not sealed up shall be posted on the outside of the front door of the polling place in said precinct.

All ballots voted for candidates of each party shall be sealed up in separate envelopes and the commission-
ers and clerks shall each sign his name across the
seal.

In all precincts in which a receiving board and a count-
ing board of election officers are appointed, the work
of counting the votes and of ascertaining and certifying
the result shall be divided between the two boards, and
be performed by them, respectively, in the same manner
provided in article five of this chapter for counting the
votes and ascertaining and certifying the result of a
general election.

Article 5. Conducting Election; Ascertaining and Certifying
the Result.

Section 29. Counting of ballots not voted; recordation of number of voters;
return to county clerk.

Section 29. Counting of Ballots Not Voted; Recordation
of Number of Voters; Return to County Clerk.—Imme-
 diately on closing the polls, the commissioners of elec-
tion shall ascertain the number of ballots destroyed dur-
ing the election and the number of ballots remaining not
voted. The commissioners of election shall also ascer-
tain from the poll books the number of persons who
voted and shall report, over their signatures, to the clerk
of the county court, the number of votes cast, the num-
ber of ballots destroyed during the election, and the
number of ballots not voted. All unused ballots shall
at the same time be returned to the clerk of the county
court, who shall immediately destroy them by fire or
otherwise.

Each commissioner who is a member of an election
board which fails to account for every ballot delivered
to it shall be guilty of a misdemeanor, and upon convic-
tion thereof shall be fined not more than one thousand
dollars or confined in the county jail for not more than
one year, or both.

Article 6. Voting by Absentees.

Section 3. Blanks furnished by clerks; oath.

7. Affidavit of absent voter; marking and return of ballot.
Section 3. Blanks Furnished by Clerks; Oath.—Application for an absent voter's ballot shall be made in person or by mail, on a blank to be furnished by the clerk of the circuit court of the county in which the applicant is a qualified elector. Such blank shall, upon request, be sent to the applicant by mail by such clerk, or delivered to such applicant in person upon his appearance at the office of such clerk. Application for an absent voter's ballot shall be substantially in the following form, and shall be signed and sworn to by the applicant, as hereinafter provided, before some officer authorized by law to administer oaths, and having an official seal. If the applicant appears in person at the office of the clerk of the circuit court, such clerk shall administer the necessary oath.

VERIFIED APPLICATION FOR ABSENT VOTER'S BALLOT

State of _______ ,
County of _________ , to-wit:

I, ........................................, solemnly swear (or affirm) that I am now, or will have been, a resident of the state of West Virginia for twelve months, and of the county of ........................................ for sixty days, next preceding the date of the ensuing election; that I am now a resident of election precinct No. ........................................ in the magisterial district of ........................................, in said county; that I am a duly qualified elector entitled to vote in such election; that I am registered in the precinct of my residence as provided by law; that I am ........................................ (stating business), and because of the nature of my business or employment, or for the following reasons.............. ........................................ (relating unavoidable cause of absence), I expect to be absent from the state of my residence on the date of such election, and I hereby make application for an official ballot (or ballots, if more than one is to be used) to be voted by me at such election; and that I will return such ballot (or ballots) to the officer issuing them not later than four days prior to the day of such election.

(If application is made for a primary ballot, the ap-
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40 plicant shall also designate the party whose candidates he
41 expects to vote for.)
42 Signed
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Provided, however, That when such absent voter is a
person serving in any branch of the armed forces of the
United States he may take and subscribe the oath to the
above application before any commissioned officer of any
branch of the armed services of the United States, under
the same provisions and in the same form as required
in section twenty-four, article two of this act.

Sec. 7. Affidavit of Absent Voter; Marking and Return
of Ballot.—Such absent voter shall make and subscribe
to the affidavit provided for in section six of this article
before any officer authorized by law to administer oaths
and having an official seal, and such voter shall there-
upon, in the presence of such officer, and of no other
person, mark such ballot or ballots, but in such manner
that such officer cannot know how such ballot or ballots
are marked, and such ballot or ballots shall then, in the
presence of such officer, be folded by such voter so that
each ballot will be separate and so as to conceal the mark-
ing, and shall, in the presence of such officer, be inclosed
in such envelope, together with any unused ballot, and
the envelope shall be securely sealed. The envelope shall
then be mailed by such voter by registered mail, postage
prepaid, to the officer issuing the ballot, or, if more con-
venient, it may be delivered in person. Any such ballot
to be valid shall be received by the clerk of the circuit
court of the county in time for him to deliver the same
to the election commissioners before the closing of the
polls: Provided, however, That when such absent voter
is a person serving in any branch of the armed forces of
the United States he may take and subscribe the oath
AN ACT to amend and reenact section seventeen, article four, and section nineteen, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter forty-four, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to the conduct of primary and other elections, and voting therein.

[Passed March 1, 1943; in effect from passage. Approved by the Governor.]

Article


5. Conducting Election; Ascertaininc and Certifying the Result.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article four, and section nineteen, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter forty-four, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:


Section

17. Conducting primary; voting.

Section 17. Conducting Primary; Voting.—Any person offering to vote in a primary election shall be required to sign his name in the space marked “signature of voter” on the poll book prescribed in section thirteen of this article, and until such person shall so sign the poll book no ballot shall be given to him. After having signed the poll book, as aforesaid, a ballot shall be given to the voter by
8 the poll clerks. If such person is physically or otherwise
9 unable to sign his name, his mark shall be affixed by one
10 of the poll clerks in the presence of the other. The name of
11 the poll clerk affixing the mark of such person shall be
12 indicated beneath such affixation.
13 The clerks shall write their names at the place designated
14 on the back of the official ballot called for and deliver it to
15 the voter, who shall have but one ballot unless he shall re-
16 turn the same spoiled; if he shall return the same spoiled,
17 the clerks shall immediately destroy the ballot so spoiled,
18 and deliver to him another ballot in the same manner as
19 they delivered the first one. The voter shall then forthwith,
20 and without leaving the room, return alone to the booth or
21 compartment prepared for the purpose, and there prepare
22 his ballot. Any voter, because of illiteracy or disability, as
23 shown by the registration record, may receive the as-
24 stance as provided for in section twenty-one, article five,
25 chapter three of the code of West Virginia.
26 After preparing the ballot, the voter shall fold the
27 same so that the face shall not be exposed, but so as to
28 show plainly the name of the political party and the
29 names of the poll clerks signed thereon. The voter shall
30 then announce his name and present his ballot to the
31 commissioner of his party, if there be one, who shall hand
32 the same to another election official, who shall deposit it
33 in the ballot box, if such ballot is the official one and
34 properly signed. When the voter has voted, he shall retire
35 immediately from the election room, and beyond the
36 sixty-foot limit thereof, and shall not return, except by
37 permission of the commissioners.

Article 5. Conducting Election; Ascertaining and Certifying
the Result.

Section
19. Conducting elections other than primaries; voting.

Section 19. Conducting Elections Other than Primaries;
Voting.—Any person offering to vote in an election shall
sign his name in the space marked “signature of voter”
on the poll book prescribed in section twelve of this
article before being given a ballot, and after such person
shall have so signed the poll book a ballot shall be given
him by the poll clerks. If such person is physically or
otherwise unable to sign his name, his mark shall be
affixed by one of the poll clerks in the presence of
the other. The name of the poll clerk affixing the mark
of such person shall be indicated beneath such affixa-
tion.

The clerks shall write their names at the place desig-
nated on the back of the official ballot called for and de-
liver it to the voter, who shall have but one ballot un-
less he shall return the same spoiled; if he shall re-
turn the same spoiled, the clerks shall immediately
destroy the ballot so spoiled, and deliver to him another
ballot in the same manner as they delivered the first
one.

On receipt of the ballot the voter shall forthwith, and
without leaving the election room, retire alone to one
of the booths or compartments provided for the pur-
pose and shall prepare the ballot, using a black lead
pencil or other means for the purpose, and observing the
following rules:
(a) If the voter desires to vote a straight ticket, or, in
other words, for each and every candidate for one party
for whatever office nominated, he shall either:
(1) Make a cross mark in the circular space below
the device and above the name of the party at the
head of the ticket; or
(2) Make a cross mark on the left and opposite the
name of each and every candidate of such party in
the blank space provided therefor; or
(3) Mark out, by lines, all the tickets on the ballot,
other than the ticket he desires to vote.
(b) If the voter desires to vote a mixed ticket, or,
in other words, for candidates of different parties, he shall
either:
(1) Omit making a cross in the circular space above
the name of the party, and make a cross mark in the
blank space before the name of each candidate for
whom he desires to vote on whatever ticket the name may
be; or
(2) Make a cross mark in the circular space above
the name of the party for some of whose candidates he
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(desires to vote, and then make a cross mark before the name of any candidate of any other party for whom he may desire to vote; in which case the cross mark in the circular space above the name of the party will cast his vote for every candidate on the ticket of such party except for offices for which candidates are marked on other party tickets, and the cross marks before the name of such candidates will cast his vote for them; or

(3) Write with black lead pencil or other means the name of any person for whom he desires to vote in the space immediately below the name of the opposing candidate for the same office, on the ticket voted by him, and the name so written shall be counted.

If, in marking either a straight or mixed ticket as above defined, a cross mark is made in the circular space above the name of a party at the head of the ticket, and also one or more cross marks made before the name or names of candidates on the same ticket for offices for which candidates on other party tickets are not individually marked, such marks before the name of candidates on the ticket so marked shall be treated as surplusage and ignored.

If the voter desires to vote for any person whose name does not appear on the ticket, he may substitute the name by writing it with black pencil or other means in the proper place, and making a cross mark in the blank space at the left of the name so written.

If the voter marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice, for an office to be filled, the ballot shall not be counted for such office.

No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice.

After preparing the ballot the voter shall fold the same so that the face shall not be exposed and so that the names of the poll clerks thereon shall be seen. The voter shall then announce his name and present his ballot to one of the commissioners, who shall hand the
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89 same to another commissioner of a different political
90 party, who shall deposit it in the ballot box, if such
91 ballot is the official one and properly signed. The com-
92 missioners of election may inspect every ballot before
93 it is deposited in the ballot box, to ascertain whether
94 it is single, but without unfolding or unrolling it, so
95 as to disclose its content. When the voter has voted,
96 he shall retire immediately from the election room, and
97 beyond the sixty-foot limit thereof, and shall not return,
98 except by permission of the commissioners.

CHAPTER 52

(Com. Sub. for Senate Bill No. 22—Originating in the Senate Committee on
the Judiciary)

AN ACT to amend and reenact section eleven, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to vacancies in office to be filled by the governor by and with the advice and consent of the senate.

[Passed February 16, 1943; in effect from passage. Vetoed by the Governor and passed by both Houses notwithstanding veto.]

Article 10. Filling Vacancies.

Section
11. Vacancy in appointive office; recess appointment.

Be it enacted by the Legislature of West Virginia:

That section eleven, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 11. Vacancy in Appointive Office; Recess Appointment.—In case of a vacancy, during the recess of the senate, in any office, which vacancy the governor is authorized to fill by and with the advice and consent of the senate, the governor shall, by appointment, fill such vacancy until the next meeting of the senate, when the governor shall submit to the senate a nomination to fill
such vacancy and upon confirmation of such nomination by the senate, by a vote of a majority of all the members elected to the senate, taken by yeas and nays, the person so nominated and confirmed shall hold said office during the remainder of the term for which his predecessor in office was appointed, and until his successor shall be appointed and qualified. No person whose nomination for office has been rejected by the senate shall be again nominated for the same office during the session in which his nomination was so rejected, unless at the request of the senate, nor shall he be appointed to the same office during the recess of the senate, nor shall he be appointed, during the recess of the senate in which his nomination was rejected, to any other office the nomination for which must be submitted to the senate for confirmation. No appointee who resigns from any such office prior to confirmation, or whose name has not been submitted for confirmation while the senate is in session, shall be eligible, during the recess of the senate, to hold any office the nomination for which must be confirmed by the senate.

The bond, if any, required by law to be given by any officer so temporarily appointed by the governor, shall be in such penalty as is required by law of the incumbent of such office.

Any vacancy in any other office filled by appointment, or in any office hereafter created to be filled by appointment, shall be filled by the same person, court or body authorized to make appointment to such office for the full term thereof.

CHAPTER 53
(Senate Bill No. 141—By Mr. Hardesty)

AN ACT to amend and reenact section ten, article eleven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal section twenty of said article; to add three new sections to said
ACCIDENT AND HEALTH INSURANCE

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 11. Accident and Health Insurance.

Section
10. What policy to state; size of type.
20. Family expense accident and health insurance.
21. Hospitalization and medical expense policies; required and prohibited provisions.
22. Application of article.

Be it enacted by the Legislature of West Virginia:

That section twenty, article eleven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter fifty-six, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be repealed; that section ten, article eleven, chapter thirty-three of the code, as amended as aforesaid, be amended and reenacted; that three new sections to be known as sections twenty, twenty-one and twenty-two be added to article eleven, chapter thirty-three of the code, as amended as aforesaid, to read as follows:

Section 10. What Policy to State; Size of Type.—No such policy shall be issued or delivered, except subject to the following conditions: (a) Unless the entire money and other consideration therefor be expressed in the policy; nor (b) unless the time at which the insurance thereunder takes effect and terminates be stated in a portion of the policy preceding its execution by the insurer; nor (c) if the policy purports to insure more than one person, except as provided in section twenty of this article; nor (d) unless every printed portion thereof and of any endorsements or attached papers shall be plainly printed in type of which the face shall be not smaller than ten point; nor (e) unless a brief description thereof be printed on its first page and on its filing back in type of which the face shall be not smaller than fourteen point; nor (f) unless the exceptions of the policy be printed with
the same prominence as the benefits to which they apply;
nor (g) unless any portion of such policy which pur-
ports, by reason of the circumstances under which a loss
is incurred, to reduce any indemnity promised therein to
an amount less than that provided for the same loss
occurring under ordinary circumstances shall be printed
in bold face type and with greater prominence than any
other portion of the text of the policy.

Sec. 20. Family Expense Accident and Health Insur-
ance.—Any policy of accident or health insurance or of
accident and health insurance issued to the head of a
family (in this section called the policyholder) may pro-
vide, in addition to such other indemnities, if any, as are
provided in the policy on account of sickness or bodily in-
jury or death of the policyholder by accident, for the pay-
ment of benefits or reimbursement for expenses with re-
spect to any one or more of the following contingencies:
Hospitalization, nursing care, medical or surgical exami-
 nation or treatment, or ambulance transportation of the
policyholder or of the spouse of the policyholder or of a
child or children of the policyholder or of dependents
living with the policyholder.

Sec. 21. Hospitalization and Medical Expense Policies;
Required and Prohibited Provisions.—(a) Every policy
hereafter issued for delivery in this state providing
benefits as authorized by section twenty of this article,
and every policy of accident insurance or health insur-
ance or of accident and health insurance hereafter issued
for delivery in this state and insuring only one person,
under which the only payments provided are the pay-
ment of benefits or reimbursement for expenses with
respect to hospitalization, nursing care, medical or surgi-
cal examination or treatment, or ambulance transporta-
tion, shall contain the standard provisions required by
subsections (a), (b), (c), (e), (f), (l) and (n) of section
eleven of this article. Every such policy shall contain
Form (A) of the standard provision required by sub-
section (g) of said section, and Form (A) of the stand-
ard provision required by subsection (i) of said section,
and Form (B) of the standard provision required by subsection (k) of said section.

(b) Every such policy shall also contain in substance the following additional provisions, or a provision which in the opinion of the commissioner is more favorable to policyholders:

A provision that written notice of claim for benefits under the policy must be given the insurer within sixty days after the date of the loss for which claim is made.

(c) Every such policy under which the premiums are paid monthly shall also contain in substance the following additional provision or a provision which in the opinion of the commissioner is more favorable to policyholders:

A provision that the insured is entitled to a grace period of ten days within which the payment of any premium after the first may be made, during which period of grace the policy shall continue in full force.

(d) The standard provision required by subsection (d) of said section eleven shall be omitted from any such policy, and those required by subsections (h), (j), (m) and (o) of said section eleven may be omitted from any such policy.

(e) Every policy hereafter issued for delivery in this state providing benefits as authorized by section twenty of this article and every policy of accident insurance or health insurance or of accident and health insurance hereafter issued for delivery in this state and insuring only one person, which provides other benefits as well as benefits or reimbursement for expenses with respect to hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation, shall contain the standard provisions of section eleven of this article. All such policies under which the premiums are paid monthly shall also contain, in substance, the additional provision set forth in subsection (c) of this section. If, in the opinion of the insurance commissioner, the principal benefits of such policy are the payment of benefits or reimbursement for expenses with respect to hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation, they shall contain, at least with respect to such benefits or reimburse-
ment, the additional provision set forth in subsection (b) of this section, in lieu of the standard provision required by subsection (d) of said section eleven. If such additional provision is contained in a rider or endorsement on the policy, reference thereto shall be stamped or printed over, or in the margin beside the standard provision required by said subsection (d) of said section eleven.

(f) No policy hereafter issued for delivery in this state which provides, with or without other benefits, for the payment of benefits or reimbursement for expenses with respect to hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation, shall contain any provision for a reduction of such benefit or reimbursement, or any provision for avoidance of the policy, on account of other insurance of such nature carried by the same insured with the same or another insurer. The insurance commissioner may disapprove any such policy if it contains any provision which, in his opinion, is less favorable to the policyholder than any provision required by this article relating to the same subject.

Sec. 22. Application of Article.—(a) Nothing in this article, however, shall apply to or affect any policy of liability or workmen's compensation insurance or any policy of insurance on which the premiums are payable weekly.

(b) Nothing in this article shall apply to or affect any policy of insurer issued in accordance with article thirteen of this chapter, except as provided in said article thirteen.

(c) Nothing in this article shall apply to nor in any way affect life insurance, endowment or annuity contracts or contracts supplemental thereto which contain no provisions relating to accident or health insurance except (i) such as provide additional benefits in case of death by accidental means, and except (ii) such as operate to safeguard such contracts against lapse, or to give a special surrender value, or special benefit, or an annuity, in the event that the insured or annuitant shall become totally
and permanently disabled as defined by the contract or supplemental contract.

(d) Nothing in this article shall apply to or in any way affect fraternal benefit societies.

(e) The provisions of this article contained in clause (e) of section ten and in clauses (b), (c), (h) and (i) of section eleven may be omitted from transportation ticket policies.

Notwithstanding anything in this act to the contrary, all policy forms, riders or endorsements, providing for accident insurance, health insurance or accident and health insurance heretofore approved by the insurance commissioner may continue to be issued for delivery in this state until October first, one thousand nine hundred forty-three, but no such policy form, rider, or endorsement may thereafter be issued for delivery in this state unless, subsequent to the effective date of this act, it has been filed with the insurance commissioner in accordance with section nine, article eleven, or section two, article thirteen, as amended, whichever is applicable.

CHAPTER 54
(Senate Bill No. 142—By Mr. Hardesty)

AN ACT to amend and reenact article thirteen, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter seventy, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, defining and regulating policies of group accident and health insurance.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]
4. Policy provision as to proof of loss and time for suit prescribed; size of type prescribed.
5. Policies to provide expense reimbursement permitted; provision as to proof of loss and time for suit prescribed.
6. Riders transforming individual into group policy forbidden; unauthorized insurance forbidden.
7. Scope of article defined.

Be it enacted by the Legislature of West Virginia:

That article thirteen, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter seventy, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 1. Companies Which May Write Group Accident and Health Insurance; Policy Classifications; Definitions.—Any insurer authorized to do the business of accident and health insurance in this state may issue group policies insuring against bodily injury or death caused by accident or accidental means, or against sickness, or both, coming within any of the following classifications:
(a) A policy issued to an employer, who shall be deemed the policyholder, insuring at least twenty-five employees of such employer, for the benefit of persons other than the employer, and conforming to the following requirements:
   (i) If the premium is paid by the employer the group shall comprise all employees or all of any class or classes thereof determined by conditions pertaining to the employment, or
   (ii) If the premium is paid by the employer and employees jointly, or by the employees, the group shall comprise not less than seventy-five per cent of all employees of the employer or not less than seventy-five per cent of all employees of any class or classes thereof determined by conditions pertaining to the employment;
(b) A policy issued to an association which has a constitution and by-laws and which has been organized and is maintained in good faith for purposes other than that of obtaining insurance, insuring at least twenty-five members of the association for the benefit of persons other than the association or its officers or trustees, as such;
(c) A policy issued to a college, school or other in-
stitution of learning or to the head or principal thereof, 

insuring students, or students and employees, of such in- 
stitution; 

(d) A policy issued to or in the name of any volunteer 
fire department, insuring all of the members of such de- 
partment or all of any class or classes thereof against any 
one or more of the hazards to which they are exposed by 
reason of such membership.

The term "employees" as used herein shall be deemed 
to include the officers, managers, and employees of the 
employer, the partners, if the employer is a partnership, 
the officers, managers, and employees of subsidiary or af- 
iliated corporations of a corporation employer, and the in- 
dividual proprietors, partners and employees of indi- 

Sec. 2. Policy Forms to Be Approved by Insurance Com- 
missioner.—No such policy shall hereafter be issued for 
delivery in this state until a copy of the form thereof 
shall have been filed with the insurance commissioner; 
nor shall it be so issued for delivery until the expiration 
of thirty days after it has been so filed unless the com- 
misissioner shall sooner give his written approval thereof. 

If the commissioner shall notify in writing the insurer 
which has filed such form that it does not comply with the 
requirements of law, specifying the reasons for his opin- 
ion, it shall be unlawful thereafter for any such insurer 
to issue any policy for delivery in this state in such form. 
The action of the commissioner in this regard shall be sub- 
ject to review by any court of competent jurisdiction.

Sec. 3. Required Policy Provisions.—Each such policy 
hereafter issued for delivery in this state shall contain 
in substance the following provisions: 

(a) A provision that the policy, the application of the
policyholder, a copy of which shall be attached to such policy, and the individual applications, if any, submitted in connection with such policy by the employees or members, shall constitute the entire contract between the parties, and that all statements made by any applicant or applicants shall be deemed representations and not warranties, and that no such statement shall void the insurance or reduce benefits thereunder unless contained in a written application.

(b) In the case of a policy coming within the classification of subsection (a) or (b) of section one of this article, a provision that the insurer will furnish to the policyholder, for delivery to each employee or member of the insured group, an individual certificate setting forth in substance the essential features of the insurance coverage of such employee or member and to whom benefits thereunder are payable. If dependents are included in the coverage, only one certificate need be issued for each family unit.

(c) A provision that all new employees or members, as the case may be, in the groups or classes eligible for insurance, shall from time to time be added to such groups or classes eligible to obtain such insurance in accordance with the terms of the policy.

Sec. 4. Policy Provision as to Proof of Loss and Time for Suit Prescribed; Size of Type Prescribed.—No such policy hereafter issued for delivery in this state shall contain any provision relative to notice or proof of loss or the time for paying benefits or the time within which suit may be brought upon the policy which is less favorable to the insured than would be permitted by the provisions set forth in article eleven of this chapter. Every printed portion of every such policy shall be plainly printed in type of which the face shall be not smaller than ten point, and the exceptions in any such policy shall be printed with the same prominence as the benefits to which they apply.

Sec. 5. Policies to Provide Expense Reimbursement Permitted; Provision as to Proof of Loss and Time for Suit Prescribed.—Any policy coming within the classifica-
tion of subsection (a) or (b) of section one of this article may provide, in addition to such other indemnities, if any, as are provided in the policy on account of sickness or bodily injury or death of insured employees or members by accident, for the payment of benefits or reimbursement for expenses with respect to any one or more of the following contingencies: Hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation of insured employees or members, or of their spouses or children, or of dependents living with them: Provided, That no such policy hereafter issued for delivery in this state shall contain any provision relative to notice or proof of loss or the time for paying benefits or the time within which suit may be brought upon the policy which is less favorable to the insured than would be permitted by the provisions of section twenty-one of article eleven.

Sec. 6. Riders Transforming Individual into Group Policy Forbidden; Unauthorized Insurance Forbidden.—No endorsement or rider shall hereafter be used in this state to transform an individual policy issued under authority of article eleven of this chapter into a group policy. Except as provided in this article, no policy of accident or health insurance or of accident and health insurance insuring a group of persons shall be issued for delivery in this state.

Sec. 7. Scope of Article Defined.—(a) Nothing in this article shall apply to or affect any policy of liability or workmen's compensation insurance, or any policy of insurance issued in accordance with article eleven of this chapter, or any policy issued by a fraternal benefit society.

(b) Nothing in this article shall apply to or in any way affect life insurance, endowment or annuity contracts or contracts supplemental thereto which contain no provisions relating to accident or health insurance, except (a) such as provide additional benefits in case of death by accidental means and, except (b) such as operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the
15 event that the insured or annuitant shall become totally
16 and permanently disabled as defined by the contract or
17 supplemental contract.
18 Notwithstanding anything in this act to the contrary, all
19 policy forms, riders or endorsements providing for acci-
20 dent insurance, health insurance or accident and health
21 insurance heretofore approved by the insurance commis-
22 sioner may continue to be issued for delivery in this
23 state until October first, one thousand nine hundred forty-
24 three, but no such policy form, rider or endorsement may
25 thereafter be issued for delivery in this state unless,
26 subsequent to the effective date of this act, it has been
27 filed with the insurance commissioner in accordance with
28 section nine, article eleven, or section two, article
29 thirteen, as amended, whichever is applicable.

CHAPTER 55
(House Bill No. 332—By Mr. Ballard)

AN ACT to amend and reenact section twenty-two, article
three, chapter thirty-three of the code of West Virginia,
one thousand nine hundred thirty-one, relating to prop-
erty loans.

[Passed March 11, 1943, in effect from passage. Approved by the Governor.]

Article 3. Life Insurance.

Section 22. Security for loans.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 22. Security for Loans.—No loan shall be made
2 of the capital assets, or income, or any portion thereof, of
3 any life insurance company incorporated by or organized
4 under the laws of this state, unless such loan shall be
AN ACT to amend and reenact section thirteen, article two, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, relating to the compensation of grand jurors.

[Passed March 1, 1943; in effect July 1, 1943. Approved by the Governor.]

Article 2. Grand Juries.

Section 13. Compensation and mileage of grand jurors.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article two, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 13. Compensation and Mileage of Grand Jurors.—Every person who shall serve upon a grand jury shall be entitled to receive for such services not less than two dollars nor more than five dollars, to be fixed by the court, for each day he may so serve, and in addition thereto the same mileage as allowed to witnesses, to be paid out of
7 the county treasury. But he shall not be paid for more
8 than four days’ services at any one term of the court, ex-
9 cept in the counties of Harrison, Kanawha, McDowell,
10 Fayette, Cabell, Marshall, Marion, Mercer, Wood, Ohio,
11 Mingo, Monongalia, Preston and Summers, where such
12 grand jurors shall not be paid for more than ten days’
13 services for any one term of court. The judge of the court
14 shall fix the compensation for grand jurors, as provided
15 above, by an order entered of record in such court. The
16 provisions of sections twenty-three and twenty-four of
17 article one of this chapter, relating to allowance and pay-
18 ment of compensation and mileage to petit jurors where
19 applicable, shall apply in like respect to grand jurors.

CHAPTER 57
(House Bill No. 49—By Mr. Ward)

AN ACT to amend and reenact section twenty-one, article one,
chapter fifty-two of the code of West Virginia, one thou-
sand nine hundred thirty-one, as last amended and re-
enacted by chapter forty-six, acts of the Legislature, first
extraordinary session, one thousand nine hundred thirty-
three, relating to compensation of petit jurors.

[Passed March 1, 1943; in effect July 1, 1943. Approved by the Governor.]


Section
21. Compensation of jurors; taxation of jury fees as costs; disposition
thereof.

Be it enacted by the Legislature of West Virginia:

That section twenty-one, article one, chapter fifty-two of the
code of West Virginia, one thousand nine hundred thirty-one,
as last amended and reenacted by chapter forty-six, acts of the
Legislature, first extraordinary session, one thousand nine
hundred thirty-three, be amended and reenacted to read as
follows:
Section 21. Compensation of Jurors; Taxation of Jury Fees as Costs; Disposition Thereof.—Any person summoned as aforesaid, by virtue of a venire facias or otherwise, to serve as a petit juror, and actually attending upon the court, or attending at the courthouse, at the time summoned, whether he be called to serve on a jury or not, shall, for each day he so attends, be entitled to receive the sum of not less than two and not more than five dollars to be fixed by order entered of record, and the same mileage allowed to witnesses, to be paid out of the county treasury: Provided, That the per diem aforesaid shall be paid out of the state treasury for the day or days any person serves as a juror on a felony case; that for each day he shall not actually attend at the courthouse he shall receive nothing, and that he shall be allowed mileage but once during the term: Provided further, That when a jury in a case of felony shall be placed in the custody of the sheriff, he shall provide for and furnish such jury with regular meals at a reasonable cost not to exceed two dollars a day, while they are in his custody, and such meals shall be paid for out of the state treasury, as provided for above, for jury service in felony cases. There shall be taxed in the costs against any person against whom a judgment on the verdict of a jury may be rendered in a case of misdemeanor, and against any person against whom judgment on the verdict of a jury may be rendered in a civil action, and against any person on whose motion the verdict of a jury is set aside and a new trial granted, eight dollars for jury costs, which, when collected from the party, shall be paid into the county treasury. All money so received by the clerk shall be forthwith paid by him to the sheriff, and the clerk and his surety shall be liable therefor on his official bond as for other money coming into his hands by virtue of his office.

The clerk of the circuit court of each county in this state shall annually certify to the county court a list of all money so paid to him, and by him paid to the sheriff, and, in addition thereto, a correct list of all the cases in which jury fees have been taxed, and are, at the time,
AN ACT to amend and reenact section two, article six, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter seventy-five, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to employment of children under eighteen years of age in certain occupations, determination as to other occupations, and the right of appeal to the supreme court of appeals.

[Passed March 10, 1943; in effect from passage. Approved by the Governor.]


Section 2. Employment of children under eighteen in certain occupations; determination as to other occupations; appeal to supreme court.

Be it enacted by the Legislature of West Virginia:

That section two, article six, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter seventy-five, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 2. Employment of Children under Eighteen in Certain Occupations; Determination as to Other Occupations; Appeal to Supreme Court.—No child under eighteen years of age shall be employed, permitted or suffered to work in any mine, quarry or tunnel; or in, about, or in connection with any of the following:

1. Stone cutting or polishing;
(2) The manufacture or transportation of explosives or highly inflammable substances;
(3) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or in any other place in which the heating, melting or heat treatment of metals is carried on;
(4) Machinery used in the cold rolling of heavy metal stock, metal plate bending machines, or power-driven metal planing machines.

No child under eighteen years of age shall be employed or permitted to work in a public pool room or billiard room, or be permitted, employed or suffered to sell, dispense or serve beer, in any place or establishment where beer is served, sold or dispensed, if dancing is permitted or allowed in the same room in which such beer is served, sold or dispensed, or in any indecent, obscene or immoral exhibition or practice; nor shall a child under eighteen years of age be apprenticed, given away, let out or otherwise disposed of to any person or company to engage in the occupation or service of rope or wire walker, gymnast, contortionist, circus rider, acrobat or clown; nor shall any child under the age of eighteen years be permitted or suffered to work in a bowling alley after twelve o'clock midnight.

The state commissioner of labor, the state commissioner of health, and the state superintendent of free schools may, from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacturing, or occupation in which the employment of children under eighteen years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture, or occupation, is sufficiently dangerous to the lives or limbs, or injurious to the health or morals of children under eighteen years of age to justify their exclusion therefrom. No child under eighteen years of age shall be employed or permitted to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the supreme court of appeals from any such determination.
CHAPTER 59

(House Bill No. 244—By Mr. Davis, by request)

AN ACT to amend article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be designated section four-a, providing for the acknowledgment of written instruments by persons in the military service of the United States of America.

[Passed March 8, 1943; in effect from passage. Approved by the Governor.]

Article 1. Authentication and Record of Writings.

Section

4-a. Acknowledgment of persons in the military service of the United States of America; who may take same, and form thereof.

Be it enacted by the Legislature of West Virginia:

That article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section to be designated section four-a, to read as follows:

Section 4-a. Acknowledgment of Persons in the Military Service of the United States of America; Who May Take Same, and Form Thereof.—Upon the request of any person interested therein, the clerk of the county court of any county in which any deed, contract, power of attorney, or other writing is to be, or may be, recorded, shall admit the same to record as to any person whose name is signed thereto who is in the military service of the United States (including the Women's Army Auxiliary Corps, Women's Appointed Volunteers for Emergency Service, Army Nurse Corps, "Spars", Women's Reserve, or similar women's auxiliary unit officially connected with the military service of the United States), upon the certificate of his or her acknowledgment before any commissioned officer of any branch of the military service of the United States, or auxiliary unit officially connected with such military service. Such ac-
knowledgment may be taken at any place either within
or outside of the United States of America, or any ter-
ritory, possession or dependency thereof. The certificate
of such acknowledgment need not state the place where
same is taken, and shall require no seal to be affixed
thereto. The officer certifying such acknowledgment must
state his rank, branch of military service, and identifica-
tion number; and such certificate of acknowledgment may
be in form and effect as follows:

IN THE MILITARY SERVICE OF THE UNITED
STATES:

I, ____________________________, a commissioned
officer in the military service of the United States, do
certify that ________________________________,
who is a member of the military service of the United
States (or of ________________________________,
an auxiliary to the military forces of the United States),
whose name is signed to the foregoing writing bearing
date on the ___ day of _____________________________,
19_______, has this day acknowledged the same before me;
and I further certify that I am a ______________________---
(state rank)
in the ________________________________ of the United States
and my identification number is ____________________
Given under my hand this ______ day of ____________________
19______
______________________________
(Official Title)

CHAPTER 60
(Senate Bill No. 30—By Mr. Young)

AN ACT to amend article one, chapter thirty of the code of
West Virginia, one thousand nine hundred thirty-one, by
adding thereto a new section to be numbered section four-
teen, authorizing state boards of examination or registration
to remit annual license or annual registration fees of those serving in the armed forces of the United States of America.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the Governor.]

**Article 1. General Provisions Applicable to All State Boards of Registration.**

**Section 14. Remission of license or registration fees of persons serving in armed forces.**

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

That article one, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section to be numbered section fourteen, to read as follows:

Section 14. *Remission of License or Registration Fees of Persons Serving in Armed Forces.*—Every board of examination or registration referred to in this chapter is hereby authorized, under such rules and regulations as may be adopted by each board, to remit all annual license or annual registration fees required to be paid by any licensee or registrant under its supervision during such time as such licensee or registrant is serving with the armed forces of the United States of America, and to retain the name of such licensee or registrant in good standing on the roster of said board during said time.

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**CHAPTER 61**

*(House Bill No. 1—By Mr. Speaker, Mr. Amos)*

AN ACT to amend and reenact section two, article eleven, chapter six of the code of West Virginia, as enacted by chapter sixty, acts of the Legislature, one thousand nine hundred forty-one, relating to persons holding public offices or positions in the state or in any county, municipality or other
unit of state or local government who may be in or who shall enter the military, naval, marine corps or coast guard service of the United States of America, and the reas­sumption of such offices or positions by such persons, after the completion of such service.

[Passed January 14, 1943; in effect from passage. Vetoed by the Governor and passed by both Houses notwithstanding veto.]


Section

2. Period of replacement appointment; “acting” executive officer.

Be it enacted by the Legislature of West Virginia:

That section two, article eleven, chapter six of the code of West Virginia, as enacted by chapter sixty, acts of the Legislature, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 2. Period of Replacement Appointment; “Acting” Executive Officer.—Whenever the holder of any such public office or position enters any of the services mentioned in section one hereof and another is named to perform the duties of said person’s office or position, such other person shall not be named for a period longer than the period served by the holder of such office in the aforesaid armed services of the United States. The holder of any executive office other than governor mentioned in section one of article seven of the constitution of this state, shall have the right to name the person who shall perform the duties of his office, and the person so named by such executive officer shall take over and perform all the duties of the office and may exercise all the power and authority of such executive office, in any manner pertaining thereto, and shall receive the salary of such executive officer. Such person shall be known as an “acting” officer.
CHAPTER 62

(Senate Bill No. 77—By Mr. Pelter)

AN ACT to amend and reenact section twenty-two, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to use of multiple beam, road-light equipment.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 8. Traffic Regulations and Laws of the Road.

Section 22. Weight of Commercial Vehicles; Brakes, Horn and Lights on Motor Vehicle; Connection of Trailer with Towing Vehicle; Commissioner to Furnish Assessors with List of Vehicles; Invalidity of Part of Section Not to Affect Remainder.—All vehicles used for commercial purposes shall have plainly marked on the right side thereof in some conspicuous place the actual weight of the vehicle, with equipment, and the weight of the seating or loading capacity of such vehicle.

Every motor vehicle shall be equipped with two sets of brakes operating independently, except tractors and traction engines, which shall be provided with suitable brakes.

Every motor vehicle and tractor, when in use on the roads, shall be equipped with a suitable horn or signaling device for producing an abrupt sound as a signal or warning of danger. The commissioner shall have the
power to make and enforce suitable regulations governing the kind and use of such horns or signaling devices. Every vehicle operated on any road in this state at night shall be equipped with a lamp, or lamps, as hereinafter provided, of sufficient power, and so adjusted and operated as to enable the operator of such vehicle to proceed with safety to himself and to other users of the road under all ordinary conditions of road and weather.

Every motor vehicle and tractor shall have mounted on the right and left sides of the front thereof a lamp, such lamps to be of approximately equal candle power, and every motorcycle shall have mounted on the front thereof one lamp. If such vehicles are so mechanically constructed, governed, or controlled that they cannot exceed a speed of fifteen miles per hour, they shall have front lamps capable of furnishing light of sufficient candle power to render any substantial object clearly discernible on a level road at least fifty feet directly ahead, and at the same time at least seven feet to the right of the axis of such vehicle for a distance of at least twenty-five feet. If such vehicles can exceed a speed of fifteen miles per hour, then they shall have front lamps capable of furnishing light of sufficient candle power to render any substantial object clearly discernible on a level road at least two hundred feet directly ahead, and at the same time at least seven feet to the right of the axis of such vehicle for a distance of at least one hundred feet: Provided, That no front lamp capable of furnishing more than four-candle power light shall be used if equipped with a reflector, unless so designed, equipped or mounted that no portion of the beam of light, when projected seventy-five feet or more ahead of the lamp, shall rise above a plane forty-two inches higher than and parallel with the level surface upon which the vehicle stands.

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto from a half hour after sunset to a half hour before sunrise, or at any other time when there is not sufficient light to render clearly discernible persons and vehicles on
the highway at a distance of five hundred feet ahead, the
driver shall use a distribution of light on composite beam,
directed high enough and of sufficient intensity to reveal
persons and vehicles at a safe distance in advance of the
vehicle, subject to the following requirements and limi-
tations:
(b) Whenever the driver of a vehicle approaches
an oncoming vehicle within five hundred feet, such driver
shall use a distribution of light or composite beam so
aimed that the glaring rays are not projected into the eyes
of the oncoming driver, and in no case shall the intensity
portion which is projected to the left of the prolonga-
tion of the extreme left side of the vehicle but aimed
higher than the center of the lamp from which it comes,
at a distance of twenty-five feet ahead, and in no case
higher than a level of forty-two inches above the level
upon which the vehicle stands at a distance of seventy-
feet ahead.
The lower-most distribution of light which shall be
deemed to avoid glare at all times, regardless of road
contour and loading, shall be as follows:
When the vehicle is not loaded, none of the high inten-
sity portion of the light which is directed to the left of the
prolongation of the extreme left side of the vehicle shall,
at a distance of twenty-five feet ahead, project higher
than a level of ten inches below the level of the center of
the lamp from which it comes.
Every trailer and semitrailer, except small two-wheel
trailers of one thousand pounds capacity or less, towed
closely behind a motor vehicle, and semitrailers when
towed alone, whose over-all length, in both cases, including
towing vehicles and load, does not exceed thirty feet,
when on the roads of this state at night, shall carry at
the front of its left side one lamp capable of throwing
a white light visible from both sides of such vehicle.
Every horse-drawn vehicle, when on any road at night,
shall display a light visible from every direction for at
least two hundred feet.
Every motor vehicle, tractor, trailer or semitrailer,
when on the roads of this state, at night, shall have on the
rear thereof, and to the left of the axis thereof, one lamp capable of displaying a red light visible for a distance of at least one hundred feet behind such vehicle: Provided, That when a vehicle is used in conjunction with another vehicle, or vehicles, only the last of such vehicles shall be required to carry such a lamp. Every motor vehicle, tractor, trailer and semitrailer when on any road of this state, at night, shall carry a lamp illuminating with white light the registration plate of such vehicle, so that the characters thereon shall be visible for a distance of at least fifty feet. The commissioner shall have power to make and enforce reasonable regulations regarding the kind of lighting devices that shall be used on vehicles.

Trailers, having more than two wheels, when operated on any road in this state, shall be connected to the towing vehicle, or preceding trailers, by at least one chain, in addition to the hitch bar, of sufficient strength to hold the trailer on a hill if the hitch bar becomes disconnected, or shall be provided with some other adequate device to prevent rolling backward downhill.

The commissioner shall also prepare a list as of January first of each year showing the vehicles registered in each county of the state, the name and address of the owner, and the make and year model of the vehicle. A certified list for each county shall be forwarded to the assessor thereof on or before the first day of February of the year one thousand nine hundred thirty-four and on the first day of December of each year thereafter.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

If any section, clause, sentence, paragraph, or other part hereof, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the part hereof directly involved in the controversy in which such judgment shall be rendered.
CHAPTER 63
(Senate Bill No. 157—By Mr. Fleming)

AN ACT to amend article four, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be designated section nine-a, providing for the cancellation of oil and/or gas leases for the non-payment of delay rental after demand therefor.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]

Article 4. Covenants.

Section 9-a. Cancellation of oil and/or gas leases for the non-payment of delay rental after demand therefor.

Be it enacted by the Legislature of West Virginia:

That article four, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section to be designated section nine-a, to read as follows:

Section 9-a. Cancellation of Oil and/or Gas Leases for the Non-payment of Delay Rental After Demand Therefor.

—Except in the case where operations for the drilling of a well have been commenced thereon and are being conducted thereunder, any undeveloped lease for oil and/or gas in this state hereafter executed in which the consideration therein provided to be paid for the privilege of postponing actual drilling or development or for the holding of said lease without commencing operations for the drilling of a well, commonly called delay rental, has not been paid when due according to the terms of such lease, or the terms of any other agreement between lessor and lessee, shall be null and void as to such oil and/or gas unless payment thereof shall be made within sixty days from the date upon which demand for payment in full of such delay rental has been made by the lessor upon the lessee therein, as hereinafter provided, except, however, in such cases where a bona fide dispute shall exist between lessor
and lessee as to any amount due under any such lease.

No person, firm, corporation or association shall main-
tain any action or proceeding in the courts of this state
for the purpose of enforcing or perpetuating during the
term thereof any such lease heretofore executed covering
oil and/or gas, as against the owner of such oil and/or
gas, or his subsequent lessee, if such person or corporation
has failed to pay to the lessor such delay rental in full
when due according to the terms thereof, for a period of
sixty days after demand for such payment has been made
by the lessor upon such lessee, as hereinafter provided.

The demand for payment referred to in the two pre-
ceding paragraphs shall be made in writing and shall be
sufficient if served upon such person, firm, corporation or
association then holding said lease in the manner pro-
vided for in the service of notice under article two, chapter
fifty-six of the code, or by publication for three successive
weeks in any newspaper published in the county wherein
such oil and/or gas property is situated, in whole or in
part, or if no newspaper is published in such county, then
in any adjoining county; except in the case of a corpora-
tion not dissolved by any of the methods prescribed by
law, a copy of the notice to any corporation chartered
under the laws of this state or a foreign corporation do-
ing business in this state shall be served before such pub-
lication upon the auditor of the state of West Virginia,
as attorney in fact for such corporation.

A copy of such notice showing the required service or
publication thereof may be filed with the clerk of the
county court in which such lease is recorded, and upon
payment of a fee of fifty cents for each lease so can-
celled, said clerk shall permanently file such notice alpha-
betically under the name of the first lessor appearing in
such lease and shall stamp upon the margin of the record
of such lease in his office the words “cancelled by notice”.

The word “lessor” shall include the original lessor,
as well as his or its successors in title to the oil and/or gas
involved. The word “lessee” shall include the original
lessee, his or its assignees of record at the time such de-
mand is made, and his or its successors, heirs, or personal
representatives.
CHAPTER 64
(Senate Bill No. 36—By Mr. Paull, Mr. President, by request)

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article five-a, relating to the treatment and control of cancer and to the establishment in the department of health of a division of cancer control.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 5-a. Cancer Control.

Section
1. Division of cancer control.
2. Educational program.
3. Establishment of clinics.
4. Tissue diagnostic service.
5. Care of needy patients.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new article five-a, to read as follows:

Section 1. Division of Cancer Control.—There is hereby created a division of cancer control in the state department of health. The division, under the supervision of the state commissioner of health, shall execute and administer the provisions of this article relating to the diagnosis, treatment and care of persons suffering from cancer. The division shall have authority to direct, control, govern and provide for the management of any state institution for the care and treatment of cancer patients which may hereafter be created by law.

The head of the division shall be appointed in the same manner as the heads of other divisions in the department. He must meet the requirements and possess the qualifications fixed by the merit system council in consultation with the public health council. The commissioner may also appoint such assistants and employees in the division of cancer control as may be necessary for
the proper administration of the provisions of this article, such appointments also to be made in accordance with the rules and regulations of the merit system council.

Sec. 2. Educational Program.—The division shall formulate and put into effect throughout the state an educational program for the purpose of preventing cancer and of aiding in its early diagnosis, and for the purpose of giving information to hospitals and cancer patients concerning the proper treatment. In furtherance of its own program, the division may assist and cooperate with any state or national organization conducting an educational program for the prevention of cancer.

Sec. 3. Establishment of Clinics.—The division shall have authority to prescribe standard minimum requirements for the organization, equipment and conduct of cancer units or clinics in general hospitals of the state. The division shall establish and maintain, or aid in the establishment and maintenance of, a sufficient number of cancer diagnostic and treatment clinics meeting such requirements, so located that they are within reasonable traveling distance of any citizen of the state in need of treatment. In the establishment and operation of such clinics and in the fixing of such minimum requirements, the division shall consult and cooperate with the West Virginia state medical association.

In order to determine the progress of the disease and the success of the treatment being used, the division shall, insofar as practicable, provide a method for following up each case and bringing the patient back to the clinic at frequent intervals.

Sec. 4. Tissue Diagnostic Service.—The division shall furnish, within the limits of available funds, free tissue diagnostic service to all needy patients. In providing this service the division may use either the state-owned laboratory in the department of health, or privately owned laboratories approved by the department.

Sec. 5. Care of Needy Patients.—The division shall prescribe rules and regulations specifying to what extent and on what terms and conditions needy cancer patients
may receive financial aid for the diagnosis and treatment
of cancer in any approved hospital in this state. The
division is authorized to furnish aid, within the limits
of available funds, to such patients, and shall have the
power to administer such aid in any manner which in its
judgment will afford the greatest benefit to cancer pa-
tients throughout the state.

In determining whether a particular patient is ent-
titled to such assistance, the division may call upon the
county departments of public assistance for such investi-
gation as may be required. In order to receive such aid,
however, the patient need not qualify for public assistance
or general relief as administered by the department of
public assistance.

CHAPTER 65

(Com. Sub. for House Bill No. 230—Originating in the House Committee on
the Judiciary)

AN ACT to amend article four, chapter sixteen of the code of
West Virginia, one thousand nine hundred thirty-one, by
adding thereto four new sections to be designated sections
twenty-seven, twenty-eight, twenty-nine and thirty, re-
lating to the custody, detention and treatment of persons
suffering from venereal diseases.

(Passed March 10, 1943; in effect from passage. Approved by the Governor.)

Article 4. Venereal Diseases.

Section
27. Additional power and authority of local health officer.
30. Continuous jurisdiction.

Be it enacted by the Legislature of West Virginia:

That article four, chapter sixteen of the code of West Vir-
ginia, one thousand nine hundred thirty-one, be amended by
adding thereto four new sections to be designated sections
twenty-seven, twenty-eight, twenty-nine and thirty, to read as follows:

Section 27. Additional Power and Authority of Local Health Officer.—The local health officer, in exercising any of the powers or authority vested in him by sections nine, ten, eleven, twelve, sixteen and twenty-one of this article, with respect to any patient, minor or other person suffering or believed by him to be suffering from any venereal disease or diseases, may forthwith cause any such patient, minor or other person to be delivered into the custody of the state department of health for detention and treatment as provided in this article.

Sec. 28. Detention Places.—The state department of health is hereby authorized and empowered to establish and provide a suitable place or places in the state of West Virginia for the detention of persons found to be suffering from any of the venereal diseases defined in section one of this article, and to supervise, use and maintain such place or places in a manner deemed necessary or desirable in carrying out the provisions of this article.

Sec. 29. Detention and Treatment.—There shall be accepted and received into the custody of the state department of health at such place or places provided for in the next preceding section, persons found upon investigation and examination to be suffering from venereal diseases as defined in section one of this article, for the purpose of detention and necessary medical attention and treatment thereat or therein, until found to be and pronounced cured of the venereal disease or diseases from which they are suffering.

Sec. 30. Continuous Jurisdiction.—The state department of health is vested with and given continuous jurisdiction, authority and control over all persons received at and to be detained in or on the place or places provided for in the preceding sections, for all the purposes of this article, and until such persons are found upon
proper examination to be and pronounced entirely free from and cured of any venereal disease or symptoms of such disease existing.

CHAPTER 66
(House Bill No. 259—By Mr. Hansbarger)

AN ACT directing the disposition of the interest from the money and remittances from a fund appropriated by the United States government on June twenty-fifth, one thousand nine hundred eight, to pay the West Virginia national guard from the time of the call until the date of muster into the service of the United States for the Spanish American war, by the payment thereof to the United Spanish war veterans of the state of West Virginia.

[Passed March 9, 1943; in effect from passage. Approved by the Governor.]

Spanish American War Fund.

Section 1. Governor trustee of Spanish American war fund; investment of fund; payment of claims; unexpended balance; bond of quartermaster; use of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Governor Trustee of Spanish American War Fund; Investment of Fund; Payment of Claims; Unexpended Balance; Bond of Quartermaster; Use of Funds.—

That the governor of this state shall remain the trustee of the Spanish American war fund, and that from and after the passage of this act, the said trustee shall cause such fund to be invested in some security of the state of West Virginia or the United States government, bearing semi-annual interest, and that the interest on said fund be payable on the first of January and the first of July in each and every year; and out of said fund there be paid any just and properly audited and verified claim of any of the veterans entitled thereto who may hereafter
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14 apply for same, and after paying any claims received
15 prior to the interest period each year the unexpended
16 balance of the interest for each half year shall be paid to
17 the quartermaster of the West Virginia state associa-
18 tion of the United Spanish war veterans, to be used
19 by him for the benefit of said veterans, accounting for
20 as other funds of said veterans: Provided, That said quar-
21 termaster is required by the association to execute a
22 surety bond for the proper application of and accounting
23 for the funds so received: Provided further, That the
24 funds so paid shall be used for the legitimate expenses
25 of the department encampment.

CHAPTER 67

(Com. Sub. for Senate Bill No. 227—Originating in the Senate Committee
on the Judiciary)

AN ACT to amend article three, chapter twelve of the code of
West Virginia, one thousand nine hundred thirty-one, as
last amended, by adding thereto a new section to be designat

ded section thirteen-a, relating to salary deductions
allowed by the auditor.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]

Article 3. Appropriations and Expenditures.

Section
13-a. State auditor authorized to make deductions from salaries of
state officials and employees to purchase United States gov-
ernment bonds, etc.

Be it enacted by the Legislature of West Virginia:

That article three, chapter twelve of the code of West Vir-
ginia, one thousand nine hundred thirty-one, as last amended,
be amended by adding thereto a new section to be designated
section thirteen-a, to read as follows:

Section 13-a. State Auditor Authorized to Make Deduc-
2 tions from Salaries of State Officials and Employees to
3 Purchase United States Government Bonds, etc.—The
auditor of the state of West Virginia is authorized to de-
duct and withhold sums from the salaries or other com-
pensation of state officials and employees, to purchase
United States government bonds and other United States
government obligations, or to pay taxes as may be required
by an act or acts of the Congress of the United States of
America.

The auditor of the state of West Virginia is authorized,
upon the request of any state official or employee, to de-
duct and withhold sums from the salaries or compensa-
tion of state officials and employees to make voluntary
purchases of United States government bonds or other
United States government obligations for such officials or
employees.

The auditor shall keep an account of the accumulated
deductions of each state official and employee and shall
issue receipts to state officials and employees for all
sums deducted and withheld as herein provided. The sums,
when deducted, shall be transferred by the auditor to a
special fund in the state treasury, and later transmitted to
the official or agent of the United States government
designated by the secretary of the treasury of the United
States of America.

Should any official or employee leave the employ of
the state at a time when there is not sufficient accumula-
tion of deductions from his salary or compensation to pur-
chase a United States government bond, then the auditor
shall either purchase United States government savings
stamps in the amount of the accumulation or refund to
the official or employee the accumulation as an erroneous
payment into the special fund herein created.

The auditor shall be responsible for the delivery of
United States government bonds or obligations pur-
chased with the deductions from the salaries or compen-
sation of state officials and employees only when the
United States government bonds or obligations are pre-
sented to him by the official or agent of the United States
government for delivery to the state officials or em-
ployees.

To promote efficiency and economy in making such
deductions as provided herein, the auditor is authorized
to promulgate rules and regulations and to designate the
time for the presentment of the payroll requisitions for
state officials and employees and requisitions for other
claims against the state: Provided, That all officials and
employees shall be paid at least once every thirty-one
days. All officials and employees of the state shall com-
ply with the rules and regulations promulgated by the
auditor under this section.

CHAPTER 68

(House Bill No. 215—Originating in the House Committee on
Game and Fish)

AN ACT to amend and reenact sections three, four, five, seven,
eight, ten, eleven, twelve and fourteen, article one; to
add new sections to be numbered four-a and sixteen to
article one; to amend and reenact sections one, three, six,
seven, eight, nine and eleven, article one-a; to repeal sec-
tion ten, article one-a, and to add a new section to be
numbered one-a to article eight, all of chapter twenty of
the code of West Virginia, one thousand nine hundred
thirty-one, as last amended, relating to the reorganization
and powers of the conservation commission of West Vir-
ginia.

[Passed March 6, 1943; in effect ninety days from passage. Became a law without
the approval of the Governor.]

Article
1-a. Executive Director.
8. State Forests, Game and Fish Refuges and Public Shooting
Grounds.

Be it enacted by the Legislature of West Virginia:

That sections three, four, five, seven, eight, ten, eleven,
twelve and fourteen, article one, be amended and reenacted;
and that said article one be further amended by adding thereto
new sections to be numbered four-a and sixteen; that sections
one, three, six, seven, eight, nine and eleven, article one-a, be
amended and reenacted; that section ten of said article
one-a be repealed; and that article eight be amended by adding thereto a new section to be numbered one-a, all of chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as heretofore amended, to read as follows:


Section
3. Members of the commission.
4. Terms of office of members; appointment.
4-a. Nomination and appointment of member or members.
5. Qualifications of members; political activities to vacate office.
7. Quorum.
8. Travel expenses.
10. Regular and special meetings.
11. Powers and duties of the commission.
12. Director to submit matters for advice.
16. Powers and duties transferred to commission.

Section 3. Members of the Commission.—The conservation commission shall be composed of seven members, one of whom shall be appointed for each of the six congressional districts of West Virginia, and the seventh from the state at large. The members shall be appointed by the governor, with the advice and consent of the senate.

Sec. 4. Terms of Office of Members; Appointment.—The terms of office of the members shall be eight years, except that members in office when this section becomes effective shall continue to hold their respective offices until the expiration of their respective terms and until their successors are appointed and qualified. On or before July first, one thousand nine hundred forty-three, the governor shall appoint two members to bring the present membership of the commission to seven members. Within thirty days from the effective date of this section the commission shall submit two lists of names to the governor to fill the new appointments. The commission shall submit one list to fill an appointment from the second congressional district for a term ending June thirtieth, one thousand nine hundred forty-four; and a list to fill an appointment from the sixth congressional district for a term ending June thirtieth, one thousand nine hundred forty-six, and the governor shall make his appointments from such lists on
or before July first, one thousand nine hundred forty-three. On or before June first, one thousand nine hundred forty-three, the commission shall submit lists of names to the governor to replace present members of the commission whose terms expire June thirtieth, one thousand nine hundred forty-three, one appointee to be from the first congressional district for a term ending June thirtieth, one thousand nine hundred forty-eight, and the other appointee to be from the fifth congressional district for a term ending June thirtieth, one thousand nine hundred forty-nine, and the governor shall make appointments from such lists on or before July first, one thousand nine hundred forty-three. Nominations and appointments made for those members whose terms expire June thirtieth, one thousand nine hundred forty-four, second congressional district; June thirtieth, one thousand nine hundred forty-five, member-at-large; and June thirtieth, one thousand nine hundred forty-six, sixth congressional district, shall be made under provisions of section four-a of this article and shall be for the full term of eight years. On or before the fifteenth day of May, one thousand nine hundred forty-seven, the commission shall submit to the governor two lists of nominees for the terms expiring June thirtieth, one thousand nine hundred forty-seven; one list from the third congressional district to be for an appointment ending June thirtieth, one thousand nine hundred fifty-one, and the other from the fourth congressional district for a full term of eight years. At the expirations of appointments provided in this section, all other appointments shall be made in the manner provided for by section four-a of this article.

Sec. 4-a. Nomination and Appointment of Member or Members.—At its April meeting in each year after the year one thousand nine hundred forty-three, the commission shall hold a regular session for the purpose of selecting names to be submitted to the governor as nominees for appointment to the commission for any term expiring on June thirtieth next, or to fill any vacancy. The commission shall prepare and submit to the

governor a list of not less than three names for each
vacancy to be filled. Appointments to fill such vacancies
shall be made from such a list or lists. Vacancies shall
not be filled except in the manner provided. No nominations
shall be made for the year one thousand nine hun-
dred fifty nor for every eighth year thereafter: Provided,
however, That members of the commission who serve
after July one, one thousand nine hundred forty-three,
for less than a full term of eight years, shall be eligible
for reappointment for a full term.

Sec. 5. Qualifications of Members; Political Activities
to Vacate Office.—The members of the commission shall
be citizens and residents of this state selected with
special reference to their training and experience in re-
lation to the principal activities required of the com-
mission, and for their ability and fitness to perform their
duties within the purpose of this chapter. No member of
the commission shall be a candidate for, nor hold any
elective or appointive public office other than that of a
member of the commission, nor shall he be employed by
nor receive compensation in any department of the execu-
tive, administrative or judicial branches of the govern-
ment of this state: Provided, however, That employment
of an occupational nature, such as, by way of illustration
but not of limitations, a teacher or the like, shall not
operate to disqualify such a member. In the event any
member of the commission becomes a candidate for or
is appointed to any public office, his office as a member
of the commission shall immediately be vacated.

Sec. 7. Quorum.—A majority of the commission mem-
bers shall constitute a quorum for the transaction of
business.

Sec. 8. Travel Expenses.—Each member of the com-
mission shall receive reimbursement for his actual and
necessary traveling expenses incurred in the perform-
ance of his official duties. Members of the commission
shall serve without payment for their services.

Sec. 10. Regular and Special Meetings.—The commis-
son shall hold four regular sessions each year, as fol-
lows: On the first Monday in the months of July, October, January and April. Special meetings may be convened on the call of the executive director, the governor, or a majority of the commission, by written notice to all members. At the meeting held in July of each year, the commission shall elect one of its members as chairman and one of its members as vice chairman to act as presiding officer at meetings of the commission. Such officers shall hold office for a period of one year.

Sec. 11. Powers and Duties of the Commission.—The commission, in addition to the other powers contained in this chapter, shall have the authority to:

1. Make rules and regulations for the government of the various divisions within the commission;
2. Consider and study the entire field of legislation and administrative methods concerning the forests and their maintenance and development, the protection of fish and game, the beautification of the state and its highways, and the development of lands and natural resources;
3. Consider the conservation problems of particular localities or districts of the state;
4. Formulate policies and practices for the director relative to any duties imposed upon him by law;
5. Investigate the work of the director, and for this purpose to have access at reasonable times to all official books, papers, documents and records;
6. Advise or make recommendations to the governor relative to the conservation policy of the state;
7. Keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the director;
8. Sign and execute in the name of the state any contract or agreement with the federal government or its departments, subdivisions of the state, corporations, associations, copartnerships or individuals;
9. Make a general conservation plan or program for the state; conduct research in improved conservation methods and disseminate information on conservation to residents of the state;
(10) Organize departments or divisions for proper administration and functioning of the problems of game, fish and other wildlife, forestry, parks, natural resources and publicity;

(11) Set and alter the open seasons and bag limits for game and fish, closing of streams and other provisions for the protection, management or propagation of game, fish and other wildlife;

(12) Designate such localities as the commission shall determine to be necessary and desirable for the perpetuation of any species of fish, and for the purpose of replenishing adjacent fishing waters;

(13) Designate such localities as the commission shall determine to be necessary and desirable for the perpetuation of any species of game bird or animal and for the purpose of replenishing adjacent hunting grounds;

(14) Enter private lands to make surveys or investigations for conservation purposes;

(15) Acquire by purchase, condemnation, lease or agreement or receive by gifts or devise, lands or waters suitable for the following purposes:

(a) For state forests for the purpose of growing timber, demonstration forests, protecting watersheds or providing public recreation;

(b) For state parks for the purpose of preserving scenic or historical or natural wonders or providing public recreation;

(c) For public shooting, trapping or fishing grounds or waters for the purpose of providing areas in which any citizen may hunt, trap or fish;

(d) For fish hatcheries and game farms;

(e) For forest nurseries and experimental stations;

(f) To extend and consolidate lands or waters suitable for the above purpose by exchange of other lands or waters;

(g) To acquire by deed or in any other manner from the public land corporation such lands that are suitable for forestry and other allied matters;

(16) Capture, propagate, transport, sell or exchange any species of game or fish, including hides, furs or parts thereof;
(17) Exercise the powers of this chapter for the protection of forests and to cooperate with other agencies to this end;

(18) Cooperate with the state road commission in the development of roadside parks and planting of roadside slopes;

(19) Cooperate with other state and federal agencies to attain the objectives set forth in this chapter;

(20) Keep a complete and accurate record of all proceedings, record and file all bonds and contracts taken or entered into, and assume all responsibility of the custody and preservation of all papers and documents pertaining to the commission. Rules and regulations shall be recorded in a book kept especially for this purpose, and these rules and regulations may be published for general circulation. All other records and entries necessary to show the official conduct of the department shall be preserved, and shall be public records and open for inspection during business hours;

(21) The commission shall have the right to delegate to the director all or any of the powers vested in it by this section, and to exercise the same by an order entered upon the minutes of its meeting at any time. Such order may be rescinded, revoked or modified at any time;

(22) Devise, establish and put into effect a system for the selection and employment of personnel, for the purpose of insuring impartial selection of competent, qualified personnel for the discharge of duties required in the efficient handling of all matters required of personnel employed by the conservation commission, excepting, however, the director;

(23) Regulate fires in the woods or in their proximity at such times and in such localities as is necessary to reduce the danger of forest fires.

Sec. 12. Director to Submit Matters for Advice.—The executive director shall submit to the commission or any committee thereof at any regular or special meeting any
Sec. 14. Annual Report.—The commission shall prepare and present an annual report to the governor, covering its activities during the preceding fiscal year. It shall make recommendations to the Legislature regarding conservation, forestry, game and fish and other allied matters.

Sec. 16. Powers and Duties Transferred to Commission.—The powers and duties granted by chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to the director of conservation, to any officer, board or commission, or elsewhere vested in the game, fish and forestry commission or director, shall now be vested in the conservation commission. It shall have possession of all records, papers, equipment and property of every nature now belonging to the conservation commission. Wherever the word or words “director” or “director of conservation” shall appear or be mentioned in any section of this chapter, or any other general law relating to conservation, game, fish or forestry, the same shall be deemed to mean and shall mean the “executive director of the conservation commission of West Virginia”, pursuant to the power and authority vested in him by the said commission.

Article 1-a. Executive Director.

Section
1. Appointment; term of office.
3. Oath and bond.
6. Assistants and employees.
7. Powers and authority of the director.
8. Powers and duties exercised by employees.
9. Legal services by attorney general and prosecuting attorneys; employment of other attorneys.
10. Repealed.
11. Cooperation with federal government in wildlife projects.

Section 1. Appointment; Term of Office.—The commission shall select a competent person to be known as the executive director who shall be its chief administrative officer and have charge of all activities under the jurisdiction of the commission. No member of the conservation commission, and no person who has served thereon,
shall be eligible for selection as executive director until the expiration of at least two years from resignation or completion of term thereafter. The director shall serve at the will and pleasure of the commission. The director of conservation in office at the effective date of passage of this section shall remain in office and serve as the executive director until his term of appointment expires. However, should a vacancy occur through resignation, death or otherwise, the executive director shall be selected by the commission as provided in this section.

Sec. 3. Oath and Bond.—The director, before entering upon the duties of his office, shall take and subscribe to the oath prescribed by the constitution. He shall also execute a bond approved by the commission in the penalty of five thousand dollars for the faithful performance of his duties as director, and in case a surety company executes such bond the premiums shall be paid out of the funds of the commission. The bond and the oath shall be filed with the secretary of state.

Sec. 6. Assistants and Employees.—The director, as authorized by the commission, shall have charge of and direct, supervise and control all employees of the commission. With the approval of the commission, he may make appointments and fix salaries pursuant to regulations prescribed by the commission. All employees shall be selected and employed under the system established by subsection twenty-two, section eleven, article one of this chapter.

Sec. 7. Powers and Authority of the Director.—The director shall have the power and authority delegated to him by the commission.

Sec. 8. Powers and Duties Exercised by Employees.—All powers and duties vested in the commission, except the power to sign contracts, may be exercised by its appointees or employees pursuant to delegation of powers to be made by the commission.

Sec. 9. Legal Services by Attorney General and Prosecuting Attorneys; Employment of Other Attorneys.—The
attorney general and his assistants and the prosecuting attorneys of the several counties shall render to the commission, without additional compensation, such legal services as it shall require of them in the discharge of its duties under the provisions of this chapter. The commission may, in an emergency and with prior approval of the attorney general, employ an attorney to act in proceedings wherein criminal charges are brought against an employee or appointee of the commission because of action taken in the line of duty. An amount not to exceed three hundred dollars may be expended by the commission for any one case.

Sec. 10. Repealed.—This section is hereby repealed.

Sec. 11. Cooperation with Federal Government in Wildlife Projects.—The state of West Virginia hereby assents to the provision of the act of Congress entitled “An Act to provide that the United States shall aid the states in wildlife restoration projects and for other purposes,” approved September second, one thousand nine hundred thirty-seven (Public No. four hundred fifteen, seventy-fifth Congress), and the commission through the executive director is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in said act of Congress, in compliance with said act and with rules and regulations promulgated by the secretary of interior thereunder. Funds accruing to the state from license fees paid by hunters shall not be diverted for any purpose other than the activities of this chapter.

Article 8. State Forests, Game and Fish Refuges and Public Shooting Grounds.

Section 1-a. Acquisition of lands from the public land corporation.

Section 1-a. Acquisition of Lands from the Public Land Corporation.—In the event that the public land corporation is authorized to determine submarginal lands which are suitable only for forestry, the commission is hereby authorized to receive the title, administration and
control of the same, and in such cases to assert all the
rights of ownership incidental thereto; and it shall have
the power to cut and sell timber, to mine and market
minerals or lease the same for such purpose, and in
general to do all and every act which the owner of any
land could do. Rents, royalties, income, issues and profits
from any such land are hereby appropriated to the use
of the commission, and shall be disbursed as follows:
Seventy-five per cent shall go to the administration and
operating costs of the commission in its several branches,
one per cent shall be paid into the state fund general
revenue, and the remaining twenty-four per cent shall
be paid to the sheriff of the county in which the land
from which such revenue is derived lies. Funds paid to
any sheriff under the provision of this section shall be
disbursed in the same manner as though there were
taxes collected under the last levy laid, previous to the
receipt thereof. Such lands shall be entered in the name
of the commission on the land books of the county for
the proper district, but no valuation shall be charged
against it. All such lands are hereby appropriated to
paramount public usage, from and after the time title
to or administration of same is transferred to the com-
mission.

CHAPTER 69
(Senate Bill No. 84—By Mr. Burchett)

AN ACT to amend and reenact section eight, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, relating to mine inspectors.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 1. Department of Mines.

Section
8. Mine inspector; qualifications; oath; bond; removal; salary and expenses.
Be it enacted by the Legislature of West Virginia:

That section eight, article one, chapter twenty-two, of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 8. Mine Inspector; Qualifications; Oath; Bond; Removal; Salary and Expenses.—Every person appointed to the office of mine inspector shall be a citizen of West Virginia, of good moral character and temperate habits, shall have a practical knowledge of mining and the proper ventilation and drainage of mines; and a knowledge of the gases met with in coal mines, and shall be a miner of at least six years’ experience in coal mines. A diploma from any accredited school of mining engineering, or having otherwise been engaged as an employee for six years within coal mines, shall qualify as two years’ experience. He shall not, while in office, be interested as owner, operator, stockholder, superintendent or engineer of any coal mine. Before entering upon the discharge of his duties he shall take the oath of office prescribed by the constitution, and shall execute a bond in the penalty of two thousand dollars with security to be approved by the governor conditioned upon the faithful discharge of his duty, a certificate of which oath and bond shall be filed in the office of the secretary of state.

A mine inspector shall be removed from office by the chief of the department of mines for incompetency, neglect of duty, drunkenness, malfeasance or for other good cause.

The salaries of mine inspectors shall not be less than three thousand dollars nor more than thirty-nine hundred dollars per annum, and actual traveling expenses; such salary to be fixed by the chief of the department of mines, and shall be based on the ability and experience of the inspector: Provided, That before payment of such expenses shall be made to the inspector he shall file an account of such expenses, verified by his affidavit showing they accrued in the discharge of his official duties: Provided, however, That the salaries of mine inspectors
CHAPTER 70
(Senate Bill No. 191—By Mr. Johnston, by request)

AN ACT to amend and reenact section twenty-eight, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter ninety-three, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to the administration of the death, disability and retirement fund of the department of public safety.

[Passed March 10, 1943; in effect from passage. Approved by the Governor.]

Article 2. Department of Public Safety.

Section 28. Pension fund board; payments from fund.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter ninety-three, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 28. Pension Fund Board; Payments from Fund.—

(a) The board of commissioners created by section twenty, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, and the superintendent of the department of public safety shall constitute a pension fund board and shall have the power to make awards or to revise awards previously made for such times and under such terms and conditions as are hereinafter provided for, and shall make all necessary rules and regulations regarding the same not inconsistent with this act.

(b) Any member of the department of public safety
who has served in said department for a period of twenty
years, upon application by said member to the superin-
tendent of said department, together with certificate of
service and with the approval of the board of commis-
sioners, shall be retired and shall thereupon receive an-
ually, in monthly installments, from said pension fund
an amount equal to three per cent of the total salary
earned by him during his service in the department:
Provided, however, That any member of the department
who has served in the department for a period of twenty
years and who, in the opinion of the pension fund board,
is incapable of performing his duties as a member of the
department due to physical or other handicaps or defects,
may be retired, and shall thereupon receive annually in
monthly installments, from said pension fund an amount
equal to three per cent of the total salary earned by him
during his service in the department. Any member, ab-
sent from duty with leave of the superintendent, who
shall have been enlisted or inducted, or being a member
of the Reserve Officer's Corps, shall have been called to
duty in the armed forces of the United States since the
fourteenth day of September, one thousand nine hundred
forty, and prior to the close of hostilities in the war now
being waged by the United States, shall be entitled to and
receive credit on the minimum period of service required
by law for retirement on pension from the service of
the department for a period equal to the full time he
shall, pursuant to such enlistment, induction or call,
have served with said armed forces: Provided, That such
member shall (1) be honorably discharged from said
armed forces, (2) within one year after cessation of hostili-
ties or honorable discharge from duty with any army of
occupation in any enemy country present himself to the
superintendent and offer to resume service as an active
member of the department, and (3) upon his return and
proffer of resumption of active membership be deter-
mined by the superintendent to be mentally capable and
physically fit to perform the duties of a member of the
department of public safety: Provided further, That the
amount in the aggregate to which any such member shall
be entitled to receive upon and by reason of retirement
may equal, but shall not exceed, the total salary earned by him during his service in the department plus that amount which he would have received if he, at his grade and rank, had remained in active membership for an additional period equal to the term of his service with the armed forces as aforesaid. If any member on leave of absence and while serving with the armed forces of the United States pursuant to enlistment, induction or call as aforesaid shall lose his life while engaged in performance of his duty as a member of such armed forces or shall die as a result of illness or injury from causes arising directly out of his performance of duty while a member of such armed forces of the United States, all moneys which shall have been deducted from his salary as a member of the department and deposited in the death, disability and retirement fund created by section twenty-seven hereof shall be withdrawn from said fund and paid over to the widow of such member, if any, and if none, to his next of kin.

(c) Any member of said department of public safety who has heretofore received or who may hereafter receive permanent disability in the performance of his duty shall, upon certificate of disability of a physician designated for the purpose by the board of commissioners, be retired upon an annual pension of not less than two nor more than five per cent of twenty years' salary based upon his average earnings while employed by the department: Provided, That in no case shall the total amount received be more than the total amount received when regularly employed as a member of the department.

(d) The widow, or children under the age of sixteen years, or sole dependent parent of any member of the department of public safety who shall have heretofore or shall hereafter lose his life in the performance of his duty, or where death results from injury received in the performance of duty, shall receive an annual pension that shall not exceed two per cent of twenty years' salary based on his average earnings while employed by the department: Provided, That in case of a widow and children such pension shall be for the widow and the children and shall be paid to the widow, and in case there
are three or more children under the age of sixteen years and no widow, the said children shall receive the pension in equal shares until they attain the age of sixteen years, and in case there are two children under the age of sixteen years and no widow, they shall be paid such pension, but not to exceed fifteen dollars monthly each, until they attain the age of sixteen years, and in the case of only one child and no widow, he or she shall be paid such pension, but not to exceed fifteen dollars monthly, until he or she attains the age of sixteen years: *Provided further*, That in case there is no widow and no children under the age of sixteen years, then such pension shall be paid to the parent or parents dependent upon the deceased member: *Provided further*, That if any widow entitled to a pension aforesaid dies or remarries, then such pension shall cease to be paid to such widow, or her estate, but shall be paid to each of said children, or child, until they reach the age of sixteen years. No such child shall receive more than fifteen dollars per month.

(e) Any member of the department of public safety who is released or who severs his connection with the department of public safety and who has served two full years or more with the department, shall, upon request, be refunded all deductions made from his salary, but without interest, on account of this fund. But in event that such refund is made, and such member subsequently reenlists, no credit shall be allowed to him for any former service. If any member is released or severs his connection with the department before he has served two full years, he shall forfeit his right to have refunded to him any such deductions.

(f) All outstanding annuities shall be paid from the current income to such fund and from the interest on or income from an accumulated fund amounting to one hundred seven thousand dollars.

(g) All future awards from such fund shall be valued annually, and reserves based on sound actuarial principles for their payment shall be carried on the funds account as a liability against the general fund.

(h) An adequate system of accounting shall be installed and kept so as to insure a proper record of all trans-
CHAPTER 71

(Senate Bill No. 192—By Mr. Johnston, by request)

AN ACT to amend and reenact section nine, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter ninety-two, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, relating to the care and welfare of members of the department of public safety and their families.

[Passed March 10, 1943; in effect from passage. Approved by the Governor.]

Article 2. Department of Public Safety.

Section 9. Equipment and Supplies; Insurance; Local Headquarters; Quarters for Members; Expenses of Transfer of Household Furniture and Effects of Members; Medical and Hospital Fees for Injuries and Illnesses of Members Incurred in Line of Duty.

Be it enacted by the Legislature of West Virginia:

That section nine, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter ninety-two, acts of the Legislature, one thousand nine hundred thirty-seven, be amended and reenacted to read as follows:

Section 9. Equipment and Supplies; Insurance; Local
2 Headquarters; Quarters for Members; Expenses of Transfer of Household Furniture and Effects of Members; Medical and Hospital Fees for Injuries and Illnesses of Members Incurred in Line of Duty.—The standard uniform to be used by the department of public safety on and after the first day of July, one thousand nine hundred thirty-five, shall be as follows: Forestry green blouse with West Virginia state police emblem on sleeve; black shoulder
10 strap; one-inch black stripe around sleeve, four inches
11 from end of sleeve; forestry green breeches with one-
12 inch black stripe down the side; trousers (slacks) with
13 one-inch black stripe down the side for officers and clerks
14 regularly enlisted in the department; forestry green shirts
15 with West Virginia state police emblem on sleeve; black
16 shoulder straps; forestry green mackinaw with West
17 Virginia state police emblem on sleeve; black shoulder
18 straps; one-inch black stripe around sleeve four inches
19 from end of sleeve; campaign hat of olive drab color;
20 cordovan Sam Browne belt with holster; cordovan leg-
21 gings and shoes; the officers' uniform will have one and
22 one-quarter inch black stripe around the sleeve of blouse
23 and mackinaw four inches from end of sleeve circumposed
24 with one-half inch gold braid, also black collars on blouse,
25 with two silver shoulder bars for captains, one silver
26 shoulder bar for first lieutenant and one gold shoulder
27 bar for second lieutenant. For non-commissioned officers,
28 the uniform blouse and shirt will have thereon black
29 chevrons of the appropriate rank.
30 The superintendent shall provide the members of the
31 department of public safety with suitable arms and
32 weapons, and, when and where he shall deem it necessary,
33 with suitably equipped horses, automobiles, motorcycles,
34 watercraft, aeroplanes and other means of conveyance,
35 to be used by the department of public safety, the gov-
36 ernor, and other officers and executives in the discretion
37 of the governor, in times of flood, disaster, and other
38 emergencies, for traffic study and control, criminal and
39 safety work, and in other matters of official business.
40 He shall also provide the standard uniforms for all mem-
41 bers of the department, for officers, non-commissioned
42 officers and troopers herein provided for. All uniforms
43 and all arms, weapons and other property furnished the
44 members of the department of public safety by the state
45 of West Virginia shall be and remain the property of the
46 state.
47 The superintendent is authorized to purchase and main-
48 tain on behalf of members, group life insurance not to
49 exceed the amount of five thousand dollars on behalf of
50 each of the commissioned officers and not to exceed four
thousand dollars on behalf of each of the non-commis-
sioned officers and troopers.

The superintendent is authorized to contract and furnish
at department expense, medical and hospital services for
treatment of illness and/or injury of a member which
shall be determined by the superintendent to have been
incurred by such member while engaged in the per-
formance of duty and from causes beyond control of such
member.

The superintendent shall establish and maintain local
headquarters at such places in West Virginia as are in
his judgment suitable and proper to render the depart-
ment of public safety most efficient for the purpose of
preserving the peace, protecting property, preventing
crime, apprehending criminals and carrying into effect
all other provisions of this article. The superintendent
shall provide, by lease or otherwise, for housing and
quarters for the accommodation of the members of the
department of public safety, and shall provide all equip-
ment and supplies necessary for them in the performance
of the duties of their office.

When a member shall be transferred from one station
to another the superintendent may, when he shall de-
determine that such transfer shall be rendered necessary
or desirable for reasons other than fault or misconduct
on the part of such member, contract and furnish at
department expense transportation of the household
furniture and effects and the immediate family of such
member from the former station to the newly assigned
station.

CHAPTER 72

(Senate Bill No. 190—By Mr. Johnston, by request)

AN ACT to amend and reenact section nineteen, article two,
chapter fifteen of the code of West Virginia, one thousand
nine hundred thirty-one, relating to suspension or removal
of members of the department of public safety.

[Passed March 9, 1943; in effect ninety days from passage. Approved by the
Governor.]
Article 2. Department of Public Safety.

Section 19. Suspension or removal of members.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred and thirty-one, be amended and reenacted to read as follows:

Section 19. Suspension or Removal of Members.—The superintendent may suspend or remove from the service any member of the department of public safety for any of the following causes, to-wit: Refusing to obey the orders of his superior officer, neglect of duty, drunkenness, immorality, inefficiency, abuse of his authority, interference with the lawful right of any person, participation in political primaries, conventions or elections, or any other cause that may in the opinion of the superintendent be necessary for the good of the service. The superintendent shall act when notice of such causes shall be brought to his attention or upon charges in writing filed by any one and supported by proper affidavit. In the event the superintendent shall fail to suspend or dismiss any such officer or member after such matters have come to his knowledge, or such charges and proof thereof have been made and filed with him by any person or persons, an appeal may be had to the board of commissioners created for such purpose, and all of the original papers in such cases shall be delivered by the superintendent to such board, who shall decide such cases in the manner hereinafter provided.

Any person who shall by the superintendent be appointed to membership in said department pursuant to authority of chapter sixty, acts of the Legislature of West Virginia, regular session, one thousand nine hundred and forty-one, may at any time be discharged at the will and pleasure of the superintendent and without the assignment of cause.
CHAPTER 73

(House Bill No. 321—By Mr. Ballard)

AN ACT to amend and reenact section one, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, relating to the powers of the public service commission.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]

Article 2. Powers and Duties of Public Service Commission.

Section
1. Jurisdiction of commission.

Be it enacted by the Legislature of West Virginia:

That section one, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. Jurisdiction of Commission.—The jurisdiction of the commission shall extend to all public utilities in this state, except vehicles operated upon streets and roads, and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by railroad, street railroad, motor or otherwise, by express or otherwise, by land, water or air, whether wholly or partly by land, water or air; transportation of oil, gas or water by pipe line; sleeping car or parlor car services; transmission of messages by telephone, telegraph or radio; generation and transmission of electrical energy by hydro-electric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas or electricity, by municipalities or others; sewer systems servicing twenty-five or more persons or firms other than the owner of the sewer system; toll bridges, wharves, ferries; and any other public service except vehicular service upon streets and roads.
CHAPTER 74
(Senate Bill No. 113—By Mr. Pelter)

AN ACT to authorize the state road commission of West Virginia to cooperate with the public roads administration of the United States in the acquisition, construction and maintenance of flight strips and of certain classes of highways in order to facilitate the war effort.

[Passed March 2, 1943; in effect from passage. Approved by the Governor.]

Section 1. State road commission authorized to cooperate with federal government in construction of flight strips and highways.

Section 2. Flight strip; definition.

Section 3. Construction and maintenance.

Section 4. Acquiring of title.

Section 5. Duration of act.

Be it enacted by the Legislature of West Virginia:

Section 1. State Road Commission Authorized to Cooperate with Federal Government in Construction of Flight Strips and Highways.—In order to facilitate the war effort, the state road commission of West Virginia is hereby authorized to cooperate with the public roads administration of the United States government in the making of surveys, plans, specifications and estimates for, and in the construction and maintenance of flight strips and of roads and bridges necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to sources of raw material, and for the replacement of existing highways and highway connections closed to general public use at military and naval reservations and at defense-industry sites, whenever the entire cost of making such surveys, plans, specifications and estimates for, and the construction and maintenance cost of such flight strips, or roads and bridges, including the cost of any land necessary for such construction, is entirely paid for by the federal government.

Sec. 2. Flight Strip; Definition.—A flight strip is an area of land with clear approaches thereto, located at or
near a public highway, for use as an auxiliary landing field for aircraft.

Sec. 3. Construction and Maintenance.—Notwithstanding any other provision of law, the state road commission may contract for the construction of any such flight strips, or roads and bridges, in any manner approved by the commissioner of public roads, or may perform such construction and maintenance work by force account if requested to do so by the commissioner of public roads.

Sec. 4. Acquiring of Title.—The state road commission may acquire by purchase, eminent domain, grant or dedication, title to any land or any interest in land, or any rights, ways, or easements thereon or thereover which is necessary for the purpose of constructing and maintaining said flight strips or roads and bridges.

Sec. 5. Duration of Act.—This act shall remain in effect during the emergency as declared by the President of the United States on May twenty-seventh, one thousand nine hundred forty-one, and for a period of six months thereafter.

CHAPTER 75
(Senate Bill No. 59—By Mr. Eddy)

AN ACT authorizing the state road commission to release to the federal government the state's claim for damages to roads and highways caused by construction of the Tygart River Reservoir, and permitting sale of adjacent land by state agency.

[Passed March 6, 1943; in effect from passage. Approved by the Governor.]

Section
1. Road commission authorized to release claims for damages to roads caused by construction of Tygart River Reservoir in consideration of conveyance of lands by federal government to conservation commission; sale of lands.
Be it enacted by the Legislature of West Virginia:

Section 1. Road Commission Authorized to Release Claims for Damages to Roads Caused by Construction of Tygart River Reservoir in Consideration of Conveyance of Lands by Federal Government to Conservation Commission; Sale of Lands.—The state road commission is hereby authorized, in consideration of the conveyance by the federal government to the state conservation commission of approximately three thousand three hundred acres of land adjacent to the Tygart River Reservoir, to release all claims of the state of West Virginia for damage, of approximately thirty thousand dollars, to roads and highways caused by the construction of such reservoir: Provided, however, That the conservation commission, state road commission or any other commission, agent or person holding title to said land, is hereby given authority to sell and convey by proper deed of conveyance for a price to be agreed upon, to any former owner of said land or other person, any part thereof not to exceed in the aggregate one thousand acres.

CHAPTER 76

(House Bill No. 278—By Mr. Speaker, Mr. Amos)

AN ACT to amend and reenact section three, article one; sections six-a and twenty-three, article two; sections two, seven, nine and ten, article five; sections one, four, five, ten and eleven, article six; sections eight, nine, eleven, seventeen, twenty-one, twenty-two and twenty-five, article seven; sections four and eleven, article ten; to add section ten-a, section ten-b and section seventeen-a to article five; to add section twenty-one to article six; and to repeal section twelve, article five, all of chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one, acts of the Legislature of West Virginia, second extraordinary ses-
Be it enacted by the Legislature of West Virginia:

That section three, article one; sections six-a and twenty-three, article two; sections two, seven, nine and ten, article five; sections one, four, five, ten and eleven, article six; sections eight, nine, eleven, seventeen, twenty-one, twenty-two and twenty-five, article seven, and sections four and eleven, article ten, be amended and reenacted; that section ten-a, section ten-b and section seventeen-a be added to article five; that section twenty-one be added to article six; and that section twelve, article five, be repealed, all of chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-six, as amended, to read as follows:

Article 1. Department of Unemployment Compensation.

Section 3. Definitions.—As used in this chapter, unless the context clearly requires otherwise:

1. “Administration fund” means the unemployment compensation administration fund, from which the administrative expenses under this chapter shall be paid.
2. “Annual payroll” means the total amount of wages for employment paid by an employer during one year.
3. “Average annual payroll” means the average of the annual payrolls of an employer for the last three years.
4. “Base period” means the twelve consecutive month period ending on the December thirty-first next preceding an individual’s benefit year.
“Base period employer” means any employer who in the base period for any benefit year paid wages to an individual who filed claim for unemployment compensation within such benefit year.

“Base period wages” means wages paid to an individual during the base period by all his base period employers.

“Benefit unit” means the amount of benefit an eligible individual will receive for each one-half shift of no work available in excess of one-half normal shift expectancy.

“Benefit year” with respect to an individual means the twelve-month period beginning with April first and ending with March thirty-first, which includes the period for which claim for benefit is made by such individual.

“Benefits” means the money payable to an individual with respect to his unemployment.

“Board” means board of review.

“Calendar quarter” means the period of three consecutive calendar months ending on March thirty-one, June thirty, September thirty, or December thirty-one, or the equivalent thereof as the director may by regulation prescribe.

“Director” means the unemployment compensation director.

“Employing unit” means an individual, or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, corporation (domestic or foreign), or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has on January first, one thousand nine hundred thirty-five, or subsequent thereto, had in its employ one or more individuals performing service within this state.

“Employer” means an employing unit which for some portion of a day, not necessarily simultaneously, in each of twenty different calendar weeks, which weeks need not be consecutive, within either the current calendar year or the preceding calendar year, has had in employment eight or more individuals irrespective of
whether the same individuals were or were not em-
ployed on each of such days.

"Employment", subject to the other provisions of this
subsection, means:

(1) Service, including service in interstate commerce,
performed for wages or under any contract of hire, writ-
ten or oral, express or implied.

(2) The term "employment" shall include an indi-
vidual's entire service, performed within or both within
and without this state, if: (a) The service is localized in
this state; or, (b) the service is not localized in any state
but some of the service is performed in this state and
(i) the base of operations, or, if there is no base of
operations, then the place from which such service is
directed or controlled, is in this state; or, (ii) the
base of operations or place from which such service is
directed or controlled is not in any state in which
some part of the service is performed but the indi-
vidual's residence is in this state.

(3) Service not covered under paragraph (2) of
this subsection and performed entirely without this
state, with respect to no part of which contributions
are required and paid under an unemployment com-
pensation law of any other state or of the federal
government, shall be deemed to be employment subject
to this act if the individual performing such services is
a resident of this state and the director approves the
election of the employing unit for whom such services
are performed that the entire service of such individual
shall be deemed to be employment subject to this
act.

(4) Service shall be deemed to be localized within a
state, if: (a) The service is performed entirely within
such state; or, (b) the service is performed both within
and without such state, but the service performed
without such state is incidental to the individual's serv-
ice within the state. For example, is temporary or tran-
sitory in nature or consists of isolated transac-
tions.

(5) Services performed by an individual for wages
shall be deemed to be employment subject to this act
unless and until it is shown to the satisfaction of the
director that: (a) Such individual has been and will
continue to be free from control or direction over the
performance of such services, both under his con-
tract of service and in fact; and (b) such service is
either outside the usual course of the business for
which such service is performed or that such serv-
vice is performed outside of all the places of business
of the enterprise for which such service is performed;
and (c) such individual is customarily engaged in an
independently established trade, occupation, profession,
or business.

The term “employment” shall not include:

(1) Services performed in the employ of this state
or any political subdivision thereof, or any instrumen-
tality of this state or its subdivisions.

(2) Service performed directly in the employ of an-
other state, or its political subdivisions.

(3) Service performed in the employ of the United
States or an instrumentality of the United States ex-
empt under the Constitution of the United States from
the payments imposed by this law, except that to the
extent that the Congress of the United States shall
permit states to require any instrumentalities of the
United States to make payments into an unemployment
fund under a state unemployment compensation law, all
of the provisions of this law shall be applicable to such
instrumentalities, and to service performed for such in-
strumentalities, in the same manner, to the same extent
and on the same terms as to all other employers, em-
ploying units, individuals, and services; provided, that
if this state shall not be certified for any year by the
Social Security Board under section one thousand six
hundred three (c) of the Federal Internal Revenue
Code, the payments required of such instrumentalities
with respect to such year shall be refunded by the
director from the fund in the same manner and within
the same period as is provided in section nineteen of
article five of this law with respect to payments er-
roneously collected.

(4) Service performed after June thirty, one thou-
sand nine hundred thirty-nine, with respect to which
unemployment compensation is payable under the Rail-
road Unemployment Insurance Act (fifty-two Stat. one
thousand ninety-four), and service with respect to which
unemployment benefits are payable under an unem-
ployment compensation system for maritime employees
established by an act of Congress. The director may
enter into agreements with the proper agency estab-
lished under such an act of Congress to provide recipro-
cal treatment to individuals who, after acquiring po-
tential rights to unemployment compensation under an
act of Congress, or who have, after acquiring potential
rights to unemployment compensation under an act of
Congress, acquired rights to benefits under this chap-
ter. Such agreements shall become effective ten days
after such publication as complies with the general rules
of the department.

(5) Agricultural labor.

(6) Domestic service in a private home.

(7) Service performed as an officer or member of a
crew of a vessel on the navigable waters of the United
States.

(8) Service performed by an individual in the employ
of his son, daughter, or spouse.

(9) Service performed by a child under the age of
twenty-one years in the employ of his father or
mother.

(10) Service performed in the employ of an employ-
ing unit organized and operated exclusively for re-
ligious, charitable, scientific, literary, or educational pur-
poses, or for prevention of cruelty to children or animals,
no part of the net earnings of which inure to the benefit
of any private shareholder or individual.

"Employment office" means a free employment of-
office or branch thereof, operated by this state, or any
free public employment office maintained as a part of
a state-controlled system of public employment offices
in any other state.

"Fund" means the unemployment compensation fund
established by this chapter.

"Normal shift expectancy" means the customary
number of shifts or their equivalent that constitute full time operation of the business in which the claimant is regularly employed.

“Normal shift” means the customary number of hours constituting a full shift at the operation of the claimant’s regular employer.

“Payments” means the money required to be paid into the state unemployment compensation fund as provided by article five of this chapter.

“State” includes, in addition to the states of the United States, Alaska, Hawaii, and the District of Columbia.

“Total and partial unemployment”:

1. An individual shall be deemed “totally unemployed” in any week in which such individual is separated from employment for an employing unit and during which he performs no services and with respect to which no wages are payable to him.

2. An individual shall be deemed “partially unemployed” in any pay period in which the total number of normal shifts available are less than one-half the normal shift expectancy in such period. Odd job and/or subsidiary work is deemed partial unemployment in any week in which such service is performed and wages are paid or payable for more than eight hours. In cases involving partial unemployment as a result of odd job and/or subsidiary work the pay period, normal shift, normal shift expectancy and period for filing claims will be such as the director may by regulation prescribe.

3. An individual’s week of unemployment shall be deemed to commence only after his registration at an employment office, except as the director may by regulation otherwise prescribe.

“Wages” means all remuneration for personal service, including commissions and bonuses and the cash value of all remuneration in any medium other than cash; provided that the term “wages” shall not include:

1. That part of the remuneration which, after remuneration equal to three thousand dollars has been paid to an individual by an employer with respect to
employment during any calendar year beginning with
the calendar year one thousand nine hundred forty, is
paid to such individual by such employer with re-
spect to employment during such calendar year.

(2) The amount of any payment made to, or on be-
half of, an individual in its employ (without deduction
from the remuneration of the individual in its employ),
under a plan or system established by an employer
which makes provision for individuals in its employ
generally or for a class or classes of such individuals
(including any amount paid by an employer for in-
urance or annuities, or into a fund, to provide for any
such payment), on account of (A) retirement, or (B)
sickness or accident disability, or (C) medical and hos-
pitalization expenses in connection with sickness or
accident disability, or (D) death: Provided, That the
individual in its employ (i) has not the option to
receive, instead of provision for such death benefit,
any part of such payment or, if such death benefit is
insured, any part of the premiums (or contributions
to premiums) paid by his employer, and (ii) has
not the right, under the provisions of the plan or sys-
tem or policy of insurance providing for such death
benefit, to assign such benefit, or to receive such con-
sideration in lieu of such benefit either upon his with-
drawal from the plan or system providing for such
benefit or upon termination of such plan or system or
policy or of insurance of his services with such em-
ployer.

(3) The payment by an employer (without deduc-
tion from the remuneration of the individual in its
employ) of the tax imposed upon an individual in its
employ under section one thousand four hundred of the
Federal Internal Revenue Code; or

(4) Payments, not required under any contract of
hire, made to an individual with respect to his period
of training or service in the armed forces of the United
States by any employer by which such individual was
formerly employed.

Gratuities customarily received by an individual in
the course of his employment from persons other than
his employing unit shall be treated as wages paid by his employing unit, if accounted for and reported to such employing unit.

The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director.

“Week” means a calendar week, ending at midnight Saturday, or the equivalent thereof, as determined in accordance with the regulations prescribed by the director.

“Weekly benefit rate” means the maximum amount of benefit an eligible individual will receive for one week of total unemployment.

“Year” means a calendar year, or the equivalent thereof, as determined by the director.

Article 2. The Director of Unemployment Compensation.

Section 6-a. Reciprocal agreements.

(1) Services performed by an individual for a single employing unit for which services are customarily performed by such individual in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individual’s service is performed or (ii) in which such individual has his residence or (iii) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election by an employing unit, with the acquiescence of such individual, and approved by the agency charged with the administration of such state’s unemployment compensation law, pursuant to which services performed by such individual for such employing unit are deemed to be performed entirely within such state;

(2) Potential rights to benefits accumulated under the unemployment compensation laws of one or more states
or under one or more such laws of the federal govern-
ment, or both, may constitute the basis for the payment
of benefits through a single appropriate agency under
terms which the director finds will be fair and reasonable
as to all affected interests and will not result in any sub-
stantial loss to the fund;
(3) Wages or services, upon the basis of which an in-
dividual may become entitled to benefits under an un-
employment compensation law of another state or of the
federal government, shall be deemed to be wages for
insured work for the purpose of determining his rights
to benefits under this chapter, and wages for insured
work, on the basis of which an individual may become
entitled to benefits under this chapter and shall be
deemed to be wages or services on the basis of which
unemployment compensation under such law of another
state or of the federal government is payable, but no
such arrangement shall be entered into unless it contains
provisions for reimbursements to the fund for such of
the benefits paid under this chapter upon the basis of
such wages or services, and provisions for reimburse-
ments from the fund for such of the compensation paid
under such other law upon the basis of wages for in-
sured work, as the director finds will be fair and reason-
able as to all affected interests; and
(4) Contributions due under this chapter with respect
to wages for insured work shall for the purposes of this
chapter be deemed to have been paid to the fund as of
the date payment was made as contributions therefor
under another state or federal unemployment compensa-
tion law, but no such arrangement shall be entered into
unless it contains provisions for such reimbursement to
the fund of such contributions as the director finds will
be fair and reasonable as to all affected interests.
(b) Reimbursements paid from the fund pursuant to
paragraph (three) of subsection (a) of this section shall
be deemed to be benefits for the purpose of this chapter.
The director is authorized to make to other state or fed-
ERAL agencies and to receive from such other state or fed-
ERAL agencies, reimbursements from or to the fund, in ac-
cordance with arrangements entered into pursuant to sub-
section (a) of this section.
(c) To the extent permissible under the laws and Con-
stitution of the United States, the director is authorized to
enter into or cooperate in arrangements whereby facili-
ties and services provided under this chapter and facilities
and services provided under the unemployment compen-
sation law of any foreign government, may be utilized for
the taking of claims and the payment of benefits under
the employment security law of this state or under a
similar law of such government.

Sec. 23. Publication.—The director shall print for public
distribution:
(1) The text of this chapter.
(2) The regulations and general rules of the division.
(3) Such other material as the director deems relevant
and suitable for the more effective administration of the
chapter, including, for distribution to employers and or-
ganizations and associations representative of employer
and employee interests, quarterly statements of the con-
dition of the unemployment compensation trust fund and
any other information relating to the administration
thereof which the director may deem to be pertinent and
proper.

Article 5. Employer Coverage and Responsibility.

Section
2. Duration.
7. Separate accounts.
9. Experience ratings; fund stabilization.
10. Experience ratings; decreased rates.
10-a. Suspension of decreased rates.
10-b. Transfer of business.
17-a. Summary assessments.

Section 2. Duration.—Except as otherwise provided in
section three of this article, an employing unit shall cease
to be an employer subject to this chapter only as of the
first day of any calendar year and only if it files with the
director not later than January thirty-first of such year, a
written application for termination of coverage, as of such
first day of January, and the director finds that there were
no twenty different days, each day being in a different
calendar week within the preceding calendar year, within
which such employing unit had eight or more individuals
in employment subject to this chapter: Provided, however,
That the director may for good cause extend the time for
filing application for termination of coverage, effective as
of the first day of the next succeeding quarter after the
application is approved.

Sec. 7. Separate Accounts.—(1) The director shall
maintain a separate account for each employer, and shall
credit his account with all contributions heretofore and
hereafter paid by him. Nothing in this act shall be con-
strued to grant any employer or individual in his service
prior claims or rights to the amounts paid by him into
the fund, either on his own behalf or on behalf of such
individuals.
(2) Benefits paid to an eligible individual shall be
charged against the accounts of his base period employers.
The amount of benefits so chargeable against each base
period employer's account shall bear the same ratio to the
total benefits paid to an individual as the base period
wages paid to such individual by such employer bear to
the total amount of base period wages paid to such
individual by all his base period employers.
(3) The director shall, for the year one thousand nine
hundred forty-one and for each calendar year thereafter,
classify employers in accordance with their actual expe-
rience in the payment of contributions on their own be-
half and with respect to benefits charged against their
accounts, with a view of fixing such contribution rates as
will reflect such experience. For the purpose of fixing
such contribution rates for each calendar year the books
of the department shall be closed on January thirty-one
of such year, and any contributions thereafter paid with
respect to wages paid for employment during preceding
calendar years, as well as benefits thereafter paid with re-
spect to compensable weeks ending on or before Decem-
ber thirty-one of the preceding year, shall not be taken
into account until the time for fixing contribution rates
for the succeeding calendar year.
Sec. 9. **Experience Ratings; Fund Stabilization.**—An employer's payment-rate shall be reduced only as of January one of a calendar year and shall not be reduced below two and seven-tenths per cent:

1. Prior to January one, one thousand nine hundred forty-one.
2. Thereafter, unless the total assets of the fund, excluding payments payable at the beginning of the year exceed the total benefits paid from the fund within the last preceding year.

Sec. 10. **Experience Ratings; Decreased Rates.**—On and after January one, one thousand nine hundred forty-three, after the requirements of section nine have been complied with, an employer's payment shall remain two and seven-tenths per cent (2.7%), until: (1) There has elapsed three consecutive years throughout which an individual in his employ could have received benefits if unemployed and eligible.

2. His payments credited to his account for all past years exceed the benefits charged to his account by an amount equal to at least five and one-half per cent (5.5%) of his average annual payroll, in which case his rate shall be two and four-tenths per cent (2.4%).

3. His payments credited to his account for all past years exceed the benefits charged to his account by an amount equal to at least six and one-half per cent (6.5%) of his average annual payroll, in which case his rate shall be two and one-tenth per cent (2.1%).

4. His payments credited to his account for all past years exceed the benefits charged to his account by an amount equal to at least seven and one-half per cent (7.5%) of his average annual payroll, in which case his rate shall be one and eight-tenths per cent (1.8%).

5. His payments credited to his account for all past years exceed the benefits charged to his account by an amount equal to at least eight and one-half per cent (8.5%) of his average annual payroll, in which case his rate shall be one and four-tenths per cent (1.4%).

6. His payments credited to his account for all past years exceed the benefits charged to his account by an
amount equal to at least ten per cent (10%) of his average annual payroll, in which case his rate shall be nine-tenths of one per cent (0.9%).

The director shall determine an employer's compliance with these requirements.

Sec. 10-a. Suspension of Decreased Rates.—(1) If at any time or times the unemployment compensation fund, including the trust fund, clearing account, and benefit account, and excluding therefrom the amount required to pay the benefit liability then accrued and unpaid, shall fall below the sum of twenty-five million dollars, the director shall suspend the decreased rates as provided in the chapter, and all contributions of employers which are due and payable upon the next due date following such suspension shall be paid at the rate of two and seven-tenths per cent.

(2) As of January first next following the calendar year in which the unemployment compensation fund, including the trust fund, clearing account, and benefit account, and excluding therefrom the amount required to pay the benefit liability then accrued and unpaid, reaches the sum of thirty million dollars, the director shall supersede such suspension. New rates shall thereupon be computed as provided in this chapter.

Sec. 10-b. Transfer of Business.—If a subject employer shall transfer his entire organization, trade or business, or substantially all the assets thereof, to another employer, the director shall combine the contribution records and the benefit experience records of the transferring and acquiring employers. The acquiring employer's contribution rate for the remainder of the calendar year shall not be affected by the transfer but such rate shall apply to the whole of his business, including the portion acquired by the transfer, through the following December thirty-first. If a subject employer shall make such transfer to an employing unit which is not an employer on the date of the transfer, such subject employer's rate shall continue as the rate of the acquiring employing unit until the next computation date.
Sec. 12. **Auxiliary Rates.**—This section is hereby repealed.

Sec. 17-a. **Summary Assessments.**—(1) If an employer fails to file reports for the purpose of determining the amount of contribution in accordance with the regulations of the director, or files manifestly incorrect or insufficient reports, the director may assess the contribution and any interest due on the basis of the information submitted by the employer or on the basis of an estimate as to the amount due, and shall give written notice of such assessment to such employer: Provided, That such assessment shall be subject to redetermination by the director upon the filing by the employer of correct and sufficient reports within thirty days after notice of such assessment shall be given to him.

(2) If the director determines that the collection of any contribution or interest under the provisions of this chapter are or may be jeopardized by delay, he may, whether or not the time prescribed by this chapter or any regulations issued pursuant thereto for making reports and paying contributions has expired, immediately assess such contribution, together with interest, then due or estimated by him to be due, and shall give written notice of such assessment to the employer: Provided, That such assessment, unless based on information submitted by the employer, shall be subject to redetermination upon the same condition and in the same manner as provided in subsection (1) hereof.

(3) Any such assessment may be enforced in the manner provided in section sixteen hereof.

**Article 6. Employee Eligibility; Benefits.**

**Section**

1. Eligibility qualifications.
4. Disqualifications for benefits.
5. Suitable work.
10. Benefit rate; total unemployment.
11. Rate of benefit; partial unemployment.

Section 1. **Eligibility Qualifications.**—An unemployed individual shall be eligible to receive benefits only if the director finds that:
(1) He has registered for work at and thereafter continues to report at an employment office in accordance with the regulations of the director.

(2) He has made a claim for benefits in accordance with the provisions of article seven of this chapter.

(3) He is able to work and is available for full time work for which he is fitted by prior training or experience.

(4) He has been totally unemployed during his benefit year for a waiting period of one week prior to the week for which he claims benefits for total unemployment.

(5) He has within his base period earned wages for employment equal to not less than two hundred fifty dollars.

Sec. 4. Disqualifications for Benefits.—Upon the determination of the facts by the director, an individual shall be disqualified for benefits:

(1) For the week in which he left work voluntarily without good cause involving fault on the part of the employer and the six weeks immediately following such week. Such disqualification shall carry a reduction in the maximum benefit amount equal to six times the individual's weekly benefit rate.

(2) For the week in which he was discharged for misconduct and the six weeks immediately following such week. Such disqualification shall carry a reduction in the maximum benefit amount equal to six times the individual's weekly benefit rate.

(3) For the week in which he failed, without good cause, to apply for available suitable work, accept suitable work when offered, or return to his customary self-employment when directed to do so by the director, and for the four weeks which immediately follow and for such additional period as any offer of suitable work shall continue open for his acceptance, and his maximum benefit amount shall be reduced by an amount equal to his weekly benefit rate times the number of weeks of disqualification.

(4) For a week in which his total or partial unemployment is due to a stoppage of work which exists because
of a labor dispute at the factory, establishment, or other
premises at which he was last employed, unless the di-
rector is satisfied that he was not (one) participating,
financing, or directly interested in such dispute, and (two)
did not belong to a grade or class of workers who were
participating, financing, or directly interested in the labor
dispute which resulted in the stoppage of work. No dis-
qualification under this subsection shall be imposed if the
employees are required to accept wages, hours or condi-
tions of employment less favorable than those prevailing
for similar work in the locality, or if employees are de-
nied the right of collective bargaining under generally
prevailing conditions, or if an employer shuts down his
plant or operation or dismisses his employees in order to
force wage reduction, changes in hours or working con-
ditions.

(5) For a week with respect to which he is receiving
or has received:
(a) Wages in lieu of notice;
(b) Compensation for temporary partial disability un-
der the workmen’s compensation law of any state or un-
der a similar law of the United States;
(c) Remuneration in the form of a primary insurance
benefit under title two of the social security act, as
amended, or similar payments under any act of Congress;
(d) Unemployment compensation benefits under the
laws of the United States or any other state.

(6) For the week in which an individual is not em-
ployed because of pregnancy, or has voluntarily quit em-
ployment to marry or to perform any marital, parental,
or family duty, or to attend to his or her personal business
or affairs, and until the individual returns to covered em-
ployment and has been employed in covered employment
at least thirty working days.

(7) For each week in which an individual is unem-
ployed because, having voluntarily left employment to
attend a school, college, university, or other educational
institution, he is attending such school, college, university,
or other educational institution, or is awaiting entrance
thereto or is awaiting the starting of a new term or ses-
sion thereof.
Sec. 5. Suitable Work.—In determining whether work is suitable for an individual, the director shall consider:

1. The degree of risk involved to the individual’s health, safety, and morals.
2. The individual’s physical fitness and prior training.
3. His experience and prior earnings.
4. His length of unemployment.
5. His prospects of securing local work in his customary occupation.
6. The distance of the available work from his residence: Provided, however, That the distance from his new residence shall not be considered in determining suitable work if such distance from available work was created as the result of the individual voluntarily changing his residence to a locality other than that locality in which he resided at the time he voluntarily quit his last employment without good cause involving fault on the part of the employer.

Sec. 10. Benefit Rate; Total Unemployment.—Each eligible individual who is totally unemployed in any week shall be paid benefits with respect to that week at the weekly rate appearing in column (C) in table A in this paragraph, on the line on which in column (A) there is indicated the employee’s wage class, except as otherwise provided under the term “total and partial unemployment” in section three, article one of this chapter. The employee’s wage class shall be determined by his base period wages as shown in column (B) in table A. The right of an employee to receive benefits shall not be prejudiced nor the amount thereof be diminished by reason of failure by an employer to pay either the wages earned by the employee or the contribution due on such wages.
### TABLE A

<table>
<thead>
<tr>
<th>Wage Class (Column A)</th>
<th>Wages in Base Period (Column B)</th>
<th>Weekly Benefit Rate (Column C)</th>
<th>Maximum Benefit in Benefit Year for Total and/or Partial Unemployment (Column D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$ 250.00 — $ 399.99</td>
<td>$ 7.00</td>
<td>$ 112.00</td>
</tr>
<tr>
<td>2</td>
<td>400.00 — 499.99</td>
<td>8.50</td>
<td>136.00</td>
</tr>
<tr>
<td>3</td>
<td>500.00 — 599.99</td>
<td>9.50</td>
<td>152.00</td>
</tr>
<tr>
<td>4</td>
<td>600.00 — 699.99</td>
<td>11.00</td>
<td>176.00</td>
</tr>
<tr>
<td>5</td>
<td>700.00 — 749.99</td>
<td>11.50</td>
<td>184.00</td>
</tr>
<tr>
<td>6</td>
<td>750.00 — 799.99</td>
<td>12.00</td>
<td>192.00</td>
</tr>
<tr>
<td>7</td>
<td>800.00 — 849.99</td>
<td>12.50</td>
<td>200.00</td>
</tr>
<tr>
<td>8</td>
<td>850.00 — 899.99</td>
<td>13.00</td>
<td>208.00</td>
</tr>
<tr>
<td>9</td>
<td>900.00 — 949.99</td>
<td>14.00</td>
<td>224.00</td>
</tr>
<tr>
<td>10</td>
<td>950.00 — 999.99</td>
<td>14.50</td>
<td>232.00</td>
</tr>
<tr>
<td>11</td>
<td>1000.00 — 1049.99</td>
<td>15.00</td>
<td>240.00</td>
</tr>
<tr>
<td>12</td>
<td>1050.00 — 1099.99</td>
<td>15.50</td>
<td>248.00</td>
</tr>
<tr>
<td>13</td>
<td>1100.00 — 1149.99</td>
<td>16.00</td>
<td>256.00</td>
</tr>
<tr>
<td>14</td>
<td>1150.00 — 1199.99</td>
<td>17.00</td>
<td>272.00</td>
</tr>
<tr>
<td>15</td>
<td>1200.00 — 1249.99</td>
<td>17.50</td>
<td>280.00</td>
</tr>
<tr>
<td>16</td>
<td>1250.00 and over</td>
<td>18.00</td>
<td>288.00</td>
</tr>
</tbody>
</table>

Sec. 11. Rate of Benefit; Partial Unemployment.—An eligible individual who is partially unemployed in any pay period shall, upon claim therefor filed within such time and in such manner as the director may by regulation prescribe, be paid benefits for such partial unemployment in an amount for such pay period in accordance with his wage class and the number of normal shifts or their equivalent, during the pay period, that no work was available as shown in table B in this paragraph hereinafter contained, less any benefits paid or payable and any waiting period credit allowed to such individual for total unemployment in such pay period. Such partial benefits shall be paid without regard to the current employment status of such individual and shall be paid without regard to the provisions of subsections one, three and four of section one of this article.
TABLE B

If the total work available during a pay period is less than one-half of the normal shift expectancy during such pay period, the claimant is entitled to receive as partial benefit for the pay period the amount appearing opposite his wage class in the column headed by the number representing the difference between normal shift expectancy and double the number of full shifts and fractions thereof that work was available for the claimant during such pay period. If the number representing such difference is greater than twelve, the amount of benefit payable will be the amount obtained by multiplying such number by the benefit unit appearing on the line opposite the claimant's wage class.

<table>
<thead>
<tr>
<th>WAGE CLASS</th>
<th>WAGES IN BASE PERIOD</th>
<th>BENEFIT UNIT</th>
<th>AMOUNT OF BENEFITS PAYABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>COLUMN A</td>
<td>COLUMN B</td>
<td>COLUMN C</td>
<td>1</td>
</tr>
<tr>
<td>1</td>
<td>$250</td>
<td>$399.99</td>
<td>$1.40</td>
</tr>
<tr>
<td>2</td>
<td>400</td>
<td>499.99</td>
<td>1.70</td>
</tr>
<tr>
<td>3</td>
<td>500</td>
<td>599.99</td>
<td>1.90</td>
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<tr>
<td>4</td>
<td>600</td>
<td>699.99</td>
<td>2.20</td>
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<tr>
<td>7</td>
<td>800</td>
<td>899.99</td>
<td>2.60</td>
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<tr>
<td>8</td>
<td>850</td>
<td>949.99</td>
<td>2.60</td>
</tr>
<tr>
<td>9</td>
<td>900</td>
<td>999.99</td>
<td>2.80</td>
</tr>
<tr>
<td>10</td>
<td>950</td>
<td>999.99</td>
<td>2.80</td>
</tr>
<tr>
<td>11</td>
<td>1000</td>
<td>1049.99</td>
<td>3.00</td>
</tr>
<tr>
<td>12</td>
<td>1050</td>
<td>1099.99</td>
<td>3.10</td>
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<td>1100</td>
<td>1149.99</td>
<td>3.20</td>
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<td>1199.99</td>
<td>3.40</td>
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<tr>
<td>15</td>
<td>1200</td>
<td>1249.99</td>
<td>3.50</td>
</tr>
<tr>
<td>16</td>
<td>1250 and over</td>
<td>3.60</td>
<td>3.60</td>
</tr>
</tbody>
</table>
Sec. 21. Persons in Military Service.—Benefits shall be payable, in accordance with general rules to be prescribed by the director, to otherwise eligible individuals who have entered the armed forces of the United States of America since June thirty, one thousand nine hundred forty, on the basis of their insured work prior to such entrance. Such rules with respect to such individuals shall supersede any inconsistent provisions of this chapter, but so far as practicable shall secure results reasonably similar to those provided in the analogous provisions of this chapter: Provided, however, (1) That such individual has been discharged from the armed forces and files a claim for benefits pursuant hereto prior to April first, one thousand nine hundred forty-five; (2) that “military service” as used herein means service in the land, air, and naval forces of the United States, or any other service in the armed forces of the United States under any act of congress; and (3) that benefit rights under this section shall not be payable until after the benefit rights have been utilized under any act of Congress providing a national system in regard to payments to unemployed veterans.

Article 7. Claim Procedure.

Section

8. Appeal from deputy's decision.
9. Finality of examiner's decision.
17. Finality of board's decision.
25. Service upon board.

Section 8. Appeal from Deputy's Decision.—A claimant, last employer or any base period employer of a claimant, or other interested party, may file an appeal from the decision of the deputy within fifteen calendar days after notice of the decision has been delivered or mailed by registered mail to the claimant and last employer as provided in section four of this article. The period within which an appeal from the decision of the deputy may be filed shall be stated in such notice. The decision of the deputy shall be final and benefits shall be paid or denied
in accordance therewith unless an appeal is filed within such time.

Upon appeal from the determination of a deputy, an individual shall be entitled to a fair hearing and reasonable opportunity to be heard before an appeal tribunal as provided in section seven of this article.

Within ten days after receipt by the board of notice of appeal from the decision of a deputy, the board shall fix the time and place for hearing such appeal.

Upon consideration of all evidence the appeal tribunal shall make a decision, and shall notify the claimant and last employer of its findings and decision.

Sec. 9. Finality of Examiner's Decision.—A claimant, last employer or any base period employer of a claimant, or other interested party may file an appeal to the board from the decision of an appeal tribunal within fifteen calendar days after notice of the decision has been delivered or mailed to the claimant and last employer as provided in section eight of this article. The director shall of necessity be deemed an interested party. The decision of the appeal tribunal shall be final and benefits shall be paid or denied in accordance therewith unless an appeal is filed within such time.

Sec. 11. Benefits Pending Appeal.—If an appeal is filed, benefits for the period prior to final determination of the board shall be paid only after such determination. If benefits are allowed by the decision of the board on appeal from the decision of the appeal tribunal the benefits shall be paid whether such decision reverses or affirms the decision of the appeal tribunal and regardless of any further appeal; but if the decision of the board is reversed on appeal an employer's account shall not be charged with the benefits so paid.

Sec. 17. Finality of Board's Decision.—The decision of the board shall be final and benefits shall be paid or denied in accordance therewith, unless a claimant, last employer or any base period employer of a claimant, or other interested party appeals to a court within twenty days after mailing of notification of the board's decision.
Sec. 21. Findings of Fact.—In a judicial proceeding to
review a decision of the board, the findings of fact of the
board shall have like weight to that accorded to the find-
ings of fact of a trial chancellor or judge in equity pro-
cedure.

Sec. 22. Judicial Review.—Within twenty days after a
decision of the board has become final, any party ag-
grieved may secure judicial review of the decision by
commencing an action against the board in the circuit
court of Kanawha county. Parties to the proceedings be-
fore the board shall be made defendants. The director
shall be a necessary party to such judicial review.

Sec. 25. Service upon Board.—Service in such action
shall be upon the chairman of the board or such person
as he may designate, and service upon him shall be treated
as completed service upon all parties to the original dis-
pute. With such service upon the board there shall be
included a copy of the petition for review and as many
additional copies as there are defendants, including the
director. The chairman of the board or such person as
he may designate shall immediately upon receipt of serv-
ice forward a copy of such service, including a copy of
the petition for review, by registered mail to each de-
fendant, including the director.


Section

4. Records and reports; miscellaneous.
11. Information.

Section 4. Records and Reports; Miscellaneous.—(1)
An employing unit shall keep true and accurate work
records containing such information as the director may
prescribe. The record shall be open to inspection and
be subject to being copied by the director or his author-
ized representatives at any reasonable time.

(2) The director may cause to be made such summaries,
compilations, photographs, duplication, or reproduction
of any records, reports, or transcripts thereof as he may
deem advisable for the effective and economical preser-
vation of information contained therein, and such sum-
maries, compilations, photographs, duplication, or reproductions duly authenticated, shall be admissible in any proceeding under this chapter if the original record or records would have been admissible therein and are unavailable.

(3) The director, with the concurrence of the majority of the Advisory Council, may provide regulations for the destruction or disposition, after reasonable periods, of any records, reports, transcripts, or reproductions thereof, or other papers in his custody, the preservation of which is considered no longer necessary for the establishment of contribution liability or benefit rights, or for any purpose necessary to the proper administration of this chapter, including any audit required.

Sec. 11. Information.—The director may require an employing unit to provide sworn or unsworn reports concerning:

(1) The number of individuals in its employ.
(2) Individually their hours of labor.
(3) Individually the rate and amount of wages.
(4) Such other information as is reasonably connected with the administration of this chapter.

Information thus obtained shall not be published or be open to public inspection so as to reveal the identity of the employing unit. A claimant of benefit, however, shall be supplied with information from such records to the extent necessary for the proper presentation of his claim.

A person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty dollars nor more than two hundred dollars, or imprisoned not longer than ninety days, or both.

No action for slander or libel, either criminal or civil, shall be predicated upon information furnished by any employer or any employee to the director in connection with the administration of any of the provisions of this chapter.
AN ACT to amend and reenact section seven, article six, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by section seven, chapter four, acts of the Legislature, regular session, one thousand nine hundred thirty-five, relating to violations of the liquor control act.

[Passed March 13, 1933; in effect ninety days from passage. Approved by the Governor.]


Section 7. Specific acts forbidden; form of indictment.

Be it enacted by the Legislature of West Virginia:

That section seven, article six, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by section seven, chapter four, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:

Section 7. Specific Acts Forbidden; Form of Indictment.—A person shall not:

1. Manufacture or sell in this state without a license any alcoholic liquor except as permitted by this article;
2. Aid or abet in the manufacture or sale of alcoholic liquor without a license except as permitted by this article;
3. Sell without a license any alcoholic liquor other than permitted by this article;
4. Adulterate any alcoholic liquor by the addition of any drug, methyl alcohol, crude, unrectified or impure form of ethyl alcohol, or other foreign or deleterious substance or liquid;
5. Refill, with alcoholic liquor, any bottle or other container in which alcoholic liquor has been sold at retail in this state;
VIOLATIONS OF LIQUOR CONTROL ACT

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

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

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

An indictment for any first violation of subdivisions one, two and three of this section, or any of them, shall be sufficient if in form or effect as follows:

State of West Virginia
County of _______________________, to-wit:

The Grand Jurors of the State of West Virginia, in and for the body of the County of _______________________, upon their oaths present that ________________________, on the ______ day of ________________________, 19_____, in the said County of _______________________, did unlawfully, without a state license and without authorization under the Liquor Control Act, manufacture and sell, and aid and abet in the manufacture and sale of a quantity of alcoholic liquor, against the peace and dignity of the State.

Any indictment under this section shall otherwise be in conformity with section one, article nine, chapter sixty-two of the code.
AN ACT to amend chapter one hundred twenty-seven, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-seven, by amending and reenacting sections one, nine and eleven thereof, and by adding a new section thereto, numbered section fourteen, all relating to the West Virginia real estate commission.

[Passed February 18, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 12. Real Estate Commission, Brokers and Salesmen.

Section
1. The West Virginia real estate commission created; members; organization; expenditures.
9. Expiration of license; revocation of broker’s license suspends salesman’s license.
11. Penalties; jurisdiction of crimes by justices.
14. Act designated as article of code.

Be it enacted by the Legislature of West Virginia:

That sections one, nine and eleven, chapter one hundred twenty-seven, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-seven, be amended and reenacted, and that a new section, numbered section fourteen, be added thereto, all to read as follows:

   Section 1. The West Virginia Real Estate Commission
   Created; Members; Organization; Expenditures.—There
   shall be a commission known as “The West Virginia Real
   Estate Commission”, which shall be a corporation, and, as
   such, may sue and be sued, contract and be contracted
   with, and shall have a common seal. The commission
   shall consist of three members who shall be appointed by
   the governor by and with the advice and consent of the
   senate. Each member of the board shall be a citizen of the
   United States and a resident of this state, and two of
   whom shall have been engaged in the real estate business
   for a period of at least five years immediately prior to
   their appointment, and the third shall be a representative
   of the public generally. Each member shall be appointed
for a term of four years. Members in office on the date
this section becomes effective shall continue in office until
their respective terms expire: Provided, however, That at
the first expiration of a term, the governor shall appoint
the member representing the public generally as herein
provided. Any appointment to fill a vacancy shall be for
the unexpired term. Members shall serve until their re-
pective terms expire and until their successors have been
appointed, unless sooner removed. Not more than two
members of such commission shall belong to the same
political party.

No member shall be a candidate for or hold any other
public office or be a member of any political committee
while acting as such commissioner. In case any commis-
sioner be a candidate for or hold any other public office
or be a member of any political committee, his office as
a commissioner shall ipso facto be vacated.

The governor shall designate one member of the com-
mission as the chairman thereof, and the members shall
choose one of the members thereof as secretary. Two
members of the commission shall constitute a quorum
for the conduct of official business. The members of the
commission shall not receive any salary, excepting that
they shall be paid the sum of ten dollars for each day
actually spent in the work of the commission, and they
shall each receive their actual and necessary expenses in-
curred in such work. The commission may employ such
clerical and other help as may be necessary for the con-
duct of the duties of the commission, which shall be paid
for out of the fund hereby created. All fees and charges
collected by the commission under the provisions of this
act shall be paid into a special fund for the purpose of
this act, and all expenditures of the commission shall be
paid therefrom. The amount paid to or expended by the
commission in any fiscal year shall not exceed the reve-

Sec. 9. Expiration of License; Revocation of Broker's
License Suspends Salesman's License.—All licenses is-
sued during the year one thousand nine hundred forty-
three shall expire on the thirty-first day of December of
that year. For the period from January first, one thou-
sand nine hundred forty-four, to June thirtieth, one thou-
sand nine hundred forty-four, all licenses shall be issued
on a semi-annual basis, the fees for which shall be one-
half the yearly fees provided for in section eight of this
article. On and after July first, one thousand nine hun-
dred forty-four, the fiscal year shall constitute the license
year under this article, from which date all licenses shall
expire at midnight on the thirtieth day of June of each
year. The commission shall issue a new license for each
ensuing year, in the absence of any reason which might
warrant the refusal of the granting of a license, upon the
receipt of the annual fee therefor, as herein required.
The revocation of a broker’s license shall automatically
suspend every real estate salesman’s license granted to
any person by virtue of his employment by the broker
whose license has been revoked, pending a change of em-
ployer and the issuance of a new license. Such new li-
cense shall be issued without charge, if granted during
the same year in which the original license was granted.

Sec. 11. Penalties; Jurisdiction of Crimes by Justices.
Any person who shall engage in the real estate business
as defined by this article, without a license, or who shall
violate any other provision of this article, shall be guilty
of a misdemeanor for each single violation, and upon con-
viction thereof shall be punished by a fine of not less
than fifty dollars nor more than five hundred dollars, or
by imprisonment for a term not to exceed six months, or
both.
Justices of the peace shall have concurrent jurisdiction
with the circuit, criminal and intermediate courts to en-
force the penalties prescribed by this article.

Sec. 14. Act Designated as Article of Code.—Chapter
one hundred twenty-seven, acts of the Legislature, regu-
lar session, one thousand nine hundred thirty-seven, as
amended by this act, is hereby declared to be an amend-
ment to chapter forty-seven of the code of West Virginia,
one thousand nine hundred thirty-one, and designated as
article twelve of said chapter.
CHAPTER 79

(Senate Bill No. 127—By Mr. Vickers, by request)

AN ACT to amend and reenact section one, article four, chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, relating to the location, management and control of the home for aged and infirm colored men and women.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 4. Home for Aged and Infirm Colored Men and Women.

Section 1. Continuation; location; management; superintendent.

Be it enacted by the Legislature of West Virginia:

That section one, article four, chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. Continuation; Location; Management; Superintendent.—The West Virginia home for aged and infirm colored men and women, heretofore established, shall be continued and shall in the future be located at McKendree, in the county of Fayette, in the property formerly occupied by McKendree emergency hospital, which said McKendree emergency hospital is hereby discontinued. The home shall be managed, directed and controlled as provided in article one, chapter twenty-five of the code of West Virginia. The chief executive officer shall be the superintendent, who shall be a citizen of this state and a person of good executive ability.
AN ACT to amend and reenact section one, article fourteen, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to Bluefield State Teachers College.

[Passed March 5, 1943; in effect ninety days from passage. Approved by the Governor.]


Section 1. Change of name; supervision and management.

Be it enacted by the Legislature of West Virginia:

That section one, article fourteen, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and reenacted to read as follows:

Section 1. Change of Name; Supervision and Management.—The Bluefield State Teachers College, heretofore established and located at Bluefield, in Mercer county, shall be continued and shall be known as the “Bluefield State College”. The educational affairs of the Bluefield State College shall be under the control, supervision and management of the joint boards of education.

The rules and regulations made by the president and faculty of said college for its general government, for the admission of students thereto and the standards of scholarship to be maintained therein shall be submitted to the joint boards of education for their approval.

The negro board of education in conjunction with the state board of education shall establish and maintain in the Bluefield State College, in addition to the departments already established, such other courses of study as may be expedient and practicable, and shall prescribe the conditions for graduation therefrom and make rules for the conferring of degrees and for issuing the proper diplomas to those who complete such courses, as in the case of other state educational institutions.
CHAPTER 81
(Com. Sub. for House Bills Nos. 12 and 108—Originating in the House Committee on Education)

AN ACT to amend and reenact section one, article twelve, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to state teachers' colleges.

[Passed March 5, 1943; in effect July 1, 1943. Approved by the Governor.]


Section 1. Change of names; continuation and management.

Be it enacted by the Legislature of West Virginia:

That section one, article twelve, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and reenacted to read as follows:

Section 1. Change of Names; Continuation and Management.—The state teachers' colleges heretofore established and known as state normal schools shall be continued and shall be known, respectively, as follows: "Fairmont State College", "Shepherd College", "Glenville State College", "West Liberty State College" and "Concord College". The educational affairs of the aforesaid institutions shall be under the control, supervision and management of the state board of education, as provided in section thirteen, article two of this chapter, and their financial and business affairs shall be under the charge and control of the state board of control, as provided in section four, article one, chapter twenty-five of this code. The functions of these colleges shall continue to be the preparation of teachers through such courses of study as the faculties thereof may prescribe with the approval of the state board of education, and also the offering of such curricula in general and vocational education as the state board of education may direct or approve. The colleges are authorized to grant the degrees of bachelor of
21 arts and bachelor of science to students completing the
22 curricula for such degrees as approved by the state board
23 of education. The rules and regulations made by the
24 presidents and faculties of these colleges for their gen-
25 eral government, for the admission of students thereto,
26 the standards of scholarship to be maintained therein and
27 the graduation of students therefrom, shall be submitted
28 to the state board of education for its approval. The
29 president and teachers of each of the colleges shall be
30 persons of broad and liberal education, as evidenced by
31 the possession of a bachelor's degree from a standard col-
32 lege or university, or the equivalent thereof, as a min-
33 imum requirement.

CHAPTER 82
(Senate Bill No. 85—By Mr. Boreman)

AN ACT to amend article eleven, chapter eighteen of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, by adding thereto a new section to be num-
bered twenty-two, relating to the establishment of a full
medical course for students at West Virginia University,
in conjunction with universities and medical colleges out-
side the state.

[Passed March 3, 1943; in effect from passage. Approved by the Governor.]

Article 11. West Virginia University.

Section
22. Four-year medical course.

Be it enacted by the Legislature of West Virginia:

That article eleven, chapter eighteen of the code of West
Virginia, one thousand nine hundred thirty-one, as amended,
be amended by adding thereto a new section to be numbered
twenty-two, to read as follows:

Section 22. Four-year Medical Course.—The board of
2 governors is authorized to establish a four-year medical
course for students of the university, such course to be conducted in accordance with rules and regulations made by the president and the faculty of the college of medicine, and approved by the board as provided in this article. The entire course may be given at the university, or it may be given in part at other universities and medical colleges outside the state.

The board is authorized to enter into any agreements which may be necessary to enable the university to award degrees in medicine in conjunction with such other universities and medical colleges, and to that end may direct the expenditure outside the state of any university funds available to the college of medicine.

No student shall be eligible to take the courses which may be established under the provisions of this section unless he (1) has been a bona fide resident of this state at least five years, (2) has completed the medical course provided at the university, and (3) has been chosen for the purpose by the president and faculty of the college of medicine at the university.

CHAPTER 83
(Com. Sub. for House Bill No. 354—Originating in the House Committee on Taxation and Finance)

AN ACT to amend chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article to be designated article one-a, relating to the collection and expenditure of fees and other money collected at state institutions.

[Passed March 12, 1943; in effect from passage. Approved by the Governor.]

Article 1-a. Fees and Other Money Collected at State Institutions.

Section 1. Enrollment fees at educational institutions; refund of fees.
2. Fees and money derived from athletic contests; expenditure authorized; use of funds.
3. Student activity fees at state educational institutions; statement to be filed with auditor and budget director.
4. Fees from operation of dormitories, boarding houses and cafeterias; allocation of fees collected.
5. Sale of books and stationery; expenditure of receipts directed and restricted.
7. Disposition of funds in state treasury.
8. Control, supervision or management of West Virginia university not affected.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article to be designated article one-a, to read as follows:

Section 1. Enrollment Fees at Educational Institutions; Refund of Fees.—The West Virginia board of control, in conjunction with the governing boards of state educational institutions, shall fix enrollment fees for each semester or school term for the different classes or categories of students enrolling at the state educational institutions. The schedule of fees, and any changes in the schedule, shall be entered in the minutes of meetings of the board of control, and the board of control shall file with the state auditor and state budget director a certified copy of such schedule and changes.

Refund, as an erroneous payment, may be made of enrollment fees, upon the voluntary or involuntary withdrawal from classes of any student, until eight weeks of the school semester or term have expired, but no refund may be made thereafter.

Sec. 2. Fees and Money Derived from Athletic Contests; Expenditure Authorized; Use of Funds.—The directors of athletics at state educational institutions may fix and charge admission fees to athletic contests at state educational institutions, and may enter into contracts, spend and receive money under such contracts, for the student athletic teams of state educational institutions to contest with other athletic teams inside or outside the state.

All money derived from such fees and under such contracts shall be used to defray the cost of maintaining the
Sec. 3. **Student Activity Fees at State Educational Institutions; Statement to Be Filed With Auditor and Budget Director.**—The president of any state educational institution may authorize the collection of fees from students for the support of extra-curricular activities of the students, and after authorizing the collection of such fees, the president shall file with the state auditor and state budget director a certified detailed statement of the fees authorized to be collected and the purpose for which they are to be spent.

Sec. 4. **Fees from Operation of Dormitories, Boarding Houses and Cafeterias; Allocation of Fees Collected.**—The state board of control shall fix the fees to be charged students and members of the faculties for rooms, board and meals at the dormitories, boarding houses and cafeterias operated at state educational institutions. Such fees shall be commensurate with the complete cost of such services. All fees collected for such services shall be allocated to pay operating and maintenance costs of dormitories, boarding houses and cafeterias, and to meet the interest and principal payments on outstanding bonds issued to derive money for the construction and installation of facilities required to render the services offered.

Sec. 5. **Sale of Books and Stationery; Expenditure of Receipts Directed and Restricted.**—The state board of control shall fix the prices of books and stationery offered for sale to students and members of the faculties by the book and stationery stores established and in operation, and those hereafter established, at state educational institutions. The sale of books and stationery is restricted to the students and members of the faculties of state educational institutions. Prices for books and stationery shall be commensurate with the complete cost to the state in offering such products for sale. Money derived from the sale of books and stationery shall be used for no purpose other than to replenish the
14 stock of books and stationery and to pay the costs of op-
15 erating and maintaining the stores.

Sec. 6. Sale of Excess Farm and Dairy Products.—
2 The state board of control shall direct the sale of farm
3 and dairy products of farms operated at the various state
4 institutions, but only those products may be sold which
5 cannot be consumed in the institution at which they
6 are produced. The board shall endeavor to sell excess
7 products to other state institutions.

Sec. 7. Disposition of Funds in State Treasury.—All
2 funds in the state treasury heretofore collected from any
3 of the sources defined in the foregoing sections shall
4 remain in the state treasury, and may be expended only
5 as those which are authorized to be collected in the fore-
6 going sections.

Sec. 8. Control, Supervision or Management of West
2 Virginia University Not Affected.—Nothing contained
3 herein shall be construed to repeal or affect the control,
4 supervision, or management of West Virginia University,
5 as provided by chapter thirteen, acts of the Legislature,
6 one thousand nine hundred twenty-seven, as amended.

CHAPTER 84

(Com. Sub. for House Bill No. 327—Originating in the House Committee on
Forfeited, Delinquent and Unappropriated Lands)

AN ACT to amend and reenact sections seven and eight, article
one; to amend and reenact section thirteen, article two, and
to add to article two a new section to be numbered ten-a;
to amend and reenact sections two, twenty-one, twenty-
two and forty-one, article three; and to amend and reenact
sections six, seven, eight, nine, ten, twenty-one, twenty-
eight, thirty-two, thirty-four, thirty-eight, forty-three and
fifty, article four, and to add to article four a new section
to be numbered twenty-two-a; all of chapter eleven-a of
the code of West Virginia, one thousand nine hundred
thirty-one, as amended, and all relating to the collection and enforcement of property taxes and to the sale of lands for the school fund.

[Passed March 11, 1943; in effect from passage. Approved by the Governor.]

2. Delinquency and Methods of Enforcing Payment.

Be it enacted by the Legislature of West Virginia:

That sections seven and eight, article one, be amended and reenacted; that section thirteen, article two, be amended and reenacted; and that section ten-a be added to article two; that sections two, twenty-one, twenty-two and forty-one, article three, be amended and reenacted; that sections six, seven, eight, nine, ten, twenty-one, twenty-eight, thirty-two, thirty-four, thirty-eight, forty-three and fifty, article four, be amended and reenacted, and that section twenty-two-a be added to article four; all of chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to read as follows:


Section 7. No collection of current taxes until delinquent taxes are paid.
8. Notice of time and place for payment.

Section 7. No Collection of Current Taxes until Delinquent Taxes are Paid.—The sheriff, in preparing his tax receipts for any current year shall examine and compare them with the delinquent list for the preceding year in his hands, and if any tract is found to be delinquent for the preceding year, shall note the fact on his current receipts and shall decline to receive current taxes on any land where it appears to his office that a prior year's taxes are unpaid. Acceptance of current taxes through oversight shall not relieve the owner of any land of the liability to pay prior taxes and penalties imposed for nonpayment.

Sec. 8. Notice of Time and Place for Payment.—It shall be the duty of the sheriff to give notice by posting at not
3 less than six public places in each magisterial district,
4 for at least ten days before the time appointed, that be-
5 tween September fifteenth and November first he will
6 attend at one or more of the most public and convenient
7 places in each district, such places to be specified in the
8 notice, for the purpose of receiving taxes due by the
9 people residing or paying taxes in such district. The
10 notice shall also state that those who pay the first in-
11 stallment of their taxes on or before November first
12 will be entitled to a discount of two and one-half per
13 cent. Like notice shall be given that between March
14 fifteenth and May first, he will again appear in each dis-
15 trict for the collection of taxes, and that those who pay
16 their second installment on or before May first will be
17 entitled to the same discount. Any sheriff failing to
18 post the notice herein required shall forfeit one hundred
19 dollars for each failure. Failure of the sheriff to post
20 such lists shall not impair the right of the state to collect
21 such taxes.
22 The county court of any county may order that the
23 above notice shall also be given by advertisement. Such
24 an order, once entered, shall continue in effect until
25 rescinded by the county court. Upon entry of such or-
26 der, the sheriff shall, besides posting as required above,
27 insert the proper notice in two newspapers of opposite
28 politics, if such there be in the county, once a week for
29 two successive weeks next preceding the first day of
30 October or the first day of April as the case may be. For
31 every failure so to advertise, the sheriff shall forfeit one
32 hundred dollars.

Article 2. Delinquency and Methods of Enforcing Payment.

Section
13. Publication and posting of delinquent lists.

Section 10-a. Notice of Delinquency.—On or after June
2 first of each year, the sheriff may prepare and insert
3 twice in two newspapers of opposite politics published
4 in the county a notice stating in effect that the taxes
5 assessed for the previous year have become delinquent,
6 and that unless paid by June thirtieth will be included
Sec. 13. **Publication and Posting of Delinquent Lists.**—A copy of each of the delinquent lists shall be posted at the front door of the courthouse of the county at least two weeks before the session of the county court at which they are to be presented for examination. At the same time, a copy of each list shall be printed once in two newspapers of opposite politics, if such there be in the county, and the costs of printing, not to exceed twenty-five cents per item for each insertion in each newspaper, shall be paid out of the county treasury; but in such publication, only the aggregate amount of the taxes owed by each person need be published. To cover the costs of preparing, publishing and posting the delinquent lists, a charge of one dollar shall be added to the taxes and interest already due on each item listed.

Any person, whose taxes were delinquent on July first, may have his name removed from the delinquent lists prior to the time the same is delivered to the newspapers for publication, by paying to the sheriff the full amount of the taxes and costs owed by such person at the date of such redemption. The sheriff shall collect a charge of only fifty cents if redemption is made before the list is delivered for publication. Costs collected by the sheriff hereunder which are not expended for publication shall be paid into the general county fund.

**Article 3. Sale of Land for Taxes.**

Section

2. Second publication and posting of list of delinquent real estate; notice.
22. Survey when part of tract is purchased.
41. Publication by sheriff of sales list.

Section 2. **Second Publication and Posting of List of Delinquent Real Estate; Notice.**—On or before November tenth of each year, the sheriff shall prepare a second list of delinquent lands, which shall include all real estate in his county remaining delinquent as of November
first, together with a notice of sale, in form or effect as follows:

Notice is hereby given that the following described tracts or lots of land or undivided interests therein in the county of ________________, which are delinquent for the nonpayment of taxes for the year (or years) 19___, will be offered for sale by the undersigned sheriff (or collector) at public auction at the front door of the courthouse of the county, between the hours of ten in the morning and four in the afternoon on the ______ day of ____________, 19________.

Each unredeemed tract or lot, or each unredeemed part thereof or undivided interest therein, or so much thereof as may be necessary, will be sold for the amount due thereon, as set forth in the following table:

<table>
<thead>
<tr>
<th>Name of person charged with taxes</th>
<th>Quantity of land</th>
<th>Local description</th>
<th>Total amount of taxes, interest &amp; charges due to date of sale</th>
</tr>
</thead>
</table>
| Any of the aforesaid tracts or lots, or part thereof, or an undivided interest therein, may be redeemed by the payment to the undersigned sheriff (or collector) before sale, of the total amount of taxes, interest and charges due thereon up to the date of redemption. Given under my hand this ______ day of ________________, 19_______.

Sheriff (or collector)

The sheriff shall publish the list and notice, once a week for four successive weeks prior to the sale date fixed in the notice, in two newspapers of opposite politics, if such there be in the county, and the costs of printing, not to exceed twenty-five cents per item for each insertion in each newspaper, shall be paid out of the county treasury. He shall also post a copy of such list and notice at the front door of the courthouse at least four weeks before the sale. If there is no newspaper published in the county, or if no such newspaper will publish the list and notice for the compensation provided by law, then the sheriff shall also post a copy of the notice, but not of the delinquent list, at some pub-
lic place in each magisterial district at least twenty days
before the sale. In such case, the notice shall also state
that the delinquent list has been posted at the front
door of the courthouse.
To cover the costs of preparing, publishing and posting
the delinquent list, a charge of two dollars and fifty
cents shall be added to the taxes, interest and charges
already due on each item listed. The sum of the taxes,
interest to the date of sale, and other charges shall be
stated in the list as the total amount due.
Any person, whose taxes were delinquent on November
first, may have his name removed from the delinquent
list prior to the time the same is delivered to the newspaper or newspapers for publication by paying to the
sheriff the full amount of taxes and costs owed by such
person at the date of such redemption. In such cases, the
sheriff shall include but fifty cents of the costs provided
in this section in making such redemption. Costs collected
by the sheriff hereunder which are not expended for
publication shall be paid into the general county fund.

Sec. 21. Report or Survey of Real Estate Purchased.—
Except as provided in the following section, an individual
purchaser at the tax sale, his heirs or assigns, must at his
or their expense have the county surveyor or a competent surveyor or civil engineer make either a report or a
survey of the real estate purchased. The report shall
contain such a description of the property as will identify it, and shall specify the metes and bounds thereof, if
ascertainable without a survey, unless there is a recorded plat of such property to which reference can be made. If a survey is preferred, a plat of the property
and description thereof by metes and bounds must be obtained from the surveyor. If the sale was of an un-
divided interest in any property, the report or survey
shall be of the entire property. The report or the plat
and description must be filed with the clerk of the county
court within the time specified in section twenty of this
article. The fact and time of such filing shall be endorsed
by the clerk on the report or on the plat and description.
Sec. 22. Survey When Part of Tract Is Purchased.—Whenever only part of a tract is sold for the taxes due on the entire tract, the purchaser of such part, his heirs or assigns, must, at his or their expense, have the part so purchased surveyed by the county surveyor and laid off by metes and bounds. The area so laid off shall be bounded in part by some one or more of the lines of the tract, to be selected by the purchaser, his heirs or assigns. The part chosen shall not include any of the improvements on the tract, if this can be avoided, and shall be in one body, the length of which shall, whenever practicable, be not more than twice the breadth. A plat of the part so laid off and a description thereof, to be prepared by the surveyor, mentioned in the preceding section, must be filed with the clerk of the county court within the time specified in section twenty of this article. The fact and time of such filing shall be endorsed by the clerk on the plat and description.

Sec. 41. Publication by Sheriff of Sales List.—Within one month after completion of the sale, the sheriff shall prepare and publish for two successive weeks in two newspapers of opposite politics, if such there be in the county, otherwise in some newspaper published in the county, a list of all the sales made by him, in form or effect as follows:

List of real estate sold in the county of................., in the month (or months) of...................., 19________, for nonpayment of taxes thereon for the year (or years) 19________, and purchased by individuals or by the State of West Virginia:

<table>
<thead>
<tr>
<th>Name of Person Charged with Taxes</th>
<th>Local Description of Lands</th>
<th>Quantity of Land Charged</th>
<th>Quantity of Land Sold</th>
<th>Name of Purchaser</th>
<th>Whole Amount Paid by Purchaser</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

13 The owner of any real estate listed above, or any other person entitled to pay the taxes thereon, may, however, redeem such real estate as provided by law.

Given under my hand this.......day of........................., 19.........

18 In addition to the publication required above, the sher-
iff shall post a copy of such list at the front door of the
courthouse. If no newspaper will publish the list for the
compensation provided by law, or if there is no newspa-
paper published in the county, the sheriff shall also post a
copy of the list at some public place in each magisterial
district in the county. The costs of printing the sales list,
not to exceed twenty-five cents per item for each inser-
tion in each newspaper, shall be paid out of the county
treasury. To cover the costs of preparing, publishing and
posting such list, a charge of one dollar and fifty cents
shall be added to the taxes, interest and charges already
due on each item listed.


Section
6. Auditor's record of delinquent lands.
7. Operating fund for land department in auditor's office.
8. Officers to report lands subject to sale.
9. Auditor to certify list of lands to be sold.
10. Redemption after certification and before sale.
21. Sale by deputy commissioner; report to circuit court.
22-a. Return of purchase money.
28. Redemption after sale to public land corporation and before con-
firmation.
32. Conditions precedent to confirmation of sale to individual pur-
chaser.
34. Report or survey of real estate purchased.
38. Service of notice.
43. Title acquired.
50. Annual report of deputy commissioner to auditor.

Section 6. Auditor's Record of Delinquent Lands.—The
auditor shall prepare and keep in his office as a perma-
nent record of all delinquent lands, the delinquent rec-
ords referred to in section fourteen, article two, and the
sales records referred to in section thirty-eight, article
three of this chapter, and shall enter on such records all
forfeited, escheated, and waste and unappropriated lands
reported to him as are required in section eight of this
article. These records shall, as to every tract listed, set
forth the information available as to quantity, local de-
scription, and, except in the case of waste and unappro-
priated lands, the name of the former owner and the re-
spective dates of delinquency, sale to the state, dates of
nonentry and forfeiture, or escheat, as the case may be.
These records shall be prima facie evidence of all matters
required by this section to be set forth therein, including
the propriety of the description of lands as delinquent, 
forfeited, escheated, or waste and unappropriated.

Sec. 7. **Operating Fund for Land Department in Auditor's Office.**—The auditor shall set up a special operating fund for the land department in his office. He shall pay into such fund all redemption fees, all publication or other charges collected by him, if such charges were paid by or were payable to him, and all payments made to him by sheriffs under the provisions of section fifty-one of this article, except such part thereof as represents state taxes and interest received by the sheriff for redemptions after certification and before sale. The fund shall be used by the auditor to pay any sums owing him to deputy commissioners for services rendered under the provisions of this article, circuit court costs, and costs for preparation and service of notices under the provisions of this article, and to pay for the operation and maintenance of the land department in his office. The surplus, over and above an amount of twenty-five thousand dollars, remaining in the fund at the end of any fiscal year, shall be paid by the auditor into the general school fund.

Sec. 8. **Officers to Report Lands Subject to Sale.**—Whenever an assessor, or clerk of the county court, or county surveyor learns of the existence within the county of any forfeited land, he shall promptly report that fact to the auditor, together with his information relating thereto. The county surveyor shall also report all waste and unappropriated lands within his county, except lands lying under the bed of a navigable stream, and shall in his report specify the quantity, the local description, and any claims of title thereto. The assessor, as escheator, shall likewise report all lands which escheat to the state.

Sec. 9. **Auditor to Certify List of Lands to Be Sold.**—On or after the first day of January, one thousand nine hundred forty-three, and on or before the first day of July of each year thereafter, the auditor shall certify to the circuit court of each county a list of all lands in the county subject to sale under this article which have been
under his control as state commissioner of forfeited and delinquent lands for at least one year before certification. He shall note the fact of certification on his record of delinquent lands. Upon completion of a list for certification, a charge of one dollar shall be added to the taxes, interest and charges already due on each item listed to cover the costs incurred by the auditor in the preparation of the list, and in the event of any sale or redemption, the same shall be paid into the operating fund provided for in this article.

Each of the four classes of land subject to sale shall be listed separately. The list shall be arranged by districts and, except in the case of waste and unappropriated lands, alphabetically by name of the former owner. The list shall state as to each item listed, the information required by section six of this article to be set forth in the auditor's record of delinquent lands, and shall specify as to each tract listed as delinquent or forfeited, the amount of taxes and interest due for each year prior to certification, the publication and other charges due, with interest, and the total currently due, which total shall, except for the redemption fee, correspond to the sum required for redemption from the auditor on the date of certification. The specification of taxes due shall, as to delinquent land, commence with those for nonpayment of which it was sold, and as to forfeited land, with those properly chargeable to it for the first year of nonentry.

The items listed shall be numbered consecutively, and all subsequent orders, entries, applications or proceedings under this article in respect to any item shall refer to its number and to the year of certification. All tracts, lots, or parcels sold to the state as a unit shall be treated by the auditor as a single item for purposes of certification. Subject to the provisions of this section, the auditor shall prescribe a form for the list and shall provide in such form adequate space to show the subsequent history and final disposition of each item certified.

The list shall be made in quadruplicate. The auditor shall keep the original, and shall send one copy to the clerk of the circuit court, one to the clerk of the county court,
and one to the deputy commissioner. The clerk of the county court shall bind his copy in a permanent book to be labeled "Report of State Commissioner of Forfeited and Delinquent Lands", and shall note the fact of the certification of each item on his record of delinquent lands. The clerk of the circuit court shall preserve his copy in a suitable and convenient manner until each item therein certified has been finally disposed of. Such copies shall become a permanent record, as to such delinquent and forfeited lands, and shall be preserved as such in the auditor’s and county clerk’s offices.

Sec. 10. Redemption After Certification and Before Sale. — In order to redeem after certification and before sale, any person having a right of redemption under the provisions of section eight, article three of this chapter, must apply to the deputy commissioner. The deputy commissioner shall thereupon compute the amount required for redemption by adding to the amount stated in the auditor’s list as the total due on the date of certification, interest on such amount at the rate of twelve per cent per annum from such date to the date of redemption, and such of the following fees and charges as may be due: (1) Such fee for the certificate of redemption as is provided by section nine, article three of this chapter, for redemption from the auditor, together with an additional fee of one dollar for the deputy commissioner for execution of the certificate. (2) A charge of one dollar for preparation and certification of the list. (3) A fee of one dollar for compensation of the deputy commissioner. (4) A charge of one dollar for costs of the proceedings in the circuit court, if redemption is after application to the court as provided in section fourteen of this article. (5) A charge of one dollar for publication and posting of the list and the notice of sale, if redemption is after publication has begun.

The amount so found to be due shall be entered by the deputy commissioner on a blank order, to be signed by him, directing the sheriff to receive and give his receipt for such amount. The order, thus filled in and signed, shall be presented to the sheriff when payment is made.
The auditor shall prescribe the form of the order, and shall furnish copies thereof to each deputy commissioner. Partial redemption, as provided for in sections eight and thirteen, article three of this chapter, shall not be allowed at any time after certification.

Sec. 21. Sale by Deputy Commissioner; Report to Circuit Court.—On the day fixed by order of the court or judge, the deputy commissioner shall sell, in the manner specified in the notice of sale and for at least the amount stated to be due in the published list of lands to be sold, each unredeemed item included in such list, unless the sale thereof has been suspended. If the sale is not completed on that day, it shall be continued from day to day until all the land has been disposed of. For the purpose of receiving the proceeds of the sale, it shall be the duty of the sheriff to attend all such sales conducted by the deputy commissioner in his county.

The deputy commissioner shall prepare a report for the circuit court which shall show what was done with respect to all lands ordered to be sold. The report shall state as to each item whether it was redeemed before sale, was suspended from sale, or was sold, and if sold, the name of the purchaser. The report shall, within ten days after the sale, be filed with the clerk of the circuit court, who shall note on his certified list the information given with respect to each tract.

Sec. 22-a. Return of Purchase Money.—Whenever, after sale and before confirmation thereof, it is discovered that the land sold was nonexistent or that it had been the subject of a duplicate or improper assessment or was transferred to others under the provisions of article thirteen of the constitution of the state of West Virginia, the purchaser shall be entitled to a return of the purchase money. Upon request of a purchaser so entitled, it shall be the duty of the deputy commissioner to apply to the circuit court, or to the judge thereof in vacation, for an order directing the sheriff to return the purchase money. If satisfied that the application is proper, the court or judge shall enter the order applied for, but no costs shall
be taxed in connection with such an application. Upon entry of such an order, the clerk of the court shall notify the assessor, who shall make the necessary corrections in the land books in his office.

Sec. 28. Redemption After Sale to Public Land Corporation and Before Confirmation.—After the sale of any forfeited or delinquent land to the public land corporation, any person having a right of redemption under the provisions of section eight, article three of this chapter, may redeem such land at any time before confirmation of the sale by paying to the sheriff upon the order of the deputy commissioner the following amounts: (1) The amount for which the property was bid in for the public land corporation, with interest at the rate of twelve per cent per annum from the date of sale. (2) Such fee for the certificate of redemption as is provided by section nine, article three of this chapter, for redemption from the auditor, together with an additional fee of one dollar for the deputy commissioner for execution of the certificate. (3) Such compensation for preparing the list of those to be served with notice as may have been earned by the deputy commissioner under the provisions of section thirty-three of this article. (4) All expenses which may have been incurred in giving the notice required by sections thirty-seven and thirty-eight of this article. Upon presentation to the deputy commissioner of the sheriff's receipt for the amount due, the deputy commissioner shall issue a certificate of redemption as required by section eleven of this article, and shall comply with all other provisions of that section in respect to such certificate. The deputy commissioner shall report the redemption to the clerk of the circuit court, who shall note the fact of redemption on his certified list.

Sec. 32. Conditions Precedent to Confirmation of Sale to Individual Purchaser.—In order to have the sale of any forfeited or delinquent land confirmed, an individual purchaser, his heirs or assigns, within ninety days after the sale, or within such extension of time as may for good cause shown be granted by the court or judge during the ninety-day period, must: (1) Secure and file with the
clerk of the circuit court the report or plat and descrip-
tion provided for in section thirty-four of this article;
(2) examine the title in order to prepare a list of those
to be served with notice to redeem, and apply to the court
or judge for an order directing the clerk to prepare and
serve the notice as provided in sections thirty-six and
thirty-eight of this article; and (3) deposit, or offer to
deposit, with the clerk a sum sufficient to cover the cost
of preparing and serving the notice. A purchaser of
escheated or waste and unappropriated land must meet
only the first of these requirements and, as soon as he
has done so, may apply for an order confirming the sale.
For failure to do anything required by this section within
the time allowed, the purchaser shall lose all the benefits
of his purchase, and the land shall be included by the
auditor in his next certification of lands to the circuit
court.

If the person requesting preparation and service of the
notice is an assignee of the purchaser, he shall, at the
time of the request, file with the clerk a written assign-
ment to him of the purchaser's rights, executed, acknowl-
edged and certified in the manner required to make a
valid deed.

Sec. 34. Report or Survey of Real Estate Purchased.—
An individual purchaser, his heirs or assigns, must at
his or their expense have the county surveyor or some
competent surveyor or civil engineer make such a report
or survey of the real estate purchased as is required by
section twenty-one, article three of this chapter. The
report or plat and description must be filed with the clerk
of the circuit court within ninety days after the sale, or
within the extension of time granted by the court or judge
as provided in section thirty-two of this article. The fact
and time of such filing shall be endorsed by the clerk on
the report or on the plat and description and shall be noted
by him on his certified list.

Sec. 38. Service of Notice.—As soon as the clerk has
prepared the notice provided for in either of the two
preceding sections, he shall cause it to be served upon
the following persons: (1) The person in whose name
the real estate was forfeited or was returned delinquent
and sold, or, in case of his death, his heir or devisee and
his personal representative, if such there be; (2) any
grantee of such person, or his heir or devisee and his per-
sonal representative, if such there be, if a conveyance of
such real estate is recorded or filed for record in the of-
vice of the clerk of the county court; (3) any person hav-
ing a lien upon such real estate disclosed by any paper
recorded in the county clerk's office, and (4) any other
person having such an interest in the property as would
entitle him to redeem, if the existence of such interest
appears of record.

The notice shall be personally served upon all such per-
sons residing or found in the state in the manner pro-
vided for serving process commencing a suit, on or be-
fore the fifteenth day following the order for service of
such notice. If any person entitled to notice is a non-
resident of the state or if his residence is unknown to
the clerk and cannot by due diligence be discovered, the
notice shall be served by publication, directed to him, his
heirs, and his or their assigns, once a week for three
successive weeks in some newspaper published in the
county in which such real estate is located, or if no
newspaper is published in the county, then in some
newspaper of general circulation in the county; and if
the person so named be deceased, the notice so pub-
lished shall constitute notice to his heirs and their
assigns. If service by publication is necessary, publica-
tion shall be commenced within three weeks after the
order for service of the notice was made, and a copy of the
notice shall at the same time be sent by registered mail,
return receipt requested, to the last known address of
the person served. The return of service of such notice
and the affidavit of publication, if any, shall be in the
manner provided for process generally, and shall be filed
and preserved by the clerk in his office, together with
any return receipts for notices sent by registered mail.

The cost of serving notices to redeem from the public
land corporation shall be paid out of the operating fund
for the land department in the auditor's office.
Sec. 43. *Title Acquired.*—Whenever, under the provisions of this article, a purchaser, his heirs or assigns, shall have obtained a deed for any real estate from the deputy commissioner, he or they shall thereby acquire all such right, title, and interest, in and to the real estate, as was, at the time of the execution and delivery of the deed, vested in or held by the state or by any person who was entitled to redeem, unless such person is one who, being required by law to have his interest separately assessed and taxed, has done so and has paid all the taxes due thereon, or unless the rights of such person are expressly saved by the provisions of sections twenty-four, forty-five, forty-six, forty-seven or forty-nine of this article. The deed shall be conclusive evidence of the acquisition of such title. The title so acquired shall relate back to the date of the sale. The title acquired by the public land corporation upon confirmation of a sale to it shall be the same as that acquired by an individual purchaser under the provisions of this section.

Sec. 50. *Annual Report of Deputy Commissioner to Auditor.*—In December of each year the deputy commissioner shall prepare a report, on forms to be furnished by the auditor, showing the present status of, and all steps which have been taken in the proceeding in respect to, each item certified to the circuit court in his county, final disposition of which is not shown in any preceding annual report. Such report shall be prepared in quintuplet. On or before the last day of December the original shall be sent to the auditor, one copy to the clerk of the county court, and one copy to the clerk of the circuit court, each of whom shall make the necessary notations on his certified list. The fourth copy shall be sent to the assessor, who shall make the necessary changes in his land books. For failure to make the report required by this section, the deputy commissioner shall forfeit one hundred dol-
AN ACT to amend article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred forty-one, by adding thereto a new section to be numbered section forty-three, relating to certification by the sheriff of delinquent taxes.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]


Section
43. Certification by sheriff of delinquent taxes.

Be it enacted by the Legislature of West Virginia:

That article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended by adding thereto a new section to be numbered forty-three, to read as follows:

Section 43. Certification by Sheriff of Delinquent Taxes.—In the event any part of article three of this chapter be declared to be unconstitutional so that it is impossible for the sheriff to collect delinquent taxes, upon any property, which are in his hands for collection, or make sale thereof pursuant to the provisions of this chapter, then and in that event the sheriff shall prepare and certify to the auditor, on and after the first day of December of the year next following the year in which such taxes may have been levied, a list or lists of such taxes which are delinquent. The lien of such taxes upon all such property shall remain in force and in effect until enforced or the taxes paid. After certification to the auditor, the auditor shall have the right to receive collection of any such taxes, and shall retain such lists pend-
CHAPTER 86

(Senate Bill No. 223—By Mr. Hannig)

AN ACT to amend and reenact sections one and five, article twelve-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to privilege tax on certain carrier corporations.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]


Section 1. Definitions.—When used in this article, the term "company" shall include any partnership, joint adventure, joint stock company or association.

The phrase "motor vehicle carrier" shall mean any person engaged in the transportation of passengers or property, or both, for compensation by motor propelled vehicle for the operation of which a permit or certificate of convenience or convenience and necessity is required by law.

The term "ton-mile" shall be a unit of transportation.
meaning transportation of one net ton in weight a distance of one mile.

The term "passenger-mile" means the transportation of one passenger a distance of one mile.

The term "car-mile" means the operation of a railroad car over a distance of one mile.

The term "barrel-mile" means the transportation of the equivalent of a barrel of oil a distance of one mile.

The phrase "one thousand cubic feet-mile" means the transportation of one thousand cubic feet of gas, measured at sixty degrees Fahrenheit and a pressure of thirty inches of mercury, a distance of one mile.

The term "wire-mile" means the equivalent of a single metallic telephone or telegraph conductor one mile in length.

The phrase "motor vehicle mile" means the operation of a motor vehicle carrier over a distance of one mile.

Sec. 5. Additional Privilege Tax on Net Income of Businesses Included in Preceding Section, and on Railroad Corporations; Computing Tax.—In addition to the tax imposed in the preceding sections, every motor vehicle carrier operating on the public highways of the state, and every railroad corporation, railroad car corporation, express corporation or company, pipe-line corporation, telephone and telegraph corporation doing business in this state shall pay an annual privilege tax for each calendar year for the privilege of doing business in the state, to be determined as follows:

(a) The tax as to motor vehicle carriers shall be equal to one and one-half per cent of the net income earned within the state, such income to be determined by ascertaining a sum bearing the proportion to the total net income of the motor vehicle carrier that its business done in West Virginia measured in motor vehicle miles of motor vehicle carrier operation, bears to all business done, measured in like fashion.

(b) The tax as to railroad corporations shall be equal to four per cent of the net income earned within the state, such income to be determined by ascertaining a sum bearing the proportion to total net income of the cor-
poration that its business done in West Virginia, measured
ton-miles, bears to all business done, measured in like
fashion.

(c) The tax as to railroad car corporations and as to express corporations or companies shall be one and one-half per cent of net income earned within the state, such income to be determined by ascertaining a sum bearing the proportion to the total net income of the corporation or company that its business done in West Virginia, measured in car-miles of car operation, bears to all business done, measured in like fashion: Provided, however, That nothing in this act shall be construed as applying to railroad freight car corporations not owned by railroad corporations or their subsidiaries.

(d) The tax as to pipe-line corporations shall be three and one-half per cent of net income earned within the state, such income to be determined by ascertaining a sum bearing the proportion to the total net income of the corporation that its business done in West Virginia, measured in barrel-miles in the case of oil and of thousand cubic feet-miles in the case of gas, bears to all business done, measured in like fashion.

(e) The tax as to telephone and telegraph corporations shall be two and three-fourths per cent of net income earned within the state as to telephone corporations, and five per cent as to telegraph corporations, such income to be determined by ascertaining a sum bearing the proportion to the total net income of the corporation that its business done in West Virginia, measured in wire-miles, bears to all business done, measured in like fashion.

(f) In computing the tax imposed by this section, the total net income of a taxpayer, who shall have been taxed under the preceding section, shall be reduced by an amount bearing the proportion to such total net income that the gross income of the taxpayer which is the measure of the tax under the preceding section bears to its total gross income from all business done wherever conducted. This section shall not apply to a taxpayer taxed under the preceding section and engaged exclusively in business within this state.
CHAPTER 87
(House Bill No. 46—By Mr. Hansbarger)

AN ACT to amend and reenact sections two, ten, eleven and seventeen, article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter one hundred twenty-one, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to a general consumers sales and service tax.

(Passed March 10, 1943; in effect ninety days from passage. Approved by the Governor.)

Article 15. Consumers Sales Tax.

Section
2. Definitions.
10. Tax paid by a consumer.
11. Seller shall not pay tax; penalty.
17. Lien of tax; penalties; recording.

Be it enacted by the Legislature of West Virginia:

That sections two, ten, eleven and seventeen, article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and reenacted to read as follows:

Section 2. Definitions.—For the purpose of this article:
2 (1) "Persons" shall mean any person, firm, partnership, association, corporation, guardian, or committee;
4 (2) "Tax commissioner" shall mean the state tax commissioner;
6 (3) "Gross proceeds" shall mean the amount received in money, credits, property or other consideration from sales at retail within this state, without deduction on account of the cost of the property sold, amounts paid for interest or discounts or other expenses whatsoever. Losses shall not be deducted, but any credit or refund made for goods returned may be deducted;
13 (4) "Sales at retail" shall mean any transaction by which the ownership of tangible personal property is
transferred for a consideration, when the transfer is made in the ordinary course of the transferor's business and is made to the transferee for consumption or use or any other purpose, except resale in its original form without change or processing. "Sale at retail" includes conditional sales and transactions under whatever name whereby title is ultimately to pass, but presently retained for security. "Sale at retail" shall not include an isolated transaction in which any tangible personal property is sold, transferred, offered for sale, or delivered by the owner thereof, or by his representative for the owner's account, such sales, transfer, offer for sale or delivery not being made in the ordinary course of repeated and successive transactions of a like character by such owner or on his account by such representative;

(5) "Retail dealer" shall mean a person engaged in the business of sale at retail, or one who furnishes services taxed by this article, in this state, to the ultimate consumer;

(6) "Wholesale dealer" shall mean a person engaged in this state in the business of selling tangible personal property or furnishing services to retail dealers for resale only; but such person, when sales are made for personal consumption or use, shall, with respect to such sales, be classified as a "retail dealer"; and the fact that the purchaser has a store license shall not exempt him from paying the tax on the retail value of the goods or services bought unless he is a bona fide retail dealer of such goods or services. The term "wholesale dealer" shall also include any person engaged in this state in the business of selling machinery, supplies and materials in wholesale quantities, or of furnishing services to churches, incorporated charitable organizations, contractors, or to persons engaged in the business of manufacturing, transportation, transmission, communication, or in the production of natural resources in this state: Provided, however, That this exemption shall not apply to fraternal or social organizations, nor to charitable organizations which charge for services rendered;

(7) "Ultimate consumer" shall mean a person who
uses or consumes services or personal property for the immediate satisfaction of human desires or requirements, distinguished from services and goods, used or consumed in connection with the conduct of the business of producing or selling personal property or dispensing a service taxable under this article;

(8) "Business" shall include all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect;

(9) "Tax" shall include all taxes, interest or penalties levied hereunder;

(10) "Purchaser" shall mean a person who purchases tangible personal property or a service taxed by this article;

(11) "Service, or selected service" shall include all nonprofessional activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the sale of tangible property, but shall not include personal services or the services rendered by an employee to his employer or any service rendered for resale.

(12) "Personal service" shall include those:

(a) Compensated by the payment of wages in the ordinary course of employment;

(b) Rendered to the person of an individual without, at the same time, selling tangible personal property or the use of such property, such as nursing, barbering, shoe shining, manicuring, and similar services;

(13) "Taxpayer" shall mean a retail dealer.

Sec. 10. Tax Paid by a Consumer.—It is the intent of this article that the tax levied hereunder shall be passed on to and be paid by the ultimate consumer. The amount of the tax shall be added to the sales price, and shall constitute a part of that price and be collectible as such.

Sec. 11. Seller Shall Not Pay Tax; Penalty.—A person engaged in any business taxable hereunder shall not advertise or hold out to the public, in any manner, directly or indirectly, that he will absorb all or any part of the tax, or that the tax imposed by this article is not to be
considered an element in the price to the ultimate consumer. A person who violates this provision shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than fifty, nor more than one thousand dollars, or imprisonment in the county jail for not exceeding one year, or both, in the discretion of the court.

Sec. 17. Lien of Tax; Penalties; Recording.—A tax due and unpaid under this article shall be a debt due the state. It shall be a personal obligation of the taxpayer and shall be a lien upon all the property of the taxpayer, provided no such lien shall be enforceable against a purchaser (including lien creditors) for valuable consideration without notice, unless it be docketed in the office of the clerk of the county court in the county wherein such property is located before a deed of trust, or bill of sale therefor to such purchaser is delivered for record to the clerk of the county court of such county.

The taxpayer who fails to file his return and remit the tax at the time required by this article, shall in addition to all other penalties pay a penalty of six per cent of the amount of the tax collected during the period reported, and for each succeeding thirty days elapsing before the payment there shall be added an additional penalty of one per cent. If the taxpayer is an association, or corporation, the officers thereof, whose duty it is to make the return and pay the tax, shall be personally liable, jointly and severally, for any default on the part of the corporation.

CHAPTER 88
(House Bill No. 379—By Mr. LaFollette)

AN ACT to amend article four, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred
forty-one, by adding thereto a new section to be numbered fifty-six, relating to disposition of sheriff's lists and sale of real estate for taxes.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]


Section

56. Disposition of forfeited and delinquent lands in event chapter eleven-a of the code be held unconstitutional.

Be it enacted by the Legislature of West Virginia:

That article four, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended by adding thereto a new section to be numbered fifty-six, to read as follows:

Section 56. Disposition of Forfeited and Delinquent Lands in Event Chapter Eleven-a of the Code Be Held Unconstitutional.—In the event any part of this chapter be declared to be unconstitutional to the end that the state can not adequately dispose of real estate which is delinquent for nonpayment of taxes, forfeit for nonentry, waste and unappropriated, escheated, or purchased by the state whether redeemed or unredeemed and subject to sale for the benefit of the school fund or which may have been certified to and is now in the hands of the auditor, the auditor shall complete his compilation of such lands from any appropriations now or hereafter made for the purpose and shall hold the same pending future directions and an enactment of statutes by the Legislature respecting the disposition thereof, and the auditor in such event shall direct any and all deputy commissioners to recertify to him any lands which may be in their hands for disposal.
CHAPTER 89
(House Bill No. 213—By Mr. Jackson)

AN ACT to amend and reenact sections four, thirteen and seventeen, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, and sections one, seven, nineteen and twenty-two, article fourteen, chapter eleven of the code, one thousand nine hundred thirty-one, as last amended and reenacted by chapter one hundred twenty-four, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to gasoline tax.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the Governor.]


Section
1. Definitions: Gasoline, person, company, distributor, retail dealer, importer, sale, purchase and motor vehicles.
4. Distributor's monthly statement; payment of tax.
7. Transporting gasoline; delivery prohibited in certain cases; penalties; enforcement of article by employees of gasoline tax department.
13. Failure or refusal to make statement or pay tax; penalty.
17. Status of tax accrued and unpaid; embezzlement thereof; bond indemnifying state against loss; tax commissioner may require a surety bond.
19. Refund for gasoline exported or lost.
22. Taxes to be used for road purposes.

Be it enacted by the Legislature of West Virginia:

That sections four, thirteen and seventeen, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, and sections one, seven, nineteen and twenty-two, article fourteen, chapter eleven of the code, one thousand nine hundred thirty-one, as last amended and reenacted by chapter one hundred twenty-four, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 1. Definitions: Gasoline, Person, Company, Distributor, Retail Dealer, Importer, Sale, Purchase and Motor Vehicles.—When used in this article: The term “gasoline” shall include any substance or combination of
substances which is capable of use as a motor fuel for any
internal combustion engine, except fuel oil, kerosene,
cleaner's solvent, and any other liquid petroleum pro-
duct not commonly used as a motor fuel, when not used
or sold for use as a motor fuel in an internal combustion
engine;
The term "person" or the term "company" shall in-
clude any individual, firm, copartnership, joint adven-
ture, association, corporation, trust, and any other group
or combination acting as a unit, and the plural as well
as the singular number, unless the intention to give a
more limited meaning is disclosed by the context, and
when used in connection with the penalties imposed by
this article, shall mean and include the officers, directors,
trustees, or members of any firm, copartnership, joint
adventure, association, corporation, trust, or any other
group acting as a unit;
The term "distributor" shall mean and include every
person who refines, produces, manufactures, compounds,
or blends gasoline in this state for use or for sale to
jobbers or consumers, and every person who is now en-
gaged, or who may hereafter engage, in his own name
or in the name of his representative or agent in this
state, in the selling of gasoline for the purpose of resale
or distribution; and persons operating tank wagons into
this state from places of business located outside this
state and selling gasoline in quantities as desired by
purchasers in this state without definite orders having
been placed prior to the delivery of the product, shall
be deemed distributors in this state;
The term "retail dealer" shall mean and include any
person not a distributor who sells gasoline in this state to
consumers only;
The term "importer" shall mean any person who pur-
chases or obtains gasoline outside this state and uses
the same within the state;
The term "sale" shall include any exchange, gift, or
other disposition, and "purchase" shall include any ac-
quisation of ownership;
The term "motor vehicle" shall mean automobiles, mo-
tor trucks and motorcycles, and shall include all other
vehicles, engines or machines which are operated or propelled by combustion of gasoline.

Sec. 4. Distributor's Monthly Statement; Payment of Tax.—Every distributor selling gasoline in this state shall, within thirty days after the close of each month, transmit to the tax commissioner a statement, verified by oath or affirmation, on such forms as the tax commissioner shall prescribe, of all gasoline refined, produced, compounded, purchased and received, sold, distributed or used by such distributor during the month to be covered, and if any of the gallonage received by such distributor had not previously been included in the measure of tax under the provisions of this article, he shall at the same time pay to the tax commissioner the amount of tax due for such month: Provided, That all gallonage furnished by any distributor to any of its service stations in this state shall be deemed to have been sold and shall be treated and considered, in computing the tax, in the same manner as though the same had been sold to retail dealers or to other persons.

Such statement shall also contain full details as to each sale made, including the gallonage of gasoline shipped from points without West Virginia direct to customers or consignees in West Virginia; the name and address of each purchaser; the date of each shipment or delivery; the point from which shipped or delivered; the point to which shipped or delivered; the quantity of each shipment or sale; the number and initials of the car in which shipped if shipped by rail; the name of the boat or barge if shipped by water; or if delivered by other means, the method of delivery. The statement shall also accurately show the gallonage purchased or received by such distributor during the month; the date each quantity was received; the point from which shipped or delivered; the point at which received; the name and address of the person from whom purchased or obtained; the quantity of each purchase; the number and initials of the car if shipped by rail; the name of the boat or barge if shipped by water; or if delivered by other means, the method of delivery. The statement shall also contain any ad-
ditional information the tax commissioner may deem necessary for the proper ascertainment and assessment of the tax.

If any distributor is unable to furnish the information called for above, he shall report the quantity of gasoline purchased or obtained during the month and, if any such gasoline had not previously been included in the measure of tax under the provisions of this article, he shall pay the amount of tax due thereon.

Sec. 7. Transporting Gasoline; Delivery Prohibited in Certain Cases; Penalties; Enforcement of Article by Employees of Gasoline Tax Department.—Any person transporting gasoline upon the public highway, except licensed distributors, shall carry either an invoice, sales memorandum, or waybill, designating the name of the seller, purchaser or consignee, and point of delivery of the gasoline being transported. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five dollars nor more than one hundred dollars.

The delivery of gasoline from a tank truck to the tank of a motor vehicle is prohibited, except in cases of emergency. Any person violating the provisions of this section shall be fined not more than fifty dollars, or confined in jail not more than thirty days, or both, in the discretion of the court. Any employee of the gasoline tax department so designated by the tax commissioner, shall have all the lawful powers delegated to members of the department of public safety to enforce the provisions of this article in any county or city of this state, and such employee shall, before entering upon the discharge of his duties, execute a bond with security in the sum of thirty-five hundred dollars, payable to the state of West Virginia, conditioned for the faithful performance of his duties as such, and such bond shall be approved as to form by the attorney general, and as to sufficiency by the board of public works, and the same shall be filed with the secretary of state and preserved in his office.
Sec. 13. Failure or Refusal to Make Statement or Pay Tax; Penalty.—If any distributor, retail dealer or importer fail, neglect or refuse to make any statement required for any month, or to pay the excise tax due for any month, within the time prescribed for the filing of such statement or the payment of such tax, there shall automatically accrue a penalty equal to one-tenth of one cent on each gallon of gasoline on which the excise tax is due and payable in that period, or on each gallon purchased during that month if no excise tax is due, the amount of which penalty shall in no case be less than five dollars (or if no sales or purchases were made, a penalty of five dollars), such penalty to be paid or collected in the same manner as the tax imposed by this article is required to be paid or collected.

The tax commissioner shall notify any distributor, retail dealer, or importer, that fails, neglects or refuses to make any statement required for any month within the time prescribed for the filing of such statement, or the payment of such tax, of such failure, and if the required statement is not filed or payment of tax is not made within ten days from the date of such notification, there shall automatically accrue a penalty equal to one cent on each gallon of gasoline on which the excise tax is due and payable in that period or on each gallon purchased during that month if no excise tax is due, the amount of which penalty shall in no case be less than twenty-five dollars (or if no sales or purchases were made, a penalty of twenty-five dollars), such penalty to be paid or collected in the same manner as the tax imposed by this article is required to be paid or collected.

Sec. 17. Status of Tax Accrued and Unpaid; Embezzlement Thereof; Bond Indemnifying State Against Loss; Tax Commissioner May Require a Surety Bond.—The excise tax imposed in this article, when accrued and while in the hands of the distributor, retail dealer, or importer, shall be the property of the state of West Virginia held in trust. If any person shall wilfully fail to pay the tax to the tax commissioner as provided in this article, he shall be guilty of embezzlement of funds, the
property of the state of West Virginia, and upon conviction, he shall be confined in the penitentiary not less than one nor more than five years. Further, in any case where it shall be deemed necessary by the tax commissioner, the tax commissioner is authorized to require any distributor, retail dealer or importer to deposit with the tax commissioner a surety bond, to be approved by the tax commissioner as to the sufficiency and by the attorney general as to form, indemnifying the state against any loss arising from the failure of the distributor, retail dealer or importer to pay the excise tax for any cause whatsoever.

Sec. 19. Refund for Gasoline Exported or Lost.—Any distributor who shall export gasoline from West Virginia to any other state or nation, may be refunded a sum equal to the amount of such excise tax paid on such gallonage upon application made on proper forms to the tax commissioner within thirty days after the close of the month in which such gasoline was exported. Any distributor, who shall in the conduct of his wholesale gasoline business, sustain losses of gasoline by reason of shrinkage or evaporation, which gasoline shall have been included in the measure by which the excise tax imposed by this article is determined, shall be refunded a sum equal to the amount of such excise tax on the gallonage lost, not to exceed one and one-half per cent of the gallonage handled during that month which has been previously included in the measure by which the excise tax imposed by this article is determined: Provided, however, That the tax commissioner shall cause refund to be made under authority of this section only when application for refund, as herein provided, is filed with the tax commissioner within thirty days after the close of the month during which the gasoline was exported or lost, on forms prescribed by the tax commissioner, of the quantity of and full details concerning such gasoline exported or lost.

Every distributor shall be entitled to a refund from the state of West Virginia of the amount of gasoline tax paid by him, on any gasoline lost or destroyed, while he shall be the owner thereof, through fire, lightning, breakage,
or flood: Provided, however, That such distributor shall notify the tax commissioner in writing of such loss or destruction, and the amount of gasoline lost or destroyed, within ten days from the date of the discovery of such loss or destruction: Provided further, That within thirty days after the discovery of such loss or destruction such distributor shall file with the tax commissioner an affidavit sworn to by him, setting forth in full the circumstances and amount of the loss or destruction, and such other information with respect thereto as the tax commissioner may require.

Sec. 22. Taxes to Be Used for Road Purposes.—All taxes collected under the provisions of this article shall be paid into the state treasury and shall be used only for the purpose of the construction, reconstruction, maintenance and repair of roads and highways, and for the payment of the interest and sinking fund on state bonds issued for road purposes. Unless necessary for such bond requirements, one-fifth of the taxes collected under the provisions of this article shall be used for secondary road purposes until July first, one thousand nine hundred forty-five.

CHAPTER 90

(Senate Bill No. 172—Originating in the Senate Committee on Finance)

AN ACT to amend and reenact section nine, article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to exemptions of commodities under the consumers sales tax.

[Passed March 6, 1943; in effect July 1, 1943. Approved by the Governor.]

Article 15. Consumers Sales Tax.

Section

9. Sales not included.

Be it enacted by the Legislature of West Virginia:

That section nine, article fifteen, chapter eleven of the code
of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 9. Sales Not Included.—The provisions of this article shall not apply to:

1. Sales of gasoline, taxable under article fourteen, chapter eleven of the code, one thousand nine hundred thirty-one;
2. Sales of gas, steam and water delivered to consumers through mains or pipes, and sales of electricity;
3. Sales of school books required to be used in any of the schools of this state;
4. Sales to the state, its institutions or subdivisions, and sales to the United States, including sales to agencies of federal, state or local governments for distribution in public welfare or relief work;
5. Sales on motor vehicles which are titled by the state road commission;
6. Sales at retail, of bread, pastries, eggs, butter, flour, milk, coffee, tea, chocolate, cocoa, nuts, fruits, groceries, vegetables and meats, as food products for human consumption, the total retail price of any or all of which said food products does not exceed fifty cents when purchased as any one continuing transaction. An absolute exemption of fifty cents shall be deducted from the total of any such purchase, and the exemption of five cents as provided in section three of this article shall be included in and be a part of the absolute exemption of fifty cents as herein provided.

"Milk" shall mean raw milk as produced from domestic animals or such milk when processed or canned for human consumption, but shall not include flavored mixtures and similar products.

"Groceries" shall mean all food products and all food ingredients for human consumption or for use in the preparation thereof for human consumption, ordinarily sold at grocery stores, but shall not be construed to include candies, confections, tobacco, tobacco products, beer, ale, soft drinks or beverages of like nature.

"Meats" shall include fish, sea foods, poultry and game.

The exceptions and exemptions herein contained shall
CHAPTER 91
(House Bill No. 260—By Mr. Hansbarger)

AN ACT to amend and reenact section twelve, article one, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to the form of receipts for real estate taxes.

[Passed March 11, 1943; in effect ninety days from passage. Approved by the Governor.]


Section 12. Receipt for taxes; furnishing and posting statement of tax levies.

Be it enacted by the Legislature of West Virginia:

That section twelve, article one, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 12. Receipt for Taxes; Furnishing and Posting Statement of Tax Levies.—The sheriff or his deputy shall deliver to the person paying any taxes a written or printed receipt therefor, and shall retain for his records the stub or duplicate of such receipt. The receipt and the stub or duplicate shall specify the number of capitations; the total value of personal property; the number of acres of land, and the number of town lots, with the valuation of each tract or lot separately charged; and shall show the total amount of the aggregate tax paid for state, school, county, municipal, district, and any other purpose for
which levied. The officer receiving payment shall sign each receipt in his own handwriting. The sheriff shall furnish to each taxpayer a statement showing the levies laid for each class of taxable property in each taxing district of the county when requested so to do by the taxpayer. The sheriff shall cause a statement of the levies, as aforesaid, to be posted at the front door of the courthouse and at two conspicuous places in his office, but failure to post such statement shall in no wise affect the rights of the state, or any of its agencies, to collect such taxes. The tax commissioner may prescribe uniform tax statements and receipts, not inconsistent herewith, for use in all the counties of the state.

CHAPTER 92
(Senate Bill No. 67—By Mr. Boreman)

AN ACT to amend and reenact section twelve, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, creating a lien for nonpayment of business or occupational tax.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the Governor.]


Section 12. Lien of tax due and unpaid.

Be it enacted by the Legislature of West Virginia:

That section twelve, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 12. Lien of Tax Due and Unpaid.—A tax due and unpaid under this article shall be a debt due the state. It shall be a personal obligation of the taxpayer and shall be a lien upon the property used in the business or occupation upon which such tax is imposed: Provided, That no
such tax lien shall be enforceable against a purchaser (includ­ing lien creditor) for valuable consideration without notice, unless docketed in the office of the county court in the county wherein such property is located before a deed therefor to such purchaser is delivered for record to the clerk of the county court of such county.

A penalty of five per cent of the tax shall be added for any default for thirty days or less, and for each succeeding thirty days elapsing before payment there shall be an additional penalty of one per cent, all of which penalties shall be secured by the lien herein provided.

CHAPTER 93

(Com. Sub. for House Bill No. 182—Originating in the House Committee on Taxation and Finance)

AN ACT to amend and reenact section eleven, article eleven, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter thirty-six, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, relating to payment and collection of inheritance taxes.

[Passed March 3, 1943; in effect from passage. Approved by the Governor.]

Article 11. Inheritance and Transfer Taxes.

Section 11. Payments and collection.

Be it enacted by the Legislature of West Virginia:

That section eleven, article eleven, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter thirty-six, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 11. Payments and Collection.—All taxes im-
2 posed by this article shall be due and payable at the
dead of the transferor, and if paid within eleven months
after the death of the transferor a discount of three per
cent shall be allowed and deducted. If not paid within
twelve months after the death of the transferor, taxes
due under this article shall bear interest at the rate of
ten per cent per annum, to be computed from the ex-
piration of twelve months from the date of the death
of the transferor until paid, and a penalty of five per
cent shall be added. The tax commissioner may suspend
payment of such taxes, penalties and interest if there be
necessary litigation pending at the time such taxes are
due and payable, which involves the estate, or for other
good and sufficient cause. Suits and actions brought for
the purpose of defeating the payment of any such taxes,
penalties and interest, shall not be deemed necessary
litigation within the meaning of this section.

CHAPTER 94
(Com. Sub. for Senate Bill No. 68—Originating in the Senate Committee on
the Judiciary)

AN ACT to amend and reenact section ten, article three, chap-
ter eleven of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to penalties and
forfeitures for failure to return property for taxation.

[Passed March 13, 1943; in effect ninety days from passage. Approved by the
Governor.]

Article 3. Assessments Generally.

Section
10. Failure to list property, etc.; collection of penalties and forfeitures.

Be it enacted by the Legislature of West Virginia:

That section ten, article three, chapter eleven of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

Section 10. Failure to List Property, Etc.; Collection of
Penalties and Forfeitures.—If any person, firm or corporation, including public service corporations whose duty it is by law to list any real estate or personal property for taxation, shall refuse to furnish a proper list thereof or refuse to furnish a list within the time required by law, or to make such oath as required by this chapter; or if any person, firm or corporation, including public service corporations, shall refuse to answer or shall answer falsely any question asked by the assessor or by the tax commissioner, or shall fail or refuse to deliver any statement required by law, he or it shall forfeit not less than twenty-five nor more than one hundred dollars, and shall be denied all remedy provided by law for the correction of any assessment made by the assessor or by the board of public works. If any person, firm or corporation, including public service corporations, required by law to make return of property for taxation, whether such return is to be made to the assessor, the board of public works, or any other assessing officer or body, fails to return a true list of all property which should be assessed in this state, including money, notes, bonds, bills and accounts receivable, stocks and any other intangible personal property, such person, firm or corporation, in addition to all other penalties provided by law, shall forfeit two per cent of the value of the property not yet returned and not otherwise taxed in this state. A forfeiture as to all property aforesaid may be enforced for any such default occurring in any year not exceeding five years immediately prior to the time the same is discovered, but no liability to penalty or forfeiture as to moneys, notes, bonds, bills and accounts receivable, stocks and other intangible personal property arising prior to the first day of January, nineteen hundred thirty-three, shall be enforceable on behalf of the state or of any of its subdivisions. Each failure to make a true return as herein required shall constitute a separate offense, and a forfeiture shall apply to each of them, but all such forfeitures, to which the same person, firm or corporation is liable, shall be enforced in one proceeding against such person, firm or corporation, or against the estate of any deceased person, and shall not exceed ten per cent of the value of the property not returned. The
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43 state tax commissioner shall collect such forfeitures without suit, but if unable so to do, shall instruct the prosecuting attorney of the county in which the defaulting taxpayer resides or has its principal office, or in which such property should have been returned for taxation, to enforce collection. It shall thereupon be the duty of such prosecuting attorney to institute and prosecute proceedings in the name of the state of West Virginia against the defaulting taxpayer, or, in case of a decedent, against his personal representative, in the circuit court upon motion, whereof the defendant shall have at least twenty days' notice. Either party shall have the right to have the issue tried by jury, and the state, as well as the defendant, shall have the right to an appeal. Ten per cent of the amount collected and an attorney's fee of ten dollars to be taxed as a part of the cost shall be collected and paid over by the prosecuting attorney to the sheriff of the county and by him credited to the general county fund. No special counsel shall be employed to institute or conduct such suits. Any prosecuting attorney failing or refusing to perform the duties required of him by this section shall forfeit the sum of one hundred dollars to be recovered against him by the state tax commissioner in the name of the state of West Virginia upon twenty days' notice by motion in any court having jurisdiction. The amount collected in any such suit after deducting ten per cent as aforesaid, or the entire sum if collected by the tax commissioner without suit, shall be paid over to the sheriff of the proper county and his receipt taken therefor. The sheriff shall apportion such fund among the state, county, district, school district, and municipalities which would have been entitled to the taxes upon such property if it had been assessed in proportion to the rates of taxation for each such levying unit for the year in which the judgment was obtained bears to the sum of the rates for all. When the list of property returned by the appraisers of the estate of any deceased person shows an amount greater than the last assessment list of such deceased person next preceding the appraisal of his estate, it shall be prima facie evidence that such deceased person returned an imperfect list of his property: Pro-
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vided, however, That any person liable for the tax of his
personal representative, may always be permitted to
prove by competent evidence that the discrepancy be-
tween such assessment list and the appraisal of the estate
is caused by a difference of valuation returned by the
assessor and that made by the appraisers of the same
property or by property acquired after assessment, or
that any property enumerated in the appraisers’ list
had been otherwise listed for taxation, or that it was not
liable for taxation. Any judgment recovered under this
section shall be a lien, from the time of the service of the
notice, upon all real estate and personal property of
such defaulting taxpayer, owned at the time or subse-
quently acquired, in preference to any other lien.

CHAPTER 95
(Senate Bill No. 170—Originating in the Senate Committee on Finance)

AN ACT to amend article twelve-a, chapter eleven of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto two new sections designated
sections five-b and five-c, and to amend article thirteen,
chapter eleven of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, by amending and
reenacting section three, and by adding thereto a new
section designated section three-b, relating to privilege
and business and occupation taxes.

[Passed March 6, 1943; in effect July 1, 1943. Vetoed by the Governor and passed
by both Houses notwithstanding veto.]

Article

Be it enacted by the Legislature of West Virginia:

That article twelve-a, chapter eleven of the code of West
Virginia, one thousand nine hundred thirty-one, as amended,
be amended by adding two new sections thereto designated
sections five-b and five-c, and that article thirteen, chapter
eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and re-enacting section three, and by adding thereto a new section designated section three-b, all to read as follows:


Section 5-b. Reduction of taxes; definitions.

5-c. Exemption.

Section 5-b. Reduction of Taxes; Definitions.—When used in this section the phrase “normal tax” shall mean the tax computed by the application of rates against intrastate gross income, pro-rated gross income, assessed value of all property in West Virginia, and by pro-rated net income as set forth in sections two, three, four or five, inclusive, of this article.

When used in this section the term “surtax” shall mean the tax computed by the application of the tax rate as set forth in section five-a of this article.

When used in this section the phrase “total net balance of taxes due” shall mean the total of the normal tax and surtax less exemption at the rate of fifty dollars annually or at the rate of four dollars and sixteen cents per month for the period actually engaged in business.

For the period commencing July one, one thousand nine hundred forty-three, and thereafter, a reduction of ten per cent of the total net balance of taxes due is allowed. The normal tax shall be computed by the application of rates against intrastate gross income, pro-rated gross income, assessed value of all property in West Virginia, and by pro-rated net income as set forth in sections two, three, four or five, inclusive, of this article. The surtax shall be computed by the application of the tax rate as set forth in section five-a of this article. The total net balance of taxes due shall be reduced by the ten per cent credit allowed herein. The total net balance of taxes due reduced by the ten per cent credit is the amount of tax payable.

Sec. 5-c. Exemption.—There shall be an exemption in every case of fifty dollars in amount of tax computed under the provisions of this article. A person exercising a
privilege taxable hereunder for a fractional part of a
tax year shall be entitled to an exemption of the sum
bearing the proportion to fifty dollars that the period of
time the privilege is exercised bears to a whole year.
Only one exemption shall be allowed to any one person,
whether he exercises one or more privileges taxable
hereunder.


Section 3. Exemptions; non-exempt businesses.
3-b. Reduction of taxes; definitions.

Section 3. Exemptions; Non-exempt Businesses.—There
shall be an exemption in every case of fifty dollars
in amount of tax computed under the provisions of this
article. A person exercising a privilege taxable hereunder
for a fractional part of a tax year shall be entitled to an
exemption of the sum bearing the proportion to fifty dol-
lars that the period of time the privilege is exercised
bears to a whole year. Only one exemption shall be
allowed to any one person, whether he exercises one or
more privileges taxable hereunder.

The provisions of this article shall not apply to: (a) In-
surance companies which pay the state of West Virginia
a tax upon premiums: Provided, however, That said ex-
emption shall not extend to that part of the gross income
of insurance companies which is received for the use of
real property, other than property in which any such
company maintains its office or offices, in this state,
whether such income be in the form of rentals or royalties; (b) persons engaged in the business of banking:
Provided, however, That said exemption shall not ex-
tend to that part of the gross income of such persons
which is received for the use of real property owned,
other than the banking house or building in which the
business of the bank is transacted, whether such income
be in the form of rentals or royalties; (c) non-profit ce-
tery companies organized and operated for the exclusive
benefit of their members; (d) societies, organizations and
associations organized and operated for the exclusive
benefit of their members and not for profit; (e) corpora-
tions, associations and societies organized and operated
exclusively for religious or charitable purposes: Provided, however, That the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of article four, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; (f) building and loan associations and federal savings and loan associations.

Sec. 3-b. Reduction of Taxes; Definitions.—When used in this section the phrase “normal tax” shall mean the tax computed by the application of rates against values or gross income as set forth in sections two-a to two-j inclusive, of this article.

When used in this section the term “surtax” shall mean the tax computed by the application of the tax rate as set forth in section three-a of this article.

When used in this section the phrase “total net balance of taxes due” shall mean the total of the normal tax in those classifications under which only a normal tax is imposed, and the total of the normal tax and the surtax in those classifications under which both a normal tax and surtax is imposed, and the combined total of all taxes when the tax return shows taxes due under more than one classification as set forth in sections two-a to two-j, inclusive, of this article, and section three-a of this article less exemption at the rate of fifty dollars annually or at the rate of four dollars and sixteen cents per month for the period actually engaged in business.

For the period commencing July one, one thousand nine hundred forty-three, and thereafter, a reduction of ten per cent of the total net balance of taxes due is allowed. The normal tax shall be computed by the application of rates against values or gross income as set forth in sections two-a to two-j, inclusive, of this article. The surtax shall be computed by the application of the tax rate as set forth in section three-a of this article. The total net balance of taxes due shall be reduced by the ten per cent credit allowed herein. The total net balance of taxes due reduced by the ten per cent credit is the amount of the tax payable.
CHAPTER 96

(House Bill No. 2—By Mr. Speaker, Mr. Amos, and Mr. Davis)

AN ACT to repeal chapter eighty-nine, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, designated as article thirteen-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter one hundred eleven, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, as amended and reenacted by chapter one hundred twenty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, and as amended by chapters one hundred twenty-one and one hundred twenty-two, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to personal income taxes; making such repeal effective with respect to income earned, received, or accrued during the calendar year one thousand nine hundred forty-two, and providing methods for the computation of taxes due, and refund of taxes paid, on account of income earned or received by, or accrued to taxpayers making returns on a fiscal year basis when such fiscal year ended during the calendar year one thousand nine hundred forty-two.

[Passed February 3, 1943; in effect from passage. Vetoed by the Governor and passed by both Houses notwithstanding veto.]

Repeal of Personal Income Tax Law.

Section

1. General purposes of act.
2. Personal income tax law repealed.
3. Law retained for years prior to 1942.
4. Refund of taxes paid prior to effective date of this act.

Be it enacted by the Legislature of West Virginia:

Section 1. General Purposes of Act.—The purpose of this act is to repeal the provisions of the personal income tax act of the state of West Virginia, as last amended, for all taxable years commencing on and after January first, one thousand nine hundred forty-two, but to continue in force and effect all of the provisions of said act with respect to all prior taxable years.
Sec. 2. Personal Income Tax Law Repealed.—Chapter eighty-nine, acts of the Legislature of West Virginia, one thousand nine hundred thirty-five, designated as article thirteen-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended and reenacted by chapter one hundred eleven, acts of the Legislature of West Virginia, one thousand nine hundred thirty-seven, and by chapter one hundred twenty-eight, acts of the Legislature of West Virginia, one thousand nine hundred thirty-nine, and by chapters one hundred twenty-one and one hundred twenty-two, acts of the Legislature of West Virginia, one thousand nine hundred forty-one, is hereby repealed, effective from and after January first, one thousand nine hundred forty-two, except as hereinafter provided for.

Sec. 3. Law Retained for Years Prior to 1942.—The provisions of said chapter eighty-nine, as amended, shall remain in full force and effect for all taxable years prior to January first, one thousand nine hundred forty-two: Provided, however, That no tax shall be collected or paid upon any income earned or received during that portion of any fiscal year falling within the calendar year one thousand nine hundred forty-two.

Where any taxpayer shall be liable for personal income tax for a fiscal year ending during the calendar year one thousand nine hundred forty-two, and his tax for the said fiscal year shall not have been paid, his tax shall be computed and paid upon the basis provided in section four of this act providing for refunds in cases where taxpayers have paid personal income tax for a fiscal year rather than a calendar year.

Sec. 4. Refund of Taxes Paid Prior to Effective Date of This Act.—In the event any taxes on income earned, received, or accrued, during the calendar year one thousand nine hundred forty-two, shall have been paid on or after January first, one thousand nine hundred forty-three, said taxes, or a proportion thereof, as hereinafter provided, shall be refunded to the taxpayer under the provisions of section two-a, article one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as
amended by chapter one hundred twenty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine.

Where any taxpayer makes return and pays tax upon the basis of a fiscal year rather than a calendar year, and any such taxpayer shall have paid tax upon any income earned, received, or accrued, after January first, one thousand nine hundred forty-two, such taxpayer shall be entitled to a refund of a part of the tax paid. Such refund shall be computed to be and shall be an amount which bears the same ratio to the total tax paid for the fiscal year ending during the calendar year, one thousand nine hundred forty-two, as his taxable income earned, received, or accrued, for the part of his said fiscal year falling within the calendar year one thousand nine hundred forty-two, bears to his total taxable income earned, received, or accrued, for his said fiscal year.

CHAPTER 97

(House Bill No. 112—By Mr. Ballard and Mr. Van Sickler)

AN ACT to amend and reenact sections one, nine and eleven, article six, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, relating to returns by and procedure for the assessment of the property of public service corporations for tax purposes.

[Passed February 25, 1943; in effect from passage. Vetoed by the Governor and passed by both Houses notwithstanding veto.]

Article 6. Assessment of Public Service Corporations.

Section

1. Public service corporations; returns of property to board of public works.
9. Compelling such return; procuring information and tentative assessment by tax commissioner.
11. Valuation of property by board.

Be it enacted by the Legislature of West Virginia:

That sections one, nine and eleven, article six, chapter
eleven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. Public Service Corporations; Returns of Property to Board of Public Works.—On or before the first day of April in each year a return in writing to the board of public works shall be delivered to the tax commissioner by the owner or operator of every railroad, wholly or in part within this state; by the owner or operator of every railroad bridge upon which a separate toll or fare is charged; by the owner or operator of every car or line of cars used upon any railroad within the state for transportation or accommodation of freight or passengers, other than such owners or operators as may own or operate a railroad within the state; by the owner or operator of every express company or express line, wholly or in part within this state, used for the transportation by steam or otherwise of freight and other articles of commerce; by the owner or operator of every pipe-line, wholly or in part within this state, used for the transportation of oil or gas or water, whether such oil or gas or water be owned by such owner or operator or not, or for the transmission of electrical or other power, or the transmission of steam or heat and power or of articles by pneumatic or other power; and by the owner or operator of every telegraph or telephone line, wholly or in part within this state, except private lines not operated for compensation; and by the owner and operator of every gas company and electric lighting company furnishing gas or electricity for lighting, heating or power purposes; and hydro-electric companies for the generation and transmission of light, heat or power; water companies furnishing or distributing water, and all other public service corporations or persons engaged in public service business whose property is located wholly or in part within this state. The words "owner or operator", as applied herein to railroad companies, shall include every railroad company incorporated by or under the laws of this state for the purpose of constructing and operating a railroad, or of operating part of a railroad within this state, whether such railroad or any part of it
be in operation or not; and shall also include every other railroad company, or persons or associations of persons, owning or operating a railroad or part of a railroad in this state on which freight or passengers, or both, are carried for compensation. The word "railroad", as used herein, includes every street, city, suburban or electric or other railroad, or railway. The words "owner or operator", as applied herein to express companies, shall include every express company incorporated by or under the laws of this state, or doing business in this state, whether incorporated or not, and any person or association of persons, owning or operating any express company or express line upon any railroad or otherwise, doing business partly or wholly within this state. Such return shall be signed and sworn to by such owner or operator if a natural person, or, if such owner or operator shall be a corporation, shall be signed and sworn to by its president, vice president, secretary or principal accounting officer. The return required by this section of every such owner or operator shall cover the year ending on the thirty-first day of December, next preceding, and shall be made on forms prescribed by the board of public works, which board is hereby invested with full power and authority and it is hereby made its duty to prescribe such forms as will require from any owner or operator herein mentioned such information, as in the judgment of the board, may be of use to it in determining the true and actual value of the properties of such owners or operators.

Sec. 9. Compelling Such Return; Procuring Information and Tentative Assessment by Tax Commissioner.—If any owner or operator fail to make such return within the time required by section one of this article, it shall be the duty of the tax commissioner to take such steps as may be necessary to compel such compliance, and to enforce any and all penalties imposed by law for such failure. The return delivered to the tax commissioner shall be examined by him, and if it be found insufficient in form or in any respect defective, imperfect or not in compliance with law, he shall compel the person required
to make it to do so in proper and sufficient form, and in all respects as required by law. If any such owner or operator fails to make such return, the tax commissioner shall proceed, in such manner as to him may seem best, to obtain the facts and information required to be furnished by such returns; and to this end the tax commissioner may send for persons and papers, and may compel the attendance of any person and the production of any paper necessary, in the opinion of said tax commissioner, to enable him to obtain the information required for the proper discharge of his duties under this section.

The tax commissioner shall arrange, collate and tabulate such returns and all pertinent information and data contained therein, such further evidence or information as may be required by the tax commissioner of such owner or operator, and all other pertinent evidence, information and data he has been able to procure, upon suitable work sheets, so that they may be conveniently considered, and shall on or before the fifteenth day of May, lay such returns and work sheets, together with his recommendations in the form of a tentative assessment of the property of each such owner or operator, before the board of public works. And as soon as the tax commissioner has completed the preparation of such work sheets and tentative assessments, he shall notify the owner or operator affected thereby of the amount of such tentative assessment by written notice deposited in the United States post office, addressed to such owner or operator at the principal office or place of business of such owner or operator, and the tax commissioner shall retain in his office true copies of such work sheets which shall be available for inspection by any such owner or operator or his duly authorized representative.

Sec. 11. Valuation of Property by Board.—Upon the fifteenth day after giving the notices required by section nine of this article, or as soon thereafter as reasonably convenient but not later than the first day of June, the board of public works shall proceed to assess and fix the true and actual value of all property of such owner or operator hereinbefore required to be returned, in each
county through which the railroad, car line, cars, express, telegraph, telephone, or pipe-line of such owner or operator runs, and in which any property to be assessed is located. In ascertaining such value the board shall consider the return, if any, made by the owner or operator, and any return which may have been previously made by such owner or operator, the work sheets and tentative assessment recommended by the tax commissioner, such evidence or information as may be offered by such owner or operator, such further evidence or information as may be required by the board of such owner or operator, and any other pertinent evidence, information and data, at a regular meeting of the board held for such purpose at least fifteen days after giving the notice required by section nine of this article. Before any assessment shall be made by the board, any and all evidence, information and data considered by the board shall be available for inspection by any such owner or operator or his duly authorized representative, and an opportunity given to be heard thereon. When the board of public works has assessed any property hereby required to be returned, and has determined the valuation thereof, such assessment and valuation shall be entered of record in the book of minutes of its proceedings, and shall be certified by the secretary of the board to the auditor. Nothing in this chapter contained shall be construed to require the assessment by the board of public works of any part of a railroad, telegraph, telephone or pipe-line until such part is so far completed as to be fit for use. But material held by any railroad, telegraph, telephone or pipe-line company shall be returned to the board of public works for assessment as personal property. As soon as such assessment is made, the secretary of the board shall notify the owner or operator affected thereby of the amount thereof by written notice deposited in the United States post office, addressed to such owner or operator at the principal office or place of business of such owner or operator. Such assessment and valuation shall be final and conclusive, unless the same be appealed from in the manner following, within fifteen days after such notice is so deposited.
CHAPTER 98
(Senate Bill No. 211—By Mr. Allen, by request)

AN ACT to amend and reenact section six-a, article eight, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter one hundred thirty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to tax levies.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the Governor.]

Article 8. Levies.

Section
6-a. Levies on each classification by the board of public works; levy for interest and sinking fund on state road bonds.

Be it enacted by the Legislature of West Virginia:

That section six-a, article eight, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter one hundred thirty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 6-a. Levies on Each Classification by the Board of Public Works; Levy for Interest and Sinking Fund on State Road Bonds.—The state board of public works shall levy for general expense purposes, including the payment of the state debt, for the state fund general revenue, as provided by section eight, as follows:

On class I property, twenty-five hundredths of one cent; on class II property, five-tenths of one cent; and on classes III and IV property, one cent.

Whenever the state board of public works finds the revenues from all sources have been or will be insufficient to meet the requirements for interest and sinking funds on state road bonds, said state board of public works shall levy for said purposes, as provided by section eight, whatever rates of levy are necessary to meet the requirements for interest and sinking funds on state road bonds issued prior to November eight, one thousand nine hundred thirty-two, which rates of levy shall be as follows:
19 On class I property, one cent; on class II property, two
cents, and on classes III and IV property, four cents, or
21 multiples thereof or in like ratio, on all property subject
to taxation in the state.
23 All acts, or parts of acts, in conflict with the provisions
24 of this act, are hereby repealed.

CHAPTER 99

(Com. Sub. for Senate Bill No. 107—Originating in the Senate Committee
on the Judiciary)

AN ACT to amend chapter thirty-eight of the code of West
Virginia, one thousand nine hundred thirty-one, by adding
a new article thereto, to be designated article ten-c, re­
lating to the enforcement of tax liens in favor of the state
of West Virginia, of political subdivisions thereof and of
municipalities therein, as against purchasers of real estate
and personal property for a valuable consideration, with­
out notice; and providing for the recordation of such liens.

[Passed March 12, 1943; in effect ninety days from passage. Approved by the
Governor.]

Article 10-a. State Tax Liens.

Section
1. Recordation of liens in favor of state, subdivision or municipality.
2. Written notice of tax lien to be filed in office of county clerk; in­
dexing; release.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-eight of the code of West Virginia, one
thousand nine hundred thirty-one, be amended by adding a
new article thereto designated article ten-c, to read as fol­
 lows:

Section 1. Recordation of Liens in Favor of State, Sub-
division or Municipality.—No lien in favor of the state
of West Virginia, or any political subdivision thereof or of
any municipality therein, whether heretofore or hereafter
5 accruing, except the lien for taxes accruing under the
6 provisions of article eight, chapter eleven of the code of
7 West Virginia, one thousand nine hundred thirty-one,
8 shall be enforceable as against a purchaser (including
9 lien creditor) of real estate or personal property for a
10 valuable consideration, without notice, unless docketed, as
11 hereinafter provided, in the office of the clerk of the
12 county court of the county wherein such real estate or
13 personal property is, before a deed therefor to such pur-
14 chaser is delivered for record to the clerk of the county
15 court of such county. The term “purchaser”, as used
16 herein, shall be construed to include lien creditors whose
17 liens were acquired and perfected prior to such docketing.

Sec. 2. Written Notice of Tax Lien to Be Filed in Of-
1 fice of County Clerk; Indexing; Release.—It shall be the
2 duty of the state tax commissioner, or the proper officers
3 of the political subdivisions of the state for such sub-
4 divisions and of the proper officers of the municipalities
5 for the municipalities, having such liens, to file a written
6 notice thereof in the office of the clerk of the county court
7 of the county in which the property of the taxpayer
8 against whom such lien is claimed, is situate, certifying in
9 said notice what amount of money is owing to the state
10 of West Virginia, the political subdivision thereof or the
11 municipality therein, on account of said lien from the tax-
12 payer owing the same; and the clerk of the county court
13 of such county shall, upon the filing of such notice, index
14 the same in the judgment or tax lien docket in his of-
15 fice as a tax lien against the said taxpayer in favor of the
16 state of West Virginia, the political subdivision thereof
17 or the municipality therein. Upon the satisfaction of such
18 lien a properly acknowledged release thereof for re-
19 cordation shall be delivered to the taxpayer by the proper
20 officer.
21 All acts or parts of acts inconsistent or in conflict here-
22 with are hereby repealed.
CHAPTER 100
(House Bill No. 211—By Mr. Hansbarger)

AN ACT to amend and reenact section three, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter one hundred twenty-four, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to tax on gasoline.

[Passed February 26, 1943; in effect ninety days from passage. Approved by the Governor.]


Section 3. Amount, duration, measure and lien of tax; notice of discontinuance, etc., of business.

Be it enacted by the Legislature of West Virginia:

That section three, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter one hundred twenty-four, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 3. Amount, Duration, Measure and Lien of Tax; Notice of Discontinuance, etc., of Business.—There is hereby imposed upon every person who is a distributor, retail dealer or importer under the terms of this article, an excise tax based on the quantities of all gasoline produced, purchased, sold or used in this state, which tax shall until July first, one thousand nine hundred forty-five, be equivalent to five cents per gallon thereof, and shall be paid as hereinafter provided. On and after July first, one thousand nine hundred forty-five, the tax herein provided shall be equivalent to four cents per gallon.

A distributor, importer, or retail dealer shall use as the measure of the tax the gallonage produced, purchased, sold or used in this state (as provided in section four of this article). Gallonage shall be included in the measure
The excise tax imposed by this article shall be paid by the person first producing, or receiving in this state, the gallonage of gasoline which under this article shall form the measure of such tax; but in no case shall any such gallonage be used more than once in determining taxes due hereunder. The taxes imposed by this article are in addition to all other taxes now imposed by law.

The excise tax imposed by this article shall accrue from the date of production, purchase, sale or use of the gasoline. The penalties imposed by section thirteen of this article shall accrue from the date they become due and payable, and such taxes and penalties shall be and remain a charge and lien upon the properties, both personal and real, of the person liable to pay such taxes and penalties, superior to any lien created after such taxes and penalties accrue. Whenever a distributor, importer or retail dealer ceases to engage in business within this state by reason of the discontinuance, sale or transfer of the business of such distributor, importer or retail dealer, it shall be his duty to notify the tax commissioner in writing at the time the discontinuance, sale or transfer takes effect. Such notice shall give the date of discontinuance, and in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof; all taxes accruing under this article, but not yet due and payable under the provisions of this article, shall, notwithstanding such provisions, become due and payable concurrently with such discontinuance, sale or transfer, and it shall be the duty of such distributor, importer or retail dealer to make a report and pay all such taxes, and to surrender to the tax commissioner the license certificate theretofore issued, under the provisions of this article.

Unless the notice shall have been given to the tax commissioner as above provided, such purchaser or transferee shall be liable to the state of West Virginia for the amount of all taxes and penalties, under this article accrued against such distributor, importer or retail dealer so sell-
CHAPTER 101

(Com. Sub. for House Bill No. 252—Originating in the House Committee on Taxation and Finance)

AN ACT to amend and reenact section two-i, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter eighty-six, acts of the Legislature, regular session, one thousand nine hundred thirty-five, relating to business, occupation and privilege taxes.

[Passed March 13, 1943; in effect from passage. Became a law without the approval of the Governor.]


Section 2-i. Business of collecting rentals, royalties, etc.

Be it enacted by the Legislature of West Virginia:

That section two-i, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter eighty-six, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:

Section 2-i. Business of Collecting Rentals, Royalties, etc.—Upon every corporation or association engaging or continuing within this state in the business of collecting incomes from the use of real or personal property or of any interest therein, whether by lease, conveyance, or otherwise, and whether the return be in the form of rentals, royalties, fees, interest or otherwise, the tax shall be one per cent of the gross income of any such activity.
9 This act shall be operative for the calendar year beginning January first, one thousand nine hundred forty-two, and subsequent years.

CHAPTER 102
(House Bill No. 208—By Mr. Johnson)

AN ACT to authorize and empower the county court of Braxton county to transfer the sum of one thousand dollars from the general county fund to the dog tax fund of said county.

[Passed March 9, 1943; in effect from passage. Approved by the Governor.]

Section 1. Braxton county court authorized to transfer funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Braxton County Court Authorized to Transfer Funds.—The county court of Braxton county is hereby authorized and empowered to transfer the sum of one thousand dollars from the general county fund to the dog tax fund of said county.

All acts, or parts of acts, inconsistent herewith, are hereby repealed, insofar as they may apply to Braxton county.

CHAPTER 103
(Senate Bill No. 202—By Mr. Winters, by request)

AN ACT to amend article five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, by
adding thereto a new section numbered eighteen-a, relating to the compensation of registrars of births and deaths.

[Passed March 11, 1943; in effect from passage. Approved by the Governor.]


Section

18-a. Compensation of registrar of births and deaths in Cabell county.

Be it enacted by the Legislature of West Virginia:

That article five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section numbered eighteen-a, to read as follows:

Section 18-a. Compensation of Registrar of Births and Deaths in Cabell County.—The registrar or registrars in the county of Cabell shall receive a fee of fifty cents for the duties performed as required under the preceding section for each certificate of birth or death, to be paid as provided in said section.

CHAPTER 104

(House Bill No. 308—By Mrs. Walker)

AN ACT to authorize the county court of Fayette county to use unexpended funds and surpluses in any fund of said county for the purpose of creating a special fund for the building of additional county buildings or for enlarging, remodeling and improving present county buildings, and to expend for such purpose the fund so created.

[Passed March 12, 1943; in effect from passage. Approved by the Governor.]

Section

1. Fayette county court authorized to create special county building fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Fayette County Court Authorized to Create Special County Building Fund.—The county court of Fay-
Ch. 105]  GREENBRIER COUNTY—LIBRARY FUND

3 ette county is hereby authorized and empowered from
4 year to year to use any unexpended funds of said county
5 and any surpluses in any county fund, or so much thereof
6 as they may see fit, for the purpose of creating a special
7 fund for the erection of new county buildings or for en-
8 larging, remodeling and improving present county build-
9 ings, and to expend for such purpose the fund so created.

CHAPTER 105
(House Bill No. 326—By Mr. Van Sickler)

AN ACT to authorize the county court of Greenbrier county,
West Virginia, to use unexpended funds and surpluses in
any fund of said county for the purpose of creating a
special fund for the improvement and maintenance of
the Greenbrier county library and museum, and to ex­
pend for such purpose the fund so created.

[Passed March 13, 1943; in effect from passage. Approved by the Governor.]

Section
1. Greenbrier county court authorized to create special fund for im­
provement and maintenance of county library and museum.

Be it enacted by the Legislature of West Virginia:

Section 1. Greenbrier County Court Authorized to
Create Special Fund for Improvement and Maintenance
of County Library and Museum.—The county court of
Greenbrier county, West Virginia, is hereby authorized
and empowered from year to year to use any unexpended
funds of said county and any surplus in any county fund,
not exceeding the sum of three hundred dollars per year,
for the purpose of creating a special fund for the im­
provement and progressive maintenance of the Greenbrier
county library and museum, situate in the town of Lewis-
burg in said county, and to expend for such purpose the
fund so created.
CHAPTER 106

(=House Bill No. 105—By Mr. Harmer and Mr. Mills=)

AN ACT to authorize the county court of Harrison county, West
Virginia, to establish and maintain a special fund to be
known as the Harrison county airport fund, and to raise
and deposit in said fund all money that may be raised
from tax levies made for that purpose, and within the
constitutional limitations; all money and income derived
from the operation of the Harrison county airport; all gifts
and donations made to said airport by the state of West
Virginia, or the United States government, or any person,
and to use said fund for the improvement and mainte­
nance of said airport, and to annually transfer from said
fund to the general county fund any money in said fund
not needed for improvements and maintenance.

[Passed February 9, 1943; in effect from passage. Approved by the Governor.]

Section
1. Authorizing Harrison county court to establish Harrison county
airport fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Authorizing Harrison County Court to Es-
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HARRISON COUNTY—AIRPORT FUND

[Ch. 106
AN ACT authorizing the county court of Kanawha county, West Virginia, to provide compensation for Ella B. Diamond, the widow of J. H. (Jack) Diamond, a former deputy sheriff of Kanawha county, killed while in the performance of his duty as deputy sheriff.

[Passed March 2, 1943; in effect July 1, 1943. Approved by the Governor.]

Section 1. Kanawha county court authorized to pay Ella B. Diamond certain sums of money.

Be it enacted by the Legislature of West Virginia:

Section 1. Kanawha County Court Authorized to Pay Ella B. Diamond Certain Sums of Money.—The county court of Kanawha county is authorized and empowered to pay to Ella B. Diamond, the widow of J. H. (Jack) Diamond, deceased, former deputy sheriff of Kanawha county, the sum of five hundred dollars in cash and the further sum of fifty dollars per month, and to make provision for such monthly payments in its annual budget each year during the remainder of the life of said Ella B. Diamond or until she, the said Ella B. Diamond, shall remarry, beginning with the budget of said county for the fiscal year one thousand nine hundred forty-three, one thousand nine hundred forty-four, said cash payment and said monthly sum of money to be paid as compensation to the said Ella B. Diamond, who is the widow of J. H. (Jack) Diamond, who was killed on the twentieth day of August, one thousand nine hundred forty-one, in the performance of his duty as deputy sheriff of Kanawha county while preserving peace and law and order in said county.
CHAPTER 108
(House Bill No. 322—By Mr. Doringer)

AN ACT to authorize and empower the county court of Marion county to transfer funds, realized from the assessment and collection of head taxes on dogs, to the general county fund, for the use of said county in the construction and maintenance of the child shelter.

[Passed March 12, 1943; in effect from passage. Approved by the Governor.]

Section 1. Marion county court authorized to transfer funds to be used for construction and maintenance of child shelter.

Be it enacted by the Legislature of West Virginia:

Section 1. Marion County Court Authorized to Transfer Funds to Be Used for Construction and Maintenance of Child Shelter.—The county court of Marion county is hereby authorized and empowered to transfer two thousand five hundred dollars from the fund realized from the assessment and collection of head taxes on dogs, to the general county fund of Marion county, for the fiscal year one thousand nine hundred forty-two—one thousand nine hundred forty-three, to be used in the construction and maintenance of the “Child Shelter of Marion County”.

CHAPTER 109
(House Bill No. 198—By Mr. Rogers)

AN ACT authorizing the board of education of Mineral county to publish a history of Mineral county, and providing for the sale of such a history and the disposition of funds received therefrom.

[Passed March 12, 1943; in effect from passage. Approved by the Governor.]

Section 1. Mineral county board of education authorized to publish county history.
Be it enacted by the Legislature of West Virginia:

Section 1. Mineral County Board of Education Authorized to Publish County History.—The board of education of the county of Mineral is hereby authorized to publish a history of Mineral county, prepared as a works progress administration project. The board of education of said county is authorized to spend funds from the county school fund to pay the expense of publishing said history, provided such an expenditure does not affect the length of the school term in said county.

The board of education is further authorized to sell such history at a price to be fixed by said board, and all funds received from such sales shall be deposited and credited to the county school fund of Mineral county.

CHAPTER 110
(House Bill No. 265—By Mr. Taylor, of Mingo)

AN ACT to authorize the county court of Mingo county to use unexpended funds and surpluses in any fund of said county for the purpose of creating a special fund for the building of a new jail, or for remodeling and improving any appropriate building owned by said county for that purpose, and to expend such special fund so created for that purpose and/or to use such special fund, or any part thereof, for making improvements to the courthouse.

[Passed March 12, 1943; in effect from passage. Approved by the Governor.]

Section 1. Mingo county court authorized to create special fund for building new jail, or remodeling and improving courthouse or other county buildings.

Be it enacted by the Legislature of West Virginia:

Section 1. Mingo County Court Authorized to Create Special Fund for Building New Jail, or Remodeling and Improving Courthouse or Other County Buildings.—The
county court of Mingo county is hereby authorized and empowered from year to year to use any unexpended funds of said county and any surplus in any county fund for the purpose of creation of a special fund for the building of a new jail, or for enlarging or remodeling any suitable building the county may now have, and to expend for such purpose the fund so created, or any part thereof, and/or to use any part of the fund so created for the purpose of remodeling or improving the existing courthouse in said county.

CHAPTER 111

(House Bill No. 129—By Mr. Brand)

AN ACT to authorize the county court of Monongalia county to use unexpended funds and surpluses in any fund of said county for the purpose of creating a special fund for the building of a new courthouse, or for enlarging, remodeling and improving the present courthouse, and to expend for such purpose the fund so created.

[Passed March 9, 1943; in effect ninety days from passage. Approved by the Governor.]

Section 1. Monongalia county court authorized to create a special courthouse fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Monongalia County Court Authorized to Create a Special Courthouse Fund.—The county court of Monongalia county is hereby authorized and empowered from year to year to use any unexpended funds of said county and any surplus in any county fund for the purpose of creating a special fund for the building of a new courthouse, or for enlarging, remodeling and improving the present courthouse, and to expend for such purpose the fund so created.
CHAPTER 112
(Senate Bill No. 98—By Mr. Eddy)

AN ACT to amend and reenact chapter one hundred sixty-four, acts of the Legislature of West Virginia, one thousand nine hundred twenty-nine, relating to the authority of the county court of Monongalia county to establish, equip and maintain a general hospital in said county for the treatment and care of patients, charitable and otherwise, to use in part the county infirmary buildings for such purpose, and to appoint a board of trustees to control, manage and operate the said hospital.

[Passed February 26, 1943; in effect from passage. Approved by the Governor.]

Monongalia General Hospital.

Section
1. Establishment and maintenance of Monongalia general hospital.
2. Cost of operating.
3. County court to appoint board of trustees for hospital; duties of hospital board.
4. Officers of hospital board; committees; members of board to serve without compensation.
5. Qualifications of members of board; term of office; vacancies.
6. Hospital board to be a corporation.
7. Specific powers of hospital board.
8. Hospital board to keep books of account; method of making disbursements.
9. Requirement of surety for officers or agents of hospital board.
10. Monongalia general hospital fund; accounts; payment of necessary expenses; surplus.
11. Hospital employees to be within workmen’s compensation act; other insurance.
12. Wide discretion to be vested in the hospital board.
13. Title to hospital property to be vested in county court of Monongalia county.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred sixty-four, acts of the Legislature of West Virginia, one thousand nine hundred twenty-nine, be amended and reenacted to read as follows:

Section 1. Establishment and Maintenance of Monongalia General Hospital.—The county court of Monongalia county is hereby authorized and empowered to establish, equip and maintain a general hospital in said county,
to be known as the “Monongalia General Hospital”, and
for that purpose to use the present hospital and any build-
ings now utilized in connection therewith, including part
of the county infirmary buildings, grounds and equip-
ment, as well as any additions that may be built to the
present hospital.

Sec. 2. Cost of Operating.—The cost of operating the
Monongalia county hospital shall be provided for out
of the revenues of the said hospital: Provided, That the
county court of Monongalia county may in its dis-
cretion contribute to such expenditures out of any funds
in the hands of the said court and not otherwise ap-
propriated.

Sec. 3. County Court to Appoint Board of Trustees for
Hospital; Duties of Hospital Board.—The said county court
of Monongalia county shall forthwith appoint a board
of trustees, which board shall consist of nine members;
and said board of trustees is hereby authorized and em-
powered to control, manage, and operate the said Monon-
galia general hospital. Said board shall also be known
as the hospital board of Monongalia county.

Sec. 4. Officers of Hospital Board; Committees; Mem-
ers of Board to Serve Without Compensation.—The said
hospital board shall immediately organize with the usual
officers appropriate to such character of organization in-
itially and annually thereafter; and it shall certify from
time to time the names of its officers to the county court
of Monongalia county.
The board may, by resolution or resolutions passed by
a majority of the whole board, designate one or more
committees, each committee to consist of two or more
of the board members, which, to the extent provided for
in any such resolution, shall have and may exercise the
powers of the board in the management of the hospital
business.
Members of the hospital board shall serve without
compensation.

Sec. 5. Qualifications of Members of Board; Term of
Office; Vacancies.—All members of the hospital board
shall be citizens of West Virginia and residents of Monongalia county; and none of such members shall be engaged in the practice of medicine or surgery. The term of office of the members of the hospital board shall be three years, except that the county court shall divide those originally appointed into three classes: The term of office of those of the first class shall expire on the first day of March next ensuing; of the second class one year thereafter; and of the third class two years thereafter; and at each annual appointment held after such classification, members shall be chosen for a full term, as the case may be, to succeed those whose terms expire. All vacancies in the membership of the hospital board shall be promptly filled through such appointment by the said county court; but members in office may continue to serve until their successors have been appointed and have been qualified.

The county court of Monongalia county may at any time remove members of the hospital board.

Sec. 6. Hospital Board to Be a Corporation.—Said hospital board shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

Sec. 7. Specific Powers of Hospital Board.—In addition to any other powers granted by this act, the said hospital board shall have specific authority over each of the following subjects:

1. The board shall be authorized to employ all agents, technicians, employees and others deemed proper or needful by it for the successful conduct of the affairs of the hospital, and to fix their compensation. Employment shall be given without any reference whatsoever to political opinions or party affiliation of the person concerned.

2. The board is empowered to make such rules and regulations in and concerning the management of the hospital as may seem necessary, needful or proper; and it may adopt such disciplinary measures as may appear expedient. The board may delegate to the superintendent
of the hospital and to such other directing personnel, as
it may from time to time employ, ample and plenary
power to make such rules and regulations effective.

3. The board may formulate appropriate rules and
regulations relating to the use of the hospital and its
facilities by members of the medical and surgical pro-
fection or hospital staff.

4. The board may fix and establish appropriate rates
and charges for the use of the hospital and its facilities
by any patients who may be admitted thereto for care,
hospitalization or treatment.

5. The board shall have authority to utilize net income
or surplus profits for equipment, equipment-maintenance
and improvement of facilities; and the board is specifically
authorized to make such expenditures for these purposes
as may in the board’s discretion seem proper.

In general, the board shall possess complete authority
to conduct the affairs of the Monongalia general hos-
pital with all appropriate facilities and services; and the
enumeration of powers in this section shall not operate
to exclude the exercise of other powers fairly incidental
thereto or reasonably implied and within the purposes
of this act.

Sec. 8. Hospital Board to Keep Books of Account;
Method of Making Disbursements.—The hospital board
shall cause accurate and proper books of account to be
kept. All payrolls shall be approved by the president
and secretary of the hospital board, or respective sub-
stitute officials, prior to the payment of any compensation
whatsoever. The treasurer of the hospital board shall
make disbursements upon the requisition of such presi-
dent and secretary, and not otherwise.

Sec. 9. Requirement of Surety for Officers or Agents of
Hospital Board.—Any officers, agents or employees of the
hospital board, appointed or authorized to receive moneys
for services rendered at the hospital, shall be required to
give bond in such sum and with such surety as may be
deemed sufficient by the said hospital board.

Sec. 10. Monongalia General Hospital Fund; Accounts;
Payment of Necessary Expenses; Surplus.—All revenues derived from the operation of the hospital shall be deposited in a separate account designated as the “Monongalia General Hospital Fund”. The hospital board shall at least once each month render an itemized statement of its receipts and expenses to the county court, and it shall also submit to said court an annual statement of its financial condition.

Out of the said hospital fund, there shall be transferred and paid the following amounts for the following purposes, in the order that the same are hereinafter set forth:

1. There shall be paid the reasonable expense of operation, repair and maintenance of the hospital.
2. Out of the balance of the revenues remaining in the hospital fund, after payment of the amount hereinabove in the first subsection required to be paid, there shall be paid into a separate account which is hereby created and designated as the “Operation and Maintenance Account”, as a reserve for operation, repair and maintenance, an amount deemed sufficient for operation, repair and maintenance of the hospital for an ensuing period of not less than twelve months, and for depreciation.
3. The balance of the revenue remaining in the hospital fund, after payment of the amounts hereinabove provided, may be paid over by the said hospital board to the county court of Monongalia county, and may be used by the said county court for any other lawful purpose.

The county court of Monongalia county shall forthwith pay over into the Monongalia general hospital fund all existing funds now held by it or on deposit in any banking institution, to the credit of the said Monongalia general hospital or for its current operations. The said county court shall also transfer, assign and set over to the hospital board all accounts receivable or bills owing in favor of the said Monongalia general hospital.

Sec. 11. Hospital Employees to Be Within Workmen’s Compensation Act; Other Insurance.—All members of the hospital, eligible thereto, shall be deemed to be within the workmen’s compensation act of West Virginia, and
premiers on their compensation shall be paid by the hospital board as required by law. Adequate insurance-coverage against hazards shall at all times be carried as prudence in good management indicates.

Sec. 12. Wide Discretion to Be Vested in the Hospital Board.—It is the purpose of this act to provide for an efficient operation of the hospital, and to permit of the prudent and economical management of the hospital by the hospital board. Wide discretion and adequate authority are accordingly vested in the hospital board, in order to achieve that purpose expeditiously and with due safeguards.

Nevertheless, the said hospital board shall make no discrimination among the medical practitioners of said county or their patients, provided these comply with all reasonable rules and regulations made by the hospital board for the governance of the said hospital.

Sec. 13. Title to Hospital Property to Be in County Court of Monongalia County.—Title to all property constituting or belonging to the Monongalia general hospital, as comprised within this act, shall be vested as heretofore, in the county court of Monongalia county.

CHAPTER 113

(House Bill No. 75—By Mr. Holt, of Nicholas)

AN ACT to authorize and empower the county court of Nicholas county to transfer the unexpended balances in the dog tax fund to the general county fund of said county.

[Passed March 9, 1943; in effect from passage. Approved by the Governor.]

Section 1. Nicholas county court authorized to transfer dog tax fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Nicholas County Court Authorized to Trans-
2. The county court of Nicholas county is hereby authorized and empowered to transfer the unexpended balances now in the dog tax fund of said county, remaining and not needed for the payment and satisfaction of all claims and expenses against the said dog tax fund, to the general county fund of said county.

All acts, or parts of acts, inconsistent herewith, are hereby repealed, insofar as they may apply to Nicholas county.

CHAPTER 114

(AN ACT to authorize and empower the board of commissioners of the county of Ohio to invest temporarily the proceeds of the sale of bonds of the city-county building bond issue, issued pursuant to the order of said board of commissioners of the county of Ohio made the twelfth day of April, one thousand nine hundred forty, and to the election held in said county of Ohio on the fourteenth day of May, one thousand nine hundred forty, in certain designated securities.)

[Passed February 8, 1943; in effect from passage. Approved by the Governor.]

AN ACT to authorize and empower the board of commissioners of the county of Ohio to invest temporarily the proceeds of the sale of bonds of the city-county building bond issue, issued pursuant to the order of said board of commissioners of the county of Ohio made the twelfth day of April, one thousand nine hundred forty, and to the election held in said county of Ohio on the fourteenth day of May, one thousand nine hundred forty, in certain designated securities.

Be it enacted by the Legislature of West Virginia:

Section 1. Board of Commissioners of the County of Ohio Authorized to Make Temporary Investment of Proceeds of Sale of Bonds Issued for Construction of City-County Building.—The board of commissioners of the county of Ohio is hereby authorized and empowered to make a temporary investment of the proceeds of the sale
of the bonds issued for the construction of a city-county building under authority of the order of the board of commissioners of the county of Ohio on the twelfth day of April, one thousand nine hundred forty, and the election held pursuant thereto on the fourteenth day of May, one thousand nine hundred forty, in bonds or obligations of the United States, or in bonds of which both principal and interest are guaranteed by the United States, or in bonds of the state of West Virginia, or in bonds of any county, city, town, village or school district of the state of West Virginia: Provided, however, That before making such investment the said board of commissioners of the county of Ohio shall obtain from the sinking fund commission of the state of West Virginia the approval in writing of said commission to said proposed investment.

Sec. 2. Changes in Investment.—Said board of commissioners of the county of Ohio, after obtaining like approval, may make such changes in said investment as may, in its judgment, be necessary for the safety and protection of the proceeds of said bond issue from time to time during the period that said proceeds are temporarily invested and until they are needed for the purposes for which said bonds were issued.

Sec. 3. Inconsistent Acts Repealed.—All acts, or parts of acts, inconsistent herewith, are hereby repealed.

CHAPTER 115

(House Bill No. 144—By Mr. Ross, of Upshur)

AN ACT authorizing the county court of Upshur county to expend funds for the purchase, improvement and maintenance of a Four-H camp for educational and recreational purposes, at Selbyville, in Upshur county, and providing for acquisition of necessary equipment in connection therewith; authorizing levies for any such purposes, and creating
a board for the control, management and supervision thereof.

[Passed March 2, 1943; in effect ninety days from passage. Approved by the Governor.]

Upshur County Four-H Camp.

Section
1. Upshur county court authorized to acquire Four-H camp property.
2. Levies.
3. Upshur county Four-H camp board; appointment; duties; organization; meeting.
4. Appointment of employees.
5. Levy estimates.
6. Additional funds; limitation on expenditures.

Be it enacted by the Legislature of West Virginia:

Section 1. Upshur County Court Authorized to Acquire Four-H Camp Property.—The county court of Upshur county shall have and is hereby authorized to acquire the William McDade property, consisting of forty-six acres, more or less, of land and the improvements thereon, located at Selbyville, Upshur county, West Virginia, now used as a Four-H camp, and to equip, improve and maintain the same for educational and recreational purposes, and to expend money for such purposes.

Sec. 2. Levies.—For the purposes aforesaid, the county court of Upshur county may, in its annual levy estimate for current expenses, provide for and thereafter collect and expend funds for the purposes enumerated in section one of this act: Provided, however, That the rate of levy shall not exceed seventy-five mills on class I, one and one-half cents on class II, and three cents on classes III and IV, on each one hundred dollars valuation of assessed property in the county.

Sec. 3. Upshur County Four-H Camp Board; Appointment; Duties; Organization; Meeting.—There shall be a board of Four-H camp commissioners consisting of five members, known as “Upshur County Four-H Camp Board”, which shall be a body corporate. The members of such board shall be appointed by the county court of Upshur county in the manner hereinafter provided, and said board shall have control, management, and su-
pervision of said camp and its uses. Such camp board shall be organized and shall have and exercise the powers and duties hereinafter provided.

(a) All members of the camp board shall be residents and qualified voters of Upshur county, and not more than two shall be appointed or serve at one time from the same magisterial district.

(b) Two such members shall be appointed for a term of two years, two for a term of four years, and one for a term of six years. Whenever a vacancy shall occur by death, resignation, removal or expiration of term of office, a successor member shall be appointed by the county court in the same manner as original appointments were made. All members appointed to fill the vacancies occasioned by the expiration of the terms of office of their predecessors shall be appointed for a term of six years. All members appointed to fill other vacancies shall be appointed for the unexpired terms.

(c) Members of “Upshur County Four-H Camp Board” shall be appointed after nomination by a nominating committee, which nominating committee shall consist of five members, to be constituted as follows:

One member of the committee shall be a person selected by the Four-H councils of boys and girls' organizations of Upshur county.

One member of the committee shall be a person selected by the Upshur county farm bureau.

One member of the committee shall be a person selected by the board of education for Upshur county.

One member of the committee shall be a person selected by the Upshur county district of scouting organization.

One member of the committee shall be a person selected by the county court of Upshur county.

If any organization authorized to appoint a member of the nominating committee shall cease to exist, or fail to exercise its privilege of appointment, such nominating committee may still function as long as at least three members thereof are appointed and participate.

Nominations for vacancies in membership of the
board shall be made in the same manner. No person shall be appointed to fill any vacancy until after he shall have been nominated by the nominating committee as hereinbefore provided.

(d) Before entering upon the duties as members of "Upshur County Four-H Camp Board" each member shall be required to qualify by taking and subscribing to an oath to faithfully perform his duties as a member of such board. Such oath shall be administered by the clerk of the county court of Upshur county.

(e) The first meeting of the board shall be held at the time and place to be designated by the county court, and within thirty days after this act shall become effective; thereafter, regular meetings shall be held as prescribed by rules adopted by the board at its first meeting. Special meetings may be held at any time as prescribed by the board, or when called by the president or three members of the board.

(f) The board shall elect from its members a president and a secretary. The president shall preside as chairman of the meetings and shall not vote upon any matter except in case of tie. A majority of the members shall constitute a quorum of the board for transaction of business.

The secretary shall keep records of all meetings of members of the board. Minutes of such meetings shall be filed in the office of the clerk of the county court.

The secretary shall keep, or cause to be kept, a record of all receipts and expenditures of the board. Such record shall be submitted to the county court at least every six months, or more often if required by the county court.

Sec. 4. Appointment of Employees.—The county court shall appoint only such employees as may be recommended by the board.

No expenditure shall be made for any purpose under this act, except upon the recommendation and approval of the board made in writing.
Sec. 5. Levy Estimates.—The “Upshur County Four-H Camp Board” may each year, prior to levy term of the county court of Upshur county, submit to the court a detailed estimate of the amount required to be expended for any of the purposes enumerated in section one of this act. In making its levy estimate the court may provide for all, or such portion of the funds so estimated by the board as necessary for the purposes included in its estimate. The court may, from time to time, allocate and spend for the purposes enumerated in section one of this act, such funds as to it may seem desirable and as may be available and not required for other purposes for which the same may have been levied or collected.

Sec. 6. Additional Funds; Limitation on Expenditures.— The county court of Upshur county may, from time to time, authorize “Upshur County Four-H Camp Board” to expend moneys for the purposes of this act, in addition to funds raised by levy, but before any such expenditures are authorized to be made by the board, the limit of such expenditures shall be fixed by the court. Neither the court nor the county shall, in any event, be liable for any expenditures made or indebtedness incurred by the board in excess of the amounts authorized. The board is authorized to solicit and receive donations and gifts, for use and maintenance of said camp: Provided, however, That all moneys so received may be disbursed by said board.

CHAPTER 116
(House Bill No. 317—By Mr. Morgan)

AN ACT authorizing the county court of Wyoming county to compensate R. F. Musgrave for services rendered under a decree of reference involving the accounts of a commissioner of school lands of Wyoming county.

[Passed March 11, 1943; in effect from passage. Approved by the Governor.]

Section
1. Wyoming county court authorized to compensate R. F. Musgrave.
Be it enacted by the Legislature of West Virginia:

Section 1. Wyoming County Court Authorized to Compensate R. F. Musgrave.—The county court of Wyoming county is authorized and empowered to pay from the general county fund of Wyoming county the sum of one thousand dollars to R. F. Musgrave for services rendered under a decree of reference involving the accounts of Paul E. Blackshear, former commissioner of school lands of Wyoming county, it having been determined by an order of the circuit court of Wyoming county, entered on February twenty-four, one thousand nine hundred thirty-nine, that such services were rendered by the said R. F. Musgrave, and that the sum of one thousand dollars be allowed as compensation for the services of the said R. F. Musgrave, and the county court of Wyoming county is directed to make provision in its next annual budget for the said payment.
RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 1

(By Mr. McElwee)

[Adopted January 13, 1943.]

Raising a joint assembly to open and publish election returns.

Resolved by the House of Delegates, the Senate concurring therein:

That the two Houses of the Legislature convene in joint assembly in the hall of the House of Delegates at 2:15 o'clock P. M., this day, that the Speaker of the House of Delegates may, in the presence of the Senate, open and publish the returns of the election of Attorney General (unexpired term), elected at the general election held throughout the state on the third day of November, one thousand nine hundred forty-two, as provided by section three, article seven of the Constitution of this State.

HOUSE CONCURRENT RESOLUTION NO. 2

(By Mr. Van Sickler)

[Adopted January 13, 1943.]

Providing for a joint assembly to hear the biennial message of the Governor.

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature meet in joint assembly in the chamber of the House of Delegates at 12:00 o'clock noon, Thursday, January 14, 1943, to hear the biennial message of His Excellency, Governor Matthew M. Neely.
HOUSE CONCURRENT RESOLUTION NO. 3

(By Mr. Knight)

[Adopted January 13, 1943.]

Relating to the payment by the Auditor of mileage, and contingent and other expenses of this session of the Legislature, and unpaid bills of the House of Delegates, regular session, one thousand nine hundred forty-one.

Resolved by the House of Delegates, the Senate concurring therein:

That the Auditor, in advance of the appropriation for the purpose, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay the mileage of the members of the Senate and the House of Delegates; bills incurred and services furnished to the Legislature for this session, including contingent expenses; the per diem of the officers and attaches of the Senate and House of Delegates; and bills for the legislative printing of this session, as the accounts for same may become due; and, be it

Further Resolved, That the Auditor, in advance of an appropriation for the purpose, is hereby authorized, upon proper requisition of the Clerk of the House of Delegates, to pay unpaid bills for printing and other purposes, of the House of Delegates, authorized by the regular session of the Legislature, one thousand nine hundred forty-one.

HOUSE CONCURRENT RESOLUTION NO. 4

(By Mr. Van Sickler)

[Adopted January 14, 1943.]

Adopting joint rules for the Senate and House of Delegates.

Resolved by the House of Delegates, the Senate concurring therein:

That the joint rules of the Senate and House of Delegates
for the regular session of the Legislature, one thousand nine
hundred forty-one, are hereby adopted, and shall govern pro-
ceedings of this session.

HOUSE CONCURRENT RESOLUTION NO. 5
(By Mr. Hugus)
[Passed January 21, 1943.]

Requesting the Board of Public Works to suspend any
further appropriations, allocation, expenditure or contracting
for the expenditure of any and all funds appropriated as con-
tingent expenditures by section four, chapter six, acts of the
Legislature of West Virginia, regular session, one thousand
nine hundred forty-one, not heretofore appropriated, allocated
or contracted to be spent, and requesting said Board of Public
Works to report forthwith to this Legislature the status of
such contingent appropriations.

Resolved by the House of Delegates, the Senate concurring
therein:

That the Board of Public Works of West Virginia is hereby
requested to suspend any further appropriations, allocation,
expenditure or contracting for the expenditure of any and
all funds appropriated as contingent expenditures by section
four, chapter six, acts of the Legislature of West Virginia, reg-
ular session, one thousand nine hundred forty-one, not hereto-
fore appropriated, allocated or contracted to be spent; and,
be it

Further Resolved, That said Board of Public Works is re-
quested to submit to this Legislature within five days from
the adoption of this resolution a report showing (a) the amount
of such contingent appropriations already made and the pur-
poses thereof; (b) the amount of such contingent appropri-
tions contracted to be spent, including the purposes thereof,
and copies of any contracts entered into by the Board of Public
Works for such expenditures; (c) the amount of such contin-
gent appropriations not made, spent or contracted for.
HOUSE CONCURRENT RESOLUTION NO. 7
(By Mr. Moore)
[Adopted February 11, 1943.]

Providing for the placing of the flag of West Virginia at Pearl Harbor.

WHEREAS, The Legislature of West Virginia has been requested to send a State flag, twenty inches by thirty inches in size, to be placed in the Navy Cantonment Center at Pearl Harbor, in commemoration of the brave boys of our State who defended the island on December 7, 1941; and

WHEREAS, The other states of the Union have received similar requests and have responded to same; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Secretary of State be directed to purchase and pay for out of his contingent fund, a flag of the State of West Virginia, to be twenty inches by thirty inches in size, and send same at the earliest possible date to Herbert E. Hull, Building X-4, Apartment 934, Navy Cantonment, Pearl Harbor, T. H., and there to be placed beside the flags of other states, in memory of those brave men who defended the island against the attack of our enemy, December 7, 1941.

HOUSE CONCURRENT RESOLUTION NO. 8
(By Mr. Hugus)
[Adopted February 3, 1943.]

Authorizing the Board of Control to erect a suitable plaque or memorial in the State Penitentiary at Moundsville, to honor the voluntary services and work of the late Peter F. Haberstick on behalf of the prisoners in the penitentiary, the cost thereof to be paid from voluntary contributions made for the purpose, and authorizing the warden of the penitentiary to solicit such contributions.
WHEREAS, Peter F. Haberstick of Wheeling, for thirty-seven years was interested in providing entertainment and recreation for prisoners in the penitentiary, and devoted much of his time voluntarily in organizing entertainments in which prisoners participated, and otherwise worked for the rehabilitation of such prisoners; and

WHEREAS, The Legislature wishes to express its appreciation of the work of Mr. Haberstick; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Board of Control is hereby authorized to design and erect, or cause to be designed and erected, within the State Penitentiary at Moundsville, a plaque or other suitable memorial in honor of the late Peter F. Haberstick, the total cost thereof not to exceed the amount of voluntary contributions which may be given or raised for the purpose. The warden of the penitentiary is authorized to solicit funds for the purpose, and shall pay over all of such funds to the Board of Control to provide any such plaque or memorial. Any funds not needed for the purpose shall be returned proportionately to the contributors thereof.

HOUSE CONCURRENT RESOLUTION NO. 10

(By Mr. Hansbarger)

[Adopted February 12, 1943.]

Authorizing the employment of an actuary to make an audit of, and report on, the teachers' retirement fund.

Resolved by the House of Delegates, the Senate concurring therein:

That the President of the Senate and Speaker of the House of Delegates are hereby authorized to employ an actuary to make an audit of, and report on, the teachers' retirement fund. The expense of said audit and report shall be paid in equal
amounts from the contingent fund of the Senate and the con­
tingent fund of the House of Delegates upon proper requisitions
of the Clerks of the two Houses.

HOUSE CONCURRENT RESOLUTION NO. 14
(By Mr. Blankenship)
[Adopted February 24, 1943.]
Relating to Mother's Day and Father's Day.
Resolved by the House of Delegates, the Senate concurring therein:
That the Governor of the State of West Virginia is hereby
respectfully requested to designate, by appropriate proclama­
tion, the second Sunday of May of each year as Mother's Day,
and the third Sunday of June of each year as Father's Day.

HOUSE CONCURRENT RESOLUTION NO. 16
(By Mr. Hansbarger)
[Adopted February 27, 1943.]
Authorizing the employment of an actuary to make an audit
of, and report on, the death, disability and retirement fund
of the Department of Public Safety.
Resolved by the House of Delegates, the Senate concurring therein:
That the President of the Senate and Speaker of the House
of Delegates are hereby authorized to employ an actuary to
make an audit of, and report on, the death, disability and re­
tirement fund of the Department of Public Safety. The ex­
 pense of said audit and report shall be paid in equal amounts
from the contingent fund of the Senate and the contingent
fund of the House of Delegates upon proper requisition of the
Clerks of the two Houses.
Relating to the enlistment of West Virginians in the Navy and Armed Forces.

Whereas, More than fifteen thousand young Mountaineers from the State of West Virginia have enlisted in the services of the United States Navy since Pearl Harbor, and more than twelve thousand have enlisted in the United States Army, exclusive of officers, air cadets, and other branches of the service, including the Marine Corps and Coast Guard; and

Whereas, The Navy Recruiting office of West Virginia, conducted by Lieutenant Commander William A. Saunders, has permanently won the Navy "E" for recruiting in the Southeastern Division, and the State of West Virginia has consistently placed among the top ten Navy recruiting districts in all of the United States; and

Whereas, The Army Recruiting Offices, conducted by Captain Edmond Stone, and the Marine Corps Recruiting Office, conducted by Captain Robert Gordon, have also courteously assisted the volunteers of our State in selecting the branch of service for which they were best fitted; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature of West Virginia, regular session, one thousand nine hundred forty-three, hereby expresses its appreciation for the courtesies extended the volunteers of this State by the various recruiting offices, and that with admiration, pride and humility, this Legislature commends the loyalty of these gallant young men of West Virginia, who have so selfishly responded to the call of their country; and, be it

Further Resolved, That attention be called to the citizens of our State and to the great leaders of our country, that the same spirit of sacrifice, loyalty and scorn of danger when duty calls, prevail today among the West Virginia Mountaineers, inherent of those brave men who unhesitatingly left their homes and
families to follow George Washington in our first great fight for freedom, and whom the great leader admiringly referred to as "The men from West Augusta"; and, be it

Further Resolved, That we approve anew and reassert as our object and aims the sentiment expressed in the following words of the great Daniel Webster: "Let our object be our Country, our whole Country, and nothing but our Country; and by the blessing of God, may that Country itself become a vast and splendid monument, of peace and of liberty, upon which the world may gaze with admiration forever."

HOUSE CONCURRENT RESOLUTION NO. 23

(By Mr. Knight)

[Adopted March 10, 1943.]

Relating to the purchase of alcoholic beverages.

WHEREAS, The government of the United States on October 8th prohibited all of the distilleries in the United States from manufacturing alcohol for beverage purposes; and

WHEREAS, Since said date the government of the United States has requisitioned all alcohol being made by said distilleries for war purposes; and

WHEREAS, Some distillers have withdrawn all of their brands from the State of West Virginia and others have curtailed their supply, thereby creating an acute shortage of alcoholic beverages for sale in the State of West Virginia; and

WHEREAS, It is believed that West Virginia is not receiving its proportionate part of alcoholic beverages which some distillers have for sale; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the West Virginia Liquor Control Commission is hereby authorized not to purchase any alcoholic beverages for a period of five years after the termination of the present war from
any distiller now doing business within the State which is not now allocating to the State of West Virginia its proportionate part of such alcoholic beverages as said distiller may have for sale.

HOUSE CONCURRENT RESOLUTION NO. 27
(By Mr. Holt, of Lewis)
[ Adopted March 10, 1943. ]

Granting permission to introduce a bill relating to compulsory school attendance in the war emergency.

*Resolved by the Legislature of West Virginia, two-thirds of all the members of each House present and voting concurring therein:*

That permission is hereby granted to introduce a bill with the following title:

“A Bill to amend article eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, by adding thereto a new section to be numbered section one-a, relating to compulsory school attendance in the war emergency.”

HOUSE CONCURRENT RESOLUTION NO. 29
(By Mr. Davis)
(Originating in the Committee on Rules)
[ Adopted March 13, 1943. ]

Authorizing the payment of expenses for services and supplies after the close of this session of the Legislature.

*Resolved by the House of Delegates, the Senate concurring therein:*

That the Legislature of West Virginia hereby authorizes the payment of expenses for services and supplies incurred after
the close of this regular session of the Legislature, in completing the work of the session, and that the Auditor is hereby authorized and directed to honor and pay the warrants of the Clerk of the House of Delegates and the Clerk of the Senate, drawn in favor of persons for services performed or supplies furnished, as authorized by either separate or concurrent action of the two Houses; and, be it

Further Resolved, That all extensions of per diem authorized by House Resolution No. 32 and Senate Resolution No. 21 for similar purposes, are hereby declared to be authorized by the Legislature, and shall have the same force and effect as if they were incorporated herein.

HOUSE CONCURRENT RESOLUTION NO. 30
(By Mr. LaFollette).

[Adopted March 13, 1943.]

Granting permission to introduce a bill providing for disposition of sheriff's lists and sale of real estate for taxes.

Resolved by the Legislature of West Virginia, two-thirds of all the members of each House present and voting concurring therein:

That permission is hereby granted to introduce a bill with the following title:

“A Bill to amend article four, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred forty-one, by adding thereto a new section to be numbered fifty-six, relating to disposition of sheriff's lists and sale of real estate for taxes.”


HOUSE CONCURRENT RESOLUTION NO. 31
(By Mr. LaFollette)
[Adopted March 13, 1943.]

Granting permission to introduce a bill providing for the certification by the sheriff of delinquent taxes.

Resolved by the Legislature of West Virginia, two-thirds of all the members of each House present and voting concurring therein:

That permission is hereby granted to introduce a bill with the following title:

“A Bill to amend article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred forty-one, by adding thereto a new section to be numbered section forty-three, relating to certification by the sheriff of delinquent taxes.”

HOUSE CONCURRENT RESOLUTION NO. 32
(By Mr. Van Sickler)
[Adopted March 13, 1943.]

Raising a joint committee to notify His Excellency the Governor, that the Legislature is ready to adjourn sine die.

Resolved by the House of Delegates, the Senate concurring therein:

That a joint committee of six, consisting of three on the part of the Senate, to be appointed by the President thereof, and three on the part of the House of Delegates, to be appointed by the Speaker thereof, be appointed to notify His Excellency, the Governor, that the Legislature has completed its labors, is ready to adjourn sine die, and inquire of him if he has any further communication to make to the Legislature.
HOUSE RESOLUTION NO. 1
(By Mr. Hansbarger)
[Adopted January 13, 1943.]
Adopting rules for the House of Delegates.

Resolved by the House of Delegates:
That the rules of the House of Delegates for the regular session, one thousand nine hundred forty-one, shall govern the proceedings of this House, pending a report from the Committee on Rules, hereafter to be appointed.

HOUSE RESOLUTION NO. 2
(By Mr. Ross, of Mercer)
[Adopted January 13, 1943.]
Raising a committee to inform the Senate that the House of Delegates is organized.

Resolved by the House of Delegates:
That the Speaker appoint a committee of three to inform the Senate that the House of Delegates is organized by the election of John E. Amos, of the County of Kanawha, as Speaker, and J. R. Aliff, of the County of Fayette, as Clerk, and is ready to proceed with the business of the session.

HOUSE RESOLUTION NO. 3
(By Mr. Van Sickler)
[Adopted January 13, 1943.]
Raising a committee to wait upon the Governor.

Resolved by the House of Delegates:
That a committee of three members be appointed by the Speaker, on the part of the House of Delegates, to join with a similar committee on the part of the Senate, to notify the
Governor of the State of West Virginia that a quorum of each House has assembled and has organized by the election of officers as required by the Constitution, and that the Legislature is ready to receive any communication that he may be pleased to make.

HOUSE RESOLUTION NO. 4
(By Mr. Bass)
[Adopted January 14, 1943.]

Authorizing the Clerk to compile and publish a Legislative Manual.

Resolved by the House of Delegates:

That the Clerk is hereby authorized to compile and have printed without delay, a Legislative Manual containing the rules of the Senate and the House of Delegates, the joint rules of the Senate and House of Delegates, and such other matter and material as he may deem to be useful and convenient to the members of the Legislature. A sufficient number of copies of said Legislative Manual to supply each member of the Legislature with ten copies thereof shall be printed.

HOUSE RESOLUTION NO. 5
(By Mr. Van Sickler)
(Originating in the Committee on Rules)
[Adopted January 18, 1943.]

Authorizing the appointment of attaches for the House of Delegates for the 1943 regular session of the Legislature.

Resolved by the House of Delegates:

That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint attaches and other employees to receive the per diem as herein provided, during this session of the Legislature:
(1) For the Clerk's office the following:

Two record clerks at seven dollars per day each;
Two roll-call clerks at seven dollars per day each;
Four proofreaders at eight dollars per day each;
Four copyholders at seven dollars per day each;
One supervisor of printing at ten dollars per day;
One payroll and supply clerk at ten dollars per day;
One clerk to the Committee on Enrolled Bills at eight dollars per day;
One messenger at seven dollars per day;
One file clerk at seven dollars per day;
Two typists at seven dollars per day each;
One receptionist-telephone operator at seven dollars per day;
One Journal clerk at twelve dollars per day;
One Journal stenographer at ten dollars per day;
One stenographer at eight dollars per day;

(2) For other offices and positions, the following:

One clerk, one assistant clerk and one stenographer to the Committee on Taxation and Finance at twelve, nine and eight dollars per day, respectively;
One clerk, one assistant clerk and one stenographer to the Committee on the Judiciary at twelve, nine and eight dollars per day, respectively;
Eleven committee clerks, to be assigned by the Speaker, at eight dollars per day each;
One secretary to the minority and one clerk to the minority at twelve and ten dollars per day, respectively;
Five stenographers for the minority room at eight dollars per day each;
One supervisor of stenographers at ten dollars per day;
Twelve stenographers at eight dollars per day each;
Four typists at seven dollars per day each;
One superintendent of document room at ten dollars per day;
Six document room clerks at seven dollars per day each;
One chief mailing room clerk at eight dollars per day;
Four assistant mailing clerks at seven dollars per day each;
Four pages at six dollars per day each;
One messenger to the Speaker at seven dollars per day;
Three assistants to the Sergeant-at-Arms at seven dollars per day each;
One clerk to the Sergeant-at-Arms at eight dollars per day;
Six assistant doorkeepers at seven dollars per day each;
One mimeograph supervisor at eight dollars per day;
Two mimeograph operators at seven dollars per day each;
One custodian of offices and property at seven dollars per day;
One ladies' cloak room attendant at five dollars per day;
Two men's cloak room attendants at six dollars per day each;
One voting machine technician at thirteen dollars per day;
One night watchman at seven dollars per day; and, be it
Further Resolved, That the secretary and stenographer to the Speaker, as provided for by the rules of the House, shall receive twelve and ten dollars, respectively; and that the secretary and stenographer to the Clerk as provided for by the rules, shall receive ten and twelve dollars, respectively; and, be it

Further Resolved, That the Clerk of the House shall receive compensation at the rate provided in Account No. 102, chapter six, Acts of the Legislature, regular session, one thousand nine hundred forty-one; that the Sergeant-at-Arms and Doorkeeper shall each receive ten dollars per day; and that the three assistant clerks provided for by section nine, article one, chapter four of the code, shall receive twelve dollars each per day; and, be it

Further Resolved, That all of the appointments made under authority of this resolution shall be certified to the Auditor and Treasurer by the Clerk, and the Clerk is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the “per diem of officers and attaches” fund of the House of Delegates. The Clerk shall draw his requisitions in favor of officers, attaches and other employees, for consecutive days from the date of their employment, at the per diems herein set out, until such time as their services shall cease. The Speaker may remove any attache or employee and appoint another in his or her place, and he shall require each of said attaches or employees to perform such duties as shall be assigned him or her, and is hereby given authority to dispense with the service of any attache or attaches for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed in their places for any such time as they may be suspended when not needed; and, be it

Further Resolved, That the Speaker is hereby authorized to assign attaches and employees to such positions and duties as he may deem proper to secure the most efficient and expeditious work during the session of the Legislature; and, be it
Further Resolved, That there shall be entered in the Journal of the House of Delegates a list of the names of the persons appointed under authority of this resolution, which list shall show the postoffice address and county of which such persons are residents and the positions to which they have been appointed; and, be it

Further Resolved, That no person appointed under authority of this resolution, and receiving pay hereunder, shall concurrently receive compensation from any other department of state, or agency thereof.

HOUSE RESOLUTION NO. 6

(By Mr. Van Sickler)

(Originating in the Committee on Rules)

[Adopted January 18, 1943.]

Providing for a mailing list for House Journals.

Resolved by the House of Delegates:

That the Clerk of the House of Delegates is hereby authorized to have mailed from the House document room, copies of the daily Journal of the House to lists of persons to be furnished to the Clerk by the members of the House of Delegates, such lists not to exceed ten names from each Delegate; and the expenses of such mailing, including postage, shall be paid by the Auditor out of the contingent fund of the House of Delegates, in advance of the appropriation therefor, upon proper requisitions of the Clerk. All such mail shall bear the stamp of the Clerk of the House of Delegates, and the Clerk shall designate such persons as are to deliver such mail to the Central Mailing Office and notify the postmaster of such designation, and said office shall not accept such mail from any person or persons other than those so designated by the Clerk; and, be it

Further Resolved, That upon the approval of the Committee on Rules, the Clerk is authorized to mail copies of Journals, Bills and other documents printed by the House to persons requesting the same.
HOUSE RESOLUTION NO. 7
(By Mr. Van Sickler)
(Originating in the Committee on Rules)
[Adopted January 18, 1943.]

Relating to the appointment of assistant janitors.

WHEREAS, The Superintendent of Capitol Building and Grounds, under authority of section twenty-two, article one, chapter four of the code of West Virginia, has designated eight assistant janitors for the janitor work of the House of Delegates during this session of the Legislature; therefore, be it

Resolved by the House of Delegates:

That the per diem of said assistant janitors is fixed at five dollars, and that of the Superintendent of Capitol Building and Grounds is fixed at two dollars, as the House of Delegates' one-half of his per diem. Said per diems shall be paid from the contingent fund of the House of Delegates, in advance of the appropriation for the purpose, upon proper requisitions of the Clerk.

HOUSE RESOLUTION NO. 8
(By Mr. Holt, of Lewis)
[Adopted January 20, 1943.]

Raising a committee to make an investigation of the cost of government in West Virginia.

Resolved by the House of Delegates:

That a committee of five members of the House of Delegates be appointed by the Speaker of the House, with full and complete authority to make an investigation of the cost of government in West Virginia.

This committee shall have the authority to investigate any matter that has affected or does affect the expenditure or disbursement of any money by the State of West Virginia. The said committee shall have the power to employ such assistance
as it shall deem necessary in the proper and efficient discharge of its duties. It is hereby vested with power and authority to administer oaths, compel the attendance and testimony of witnesses, and compel the production of such books, documents, papers or accounts as the committee may deem necessary for the investigation.

The committee is granted authority to hold hearings at any place in the State of West Virginia.

The Clerk of the House of Delegates, upon the approval of the chairman of said committee, shall draw his requisitions upon the Auditor, payable out of the contingent fund of the House of Delegates, in advance of the appropriation for the purpose, for expenses of said committee. Requisitions to the Auditor for payment of expenses of said committee shall be accompanied by a signed approval of said expenses, signed by the chairman of said committee or by one authorized to do so by the committee.

The Auditor is authorized to draw his warrants upon the treasury, in advance of the appropriation for the purpose, for the expenses of said committee. Such expenses shall not exceed the sum of five thousand dollars.

The committee shall report its findings to the House of Delegates at a date not later than the first of March, one thousand nine hundred forty-three.

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HOUSE RESOLUTION NO. 9

(By Mr. Davis)

[Adopted January 25, 1943.]

Authorizing payment of mileage to members of the House of Delegates.

WHEREAS, Members of the House of Delegates have certified to the Clerk that they are entitled to be paid mileage at the rate of ten cents per mile for each mile traveled in going to and returning from the seat of government as provided by section thirty-three of the Constitution of West Virginia, as follows:
<table>
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<tr>
<th>Name</th>
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<tr>
<td>H. L. Van Sickler</td>
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<td>27.00</td>
</tr>
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</table>
Therefore; be it

Resolved by the House of Delegates:

That the Clerk be, and he is hereby, directed to draw his requisitions upon the Auditor in favor of each member of this body entitled to mileage at the rate of ten cents per mile as set forth herein, payable out of the appropriation hereafter to be made for the payment of mileage.

HOUSE RESOLUTION NO. 11
(By Mr. Doringer)
(Originating in the Committee on Elections and Privileges)
[Adopted January 28, 1943.]

Approving the report of the Committee on Elections and Privileges in the contest cases of L. J. Callinan and Ray L. Hope against Walter Vergil Ross, Lacy Neely and Haymond A. Alltop.

Resolved by the House of Delegates:

That the report of the Committee on Elections and Privileges, signed and submitted by the chairman of said committee, in the contest cases of L. J. Callinan and Ray L. Hope, involving the qualifications and eligibility of Walter Vergil Ross, Lacy Neely and Haymond A. Alltop to seats in the House of Delegates be received and approved; and, be it

Further Resolved, That Walter Vergil Ross of the County of Mercer, Lacy Neely of the County of Fayette, and Haymond A. Alltop of the County of Marion, are hereby declared to have been duly and lawfully elected to the House of Delegates from their respective counties at the general election held on the
3rd day of November, 1942, that they are qualified and eligible to serve as members of the House of Delegates, and that they are entitled to their seats in the House of Delegates.

HOUSE RESOLUTION NO. 13
(By Mr. Downs)
[Adopted February 8, 1943.]

Extending birthday congratulations to the only feminine member of the forty-sixth session of the Legislature of West Virginia.

WHEREAS, On yesterday, February 7, our charming lady member of the forty-sixth Legislature of West Virginia, Mrs. Nell W. Walker of Winona, Fayette County, celebrated her birthday; and

WHEREAS, The remaining ninety-three members of the House are well aware of the sterling qualities of the conscientious, intelligent and well informed representative now serving her fourth consecutive term from the County of Fayette; therefore, be it

Resolved by the House of Delegates:

That we denote our affectionate and sincere congratulations to Mrs. Walker, the lady from Fayette, and that a fitting tribute be manifested by the presentation of a floral token suitable to the occasion; and, be it

Further Resolved, That a certified copy of this resolution be transmitted to Mrs. Walker for her personal files.

HOUSE RESOLUTION NO. 15
(By Mr. Ansel)
[Adopted February 16, 1943.]

Requesting the State Conservation Commission to set open season on squirrels for 1943 to begin on the first day of October.
WHEREAS, Under the present laws of the State of West Virginia, the Conservation Commission and the Director thereof have the power to set and regulate the open and closed seasons on game and fish; and

WHEREAS, It is not the intention or inclination of the House of Delegates of the State of West Virginia to remove, or in any way impair such powers as are now vested in the Conservation Commission and the Director; and

WHEREAS, It has been the custom and legal duty of the Conservation Commission and the Director thereof, through district sportsmen's meetings to request and accept suggestions and recommendations in regard to game and fish management and regulation from the citizens and sportsmen of the State; and

WHEREAS, It being of common knowledge that a vast majority of the hunters and citizens of the State do desire an earlier open season on squirrels than that of the open season as set in the year one thousand nine hundred forty-two; therefore, be it

Resolved by the House of Delegates:

That the Conservation Commission and the Director of Conservation do set the open season on squirrels for the year one thousand nine hundred forty-three to begin on the first day of October.

HOUSE RESOLUTION NO. 16
(By Mr. Knight, by request)
[Adopted February 16, 1943.]

Requesting John B. Smith, Director of Probation and Parole, to make investigations and report to the Honorable M. M. Neely, Governor of the State of West Virginia, and to the House of Delegates, regarding the eligibility and advisability of paroles being granted to Malcolm R. Arnold, former member and former Speaker of the House of Delegates, and Lester Perry, a former member of the House of Delegates.
WHEREAS, Section thirteen, chapter twenty-seven, acts of the West Virginia Legislature, regular session, one thousand nine hundred thirty-nine, makes it the duty of the State Director of Probation and Parole, in cases of persons sentenced to a penal or correctional institution of this State, as soon as such persons so sentenced to a penal or correctional institution are eligible for parole, to consider the advisability of such person’s release on parole; and

WHEREAS, Malcolm R. Arnold, a member of the House of Delegates and Speaker thereof at the regular session, one thousand nine hundred forty-one, was convicted of a felony in the Intermediate Court of Kanawha County of irregularities in the matter of attaches and the payment of the per diem of such attaches during said session of the Legislature, and is now confined in the West Virginia Penitentiary; and

WHEREAS, Lester Perry, a member of the House of Delegates during the sessions of one thousand nine hundred thirty-seven, one thousand nine hundred thirty-nine and one thousand nine hundred forty-one, was convicted of a felony in the Intermediate Court of Kanawha County of irregularities in the matter of attaches and the payment of the per diem of such attaches during the one thousand nine hundred forty-one session of the Legislature, and is now confined in the West Virginia Penitentiary; and

WHEREAS, A petition was circulated among the members of the West Virginia Legislature, session of one thousand nine hundred forty-one, which was signed by a number of such members, requesting and recommending that the said Malcolm R. Arnold and the said Lester Perry be released on probation, copies of which petition have been filed with the Director of Probation and Parole; and

WHEREAS, A great amount of interest is manifested by the public generally throughout the State of West Virginia as to the reason why the said Malcolm R. Arnold and the said Lester Perry have not been released on paroles, after having become eligible for parole, and it being the consensus of opinion of the majority of the members of the House of Delegates that a report as to the eligibility of the said Malcolm R. Arnold and the eligibility of the said Lester Perry for parole and the advis-
ability of releasing the said Malcolm R. Arnold and the said Lester Perry from their incarceration should be made; therefore, be it

Resolved by the House of Delegates:

That John B. Smith, Director of Probation and Parole, do make a report on or before March first, one thousand nine hundred forty-three, to the Honorable M. M. Neely, Governor of the State of West Virginia, and to the House of Delegates, regarding the eligibility and advisability of paroles being granted to Malcolm R. Arnold and to Lester Perry.

HOUSE RESOLUTION NO. 17
(By Mr. Holt, of Lewis)
(Originating in the Select Committee to Investigate the Cost of Government in West Virginia)
[Adopted February 18, 1943.]

Providing for the issuance of a rule against Homer W. Hanna, commanding him to show cause, if any he can, why he should not be held in contempt of the House of Delegates.

WHEREAS, Under authority of House Resolution No. 8, the committee created thereby did subpoena one Homer W. Hanna, a resident of Charleston, Kanawha County, West Virginia, and at that time Director of the Department of Unemployment Compensation of the State of West Virginia, to appear before the committee raised by said resolution, and on the 16th day of February, 1943, the said Homer W. Hanna appeared before said committee and refused to answer certain questions propounded by the committee and the members thereof, as set out in the report of said committee this day made to the House of Delegates; and

WHEREAS, The questions which the said Homer W. Hanna refused to answer were material and pertinent to the purpose of the said resolution, and dealt with matters that the committee was authorized by said resolution to investigate; and

WHEREAS, Under authority and by virtue of section twenty-
HOUSE RESOLUTIONS

six, article six of the Constitution of this State, the House of Delegates has the right to punish by imprisonment any person not a member, for disrespectful behavior in its presence, or for obstructing any of its proceedings, or any of its officers in the discharge of their duties, and the House of Delegates has a right under and by virtue of said constitutional provision to punish the said Homer W. Hanna for contempt in refusing to answer said questions; and

WHEREAS, Section five, article one, chapter four of the code of West Virginia also gives the House of Delegates the power and authority to punish for contempt; and

WHEREAS, The defiant refusal of the said Homer W. Hanna to answer questions that were propounded to him by the said committee violates the inherent rights, privileges, honor and dignity of the House of Delegates; therefore, be it

Resolved by the House of Delegates:

That a rule be, and the same is hereby issued against the said Homer W. Hanna, requiring him to appear forthwith before the House of Delegates to show cause, if any he can, why he should not be held in contempt of the House of Delegates of West Virginia; and, be it

Further Resolved, That an attested copy of this resolution be forthwith served by the Sergeant-at-Arms of the House of Delegates upon the said Homer W. Hanna, and the same, when served upon the said Homer W. Hanna, shall be notice of the aforesaid rule to forthwith appear before the House of Delegates of the State of West Virginia, and show cause, if any he can, why he should not be held in contempt of the House of Delegates of the State of West Virginia.

HOUSE RESOLUTION NO. 21

(By Mr. Davis)

[Adopted February 25, 1943.]

Authorizing payment of mileage to a member of the House of Delegates.
WHEREAS, W. Frank Stout, a member of the House of Delegates, has certified to the Clerk that he is entitled to be paid mileage at the rate of ten cents per mile for each mile traveled in going to and returning from the seat of government as provided by section thirty-three of the Constitution of West Virginia, as follows:

<table>
<thead>
<tr>
<th>Miles</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>324</td>
<td>$32.40</td>
</tr>
</tbody>
</table>

Therefore, be it

Resolved by the House of Delegates:

That the Clerk be, and he is hereby, directed to draw his requisition upon the Auditor in favor of this member of the body entitled to mileage at the rate of ten cents per mile as set forth herein, payable out of the appropriation hereafter to be made for the payment of mileage.

HOUSE RESOLUTION NO. 22

(By Mr. Van Sickler)

[Adopted February 25, 1943.]

Authorizing the Committee on Rules to arrange a Special Calendar.

Resolved by the House of Delegates:

That effective Monday, March 1st, 1943, the Committee on Rules may arrange a special daily calendar as provided for by House Rule No. 70, the same to be known as the Special Calendar. After the 9th order of business shall have been passed the Special Calendar shall be called, and until this calendar is disposed of, nothing on the regular House Calendar shall be considered or take precedence over said Special Calendar: Provided, That the Special Calendar shall not interfere with the consideration of the Local Calendar on Friday of each week.

No bill or resolution shall be placed upon the Special Calendar except by the Committee on Rules. In making up this calendar the Committee on Rules may hear any member in
behalf of any resolution or bill which he may desire placed upon such calendar, and the committee shall give due consideration to the merits of bills and resolutions pending in the House of Delegates and take cognizance of measures which affect the interests of the people as a whole.

HOUSE RESOLUTION NO. 23
(By Mr. Hudson)
[Adopted February 26, 1943.]  
Expressing appreciation and approval by the House of Delegates of the forty-sixth session of the Legislature of West Virginia, to the West Virginia Sports Writers’ Association, and Carl V. “Duke” Ridgely, President of the Sports Writers’ Association, for the drive being conducted against infantile paralysis, and expressing appreciation for the splendid and exemplary effort and conduct of the Gentleman from Kanawha, Mr. Knight, for his superb leadership in connection with the recent scrap drive.

WHEREAS, It has come to our attention that the West Virginia Sports Writers’ Association, and Carl V. “Duke” Ridgely, have been untiring in their efforts to raise funds to fight the ever present enemy of mankind, infantile paralysis; and

WHEREAS, We, the members of the House of Delegates of the Forty-sixth Legislature of West Virginia, are not unmindful of the high purpose motivating the members of said association in their efficient and merciful endeavor to alleviate pain and suffering in this war weary world; and

WHEREAS, We desire to express our appreciation to each and every sports writer in the State of West Virginia, and more particularly to the energetic Carl V. “Duke” Ridgely, President of the Sports Writers’ Association of West Virginia, for their efforts in this drive; and

WHEREAS, Honorable Frank Knight, a Delegate from the County of Kanawha, has also distinguished himself by reason of his unflinching and untiring efforts in connection with the
highly successful scrap drive sponsored by the press; therefore, be it

Resolved by the House of Delegates:

That we extend our good wishes to the West Virginia Sports Writers’ Association and to Carl V. “Duke” Ridgely, its President, and wish them the attainment of the highest goal possible; and, be it

Further Resolved, That the Clerk of the House of Delegates be authorized to communicate the action of the House of Delegates to R. J. Wilkinson, Jr., Secretary-Treasurer of the West Virginia Sports Writers’ Association, and to Carl V. “Duke” Ridgely, President of the Association; and, be it

Further Resolved, That our good wishes and everlasting gratitude be extended to Honorable Frank Knight, of which he too shall be advised by the Clerk as hereinbefore provided.

HOUSE RESOLUTION NO. 24
(By Mr. Knight)
[Adopted March 1, 1943.]

Providing for payment to George D. Moore for services rendered the House of Delegates in the session of one thousand nine hundred forty-one.

WHEREAS, George D. Moore, a former member of the House, was authorized and employed by the Chairman of the Finance Committee of this House to render services during the last thirty days of the session of one thousand nine hundred forty-one, at the sum of ten dollars per day; and

WHEREAS, During said period the said George D. Moore also acted as the clerk of the Insurance Committee of this House during the last thirty days of the one thousand nine hundred forty-one session; and

WHEREAS, The services above mentioned were rendered the Chairman of the Finance Committee with the knowledge and approval of the Speaker of the House; and
WHEREAS, It appears that the said George D. Moore was not compensated in any manner for his said services; therefore, be it

Resolved by the House of Delegates:

That the Clerk of the House of Delegates is hereby authorized and directed to draw his requisition upon the Auditor in the sum of three hundred dollars in favor of said George D. Moore, payable from the contingent fund of the House of Delegates, in advance of the appropriation for any such purposes.

HOUSE RESOLUTION NO. 25
(By Mr. Knight)
[Adopted March 3, 1943]

Deploring the existence of a "black market" in the sale and exchange of meats and canned goods in this state.

WHEREAS, The federal government has adopted a policy of price ceilings and rationing of meats and canned goods in furtherance of the war effort, and it has been called to the attention of the Legislature that persons whose names are unknown to the members of the Legislature are trading and trafficking in such meats and canned goods in violation of the federal laws; therefore, be it

Resolved by the House of Delegates:

That the Governor of this State be authorized and directed to appoint a commission, the members of which to serve without pay, to hear complaints, cooperate with the various law enforcement agencies of the State and in the counties thereof, and make report to the Department of Justice of the United States government, and take such other action as may be necessary or proper to put into effect an orderly and lawful system for cooperation with the federal government in the furtherance of the war effort relating to the distribution of meats and canned goods under the rationing system.
HOUSE RESOLUTION NO. 26
(By Mr. Moler)
[Adopted March 4, 1943.]

Requesting the State Auditor to furnish the Legislature his report for the fiscal year beginning July 1, 1941.

WHEREAS, His Excellency, the Governor, has handed to this House from time to time the annual and biennial reports of various state officers and departments; and

WHEREAS, No such report has been received from the State Auditor, either direct or through the executive offices; and

WHEREAS, Section seven, article four, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, provides that, “The annual report of the auditor shall be furnished to the governor within one week after the end of the fiscal year”; and

WHEREAS, More than eight months have elapsed since the close of the fiscal year, and the Auditor’s report does not seem yet to be available; therefore, be it

Resolved by the House of Delegates:

That the State Auditor be, and he is hereby, requested to furnish this Forty-sixth Legislature with copies of his annual report for the fiscal year beginning July 1, 1941, and closing June 30, 1942.

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HOUSE RESOLUTION NO. 27
(By Mr. Slater)
[Adopted March 5, 1943.]

Authorizing payment of expenses of the House Committee on the Penitentiary.

WHEREAS, The House Committee on the Penitentiary has visited both the Penitentiary and the Medium Security Prison during this session of the Legislature and incurred certain expenses in connection with said visit; therefore, be it
Resolved by the House of Delegates:

That the Clerk of the House of Delegates is hereby authorized to draw his requisition upon the Auditor, payable from the contingent fund of the House of Delegates, in advance of the appropriation, in favor of the Chairman of the Committee on the Penitentiary in the amount of three hundred fifty-two dollars and one cent, to reimburse him for funds expended in the visiting and inspection of the State Penitentiary and the West Virginia Medium Security Prison by the House Committee on the Penitentiary.

HOUSE RESOLUTION NO. 28
(By Mr. Moler)
[Adopted March 9, 1943.]

Extending the appreciation of the House to the Chairman of the Committee on Taxation and Finance.

Resolved by the House of Delegates:

That the appreciation of the members of the House of Delegates is hereby extended to the Chairman of the Committee on Taxation and Finance (Mr. Hansbarger) for the courteous, efficient manner in which this very important committee has functioned during this session of the Legislature.

HOUSE RESOLUTION NO. 29
(By Mr. Ansel)
[Adopted March 11, 1943.]

Authorizing payment of expense accounts for visits to Weston State Hospital and Hopemont Sanitarium.

WHEREAS, The subcommittee from the House Committee on Humane Institutions and Public Buildings has visited the Weston State Hospital; and

WHEREAS, The subcommittee from the House Committee on Humane Institutions and Public Buildings has visited Hopemont Sanitarium; and
WHEREAS, Both committees, carrying out their legislative missions this session of the Legislature, did incur certain expenses in connection therewith; therefore, be it

Resolved by the House of Delegates:

That the Clerk of the House of Delegates is hereby authorized to draw his requisition upon the Auditor, payable from the contingent fund of the House of Delegates, in advance of the appropriation, in favor of Delegate J. W. Hartigan, for thirty-nine dollars and eighty-six cents, said sum covering expenses incurred by said delegate on his official visit to Weston State Hospital; and

That the Clerk of the House of Delegates is hereby authorized to draw his requisition upon the Auditor, payable from the contingent fund of the House of Delegates, in advance of the appropriation, in favor of Delegate W. T. Blankenship, for twenty-eight dollars and twenty-three cents, said sum covering expenses incurred by said delegate on his official visit to Hope-mont Sanitarium.

HOUSE RESOLUTION NO. 30
(By Mr. Holt, of Lewis)
(Originating in the Select Committee to Investigate the Cost of Government in West Virginia)

[Adopted March 11, 1943.]

Extending the committee to make an investigation of the cost of state government in West Virginia for the purpose of making and printing a final report.

Resolved by the House of Delegates:

That the special committee created under House Resolution No. 8 is hereby granted authority to complete its final report within six months after the sine die adjournment of this session of the Legislature.
The Clerk of the House of Delegates, on the approval of the Chairman of said committee, shall draw his requisitions on the Auditor, payable out of the special appropriation made for the said committee. Requisitions to the Auditor for payment of expenses of said committee shall be accompanied by signed approval of said expenses, signed by the Chairman of said committee or by any other person authorized to do so by the committee. The Auditor is authorized to draw his warrants upon the treasury for the expenses of said committee, and said expenses shall not exceed the sum of two thousand five hundred dollars.

HOUSE RESOLUTION NO. 31

(By Mr. Speaker, Mr. Amos)

[Adopted March 12, 1943.]

Designating the Honorable Charles R. Beard official Chaplain, and extending to him the thanks and appreciation of the House of Delegates for his services during this session.

WHEREAS, The Honorable Charles R. Beard, the Delegate from the County of Berkeley, has served as Chaplain during this session of the House without compensation or cost to the State; and

WHEREAS, The Reverend Beard has ably and efficiently discharged his duties as Chaplain; and

WHEREAS, His daily prayers have been inspiring and uplifting to the membership of this body; therefore, be it

Resolved by the House of Delegates:

That the Speaker of the House of Delegates be, and he is hereby, authorized to officially designate the Reverend Beard as official Chaplain, and that the gratitude and appreciation of the House of Delegates are hereby extended to the Reverend Beard for his capable and worthy services during this session.
HOUSE RESOLUTION NO. 32

(By Mr. Van Sickler)

(Originating in the Committee on Rules)

[Adopted March 13, 1943.]

Authorizing the printing and distribution of the Acts of this session of the Legislature, providing for the printing of corrected Journals and Bills, and for the completion of the other work of the session.

Resolved by the House of Delegates:

That under authority of section thirteen, article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, the Clerk of the House of Delegates is hereby directed to have printed by the public printer four thousand advance copies of the Acts of this session of the Legislature, headnoted in accordance with the form and style of headnoting used in the code of West Virginia, one thousand nine hundred thirty-one, and with a full table of contents, and in paper binding, for distribution among the members of the Legislature, judges of the Supreme Court of Appeals, circuit, criminal and intermediate courts, and county officials.

The public printer shall print and deliver said advance copies as soon as possible after the adjournment of this session. The Clerk of the Senate shall be furnished sufficient copies to forward by mail or express ten of said copies to each member of the State Senate, and the Clerk of the House of Delegates shall forward by mail or express ten copies of said Acts to each member of the House of Delegates as soon as the same are printed and available for distribution. The Clerk of the House of Delegates shall also furnish one copy to each of the state officials, judges of the Supreme Court of Appeals, circuit, criminal, common pleas and intermediate courts of this state, and shall forward to the county clerk of each county sufficient copies to furnish one copy to each county office; the remainder, if any, shall be delivered to the superintendent of public printing for distribution by him. When the bound volumes of the Acts are completed, one copy of same shall be mailed to each member of the Legislature.
The Clerk of the House is also authorized and directed to have printed in signature form for advance sheets, any general law which he may deem to be of sufficient importance to be issued and distributed in this form.

For the work required in printing and distributing advance copies of the Acts, and for the proofreading, indexing and printing the bound volumes of the Acts of this session of the Legislature, and for the purpose of completing the other work of this session in arranging and filing of all Bills, Resolutions and other official papers in the Clerk’s office, and for indexing and proofreading of the corrected Journals and Bills of the House of Delegates, and printing thereof, the time of the following assistants to the Clerk, and other employees and attaches of the House of Delegates, is extended for the time herein set out, at the same per diem as paid during this regular session of the Legislature; to-wit:

One assistant Clerk, a Journal Clerk, a Journal stenographer, a supervisor of printing, and a stenographer is extended for one hundred eighty days; one assistant Clerk, two proofreaders and four file clerks is extended for ninety days; the secretary to the minority is extended for sixty days, and the clerk to the minority is extended for thirty days; the time of the clerk and stenographer to the Committee on the Judiciary is extended for ten days; the time of the clerk and stenographer to the Committee on Taxation and Finance is extended for ten days; the time of the clerk to the Committee on Enrolled Bills is extended for ten days; the time of one mailing clerk and one assistant mailing clerk is extended for ten days; the time of the supervisor of stenographers and one stenographer is extended for ten days; the time of a custodian of offices and property is extended for fifteen days; the time of one payroll and supply clerk is extended for fifteen days; the time of the stenographer to the Clerk is extended for fifteen days; and the time of eight janitors is extended for five days; and, be it

Further Resolved, That the time of the secretary to the Speaker is extended for one hundred eighty days; the time of the stenographer to the Speaker is extended for sixty days; and
the time of the messenger to the Speaker is extended for thirty days; and, be it

_Further Resolved_, That the Speaker is hereby authorized to employ a full-time janitor for the House of Delegates at a salary not to exceed one hundred twenty-five dollars per month, said salary to be payable from the contingent fund of the House of Delegates upon requisitions of the Clerk of the House of Delegates; and, be it

_Further Resolved_, That for the purpose of arranging the offices and committee rooms and performing the other duties of his office, the time of the Sergeant-at-Arms is extended for ten days, and the time of one clerk to the Sergeant-at-Arms is extended for ten days.

The Clerk shall draw his requisitions upon the Auditor in favor of the persons entitled to per diem under this resolution, for consecutive days until such time as their services cease, and the Auditor shall honor and pay such requisitions when presented and charge same to the contingent fund of the House of Delegates.

The Speaker shall have authority to remove any person given an extension of per diem under authority of this resolution, except elective officers of the House of Delegates, and to appoint another in his place or to fill any vacancy that may occur.

The Clerk shall have printed not more than six hundred copies each of the corrected House Journals and House Bills. Of this number, one copy of each shall be mailed to each member of the Legislature, and after retaining a sufficient number of copies to supply the offices in the House of Delegates, the remainder shall be turned over to the supervisor of public printing.

To pay postage or expressage on Acts, Journals and Bills, and other matter to be mailed by the House of Delegates, the Clerk is hereby authorized to draw his requisitions upon the Auditor, payable from the contingent fund of the House of Delegates, for such purposes.
HOUSE RESOLUTION NO. 33

(By Mr. Miller, of Raleigh)

[Adopted March 13, 1943.] Expressing the devotion and appreciation of the House of Delegates for those in the armed services and those on the home front who are working so diligently and earnestly for victory in this, the greatest of all wars.

WHEREAS, We, the members of the West Virginia House of Delegates, wish to pay tribute, individually and collectively, to all the fighting sons and daughters of freedom in all the world-wide battlefronts; to those who gave their lives in the jungles of Guadalcanal, on the sands of North Africa, on the blue waters of the Atlantic and Pacific, and the dauntless airmen in our bombers and fighters; to those untold numbers who will yet give their lives that this nation may enjoy freedom, our most cherished possession; to the tens of thousands in training centers over the length and breadth of our land who are preparing for anything and everything the Axis powers have to offer on the land, on the sea and in the air; and

WHEREAS, We express our appreciation and gratitude to those on the home front who are earnestly and diligently working to turn out the implements of war, the food and the commodities necessary to win the war and the peace that follows; that all may have courage for the greater battles to be fought and won; that teamwork and cooperation in American industry, labor and agriculture are performing miracles of production that would be impossible in a country weakened by years of regimentation and dictatorship; and

WHEREAS, The American boys are fighting for the inherent right of all of us, wherever we live, or whatever we do, to live our lives the way we want to live them, and when those boys come home, may they find again the basic rights and freedoms on which this country was built; therefore, be it

Resolved by the House of Delegates:

That we, the members of the House of Delegates, on the closing day of the Forty-sixth session, are ever mindful of all who are contributing to the fighting men all over the world,
and to a final victory in the present world conflict in order that all people in the world will be free to live, love and worship in peace.

HOUSE RESOLUTION NO. 34
(By Mr. Davis)
[Adopted March 13, 1943.]
Providing for the purchase of supplies, and the repair and improvement of House offices and furniture prior to the opening of another session of the Legislature.

Resolved by the House of Delegates:
That the Clerk, with the approval of the Speaker, is hereby authorized to purchase all necessary supplies, and to make such repairs and improvements of House offices and furniture as may be deemed necessary prior to the opening of the next session of the Legislature.

HOUSE RESOLUTION NO. 35
(By Mr. Van Sickler)
[Adopted March 13, 1943.]
Notifying the Senate that the House of Delegates is ready to adjourn sine die.

Resolved by the House of Delegates:
That a committee of three be appointed by the Speaker to notify the Senate that the House of Delegates has completed its labors and is ready to adjourn sine die.

SENATE CONCURRENT RESOLUTION NO. 1
(By Mr. Fleming)
[Adopted February 1, 1943.]
Concerning gasoline rationing.

WHEREAS, West Virginia alone of the thirty-two states west of the Atlantic seaboard has been selected by the Petroleum Administrator for War for inclusion with eastern seaboard
states for subnormal rationing of gasoline because of a short-age of petroleum and gasoline in sixteen states of the eastern seaboard; and

WHEREAS, West Virginia is the only state included with said eastern seaboard group which does not even touch the seaboard and approximately ninety-five per cent of whose population and economy is situated west of the Appalachian mountains and is a part of the Ohio river valley; and

WHEREAS, Official monthly returns of gasoline producers and distributors of the state to the office of the West Virginia State Tax Commissioner for the first eleven months of the year one thousand nine hundred forty-two, when there was no gasoline rationing in effect in West Virginia, except in the eight counties east of the Allegheny mountains, and thirty-one other states west of the Atlantic seaboard, disclose that West Virginia produced more gasoline than it consumed and exported 84,000,000 gallons, principally to the West, an excess of more than 8,000,000 gallons over its imports from the West; and

WHEREAS, The entire gallonage normally imported into the state comes from the West, of which approximately seventy-five per cent is shipped by barge over water routes involving no use of vitally needed rail and tank car transportation; and

WHEREAS, Forty-seven of West Virginia's fifty-five counties do not, and have not for years, drawn their gasoline supplies from the seaboard, relying always upon the state's own production, plus imports from the West offset by exports to the West; and

WHEREAS, Said official statistics in the office of the State Tax Commissioner disclose no shortage of gasoline or petroleum supplies in West Virginia to any greater or less degree than in the remaining thirty-one states west of the seaboard, and to a much lesser degree than in most of them, which consume substantially more gasoline than they produce; and

WHEREAS, No such shortage of gasoline as found to exist on the seaboard actually exists in West Virginia; and

WHEREAS, Subnormal gasoline rationing, for the benefit of the eastern seaboard, has not been imposed upon any of the
states west of the Atlantic seaboard, except West Virginia, notwithstanding that other states so located to the west are much larger consumers and are areas in which subnormal rationing would yield a greater surplus for seaboard relief than West Virginia; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That such inclusion of West Virginia for subnormal rationing with the eastern seaboard states constitutes a discrimination against the State and its people which is unessential to the war effort; and

That in requesting this relief the Legislature and the people of West Virginia are not protesting against any degree of rationing essential or helpful to the war effort, but solely against what they believe to be an inadvertent but serious discrimination against the State because it happens to be the only state west of the Atlantic seaboard in District One of the Petroleum Administrator for War, which includes otherwise the Atlantic seaboard states; and

That the President of the United States, the Governor of West Virginia, the Representatives of West Virginia in the national Congress, the Petroleum Administrator for War, and the Administrator of the Office of Price Administration be furnished copies of this resolution and that the Governor of West Virginia and the state's representatives in the national Congress be requested to press vigorously for the relief herein prayed.

SENATE CONCURRENT RESOLUTION NO. 5
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted March 13, 1943.]

Commending members of the press who have reported the proceedings of this session of the Legislature.

WHEREAS, The West Virginia Legislature, in regular session, has enacted numerous laws of great moment and importance to the citizens of the State; and
WHEREAS, It is necessary that the citizenry receive accurate and comprehensive information of the acts of the Legislature; and

WHEREAS, The members of the press galleries of both Houses have been in constant attendance at all sessions, preparing information on the acts of the Legislature for the benefit of the people of West Virginia; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the Legislature commends the members of the press for their untiring efforts to disseminate all proceedings of this body, their courteous and wholehearted cooperation with officers and members of the Legislature and the fair and comprehensive manner in which said proceedings have been presented to the public.

SENATE RESOLUTION NO. 1

(By Mr. Vickers)

[Accepted January 13, 1943.]

Raising a committee to notify the House that the Senate is organized.

Resolved by the Senate:

That the President of the Senate is authorized to appoint a committee of three to inform the House of Delegates that the Senate is organized by the election of the Honourable James Paull as President and Mr. A. Hale Watkins as Clerk, and is ready to proceed with the business of the session.

SENATE RESOLUTION NO. 2

(By Mr. Pelter)

[Accepted January 13, 1943.]

Providing for the appointment of a committee to inform the Governor that the Legislature is organized.
Resolved by the Senate:

That the President of the Senate be and he is hereby authorized to appoint a committee of three to join with a similar committee from the House of Delegates, to wait upon the Governor and inform him that the Legislature has assembled in regular session, has organized by the election of officers as required by the Constitution, and is ready, with a quorum of each house present, to proceed with the business of the session and receive any communication or message he may desire to present.

SENATE RESOLUTION NO. 3

(By Mr. Williams)

[Adopted January 13, 1943.]

Adopting rules of the Senate.

Resolved by the Senate:

That the rules of the Senate, regular session, one thousand nine hundred forty-one, be adopted as the rules of the Senate for this session.

SENATE RESOLUTION NO. 4

(By Mr. McKown)

[Adopted January 13, 1943.]

Relating to the mailing of Journals and Bills.

Resolved by the Senate:

That the Clerk of the Senate is authorized to mail from the Senate document room, copies of the bills and daily Journals to not more than twenty addresses to be furnished to the Clerk by each member of the Senate, the expense of the mailing, including postage, to be paid out of the contingent fund of the Senate by the Auditor, in advance of the appropriation therefore, upon proper requisition drawn by the Clerk.
SENATE RESOLUTION NO. 5
(By Mr. Harmer)
[Adopted January 13, 1943.]

Concerning leave of absence for Senator George W. Jackson.

Whereas, The Honorable George W. Jackson, a member of the Senate from the Thirteenth District, will be prevented from attending any of the meetings of the Senate during this session, by reason of his services abroad in the armed forces of our country; therefore, be it

Resolved by the Senate:

That Senator Jackson be granted an indefinite leave of absence for this session.

SENATE RESOLUTION NO. 6
(By Mr. Young)
[Adopted January 19, 1943.]

Relating to legislative expenses.

Whereas, Economy in governmental expenditures is always desirable and should be exercised. We are now burdened by an ever increasing load of taxation, both federal and state, but that portion which has been or is to be used to prosecute the present war to a complete and decisive victory will be patriotically and cheerfully assumed by the taxpayers. However, at this time there is an insistent, growing and justifiable demand that the expenses of the state government, including the Legislature, be held to the minimum consistent with a fair but rigidly economical administration of all the essential functions of the State; therefore, be it

Resolved by the Senate:

That it is the considered opinion of this body that the expenses of the Senate for supplies, services, attaches, printing and all other form of expense should be materially reduced from the amounts expended in previous sessions, and particu-
larly that the number of attaches should be reduced to the lowest number absolutely necessary to carry on the work of the Senate efficiently, and that appointments should be based upon the needs of the Senate for services and should not be made for the purpose of paying political debts or conferring favors.

SENATE RESOLUTION NO. 7
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 21, 1943.]
Relating to the payment of expenses for services preparatory to and at the beginning of the session.

Resolved by the Senate:

That the Auditor, upon proper requisition of the Clerk of the Senate and in advance of the appropriation for the purpose, is authorized to pay the following amounts for services rendered preparatory to and at the beginning of this session of the Senate:

A. Hale Watkins, Clerk, 10 days at $20.00 ______________ $200.00
J. T. Garrett, Doorkeeper, 10 days at $10.00 _______________ 100.00
M. L. Jackson, Supervisor of Printing, 10 days at $12.00 120.00
M. S. Hodges, Journal Editor, 10 days at $15.00____________ 150.00
Fern Runion, Secretary to Journal Editor, 10 days at $12.00 _______________ 120.00

SENATE RESOLUTION NO. 8
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 21, 1943.]
Authorizing the appointment of attaches for the Senate for the one thousand nine hundred forty-three regular session of the Legislature.
Resolved by the Senate:

That the Clerk of the Senate be, and he is hereby authorized to appoint attaches and other employees to receive the per diem as herein provided during this session of the Legislature, viz:

Four mimeograph operators, at $8.00 per day, each;
One mail clerk, at $8.00 per day;
One stenographer to the Finance Committee, at $8.00 per day;
One stenographer to the Judiciary Committee, at $8.00 per day;
One assistant to the Sergeant-at-Arms, at $8.00 per day;
One assistant journal room supervisor, at $9.00 per day;
Two committee clerks-at-large, at $9.00 per day, each;
Four committee clerks, at $8.00 per day, each;
One clerk on Enrolled Bills, at $9.00 per day;
Three assistant Sergeants-at-Arms, at $7.00 per day, each;
Four assistant doorkeepers, at $7.00 per day, each;
Four journal room clerks, at $7.00 per day, each;
One receptionist to the President, at $7.00 per day;
Four floor stenographers, at $7.00 per day, each;
One secretary to the Minority, at $15.00 per day;
One journal stenographer, at $12.00 per day;
One bill editor, at $10.00 per day;
One supervisor of stenographers, at $10.00 per day;
One secretary to the Clerk, at $12.00 per day;
One secretary to the President, at $12.00 per day;
One clerk to the Minority, at $10.00 per day;
One printing clerk, at $12.00 per day;
Two proofreaders, at $8.00 per day, each;
Two copyholders, at $8.00 per day, each;
One journal room supervisor, at $10.00 per day;
One chaplain, at $5.00 per day;
One clerk to the Finance Committee, at $12.00 per day;
One clerk to the Judiciary Committee, at $12.00 per day;
One messenger for clerk's office, at $7.00 per day;
Six clerk-stenographers, at $8.00 per day, each; and, be it

Further Resolved, That the Clerk of the Senate is authorized to appoint a Court reporter, at $12.00 per day for each day the Senate is in session; and, be it

Further Resolved, That the Sergeant-at-Arms shall receive $10.00 per day; the Doorkeeper $10.00 per day, and the Clerk $20.00 per day.

The Clerk shall draw his warrants upon the Auditor in favor of the officers and attaches herein appointed for consecutive days from the date of the opening of this session at the per diem herein set out, and the Auditor shall honor and pay such warrants in advance of the appropriation for the purpose when presented, and charge same to the "per diem of officers and attaches" fund of the Senate.

The Clerk shall assign duties to the said employees and require them to perform the duties assigned to them, and he is authorized and directed to remove any of such employees whose work is not satisfactory and to appoint another in his place.

SENATE RESOLUTION NO. 9
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 21, 1943.]

Authorizing the appointment of pages.

Resolved by the Senate:

That the Clerk of the Senate is authorized to appoint two pages to serve in the Senate from the date of the opening of this session of the Legislature, at a per diem of four dollars each.
The Clerk shall draw his warrants upon the Auditor in favor of the attaches herein appointed at the per diem set out, and the Auditor shall honor and pay such warrants in advance of the appropriation for the purpose when presented, and charge same to the “per diem of officers and attaches” fund of the Senate.

The Clerk shall require said employees to perform the duties assigned to them, and he is authorized and directed to remove either of such employees whose work is not satisfactory and to appoint another in his place.

SENATE RESOLUTION NO. 10
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 21, 1943.]
Relating to the appointment of assistant janitors.

WHEREAS, Howard N. Martin, Superintendent of Capitol Building and Grounds, under authority of section twenty-two, article one, chapter five of the code, has designated ten assistants for the janitor work of the Senate for this session; therefore, be it

Resolved by the Senate:

That the per diem of one of said assistant janitors is fixed at six dollars, the per diem of the remaining nine assistant janitors at five dollars, and that of the said Howard N. Martin, is fixed at two dollars, as the Senate’s one-half of his per diem.

SENATE RESOLUTION NO. 11
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 27, 1943.]
Amending rules of the Senate.

Resolved by the Senate:

That rule twenty-four, rule twenty-five, rule thirty-nine and rule fifty-three of the Rules of the Senate for this session be amended to read as follows:
Rule 24. At the commencement of each session the following standing committees shall be appointed, to consist of not less than five nor more than nine members, except the Committee on Interstate Cooperation, which shall consist of five members; the Committees on Education, on Forestry and Conservation, and on Public Buildings and Humane Institutions, which shall each consist of not less than eleven and not more than fifteen members; the Committee on Roads and Navigation, which shall consist of seventeen members; and the Committees on Judiciary and on Finance, which shall each consist of eighteen members:

I. On Privileges and Elections.
II. On the Judiciary.
III. On Finance.
IV. On Education.
V. On Counties and Municipal Corporations.
VI. On Roads and Navigation.
VII. On Banks and Corporations.
VIII. On Public Buildings and Humane Institutions.
IX. On the Penitentiary.
X. On Railroads.
XI. On Militia.
XII. On Federal Relations.
XIII. On Insurance.
XIV. On Agriculture.
XV. On Mines and Mining.
XVI. On Medicine and Sanitation.
XVII. On Labor.
XVIII. On Claims and Grievances.
XIX. On Forfeited, Delinquent and Unappropriated Lands.
XX. On Public Printing.

XXI. On Rules (the President of the Senate to be ex officio Chairman.)

XXII. On Joint Rules (to be composed of the President of the Senate as ex officio Chairman, and two members of the Senate to be appointed by the President.)

XXIII. Joint Committee on Enrolled Bills on the part of the Senate (to consist of five members.)

XXIV. On Public Library.

XXV. To Examine Clerk's Office (to consist of three members.)

XXVI. On Temperance.

XXVII. On Forestry and Conservation.

XXVIII. On Redistricting.

XXIX. On Interstate Cooperation.

Rule 25. All standing committees shall be appointed by the President of the Senate, unless otherwise ordered by the Senate, and he shall designate the Chairman of each Committee and may also designate a Vice Chairman of any standing committee when he may deem it advisable.

The chairman of each standing committee of the Senate shall cause to be kept for the purpose, a record of every meeting of such committee, wherein shall be entered:

(a) The time and place of each committee meeting, and every hearing had before the committee.

(b) The attendance of members of the committee at each meeting thereof.

(c) The name of any person appearing before the committee, and the interest represented by him.

Any member of such standing committee may cause a notation to be made upon the record aforesaid of the reason for his absence at any former meeting of the committee; and
in the absence of any such explanatory note, the presumption shall be that his absence was without reasonable cause.

All meetings of the committees, other than executive sessions, shall be open to the public.

On the adjournment of each session of the Legislature, the chairman of the respective committees shall deliver to the Clerk of the Senate the record book herein provided for, and it shall be the duty of such Clerk to preserve the same among the archives of his office.

Rule 39. All bills passed by and reported from the House of Delegates shall be read by their titles and referred to the appropriate committees unless the Senate otherwise directs. They shall then be proceeded with in the same manner as Senate bills are. All bills introduced on leave shall be read by their titles and referred to the appropriate committee without printing, and shall be treated in committee as resolutions of inquiry, and if the committee reports a bill different from the one introduced such bill shall be received and treated by the Senate as the original bill, and shall be read a first time and printed, unless in any of the aforesaid cases the Senate shall direct otherwise.

Rule 53. When the yeas and nays are ordered, or a call of the Senate is directed, the names of the members shall be called in alphabetical order, excepting, however, the name of the President, which shall be called last.

SENATE RESOLUTION NO. 12
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 27, 1943.]

Amending rules of the Senate.

Resolved by the Senate:

That the rules of the Senate heretofore adopted for this session be amended by adding a new rule, to be rule thirty-three, and to read as follows:
Rule 33. Each bill shall be prepared in triplicate, signed by the member or members (not to exceed two) by whom it is to be introduced and be filed with the Clerk not later than two o'clock P. M. of the legislative day next preceding its introduction. The original copy shall be the official bill for the use of the Clerk, committees and for the permanent files; the second for printing or copying; and the third for the use of the press and the public.

Each bill shall be numbered, edited and corrected as to form by the Clerk and reported by him to the Senate on the next legislative day, under the fifth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, if a quorum, a member may introduce a bill from the floor.

And,

That the rules of the Senate heretofore numbered thirty-three to sixty-seven, inclusive, be renumbered thirty-four to sixty-eight, inclusive.

SENATE RESOLUTION NO. 13
(By Mr. Burchett and Mr. Mitchell)
[Adopted February 22, 1943.]
Concerning the illness of the Honorable John H. Greene.

Resolved by the Senate:

That the Senate, having just heard of the sudden illness of the Honorable John H. Greene, a former member of this body and President Pro Tempore during the Forty-fifth Session, extends to him its deepest regret and sincere sympathy in his illness and hopes that it may be of short duration, with speedy and complete recovery; and, be it

Further Resolved, That the Clerk of the Senate is directed to send a copy of this resolution, together with a floral tribute, to the Honorable John H. Greene.
SENATE RESOLUTION NO. 14

(By Mr. Johnston)

[Adopted February 24, 1943.]

Concerning the illness of the Honorable A. Hale Watkins.

Resolved by the Senate:

That the Senate, having heard of the illness of the Honorable A. Hale Watkins, Clerk of this body, extends to him its deepest regret and sincere sympathy in his illness and hopes that it may be of short duration, with speedy and complete recovery; and, be it

Further Resolved, That a copy of this resolution, together with a floral tribute, be sent to the Honorable A. Hale Watkins.

SENATE RESOLUTION NO. 15

(By Mr. Paull, Mr. President)

(Originating in the Committee on Rules)

[Adopted February 27, 1943.]

Authorizing the Committee on Rules to arrange a special calendar.

Resolved by the Senate:

That from and after the twenty-seventh day of February, one thousand nine hundred forty-three, and for each legislative day until the end of the regular session of the Legislature, the Committee on Rules is hereby authorized to arrange a “special calendar” and, until the business on such special calendar is disposed of each day, no item on the regular calendar shall be considered or take precedence over any item on said special calendar, subject to the provisions of Senate Rule number sixty-eight.
SENATE RESOLUTION NO. 16

(By Mr. Morrison)

[Adopted February 27, 1943.]

Concerning the illness of the Minority Leader, the Honorable G. O. Young.

Resolved by the Senate:

That the Senate, being advised of the illness of the Honorable G. O. Young, Minority Leader of this body, extends to him its deepest regret and sincerest sympathy in his illness and hopes that it may be of short duration, with speedy and complete recovery; and, be it

Further Resolved, That the Clerk of the Senate is directed to send a copy of this resolution, together with a suitable floral tribute, to Senator Young.

SENATE RESOLUTION NO. 18

(By Mr. Young)

[Adopted March 3, 1943.]

Concerning the illness of the Honorable A. L. Helmick.

Resolved by the Senate:

That the Senate, being advised of the illness of the Honorable A. L. Helmick, a member of this body, extends to him its deepest regret and sincerest sympathy in his illness and hopes that it may be of short duration, with speedy and complete recovery; and, be it

Further Resolved, That the Clerk of the Senate is directed to send a copy of this resolution, together with a suitable floral tribute, to Senator Helmick.
SENATE RESOLUTION NO. 19
(By Mr. Paull, Mr. President)

(Originating in the Committee on Rules)

[Adopted March 11, 1943.]

Relating to the privileges of the floor.

Resolved by the Senate:

That from and after this date and until the close of the regular session of the Legislature, no person shall be allowed the privilege of the Senate floor while the Senate is in session, except members of the House of Delegates and members of the Senate, officers and attaches of the House and Senate staffs, accredited members of the press, the Governor, and the Governor's private secretary.

SENATE RESOLUTION NO. 20
(By Mr. Paull, Mr. President)

(Originating in the Committee on Rules)

[Adopted March 13, 1943.]

Concerning the absence from the Senate of the Honorable Abraham Lincoln Helmick.

Whereas, It has come to the attention of the Senate that the Honorable Abraham Lincoln Helmick, because of illness, is confined to the Union Protestant Hospital in Clarksburg; and

Whereas, This body desires to express to him its deep feeling of regret that this session of the Legislature must close without the presence in this chamber of “Uncle Abe”, as he is so often affectionately referred to by us; and

Whereas, We desire to recognize the long, faithful and devoted service which he has rendered to his senatorial district and to the State of West Virginia, during the twenty-three consecutive years in which he has been a member of this body; and
WHEREAS, We further desire that he be informed of our love and affection and the high esteem in which he is held by the members of this body; therefore, be it

Resolved by the Senate:

That, in recognition of the long, faithful and devoted service of the Senator from Tucker, not only to his constituents of the old Fourteenth Senatorial District and the present Fifteenth Senatorial District, but to the State of West Virginia, as well, this body formally expresses its regret at his absence from his Senate desk during many of the trying days of this session and at the loss of his invaluable counsel, his friendly smile, his warm handclasp, and his example of patience and devotion; that we deplore the illness which has robbed us of his presence in the Senate chamber; and that we wish for him speedy and complete recovery; and, be it

Further Resolved, That, as a symbol of our love and affection for our colleague, and as evidence of the esteem in which he is held by each member of this body, the original copy of this resolution be delivered to Senator Helmick by the Senator from Harrison, the Honorable Hardin R. Harmer.

SENATE RESOLUTION NO. 21

(By Mr. Paull, Mr. President)

(Originating in the Committee on Rules)

[Adopted March 13, 1943.]

Printing of the Journal and completing the work of the session.

Resolved by the Senate:

That, in order to complete the work of the session in arranging and filing of all bills, resolutions, petitions and other official papers in the Clerk's office and document room, and to
allow time for proofreading, printing and indexing the corrected Journal and arranging and printing its several appendices, and in printing and indexing the volume of Senate Bills, and in completing the work in the document and mailing rooms and in performing other services incident to the closing of this session of the Legislature, the per diem of the Clerk at twenty dollars is hereby extended for one hundred and eighty days.

The Clerk of the Senate is hereby authorized to employ the following assistants for the number of days and at the per diem hereinafter set forth: One clerk to the Finance Committee at twelve dollars per diem for ten days; one clerk to the Judiciary Committee at twelve dollars per diem for ten days; one stenographer to the Finance Committee at eight dollars per diem for ten days; one stenographer to the Judiciary Committee at eight dollars per diem for five days; one clerk on enrolled bills at nine dollars per diem for ten days; one journal room supervisor at ten dollars per diem for thirty days; four journal room clerks at eight dollars per diem for ten days each; one secretary to the clerk at twelve dollars per diem for one hundred and eighty days; one journal stenographer at ten dollars per diem for ninety days; one journal clerk at twelve dollars per diem for one hundred and eighty days; one journal editor at fifteen dollars per diem for one hundred and eighty days; one senior stenographer at ten dollars per diem for fifteen days; one printing clerk at twelve dollars per diem for one hundred and eighty days; two proofreaders at eight dollars per diem for one hundred and fifty days each; two copyholders at eight dollars per diem for ninety days each; one secretary to the Minority at ten dollars per diem for ninety days; one supervisor of supplies at eight dollars per diem for thirty days; one court reporter at twelve dollars per diem for thirty days; one secretary to the president at twelve dollars per diem for ninety days; one supervisor of janitors at six dollars per diem for sixty days; two assistant janitors at five dollars per diem for thirty days each; one assistant janitor at five dollars per diem for sixty days; one assistant janitor at five dollars per diem for ten days; and one messenger at five dollars per diem for ten days.
SENATE RESOLUTION NO. 22
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted March 13, 1943.]

Notifying the House of Delegates that the Senate is ready to adjourn sine die.

Resolved by the Senate:

That a committee of three be appointed by the President to notify the House of Delegates that the Senate has completed its labors and is ready to adjourn sine die.
DISPOSITION OF BILLS ENACTED

The following table shows the disposition of Senate and House Bills passed at the regular session of the 1943 Legislature. The first column gives the bill number and the second column the chapter assigned to it. House Bills appear first, followed by Senate Bills.

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<tr>
<td>stenographer for</td>
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### WYOMING COUNTY:

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<td>County commissioners, salary of</td>
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<td>Prosecuting attorney assistant</td>
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<tr>
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