FOREWORD

This volume contains all the Acts of the 1945 Regular Session of the Forty-seventh West Virginia Legislature, and the Acts of the Extraordinary Session of (January 3-7) 1944. It also contains all Concurrent and Joint Resolutions as well as all Senate and House Resolutions adopted during these sessions.

The 1945 Regular Session convened on January 10, 1945, and adjourned March 10, 1945, completing its work within the sixty-day constitutional limitation. During the session there was a total of 609 bills introduced in the two legislative bodies. There were 245 Senate Bills and 364 House Bills. The Legislature passed 90 Senate Bills and 89 House Bills.

Of the 179 enactments of the 1945 session, the Governor approved 173, vetoed 1, and permitted 4 to become laws without his approval. The Budget Bill does not require executive action. The act vetoed was H. B. 231, authorizing the County Courts of Cabell and Ohio Counties to Pay County Salaries Semi-monthly. The acts which became laws without the approval of the Governor were H. B. 96, Allowance to Sheriff for Keeping and Feeding Prisoners; H. B. 178, Approval of Disbursements for Raleigh County Recreational Park; H. B. 242, Payment of Damages to Achilles T. Robison for Injuries Inflicted by An Escaped Convict; and S. B. 83, Regulation and Control of Strip Mining.

During the sixty-day session there were 12 Senate Concurrent, 3 Senate Joint and 18 Senate Resolutions offered, of which 8 Senate Concurrent and 17 Senate Resolutions were adopted. Twenty-three House Concurrent, 8 House Joint and 28 House Resolutions were offered, of which 13 House Concurrent, 1 House Joint, and 24 House Resolutions were adopted. The only Joint Resolution adopted by the Legislature was H. J. R. 7, proposing a Forestry Amendment to the State Constitution.

The 1944 Extraordinary Session was convoked for the purpose of enacting legislation to enable persons in military service to vote by absentee ballot. Such a law was enacted and appears as Chapter One of the Acts of that session.

The Advance Copies of the Acts of the 1945 Regular Session were distributed as directed by House Concurrent Resolution No. 26 of that session.

The only free distribution of this volume authorized is to the members of the Legislature. Copies of this volume, indexed and bound in buckram, may be purchased from the Supervisor of Printing in the State Department of Purchases.

J. R. Aliff, Clerk,
House of Delegates.
# TABLE OF CONTENTS

## ACTS AND RESOLUTIONS

Regular Session, 1945

## GENERAL LAWS

### ACTIONS AND SUITS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Procedure for ascertainment and designation of boundary lines between coterminous landowners</td>
<td>1</td>
</tr>
<tr>
<td>2. Right of action against personal representative to survive death of wrongdoer</td>
<td>3</td>
</tr>
</tbody>
</table>

### ADMINISTRATION OF ESTATES AND TRUSTS

| 3. Appointment of guardian or committee for wards of the government in veterans' cases, the settlement of accounts by guardians, and disbursements by committees in such cases | 4    |
| 4. Establishment of common trust funds by banks or trust companies qualified to act as fiduciaries | 7    |

### AIRPORTS AND AVIGATION

| 5. Appointment of a director of aeronautics, the employment of administrative, engineering and technical assistants by the state board of aeronautics, and defining powers, duties, etc., thereof | 9    |
| 6. Defining aeronautical words and phrases; board of aeronautics authorized to accept federal aid for acquiring, constructing and operating airports and other air navigation facilities, and empowering the state, counties and municipalities to lease airports, landing fields or grounds | 11   |
| 7. Jurisdiction of county court over real property leased or owned without the county for airports or landing fields | 18   |
# Table of Contents

## ALCOHOLIC LIQUORS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Arrests by sheriff and deputies for violations of liquor control law</td>
<td>19</td>
</tr>
<tr>
<td>9. Operating and reserve funds of the Liquor Control Commission</td>
<td>21</td>
</tr>
</tbody>
</table>

## APPEAL BONDS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Appeal bond in insurance cases not to exceed the amount of insurance coverage</td>
<td>22</td>
</tr>
</tbody>
</table>

## APPROPRIATIONS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. General appropriations (Budget Bill)</td>
<td>25</td>
</tr>
<tr>
<td>12. Special appropriation to pay Achilles T. Robison for damages inflicted by an escaped convict</td>
<td>106</td>
</tr>
<tr>
<td>13. Supplemental appropriation to pay additional compensation of members of the Court of Claims</td>
<td>108</td>
</tr>
</tbody>
</table>

## BEER

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. Alcoholic content of nonintoxicating beer</td>
<td>110</td>
</tr>
<tr>
<td>15. Creating office of West Virginia Nonintoxicating Beer Commissioner; regulating sale of nonintoxicating beer; and the issuance, revocation and suspension of dealers' licenses for the sale thereof, etc.</td>
<td>112</td>
</tr>
</tbody>
</table>

## BONDED INDEBTEDNESS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Issuance and sale of fifteen million dollars of road bonds for road construction and maintenance</td>
<td>132</td>
</tr>
<tr>
<td>17. Purposes for which political divisions may issue bonds, including acquisition of land and construction of buildings for use as a college</td>
<td>139</td>
</tr>
<tr>
<td>18. State office building revenue bonds</td>
<td>142</td>
</tr>
</tbody>
</table>

## CHILD WELFARE

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. Creating state licensing board for child welfare agencies</td>
<td>145</td>
</tr>
</tbody>
</table>

## COMMERCIAL FEEDING STUFFS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. Defining commercial feeding stuffs</td>
<td>150</td>
</tr>
</tbody>
</table>

## COMMERCIAL FERTILIZER

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Defining &quot;fertilizer&quot;; prescribing statement to be attached to fertilizer package; cancellation of registration for misleading or deceptive affidavit or false sale representation</td>
<td>150</td>
</tr>
</tbody>
</table>
# Table of Contents

## Constitutional Amendment

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>22. Providing for submission of “Forestry Amendment” to State Constitution</td>
<td>153</td>
</tr>
</tbody>
</table>

## Corporations

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. Building and loan associations</td>
<td>157</td>
</tr>
<tr>
<td>24. Constituting the Secretary of State attorney in fact for corporations for the purpose of suits for collection of license taxes and in other cases where it is the duty of the Auditor to collect a debt or claim due the state from corporations...</td>
<td>165</td>
</tr>
<tr>
<td>25. Corporate action through written agreement</td>
<td>167</td>
</tr>
<tr>
<td>26. Extending expiration date of act providing for organization, incorporation and operation of nonprofit hospital service corporations to February 28, 1947</td>
<td>169</td>
</tr>
<tr>
<td>27. Limitation on loans by banking institutions</td>
<td>171</td>
</tr>
<tr>
<td>28. Nominee registration of certain fiduciary securities held by any bank or trust company authorized to exercise trust powers</td>
<td>174</td>
</tr>
<tr>
<td>29. Quorum of stockholders or members of a cooperative association</td>
<td>177</td>
</tr>
</tbody>
</table>

## County Officers

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>30. Allowance to sheriff for keeping and feeding prisoners</td>
<td>179</td>
</tr>
<tr>
<td>31. Annual reports by county officers of expenditures for deputies, assistants and employees</td>
<td>181</td>
</tr>
<tr>
<td>32. County officers to file fiscal, instead of calendar, budgets</td>
<td>182</td>
</tr>
<tr>
<td>33. Duties of county commissioners and compensation for services other than services in court</td>
<td>184</td>
</tr>
<tr>
<td>34. Powers of sheriff and deputies to make arrests</td>
<td>190</td>
</tr>
<tr>
<td>35. Rewards for apprehension of persons charged with crime, detection of crime, powers of prosecuting attorney in relation thereto, and providing for appointment of full-time investigators of crime in Wayne and Wyoming counties</td>
<td>191</td>
</tr>
<tr>
<td>36. Salaries of assistants and stenographers or clerks to prosecuting attorneys</td>
<td>193</td>
</tr>
<tr>
<td>37. Salaries of sheriffs, county and circuit clerks, and prosecuting attorneys in some counties</td>
<td>197</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

## COURTS AND THEIR OFFICERS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>38.</td>
<td>Allowances to circuit judge for stationery, postage and stenographic work</td>
</tr>
<tr>
<td>39.</td>
<td>Authorizing Court of Claims to appoint a clerk; increasing per diem of court; fixing meeting place of court; and further defining a state agency</td>
</tr>
<tr>
<td>40.</td>
<td>Bonds of general court receivers</td>
</tr>
<tr>
<td>41.</td>
<td>Creating office of Administrative Office of the Supreme Court of Appeals; defining its powers and duties; and providing for a director thereof</td>
</tr>
<tr>
<td>42.</td>
<td>Publication of advance sheets of the opinions of the Supreme Court of Appeals</td>
</tr>
<tr>
<td>43.</td>
<td>Salary of librarian of West Virginia law library</td>
</tr>
<tr>
<td>44.</td>
<td>West Virginia State Bar created, and Supreme Court of Appeals authorized to prescribe, adopt and promulgate rules defining the practice of law and for the government and conduct of the state bar</td>
</tr>
</tbody>
</table>

## CRIMES

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>45.</td>
<td>Bribery of participants in games, sports and horse racing; penalties</td>
</tr>
<tr>
<td>46.</td>
<td>Publication of false advertisements; penalties</td>
</tr>
</tbody>
</table>

## DOMESTIC RELATIONS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>47.</td>
<td>Reference to a commissioner of divorce suits and suits to annul or affirm marriages</td>
</tr>
</tbody>
</table>

## EDUCATION

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>48.</td>
<td>Allocation of state aid to counties for schools</td>
</tr>
<tr>
<td>49.</td>
<td>Authorizing county boards of education to provide at public expense for transportation of school children participating in athletic, literary and band activities</td>
</tr>
<tr>
<td>50.</td>
<td>Basic and advanced salaries for public school teachers</td>
</tr>
<tr>
<td>51.</td>
<td>Benefits and coverage under state teachers' retirement system</td>
</tr>
<tr>
<td>52.</td>
<td>Compensation of county superintendents of schools</td>
</tr>
<tr>
<td>53.</td>
<td>County boards of education authorized to establish special classes for war veterans and adults; and state superintendent empowered to establish division of veterans and adult education</td>
</tr>
<tr>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>54. Eliminating provision fixing definite salary for the state supervisor of colored schools</td>
<td>250</td>
</tr>
<tr>
<td>55. Establishment and maintenance of teachers' sick leave fund to pay salaries of substitute teachers</td>
<td>250</td>
</tr>
<tr>
<td>56. Membership, eligibility, term of office and organization of county boards of education</td>
<td>251</td>
</tr>
<tr>
<td>57. Nonpayment of orders issued by board of education and liability of sheriff</td>
<td>253</td>
</tr>
<tr>
<td>58. State Board of Education designated State Board of Vocational Education, and establishing therein a division of rehabilitation for handicapped or disabled persons</td>
<td>255</td>
</tr>
</tbody>
</table>

**ELECTIONS**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>59. Appointment of election boards for general and special elections</td>
<td>261</td>
</tr>
<tr>
<td>60. Appointment of primary election boards</td>
<td>264</td>
</tr>
<tr>
<td>61. Bond required of candidate demanding election recount</td>
<td>266</td>
</tr>
<tr>
<td>62. Registration of voters</td>
<td>269</td>
</tr>
</tbody>
</table>

**FLOUR AND BREAD**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>63. Enrichment of flour and bread to meet certain standards of vitamin and mineral content</td>
<td>272</td>
</tr>
<tr>
<td>64. Standard weights for containers for wheat and corn flours, corn meals, hominy and hominy grits; labeling as to quantity; and defining package</td>
<td>278</td>
</tr>
</tbody>
</table>

**GAME, FISH AND FORESTRY—CONSERVATION COMMISSION**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>65. Conservation Commission authorized to lease a camp site in the Tomlinson's run state park to the Boy Scouts of America</td>
<td>280</td>
</tr>
<tr>
<td>66. Disposition of funds received from the federal government on account of receipts from national forests</td>
<td>280</td>
</tr>
<tr>
<td>67. Financial assistance for forestry purposes</td>
<td>281</td>
</tr>
<tr>
<td>68. Members of armed forces may hunt or fish without license while on leave or furlough</td>
<td>282</td>
</tr>
<tr>
<td>69. Permits to kill deer causing damage to cultivated crops, fruit trees or commercial nurseries</td>
<td>283</td>
</tr>
<tr>
<td>70. Reorganization of the Conservation Commission</td>
<td>287</td>
</tr>
</tbody>
</table>
## TABLE OF CONTENTS

### INSURANCE

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>71. Bodily injury and property damage insurance at public expense to protect against negligence of drivers of motor vehicles operated by public officials</td>
<td>295</td>
</tr>
<tr>
<td>72. Deposit of securities with state treasurer by automobile mutual insurance companies</td>
<td>297</td>
</tr>
<tr>
<td>73. Form of fire insurance policies and of endorsements and contract supplementary thereto</td>
<td>298</td>
</tr>
<tr>
<td>74. Payment of annual premium tax by insurance companies</td>
<td>308</td>
</tr>
<tr>
<td>75. Prohibiting insurance companies from writing automobile liability policies containing guest or invitee exclusion provision</td>
<td>309</td>
</tr>
<tr>
<td>76. Reciprocal or inter-insurance contracts</td>
<td>310</td>
</tr>
<tr>
<td>77. Uniform basis for valuation of life insurance policies and non-forfeiture values</td>
<td>319</td>
</tr>
</tbody>
</table>

### JURIES

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>78. Compensation of jurors—cost of meals and lodging for jury on felony cases to be fixed by order of the court</td>
<td>331</td>
</tr>
<tr>
<td>79. Exemptions and disqualifications from jury service</td>
<td>333</td>
</tr>
<tr>
<td>80. Preparation of jury lists</td>
<td>334</td>
</tr>
<tr>
<td>81. Summoning jurors by registered mail</td>
<td>335</td>
</tr>
</tbody>
</table>

### LIENS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>82. Lien of factors upon goods or merchandise, and the giving and filing of notice of such liens</td>
<td>337</td>
</tr>
</tbody>
</table>

### MINES AND MINING

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>83. Miners' Examining Board for certification of coal miners</td>
<td>341</td>
</tr>
<tr>
<td>84. Qualifications, oath, bond, removal, salary and expenses of mine inspectors</td>
<td>344</td>
</tr>
<tr>
<td>85. Regulations and control of strip mining</td>
<td>345</td>
</tr>
</tbody>
</table>

### MOTOR VEHICLES

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>86. Exempting motor trucks used with spraying equipment for agricultural or horticultural purposes from payment of class B registration fees</td>
<td>351</td>
</tr>
<tr>
<td>87. Issuance, expiration and renewal of motor vehicle operators and chauffeurs' licenses; fees therefor; and extending licenses of persons in armed forces</td>
<td>352</td>
</tr>
<tr>
<td>88. Tax on certification of title of motor vehicles</td>
<td>354</td>
</tr>
</tbody>
</table>
### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>89. Agents of municipalities having gross sales tax ordinances authorized to inspect gross sales tax returns in office of State Tax Commissioner</td>
<td>357</td>
</tr>
<tr>
<td>90. Authorized municipal public works, including construction of automobile parking buildings</td>
<td>357</td>
</tr>
<tr>
<td>91. Boards of Park Commissioners; members; qualification; election or appointment</td>
<td>359</td>
</tr>
<tr>
<td>92. Compensation of officers in municipalities where no provision is made by charter or otherwise for compensation to municipal officers and employees</td>
<td>360</td>
</tr>
<tr>
<td>93. Firemen's and policemen's pension or relief funds</td>
<td>361</td>
</tr>
<tr>
<td>94. Municipalities authorized to become members of an association or league of municipalities and to expend public funds to defray the expenses thereof</td>
<td>366</td>
</tr>
<tr>
<td>95. Certificate or permit to be attached to nursery stock sold; duties of carriers bringing such stock into the state; and the registration of nurserymen</td>
<td>367</td>
</tr>
<tr>
<td>96. Board of examiners for professional registered nurses, and the examination, licensing and regulation of such nurses</td>
<td>370</td>
</tr>
<tr>
<td>97. Registration of pharmacists and annual renewal of registration of pharmacists and assistant pharmacists</td>
<td>379</td>
</tr>
<tr>
<td>98. Advisory medical supervision of state hospitals for insane and Welch and Fairmont Emergency hospitals by State Department of Health, and Commissioner of Health authorized to initiate programs to promote mental health</td>
<td>381</td>
</tr>
<tr>
<td>100. Authorizing the State Department of Health to cooperate with the federal government in its hospital construction program</td>
<td>387</td>
</tr>
<tr>
<td>101. Compulsory serologic test for syphilis for pregnant women</td>
<td>388</td>
</tr>
<tr>
<td>102. State Water Commission; members; extension of time for compliance with orders of commission and penalty for non-compliance</td>
<td>391</td>
</tr>
</tbody>
</table>
# Table of Contents

## Public Libraries

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>103. Establishment and operation of public libraries</td>
<td>393</td>
</tr>
</tbody>
</table>

## Public Offices

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>104. Inspection of reports of examination and audits of public offices</td>
<td>398</td>
</tr>
</tbody>
</table>

## Public Recreation and Playgrounds

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>105. Municipalities, counties and school districts authorized to establish, maintain and conduct a system of public recreation</td>
<td>399</td>
</tr>
</tbody>
</table>

## Real Property

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>106. Ownership or possession of surface of lands after severance of minerals shall not be adverse to the interests of owner or owners of such minerals and appurtenant rights</td>
<td>402</td>
</tr>
<tr>
<td>107. Summary proceedings on petition for sale, lease or mortgage of the estate of minors, insane persons, or convicts</td>
<td>403</td>
</tr>
</tbody>
</table>

## Roads and Highways

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>108. Allocation of funds for secondary roads</td>
<td>404</td>
</tr>
<tr>
<td>109. Control of State Road Commission over traffic signs and signals, and curb and paving markings on streets designated as part of state road system</td>
<td>405</td>
</tr>
<tr>
<td>110. Inclusion of intrastate toll bridges as part of state system of roads</td>
<td>406</td>
</tr>
<tr>
<td>111. Relocation and redesignation by State Road Commission, of any street or bridge in a municipality as a part of a primary or secondary road; and maintenance thereof at state expense</td>
<td>407</td>
</tr>
<tr>
<td>112. Unlawful dumping of trash, etc., upon right-of-way or along public highways</td>
<td>408</td>
</tr>
</tbody>
</table>

## Securities

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>113. Classes of securities excluded from law regulating and supervising the sale of securities</td>
<td>409</td>
</tr>
<tr>
<td>114. Transactions not included under law regulating and supervising the sale of securities</td>
<td>412</td>
</tr>
</tbody>
</table>

## State Boards, Commissions, Departments and Officers

### Attorney General

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>115. Salaries of assistant attorneys general</td>
<td>414</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

Auditor

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>116. Deductions by State Auditor from salaries of state officials and employees to purchase United States government bonds</td>
<td>415</td>
</tr>
</tbody>
</table>

Board of Control

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>117. Appointment of members; term; salaries; secretaries and assistants; oaths and bond of members</td>
<td>417</td>
</tr>
<tr>
<td>118. Duties of Board of Control respecting officers and employees of certain state institutions; and the appointment of superintendents of institutions where law requires such person to be a physician</td>
<td>419</td>
</tr>
<tr>
<td>119. Powers of Board of Control as to rules and regulations extended to include power to regulate design and wearing of uniforms by guards and other employees at state institutions</td>
<td>421</td>
</tr>
</tbody>
</table>

Department of Labor

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>120. Appointment, qualifications, term of office and salary of Commissioner of Labor</td>
<td>423</td>
</tr>
<tr>
<td>121. Issuance of permits to operate, and the regulation and inspection of steam boilers by the Commissioner of Labor</td>
<td>424</td>
</tr>
</tbody>
</table>

Department of Public Safety (State Police)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>122. Qualifications, appointment, initial grade and promotion of members; death, disability and retirement fund; payment of awards and benefits therefrom; and retirement board to control and disburse said fund</td>
<td>426</td>
</tr>
</tbody>
</table>

Department of Purchases

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>123. Purchases from federal government</td>
<td>441</td>
</tr>
</tbody>
</table>

Industrial and Publicity Commission

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>124. Creating West Virginia Industrial and Publicity Commission</td>
<td>441</td>
</tr>
</tbody>
</table>

Officers and Employees

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>125. Payment of traveling expense and dues in annual or voluntary organizations</td>
<td>445</td>
</tr>
</tbody>
</table>

Public Service Commission

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>126. Issuance of certificates of convenience and necessity and permits to motor carriers</td>
<td>447</td>
</tr>
<tr>
<td>127. Jurisdiction of Public Service Commission extended to include vehicular service upon streets and roads</td>
<td>450</td>
</tr>
</tbody>
</table>
# Table of Contents

## Salvage Committee

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>128. Capitol Salvage Committee created</td>
<td>451</td>
</tr>
</tbody>
</table>

## State Road Commission

129. State Road Commission authorized to release claim for damages to roads and highways caused by construction of Tygart River Reservoir, and permitting sale of adjacent lands | 452 |

## Unemployment Compensation

130. Amending Unemployment Compensation Law | 453 |

## Workmen's Compensation

131. Amending Workmen's Compensation Law | 476 |

## STATE FUNDS

132. Auditor and Treasurer authorized to reduce balance of state fund by charging off balances in closed banks | 519 |

133. Auditor and Treasurer authorized to transfer certain special funds to the state fund | 520 |

134. Auditor and Treasurer authorized to transfer from special escrow account to state fund general revenue funds received from trustees of estate due closed bank | 520 |

## STATE INSTITUTIONS

### Benevolent

135. Establishing Andrew S. Rowan Memorial Home for aged and infirm white men and women and delinquent white boys | 521 |

136. West Virginia Home for Aged and Infirm Colored Men and Women to pay claim of Dr. J. W. Hartigan for services and medical instruments furnished said institution when it was operated as McKendree Emergency Hospital | 524 |

### Educational

137. Disposition of funds realized from Federal, Army, Navy and Civil Aeronautics Trainee Programs at certain educational institutions | 525 |

### Hospitals

138. Transferring Barboursville unit of Weston State Hospital to Huntington State Hospital | 527 |

## TAXATION AND TAXES

139. Appointment of assistant attorney general to perform duties required by State Tax Commissioner | 528 |
## TABLE OF CONTENTS

### TAXATION AND TAXES—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.</td>
<td>Collection and enforcement of property taxes and the sale of lands for the school fund</td>
</tr>
<tr>
<td>141.</td>
<td>Gasoline tax</td>
</tr>
<tr>
<td>142.</td>
<td>Giving a widower the same exemption as a widow under the inheritance tax law</td>
</tr>
<tr>
<td>143.</td>
<td>Property exempt from taxation</td>
</tr>
<tr>
<td>144.</td>
<td>Redemption of real property formerly held for religious, charitable and educational purposes and wrongly exempted from taxation</td>
</tr>
<tr>
<td>145.</td>
<td>Suits to enforce payment of corporation license tax</td>
</tr>
</tbody>
</table>

### VETERANS AND VETERANS' AFFAIRS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>146.</td>
<td>Administration of oaths to, and making of affidavits by, persons in military service, and validating oaths and affidavits heretofore taken or made by such persons</td>
</tr>
<tr>
<td>147.</td>
<td>Creating and establishing the West Virginia Department of Veterans' Affairs</td>
</tr>
<tr>
<td>148.</td>
<td>Distribution by Department of Veterans' Affairs of bulletins, prepared by State Council of Defense, explaining rights, benefits and opportunities available in state to veterans, service men and women, and war workers</td>
</tr>
<tr>
<td>149.</td>
<td>Memorials to soldiers and sailors of all World Wars</td>
</tr>
<tr>
<td>150.</td>
<td>Preference rating to veterans on examinations for positions in state departments or agencies filled according to a non-partisan merit basis</td>
</tr>
<tr>
<td>151.</td>
<td>Presumptive findings of death of person engaged in military service, and administration of estate thereof</td>
</tr>
</tbody>
</table>

### LOCAL LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>152.</td>
<td>Berkeley County Court authorized to create a special fund to be used in constructing a new jail or for improving present jail</td>
</tr>
<tr>
<td>153.</td>
<td>Boone County—Increasing salary of assessor</td>
</tr>
<tr>
<td>154.</td>
<td>Braxton County Court authorized to create a special fund to be used for remodeling and improving the county jail</td>
</tr>
<tr>
<td>155.</td>
<td>Braxton County Court authorized to transfer funds from the general county fund to the dog tax fund</td>
</tr>
</tbody>
</table>
### LOCAL LAWS—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>156.</td>
<td>Cabell County Court authorized to use county funds to assist in maintenance of the public library of Huntington</td>
<td>599</td>
</tr>
<tr>
<td>157.</td>
<td>Cabell County Court empowered, in conjunction with the City of Huntington, or alone, to construct, acquire, equip, maintain and operate a general hospital</td>
<td>600</td>
</tr>
<tr>
<td>158.</td>
<td>Doddridge County Court authorized to expend funds for construction and maintenance of a Four-H Camp and County Recreational Center</td>
<td>607</td>
</tr>
<tr>
<td>159.</td>
<td>Grant County Court authorized to transfer funds and to set up a special courthouse fund</td>
<td>608</td>
</tr>
<tr>
<td>160.</td>
<td>Greenbrier County Court authorized to create a special fund to be used in building a new county jail</td>
<td>609</td>
</tr>
<tr>
<td>161.</td>
<td>Hancock County—Validating use, by county court, of funds from justices' fines in prior years</td>
<td>609</td>
</tr>
<tr>
<td>162.</td>
<td>Harrison County Court authorized to create a special fund for building a new jail or improving present jail</td>
<td>610</td>
</tr>
<tr>
<td>163.</td>
<td>Harrison County—Fixing the salary of the judge of the Criminal Court</td>
<td>611</td>
</tr>
<tr>
<td>164.</td>
<td>Jackson County Court authorized to use surpluses in county funds for construction of a memorial to those who served in the armed forces during World Wars, or to use such funds for secondary road purposes</td>
<td>612</td>
</tr>
<tr>
<td>165.</td>
<td>Kanawha County Court authorized to expend funds for improvement of an airport, improvement of courthouse, and for acquiring land and improvements at the county infirmary</td>
<td>613</td>
</tr>
<tr>
<td>166.</td>
<td>Kanawha County—Fixing number of terms of the Intermediate Court and the date of the commencement thereof</td>
<td>614</td>
</tr>
<tr>
<td>167.</td>
<td>Kanawha County—Increasing the salary of the judge of the Court of Common Pleas</td>
<td>615</td>
</tr>
<tr>
<td>168.</td>
<td>Kanawha County—Increasing the salary of the law assistant to the judge of the Circuit Court</td>
<td>616</td>
</tr>
<tr>
<td>169.</td>
<td>Logan County Court authorized to create a special county building fund</td>
<td>617</td>
</tr>
<tr>
<td>170.</td>
<td>McDowell County—Increasing the salary of the judge of the Criminal Court</td>
<td>617</td>
</tr>
<tr>
<td>171.</td>
<td>Mercer County—Increasing the salary of the judge of the Criminal Court</td>
<td>618</td>
</tr>
</tbody>
</table>
## TABLE OF CONTENTS

### LOCAL LAWS—(Continued)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>172. Monongalia County Court authorized to transfer funds to be used for employment, operation and maintenance of a dog catcher</td>
<td>619</td>
</tr>
<tr>
<td>173. Ohio County Board of Commissioners authorized to lay levy for construction and maintenance of an airport and county building and to construct and maintain same in conjunction with the City of Wheeling</td>
<td>620</td>
</tr>
<tr>
<td>174. Raleigh County Court authorized to approve disbursements made for the improvement of the county recreational park, known as Four-H Lake</td>
<td>622</td>
</tr>
<tr>
<td>175. Raleigh County—Increasing the salary of the judge of the Criminal Court</td>
<td>623</td>
</tr>
<tr>
<td>176. Raleigh, Ritchie and Preston County Courts authorized to use county funds for acquiring, developing and maintaining airports or landing fields in said counties</td>
<td>623</td>
</tr>
<tr>
<td>177. Wayne County Court authorized to construct, equip, maintain and operate war memorials</td>
<td>624</td>
</tr>
<tr>
<td>178. Wetzel County Court authorized to reimburse Marne Post No. 28, American Legion, for money spent on repairs to the War Memorial Building at New Martinsville</td>
<td>625</td>
</tr>
</tbody>
</table>

### RESOLUTIONS

#### HOUSE CONCURRENT RESOLUTIONS

<table>
<thead>
<tr>
<th>Number</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Raising a joint assembly to open and publish election returns</td>
<td>627</td>
</tr>
<tr>
<td>2. Providing for a joint assembly to hear the biennial message of the Governor</td>
<td>627</td>
</tr>
<tr>
<td>3. Providing for a recess of the Legislature</td>
<td>628</td>
</tr>
<tr>
<td>4. Creating an interim legislative committee to study and report to the Legislature on public health problems; institutional and civilian medical care, hospital service and medical education</td>
<td>628</td>
</tr>
<tr>
<td>7. Providing for a joint assembly to hear an address by the Governor</td>
<td>631</td>
</tr>
<tr>
<td>13. Concerning the death of Delegate Harry L. Van Sickler</td>
<td>632</td>
</tr>
<tr>
<td>14. Requesting the Governor to defer sale of seven million dollars of road bonds until federal matching funds are available</td>
<td>634</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

HOUSE CONCURRENT RESOLUTIONS—(Continued)

<table>
<thead>
<tr>
<th>Number</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td>634</td>
</tr>
<tr>
<td>17.</td>
<td>636</td>
</tr>
<tr>
<td>18.</td>
<td>637</td>
</tr>
<tr>
<td>20.</td>
<td>638</td>
</tr>
<tr>
<td>22.</td>
<td>639</td>
</tr>
<tr>
<td>23.</td>
<td>639</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.</td>
<td>640</td>
</tr>
</tbody>
</table>

HOUSE JOINT RESOLUTION

7. Proposing “Forestry Amendment” to the state constitution... 640

HOUSE RESOLUTIONS

1. Adopting rules for the House of Delegates ........................................ 641
2. Raising a committee to notify Senate that House was organized 641
3. Raising a committee to inform Governor that the Legislature was organized ... 641
4. Authorizing publication of Legislative Manual .................................. 642
5. Relating to the State Government Mileage Administration .................. 642
6. Appointment of assistant janitors .................................................. 643
8. Providing for mailing list for House Journals .................................. 644
9. Authorizing appointment of attaches .............................................. 645
10. Fixing per diem of House Chaplain ............................................ 648
11. Relating to service and care of patients at Weston State Hospital and other state institutions ............. 649
12. Creating standing committee on Veterans' Affairs .......................... 649
13. Amending House rules to provide for a Committee on Veterans' Affairs .................. 650
14. Thanking Inwood Fruit Growers for apples ..................................... 650
16. Extending birthday congratulations to Delegate Nell W. Walker ......... 651
18. Concerning the death of John Guy Prichard ................................. 651
TABLE OF CONTENTS

HOUSE RESOLUTIONS—(Continued)

<table>
<thead>
<tr>
<th>Number</th>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.</td>
<td>Amending House Rule No. 42, relating to taking the yeas and nays</td>
<td>652</td>
</tr>
<tr>
<td>20.</td>
<td>Payment of expenses of House Committee on the Penitentiary</td>
<td>653</td>
</tr>
<tr>
<td>21.</td>
<td>Authorizing the Committee on Rules to arrange a special calendar</td>
<td>654</td>
</tr>
<tr>
<td>22.</td>
<td>Expressing appreciation to registered nurses of West Virginia for patriotic services with uniformed forces of the United States</td>
<td>655</td>
</tr>
<tr>
<td>23.</td>
<td>Payment of expenses of Committee on Humane Institutions and Public Buildings</td>
<td>656</td>
</tr>
<tr>
<td>25.</td>
<td>Expressing appreciation and thanks to Latelle M. LaFollette, Jr., for services during session</td>
<td>656</td>
</tr>
<tr>
<td>26.</td>
<td>Authorizing printing and distribution of Acts, Journals and Bills; and extending per diem of persons to complete work of session</td>
<td>657</td>
</tr>
<tr>
<td>27.</td>
<td>Notifying Senate that House was ready to adjourn sine die</td>
<td>660</td>
</tr>
<tr>
<td>28.</td>
<td>Raising a committee to notify Governor that Legislature was ready to adjourn sine die</td>
<td>661</td>
</tr>
</tbody>
</table>

SENATE CONCURRENT RESOLUTIONS

<table>
<thead>
<tr>
<th>Number</th>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Adopting joint rules of the Senate and House of Delegates</td>
<td>661</td>
</tr>
<tr>
<td>2.</td>
<td>Authorizing payment of legislative expenses in advance of appropriations</td>
<td>662</td>
</tr>
<tr>
<td>4.</td>
<td>Commending the Congress on its action in affirming the worldwide right of interchange of news</td>
<td>662</td>
</tr>
<tr>
<td>6.</td>
<td>Creating a legislative interim committee to study the educational system of the state and make recommendations thereon</td>
<td>663</td>
</tr>
<tr>
<td>9.</td>
<td>Granting permission to introduce a bill, relating to the construction of a county-city hospital at Huntington</td>
<td>665</td>
</tr>
<tr>
<td>10.</td>
<td>Granting permission to introduce a bill, providing for the submission to the voters of a &quot;Special Levy Amendment&quot; to the state constitution</td>
<td>666</td>
</tr>
<tr>
<td>11.</td>
<td>Concerning the Dumbarton Oaks and San Francisco Conferences</td>
<td>666</td>
</tr>
<tr>
<td>12.</td>
<td>Granting permission to introduce a bill, relating to expenditures by state department of health and its authority to accept federal funds</td>
<td>667</td>
</tr>
<tr>
<td>Number</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------------------------------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>1.</td>
<td>Raising a committee to notify House that Senate was organized</td>
<td>668</td>
</tr>
<tr>
<td>2.</td>
<td>Raising a committee to inform Governor that the Legislature was organized</td>
<td>668</td>
</tr>
<tr>
<td>3.</td>
<td>Authorizing Clerk to mail Journals and Bills</td>
<td>669</td>
</tr>
<tr>
<td>4.</td>
<td>Adopting rules of the Senate</td>
<td>669</td>
</tr>
<tr>
<td>5.</td>
<td>Authorizing the appointment of attaches</td>
<td>670</td>
</tr>
<tr>
<td>6.</td>
<td>Creating a standing committee on Veterans' Affairs</td>
<td>672</td>
</tr>
<tr>
<td>8.</td>
<td>Concerning the death of the Honorable William Woodyard</td>
<td>672</td>
</tr>
<tr>
<td>9.</td>
<td>Granting indefinite leave of absence to Senator Don J. Eddy</td>
<td>673</td>
</tr>
<tr>
<td>10.</td>
<td>Fixing per diem of Superintendent of Capitol Building and Grounds</td>
<td>674</td>
</tr>
<tr>
<td>11.</td>
<td>Payment for services preliminary to opening of session</td>
<td>674</td>
</tr>
<tr>
<td>12.</td>
<td>Authorizing the Committee on Rules to arrange a special calendar</td>
<td>675</td>
</tr>
<tr>
<td>13.</td>
<td>Per diem of Superintendent of Capitol Building and Grounds</td>
<td>675</td>
</tr>
<tr>
<td>14.</td>
<td>Payment of expenses of Senate Committee on the Penitentiary</td>
<td>675</td>
</tr>
<tr>
<td>15.</td>
<td>Commending members of the press</td>
<td>676</td>
</tr>
<tr>
<td>16.</td>
<td>Extending per diem of officers and attaches to complete work of session</td>
<td>677</td>
</tr>
<tr>
<td>17.</td>
<td>Raising a committee to notify House that Senate was ready to adjourn <em>sine die</em></td>
<td>678</td>
</tr>
<tr>
<td>18.</td>
<td>Raising a committee to notify Governor that Legislature was ready to adjourn <em>sine die</em></td>
<td>678</td>
</tr>
<tr>
<td>District</td>
<td>Name</td>
<td>Address</td>
</tr>
<tr>
<td>----------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>First</td>
<td>*George L. Bambrick (D)</td>
<td>New Cumberland</td>
</tr>
<tr>
<td></td>
<td>Wm. A. Hannig (R)</td>
<td>Elm Grove</td>
</tr>
<tr>
<td>Second</td>
<td>Theodore M. Bowers (R)</td>
<td>New Martinsville</td>
</tr>
<tr>
<td></td>
<td>*Walter P. Burgess (R)</td>
<td>Glen Dale</td>
</tr>
<tr>
<td>Third</td>
<td>H. S. Boreman (R)</td>
<td>Parkersburg</td>
</tr>
<tr>
<td></td>
<td>*Thomas J. Davis, Sr. (R)</td>
<td>Harrisville</td>
</tr>
<tr>
<td>Fourth</td>
<td>R. F. Musgrave (R)</td>
<td>Winfield</td>
</tr>
<tr>
<td></td>
<td>*Harlan Staats (R)</td>
<td>Ripley</td>
</tr>
<tr>
<td>Fifth</td>
<td>*C. H. McKown (D)</td>
<td>Wayne</td>
</tr>
<tr>
<td></td>
<td>Andrew R. Winters (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td>Sixth</td>
<td>W. E. Burchett (D)</td>
<td>Williamson</td>
</tr>
<tr>
<td></td>
<td>*William Mitchell (D)</td>
<td>Welch</td>
</tr>
<tr>
<td>Seventh</td>
<td>Alney M. Hall (D)</td>
<td>Ramage</td>
</tr>
<tr>
<td></td>
<td>*Glenn Jackson (D)</td>
<td>Logan</td>
</tr>
<tr>
<td>Eighth</td>
<td>*Charles C. Morris (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>John C. Morrison (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td>Ninth</td>
<td>O. D. Hall (D)</td>
<td>Beckley</td>
</tr>
<tr>
<td></td>
<td>*Ward Wylie (D)</td>
<td>Mullens</td>
</tr>
<tr>
<td>Tenth</td>
<td>Henry S. Ellison, Sr. (D)</td>
<td>Union</td>
</tr>
<tr>
<td></td>
<td>W. Houghton Johnston (D)</td>
<td>Princeton</td>
</tr>
<tr>
<td>Eleventh</td>
<td>John W. Howling (D)</td>
<td>W. Sulphur Springs</td>
</tr>
<tr>
<td></td>
<td>*Arnold M. Vickers (D)</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Twelfth</td>
<td>*Fred C. Allen (D)</td>
<td>Marlinton</td>
</tr>
<tr>
<td></td>
<td>G. C. Helknap (D)</td>
<td>Sutton</td>
</tr>
<tr>
<td>Thirteenth</td>
<td>Hardin R. Harmer (R)</td>
<td>Shinnston</td>
</tr>
<tr>
<td></td>
<td>*Floyd D. Boner (D)</td>
<td>Miletus</td>
</tr>
<tr>
<td>Fourteenth</td>
<td>Don J. Eddy (D)</td>
<td>Morgantown</td>
</tr>
<tr>
<td></td>
<td>*C. Howard Hardesty (D)</td>
<td>Fairmont</td>
</tr>
<tr>
<td>Fifteenth</td>
<td>*A. L. Reed (R)</td>
<td>Newburg</td>
</tr>
<tr>
<td></td>
<td>G. O. Young (R)</td>
<td>Buckhannon</td>
</tr>
<tr>
<td>Sixteenth</td>
<td>*Ralph J. Bean (D)</td>
<td>Moorefield</td>
</tr>
<tr>
<td></td>
<td>William P. C. Perry (D)</td>
<td>Charles Town</td>
</tr>
</tbody>
</table>

(D) Democrats ........................................... 21
(R) Republicans ......................................... 11
Total .................................................. 32

(*) Hold-over Senators, elected in 1944, who will be members of the 1947 Legislature.
## HOUSE OF DELEGATES

### OFFICERS

**Speaker**—John E. Amos, Charleston.  
**Clerk**—J. R. Aliff, Fayetteville.  
**Sergeant-at-Arms**—W. H. Drummond, Clarksburg.  
**Doorkeeper**—Clyde Slater, Huntington.

<table>
<thead>
<tr>
<th>County</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbour</td>
<td>Herman J. Poling (D)</td>
<td>Philippi</td>
</tr>
<tr>
<td>Berkeley</td>
<td>Charles R. Beard (R)</td>
<td>Martinsburg</td>
</tr>
<tr>
<td>Boone</td>
<td>M. L. Postalwait (D)</td>
<td>Seth</td>
</tr>
<tr>
<td>Braxton</td>
<td>*Mrs. Katie B. Johnson (D)</td>
<td>Sutton</td>
</tr>
<tr>
<td>Brooke</td>
<td>Francis Freshwater (D)</td>
<td>Follansbee</td>
</tr>
<tr>
<td>Cabell</td>
<td>James Brady (D)</td>
<td>Barboursville</td>
</tr>
<tr>
<td></td>
<td>Mike Casey (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td></td>
<td>John G. Hudson (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td></td>
<td>Claude V. Swann (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td></td>
<td>Henry F. White (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td>Calhoun</td>
<td>O. C. Hathaway (R)</td>
<td>Grantsville</td>
</tr>
<tr>
<td>Clay</td>
<td>J. Bennie Vaughan (D)</td>
<td>Proscovias</td>
</tr>
<tr>
<td>Doddridge</td>
<td>F. E. Strickling (R)</td>
<td>West Union</td>
</tr>
<tr>
<td>Fayette</td>
<td>Newton T. Cavendish (D)</td>
<td>Ansted</td>
</tr>
<tr>
<td></td>
<td>Magee McClung (D)</td>
<td>Fayetteville</td>
</tr>
<tr>
<td></td>
<td>R. L. Matthews (D)</td>
<td>Montgomery</td>
</tr>
<tr>
<td></td>
<td>Nell W. Walker (D)</td>
<td>Winona</td>
</tr>
<tr>
<td>Gilmer</td>
<td>Guy B. Young (D)</td>
<td>Glenville</td>
</tr>
<tr>
<td>Grant</td>
<td>Ralph P. Welton (R)</td>
<td>Peterburg</td>
</tr>
<tr>
<td>Greenbrier</td>
<td>H. Rodgers McVey (D)</td>
<td>Alderson</td>
</tr>
<tr>
<td></td>
<td>*Mrs. Mary Van Sickler (D)</td>
<td>Lewisburg</td>
</tr>
<tr>
<td>Hampshire</td>
<td>William H. Ansel, Jr. (D)</td>
<td>Springfield</td>
</tr>
<tr>
<td>Hancock</td>
<td>Robert E. Roach (D)</td>
<td>New Cumberland</td>
</tr>
<tr>
<td>Hardy</td>
<td>George C. Trumbo (D)</td>
<td>Milam</td>
</tr>
<tr>
<td>Harrison</td>
<td>D. F. Deniel (D)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td></td>
<td>Howard J. James (D)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td></td>
<td>William J. Sharpe (D)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td></td>
<td>W. Guy Tetrick (D)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td>Jackson</td>
<td>V. Bradford Sayre (R)</td>
<td>Ripley</td>
</tr>
<tr>
<td>Jefferson</td>
<td>M. S. R. Moler (D)</td>
<td>Shepherdstown</td>
</tr>
<tr>
<td>Kanawha</td>
<td>John E. Amos (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>Pat Board, Jr. (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>I. L. Cavender (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>J. Hornor Davis (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>Julius A. de Gruyter, Jr. (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>Charley Goft (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>Frank A. Knight (D)</td>
<td>Sp. Charleston</td>
</tr>
<tr>
<td></td>
<td>C. K. Payne, II (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td>Lewis</td>
<td>Rush D. Holt (D)</td>
<td>Weston</td>
</tr>
<tr>
<td>Lincoln</td>
<td>B. R. Osborne (R)</td>
<td>Griffithville</td>
</tr>
<tr>
<td>Logan</td>
<td>Ernest B. Craddock (D)</td>
<td>Henlawson</td>
</tr>
<tr>
<td></td>
<td>W. E. Flannery (D)</td>
<td>Marmet</td>
</tr>
<tr>
<td></td>
<td>Lucien R. Gore (D)</td>
<td>Logan</td>
</tr>
<tr>
<td>Marion</td>
<td>Fred L. Doringer (D)</td>
<td>Fairmont</td>
</tr>
<tr>
<td></td>
<td>Clarence L. Hall (D)</td>
<td>Fairmont</td>
</tr>
<tr>
<td></td>
<td>J. Harper Meredith (D)</td>
<td>Fairmont</td>
</tr>
</tbody>
</table>

(* Appointed March 7, 1945, to fill the vacancy caused by the death of her husband, the Honorable John W. Johnson, who died February 26, 1945.

† Appointed February 27, 1945, to fill the vacancy caused by the death of her husband, the Honorable Harry L. Van Sickler, who died February 17, 1945.)
<table>
<thead>
<tr>
<th>County</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marshall</td>
<td>Everett F. Moore (R)</td>
<td>Moundaville</td>
</tr>
<tr>
<td></td>
<td>Floyd R. Yoho (R)</td>
<td>Moundaville</td>
</tr>
<tr>
<td>Mason</td>
<td>George A. Rainden (R)</td>
<td>Leon</td>
</tr>
<tr>
<td>Mercer</td>
<td>O. H. Ballard (D)</td>
<td>Princeton</td>
</tr>
<tr>
<td></td>
<td>A. J. Lubliner (D)</td>
<td>Bluefield</td>
</tr>
<tr>
<td></td>
<td>Walter Vergil Ross (D)</td>
<td>Bluefield</td>
</tr>
<tr>
<td>Mineral</td>
<td>John I. Rogers (R)</td>
<td>Keyser</td>
</tr>
<tr>
<td>Mingo</td>
<td>Toney E. Cline (D)</td>
<td>War Eagle</td>
</tr>
<tr>
<td></td>
<td>Tom O. Curry (D)</td>
<td>Delbarton</td>
</tr>
<tr>
<td>Monongalia</td>
<td>Arch F. Dawson (D)</td>
<td>Morgantown</td>
</tr>
<tr>
<td></td>
<td>J. W. Hartigan (R)</td>
<td>Morgantown</td>
</tr>
<tr>
<td>Monroe</td>
<td>Hobart M. Harvey (R)</td>
<td>Union</td>
</tr>
<tr>
<td>Morgan</td>
<td>Ray R. Rice (R)</td>
<td>Berkeley Springs</td>
</tr>
<tr>
<td>McDowell</td>
<td>George Evans (D)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Julian C. Hansbarger (D)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fleming A. Jones, Jr. (D)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E. B. Shannon (D)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Roy A. Warden (D)</td>
<td></td>
</tr>
<tr>
<td>Nicholas</td>
<td>O. J. Carroll (D)</td>
<td>Summersville</td>
</tr>
<tr>
<td>Ohio</td>
<td>Russell A. Burt (D)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>William O. Callahan (R)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Edward J. Flaccus (R)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wright Hugus (R)</td>
<td></td>
</tr>
<tr>
<td>Pendleton</td>
<td>William McCoy (D)</td>
<td></td>
</tr>
<tr>
<td>Pleasants</td>
<td>J. C. Powell (R)</td>
<td></td>
</tr>
<tr>
<td>Pocahontas</td>
<td>June McElwee (D)</td>
<td></td>
</tr>
<tr>
<td>Preston</td>
<td>Paul R. Maness (R)</td>
<td></td>
</tr>
<tr>
<td>Putnam</td>
<td>L. O. Jeffries (R)</td>
<td></td>
</tr>
<tr>
<td>Raleigh</td>
<td>B. B. Chambers (D)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>O. C. Flint (D)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>John C. Ward (D)</td>
<td></td>
</tr>
<tr>
<td>Randolph</td>
<td>N. T. Downs (D)</td>
<td></td>
</tr>
<tr>
<td>Ritchie</td>
<td>Robert Morris (R)</td>
<td></td>
</tr>
<tr>
<td>Roane</td>
<td>R. L. McCulty (R)</td>
<td></td>
</tr>
<tr>
<td>Summers</td>
<td>Lyman H. Rodes (D)</td>
<td></td>
</tr>
<tr>
<td>Taylor</td>
<td>Fred H. Carder (R)</td>
<td></td>
</tr>
<tr>
<td>Tucker</td>
<td>Cleon W. Rease (R)</td>
<td></td>
</tr>
<tr>
<td>Tyler</td>
<td>Ceeil H. Underwood (R)</td>
<td></td>
</tr>
<tr>
<td>Upshur</td>
<td>Pierce J. Ross (R)</td>
<td></td>
</tr>
<tr>
<td>Wayne</td>
<td>Jonah Adkins (D)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Emmett G. Staley (D)</td>
<td></td>
</tr>
<tr>
<td>Webster</td>
<td>F. N. Sycofooe (D)</td>
<td></td>
</tr>
<tr>
<td>Wetzel</td>
<td>Herbert Schupbach (D)</td>
<td></td>
</tr>
<tr>
<td>Wirt.</td>
<td>Roy I. Douglas (R)</td>
<td></td>
</tr>
<tr>
<td>Wood</td>
<td>Spencer K. Cree (R)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Blaine M. Miller (R)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Robert Evans Stealey (R)</td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>C. A. Blankenship (D)</td>
<td>Pineville</td>
</tr>
</tbody>
</table>

(D) Democrats ........................................... 65
(R) Republicans ......................................... 29

Total .................................................. 94
STANDING COMMITTEES OF THE SENATE

AGRICULTURE
Messrs. Allen (Chairman), Perry, Ellison, Boner, Bowling, Jackson, Harmer, Burgess and Staats.

BANKS AND CORPORATIONS
Messrs. Ellison (Chairman), Hall (of Raleigh), Bambrick, Belknap, Allen, Hardesty, Young, Morrison and Boreman.

CLAIMS AND GRIEVANCES
Messrs. Belknap (Chairman), Hall (of Boone), Bean, Burchett, Wylie, Morris, Boreman, Bowers and Reed.

COUNTIES AND MUNICIPAL CORPORATIONS
Messrs. Mitchell (Chairman), Hall (of Raleigh), Hardesty, Wylie, Jackson, Winters, Morrison, Harmer and Boreman.

EDUCATION
Messrs. McKown (Chairman), Mitchell, Hardesty, Ellison, Allen, Perry, Morris, Winters, Bambrick, Bowers, Harmer and Boreman.

EXAMINE CLERK'S OFFICE
Messrs. Boner (Chairman), Winters and Harmer.

FEDERAL RELATIONS
Messrs. Bambrick (Chairman), Johnston, Hall (of Raleigh), Hardesty, Allen, Bean, Bowers, Staats and Musgrave.

FINANCE
Messrs. Hardesty (Chairman), Belknap, Perry, Winters, Ellison, Jackson, Morris, Bowling, Allen, Mitchell, McKown, Hall (of Boone), Wylie, Burchett, Hannig, Reed, Bowers, Boreman and Young.

FORESTRY AND CONSERVATION
Messrs. Bowling (Chairman), Morris, Jackson, Perry, Allen, Eddy, Mitchell, Bean, Bowers, Hannig and Reed.
SENATE COMMITTEES

FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS
Messrs. Bean (Chairman), Eddy, Belknap, Burchett, Jackson, Johnston, Davis, Musgrave and Hannig.

INSURANCE
Messrs. Hall (of Raleigh) (Chairman), Johnston, Hardesty, Bean, McKown, Bambrick, Young, Davis and Morrison.

INTERSTATE COOPERATION
Messrs. McKown (Chairman), Hardesty, Allen, Johnston and Harmer.

JUDICIARY
Messrs. Johnston (Chairman), Bambrick, Bean, Boner, Belknap, Burchett, Hall (of Boone), McKown, Hall (of Raleigh), Allen, Mitchell, Bowling, Musgrave, Morrison, Davis, Harmer, Burgess and Staats.

LABOR
Messrs. Winters (Chairman), Morris, Boner, Hall (of Boone), Burchett, Hardesty, Staats, Hannig and Bowers.

MEDICINE AND SANITATION
Messrs. Wylie (Chairman), Bean (Vice Chairman), Allen, Morris, Eddy, Bambrick, Boreman, Staats and Young.

MILITIA
Messrs. Mitchell (Chairman), Winters, Jackson, Wylie, Boner, Perry, Burgess, Harmer and Musgrave.

MINES AND MINING
Messrs. Burchett (Chairman), Hall (of Boone), Winters, Belknap, Jackson, Hardesty, Morrison, Harmer and Reed.

PENITENTIARY
Messrs. Perry (Chairman), Mitchell, McKown, Wylie, Ellison, Hall (of Raleigh), Staats, Reed and Burgess.

PRIVILEGES AND ELECTIONS
Messrs. Hall (of Boone) (Chairman), Burchett, McKown, Mitchell, Bean, Bowling, Morrison, Hannig and Young.
SENATE COMMITTEES

PUBLIC BUILDINGS AND HUMANE INSTITUTIONS
Messrs. Hall (of Raleigh) (Chairman), Morris, Winters, McKown, Eddy, Burchett, Bowling, Boner, Hall (of Boone), Davis, Staats and Musgrave.

PUBLIC LIBRARY
Messrs. Hall (of Raleigh) (Chairman), Ellison, Morris, Wylie, Hardesty, Johnston, Boreman, Musgrave and Reed.

PUBLIC PRINTING
Messrs. Burchett (Chairman), Hall (of Raleigh), Boner, Wylie, Eddy, McKown, Hannig, Harmer and Reed.

ROADS AND NAVIGATION

RAILROADS
Messrs. Belknap (Chairman), Winters, Ellison, Bowling, Bambrick, Bean, Boreman, Davis and Young.

REDISTRICTING
Messrs. Eddy (Chairman), Bowling, Ellison, Hall (of Raleigh), Hall (of Boone), Johnston, Bowers, Davis and Staats.

RULES
The President (ex officio, Chairman), Johnston, Allen, McKown, Bowling, Hardesty, Hannig, Young and Morrison.

TEMPERANCE
Messrs. Perry (Chairman), Belknap, Hall (of Boone), Burchett, Mitchell, Bambrick, Hannig, Musgrave and Burgess.

VETERANS' AFFAIRS
Messrs. Allen (Chairman), Johnston, Mitchell, Bowling, Perry, Belknap, Morrison, Davis and Burgess.

JOINT COMMITTEE ON JOINT RULES ON THE PART OF THE SENATE
The President (ex officio, Chairman), Johnston and Morrison.

JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE SENATE
Messrs. Morris (Chairman), Boner, Eddy, Perry and Young.
STANDING COMMITTEES OF THE HOUSE OF DELEGATES

AGRICULTURE
Messrs. Trumbo (Chairman), Meredith (Vice Chairman), Adkins, Ansel, Carroll, Casey, Chambers, Downs, Moler, McCoy, McElwee, McVey, Rodes, Vaughan, Carder, Douglas, Harvey, Sayre, Strickling, Underwood and Welton.

ARTS, SCIENCE AND GENERAL IMPROVEMENTS
Messrs. Shannon (Chairman), Adkins (Vice Chairman), Board, Cavender, Cavendish, Craddock, Desist, Downs, Maness, Morris and Rogers.

BANKS AND CORPORATIONS
Messrs. Moler (Chairman), Staley (of Wayne) (Vice Chairman), Ballard, Board, Dawson, Doringer, Downs, Hall, Hansbarger, Matthews, Payne, Roach, Tetrick, Ward, White, McCulty, Miller, Moore, Osborne, Ross (of Upshur), Stealey (of Wood) and Underwood.

CLAIMS AND GRIEVANCES
Messrs. Sharpe (Chairman), Burt (Vice Chairman), Cavendish, Cline, Craddock, Dawson, Flint, Goff, James, Knight, Lubliner, Meredith, Roach, Sycafoose, Walker, Young, Carder, Hugus, Raese, Rainden, Strickling and Welton.

COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS
Messrs. Flint (Chairman), Doringer (Vice Chairman), Board, Cavender, Cline, Freshwater, Goff, Hansbarger, Hudson, James, Matthews, McVey, Roach, Swann, Callahan, Carder, Douglas, Hathaway, Hugus, Jeffries, Miller and Stealey (of Wood).

EDUCATION
Messrs. Ward (Chairman), Blankenship (Vice Chairman), Craddock, Curry, Davis, Freshwater, Goff, Hall, James, Jones, McClung, Postalwait, Roach, Rodes, Schupbach, Vaughan, White, Harvey, Jeffries, Maness, Rice, Ross (of Upshur), Strickling, Underwood and Welton.
House Committees

ELECTIONS AND PRIVILEGES

Messrs. Lubliner (Chairman), Goff (Vice Chairman), Ansel, Carroll, Cline, Dawson, Flannery, Freshwater, Jones, McClung, Vaughan, Jeffries, Rice, Strickling and Yoho.

EXECUTIVE OFFICES AND LIBRARY

Messrs. Matthews (Chairman), Roach (Vice Chairman), Burt, Curry, Goff, Beard, Carder and Creel.

FEDERAL RELATIONS

Messrs. Curry (Chairman), Knight (Vice Chairman), Jones, Roach, Ross (of Mercer), Schupbach, Sharpe, Hathaway, Maness and Underwood.

FORESTRY AND CONSERVATION

Messrs. McClung (Chairman), Trumbo (Vice Chairman), Blankenship, Cavendish, Chambers, Cline, Craddock, de Gruyter, Desist, Doringer, Evans, Freshwater, Hall, McElwee, Rodes, Sharpe, Beard, Creel, Hartigan, Maness, Morris, Sayre, Underwood and Welton.

FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS

Messrs. McCoy (Chairman), Young (Vice Chairman), Cavender, Flannery, Hansbarger, Holt, Hudson, James, Johnson, Poling, Ross (of Mercer), Sycafoose, Tetrick, Warden, Carder, Moore, Powell, Raese, Rairden and Rogers.

GAME AND FISH

Messrs. Knight (Chairman), McCoy (Vice Chairman), Ansel, Blankenship, de Gruyter, Hall, Lubliner, McClung, Payne, Roach, Schupbach, Shannon, Swann, Sharpe, Trumbo, Beard, Creel, Harvey, Osborne, Rice, Ross (of Upshur), Sayre and Welton.

HUMANE INSTITUTIONS AND PUBLIC BUILDINGS

Messrs. Postalwait (Chairman), Downs (Vice Chairman), Carroll, Chambers, Curry, de Gruyter, Desist, Evans, McVey, Sharpe, Swann, Tetrick, Mrs. Walker, Messrs. White, Hartigan, Harvey, Maness, McCulty, Ross (of Upshur), Underwood and Yoho.
INSURANCE

Messrs. Ansel (Chairman), Cavender (Vice Chairman), Ballard, Board, Burt, Chambers, Davis, de Gruyter, Evans, Flint, Holt, Jones, Moler, Callahan, Flaccus, Hathaway, Jeffries, Maness and Miller.

JUDICIARY

Messrs. Davis (Chairman), Ansel (Vice Chairman), Casey, de Gruyter, Doringer, Flannery, James, Jones, Meredith, McCoy, Poling, Ross (of Mercer), Sycafoose, Mrs. Walker, Messrs. Young, Callahan, Flaccus, Morris, Moore, Osborne, Ross (of Upshur) and Stealey (of Wood).

LABOR

Mrs. Walker (Chairman), Messrs. Meredith (Vice Chairman), Adkins, Ansel, Ballard, Board, Casey, Davis, Flint, Freshwater, Johnson Moler, Postalwait, Shannon, Young, Creel, Flaccus, Hathaway, Hugus, Moore, McCulty and Powell.

MEDICINE AND SANITATION

Messrs. Evans (Chairman), White (Vice Chairman), Adkins, Burt, Cavender, Cavendish, Cline, Curry, Dawson, Freshwater, Holt, McClung, Poling, Swann, Trumbo, Vaughan, Mrs. Walker, Messrs. Warden, Beard, Douglas, Hartigan, Rogers, Strickling, Welton and Yoho.

MILITARY AFFAIRS

Messrs. Jones (Chairman), Schupbach (Vice Chairman), Adkins, Casey, Desist, Downs, Evans, Hudson, Knight, Lubliner, Payne, Rodes, Staley (of Wayne), Sycafoose, Vaughan, Creel, McCulty, Raese, Rice, Rogers, Ross (of Upshur) and Strickling.

MINES AND MINING

Messrs. Staley (of Wayne) (Chairman), Tetrick (Vice Chairman), Blankenship, Board, Cavendish, Craddock, Doringer, Johnson, Lubliner, Payne, Shannon, Van Sickler, Ward, Warden, Young, Callahan, Hartigan, Maness, Moore, Osborne, Raese and Ross (of Upshur).
PENITENTIARY
Messrs. Schupbach (Chairman), Poling (Vice Chairman), Brady, Carroll, Casey, Chambers, Craddock, Downs, Flannery, Flint, Jones, McClung, Postalwait, Ross (of Mercer), Shannon, Staley (of Wayne), Swann, Vaughan, Warden, Carder, Osborne, Rice, Ross (of Upshur), Underwood and Yoho.

PRINTING AND CONTINGENT EXPENSES
Messrs. Tetrick (Chairman), White (Vice Chairman), Ballard, Chambers, Downs, Hall, McVey, Young, Miller, Sayre and Welton.

RAILROADS
Messrs. McElwee (Chairman), Hudson (Vice Chairman), Ansel, Board, Davis, Hansbarger, Holt, Johnson, Moler, Payne, Sharpe, Staley (of Wayne), Van Sickler, White, Beard, Creel, Flaccus, Harvey, Hugus, Moore, Osborne, Rogers and Stealey (of Wood).

REDISTRICTING
Messrs. Desist (Chairman), Poling (Vice Chairman), Adkins, Blankenship, Brady, Cavender, Doringer, Flannery, Johnson, Matthews, McElwee, McVey, Ross (of Mercer), Shannon, Ward, White, Douglas, Hathaway, Jeffries, Miller, Morris and Rairden.

ROADS
Messrs. Poling (Chairman), Flannery (Vice Chairman), Board, Brady, Burt, Carroll, Cavendish, Curry, Desist, Goff, Hall, Meredith, McCoy, Rodes, Sharpe, Sycafoose, Trumbo, Beard, Carder, Douglas, Flaccus, Jeffries, Raese, Rogers and Sayre.

RULES
Messrs. Amos (Chairman ex officio), Davis, Hansbarger, Meredith, Ward, Hugus, Moore and Stealey (of Wood).

STATE BOUNDARIES
Messrs. Payne (Chairman), Burt, (Vice Chairman), Cavendish, Freshwater, Hansbarger, Trumbo, Flaccus, Hugus and Moore.
TAXATION AND FINANCE

Messrs. Hansbarger (Chairman), McElwee (Vice Chairman), Ballard, Cline, Holt, Johnson, Knight, Lubliner, Matthews, Moler, McVey, Payne, Schupbach, Swann, Tetrick, Ward, Hartigan, Hathaway, Hugus, Miller, McCulty, Powell and Rairden.

TEMPERANCE

Messrs. Meredith (Chairman), Ballard (Vice Chairman), Burt, Chambers, Cline, Dawson, Desist, Knight, Matthews, Payne, Postalwait, Vaughan, Mrs. Walker, Messrs. Warden, Beard, Callahan, Maness, Morris, Rairden, Stealey (of Wood) and Yoho.

VETERANS' AFFAIRS

Messrs. Ross (of Mercer) (Chairman), Powell (Vice Chairman), Ballard, Freshwater, Holt, Jones, Lubliner, Postalwait, Young, Ward, Creel, Douglas, Hartigan, Hugus, McCulty, Miller, Osborne, Raese, Rairden, Rice, Underwood and Yoho.

JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE HOUSE

Messrs. de Gruyter (Chairman), Carroll, Curry, Jeffries and Yoho.

JOINT COMMITTEE ON JOINT RULES ON THE PART OF THE HOUSE

Messrs. Amos (Speaker) (Chairman ex officio), Davis and Hugus.

HOUSE MEMBERS OF THE COMMISSION ON INTERSTATE COOPERATION

Messrs Knight (Chairman), Moler, Schupbach, Osborne and Powell.
# LEGISLATIVE INTERIM COMMITTEES

## CONSERVATION

**Senate Members**
- ARNOLD M. VICKERS *(President)*
- JOHN H. BOWLING
- THEODORE M. BOWERS

**House Members**
- JOHN E. AMOS *(Speaker)*
- FRANK A. KNIGHT
- WRIGHT HUGUS

[For the duties of the Committee on Conservation, See, Item 27, Chapter 11, Page 99 of this volume.]

## EDUCATION AND OTHER GOVERNMENTAL PROBLEMS

**Senate Members**
- ARNOLD M. VICKERS *(President)*
- C. HOWARD HARDESTY
- C. H. McKOWN
- HARDIN R. HARMER
- JOHN C. MORRISON

**House Members**
- JOHN E. AMOS *(Speaker)*
- JULIAN C. HANSBARGER
- JOHN C. WARD
- WILLIAM O. CALLAHAN
- BLAINE M. MILLER

## PUBLIC HEALTH AND RELATED PROBLEMS

**Senate Members**
- ARNOLD M. VICKERS *(President)*
- FRED C. ALLEN
- GLENN JACKSON
- W. BROUGHTON JOHNSTON
- H. S. BOREMAN
- G. O. YOUNG

**House Members**
- JOHN E. AMOS *(Speaker)*
- J. HORNOR DAVIS
- FRED L. DORINGER
- RUSH D. HOLT
- O. C. HATHAWAY
- EVERETT F. MOORE

[The President of the Senate and the Speaker of the House of Delegates are co-chairmen of the Interim Committees on Education and Public Health. The Committee on Education was created by Senate Concurrent Resolution No. 6. For text of resolution, giving authority and functions of the committee, See, page 663 of this volume. The Committee on Public Health was created by House Concurrent Resolution No. 4. For text of this resolution, giving authority and duties of the committee, See, page 628 of this volume.]

## MEMORIAL TO FOUNDER OF MOTHER'S DAY, ETC.

**Senate Members**
- RALPH J. BEAN
- A. L. REED

**House Members**
- J. W. HARTIGAN
- FRED H. CARDER
- D. F. DESIST

[For the resolution creating the committee to recommend a suitable marker for the birthplace of the founder of Mother's Day, and the location of a suitable memorial, See, House Concurrent Resolution No. 16, page 634 of this volume.]
AN ACT to amend article four, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding a new section thereto to be designated section thirty-one, pertaining to the ascertainment and designation of boundary lines between coterminous landowners.

[Passed February 23, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 4. Ejectment

Section 31. How boundary line or lines of real estate may be ascertained and established; petition may be filed for that purpose.

Be it enacted by the Legislature of West Virginia:

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

Section 31. How Boundary Line or Lines of Real Estate May Be Ascertained and Established; Petition May Be Filed for That Purpose.—Any person having a subsisting interest in real estate and a right to its possession, or to the possession of some share, interest or portion thereof,
upon petition filed in the court which would have jurisdiction in an action of ejectment concerning such real estate, shall have the right to have ascertained and designated by the said court, the true boundary line or lines to such real estate, as to one or more of the co-terminous landowners. Petitioner in his petition shall state whether his interest is in fee, for life, for a term or otherwise, and shall describe with reasonable certainty said real estate and the boundary line or lines thereof which he seeks to establish. A plat showing such real estate and boundary line or lines, filed with the petition, may serve the purposes of such description.

The petitioner shall make defendants to said petition all persons having a present interest in the boundary line or lines sought to be ascertained and designated, and the case shall be commenced by serving a copy of the petition upon the defendant or defendants. If the petition shall have been served on the defendant or defendants and filed in the clerk's office not less than thirty days preceding the first day of a term of court the case shall be matured for trial at said term. The defendant or defendants may file an answer to said petition which shall state the grounds of defense, if any, and the parties shall be deemed to be at issue, which issue shall be the true boundary line or lines of such real estate. The trial shall be conducted as other trials at law, and the same rules of evidence shall apply and the same defenses may be made as in other actions at law. A trial by jury may be waived by consent of the parties, and the case be tried by the court. Counsel for the petitioner shall have the right to open and conclude the argument. The judgment of the court shall be recorded in the law order book, and in the current deed book in the office of the clerk of the county court, and indexed in the names of the parties. The judge of the court in term time or vacation may direct such surveys to be made as he may deem necessary. The judgment of the court, unless reversed, shall forever settle, determine, and designate the true boundary line or lines in question, and be binding upon the parties,
46 their heirs, devisees, and assigns. The judgment may be
47 enforced in the same manner as a judgment in an action
48 of ejectment. A writ of error from the supreme court
49 of appeals shall lie to such judgment in like manner as
50 in a common law action.
51 In a proceeding under this section, no claim for rents,
52 profits or damages shall be considered.

CHAPTER 2

(Com. Sub. for House Bill No. 29-Originating in the House Committee on
the Judiciary)

AN ACT to amend and reenact section eight, article seven,
chapter fifty-five of the code of West Virginia, one thou­
sand nine hundred thirty-one, relating to the termination
or abatement of action for injury upon the death of either
party and providing for the survival of action against
the personal representative of the wrongdoer.

(Passed February 23, 1945; in effect ninety days from passage. Approved
by the Governor.)

Article 7. Actions for Injuries.

Section 8. When action not to abate; survival of action for personal injury
against wrongdoer.

Be it enacted by the Legislature of West Virginia:

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

Section 8. When Action Not to Abate; Survival of Ac­tion for Personal Injury Against Wrongdoer.—Where an
action is brought by a person injured for damage caused.
by the wrongful act, neglect or default of any person
or corporation, and the person injured dies pending the
action, the action shall not abate by reason of his death
but, his death being suggested, it may be revived in the
name of his personal representative, and the declaration
and other pleadings shall be amended so as to conform
to an action under sections five and six of this article,
and the case proceeded with as if the action had been
brought under said sections. But in such case there shall
be but one recovery for the same injury. And any right
of action which may hereafter accrue by reason of any
injury done to the person of another, and not resulting
in death, by the wrongful act, neglect or default of any
person, shall survive the death of the wrongdoer and
may be enforced against his executor or administrator,
either by reviving against such personal representative
a suit which may have been brought against the wrong-
doer himself in his lifetime, or by bringing an original
suit against his personal representative after his death,
whether or not the death of the wrongdoer occurred
before or after the death of the injured party. Nothing
contained in this section shall be construed to extend
the time within which an action for any other tort
shall be brought, nor to give the right to assign a claim
for a tort not otherwise assignable.

CHAPTER 3
(Senate Bill No. 152—By Mr. Mitchell)

AN ACT to amend and reenact sections one, eight and twelve,
article fifteen, chapter forty-four of the code of West Vir-
ginia, one thousand nine hundred thirty-one, relating to the
appointment of committees and guardians of incompetent
and minor beneficiaries who have heretofore or who here-
after may receive benefits from the United States or any
bureau or agency thereof; and the administration of the
assets of such beneficiaries and the accountings of com-
mittees and guardians.

[Passed March 7, 1945; in effect from passage. Approved by the Governor.]

Article 15. Veterans' Guardianship and Commitment.

Section
1. Scope of article.
Be it enacted by the Legislature of West Virginia:

That sections one, eight and twelve, article fifteen, 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. Scope of Article.—Whenever pursuant to any law of the United States or regulation of any bureau or agency thereof, the appointment of a guardian or committee to act in a fiduciary capacity for any person is required prior to payment of benefits, pensions, compensation for service or for any other reason for which payments are due to such person from the government of the United States or any bureau or agency thereof, the United States, or the chief officer of any such bureau or agency of the government, shall be a party in interest in any proceeding for the appointment or removal of a committee or of a guardian or for the removal of the disability of minority or mental incapacity of a ward, or in any suit or other proceeding affecting in any manner the administration by the committee or the guardian of the estate of any ward whose estate includes assets derived in whole or in part from benefits heretofore or hereafter paid by the United States, or any bureau or agency thereof. Not less than fifteen days prior to the hearing in such matter notice in writing of the time and place thereof shall be given by mail (unless waived in writing) to the office of the United States, or any bureau or agency thereof having jurisdiction in such matters over the area in which any such suit or proceeding is pending.

Whenever, pursuant to any law of the United States or regulation of any bureau or agency thereof, it is necessary, prior to the payment of benefits, that a committee or guardian be appointed, the appointment may be made in the manner hereinafter provided.

Sec. 8. Settlement of Accounts.—Every guardian, who shall receive on account of his ward any moneys from
the government of the United States or any agency thereof, shall file with a commissioner of accounts annually, on the anniversary date of the appointment, or within thirty days thereafter, in addition to such other accounts as may be required, a full, true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested: Provided, That in cases where the income received by the committee or guardian does not average annually more than three hundred dollars, the committee or guardian may make his report of account to the commissioner once in every three years. A true copy of each such account filed with such commissioner of accounts shall be sent by such commissioner of accounts to the office of the bureau or other agency of the government having jurisdiction over the area in which such court is located and from which payments are made. The commissioner of accounts shall fix a time and place for the hearing on such account not less than fifteen nor more than thirty days from the date of filing same, and notice thereof shall be given by the commissioner of accounts to the aforesaid bureau or other agency of the government not less than fifteen days prior to the date fixed for the hearing. Notice of such hearing shall in like manner be given to the guardian.

Sec. 12. Disbursements.—A committee shall not apply any portion of the income or the estate for the support or maintenance of any person other than the ward, the spouse and the minor children of the ward, except upon petition to and prior order of the court after a hearing. A signed duplicate or certified copy of said petition shall be furnished the proper office of the United States or any bureau or agency thereof, and notice of hearing thereon shall be given said office as provided in the case of hearing on a committee’s account or other pleading.
AN ACT to amend article six, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto three new sections to be known and designated as sections six, seven and eight, relating to investments by fiduciaries and permitting the establishment of common trust funds and investments therein by fiduciaries.

[Passed February 22, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 6. Investments by Fiduciaries.

Section

6. Establishment of common trust funds.
7. Accounting required of fiduciaries as to common trust funds.
8. How act cited; purpose; provisions severable.

Be it enacted by the Legislature of West Virginia:

That article six, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto three new sections to be known as sections six, seven and eight, to read as follows:

Section 6. Establishment of Common Trust Funds; Investments.—Any bank or trust company qualified to act as fiduciary in this state may establish common trust funds for the purpose of furnishing, or making available, investments to itself as fiduciary, or to itself and others, as co-fiduciaries, and may, as such fiduciary or co-fiduciary, invest funds which it lawfully holds for investment in interests in such common trust funds, if such investment is not prohibited by the instrument, judgment, decree, or order creating its fiduciary status or relationship, and if, in the case of co-fiduciaries, the bank or trust company procures the consent of its co-fiduciaries to such investment: Provided, however, That such common trust funds shall only be invested in securities legal for fiduciary investment under the provisions of section two of this article, and any amendments
or reenactments thereof, unless each fiduciary acquiring or holding any interest in any common trust fund, is specifically permitted by an instrument creating the fiduciary status or relationship to invest in securities other than those set forth in subdivisions (a) to (g) of said section two, or any amendments or reenactments thereof.

Sec. 7. Accounting Required of Fiduciaries as to Common Trust Funds.—Unless ordered by a court of competent jurisdiction, the bank or trust company operating such common trust fund, as provided for in section six of this article, shall not be required to render an accounting with regard to such fund, before any commissioner of accounts, but it may, by application to the circuit court of the county in which is located the principal place of business of said bank or trust company, secure the approval of an accounting in such condition as the court may fix: Provided, however, That nothing herein shall be interpreted as relieving any fiduciary acquiring, holding or disposing of an interest in any common trust fund from making an accounting as required by law with respect of such interest.

Sec. 8. How Act Cited; Purpose; Provisions Severable.—This act, being said sections six, seven and eight of this article, may be cited as the "Uniform Common Trust Fund Act." It shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which have or may hereafter enact it, or similar legislation. It shall apply to a fiduciary relationship, or status, now in existence or hereafter established. If any of its provisions or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect the other provisions or applications which can be given effect without the invalid provision or application, and to this end its provisions are declared to be severable.
AN ACT to amend and reenact section four, chapter four, acts of the Legislature, regular session, one thousand nine hundred thirty-one, relating to the board of aeronautics, the director of aeronautics, administrative and clerical assistants, and prescribing their powers and duties, and providing that said chapter and all acts amendatory thereof be designated article two-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 2-a. State Board of Aeronautics.

Section 4. Director of Aeronautics, appointment, qualifications, compensation, powers and duties; administrative and other assistants, their powers and duties.

Be it enacted by the Legislature of West Virginia:

That chapter four, acts of the Legislature, regular session, one thousand nine hundred thirty-one, be and the same is hereby designated article two-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, and that section four of said article be amended and reenacted to read as follows:

Section 4. Director of Aeronautics, Appointment, Qualifications, Compensation, Powers and Duties; Administrative and Other Assistants, Their Powers and Duties.—A director of aeronautics shall be appointed by the board, who shall serve for an indefinite term at the pleasure of the board. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties vested in and imposed upon him by this act. He shall hold or have held a federal commercial pilot's license. He shall devote his entire time to the duties of his office as required and pre-
scribed by this act, and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have any pecuniary interest in or any stock in or bonds of any civil aeronautical enterprise. He shall receive such compensation as the board may determine, and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties. The director shall be the executive officer of the board and under its supervision shall administer the provisions of this act and the rules, regulations and orders established thereunder and all other laws of the state relative to aeronautics, but neither the board nor the director shall make or promulgate any rules, regulations or orders applicable to persons engaged in interstate air commerce in contravention of or inconsistent with the rules, regulations or orders of the civil aeronautics board or the civil aeronautics authority of the United States. The director shall attend, but not vote, at all meetings of the board. He shall be in charge of the offices of the board and responsible to the board for the preparation of reports and collection and dissemination of data and other public information relating to aeronautics. At the direction of the board he shall, together with the chairman of the board, execute all contracts entered into by the board which are legally authorized and for which funds are provided in any appropriations act. The board may, by written order filed in its office, delegate to the director any of the powers or duties vested or imposed upon it by this act. Such delegated powers and duties may be exercised by such director in the name of the board. The board may also employ such administrative, engineering, technical and clerical assistants as may be required. The director and such other assistants may, under the supervision of the board, insofar as reasonably possible, offer the engineering and other technical services of the board, without charge, to any county or municipality in connection with the construction, maintenance or operation, or proposed construction, maintenance or operation of any airport or landing field. The board, the director and such other assistants shall see that the state and federal laws
CHAPTER 6

(Com. Sub. for Senate Bill No. 170—Originating in the Senate Committee on the Judiciary)

AN ACT to amend and reenact section one, article eleven, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, and further to amend said article by adding thereto two new sections to be designated section five-a and section five-b, for the purpose of facilitating the acquisition, construction, management and use of airports and for the advancement of aeronautics; defining aeronautical words, terms and phrases; and authorizing the state and its political subdivisions to lease airports, grounds and portions thereof.

[Passed March 9, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 11. Airports and Avigation.

Section 1. Definitions.—As used in the statutes of West Virginia, unless the context otherwise requires:

Section 1. Definitions.—As used in the statutes of West Virginia, unless the context otherwise requires:
(a) "Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities, and air instruction.

(b) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

(c) "Public aircraft" means an aircraft used exclusively in the service of any government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(d) "Civil aircraft" means any aircraft other than a public aircraft.

(e) "Airport" means any area of land or water designated and set aside for the landing and taking off of aircraft and utilized or to be utilized, in the interest of the public, for such purposes.

(f) "Board" means the West Virginia board of aeronautics; "state" or "this state" means the state of West Virginia; and "director" means the director of aeronautics of this state.

(g) "Restricted area" means any area of land, water, or both, which is used or is made available for the landing and take-off of aircraft, the use of which shall, except in case of emergency, be only as provided from time to time by the board.

(h) "Air navigation facility" means any facility other than the one owned or controlled by the federal government, used in, available for use in, or designed for use in aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, naviga-
tion, and landing of aircraft, or the safe and efficient
operation or maintenance of an airport or restricted land-
ing area, and any combination of any or all of such
facilities.

(i) "Air navigation" or "navigation" means the opera-
tion or navigation of aircraft in the air space over this
state, or upon any airport or restricted landing area within
this state.

(j) "Operation of aircraft" or "operate aircraft" means
the use of aircraft for the purpose of air navigation, and
includes the navigation or piloting of aircraft. Any per-
son who causes or authorizes the operation of aircraft,
whether with or without the right of legal control (in
the capacity of owner, lessee, or otherwise) of the air-
craft, shall be deemed to be engaged in the operation of
aircraft within the meaning of the statutes of this state.

(k) "Airman" means any individual who engages, as
the person in command, or as pilot, mechanic, or member
of the crew, in the navigation of aircraft while under
way and (excepting individuals employed outside the
United States, any individual employed by a manu-
facturer of aircraft, aircraft engines, propellers, or appli-
cances to perform duties as inspector or mechanic in con-
nection therewith, and any individual performing inspec-
tion or mechanical duties in connection with aircraft
owned or operated by him) any individual who is directly
in charge of the inspection, maintenance, overhauling, or
repair of aircraft engines, propellers, or appliances; and
any individual who serves in the capacity of aircraft
dispatcher or air-traffic control-tower operator.

(l) "Air instructions" means the imparting of aero-
nautical information by any aeronautics instructor or in-
or by any air school or flying club.

(m) "Air school" means any persons engaged in giving,
or offering to give, instruction, in aeronautics, either in
flying or ground subjects, or both, for or without hire or
reward, and advertising, representing, or holding himself
out as giving or offering to give such instruction. It does
not include any public school or university of this state,
or any institution of higher learning duly accredited and
approved for carrying on collegiate work.
(n) "Aeronautics instructor" means any individual engaged in giving instruction, or offering to give instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward, without advertising such occupation, without calling his facilities an "air school" or anything equivalent thereto, and without employing or using other instructors. It does not include any instructor in any public school or university of this state, or any institution of higher learning duly accredited and approved for carrying on collegiate work, while engaged in his duties as such instructor.

(o) "Navigable air space" means air space above the minimum altitudes of flight prescribed by the laws of this state or by regulations of the board consistent therewith.

(p) "Political subdivision" means any municipality, city, town, village or county.

(q) "Airport protection privileges" means easements through, or other interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to insure safe approaches to the landing areas of airports and restricted landing areas and the safe and efficient operation thereof.

(r) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or taking off.

(s) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.

(t) "Structure" means any object constructed or installed by men, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(u) "Tree" means any object of natural growth.

(v) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
(w) The singular shall include the plural and the plural

the singular.

Sec. 5-a. Federal Aid.—(a) The board is authorized to
 cooperate with the government of the United States, and
 any agency or department thereof, in the acquisition,
 construction, improvement, maintenance and operation
 of airports and other air navigation facilities in this state,
 and is authorized to accept federal aid either outright or
 by way of matching the same in whole or in part as may
 be required, and to comply with the provisions of the
 laws of the United States and any regulations made there-
 under for the expenditure of federal moneys upon such
 airports and other navigation facilities.

(b) The board is authorized to accept, receive, and
 receipt for federal moneys and other moneys, either pub-
 lic or private, for and in behalf of this state, or any
 county or municipality thereof, for the acquisition, con-
 struction, improvement, maintenance, and operation of
 airports and other air navigation facilities, whether such
 work is to be done by the state or by such county or
 municipality, or jointly, aided by grants of aid from the
 United States, upon such terms and conditions as are or
 may be prescribed by the laws of the United States and
 any rules or regulations made thereunder, and it is hereby
designated as the agency of the state, and is authorized
to and may act as agent of any county or munici-
pality of this state upon the request of such county or
 municipality, in accepting, receiving and receipting for
 such moneys in its behalf for airports or other air navi-
gation facility purposes, and in contracting for the ac-
quision, construction, improvement, maintenance, or
 operation of airports or other air navigation facilities,
 financed either in whole or in part by federal moneys;
 and the governing body of any such county or munici-
pality is authorized to and may, and the state hereby does,
designate the board as its agent for such purposes and to
 enter into an agreement with it prescribing the terms and
 conditions of such agency in accordance with federal laws,
rules and regulations and with this act. Such moneys as
 are paid over by the United States government shall be
retained by the state or paid over to said counties or
municipalities under such terms and conditions as may be
imposed by the United States government in making such
grants.

(c) All contracts for the acquisition, construction, im-
provement, maintenance, and operation of airports, or
other air navigation facilities made by the board, either
as the agent of this state or as the agent of any county or
municipality, shall be made pursuant to the laws of this
state governing the making of like contracts: Provided,
however, That where the acquisition, construction, im-
provements, maintenance, and operation of any airport,
landing strip, or other air navigation facility is financed
wholly or partially with federal moneys, the board, as
agent of the state, a county, or of any municipality there-
of, may let contracts in the manner prescribed by the
federal authorities, acting under the laws of the United
States, and any rules or regulations made thereunder, not-
withstanding any other state law to the contrary.

(d) All moneys accepted for disbursement by the board
pursuant to this section shall be deposited in the state
treasury, and, unless otherwise prescribed by the authority
from which the money is received, kept in separate funds,
designed according to the purposes for which the moneys
were made available, and held by the state in trust for
such purposes. All such moneys are hereby appropriated
for the purposes for which the same were made available,
to be expended in accordance with federal laws and regu-
lations and with this act. The board is authorized, whether
acting for this state or as the agent of any county or mu-
nicipality, or when requested by the United States govern-
ment or any agency or department thereof, to disburse
such moneys for the designated purposes, but this shall not
preclude any other authorized method of disbursement.

(e) The state and any county, incorporated city, town
or village thereof, is authorized to cooperate with the gov-
ernment of the United States, and any agency or depart-
ment thereof, in the acquisition, construction, improve-
ment, maintenance and operation of airports and other
air navigation facilities in this state, and authorized to
accept federal aid, either by way of outright grant or by matching the same in whole or in part as may be required, and to comply with the provisions of the laws of the United States and any regulations made thereunder for the expenditure of federal moneys upon such airports and other navigation facilities.

Sec. 5-b. The State and Political Subdivisions Empowered to Lease Airports, Landing Fields and Grounds.—The state, acting through the board, or any county, incorporated city, town or village owning, either severally or jointly with other like governmental units, an airport or landing field and any grounds used or useful in connection therewith may severally or jointly lease the same, for use as such airport or landing field and for any other purposes incidental to and not inconsistent therewith, for a term not exceeding thirty years: Provided, however, that no lease shall be executed by such owner or owners of any such airport, landing field or grounds unless and until such owner or owners shall have given notice by publication once a week for two successive weeks in two newspapers of opposite politics and of general circulation in the territory of the governmental unit or units affected, and by publication once a week for two successive weeks in such other journal or magazine, or journals or magazines, as such owner or owners may deem advisable, of its or their intent to lease said airport, landing field or grounds, which said notice shall accurately describe what is proposed to be leased, the purpose or purposes for which it may be used and the terms of said lease, and shall state the time and place for the public opening of proposals for such lease, and shall reserve the right to reject any and all proposals. Nothing herein contained, however, shall prevent such owner or owners of such airport, landing field or grounds from granting or renting landing rights for airplanes, hangar space, gasoline storage or handling facilities, ticket or general office space, or any other facilities or rights in connection with such airport, landing field or grounds, covering or affecting less than the whole thereof, without notice and upon such terms as such owner or owners may deem advisable. All in-
come received by a county court, or incorporated city, town or village, under the terms of any such lease or grant shall be paid to the state sinking fund commission to retire the bonded indebtedness, if any, created for the acquisition, building and construction of such airport, landing field or grounds. If there be no such outstanding bonded indebtedness, then such income shall be paid into the general fund of such county, incorporated city, town or village.

CHAPTER 7
(House Bill No. 149—By Mr. Hugus and Mr. Burt)

AN ACT to amend and reenact section two, article eleven, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to the establishment and operation of airports by counties and municipalities, by making provision for the jurisdiction of a county court over any portion of such airport lying outside the territorial boundaries of the county establishing the same.

[Passed March 10, 1945; in effect from passage. Approved by the Governor.]

Article 11. Airports and Avigation.
Section
2. Counties and municipalities may establish and operate airports.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Counties and Municipalities May Establish and Operate Airports.—Any county, city, town or village, may establish, lease, construct, equip, maintain and operate for such county, city, town or village, an airport or landing field for the use of aeroplanes and other aircraft, and may acquire or lease for such purpose real property within or without such county, or within or outside the
VIOLATIONS OF LIQUOR CONTROL LAW

Ch. 8] VIOLATIONS OF LIQUOR CONTROL LAW 19

8 corporate limits of such city, town or village, or may set
9 apart and use for such purpose real property owned by
10 the county, city, town or village, which is not needed for
11 any other public use, however such real property was ac-
12 quired. The county court now owning or leasing or here-
13 after acquiring or leasing any real property without the
14 limits of its county for the purpose of constructing and
15 operating an airport or landing field, shall have the same
16 and all jurisdiction over such property, its maintenance
17 and operation, as it has with respect to real property
18 owned or leased and operated by it for airport and land-
19 ing field purposes within the limits of its own county.

CHAPTER 8
(Com. Sub. for House Bill No. 81—Originating in the House Committee on
the Judiciary)

AN ACT to amend and reenact section nine, article six, chapter
sixty of the code of West Virginia, one thousand nine hun-
dred thirty-one, as enacted by chapter four, acts of the
Legislature, regular session, one thousand nine hundred
thirty-five, and as amended and reenacted by chapter four-
teen, acts of the Legislature, regular session, one thousand
nine hundred thirty-seven, relating to intoxication or
drinking in public places, illegal possession of alcoholic
liquor, arrests by sheriffs or their deputies for violations
thereof committed in their presence, and prescribing pen-
alties.

[Passed February 8, 1945; in effect from passage. Approved by the Governor.]


9. Intoxication or drinking in public places; illegal possession of al-
coholic liquors; arrests by sheriffs or their deputies for violation
in their presence; penalties.

Be it enacted by the Legislature of West Virginia:

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

Section 9. Intoxication or Drinking in Public Places; Illegal Possession of Alcoholic Liquor; Arrests by Sheriffs or Their Deputies for Violation in Their Presence; Penalties.—A person shall not:

1. (1) Appear in a public place in an intoxicated condition;
2. (2) Drink alcoholic liquor in a public place;
3. (3) Drink alcoholic liquor in a motor vehicle on any highway, street, alley or in a public garage;
4. (4) Tender a drink of alcoholic liquor to another person in a public place;
5. (5) Possess alcoholic liquor in the amount in excess of one gallon, in containers not bearing stamps or seals of the commission, without having first obtained written authority from the said commission therefor;
6. (6) Possess any alcoholic liquor which was manufactured or acquired in violation of the provisions of this chapter.

Any person who violates subsections one, two, three or four of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than one hundred dollars, or confined in jail not more than sixty days, or both such fine and imprisonment. Any person who violates subsection five or six of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in jail not less than sixty days nor more than twelve months, or both such fine and imprisonment, and upon conviction of a second or subsequent offense he shall be guilty of a felony and shall be confined in the penitentiary of this state for a period of not less than one year nor more than three years.
The sheriff of any county or his deputy is hereby au-
thorized and empowered to arrest and hold in custody,
without a warrant, until complaint may be made before a
justice and a warrant issued, any person who in the pres-
ence of such sheriff or deputy violates any one or more
of subsections one to six, both inclusive, of this section.

CHAPTER 9

(House Bill No. 106—By Mr. Hansbarger)

AN ACT to amend and reenact section nineteen, article three,
chapter sixty of the code of West Virginia, one thousand
nine hundred thirty-one, as enacted by chapter four, acts of
the Legislature, regular session, one thousand nine hun-
dred thirty-five, as amended, relating to the operating and
reserve funds of the state liquor control commission, pro-
viding state aid to municipalities, and disposition of excess
receipts of said commission.

[Passed February 15, 1945; in effect from passage. Approved by the Governor.]

Article 3. Sales by Commission.

Section
19. Amount of operating and reserve funds; disposition of excess; aid
to municipalities.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article three, chapter sixty of the code
of West Virginia, one thousand nine hundred thirty-one, as
enacted by chapter four, acts of the Legislature, regular ses-
sion, one thousand nine hundred thirty-five, as amended, be
amended and reenacted to read as follows:

Section 19. Amount of Operating and Reserve Funds;
Disposition of Excess; Aid to Municipalities.—All moneys
collected by the commission shall be credited to the
operating fund until that fund reaches an amount suffi-
cient for the current and routine requirements of the de-
partment, this amount to be fixed by the commission
with the approval of the governor, and not to exceed at any time the sum of one million five hundred thousand dollars. The receipts in excess of the requirements of the operating fund shall be paid into the reserve fund until the amount of the reserve fund equals three hundred fifty thousand dollars.

From receipts in excess of the requirements of the operating and reserve funds, the sum of fifty thousand dollars shall, upon requisition of the governor, be paid monthly into the state treasury and credited to a special fund to be established for the purpose of state aid to municipalities. The money in such fund shall be apportioned by the treasurer among the incorporated municipalities of the state, on the basis of population as shown by the last federal census or by any later census taken by the state of West Virginia, and shall be distributed quarterly by the treasurer upon warrants of the auditor. The amount paid to each municipality, as the state's contribution toward the expense of enforcement by the municipality of state laws for the protection of life and property, shall be for the purpose of reimbursing the municipality for its expenditures in enforcing such laws.

All receipts of the commission, not otherwise disposed of by this section, shall, upon requisition of the governor, be paid monthly into the state general revenue fund.

CHAPTER 10

AN ACT to amend and reenact section fourteen, article five, chapter fifty-eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to appeal bonds.

[Passed March 8, 1945; in effect from passage. Approved by the Governor.]

Article 5. Appellate Relief in Supreme Court of Appeals.
Section
Be it enacted by the Legislature of West Virginia:

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

Section 14. Appeal Bond.—Except when an appeal, writ of error or supersedeas is proper to protect the estate of a decedent, convict or insane person, the same shall not take effect until bond is given by the appellants or petitioners, or one of them, or some other person, in a penalty to be fixed by the court or judge by or in which the appeal, writ of error or supersedeas is allowed or entered with condition: If a supersedeas be awarded, to abide by and perform the judgment, decree or order of affirmation, and to pay to the opposite party, and to any person injured all such costs and damages as they, or either of them, may incur or sustain by reason of said appeal, in case such judgment, decree or order, or such part, be affirmed, or the appeal, writ of error or supersedeas be dismissed, and also, to pay all damages, costs and fees, which may be awarded against or incurred by the appellant or petitioners; and if it be an appeal from an order or decree dissolving an injunction, or dismissing a bill of injunction, with a further condition, to indemnify and save harmless the surety in the injunction bond against loss or damage in consequence of his suretyship; and with condition when no supersedeas is awarded to pay such specific damages, and such costs and fees as may be awarded or incurred: Provided, That whenever a writ of error, appeal or supersedeas shall be awarded in any action or suit wherein a judgment or decree for the payment of money has been entered against an insured in an action which is defended by an insurance corporation, or other insurer, on behalf of the insured under a policy of insurance, the limit of liability of which is less than the amount of said judgment, execution on the judgment to the extent of the policy coverage shall be stayed until final determination of such appeal, writ of error or supersedeas, and no execution shall be issued, or action brought, maintained or continued against such insured, insurance cor-
poration, or other insurer, for the amount of such judg-
ment or decree so stayed, by either the injured party, the
insured, or the legal representative, heir or assigns of any
of them, during the pendency of such proceeding, pro-
vided such insurance corporation, or other insurer, shall:

1. File with the clerk of the court in which the judg-
ment was entered, a sworn statement of one of its offi-
cers, describing the nature of the policy and the amount
of coverage thereof;

2. Give or cause to be given by the judgment debtor or
some other person for him a bond in a penalty to be fixed
by the court or judge by or in which the appeal, writ of
error or supersedeas is allowed or entered, not to exceed
the amount of such insurance coverage set out in the
sworn statement above required, with condition to pay
the amount of such coverage upon said judgment if the
judgment or decree or such part be affirmed or the ap-
peal, writ of error or supersedeas be dismissed, plus in-
terest on said sum and costs;

3. Serve a copy of such sworn statement and bond upon
the judgment creditor or his attorney;

4. Deliver or mail to the insured at the latest addres-
se of the insured appearing upon the records of such in-
surance corporation, or other insurer, written notice that
execution on such judgment to the extent that it is not
covered by such insurance is not stayed in respect to the
insured: Provided further, That the filing of a bond by the
insured or someone for him, conditioned upon the pay-
ment of the balance of the judgment or decree and inter-
est not stayed by the insured as aforesaid if the judgment
or decree be affirmed or the appeal, writ of error or super-
sedeas be dismissed, shall stay execution on the balance
of said judgment not covered by such insurance: And
provided further, That the filing of such statement and
bond hereunder by an insurance corporation or other in-
insurer shall not thereby make such insurance corporation
or other insurer a party to such action, either in the trial
court or in the appellate court.
CHAPTER 11

(Com. Sub. for House Bill No. 1—Originating in the House Committee on Taxation and Finance)

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

[Passed March 10, 1945; 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 the money necessary for economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal years one thousand nine hundred forty-six and one thousand nine hundred forty-seven. To give effect to this purpose, the Board of Public Works shall supervise the fiscal policy, control the assumption of obligations, and regulate the expenditures of the agencies of the state.

Sec. 2. Definitions.—For the purpose of this act:
1. “Board” shall mean the board of public works;
2. “Spending Unit” shall mean the department, agency, or institution to which an appropriation is made;
3. The “fiscal year one thousand nine hundred forty-six” shall mean the period from July first, one thousand nine hundred forty-five, through June thirtieth, one thousand nine hundred forty-six, and the “fiscal year one thousand nine hundred forty-seven” shall mean the period from
10 July first, one thousand nine hundred forty-six, through
11 June thirtieth, one thousand nine hundred forty-seven.
12 "From collections" shall mean that part of the total ap-
13 propriation which must be collected by the spending unit
14 to be available for expenditure. If the authorized amount
15 of collections is not collected, the total appropriation for
16 the spending unit shall be reduced automatically by
17 the amount of the deficiency in the collection. If the
18 amount collected exceeds the amount designated "from
19 collections" the-excess shall be set aside in a special surplus
20 fund and may be expended for the purpose of the spending
21 unit as provided by chapter thirty-nine, acts of the Legisla-
22 ture, regular session, one thousand nine hundred thirty-
23 nine.
24 "Regular teachers" shall include any person holding a
25 teachers' certificate and a continuing contract employed
26 by the county board of education for services in the public
27 schools. "Substitute teachers" shall include any person
28 holding a teacher's certificate without a contract employed
29 by the county board of education to serve in any school
30 during the absence of the regular teacher on account of
31 illness or other legitimate cause.

Sec. 3. Classification of Appropriations.—An appropria-
2 tion for:
3 "Personal Services" shall be expended only for the pay-
4 ment of salaries, wages, fees, and other compensation for
5 skill, work, or employment;
6 "Current expenses" shall be expended only for the oper-
7 ating costs other than personal services or capital outlay;
8 "Repairs and alterations" shall include all expenditures
9 for materials, supplies and labor used in repairing and
10 altering buildings, grounds and equipment;
11 "Equipment" shall be expended only for things which
12 have an appreciable and calculable period of usefulness in
13 excess of one year. Equipment appropriations are not
14 transferable to other items of appropriation;
15 "Buildings" shall include construction and alteration of
16 structures and the improvement of lands and shall include
17 shelter, support, storage, protection, or the improvement
18 of a natural condition;
"Lands" shall be expended only for the purchase of lands or interest in lands;
Buildings and/or lands appropriations are not transferable to other items of appropriation.
Unclassified appropriations shall be expended only where the distribution of expenditures for different purposes cannot well be determined in advance or it is necessary or desirable to permit the spending unit freedom to spend an appropriation for more than one of the above purposes.

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 West Virginia, one thousand nine hundred thirty-one, or according to any law detailing a procedure specifically limiting that article.

Sec. 5. Limitation 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 commission—lime—
Acct. No. 6547
Department of agriculture (soil conservation committee)—Acct. No. 510
Agricultural awards—Acct. No. 515

BUSINESS AND INDUSTRIAL RELATIONS
Beer commission—Acct. No. 490
Board of aeronautics—Acct. No. 485
Commission on interstate cooperation—Acct. No. 4727
Department of banking—Acct. No. 490
Department of labor—Acct. No. 490
### BUSINESS AND INDUSTRIAL RELATIONS—(Continued)

<table>
<thead>
<tr>
<th>Agency/Department</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of mines</td>
<td>460</td>
</tr>
<tr>
<td>Interstate commission on Potomac river basin</td>
<td>4728</td>
</tr>
<tr>
<td>Liquor control commission</td>
<td>6676</td>
</tr>
<tr>
<td>Public service commission</td>
<td>6617</td>
</tr>
<tr>
<td>Public service commission (motor carrier division)</td>
<td>6624</td>
</tr>
<tr>
<td>Public service commission (salaries of members)</td>
<td>470</td>
</tr>
<tr>
<td>Racing commission</td>
<td>6082</td>
</tr>
<tr>
<td>West Virginia industrial and publicity commission</td>
<td>4866</td>
</tr>
<tr>
<td>West Virginia planning commission</td>
<td>4729</td>
</tr>
<tr>
<td>Workmen's compensation commission (silicosis)</td>
<td>905</td>
</tr>
</tbody>
</table>

### CHARITIES AND CORRECTION

<table>
<thead>
<tr>
<th>Agency/Department</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia children's home</td>
<td>380</td>
</tr>
<tr>
<td>West Virginia colored children's home</td>
<td>381</td>
</tr>
<tr>
<td>West Virginia home for aged and infirm colored men and women</td>
<td>382</td>
</tr>
<tr>
<td>West Virginia industrial home for colored girls</td>
<td>372</td>
</tr>
<tr>
<td>West Virginia industrial school for boys</td>
<td>370</td>
</tr>
<tr>
<td>West Virginia industrial school for colored boys</td>
<td>371</td>
</tr>
<tr>
<td>West Virginia penitentiary (medium security prison)</td>
<td>376</td>
</tr>
<tr>
<td>West Virginia training school</td>
<td>383</td>
</tr>
</tbody>
</table>

### CONSERVATION AND DEVELOPMENT

<table>
<thead>
<tr>
<th>Agency/Department</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarke-McNary</td>
<td>523</td>
</tr>
<tr>
<td>Conservation commission (game, fish and forestry)</td>
<td>521</td>
</tr>
<tr>
<td>Conservation commission (general administration)</td>
<td>6612</td>
</tr>
<tr>
<td>Conservation commission (state parks)</td>
<td>522</td>
</tr>
<tr>
<td>Droop Mountain battlefield monument</td>
<td>5609</td>
</tr>
<tr>
<td>Geological survey</td>
<td>520</td>
</tr>
<tr>
<td>Grafton G. A. R. post</td>
<td>5649</td>
</tr>
<tr>
<td>Morgan Morgan memorial</td>
<td>5639</td>
</tr>
<tr>
<td>Point Pleasant battle monument commission</td>
<td>5619</td>
</tr>
<tr>
<td>Rumseyan society</td>
<td>5629</td>
</tr>
</tbody>
</table>

### EDUCATIONAL

<table>
<thead>
<tr>
<th>Agency/Department</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Archives and history</td>
<td>340</td>
</tr>
<tr>
<td>Bluefield state college</td>
<td>329</td>
</tr>
<tr>
<td>Concord college</td>
<td>325</td>
</tr>
<tr>
<td>Department of education</td>
<td>703</td>
</tr>
<tr>
<td>Department of education (free textbooks)</td>
<td>6408</td>
</tr>
<tr>
<td>Department of education (hot lunches)</td>
<td>705</td>
</tr>
<tr>
<td>Department of education (school fund)</td>
<td>6407</td>
</tr>
<tr>
<td>Department of education (state aid to supplement the general school fund)</td>
<td>6405</td>
</tr>
<tr>
<td>Fairmont state college</td>
<td>321</td>
</tr>
<tr>
<td>Glenville state college</td>
<td>322</td>
</tr>
<tr>
<td>Marshall college</td>
<td>320</td>
</tr>
<tr>
<td>Shepherd state college</td>
<td>324</td>
</tr>
<tr>
<td>State board of education (vocational)</td>
<td>701</td>
</tr>
<tr>
<td>Storer college</td>
<td>338</td>
</tr>
<tr>
<td>Teachers' retirement board</td>
<td>6409</td>
</tr>
<tr>
<td>West Liberty state college</td>
<td>323</td>
</tr>
<tr>
<td>West Virginia Institute of technology</td>
<td>327</td>
</tr>
<tr>
<td>West Virginia library commission</td>
<td>350</td>
</tr>
<tr>
<td>West Virginia schools for the colored deaf and blind</td>
<td>334</td>
</tr>
<tr>
<td>West Virginia schools for the deaf and blind</td>
<td>333</td>
</tr>
<tr>
<td>West Virginia state college (4-H camp for colored boys and girls)</td>
<td>330</td>
</tr>
<tr>
<td>West Virginia university</td>
<td>300</td>
</tr>
<tr>
<td>West Virginia university (agricultural, etc.)</td>
<td>303</td>
</tr>
<tr>
<td>West Virginia university (agricultural experiment station)</td>
<td>310</td>
</tr>
<tr>
<td>West Virginia university (engineering experiment station)</td>
<td>306</td>
</tr>
<tr>
<td>West Virginia university (expansion)</td>
<td>311</td>
</tr>
<tr>
<td>West Virginia university (experiment farm—Reedsville)</td>
<td>314</td>
</tr>
</tbody>
</table>
## EDUCATIONAL—(Continued)

<table>
<thead>
<tr>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia university (extension division)</td>
</tr>
<tr>
<td>West Virginia university (gas and petroleum research)</td>
</tr>
<tr>
<td>West Virginia university (Inwood apple packing plant)</td>
</tr>
<tr>
<td>West Virginia university (Jackson’s Mill)</td>
</tr>
<tr>
<td>West Virginia university (mining and industrial)</td>
</tr>
<tr>
<td>West Virginia university (Oglebay Institute)</td>
</tr>
<tr>
<td>West Virginia university (Potomac state school)</td>
</tr>
<tr>
<td>West Virginia university (Reymann memorial farm)</td>
</tr>
<tr>
<td>West Virginia university (stadium)</td>
</tr>
</tbody>
</table>

## EXECUTIVE

<table>
<thead>
<tr>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor’s office</td>
</tr>
<tr>
<td>Parole and probation investigation and supervision</td>
</tr>
</tbody>
</table>

## CUSTODIAL AND SERVICE

<table>
<thead>
<tr>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capitol building and grounds</td>
</tr>
<tr>
<td>Capitol building and grounds (salvage fund)</td>
</tr>
<tr>
<td>Central mailing office</td>
</tr>
<tr>
<td>Department of purchases</td>
</tr>
</tbody>
</table>

## FISCAL

<table>
<thead>
<tr>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditor’s office</td>
</tr>
<tr>
<td>Auditor’s office (land department)</td>
</tr>
<tr>
<td>Board of control</td>
</tr>
<tr>
<td>Director of the budget</td>
</tr>
<tr>
<td>Sinking fund commission</td>
</tr>
<tr>
<td>Tax commissioner</td>
</tr>
<tr>
<td>Treasurer’s office</td>
</tr>
</tbody>
</table>

## INCORPORATING AND RECORDING

<table>
<thead>
<tr>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk of court of claims</td>
</tr>
<tr>
<td>Secretary of state</td>
</tr>
<tr>
<td>State election commission</td>
</tr>
</tbody>
</table>

## LEGAL

<table>
<thead>
<tr>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney general</td>
</tr>
<tr>
<td>Commission on uniform state laws</td>
</tr>
<tr>
<td>State court of claims</td>
</tr>
</tbody>
</table>

## HEALTH AND WELFARE

<table>
<thead>
<tr>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew S. Rowan memorial home</td>
</tr>
<tr>
<td>Barbers and beauticians</td>
</tr>
<tr>
<td>Berkeley Springs sanitarium</td>
</tr>
<tr>
<td>Bureau of Negro welfare and statistics</td>
</tr>
<tr>
<td>Denmar sanitarium</td>
</tr>
<tr>
<td>Department of public assistance</td>
</tr>
<tr>
<td>Fairmont emergency hospital</td>
</tr>
<tr>
<td>Health department and public health council</td>
</tr>
<tr>
<td>Hopemont sanitarium</td>
</tr>
<tr>
<td>Huntington state hospital</td>
</tr>
<tr>
<td>Huntington state hospital (Barboursville unit)</td>
</tr>
<tr>
<td>Lakin state hospital</td>
</tr>
<tr>
<td>Morris memorial hospital</td>
</tr>
<tr>
<td>Pinecrest sanitarium</td>
</tr>
<tr>
<td>Spencer state hospital</td>
</tr>
<tr>
<td>Tuberculosis field clinic</td>
</tr>
<tr>
<td>Water commission</td>
</tr>
<tr>
<td>Welch emergency hospital</td>
</tr>
<tr>
<td>West Virginia foundation for crippled children (Pines)</td>
</tr>
<tr>
<td>West Virginia veterans’ bureau</td>
</tr>
<tr>
<td>Weston state hospital</td>
</tr>
</tbody>
</table>

## HIGHWAYS

<table>
<thead>
<tr>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road commission (administration and engineering)</td>
</tr>
<tr>
<td>Road commission (primary and secondary roads)</td>
</tr>
</tbody>
</table>

## JUDICIAL

<table>
<thead>
<tr>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit courts</td>
</tr>
<tr>
<td>Compensation of special judges</td>
</tr>
<tr>
<td>Criminal charges</td>
</tr>
<tr>
<td>Judicial council</td>
</tr>
<tr>
<td>State law library</td>
</tr>
<tr>
<td>Supreme court of appeals</td>
</tr>
</tbody>
</table>
LEGISLATIVE

House of Delegates—Acct. No. 102 .................................................. 32
Joint expenses—Acct. No. 103 .......................................................... 34
Senate—Acct. No. 101 .................................................................. 31

MISCELLANEOUS BOARDS

Athletic commission—Acct. No. 6017 ............................................. 82
Board of dental examiners—Acct. No. 6045 .................................. 82
Board of embalmers and funeral directors—Acct. No. 6049 .......... 83
Board of examiners for architects—Acct. No. 6069 ...................... 83
Board of examiners for veterinarians—Acct. No. 6076 ............... 84
Board of examiners of accountants—Acct. No. 6007 ................... 82
Board of law examiners—Acct. No. 6005 ....................................... 81
Board of optometry—Acct. No. 6048 ............................................. 83
Board of osteopathy—Acct. No. 6047 ............................................. 83
Board of pharmacy—Acct. No. 6046 ............................................. 82
Board of examiners of registered nurses—Acct. No. 6044 .......... 82
Board of registration for professional engineers—Acct. No. 6068 .... 83
State armory board—Acct. No. 6539 ............................................. 76

PROTECTION

Adjutant general; state militia—Acct. No. 580 .............................. 80, 85
Auditor's office; fire marshal—Acct. No. 6605 .............................. 80
Department of public safety—Acct. No. 570 .................................. 79
Fire insurance—Acct. No. 591 .......................................................... 81

2. Awards for claims against the state.
3-a. Capital expenditures for post-war projects.
4. Special revenue appropriations.
5. Appropriations revived and extended.
6. Specific statutory appropriations.
7. Specific funds and collection accounts.
8. Appropriations for refunding erroneous payments.
10. Sinking fund deficiencies.
11. Appropriations from taxes and license fees.
12. Appropriations to pay premiums on bonds of county clerks.
13. Appropriation to pay costs of publication of delinquent corporation.
13-a. Appropriations for payment of dues or membership in annual or other voluntary organizations.
15. Printing costs.
16. Total appropriation.
17. 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 nine hundred thirty-nine, the following amounts, as itemized, for expenditures during the fiscal years one thousand nine hundred forty-six and one thousand nine hundred forty-seven.
LEGISLATIVE
1—Senate
Acct. No. 101

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>1945-46</th>
<th>1946-47</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.00</td>
<td>Salaries of Members</td>
<td>$16,000.00</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>2.00</td>
<td>To pay Clerk of the Senate for compiling and publishing the West Virginia Blue Book, including all expenses incurred in the employment of contributors, preparation of matter, clerical hire, stenographic services and proofreading, and the shipping charges in connection with the distribution of the Blue Book; which distribution shall include seventy-five copies each to members of the Legislature</td>
<td>$10,000.00</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>16.00</td>
<td>To pay cost of printing 1945 and 1946 editions of Blue Book</td>
<td>$32,000.00</td>
<td>$32,000.00</td>
</tr>
<tr>
<td>19.00</td>
<td>Mileage of Members</td>
<td>$741.80</td>
<td></td>
</tr>
<tr>
<td>20.00</td>
<td>Compensation and per diem of officers and attaches</td>
<td>$50,000.00</td>
<td></td>
</tr>
<tr>
<td>22.00</td>
<td>Current Expenses and Contingent Fund</td>
<td>$100,000.00</td>
<td></td>
</tr>
<tr>
<td>24.00</td>
<td>Of the last above appropriations, not more than $12,500.00 shall be expended for the expenses of the interim committee raised under House Concurrent Resolution No. 4, and $37,500.00 for the expenses of the interim committee raised under Senate Concurrent Resolution No. 6.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above appropriations for
the fiscal year 1944-45 are to remain in full force and effect until the convening of the regular session of the Legislature, 1947.

The Clerk of the Senate is authorized 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 services incurred after adjournment, the requisition for same to be accompanied by bills to be filed with the Auditor.

To aid in the discharge of his duties, the Clerk may expend for stenographic services a sum not exceeding $2,400.00 per annum, and for janitor services a sum not exceeding $1,500 per annum, both payable monthly from the contingent fund of the Senate.

2—House of Delegates

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Fiscal Year 1944-45</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salaries of Members</td>
<td>$48,000.00 $47,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Mileage of Members</td>
<td>2,661.00</td>
</tr>
<tr>
<td>3</td>
<td>Compensation and per diem of attaches and officers</td>
<td>$63,500.00</td>
</tr>
<tr>
<td>6</td>
<td>Contingent Fund (S. C. R. No. 6)</td>
<td>37,500.00</td>
</tr>
<tr>
<td>4</td>
<td>Contingent Fund (H. C. R. No. 4)</td>
<td>12,500.00</td>
</tr>
<tr>
<td>Current Expense and Continuous Fund</td>
<td>85,000.00</td>
<td></td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------</td>
<td></td>
</tr>
</tbody>
</table>

The above appropriations for the fiscal year 1944-45 are to remain in full force and effect until the convening of the regular session of the Legislature in 1947.

The Clerk of the House of Delegates, with the approval of the Speaker of the House, is authorized to draw his requisitions upon the Auditor, payable out of the contingent fund, for any bills for supplies and services that may have been incurred by the House of Delegates and not included in this appropriation bill, for bills for supplies and services incurred after adjournment, the requisition for same to be accompanied by a bill to be filed with the Auditor, but no payment shall be made to attaches under this paragraph.

For duties imposed by law and by the House of Delegates, including the salary allowed by law as keeper of the rolls, the Clerk of the House of Delegates shall be paid a monthly salary at the rate of $5,000.00 per annum, payable from the contingent fund of the House of Delegates, and the Clerk may employ a secretary at a salary of not to exceed $2,000.00 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 direct. When the Legislature is not in session the office of the Clerk of the House of Delegates shall be kept open as other public offices in the capitol are kept open.

3—Joint Expenses

Acct. No. 103

1 To pay the cost of legislative printing and stationery, the appropriation to be available for the year ending June thirtieth, one thousand nine hundred forty-five. If this work is not completed prior to June thirtieth, one thousand nine hundred forty-five, then the appropriation shall continue until completed.

JUDICIAL

6—Supreme Court of Appeals

Acct. No. 110

1 Salaries of Judges $ 50,000.00 $ 50,000.00
2 Other Personal Services 40,630.00 40,630.00
3 Current Expenses 14,000.00 14,000.00

4 Total $ 104,630.00 $ 104,630.00

7—Circuit Courts

Acct. No. 111

1 Salaries of Judges of the Cir-cuit Courts $ 165,000.00 $ 165,000.00
<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>113</td>
<td>To pay Salaries of Special Judges, Total</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5,000.00</td>
</tr>
<tr>
<td>114</td>
<td>Personal Services, including Salaries of Librarian and Assistants</td>
<td>$5,900.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5,900.00</td>
</tr>
<tr>
<td>115</td>
<td>Current Expenses</td>
<td>$700.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$700.00</td>
</tr>
<tr>
<td>116</td>
<td>Equipment</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5,000.00</td>
</tr>
<tr>
<td>119</td>
<td>Total</td>
<td>$11,600.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$11,600.00</td>
</tr>
<tr>
<td>120</td>
<td>Governor's Office</td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td>Salary of Governor</td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td>Other Personal Services, including Salaries of Secretaries, Stenographers and Assistants</td>
<td>$20,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$20,000.00</td>
</tr>
<tr>
<td></td>
<td>Civil Contingent and Current Expenses</td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

**Notes:**
- Compensation of Special Judges
- State Law Library
- Criminal Charges
- The Judicial Council
- Executive
- Governor's Office
General Appropriations

11 the Governors' conference
12 shall be included in this item.
13 Emergency Fund $120,000.00
14 Of this appropriation $25,000
15 may be expended for the purpose of protecting the state's credit as to bond issues by state institutions to cover federal loans to such institutions.
16 Of this appropriation there may be expended an amount not to exceed $5,000.00 in each year to provide instruction, care and maintenance for persons who are deaf and blind, and for whom the state provides no facilities.
17 Any unexpended balance remaining in the Emergency Fund at the close of the fiscal year 1945-46 is hereby appropriated for expenditure during the fiscal year 1946-47.
18 Custodial $17,000.00
19 To be used for current general expenses, including compensation of servants and employees, household maintenance, cost of official functions, and any additional household expenses occasioned by such official functions. In the event Napoleon Gardner, now and for many years in the service of the Governor and his predecessors in office, shall become unable to perform such services for which he may earn compensation, an amount not in
51 excess of $50.00 per month
52 may be expended out of this
53 appropriation by the Gov-
54 ernor, at his discretion, for
55 the use and benefit of the
56 said Napoleon Gardner.

57 Total ...........................................$ 177,000.00 $ 177,000.00

13—Parole and Probation Investigation and Supervision
    Acct. No. 123
1 Personal Services, including
2 Salary of Director .................$ 35,000.00 $ 35,000.00
3 Current Expenses ..................15,500.00 15,500.00
4 Equipment .......................... 750.00 750.00
5 Total ...........................................$ 51,250.00 $ 51,250.00

FISCAL
150—Auditor’s Office
    Acct. No. 150
1 Salary of State Auditor ...........$ 6,000.00 $ 6,000.00
2 Other Personal Services ..........80,000.00 80,000.00
3 Current Expenses ..................11,000.00 11,000.00
4 Equipment .......................... 3,000.00 3,000.00
5 Total ...........................................$ 100,000.00 $ 100,000.00
6 From Collections ................... 3,000.00 3,000.00

151—Auditor’s Office: Land Department
    Acct. No. 704
    TO BE PAID FROM THE GENERAL SCHOOL FUND
1 Personal Services ..................$ 70,860.00 $ 54,000.00
2 Current Expenses .................. 5,000.00 3,000.00
3 Equipment .......................... 3,000.00 2,000.00
4 Total ...........................................$ 78,860.00 $ 59,000.00

16—Treasurer’s Office
    Acct. No. 160
1 Salary of State Treasurer ..........$ 6,000.00 $ 6,000.00
2 Other Personal Services ..........33,440.00 33,440.00
### General Appropriations

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Current Expenses</td>
<td>5,190.00</td>
<td>6,110.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>6,175.00</td>
<td>5,015.00</td>
</tr>
</tbody>
</table>

5 Total $50,805.00 $50,565.00

#### 17—Sinking Fund Commission

Acct. No. 170

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>8,940.00</td>
<td>8,940.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>600.00</td>
<td>600.00</td>
</tr>
</tbody>
</table>

3 Total $9,540.00 $9,540.00

#### 18—Tax Commissioner

Acct. No. 180

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Tax Commissioner</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>255,000.00</td>
<td>255,000.00</td>
</tr>
<tr>
<td>3 Technical and Legal Services</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>4 Current Expenses</td>
<td>90,000.00</td>
<td>90,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

6 Total $371,000.00 $371,000.00

7 This appropriation shall include all expenditures for the operation of the Gasoline Department formerly appropriated from the State Road Fund.

#### 19—West Virginia Board of Control

Acct. No. 190

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</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>2 Other Personal Services</td>
<td>25,500.00</td>
<td>25,500.00</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>1,200.00</td>
<td>1,200.00</td>
</tr>
</tbody>
</table>

6 Total $49,700.00 $49,700.00

7 In the event an act is passed by the present Legislature increasing the salaries of the members of the West Vir-
Ch. 11]

11 Virginia board of control, then
12 a sum sufficient to pay such
13 increase may be paid each
14 year of the biennium on the
15 salary of each member of
16 the board of control out of
17 the appropriation for "Other
18 Personal Services."

21—Director of the Budget
Acct. No. 210

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1945-46</th>
<th>Amount 1946-47</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td>$32,160.00</td>
<td>$32,160.00</td>
</tr>
<tr>
<td>2 Salary of the Director of the Budget</td>
<td>$1,800.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$1,500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>4 Total</td>
<td>$35,460.00</td>
<td>$36,660.00</td>
</tr>
</tbody>
</table>

LEGAL

25—Attorney General
Acct. No. 240

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount 1945-46</th>
<th>Amount 1946-47</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Attorney General</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$37,500.00</td>
<td>$37,500.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$1,250.00</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>5 Contingent Fund</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>6 To protect the resources or tax structure of the State in contro-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 versies or legal proceedings affecting same. Any un-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 expended balance remaining</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 in this fund at the close of the fiscal year 1945-46 is hereby</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 reappropriated for expenditure during the fiscal year 1946-47</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 1946-47</td>
<td>$12,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>16 Total</td>
<td>$61,750.00</td>
<td>$61,750.00</td>
</tr>
</tbody>
</table>
### GENERAL APPROPRIATIONS

#### 26—State Court of Claims
**Acct. No. 243**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$10,850.00</td>
<td>$11,100.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$2,875.00</td>
<td>$4,625.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$600.00</td>
<td>$600.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$14,325.00</td>
<td>$16,325.00</td>
</tr>
</tbody>
</table>

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

#### 27—Commission on Uniform State Laws
**Acct. No. 245**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$250.00</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

#### INCORPORATING AND RECORDING

#### 29—Secretary of State
**Acct. No. 250**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</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>$17,400.00</td>
<td>$17,400.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$3,200.00</td>
<td>$3,200.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$300.00</td>
<td>$300.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$26,900.00</td>
<td>$26,900.00</td>
</tr>
</tbody>
</table>

#### 29A—Clerk of Court: State Court of Claims
**Acct. No. 260**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$3,600.00</td>
<td>$3,600.00</td>
</tr>
</tbody>
</table>

#### 30—State Election Commission
**Acct. No. 256**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Total</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

#### CUSTODIAL AND SERVICE

#### 31—Capitol Building and Grounds
**Acct. No. 270**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</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>
</tbody>
</table>
4 Equipment ..................................... 1,000.00      1,000.00

5  Total ........................................ $ 117,000.00 $ 117,000.00

32—Central Mailing Office
   Acct. No. 280

1 Personal Services ......................... $ 8,300.00 $ 8,300.00
2 Current Expenses ........................ 70,000.00   70,000.00
3 Equipment ................................... 2,500.00  200.00

4  Total ........................................ $ 80,800.00 $ 78,500.00

5 Out of the item “Current Expenses” in the above appropriation, in the amount of $70,000.00, no moneys shall be available for the purchase of United States postage stamps. It shall be available only for the purchase of postage meter service and routine current expense. All State spending units domiciled in or adjacent to the Capitol building, except the Department of Unemployment Compensation, the Supreme Court of Appeals and the State Road Commission as applies to auto license tags, shall dispatch all mail through the Central Mailing Office: Provided, however, That such spending units may, by requisition purchase postage stamps for necessary emergency mailing in an amount not to exceed $5.00 monthly, which mail may be dispatched in the manner most convenient to the spending unit:
Provided further, That the state treasurer and the Supreme Court of Appeals may, upon requisition, use such funds as may be necessary for the payment of postage, registry fees, surcharges, and other necessary fees, if any, on registered mail, and may dispatch such mail through the main postoffice in the City of Charleston, and any sums he or it may collect in reimbursement or in partial reimbursement of the sums expended for such postage, registry fees, surcharges, and other necessary fees on registered mail, shall be by him or it redeposited in his or its current expenses account and be again available for use.

The Workmen’s Compensation Commission and the West Virginia Public Service Commission shall reimburse the Current Expense appropriation of the Central Mailing Office monthly for all meter service. Any spending unit receiving reimbursement for postage costs from the Federal Government shall refund to the Current Expense account of the Central Mailing Office such amounts. Should this appropriation for Current Expense be insufficient to meet the mailing requirements of the State
spending units as set out above, any excess postage meter service requirements shall be a proper charge against the units, and each spending unit shall refund to the Current Expense appropriation of the Central Mail- ing Office any amounts required for that Department for postage in excess of this appropriation.

33—Department of Purchases
Acct. No. 290

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Director of Purchases</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>33,000.00</td>
<td>33,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>6,000.00</td>
<td>6,000.00</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>46,000.00</strong></td>
<td><strong>46,000.00</strong></td>
</tr>
</tbody>
</table>

The revolving fund appropriated by chapter seventy-six, Acts of Legislature, Regular Session, 1935, for printing, binding and stationery is hereby reappropriated for the fiscal years 1945-46 and 1946-47.

EDUCATIONAL
360—State Board of Education
Acct. No. 700

TO BE PAID FROM THE GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Members of the State Board of Education</td>
<td>4,800.00</td>
<td>4,800.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>6,800.00</td>
<td>6,800.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>2,325.00</td>
<td>2,900.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>200.00</td>
<td>200.00</td>
</tr>
<tr>
<td>5 Out-of-State Aid to Negroes</td>
<td>7,500.00</td>
<td>7,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>21,625.00</strong></td>
<td><strong>22,200.00</strong></td>
</tr>
</tbody>
</table>
### General Appropriations

#### 361—State Board of Education—Vocational Division

**Acct. No. 701**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$17,500.00</td>
<td>$17,500.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$7,500.00</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$300.00</td>
<td>$300.00</td>
</tr>
<tr>
<td>Vocational Aid</td>
<td>$165,000.00</td>
<td>$165,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$190,300.00</strong></td>
<td><strong>$190,300.00</strong></td>
</tr>
</tbody>
</table>

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

**Acct. No. 702**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Expenses</td>
<td>$105,000.00</td>
<td>$105,000.00</td>
</tr>
</tbody>
</table>

#### 370—Department of Education

**Acct. No. 703**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Superintendent of Free Schools</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$70,000.00</td>
<td>$70,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$35,000.00</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$1,350.00</td>
<td>$1,350.00</td>
</tr>
<tr>
<td>Salaries of County Superintendents</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$172,350.00</strong></td>
<td><strong>$172,350.00</strong></td>
</tr>
</tbody>
</table>

9 Out of the above appropriation
10 an amount not to exceed
11 $11,000.00 each year from the
12 personal service account, and
13 $5,000.00 each year from the
14 current expense account shall
15 be available for expenditure
16 at the direction of the Board
17 of School Finance in the perform-ance of its duties as pre-
18scribed by law.
371—Department of Education—Hot Lunches
Acct. No. 705

TO BE PAID FROM THE GENERAL SCHOOL FUND

1 Personal Services $ 5,100.00 $ 5,100.00
2 Current Expenses 2,200.00 2,200.00
3 Aid to Counties 75,000.00 75,000.00
4 Includes hot lunches and canning
5 for hot lunches.

6 Total $ 82,300.00 $ 82,300.00

372—Department of Education
Acct. No. 6407

1 State Aid to supplement the
2 General School Fund $20,597,714.00 $20,597,714.00
3 To be transferred to the General School Fund upon the
4 requisition of the Governor.
5 To be distributed according to
6 Chapter 46, Acts of Legislature, Regular Session, 1939,
7 as amended, except an amount
8 not to exceed $25,000.00 for
9 each year of the biennium,
10 which sum shall be available
11 to the State Board of School
12 Finance to aid counties in
13 providing instruction for
14 crippled children under such
15 rules and regulations for in-
16 struction of crippled children
17 as may be adopted by the
18 State Board of Education as
19 provided by section five, art-
20 cle two of the West Virginia
21 Code, one thousand nine hun-
22 dred thirty-one, as amended.
23 In making distribution of state
24 aid to counties as provided by
25 said Chapter 46, the State
Board of School Finance may at its discretion increase the allocation to any county that is otherwise unable with all available revenues to maintain a full nine months' term, such increase not to be greater than is required to provide for a nine months' term of school on a minimum program: Provided, That the total that may be distributed under this special provision shall not exceed fifty thousand dollars in any year.

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 appropriation will permit.
23 Any balance remaining in the
24 above appropriations after
25 the allocating of aid to mar-
26 ginal counties shall revert to
27 the State Fund — General
28 Revenue.

374—Department of Education
Acct. No. 6408

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Textbooks for Schools</td>
<td>$125,000.00</td>
<td>$125,000.00</td>
</tr>
<tr>
<td>To be distributed according to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chapter 51, Acts of Legislature,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Session, 1939.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

38—Teachers' Retirement Board
Acct. No. 6409

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefit Fund—Payments to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retired Teachers</td>
<td>$425,000.00</td>
<td>$440,000.00</td>
</tr>
<tr>
<td>Expense Fund</td>
<td>29,000.00</td>
<td>29,000.00</td>
</tr>
<tr>
<td>Employers Accumulation Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Members</td>
<td>1,039,524.00</td>
<td>1,039,524.00</td>
</tr>
<tr>
<td>Reserve Fund</td>
<td>100,000.00</td>
<td>100,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$1,593,524.00</td>
<td>$1,608,524.00</td>
</tr>
</tbody>
</table>

39—West Virginia University
Acct. No. 300

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salary of President</td>
<td>$1,201,900.00</td>
<td>$1,311,900.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>160,000.00</td>
<td>165,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>60,000.00</td>
<td>55,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>50,000.00</td>
<td>75,000.00</td>
</tr>
<tr>
<td>State Aid to Medical Students</td>
<td>40,000.00</td>
<td>80,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$1,511,900.00</td>
<td>$1,686,900.00</td>
</tr>
</tbody>
</table>

From Collections                    | 175,000.00  | 225,000.00 |

Out of the above appropriation
a sum, not to exceed $116,-
900.00 per annum, shall be
expended only for compensa-
tion for the services of staff
14 members now on leave in the 
15 armed services and who may  
16 return to the staff and com- 
17 pensation for whose positions 
18 on the staff has not otherwise  
19 been provided for by appro- 
20 priation.
21 Out of the above appropriation 
22 a sum, not to exceed $40,- 
23 000.00 per annum, shall be ex- 
24 pended only for essential edu- 
25 cation courses for returning 
26 war veterans and other stu- 
27 dents returning from de- 
28 fense industries in sufficient 
29 numbers to make such an 
30 expenditure necessary.

390—West Virginia University—Mining and Industrial 
Extension
Acct. No. 301

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$33,500.00</td>
<td>$33,500.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$11,000.00</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$400.00</td>
<td>$400.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$400.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>Total</td>
<td>$45,300.00</td>
<td>$45,400.00</td>
</tr>
</tbody>
</table>

391—West Virginia University—Agricultural, Horticultural 
and Home Economics Extension
Acct. No. 302

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$47,500.00</td>
<td>$47,500.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$5,500.00</td>
<td>$5,500.00</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>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$55,000.00</td>
<td>$55,000.00</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$15,500.00</td>
<td>$15,500.00</td>
</tr>
<tr>
<td>Account No.</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td><strong>Ch. 11] GENERAL APPROPRIATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>10,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>6,500.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>2,500.00</td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td>$34,500.00</td>
</tr>
</tbody>
</table>

393—West Virginia University—Cooperation with Oglebay Institute

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total</td>
<td>2,500.00</td>
<td>2,500.00</td>
</tr>
</tbody>
</table>

394—West Virginia University—Extension Division

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To pay Salaries and Traveling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Expenses of County Agricultural Agents</td>
<td>67,100.00</td>
<td>67,100.00</td>
</tr>
<tr>
<td>3</td>
<td>To pay Salaries and Expenses of County Home Demonstration Agents</td>
<td>29,000.00</td>
<td>29,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>96,100.00</td>
<td>96,100.00</td>
</tr>
</tbody>
</table>

395—West Virginia University—Engineering Experiment Station

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>7,000.00</td>
<td>7,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

396—West Virginia University—Agricultural Experiment Station

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>44,000.00</td>
<td>44,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>9,000.00</td>
<td>9,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td>59,000.00</td>
<td>59,000.00</td>
</tr>
<tr>
<td>Account Number</td>
<td>Description</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>311</td>
<td>Maintenance and Operation</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>311</td>
<td>Equipment</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>312</td>
<td>Total</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>313</td>
<td>Total</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>314</td>
<td>Personal Services</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>314</td>
<td>Repairs and Alterations</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>315</td>
<td>Personal Services, including</td>
<td>$70,000.00</td>
<td>$70,000.00</td>
</tr>
<tr>
<td>315</td>
<td>Salary of President</td>
<td>$13,000.00</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>315</td>
<td>Current Expenses</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>315</td>
<td>Repairs and Alterations</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>315</td>
<td>Equipment</td>
<td>$92,000.00</td>
<td>$92,000.00</td>
</tr>
<tr>
<td>315</td>
<td>From Collections</td>
<td>$13,000.00</td>
<td>$13,000.00</td>
</tr>
</tbody>
</table>
### Marshall College

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of President</td>
<td>$383,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Building, Payment to Fairfield</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Stadium Corporation</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Flood Wall Assessment</td>
<td>$4,700.00</td>
</tr>
<tr>
<td>9</td>
<td>Total</td>
<td>$472,700.00</td>
</tr>
<tr>
<td>10</td>
<td>From Collections</td>
<td>$100,000.00</td>
</tr>
</tbody>
</table>

### Fairmont State College

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of President</td>
<td>$156,200.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$15,000.00</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>$5,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$181,200.00</td>
</tr>
<tr>
<td>7</td>
<td>From Collections</td>
<td>$30,000.00</td>
</tr>
</tbody>
</table>

### Glenville State College

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of President</td>
<td>$77,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$99,500.00</td>
</tr>
<tr>
<td>7</td>
<td>From Collections</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

### West Liberty State College

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>services rendered at Wheeling Downtown Center, and</td>
<td></td>
</tr>
</tbody>
</table>
### GENERAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Shepherd College</th>
<th>Concord College</th>
<th>West Virginia Institute of Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of President                                                  $73,000.00       $73,000.00     $115,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Expenses                                                     $10,000.00       $10,000.00     $19,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repairs and Alterations                                              $3,000.00        $3,000.00      $5,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment                                                            $3,000.00        $3,000.00      $5,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Music Foundation Fund                                                $1,000.00        $1,000.00      $5,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong>                                                            $90,000.00       $90,000.00     $139,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>From Collections</strong>                                                 $12,000.00       $14,000.00     $30,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above appropriation, "Music Foundation Fund," provides salary for music instruction. This amount will be matched by Mrs. Gibson Caldwell.
<table>
<thead>
<tr>
<th></th>
<th>408—West Virginia State College</th>
<th>409—West Virginia State College—4-H Camp for Colored Boys and Girls</th>
<th>410—Bluefield State College</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Repairs and Alterations</td>
<td>7,000.00</td>
<td>6,750.00</td>
<td>78,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>8,000.00</td>
<td>3,000.00</td>
<td>16,000.00</td>
</tr>
<tr>
<td>6 Total</td>
<td>$149,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 From Collections</td>
<td>20,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 State Superintendent of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Library Books—To be expended</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Extension Service</td>
<td>17,500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Total</td>
<td>$271,500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 From Collections</td>
<td>46,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>$180,000.00</td>
<td>$6,750.00</td>
<td>78,500.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>44,000.00</td>
<td></td>
<td>16,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>15,000.00</td>
<td></td>
<td>7,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>10,000.00</td>
<td></td>
<td>5,000.00</td>
</tr>
<tr>
<td>8 Total</td>
<td>$13,250.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Schools</td>
<td>5,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Extension Service</td>
<td>2,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Appropriations</td>
<td>[Ch. 11</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------------</td>
<td>--------</td>
<td>---</td>
</tr>
<tr>
<td>9</td>
<td>Schools</td>
<td>3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>10</td>
<td>Total</td>
<td>$110,000.00</td>
<td>$110,000.00</td>
</tr>
<tr>
<td>11</td>
<td>From Collections</td>
<td>14,000.00</td>
<td>14,000.00</td>
</tr>
</tbody>
</table>

411—Storer College
Acct. No. 338

1 Total $12,000.00 $12,000.00

420—West Virginia Schools for the Deaf and Blind
Acct. No. 333

1 Personal Services, including
2 Salary of Superintendent $133,000.00 $133,000.00
3 Current Expenses 60,000.00 60,000.00
4 Repairs and Alterations 6,000.00 6,000.00
5 Equipment 6,000.00 4,000.00

6 Total $205,000.00 $203,000.00

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

1 Personal Services, including
2 Salary of President $21,000.00 $21,000.00
3 Current Expenses 13,000.00 13,000.00
4 Repairs and Alterations 4,000.00 3,000.00
5 Equipment 2,000.00 2,000.00

6 Total $40,000.00 $39,000.00

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

1 Personal Services, including
2 Salary of State Archivist and Historian $9,000.00 $9,000.00
3 Current Expenses 3,000.00 3,000.00
5 Equipment 1,500.00 1,500.00

6 Total $13,500.00 $13,500.00

7 All revenues from sales of the above spending unit, including periodicals, magazines,
10 etc., shall be deposited to
11 State Fund — General Reve-
12 nue.

45—West Virginia Library Commission
Acct. No. 350

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>7,000.00</td>
<td>7,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>4 Books and Periodicals</td>
<td>7,350.00</td>
<td>7,350.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>16,350.00</td>
<td>16,350.00</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of Superintendent</td>
<td>65,000.00</td>
<td>65,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>49,000.00</td>
<td>49,000.00</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 Total</td>
<td>124,000.00</td>
<td>124,000.00</td>
</tr>
<tr>
<td>6 From Collections</td>
<td>11,250.00</td>
<td>11,250.00</td>
</tr>
<tr>
<td>8 Out of the appropriation for Personal Services</td>
<td>600.00</td>
<td>600.00</td>
</tr>
</tbody>
</table>
| 10 shall be paid each year in monthly installments to each of the following persons:
| 13 Lelia Arnett, widow of U. G. Arnett, killed by an inmate while on duty.
| 16 George A. Barnard, employee, permanently disabled by an inmate while on duty.

461—West Virginia Industrial School for Colored Boys
Acct. No. 371

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of Superintendent</td>
<td>14,000.00</td>
<td>14,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>16,000.00</td>
<td>16,000.00</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>2,000.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>1,500.00</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

| 6 Total                                | **33,500.00**| **32,500.00**|
| 7 From Collections                     | **4,500.00** | **4,500.00** |

#### 462—West Virginia Industrial Home for Girls

Acct. No. 372

<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><strong>35,500.00</strong></td>
<td><strong>35,500.00</strong></td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td><strong>30,000.00</strong></td>
<td><strong>30,000.00</strong></td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td><strong>4,000.00</strong></td>
<td><strong>4,000.00</strong></td>
</tr>
<tr>
<td>5 Equipment</td>
<td><strong>2,500.00</strong></td>
<td><strong>2,500.00</strong></td>
</tr>
</tbody>
</table>

| 6 Total                                | **72,000.00**| **72,000.00**|
| 7 From Collections                     | **11,250.00**| **11,250.00**|

#### 463—West Virginia Industrial Home for Colored Girls

Acct. No. 373

<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><strong>6,500.00</strong></td>
<td><strong>6,500.00</strong></td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td><strong>7,000.00</strong></td>
<td><strong>7,000.00</strong></td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td><strong>1,000.00</strong></td>
<td><strong>1,000.00</strong></td>
</tr>
<tr>
<td>5 Equipment</td>
<td><strong>500.00</strong></td>
<td><strong>500.00</strong></td>
</tr>
</tbody>
</table>

| 6 Total                                | **15,000.00**| **15,000.00**|
| 7 From Collections                     | **1,000.00** | **1,000.00** |

#### 47—West Virginia Penitentiary

Acct. No. 375

<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 Warden</td>
<td><strong>161,000.00</strong></td>
<td><strong>161,000.00</strong></td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td><strong>186,000.00</strong></td>
<td><strong>186,000.00</strong></td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td><strong>8,000.00</strong></td>
<td><strong>8,000.00</strong></td>
</tr>
<tr>
<td>5 Equipment</td>
<td><strong>6,000.00</strong></td>
<td><strong>6,000.00</strong></td>
</tr>
</tbody>
</table>

| 6 Total                                | **361,000.00**| **361,000.00**|
| 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 while employed in the penitentiary coal mine.

470—West Virginia Penitentiary—Medium Security Prison
Acct. No. 376

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Total</td>
<td>$123,500.00</td>
</tr>
</tbody>
</table>

49—West Virginia Children’s Home
Acct. No. 380

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of Superintendent</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$29,500.00</td>
</tr>
</tbody>
</table>

491—West Virginia Colored Children’s Home
Acct. No. 381

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of Superintendent</td>
<td>$6,750.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$9,500.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Total</td>
<td>$19,750.00</td>
</tr>
</tbody>
</table>

492—West Virginia Home for Aged and Infirm Colored Men and Women
Acct. No. 382

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of Superintendent</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
</tr>
<tr>
<td>7</td>
<td>From Collections</td>
</tr>
</tbody>
</table>

493—West Virginia Training School
Acct. No. 383

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including Salary of Superintendent</td>
<td>19,000.00</td>
<td>19,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>19,000.00</td>
<td>19,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>4,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>46,000.00</td>
<td>45,000.00</td>
</tr>
<tr>
<td>7</td>
<td>From Collections</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

HEALTH AND WELFARE

520—State Health Department and Public Health Council
Acct. No. 400

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Commissioner</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>150,000.00</td>
<td>150,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>40,000.00</td>
<td>40,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Cancer Control &amp; Treatment</td>
<td>50,000.00</td>
<td>50,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Hospitalization of Needy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Tubercular</td>
<td>325,000.00</td>
<td>325,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Total</td>
<td>581,000.00</td>
<td>581,000.00</td>
</tr>
<tr>
<td>9</td>
<td>From Collections</td>
<td>35,000.00</td>
<td>35,000.00</td>
</tr>
</tbody>
</table>

521—State Water Commission
Acct. No. 401

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>10,500.00</td>
<td>10,500.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>2,400.00</td>
<td>2,400.00</td>
</tr>
<tr>
<td>3</td>
<td>Total</td>
<td>12,900.00</td>
<td>12,900.00</td>
</tr>
</tbody>
</table>

522—State Committee of Barbers and Beauticians
Acct. No. 402

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including Salary of Director</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
</tbody>
</table>
### Ch. 11] General Appropriations

<table>
<thead>
<tr>
<th>3 Current Expenses</th>
<th>8,500.00</th>
<th>8,500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Total</td>
<td>$23,500.00</td>
<td>$23,500.00</td>
</tr>
<tr>
<td>5 From Collections</td>
<td>23,500.00</td>
<td>23,500.00</td>
</tr>
</tbody>
</table>

**530—Department of Public Assistance**

Acct. No. 641

1 Public Assistance Grants
2 (Classified Aid) $3,500,000.00 $3,500,000.00

3 General Relief Grants:
4 Aid to Crippled Children 250,000.00 250,000.00
5 Conservation of Vision and Prevention of Blindness 10,000.00 10,000.00
6 General Medical and Hospitalization 300,000.00 300,000.00
7 Child Welfare Services 200,000.00 200,000.00
8 Direct Relief 250,000.00 250,000.00

11 Total $4,510,000.00 $4,510,000.00

12 The totals of the various items of this appropriation shall include costs of administration thereof, including a sum not to exceed $35,000 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, of article 5, of 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 six 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.

The unexpended balance, if any, remaining in the appropriation for this department as of June 30, 1945, is hereby reappropriated for expenditure in the fiscal years 1945-1946 and 1946-1947: Provided further, That in cases involving children and in which the restrictions, of the Standard Budget or Guide, work a distinct and distressing hardship on persons trying, through employment, to help themselves, and which come to the Director of the state department on appeal, the sum of $5,000.00 a year may be used to correct inequities at the discretion of the Director, but in no case shall supplemental aid be given in
excess of $10.00 a month to the case as a whole.

531—Bureau of Negro Welfare and Statistics
Acct. No. 403

<table>
<thead>
<tr>
<th>Item</th>
<th>20__</th>
<th>20__</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Director</td>
<td>$3,600.00</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$3,370.00</td>
<td>$3,450.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$640.00</td>
<td>$295.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$12,610.00</td>
<td>$12,345.00</td>
</tr>
</tbody>
</table>

532—West Virginia Veterans' Bureau
Acct. No. 4046

<table>
<thead>
<tr>
<th>Item</th>
<th>20__</th>
<th>20__</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unclassified appropriation</td>
<td>$100,000.00</td>
<td>$75,000.00</td>
</tr>
</tbody>
</table>
| In the event no law is enacted by this session of the Legislature with respect to Veterans' Services, fifty thousand dollars each year of the above appropriation shall be available for expenditure for services to war veterans by the Department of Public Assistance.

540—Weston State Hospital
Acct. No. 420

<table>
<thead>
<tr>
<th>Item</th>
<th>20__</th>
<th>20__</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salary of Superintendent</td>
<td>$210,000.00</td>
<td>$210,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$210,000.00</td>
<td>$210,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$448,000.00</td>
<td>$448,000.00</td>
</tr>
<tr>
<td>From Collections</td>
<td>$70,000.00</td>
<td>$70,000.00</td>
</tr>
</tbody>
</table>

541—Spencer State Hospital
Acct. No. 421

<table>
<thead>
<tr>
<th>Item</th>
<th>20__</th>
<th>20__</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salary of Superintendent</td>
<td>$80,000.00</td>
<td>$80,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$110,000.00</td>
<td>$110,000.00</td>
</tr>
<tr>
<td></td>
<td>Huntington</td>
<td>Barboursville</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>4 Repairs and Alterations</strong></td>
<td>8,500.00</td>
<td>8,500.00</td>
</tr>
<tr>
<td><strong>5 Equipment</strong></td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$203,500.00</td>
<td>$203,500.00</td>
</tr>
<tr>
<td><strong>6 From Collections</strong></td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
</tbody>
</table>

### 542—Huntington State Hospital
Acct. No. 422

<table>
<thead>
<tr>
<th></th>
<th>Huntington State Hospital Acct. No. 422</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>100,000.00 $100,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>160,000.00 160,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>8,500.00 8,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>8,000.00 8,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$276,000.00 $276,000.00</td>
</tr>
<tr>
<td><strong>6 From Collections</strong></td>
<td>110,000.00 110,000.00</td>
</tr>
</tbody>
</table>

### 543—Lakin State Hospital
Acct. No. 423

<table>
<thead>
<tr>
<th></th>
<th>Lakin State Hospital Acct. No. 423</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>35,000.00 35,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>55,000.00 55,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>8,500.00 8,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>6,000.00 6,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$104,500.00 $104,500.00</td>
</tr>
<tr>
<td><strong>6 From Collections</strong></td>
<td>16,000.00 16,000.00</td>
</tr>
</tbody>
</table>

### 544—Huntington State Hospital—Barboursville Unit
Acct. No. 424

<table>
<thead>
<tr>
<th></th>
<th>Huntington State Hospital—Barboursville Unit Acct. No. 424</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>35,000.00 $35,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>57,500.00 57,500.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>6,000.00 6,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>6,000.00 6,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$104,500.00 $104,500.00</td>
</tr>
<tr>
<td><strong>6 From Collections</strong></td>
<td>15,000.00 15,000.00</td>
</tr>
</tbody>
</table>

### 545—Fairmont Emergency Hospital
Acct. No. 425

<table>
<thead>
<tr>
<th></th>
<th>Fairmont Emergency Hospital Acct. No. 425</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>25,000.00 $25,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>33,000.00 33,000.00</td>
</tr>
<tr>
<td></td>
<td>546—Welch Emergency Hospital</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td><strong>Acct. No.</strong></td>
<td>426</td>
</tr>
<tr>
<td><strong>1 Personal Services, including</strong></td>
<td>$34,000.00 $34,000.00</td>
</tr>
<tr>
<td><strong>2 Salary of Superintendent</strong></td>
<td>$27,500.00 $27,500.00</td>
</tr>
<tr>
<td><strong>3 Current Expenses</strong></td>
<td>$5,000.00 $5,000.00</td>
</tr>
<tr>
<td><strong>4 Repairs and Alterations</strong></td>
<td>$4,000.00 $4,000.00</td>
</tr>
<tr>
<td><strong>5 Equipment</strong></td>
<td>$3,000.00 $3,000.00</td>
</tr>
<tr>
<td><strong>6 Total</strong></td>
<td>$64,000.00 $64,000.00</td>
</tr>
<tr>
<td><strong>7 From Collections</strong></td>
<td>$25,000.00 $25,000.00</td>
</tr>
<tr>
<td><strong>8 Total</strong></td>
<td>$445,000.00 $445,000.00</td>
</tr>
<tr>
<td><strong>9 From Collections</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amount</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>260,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>12,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>9,000.00</td>
</tr>
<tr>
<td>Surgery Fund</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>518,500.00</td>
</tr>
<tr>
<td>From Collections</td>
<td>235,000.00</td>
</tr>
</tbody>
</table>

**550—Denmar Sanitarium**

Acct. No. 432

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Superintendent</td>
<td>45,000.00</td>
<td>45,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>58,000.00</td>
<td>58,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>7,000.00</td>
<td>7,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>116,000.00</td>
<td>116,000.00</td>
</tr>
<tr>
<td>From Collections</td>
<td>36,000.00</td>
<td>36,000.00</td>
</tr>
</tbody>
</table>

**West Virginia Foundation for Crippled Children “Pines”**

Acct. No. 433

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading, Driveway and Porch on Nurses Home at the “Pines”</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

**551—Tuberculosis Field Clinic**

Acct. No. 434

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

**552—Morris Memorial Hospital**

Acct. No. 435

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment and Improvements</td>
<td>40,000.00</td>
<td>40,000.00</td>
</tr>
<tr>
<td>Expenditures from this appropriation shall not be made without the approval of the Board of Public Works.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**553—Berkeley Springs Sanitarium**

Acct. No. 436

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services, including Salary of Superintendent</td>
<td>8,250.00</td>
<td>8,250.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>4,500.00</td>
<td>4,500.00</td>
</tr>
<tr>
<td>Ch. 11]</td>
<td>GENERAL APPROPRIATIONS</td>
<td>65</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------</td>
<td>----</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>750.00</td>
<td>750.00</td>
</tr>
<tr>
<td>6 Total</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>7 From Collections</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
</tbody>
</table>

**BUSINESS AND INDUSTRIAL RELATIONS**

57—Department of Labor

Acct. No. 450

| 1 Salary of Commissioner | $5,000.00 | $5,000.00 |
| 2 Other Personal Services | 56,000.00 | 56,000.00 |
| 3 Current Expenses | 32,000.00 | 32,000.00 |
| 4 Equipment | 2,500.00 | 2,500.00 |
| 5 Total | $95,500.00 | $95,500.00 |

6 In the event an act is passed by the present session of the Legislature increasing the salary of the commissioner of labor to six thousand dollars per annum, then the sum of one thousand dollars may be paid each year of the biennium on the salary of the commissioner out of the appropriation for “Other Personal Services.”

59—Department of Mines

Acct. No. 460

| 1 Salary of Chief | $6,000.00 | $6,000.00 |
| 2 Other Personal Services | 275,000.00 | 275,000.00 |
| 3 Current Expenses | 80,000.00 | 80,000.00 |
| 4 Repairs and Alterations | 10,000.00 | 10,000.00 |
| 5 Equipment | 15,000.00 | 15,000.00 |
| 6 Total | $386,000.00 | $386,000.00 |

600—Public Service Commission

Acct. No. 470

| 1 Salaries of three Members of |
601—Public Service Commission
Acct. No. 6617

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$140,000.00</td>
<td>$140,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$18,000.00</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$162,000.00</td>
<td>$162,000.00</td>
</tr>
</tbody>
</table>

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.

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 Commerce Commission and other Federal Departments at Washington, D. C.

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>All special license fees or other receipts collected for or by the Public Service Commis-</td>
<td></td>
</tr>
</tbody>
</table>
sion pursuant to and in the
exercise of regulatory author-
ity over motor vehicle car-
rriers, to be paid into the spe-
cial fund designated "Public
Service Commission Motor
Carrier Fund", as authorized
by law, are hereby appro-
 priated for the purpose of
paying the expenses of the
Commission, salaries of the
commissioners and the sal-
aries, compensation, costs and
expenses of its employees in
administering such law, and
for the expenditures by the
Public Service Commission
for the administration of such
regulation, as authorized and
provided by law: Provided,

however, That no expendi-
ture shall be made from
moneys hereby appropriated
except in compliance with
and in conformity to the pro-
visions of Chapter 39, Acts of
the Legislature, Regular Ses-

sion, one thousand nine hun-
dred thirty-nine; and the Pub-

lic Service Commission shall,
by proper minute order, file
with the Director of the Bud-
get on July 1, 1945, an exact
schedule of all encumbrances
against the Public Service
Commission—Motor Carrier
Division Fund as of that date,
and shall thereafter submit
42 to the Director of the Budget
43 for approval all payrolls,
44 requisitions for purchases,
45 contracts and other prospective encumbrances.

61—Department of Banking

Acct. No. 480

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</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>23,520.00</td>
<td>23,520.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>12,000.00</td>
<td>12,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>635.00</td>
<td>635.00</td>
</tr>
</tbody>
</table>

Total $42,155.00

From Collections $20,000.00

62—Beer Commissioner

Acct. No. 490

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>58,200.00</td>
<td>58,200.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>42,500.00</td>
<td>42,500.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

Total $110,700.00

63—Workmen's Compensation Commission

Acct. No. 900

TO BE PAID FROM THE WORKMEN'S COMPENSATION FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</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>260,000.00</td>
<td>260,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>110,000.00</td>
<td>110,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>4,000.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

Total $390,000.00

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

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

TO BE PAID FROM THE WORKMEN’S COMPENSATION SILICOSIS FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To administer the Workmen’s Compensation Silicosis Fund</td>
<td>$1,740.00</td>
</tr>
<tr>
<td>2. as provided in Chapter 79, Acts of Legislature, Regular Session, 1935,</td>
<td></td>
</tr>
<tr>
<td>3. and to pay premiums on bonds given by the State Treasurer as custodian</td>
<td></td>
</tr>
<tr>
<td>4. of the fund.</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$10,740.00</td>
</tr>
</tbody>
</table>

64—West Virginia Liquor Control Commission
Acct. No. 6676

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Salaries of three Members of the Commission</td>
<td>$ 18,000.00</td>
</tr>
<tr>
<td>2. Other Personal Services</td>
<td>$ 285,000.00</td>
</tr>
<tr>
<td>3. Current Expenses</td>
<td>$ 35,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$ 338,000.00</td>
</tr>
</tbody>
</table>

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, including expenses deemed necessary by the Commission in connection with its liquor rationing program during the present war emergency:

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, 1945, 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 payrolls, 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.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Total</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>4</td>
<td>From Collections</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>
### 651—Commission on Interstate Cooperation
Acct. No. 4727

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Out of the above appropriation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>the sum of $2,500.00 may be made available for West Virginia’s membership in the Council of State Governments.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 651A—Interstate Commission on Potomac River Basin
Acct. No. 4728

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>West Virginia’s contribution to Potomac Basin Interstate Commission,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>$1,800.00</td>
<td>$1,800.00</td>
</tr>
</tbody>
</table>

### 652—Board of Aeronautics
Acct. No. 485

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$9,000.00</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Airport Development</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td>$37,500.00</td>
<td>$37,500.00</td>
</tr>
</tbody>
</table>

6 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 Industrial and Publicity Commission
Acct. No. 4866

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unclassified</td>
<td>$40,000.00</td>
<td>$50,000.00</td>
</tr>
</tbody>
</table>

### 654—West Virginia Planning Commission
Acct. No. 4729

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To be expended in accordance with Chapter 79, Acts of the Legislature, 1941</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Description</td>
<td>Amount</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>----------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>Salary of Commissioner</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
<td></td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$390,000.00</td>
<td>$390,000.00</td>
<td></td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>$12,000.00</td>
<td>$15,000.00</td>
<td></td>
</tr>
<tr>
<td>Materials and Supplies</td>
<td>$75,000.00</td>
<td>$75,000.00</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$513,000.00</td>
<td>$516,000.00</td>
<td></td>
</tr>
</tbody>
</table>

In addition to the foregoing appropriations and any other appropriations or claims, as authorized by this act to be paid from the state road fund, the balance or residue of the annual receipts of the state road fund are hereby appropriated first for the payment of interest on and principal of outstanding road bonds, and thereafter for maintenance, construction and reconstruction of state roads, in accordance with the provisions 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 29, 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 hun-
The State Road Commission shall, by proper minute order, file with the Director of the Budget, on July 1, 1945, 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 requirements and other prospective encumbrances. And the Director of the Budget shall have the right to allocate expenditures under prospective encumbrances.

672—State Road Commission
Acct. No. 6406

TO BE PAID FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Primary Roads</td>
<td>$1,000,000.00</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>2 Secondary Roads</td>
<td>2,500,000.00</td>
<td>2,500,000.00</td>
</tr>
<tr>
<td>3 Total</td>
<td>$3,500,000.00</td>
<td>$3,500,000.00</td>
</tr>
</tbody>
</table>

To supplement the State Road Fund for maintenance and reconstruction of primary and secondary roads, including cooperation with the Federal Government, or any of its agencies.

To be transferred to the State Road Fund upon order of the Board of Public Works.
### AGRICULTURE

#### 70—Department of Agriculture

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount (2023)</th>
<th>Amount (2024)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Commissioner</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>$90,000.00</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Aid to Dairy Development Program</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>6</td>
<td>For the Eradication and Prevention of Livestock Diseases—To be expended at the direction of the Commissioner of Agriculture</td>
<td>$65,000.00</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>12</td>
<td>Total</td>
<td>$237,000.00</td>
<td>$237,000.00</td>
</tr>
</tbody>
</table>

#### 70A—Department of Agriculture: Soil Conservation Committee

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount (2023)</th>
<th>Amount (2024)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

#### 71—Department of Agriculture—Agricultural Awards

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount (2023)</th>
<th>Amount (2024)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Incorporated County and District Fairs and Regional 4-H Fairs</td>
<td>$9,300.00</td>
<td>$9,300.00</td>
</tr>
<tr>
<td>4</td>
<td>State Agricultural Fairs and Agricultural and Industrial Exhibits</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>$14,300.00</td>
<td>$14,300.00</td>
</tr>
</tbody>
</table>

8 To be expended at the direction of the Commissioner of Agriculture for awards to prize winners at agricultural fairs and exhibits.
72A—Department of Agriculture—Soil Conservation Commission
Acct. No. 6547

1 To be paid from Special Revenue Fund—processing, distribution and sale of lime and limestone products $ 50,000.00 $ 50,000.00

The above appropriation of $100,000.00 is predicated on collections from sale of lime and limestone products. This sum may be used as a revolving fund and shall be available for expenditure at any time within the biennium:

Provided, however, That no part of this appropriation may be used for purchase of equipment.

31A—Capitol Building and Grounds—Salvage Fund
Acct. No. 6510

TO BE PAID FROM STATE FUND SPECIAL REVENUE

1 All revenues derived from the disposal of salvage material, including waste paper, shall be deposited in State Fund—Special Revenue, and are hereby appropriated for the purpose of paying for processing salvage, for minor repairs on building and grounds, for equipment, and for cleaning and painting walls, windows and grounds.

Expenditures shall be made only upon approval of the Capitol Salvage Committee appointed by the Governor.
State Armory Board
Acct. No. 6539

TO BE PAID FROM STATE FUND SPECIAL REVENUE
1 For purchase of lands and mineral rights and for Repairs and Alterations $ 10,000.00

CONSERVATION AND DEVELOPMENT

730—West Virginia Geological Survey
Acct. No. 520

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Budget 1</th>
<th>Actual 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of State Geologist</td>
<td>$35,000.00</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$13,000.00</td>
<td>$13,000.00</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>$50,000.00</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>6</td>
<td>From Collections</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

Of the above appropriation for current expenses not more than $3,200.00 may be used each year of the biennium to cooperate with the United States Geological Survey in stream-flow measurement.

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

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Budget 1</th>
<th>Actual 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Commissioner</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$31,000.00</td>
<td>$31,000.00</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>$68,000.00</td>
<td>$68,000.00</td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from the Special Revenue fees collected by the Conservation Commission.
10 Commission.
11 Above items are for administra-
12 tion purposes only and shall not be construed as a limit upon the expenditures from the Special Revenue collections of said department, except for administration.
19 In the event an act is passed by the present session of the Legislature increasing the salary of the commissioner of conservation to six thousand dollars per annum, then the sum of one thousand dollars may be paid each year of the biennium on the salary of the commissioner out of the appropriation for “Other Personal Services.”

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>22,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>6,500.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>3,000.00</td>
</tr>
<tr>
<td>4 Buildings</td>
<td>4,000.00</td>
</tr>
<tr>
<td>5 White Pine Blister Rust Control</td>
<td>5,500.00</td>
</tr>
<tr>
<td>6 For Soil Conservation, Prevention of Soil Erosion, Forestry Service and Private Forestry Service Programs, any part of which may be used for matching Federal Funds</td>
<td>10,000.00</td>
</tr>
<tr>
<td>12 Total</td>
<td>$51,000.00</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>$ 50,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$ 34,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$ 17,500.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$ 15,800.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 117,300.00</strong></td>
</tr>
</tbody>
</table>

6 From Collections

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

733A—Conservation Commission: Division of State Parks

Acct. No. 522

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Current Expenses for initial stock of Concessions and Restaurants. Total</td>
<td>$ 10,000.00</td>
</tr>
</tbody>
</table>
| 4 This appropriation constitutes a revolving fund for the purpose of stocking and operating concessions and restaurants. All collections in excess of this appropriation shall be deposited to the State Fund General Revenue.

734—Clarke-McNary

Acct. No. 523

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 For Cooperation with the United States Department of Agriculture in Fire Prevention and Control. Total</td>
<td>$ 60,000.00</td>
</tr>
</tbody>
</table>

740—Droop Mountain Battlefield Monument

Acct. No. 5609

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 For maintenance of Historical Monument.</td>
<td></td>
</tr>
<tr>
<td>3 Total</td>
<td>$ 100.00</td>
</tr>
</tbody>
</table>

741—Point Pleasant Battle Monument Commission

Acct. No. 5619

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Maintenance of Historical Monument</td>
<td></td>
</tr>
<tr>
<td>2 Monument</td>
<td>$ 1,200.00</td>
</tr>
</tbody>
</table>
### GENERAL APPROPRIATIONS

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Major repairs to Monument</td>
<td>5,000.00</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>$6,200.00</td>
<td>$1,200.00</td>
</tr>
</tbody>
</table>

#### 742—Rumseyan Society

Acct. No. 5629

1. For maintenance of Historical Monument.
2. Total $200.00

#### 743—Morgan Morgan Memorial

Acct. No. 5639

1. For Maintenance of Historical Monument.
2. Total $25.00

#### 744—Grafton G. A. R. Post

Acct. No. 5649

1. In aid of Memorial Day Patriotic Exercises.
2. Total $500.00
3. To be expended subject to the approval of the Board of Public Works upon presentation of satisfactory plans by Grafton G. A. R. Post, American Legion, Veterans of Foreign Wars and Sons of Veterans.

### PROTECTION

#### 770—Department of Public Safety

Acct. No. 570

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Superintendent</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>$435,000.00</td>
<td>$450,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$325,000.00</td>
<td>$340,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$18,500.00</td>
<td>$18,500.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$28,000.00</td>
<td>$28,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$821,500.00</td>
<td>$842,500.00</td>
</tr>
</tbody>
</table>

7. This appropriation shall include
all expenditures for the Department of Public Safety, including radio division and enforcement of traffic.

Out of the appropriation for "Current Expenses" there may be expended not to exceed $205,000.00 for each year of the biennium for subsistence only for officers and enlisted men.

771—Adjutant General: State Militia

Acct. No. 580

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Adjutant General</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Compensation of Commanding Officers, Clerical Services and Care of Property</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Training Camps and Other</td>
<td></td>
</tr>
<tr>
<td>Active Duty Pay</td>
<td>$17,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$97,000.00</strong></td>
</tr>
</tbody>
</table>

Out of the above appropriation there may be expended a sum sufficient to maintain the West Virginia State Guard during the absence of the National Guard, or National Guard when released from Federal services, and returned to state services.

773—Auditor’s Office: Fire Marshal

Acct. No. 6605

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>$20,000.00</td>
</tr>
</tbody>
</table>

[Ch. 11]
### Ch. 11] General Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>6,500.00</td>
<td>6,500.00</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>$28,000.00</td>
<td>$28,000.00</td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from 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

<table>
<thead>
<tr>
<th>Acct. No. 591</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Fire Insurance</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>2 Boiler Insurance</td>
<td>5,000.00</td>
</tr>
<tr>
<td>3 Total</td>
<td>$35,000.00</td>
</tr>
</tbody>
</table>

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.

The above appropriation for boiler insurance is for a three-year period.

#### 780—State Board of Law Examiners

<table>
<thead>
<tr>
<th>Acct. No. 6005</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay the per diem of members and other general expenses.</td>
<td></td>
</tr>
<tr>
<td>4 Total</td>
<td>$1,500.00</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.
2
3
4 Total ____________________$ 1,000.00 $ 1,000.00
5 From Collections _____________ 1,000.00 1,000.00

### 782—State Athletic Commission
Acct. No. 6017

1 To pay the per diem of members and other general expenses.
2
3
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 and other general expenses.
2
3
4 Total _____________ $ 6,500.00 $ 6,500.00
5 From Collections _____________ 6,500.00 6,500.00

### 784—State Board of Dental Examiners
Acct. No. 6045

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

### 785—State Board of Pharmacy
Acct. No. 6046

1 To pay the per diem of members and other general expenses.
2
3
4 Total _____________ $ 5,000.00 $ 5,000.00
5 From Collections _____________ 5,000.00 5,000.00
### Ch. 11 | General Appropriations

#### 786—State Board of Osteopathy

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>6047</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay the per diem of members and other general expenses.</td>
<td></td>
</tr>
<tr>
<td>4 Total</td>
<td>$500.00</td>
</tr>
<tr>
<td>5 From Collections</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

#### 787—State Board of Optometry

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>6048</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay the per diem of members and other general expenses.</td>
<td></td>
</tr>
<tr>
<td>4 Total</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>5 From Collections</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

#### 788—State Board of Embalmers and Funeral Directors

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>6049</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay the per diem of members and other general expenses.</td>
<td></td>
</tr>
<tr>
<td>4 Total</td>
<td>$6,700.00</td>
</tr>
<tr>
<td>5 From Collections</td>
<td>$6,700.00</td>
</tr>
</tbody>
</table>

#### 789—State Board of Registration for Professional Engineers

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>6068</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay the per diem of members and other general expenses.</td>
<td></td>
</tr>
<tr>
<td>4 Total</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>5 From Collections</td>
<td>$4,000.00</td>
</tr>
</tbody>
</table>

#### 790—State Board of Examiners for Architects

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>6069</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay the per diem of members and other general expenses.</td>
<td></td>
</tr>
<tr>
<td>4 Total</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>5 From Collections</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>
## 791—State Board of Examiners for Veterinarians

Acct. No. 6076

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To pay the per diem of members and other general expenses.</td>
<td>500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>2</td>
<td>Total</td>
<td>500.00</td>
<td>500.00</td>
</tr>
</tbody>
</table>

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

### 150—Auditor’s Office

Acct. No. 150

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Other Personal Services</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

### 16—Treasurer’s Office

Acct. No. 160

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Other Personal Services</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

### 29—Secretary of State

Acct. No. 250

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To supplement the 1944-45 appropriation:</td>
<td>$600.00</td>
</tr>
<tr>
<td>3</td>
<td>Personal Services</td>
<td>$600.00</td>
</tr>
</tbody>
</table>

### 38—Teachers’ Retirement Board

Acct. No. 6409

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To supplement the 1944-45 appropriation:</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Employers Accumulation Fund</td>
<td>$125,190.00</td>
</tr>
<tr>
<td>4</td>
<td>—To Match Contribution of Members</td>
<td></td>
</tr>
</tbody>
</table>

### 44—Department of Archives and History

Acct. No. 340

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To supplement the 1944-45 appropriation:</td>
<td>$1,100.00</td>
</tr>
</tbody>
</table>
### 540—Weston State Hospital

Acct. No. 420

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To supplement the 1944-45 appropriations:</td>
<td></td>
</tr>
<tr>
<td>3 Personal Services</td>
<td>$2,700.00</td>
</tr>
<tr>
<td>4 Current Expenses</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>5 Repairs and Alterations</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>6 Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$27,700.00</strong></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 To supplement the 1944-45 appropriations:</td>
<td></td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$2,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$20,000.00</strong></td>
</tr>
</tbody>
</table>

### 771—Adjutant General: State Militia

Acct. No. 580

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Appropriation for the fiscal year 1943-44:</td>
<td></td>
</tr>
<tr>
<td>3 Per diem of officers and men of the West Virginia State</td>
<td></td>
</tr>
<tr>
<td>5 Guard attending training camps in 1943</td>
<td>$16,087.54</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$16,087.54</strong></td>
</tr>
</tbody>
</table>

### 771—Adjutant General: State Militia

Acct. No. 580

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Appropriation for the fiscal year 1944-45:</td>
<td></td>
</tr>
<tr>
<td>3 Per diem of officers and men of the West Virginia State</td>
<td></td>
</tr>
<tr>
<td>5 Guard attending training camps in 1944</td>
<td>$16,050.06</td>
</tr>
</tbody>
</table>
### 400—Potomac State School of West Virginia University

Acct. No. 315

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For acquisition of Lands known as the &quot;Cadden Property&quot;</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

### 548B—Andrew S. Rowan Memorial Home

Acct. No. 437

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Equipment, Repairs and Alterations</td>
<td>$30,000.00</td>
</tr>
</tbody>
</table>

### 546—Welch Emergency Hospital

Acct. No. 426

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repairs and Alterations</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$3,500.00</td>
</tr>
</tbody>
</table>

### 460—West Virginia Industrial School for Boys

Acct. No. 370

To supplement the 1944-45 appropriation

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$5,374.25</td>
</tr>
</tbody>
</table>

### 47—West Virginia Penitentiary

Acct. No. 375

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the acquisition of coal under land now under lease by Gallegar and Eller tracts</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

#### Sec. 2. Awards for Claims Against the State.

Auctions 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 1944-45, and to remain in effect until June 30, 1947.

**Claims Versus State Tax Commissioner**

**TO BE PAID FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dulaney, Luther C., d/b/a Dulaney Motor Company</td>
<td>$302.17</td>
</tr>
<tr>
<td>Dulaney Motor Company</td>
<td></td>
</tr>
<tr>
<td>Fredeking, J. G., et als., Partners d/b/a Fredeking &amp; Fredeking</td>
<td>$601.75</td>
</tr>
<tr>
<td>Fredeking, J. G., Price, T. H., et als., partners, d/b/a T. H. Price Oil Company</td>
<td>$747.44</td>
</tr>
</tbody>
</table>
8 Fredeking, J. G., et als.,  
9 partners, d/b/a Service Oil and Gas Company  
10 Producers Gas Company  
12 Teleweld, Inc.  
13 Total

**Claim Versus State Conservation Commission**  
**Division of Forestry**  
TO BE PAID FROM GENERAL REVENUE FUND
1 Moore, Tom  
$145.00

**Claim Versus State Conservation Commission**  
**Division of State Parks**  
TO BE PAID FROM GENERAL REVENUE FUND
1 Firestone Tire and Rubber  
$43.31

**Claim Versus Capitol Building and Grounds**  
TO BE PAID FROM GENERAL REVENUE FUND
1 Dixie, Elizabeth  
$22.50

**Claims Versus State Board of Control**  
TO BE PAID FROM GENERAL REVENUE FUND
1 Fletcher, James M.  
$51.76
2 Johnson, Robert (Mrs.)  
$35.00
3 Total  
$86.76

**Claim Versus Department of Mines**  
TO BE PAID FROM GENERAL REVENUE FUND
1 Firestone Tire and Rubber  
$32.56

**Claim Versus State Board of Control**  
TO BE PAID FROM GENERAL REVENUE FUND
1 B. Preiser Company, Inc.  
$50.00

**Claim Versus State Auditor**  
TO BE PAID FROM GENERAL REVENUE FUND
1 Roy Fairchild (trustee for Hot-coal Coal Co.)  
$40.00
Claim Versus West Virginia Liquor Control Commission
TO BE PAID FROM SPECIAL REVENUE FUND
1 Thornton, Grayson D. $ 22.04

Claims Versus State Road Commission
TO BE PAID FROM THE STATE ROAD FUND
1 Adkins, Roy H., Admr. of Estate of Roy Herbert Adkins, Jr., deceased $ 3,500.00
4 Baltimore and Ohio Railroad Co. 160.00
6 Barker, A. C. 24.94
7 Bassitt, George S. & Son 39.91
8 Baylous, E. L. 25.00
9 Beane, L. W. 50.00
10 Bennett, Mrs. S. E. 47.99
11 Bland, Lester 100.00
12 Buck, V. K. 30.00
13 Burgess, C. E. 60.00
15 of Edward Sinclair Burgess, deceased 3,500.00
17 Burnette, Edward D., Admr. of Estate of Edward D. Burnette, Jr., deceased 3,500.00
20 Burns, S. E. 169.79
21 Campbell, James M. 20.40
22 Cassady, V. E. 146.93
23 Clark, Dr. T. C. 243.71
24 Coulter, Helen Roper 139.95
25 Crow, Elmer 147.50
26 Darling Shops, Inc. 110.37
27 Davison, Fred W. 8.16
28 Doolittle, Ralph 18.36
29 Downs, J. N. 34.68
30 Dyer, Dr. Allen M. 9.00
31 Ely, Catherine D., and Farm Bureau Mutual Auto Ins. Co. 117.12
33 Everhart, T. O. 5.00
34 Fahey, Margaret 385.76
35 Fitzwater, Pearl 43.00
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>Gandee, J. D.</td>
<td>9.00</td>
</tr>
<tr>
<td>37</td>
<td>Goff, G. H.</td>
<td>114.69</td>
</tr>
<tr>
<td>38</td>
<td>Golden, Pauline</td>
<td>4,000.00</td>
</tr>
<tr>
<td>39</td>
<td>Gray, Dewey</td>
<td>80.60</td>
</tr>
<tr>
<td>40</td>
<td>Gregg, Frank T.</td>
<td>47.18</td>
</tr>
<tr>
<td>41</td>
<td>Grissell Funeral Home and</td>
<td>623.16</td>
</tr>
<tr>
<td></td>
<td>Elmer E. Schweizer</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Grisur, Ignacy</td>
<td>19.80</td>
</tr>
<tr>
<td>43</td>
<td>Grose, Roy L.</td>
<td>25.00</td>
</tr>
<tr>
<td>44</td>
<td>Hager, Hubert</td>
<td>38.83</td>
</tr>
<tr>
<td>45</td>
<td>Heldreth, Henry L., and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States Casualty</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Company</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>States Casualty Company</td>
<td>39.96</td>
</tr>
<tr>
<td>48</td>
<td>Hiley, L. C.</td>
<td>53.00</td>
</tr>
<tr>
<td>49</td>
<td>Hill, C. R.</td>
<td>102.84</td>
</tr>
<tr>
<td>50</td>
<td>Hill, L. B.</td>
<td>18.01</td>
</tr>
<tr>
<td>51</td>
<td>Ice, Bert</td>
<td>17.85</td>
</tr>
<tr>
<td>52</td>
<td>Johnson, Wilsie</td>
<td>110.09</td>
</tr>
<tr>
<td>53</td>
<td>Jones, C. J., Admr. of Estate of</td>
<td>3,500.00</td>
</tr>
<tr>
<td>54</td>
<td>Esther Jones, deceased</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Kentucky-West Virginia Junk Company</td>
<td>2.25</td>
</tr>
<tr>
<td>56</td>
<td>Company</td>
<td>20.25</td>
</tr>
<tr>
<td>57</td>
<td>Kuznior, Adam</td>
<td>255.00</td>
</tr>
<tr>
<td>58</td>
<td>Lantz, Willis</td>
<td>47.53</td>
</tr>
<tr>
<td>59</td>
<td>Legg, Katie H.</td>
<td>120.98</td>
</tr>
<tr>
<td>60</td>
<td>Lester, Bee</td>
<td>750.00</td>
</tr>
<tr>
<td>61</td>
<td>Little, Charles L.</td>
<td>4.59</td>
</tr>
<tr>
<td>62</td>
<td>Lively, E. W., Admr. of Estate of Ruth Ann Lively, deceased</td>
<td>3,500.00</td>
</tr>
<tr>
<td>63</td>
<td>of Ruth Ann Lively, deceased</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Logan Baking Corporation</td>
<td>29.84</td>
</tr>
<tr>
<td>65</td>
<td>McMillion, Luther</td>
<td>7.14</td>
</tr>
<tr>
<td>66</td>
<td>Mabscott Supply Company</td>
<td>50.00</td>
</tr>
<tr>
<td>67</td>
<td>Mallow, Paul and Beula</td>
<td>30.25</td>
</tr>
<tr>
<td>68</td>
<td>Marshall, Frank T.</td>
<td>3,000.00</td>
</tr>
<tr>
<td>69</td>
<td>Maryland New River Coal Com-</td>
<td>100.00</td>
</tr>
<tr>
<td></td>
<td>pany</td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>May, Hugh W.</td>
<td>71.02</td>
</tr>
<tr>
<td>71</td>
<td>Meyers, Otto L., and Iona</td>
<td>50.00</td>
</tr>
<tr>
<td>72</td>
<td>Meyers</td>
<td>32.40</td>
</tr>
<tr>
<td>73</td>
<td>Myer, Q. Edward</td>
<td>2.54</td>
</tr>
<tr>
<td>74</td>
<td>Norris, E. R.</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>Perdue, Arthur B.</td>
<td>3,000.00</td>
<td></td>
</tr>
<tr>
<td>Perdue, Dollie E.</td>
<td>1,500.00</td>
<td></td>
</tr>
<tr>
<td>Petry, Florence E.</td>
<td>33.66</td>
<td></td>
</tr>
<tr>
<td>Pierson, R. Clarence</td>
<td>250.00</td>
<td></td>
</tr>
<tr>
<td>Pocahontas Amusement Corporation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poland, A. C.</td>
<td>52.59</td>
<td></td>
</tr>
<tr>
<td>Rathbone, Thomas A.</td>
<td>80.24</td>
<td></td>
</tr>
<tr>
<td>Reimer, A. G.</td>
<td>49.47</td>
<td></td>
</tr>
<tr>
<td>Rentschler, Carl</td>
<td>117.75</td>
<td></td>
</tr>
<tr>
<td>Reynolds, Mary Harris</td>
<td>8.16</td>
<td></td>
</tr>
<tr>
<td>Rial, L. D.</td>
<td>60.00</td>
<td></td>
</tr>
<tr>
<td>Riggs, B. W., Funeral Home</td>
<td>35.70</td>
<td></td>
</tr>
<tr>
<td>Rose, Ruben</td>
<td>8.00</td>
<td></td>
</tr>
<tr>
<td>Rudolph, H. L.</td>
<td>7.65</td>
<td></td>
</tr>
<tr>
<td>Sadd, Shaker</td>
<td>23.16</td>
<td></td>
</tr>
<tr>
<td>Sanitary Baking Company</td>
<td>55.00</td>
<td></td>
</tr>
<tr>
<td>Sargent, Charley</td>
<td>2,568.03</td>
<td></td>
</tr>
<tr>
<td>Schmidt, Teresa</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>Shaffer (M. D.), C. F.</td>
<td>71.66</td>
<td></td>
</tr>
<tr>
<td>Shreve, O. R.</td>
<td>133.57</td>
<td></td>
</tr>
<tr>
<td>Sibbald, Minerva L.</td>
<td>8.57</td>
<td></td>
</tr>
<tr>
<td>Simms, Benton</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>Smith, F. M.</td>
<td>144.74</td>
<td></td>
</tr>
<tr>
<td>Smock, Helen</td>
<td>34.43</td>
<td></td>
</tr>
<tr>
<td>Snaith, C. B., and Bob Rodgers</td>
<td>20.40</td>
<td></td>
</tr>
<tr>
<td>Spragg, F. J.</td>
<td>40.00</td>
<td></td>
</tr>
<tr>
<td>Standard Advertising Corporation</td>
<td>188.22</td>
<td></td>
</tr>
<tr>
<td>Stewart, Lewis</td>
<td>9.20</td>
<td></td>
</tr>
<tr>
<td>Stillmack, Lewis</td>
<td>15.00</td>
<td></td>
</tr>
<tr>
<td>Stone, E. L.</td>
<td>21.50</td>
<td></td>
</tr>
<tr>
<td>Stuter, W. O.</td>
<td>153.87</td>
<td></td>
</tr>
<tr>
<td>Surber, Joe, Admr. of Estate of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marguerette Francis Surber, deceased</td>
<td>3,500.00</td>
<td></td>
</tr>
<tr>
<td>Swint (Bishop), John J.</td>
<td>900.00</td>
<td></td>
</tr>
<tr>
<td>Tomlinson, Robert</td>
<td>25.70</td>
<td></td>
</tr>
<tr>
<td>Tyler County Auto Sales</td>
<td>30.75</td>
<td></td>
</tr>
<tr>
<td>Underwood, Ray</td>
<td>7.94</td>
<td></td>
</tr>
</tbody>
</table>
Ch. 11] GENERAL APPROPRIATIONS 91

116 Van Horn, Grace ___________ 6.12
117 Varner, G. B. ___________ 59.53
118 Webb, W. V. ___________ 60.59
119 West, George M. ___________ 71.62
120 Wheeling Public Service Company ___________ 255.86
122 White, C. P. ___________ 25.00
123 Wolf, Junior ___________ 48.26
124 Wolfe, Edward L. ___________ 98.94
125 Wood, David W. ___________ 49.98
126 Workman, Albert ___________ 20.00
127 Phillip Adams ___________ 92.28
128 John Africano ___________ 75.00
129 R. C. Atkins ___________ 15.00
130 Jacob F. Bennett ___________ 312.00
131 Jacob F. Bennett ___________ 936.00
132 Jacob F. Bennett ___________

133 (The latter amount, $936.00, to be paid in monthly installments of $52.00 each from 7-1-45 to 12-31-46.)
137 Doris C. Bowman (Infant, by Mary Margaret Gilbert, her next friend) ___________ 72.00
140 Dr. Roy O. Bowles ___________ 7.50
141 Clarence Brown ___________ 250.00
142 Okey Clark ___________ 16.75
143 Columbian Carbon Company ___________ 30.62
144 Gene Coonts ___________ 15.00
145 Nathan Crihfield ___________ 451.00
146 Kathryn E. Custer ___________ 42.84
147 H. C. Dempsey ___________ 149.00
148 Mary Alice Emerick (Infant, by William P. Bradford, her next friend) ___________ 100.00
151 Bettie T. Gemrose ___________ 69.62
152 Frank I. Haller ___________ 39.99
153 Jack Headley ___________ 8.16
154 Mrs. Sallie Hoard ___________ 15.00
155 A. R. Holbert ___________ 179.93
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>156</td>
<td>F. J. Hranka</td>
<td>19.50</td>
</tr>
<tr>
<td>157</td>
<td>Mayford Hughart</td>
<td>32.13</td>
</tr>
<tr>
<td>158</td>
<td>Roy Jarrell</td>
<td>34.82</td>
</tr>
<tr>
<td>159</td>
<td>Alice E. McClung</td>
<td>720.00</td>
</tr>
<tr>
<td>160</td>
<td>(To be paid in monthly installments of $30.00 each from 1-1-45 to 12-31-46.)</td>
<td></td>
</tr>
<tr>
<td>161</td>
<td>J. A. McKinney</td>
<td>150.00</td>
</tr>
<tr>
<td>162</td>
<td>J. F. Means</td>
<td>50.00</td>
</tr>
<tr>
<td>163</td>
<td>J. E. Neff</td>
<td>40.80</td>
</tr>
<tr>
<td>164</td>
<td>Sam Ofsay</td>
<td>75.00</td>
</tr>
<tr>
<td>165</td>
<td>Ohio Valley Bus Company</td>
<td>57.82</td>
</tr>
<tr>
<td>166</td>
<td>Effie Savage Pratt</td>
<td>240.00</td>
</tr>
<tr>
<td>167</td>
<td>(To be paid in monthly installments of $10.00 each from 1-1-45 to 12-31-46.)</td>
<td></td>
</tr>
<tr>
<td>168</td>
<td>Robert Ragase</td>
<td>1,500.00</td>
</tr>
<tr>
<td>169</td>
<td>R. O. Robertson</td>
<td>161.26</td>
</tr>
<tr>
<td>170</td>
<td>L. D. Spence</td>
<td>97.60</td>
</tr>
<tr>
<td>171</td>
<td>Lottie Stewart</td>
<td>10.00</td>
</tr>
<tr>
<td>172</td>
<td>Total</td>
<td>$ 49,803.23</td>
</tr>
</tbody>
</table>

900—Bonded Obligations

Acct. No. 6476

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 of the First Extraordinary Session of the 1933 Legislature to pay non-bonded debts existing at the time of the adoption of the tax limitation amendment.

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>$ 335,000.00</td>
<td>$ 325,000.00</td>
</tr>
</tbody>
</table>
Sec. 3-a. Capital Expenditures for Post-war Projects.—

The following items are appropriated from the General Revenue Fund, subject to the following terms and conditions:

(a) The following items are hereby appropriated and are to be available for expenditure only out of the surplus in the treasury on the first day of July, 1945, subject to the conditions and limitations hereinafter expressed. On the best information which can be secured at this time, it is estimated the amount of such surplus will be approximately $15,000,000.00.

Before making funds available or encumbering such surplus for expenditure hereunder, the Board of Public Works shall review the revenues of the State from the first day of July, 1945, to the date that appropriations hereunder are expected to be made available or encumbered for expenditure hereunder, and determine whether, in its opinion, revenues then in prospect or on hand will be sufficient to meet all appropriations under sections 1, 2, 3, 6, 8, 10, 11, 12, 13, 14 and 17 under title two of this act for the biennium ending the first day of July, 1947, and make a finding with respect thereto. If in its opinion the revenues will not equal appropriations as aforesaid, the Board of Public Works shall enter an order setting aside for payment of said appropriations so much of said surplus as remains unexpended or unencumbered at that date, in an amount which will be sufficient to guarantee the payment of said appropriations, and the amount so encumbered or set aside shall not be available for expenditure hereunder except upon authority of the Legislature. Such findings of said board at any date shall be final insofar as subsequent encumbrances for purposes of appropriations under this section are concerned without regard to subsequent shrinkage or increase in revenues.

If it appear to said board at any time a finding is made under this section that there will be a balance in said surplus which will leave funds sufficient to permit construction or allocation of parts thereof for any of the items numbered 1 to 43, inclusive, hereinafter mentioned, said board may encumber said surplus to the extent of
the amounts appropriated for any such item, or items, as
the same may be subject to revision under subsection (d)
hereof, and thereafter may release or expend the amount
so encumbered for such purpose.
(b) The following items of this section may be made
available by the Board of Public Works at any time within
the biennium, but none of the items, other than items 27
through 43, shall be available for expenditure until the
war in which the nation is now engaged shall end, or un-
til one phase of that war shall come to an end, that is to
say, the European phase or the Asiatic phase, or until the
war, or some part of it, shall reach such a stage that a large
number of persons now in military or naval service have
been released from those services, or from one of them, and
economic conditions make it desirable to provide employ-
ment for persons released from such military or naval
service and for persons displaced from employment by
persons released from military or naval service, and for
persons unable to obtain employment by reason of can-
cellation of war contracts or failure to renew war con-
tracts. Such facts may be ascertained by the Board of
Public Works with respect to any one or more of the
items of this section, severally or collectively.
(c) The order in which the items of this section are
named does not indicate a legislative preference in order
of expenditure. The Board of Public Works may author-
ize the expenditure of any one or more of said items
without regard to the order in which they are here listed.
(d) The amounts of the several items in each group
classification are suggestive, and are not to be considered
as absolute. The board may revise or reduce any item
downward, without restriction, or eliminate it entirely,
and may increase any one or more of the items by not
more than twenty-five per cent, so long as such increases,
if any, as to items so increased and released do not exceed
the total amount made available under this section, and
corresponding decreases or eliminations are made to offset
increases.
(e) Expenditures authorized, which are for construc-
tion purposes, shall be for a complete and usable unit or
project, and in any case where additional funds are avail-
able, by aid from a federal agency or other source, such
fact may be considered by the board in determining what
items should at any time be encumbered or released for
expenditure, provided, that in making such release the
board shall first determine that all funds available will
provide for completion of a complete and usable project.

(f) Items 8 to 18, both inclusive, shall not be released or
encumbrances made therefor until the interim committee,
authorized by Senate Concurrent Resolution No. 6, shall
have made report upon its work, or the part thereof deal-
ing with higher educational institutions, and the pro-
priety of building the units included in said items, and
further expenditures of any of said items is expressly sanc-
tioned by the Legislature following receipt of such re-
port.

(g) Items 2 to 7, both inclusive, shall not be released or
encumbrances made therefor until the interim committee,
authorized by House Concurrent Resolution No. 4, shall
have made report upon its work, or the part thereof deal-
ing with state institutions and the propriety of building
new units or facilities therefor, included in said items,
and further expenditures of any of said items are expressly
sanctioned by the Legislature following receipt of such re-
port.

(h) All other items may be released or encumbrances
made therefor at any time after the 1st day of July, 1945,
as the board may deem proper, subject to the limitations of
subsection (a) herein.

Subject to the foregoing conditions, the following appro-
priations are made for the construction, maintenance and
repair of secondary roads, and for the construction, in-
cluding, if necessary, needed land acquisition, and equip-
ment of buildings, and for the purposes named in Items
27 through 43:

Institutional Group Classification:

Item 1: West Virginia Industrial School
for Boys, for such building or buildings as may
be designated by the Board of Public Works,
121 upon recommendation of the State Board of
122 Control. A part of this appropriation may be
123 used for the acquisition of needed land.........$ 200,000.00
124 Item 2: West Virginia Training School, for
125 vocational training school and dormitory for
126 boys, or for such other building or buildings
127 as may be designated by the Board of Public
128 Works, upon recommendation of the State
129 Board of Control ......................................... 225,000.00
130 Item 3: Spencer State Hospital, for such
131 building or buildings as may be designated
132 by the Board of Public Works, and for a new
133 filtration plant, upon recommendation of the
134 State Board of Control .............................. 55,000.00
135 Item 4: Huntington State Hospital, for such
136 building or buildings as may be designated by
137 the Board of Public Works, and for a new boiler
138 and for such repairs to buildings as may be
139 designated by the Board of Public Works,
140 upon recommendation of the State Board of
141 Control ....................................................... 119,600.00
142 Item 5: Huntington State Hospital (Bar-
143 boursville Unit) for such building or buildings
144 as may be designated by the Board of Public
145 Works, and for such equipment as may be
146 designated by the Board of Public Works,
147 upon recommendation of the State Board of
148 Control ....................................................... 105,000.00
149 Item 6: Hopemont Sanitarium, for water
150 system and sewage system, and for improve-
151 ments or additions to the same, to be desig-
152 nated by the Board of Public Works, upon re-
153 commendation of the State Board of Control... 100,000.00
154 Item 7: Denmar Sanitarium, for such build-
155 ings and improvements to buildings as may be
156 designated by the Board of Public Works, upon
157 recommendation of the State Board of Con-
158 trol .............................................................. 205,000.00
159 Releases of appropriations in the preceding
160 items Nos. 2 through 7, inclusive, are to be
Ch. 11] GENERAL APPROPRIATIONS

161 at all times controlled by subsection (g) hereof.

163 Educational Group Classification:

164 Item 8: Potomac State School of West Virginia University, for science building or such other buildings as may be designated by the Board of Public Works

165 Item 9: Glenville State College, for such building or buildings as may be designated by the Board of Public Works

166 Item 10: West Liberty State College, for dormitory or for such other building or buildings as may be designated by the Board of Public Works

167 Item 11: Fairmont State College, for such building or buildings as may be designated by the Board of Public Works

168 Item 12: Shepherd College, for library building or for such other buildings as may be designated by the Board of Public Works

169 Item 13: Concord College, for science hall, or for such other building or buildings as may be designated by the Board of Public Works

170 Item 14: West Virginia Institute of Technology, for such building or buildings as may be designated by the Board of Public Works

171 Item 15: West Virginia State College, for such building or buildings as may be designated by the Board of Public Works. A part of this appropriation may be expended for needed lands

172 Item 16: West Virginia State College, for such building or buildings at 4-H Camp for colored boys and girls as may be designated by the Board of Public Works

173 Item 17: Bluefield State College, for such buildings as may be designated by the Board of Public Works. A part of this appropriation may be used for the acquisition of needed land

174 Item 18: Other educational institutions, for such purposes as may be designated by the Board of Public Works

175 Item 19: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

176 Item 20: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

177 Item 21: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

178 Item 22: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

179 Item 23: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

180 Item 24: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

181 Item 25: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

182 Item 26: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

183 Item 27: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

184 Item 28: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

185 Item 29: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

186 Item 30: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

187 Item 31: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

188 Item 32: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

189 Item 33: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

190 Item 34: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

191 Item 35: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

192 Item 36: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

193 Item 37: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

194 Item 38: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

195 Item 39: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

196 Item 40: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

197 Item 41: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

198 Item 42: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works

199 Item 43: State institutions for the blind or deaf, for such building or buildings as may be designated by the Board of Public Works

200 Item 44: Other educational institutions, for such building or buildings as may be designated by the Board of Public Works
Item 18: West Virginia Schools for the Deaf and Blind, for such building or buildings as may be designated by the Board of Public Works ........................................ 100,000.00

Releases of appropriations in the preceding items 8 through 18, both inclusive, are to be at all times controlled by subsection (f) hereof.

Unlimited Release Group Classification:

Item 19: West Virginia University, for such building or buildings as may be designated by the Board of Public Works, upon recommendation by the Board of Governors of West Virginia University. A part of this appropriation may be expended for needed lands .......... 2,000,000.00

Item 20: West Virginia University, Kearneysville Farm, for garage and machine shop ........................................ 10,000.00

Item 21: Marshall College, for science hall and purchase of filling station, and for the construction of such building or buildings as may be designated by the Board of Public Works ........................................ 800,000.00

Item 22: West Virginia Penitentiary, for building to be occupied by female prisoners. A part of this appropriation may be used for the acquisition of land ........................................ 203,000.00

Item 23: Weston State Hospital, for such building or buildings, and for the repair of such building or buildings, as may be designated by the Board of Public Works, and for the construction or acquisition of a new water system and sewage disposal plant, upon recommendation of the State Board of Control. ...... 150,000.00

Item 24: Pinecrest Sanitarium, for milk house and cold storage building .......... 13,500.00

Item 25: Geological Survey, for storage building and clay laboratory, or for such other building or buildings as may be designated by the Board of Public Works ........................................ 20,000.00

Item 26: State Road Commission, for con-
<table>
<thead>
<tr>
<th>Item</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>Conservation Commission, for conservation of natural resources by the propagation and restocking of game and fish, by reforestation, planting of trees, and planting of food and cover crops, and for the improvement of fishing streams and the acquisition and development of additional fishing waters, and for the purchase of necessary land and equipment and construction of necessary buildings for the creation and/or enlargement of game and fish hatcheries, and by other appropriate means, and for the acquisition of land for state parks and the construction, improvement and development of state parks. Any part of this appropriation may be expended by matching funds with the funds furnished by the federal government, or may be expended without being so matched. No part of this appropriation for this item may be expended without the approval of a joint legislative committee, to be composed of the President of the Senate and two other members thereof, one of whom shall be a Democrat and one a Republican, to be appointed by him, and the Speaker of the House and two other members thereof, one of whom shall be a Democrat and one a Republican, to be appointed by him; and not less than ten percent of the total amount appropriated for this item shall be expended in any one congressional district</td>
<td>4,000,000.00</td>
</tr>
<tr>
<td>28</td>
<td>Department of Public Safety, for such building or buildings as may be designated by the Board of Public Works</td>
<td>1,100,000.00</td>
</tr>
<tr>
<td>29</td>
<td>Capitol Building and Grounds, for landscaping, building sidewalks, and for such other improvements as may be designated</td>
<td>60,000.00</td>
</tr>
</tbody>
</table>
281 by the Board of Public Works ........................................ 150,000.00
282 Item 30: For repairs to Capitol Building and Mansion .................. 100,000.00
284 Item 31: State Office Building Commission, for acquisition of additional land needed for the construction of a State Office Building .................................................. 400,000.00
287 Item 32: West Virginia University, to equip chemistry building .................. 40,000.00
289 Item 33: Potomac State School of West Virginia University, buildings .................. 6,500.00
291 Item 34: Marshall College, to complete and equip dining hall .................. 30,000.00
294 Item 35: Fairmont State College, to equip gymnasium .................. 5,000.00
295 Item 36: West Liberty State College, sewage and water system .................. 15,000.00
297 Item 37: Concord College, water and sewage system .................. 30,000.00
299 Item 38: West Virginia State College, 4-H Camp for colored boys and girls, sewage and water system .................. 25,000.00
302 Item 39: West Virginia Penitentiary, sewage disposal plant .................. 19,000.00
304 Item 40: West Virginia Colored Children’s Home—Buildings (Hog House and Cold Storage Unit) .................. 5,000.00
307 Item 41: Conservation Commission—Division of State Parks, lands .................. 4,000.00
309 Item 42: Conservation Commission—Division of State Parks, major building repairs and land improvement .................. 40,000.00
312 Item 43: Department of Public Safety, Death, Disability and Retirement fund, created by section twenty-seven, article two, chapter fifteen of the code of West Virginia, one thousand and nine hundred thirty-one, as last amended ........ 700,000.00
317. In the discretion of the Board of Public Works, an amount not in excess of seven per cent of any item in the Unlimited Release Group Classification may be re-leased at any time within the biennium, without regard
to war conditions, for the purpose or purposes of covering the expense of preliminary studies and surveys, filing applications for federal aid, and the preparation of bidding documents for the construction of any building or buildings covered by the item.

Sec. 4. Special Revenue Appropriations.—There is hereby appropriated for expenditure during the fiscal years one thousand nine hundred forty-six and one thousand nine hundred forty-seven: 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, article 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 and operation of the farm on which such products were raised and for such of the operating and maintenance expenses of the institution 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 available for expenditure except in compliance with and in conformity to the provisions of Articles 2 and 3, of Chapter 12, 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. 5. Appropriations Revived and Extended.—A part of an appropriation to a spending unit that remains unexpended at the end of the fiscal year one thousand nine hundred forty-six may, by order of the Board of Public Works, be revived and extended to meet unforeseen contingencies arising during the fiscal year one thousand nine hundred forty-seven.
Sec. 6. **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. 7. **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 Virginia, one thousand nine hundred thirty-one.

Sec. 8. **Appropriations for Refunding Erroneous Payments.**—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 refunding 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 originally paid.

Sec. 9. **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 contingencies. A part of a contingent fund that remains unexpended 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. 10. **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 failure 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 authorized to transfer from time to time such amounts to the state sinking fund commission as may be necessary for this purpose.

The state sinking fund commission shall reimburse the state of West Virginia through 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. 11. 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. 12. 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. 13. Appropriations 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 cost of publication of delinquent corporations as provided by sections seventy-five and seventy-
Sec. 13-a. Appropriations for Payment of Dues or Membership in Annual or Other Voluntary Organizations.—Payment for dues or membership in annual or other voluntary organizations shall be made from the proper item of appropriation only after an itemized schedule of such organizations together with the amount of such dues or membership has been submitted to the Budget Director and approved by the Board of Public Works. A requisition for items of such schedule authorized by the Board of Public Works for payment shall be approved by the Director of the Budget and honored for payment by the State Auditor.

Sec. 14. Appropriations for Local Governments.—There is hereby appropriated for payment to counties, districts, and municipal corporations such amounts as will be necessary to pay taxes due county, district, and municipal corporations and have been paid into the treasury:

1. For the redemption of lands;
2. By public service corporations;
3. For tax forfeitures.

Sec. 15. Printing Costs.—The cost of printing, binding and stationery for each spending unit shall be paid from the current expense appropriation for the spending unit.

Sec. 16. Total Appropriation.—Where only a total sum is appropriated to a spending unit that total sum shall include personal services, current expenses, and capital outlay, except as otherwise provided in Title 1, Section 3.

Sec. 17. General School Fund.—The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with section six, article nine, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended.

Title 3. Administration.

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

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

Sec. 2. Suspension of Certain Acts.—A provision of another act, or of the code of West Virginia, one thousand nine hundred thirty-one, as amended, which is in conflict with the provisions of this act, is hereby suspended during 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
23 in the expenditure of any part of any appropriation made
24 by this act in violation of any of the provisions hereof shall
25 be personally liable therefor.

Sec. 2-b. Limitation on Publicity.—Spending units other
2 than the West Virginia industrial and publicity commis-
3 sion shall not expend funds appropriated to them here-
4 under, or receivable as special revenues or otherwise as a
5 result of acts of the Legislature, in advertising the state
6 as a whole, or in the employment of personnel whose major
7 duties are publicity or promotional work to that end.
8 Spending units which conduct advertising or promotional
9 work as a part of their functioning, shall, in any case where
10 expenditures therefor exceed five hundred dollars, have
11 the program first approved by the director of said com-
12 mission before any expense in excess of five hundred dol-
13 lars in any one year is incurred: Provided, however, That
14 no funds shall be spent by any agency, unit, department,
15 state officer or employee, publicizing any individual, state
16 officer or employee.

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

CHAPTER 12

(House Bill No. 242—By Mr. Schupbach)

AN ACT to provide financial relief, care and comfort for
Achilles T. Robison, a native and resident of Wetzel county,
state of West Virginia, who was permanently injured by
the unlawful act of a convict, escaped from a state highway
prison road camp, near Reeder, Wetzel county, West Vir-
ginia, on the sixth day of May, one thousand nine hundred
forty-four, by the payment to and for his use, of the sum of four thousand eight hundred twenty-six dollars and thirty-five cents ($4,826.35), payable for his maintenance, support, care and attention; and to appropriate the necessary funds from the state treasury, not otherwise appropriated, or that may remain in the treasury unexpended, to accomplish the object and purpose of this act, and to appropriate revenue raised by this session of the Legislature for said purpose.

[Passed March 9, 1945; in effect from passage. Became a law without the approval of the Governor.]

Section
1. Authorizing payment of damages to Achilles T. Robison for injuries inflicted by an escaped convict.
2. Funds appropriated.

WHEREAS, Achilles T. Robison, a native and resident of New Martinsville, Wetzel county, West Virginia, while in his home, where he had a lawful right so to be, and which home is situate on state highway No. 2, in Wetzel county, West Virginia, on the sixth day of May, one thousand nine hundred forty-four, at or about the hour of three o'clock P. M. on said day, was fired upon by James Clark, a convict who had recently escaped from a state highway prison road camp near Reeder, Wetzel county, West Virginia, at which time the said Achilles T. Robison was struck in the right and left legs with the charge of shot from a shotgun then in the possession of the said James Clark and fired by him at the said Achilles T. Robison, and as a result thereof he lost his right leg and has been and now is a cripple, and will so remain for the rest of his natural life and unable to perform the duties of his occupation at the time of his injury; and

WHEREAS, The said Achilles T. Robison, at the time of the unlawful act of said escaped convict, James Clark, was innocent of any wrongdoing and was in his own home where he had a right so to be, and was conducting himself as a peaceful and law-abiding citizen, and as a result of the injury inflicted upon him by the said escaped convict, the said Achilles T. Robison has been and is now unable to provide for his physical comfort and maintenance and support in the manner in which he
was accustomed prior to the injury suffered by him as aforesaid; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. Authorizing Payment of Damages to Achilles T. Robison for Injuries Inflicted by An Escaped Convict.—That there be paid to the said Achilles T. Robison from the state treasury, the sum of four thousand eight hundred twenty-six dollars and thirty-five cents ($4,826.35), being the amount to which the said Achilles T. Robison would be entitled under the workmen's compensation law of the state of West Virginia, if said injury had been sustained by him in the course of his employment and his employer had been a subscriber to the workmen's compensation fund. And the auditor of this state is hereby authorized and directed to draw requisition upon the treasury of the state, payable to the said Achilles T. Robison, for the sum of four thousand eight hundred twenty-six dollars and thirty-five cents ($4,826.35), as herein authorized, in full satisfaction of any and all damages sustained by him by reason of the aforesaid injury.

Sec. 2. Funds Appropriated.—Sufficient funds from any revenue of the state not otherwise appropriated, or remaining unexpended for any cause, and from revenue raised by this session of the Legislature, are hereby appropriated to pay the said sum of four thousand eight hundred twenty-six dollars and thirty-five cents ($4,826.35) to the said Achilles T. Robison.

CHAPTER 13
(House Bill No. 364—By Mr. Davis)

AN ACT making a supplemental appropriation of public money out of the treasury, in accordance with subsection-c, section fifty-one, article six of the constitution, for the purpose of providing a fund for the payment of additional
compensation to the members of the court of claims in accordance with the provisions of committee substitute for house bill number sixty-four, passed at this session of the Legislature.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Section
1. Appropriation for additional compensation of members of the court of claims.

WHEREAS, Under the provisions of committee substitute for house bill number sixty-four, which was passed at this session of the Legislature, the per diem compensation of the members of the court of claims was increased from fifteen dollars a day to twenty dollars a day; and

WHEREAS, The appropriation made for the court of claims in the regular budget bill is insufficient to pay more than the former per diem of fifteen dollars a day; and

WHEREAS, After the passage of the bill increasing the compensation of the members of the court of claims, it was then too late for the board of public works to present to the Legislature a request for an amendment and supplement to the regular budget bill to provide funds covering such increase in the regular appropriation for the court of claims; and

WHEREAS, It thus becomes necessary that a separate supplemental appropriation bill be passed for this purpose; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. Appropriation for Additional Compensation of Members of the Court of Claims.—Since it appears from the estimates of the existing surplus and the revenues that will be available for expenditure during the coming biennium sufficient moneys in the state fund general revenue with which to meet the appropriation herein made, there is hereby appropriated from such fund the sum of two thousand two hundred fifty dollars for the fiscal year ending June thirtieth, one thousand nine hundred forty-six, and the sum of two thousand two hundred fifty dollars for the fiscal year ending June
AN ACT to amend and reenact section five, article one, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the alcoholic content of nonintoxicating beer.

[Passed February 23, 1945; in effect July 1, 1945. Approved by the Governor.]


Section 5. Definitions.

Be it enacted by the Legislature of West Virginia:

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

Section 5. Definitions.—For the purpose of this chapter:

1. “Alcohol” shall mean ethyl alcohol whatever its origin, and shall include synthetic ethyl alcohol but not de-natured alcohol.
2. “Beer” shall mean any beverage obtained by the fermentation of barley, malt, hops, or any similar product or substitute, and containing more than three and two-tenths per cent of alcohol by weight.
3. “Nonintoxicating beer” shall mean any beverage obtained by the fermentation of barley, malt, hops, or similar products or substitute, and containing not more than three and two-tenths per cent of alcohol by weight.
"Wine" shall mean any alcoholic beverage obtained by the fermentation of the natural content of fruits, or other agricultural products, containing sugar.

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

"Alcoholic liquor" shall include alcohol, beer, wine, and spirits, and any liquid or solid containing more than three and two-tenths per cent of alcohol by weight and capable of being used as a beverage.

"Original package" shall mean any closed or sealed container or receptacle used for holding alcoholic liquor.

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

"Selling" shall include solicitation or receipt of orders; possession for sale; and possession with intent to sell.

"Person" shall mean an individual, firm, partnership, corporation or voluntary association.

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

"Manufacturer" shall mean any person engaged in the manufacture of any alcoholic liquor, and among others includes a distiller, a rectifier, a wine maker, and a brewer.

"Brewery" shall mean an establishment where beer is manufactured or in any way prepared.

"Winery" shall mean an establishment where wine is manufactured or in any way prepared.

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

"Public place" shall mean any place, building, or conveyance to which the public has, or is permitted to have access, including restaurants, soda fountains, and hotel dining rooms and lobbies, and corridors of hotels, and any highway, street, lane, park or place of public resort or amusement.
“State liquor store” shall mean a store established and operated by the commission under this chapter for the sale of alcoholic liquor in the original package for consumption off the premises.

“An agency” shall mean a drug store, grocery store or general store designated by the commission as a retail distributor of alcoholic liquor for the West Virginia liquor control commission.

“Department” shall mean the organization through which the commission exercises powers imposed upon it by this chapter.

“Commission” shall mean the West Virginia liquor control commission.

CHAPTER 15
(Senate Bill No. 89—By Mr. Vickers, Mr. President)

AN ACT to amend and reenact sections two, three, four, five, twelve, thirteen, fourteen, fifteen, sixteen, eighteen and nineteen, article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter twelve, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, and to provide that said article fifteen and all subsequent acts amendatory thereto shall hereafter be designated as article sixteen of said chapter, and to further amend said article by adding thereto sections fifteen-a and fifteen-b, all relating to nonintoxicating beer.

[Passed February 27, 1945; in effect July 1. 1945. Approved by the Governor.]


Section

2. Definitions.

3. State license required; alcoholic content of beer manufactured for sale without state.

4. Amount of license tax; class A and class B retail dealers.

5. Bond of brewer, distributor and class A retail dealer; action on bond of retail dealer upon revocation of license; duty of prosecuting attorney.
12. Form of application for license; fee and bond; refusal of license.
13. Unlawful acts of licensees; penalties.
15. Revocation or suspension of license; courts given concurrent jurisdiction with commissioner.
15-a. Hearing on revocation or suspension of license; notice to licensee; review of action of commissioner; clerk of court to furnish commissioner copy of order or judgment of conviction of licensee.
15-b. Court action for revocation or suspension of retailer's license; complaint; hearing; notice to licensee; duty of prosecuting attorney and peace officers; judgment of court; appeal.
16. Reissuance of license after revocation.
18. Office of West Virginia nonintoxicating beer commissioner created; appointment; term; salary; qualifications; deputy commissioner; bonds; appointment of agents; payment of administration and enforcement expenses.
19. Revenue collected paid to state treasurer; administration expense.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four, five, twelve, thirteen, fourteen, fifteen, sixteen, eighteen and nineteen, article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter twelve, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, be amended and reenacted, that said article be hereafter designated article sixteen of said chapter, and that said article be further amended by adding thereto sections fifteen-a and fifteen-b, all to read as follows:

Section 2. Definitions.—For the purpose of this article:
2 “Nonintoxicating beer” shall mean all cereal malt beverages or products of the brewing industry commonly referred to as beer, lager beer, ale, and all other mixtures and preparations produced by the brewing industry, and containing not more than three and two-tenths per cent of alcohol by weight, which are hereby declared to be nonintoxicating and the word “liquor” as used in chapter sixty of the code of West Virginia shall not be construed to include or embrace any cereal malt beverage or product of the brewing industry, or any mixture or preparation of like nature containing not more than three and two-tenths per cent of alcohol by weight.
14 “Person” shall mean and include an individual, firm,
partnership, association or corporation.

"Retailer" shall mean any person selling, serving, delivering or otherwise dispensing nonintoxicating beer at his established and licensed place of business.

"Distributor" shall mean any person, whose chief place of business is within the state of West Virginia, jobbing or distributing nonintoxicating beer to retailers at wholesale.

"Brewer" shall mean any person, firm, association, partnership or corporation manufacturing, bottling or otherwise producing nonintoxicating beer for sale at wholesale.

"Original container" shall mean the container used by the brewer at the place of manufacturing, bottling, or otherwise producing nonintoxicating beer for sale at wholesale.

Sec. 3. State License Required; Alcoholic Content of Beer Manufactured for Sale Without State.—No person shall manufacture, sell, possess for sale, transport or distribute nonintoxicating beer except in accordance with the provisions of this act, and after first obtaining a state license therefor, as hereinafter provided: Provided, however, That nothing herein contained shall prohibit any brewer located within the state from manufacturing or transporting for sale without the state beer of an alcoholic strength greater than three and two-tenths per cent by weight.

Sec. 4. Amount of License Tax; Class A and Class B Retail Dealers.—There is hereby levied and imposed an annual license tax upon all dealers in and of nonintoxicating beer as defined by this act, which license period shall begin on the first day of July of each year and end on the thirtieth day of June of the following year, and if granted for a less period the same shall be computed quarterly in proportion to the remainder of the fiscal year as follows:

(a) Retail dealers shall be divided into two classes, Class A and Class B. In the case of a Class A retail dealer the license fee shall be one hundred dollars for each place of business; except such license fee for social, fraternal
or private clubs not operating for profit, and having been
in continuous operation for two years or more im-
mediately preceding the date of application, shall be fifty
dollars; and except that railroads operating in this state
may dispense nonintoxicating beer upon payment of an
annual license tax of ten dollars for each dining, club,
or buffet car in which the same is dispensed.
Class A licenses issued for social, fraternal or private
clubs and for railroad dining, club or buffet cars, as
herein provided, shall authorize the licensee to sell non-
intoxicating beer at retail for consumption only on the
licensed premises where sold. All other Class A licenses
shall authorize the licensee to sell nonintoxicating beer
at retail for consumption on or off the licensed premises.
In the case of a Class B retailer, the license fee shall
be five dollars for each place of business. A Class B
license shall authorize the licensee to sell nonintoxicating
beer at retail in bottles, cans or other sealed containers
only, and only for consumption off the licensed premises.
Sales under this license to any person at any one time
must be in less quantities than five gallons. Such license
may be issued only to the proprietor or owner of a grocery
store. For the purpose of this act, the term "grocery
store" means and includes any retail establishment com-
monly known as a grocery store or delicatessen, where
food or food products are sold for consumption off the
premises.
(b) In the case of a distributor the license fee shall
be two hundred fifty dollars for each place of business.
(c) In the case of a brewer with its principal place of
business located in this state, the license fee shall be
five hundred dollars for each place of manufacture.

Sec. 5. Bond of Brewer, Distributor and Class A Retail
Dealer; Action on Bond of Retail Dealer Upon Revoca-
tion of License; Duty of Prosecuting Attorney.—In addi-
tion to furnishing the information required by this act,
each brewer or distributor applying for a license under
this act shall furnish, as prerequisite to a license, a bond
with some solvent surety company as surety, to be ap-
proved by the West Virginia nonintoxicating beer com-
missioner, payable to the state of West Virginia, condi-
tioned for the payment of any and all additional taxes
accruing during the period of such license, and conditioned
further for the faithful observance of the laws of the state
of West Virginia with respect to the sale, transportation,
storage and distribution of nonintoxicating beer, which
said bond shall be forfeited to the state upon the revoca-
tion of the license of any such brewer or distributor. The
amount of such bond, in the case of a brewer, shall be not
less than five thousand dollars, nor more than ten thou-
sand dollars, and in the case of a distributor, not less than
two thousand dollars, nor more than five thousand dol-
ars for each place of business licensed and conducted
within the state, the amount of such bond, between the
minimum and maximum amounts, to be determined in the
discretion of the commissioner. In the case of brewers
shipping nonintoxicating beer into the state, they must
also furnish a bond in a penalty of not less than five thou-
sand dollars nor more than ten thousand dollars condi-
tioned for the fulfillment and observance of state laws.
Each and every Class A retail dealer, in addition to
furnishing the information required by this act, shall
furnish as prerequisite to obtaining a license, a bond
with some solvent surety company as surety, to be ap-
proved by the commissioner, payable to the state of
West Virginia, in an amount not less than two hundred
dollars, nor more than five hundred dollars, within the
discretion of the commissioner. All such bonds shall be
conditioned for the faithful observance of the laws of the
state of West Virginia with respect to the distribution,
sale and dispensing of nonintoxicating beer, and shall be
forfeited to the state in the full amount of said bond upon
the revocation of the license of any such retail dealer.
Such money received by the state shall be credited to
the state fund, general revenue.
Upon the revocation of the license of any Class A
retail dealer by the commissioner or by any court of
competent jurisdiction, the commissioner or the clerk
of said court shall notify the prosecuting attorney of the
county wherein such retail dealer's place of business
is located, or the prosecuting attorney of the county
wherein the licensee resides, of such revocation, and
upon receipt of said notice it shall be the duty of such
prosecuting attorney forthwith to institute appropriate
proceedings for the collection of the full amount of said
bond. Upon request of such prosecuting attorney, the
commissioner shall deliver the bond to him. Wilful re-

Sec. 12. Form of Application for License; Fee and
Bond; Refusal of License.—A license may be issued by
the commissioner to any person who submits an applica-
tion therefor, accompanied by a license fee, and, where
required, a bond, stating under oath:

(a) The name and residence of the applicant, how
long he has resided there, that he has been a resident
of the state for a period of two years next preceding
the date of his application, that he is twenty-one years
of age, and, if a firm, association, partnership or corpo-
tion, the residence of the members or officers for a period
of two years next preceding the date of such application:
Provided, That if any person, firm, partnership, associa-
tion or corporation applies for a license as a distributor,
such person, or in the case of a firm, partnership, associa-
tion, or corporation, the members or officers thereof, shall
state under oath that he or they have been bona fide
residents of the state for four years next preceding the
date of such application;

(b) The place of birth of applicant and that he is a
citizen of the United States and, if a naturalized citizen,
when and where naturalized; and, if a corporation, or-
organized or authorized to do business under the laws of
the state, when and where incorporated, with the names
and address of each officer; that each officer is a citizen
of the United States and a person of good moral character;
and if a firm, association or partnership, the place of
birth of each member of the firm, association or partner-
ship, that each member is a citizen of the United States
and if a naturalized citizen, when and where naturalized,
each of whom must qualify and sign the application:
Provided, however, That the requirements as to residence
shall not apply to the officers of a corporation which
shall apply for a Class B retailer's license, but the officer,
agent, or employee who shall manage and be in charge
of the licensed premises shall possess all the qualifica-
tions required of an individual applicant for a retailer's
license, including the requirements as to residence;
(c) The particular place for which the license is de-
sired and a detailed description thereof;
(d) The name of the owner of the building and, if the
owner is not the applicant, that such applicant is the
actual and bona fide lessee of the premises;
(e) That the place or building in which it is proposed
to do business conforms to all laws of health and fire
regulations applicable thereto, and is a safe and proper
place or building;
(f) That the applicant has never been convicted of a
felony, or a violation of the liquor laws either federal
or state;
(g) That the applicant is the only person in any man-
er pecuniarily interested in the business so asked to
be licensed, and that no other person shall be in any
manner pecuniarily interested therein during the con-
tinuance of the license;
(h) That the applicant has not during five years next
immediately preceding the date of said application had
a nonintoxicating beer license revoked, nor during the
same period been convicted of any criminal offense.
The foregoing provisions and requirements are man-
datory prerequisites for the issuance of a license, and
in the event any applicant fails to qualify under the
same, license shall be refused. In addition to the in-
formation furnished in any application, the commissioner
may make such additional and independent investigation
of each applicant, and of the place to be occupied, as
deemed necessary or advisable; and for this reason each
and all applications, with license fee and bond, must
be filed thirty days prior to the beginning of any fiscal
year, and if application is for an unexpired portion of any fiscal year, issuance of license may be withheld for such reasonable time as necessary for investigation.

The commissioner may refuse a license to any applicant under the provisions of this act if he shall be of the opinion:

(a) That the applicant is not a suitable person to be licensed; or

(b) That the place to be occupied by the applicant is not a suitable place; or

(c) That the license should not be issued for reason of conduct declared to be unlawful by this act.

Sec. 13. Unlawful Acts of Licensees; Penalties.—It shall be unlawful:

(a) For any licensee, his, its or their servants, agents or employees to sell, give or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected therewith, nonintoxicating beer between the hours of midnight and seven o'clock the following morning on week days or before one o'clock in the afternoon of any Sunday;

(b) For any licensee, his, its or their servants, agents or employees, to sell, furnish or give any nonintoxicating beer to any person visibly or noticeably intoxicated, or to any insane persons, or to any habitual drunkard, or to any person under the age of eighteen years;

(c) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer except for cash; and no right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause. Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for such containers when title is retained by the vendor;

(d) For any brewer or distributor or his, its or their agents, to transport or deliver nonintoxicating beer to any retail licensee on Sunday;

(e) For any brewer or distributor to give, furnish, rent
or sell any equipment, fixtures, signs or supplies directly
or indirectly or through a subsidiary or affiliate to any
licensee engaged in selling products of the brewing indus-
try at retail, or to offer any prize, premium, gift, or
other similar inducement, except advertising matter of
nominal value, to either trade or consumer buyers;
(f) For any licensee to transport, sell, deliver or pur-
chase any nonintoxicating beer or product of the brewing
industry upon which there shall appear a label or other in-
formative data which in any manner refers to the alcoholic
content of such beer or product of the brewing industry,
or upon the label of which there appears the word or
words "strong," "full strength," "extra strength," "pre-
war strength," "high test" or other similar expressions
bearing upon the alcoholic content of such product of
the brewing industry, or which refers in any manner to
the original alcoholic strength, extract or balling proof
from which such beverage was produced, except that
such label shall contain a statement that the alcoholic
content thereof does not exceed three and two-tenths per
cent by weight;
(g) For any licensee to permit in his premises any lewd,
immoral or improper entertainment, conduct or practice;
(h) For any licensee to possess a federal license, tax
receipt or other permit entitling, authorizing or allowing
such licensee to sell liquor or alcoholic drinks;
(i) For any licensee to obstruct the view of the interior
of his premises by enclosure, lattice, drapes or any means
which would prevent plain view of the patrons occupying
such premises. The interior of all licensed premises shall
be adequately lighted at all times: Provided, however,
That the provisions of this paragraph shall not apply to the
premises of a Class B retailer;
(j) For any licensee to manufacture, import, sell, trade,
barter, possess, or acquiesce in the sale, possession or
consumption of any alcoholic liquors on the premises cov-
ered by such license or on premises directly or indirectly
used in connection therewith;
(k) For any licensee to print, paint or place upon the
door, window, or in any other public place in or about
the premises, the word "saloon" or word of similar char-
70  actor or nature, or for the word "saloon" or similar words
71  to be used in any advertisement by the licensee;
72  (l) For any retail licensee to sell or dispense non-
73  intoxicating beer purchased or acquired from any source
74  other than a licensed distributor or brewer under the
75  laws of this state;
76  (m) For any licensee to permit loud, boisterous or dis-
77  orderly conduct of any kind upon his premises or to permit
78  the use of loud musical instruments if either or any of the
79  same may disturb the peace and quietude of the com-
80  munity wherein such business is located: Provided, That
81  no juke box or other musical instrument of like character
82  shall be played or operated after eleven o'clock p. m., on
83  any week day and at no time on Sunday;
84  (n) For any person whose license has been revoked, as
85  in this act provided, to obtain employment with any
86  retailer within the period of one year from the date of
87  such revocation, or for any retailer to employ knowingly
88  any such person within such time;
89  (o) For any distributor to sell, possess for sale, trans-
90  port or distribute nonintoxicating beer except in the
91  original container;
92  (p) For any licensee to permit any act to be done upon
93  the licensed premises, the commission of which consti-
94  tutes a crime under the laws of this state;
95  (q) For any Class B retailer to permit the consumption
96  of nonintoxicating beer upon his licensed premises.
97  Any person who violates any provision of this act or
98  who makes any false statement concerning any material
99  fact in submitting application for license or for a renewal
100  of a license or in any hearing concerning the revocation
101  thereof, or who commits any of the acts herein declared
102  to be unlawful, shall be guilty of a misdemeanor, and
103  shall be punished for each offense by a fine of not less
104  than twenty-five dollars, nor more than five hundred
105  dollars, or imprisoned in the county jail for not less than
106  thirty days nor more than six months, or by both fine and
107  imprisonment in the discretion of the court. Justices of
108  the peace shall have concurrent jurisdiction with the
109  circuit court, and any other courts having criminal juris-
diction in their county, for the trial of all misdemeanors arising under this act.

Sec. 14. **Powers of Commissioner.**—To effectively carry out the provisions of this act, the commissioner shall have the power and authority to adopt, promulgate, repeal, rescind and amend, in any manner required, rules, regulations, standards, requirements and orders, including the following:

(a) Prescribing records and accounts, pertaining to the manufacture, distribution and sale of nonintoxicating beer, to be kept by the licensee;
(b) Requiring the reporting of such information by licensees as may be necessary for the effective administration of this act;
(c) Regulating the branding and labeling of packages, bottles or other containers in which nonintoxicating beer may be sold; and, in his discretion, require the collection of all taxes provided for under section six of this act, by the use of tax-paid crowns, lids, and/or stamps;
(d) Prohibiting shipment into the state and sale within the state of low grade or under-standard nonintoxicating beer;
(e) Referring to licenses and the issuance and revocation of the same;
(f) Requiring licensees to keep their places of business where nonintoxicating beer is sold at retail, and the equipment used in connection therewith, clean and in a sanitary condition.

Sec. 15. **Revocation or Suspension of License; Courts Given Concurrent Jurisdiction with Commissioner.**—The commissioner may revoke, or suspend, the license of any licensee:

(a) For any of the reasons and upon any grounds declared to be unlawful by section thirteen of this act; or
(b) For any reason or ground upon which a license might have been refused in the first instance had the facts at the time of the issuance of such license been known to the commissioner; or
(c) For the violation of any rule, regulation or order
promulgated by the commissioner under authority of this article.

In addition to the grounds for revocation or suspension of a license above set forth, conviction of the licensee of any offense constituting a violation of the laws of this state or of the United States relating to nonintoxicating beer or alcoholic liquor shall be mandatory grounds for the revocation or suspension of a license.

Any court of record, except juvenile, domestic relations courts and courts with jurisdiction limited to the trial of criminal offenses, of the county in which the licensed premises are located, shall have concurrent jurisdiction with the commissioner of any proceedings for the revocation or suspension of the license of any retailer, either Class A or Class B, for a violation by such retailer of the provisions of paragraphs (a), (b), (g), (j), (m), (p) or (q), of section thirteen of this act, or for making any false statement concerning any material fact in submitting an application for a retailer's license or for a renewal of such a license.

Sec. 15-a. Hearing on Revocation or Suspension of License; Notice to Licensee; Review of Action of Commissioner; Clerk of Court to Furnish Commissioner Copy of Order or Judgment of Conviction of Licensee.—No such revocation or suspension shall be made by the commissioner unless and until a hearing shall be held after ten days' notice to the licensee of the time and place of such hearing, which notice shall contain a statement or specification of the charges, grounds or reasons for such proposed or contemplated action, and which shall be served upon the licensee as other notices, or by registered mail to the address for which license was issued; at which time and place, so designated in the notice, the licensee shall have the right to appear and produce evidence in his behalf, and to be represented by counsel.

The commissioner shall have authority to summon witnesses in the hearings before him, and fees of witnesses summoned on behalf of the state in proceedings to revoke or suspend licenses shall be treated as a part of the expenses of administration and enforcement. Such fees
shall be the same as those in similar hearings in the courts.

If, at the request of the licensee or on his motion, the hearing shall be continued and shall not take place on the day fixed by the commissioner in the notice above provided for, then such licensee’s license shall be suspended until the hearing and decision of the commissioner, and in the event of revocation or suspension of such license, upon hearing before the commissioner, the licensee shall not be permitted to sell beer pending an appeal as provided by this act. Any person continuing to sell beer after his license has been suspended or revoked, as hereinbefore provided, shall be guilty of a misdemeanor and shall be punished as provided in section thirteen of this act.

The action of the commissioner in revoking or suspending a license shall be subject to review, upon certiorari by the circuit court of Kanawha county, West Virginia, when such licensee may be aggrieved by such revocation or suspension. The granting of such review, upon certiorari, shall be in the sound discretion of the judge of the circuit court of Kanawha county, and petition for such review must be filed with said circuit court within a period of thirty days from and after the date of revocation or suspension by the commissioner; and any licensee obtaining an order of review shall be required to pay the costs and fees incident to transcribing, certifying and transmitting the records pertaining to such matter to the circuit court. An application to the supreme court of appeals of West Virginia for a writ of error from any final order of the circuit court in any such matter shall be made within thirty days from and after the entry of such final order.

All such hearings, upon notice to show cause why license should not be revoked or suspended, before the commissioner, shall be held in the offices of the commissioner in the capitol building, Charleston, Kanawha county, West Virginia, unless otherwise provided in such notice, or agreed upon between the licensee and the commissioner; and when such hearing is held elsewhere than in the
Whenever any licensee has been convicted of any offense constituting a violation of the laws of this state or of the United States relating to nonintoxicating beer or alcoholic liquor, the clerk of the court in which such licensee has been convicted shall forward to the commissioner a certified copy of the order or judgment of conviction, if such clerk has knowledge that the person so convicted is a licensee.

Sec. 15-b. Court Action for Revocation or Suspension of Retailer's License; Complaint; Hearing; Notice to Licensee; Duty of Prosecuting Attorney and Peace Officers; Judgment of Court; Appeal.—Proceedings in any court for the revocation or suspension of any retailer's license, as provided in section fifteen, shall be entitled in the name of the state and against the licensee and shall be instituted by the filing with the clerk of said court a complaint signed and sworn to either by some peace officer of the village, town, or city in which the licensed premises are situated, or by any citizen who is, and for at least six months prior thereto has been, a resident thereof, or if the licensed premises are situated outside of a village, town or city, then by a peace officer of said county, or by any citizen who is, and for at least six months prior thereto has been, a resident of said county. Such complaint shall set forth in detail the facts alleged to constitute the violation or violations which are the grounds upon which the revocation or suspension of the license is asked and the facts stated in said complaint must be shown to be within the personal knowledge of the affiant or affiants or upon the information and belief of such affiant or affiants. It shall be the duty of the prosecuting attorney of the county when requested so to do by any person or persons herein authorized to file a complaint, to prepare and draw the complaint for such person or persons.

When such complaint is filed with the clerk of said court, he shall immediately call the attention of the court thereto, and it shall be the duty of the court to enter an
order fixing a time for the hearing thereon. Thereupon, the clerk shall notify the prosecuting attorney of the county of the filing of said complaint and of the date fixed for said hearing. The prosecuting attorney shall forthwith prepare a notice of hearing directed to the licensee, which shall state that a complaint has been filed in the office of the clerk of said court, copy of which is attached, and that pursuant to the order entered by the court the same will come on for hearing before said court, stating the time and place where the hearing will be held, and shall be signed by said prosecuting attorney. Said notice shall be served upon the licensee at least ten days prior to the time fixed for hearing, if personal service is made. If service be made by mail, such notice shall be deposited in the United States mail not less than twelve days prior to the date set for hearing. It shall be the duty of the prosecuting attorney to diligently and without delay prosecute all complaints which have been filed.

At the time fixed by said order, or as soon thereafter as the business of the court will permit, the said complaint shall come on for trial and hearing. The trial of said complaint for revocation or suspension of the license shall be by the court and without jury. The complaint may be amended at any time before hearing and by leave of court during the hearing. Any amendment shall, however, be verified in like manner as is provided in the original complaint. Such proceeding shall be heard promptly by the court. The pendency of any proceeding before the commissioner for the revocation or suspension of the license shall not stay or be grounds for the continuance of the hearing herein provided to be had before the court. If the court shall find upon the hearing that the offense or offenses charged in the complaint have been established by the evidence, the court shall order the revocation or suspension of the license. If the court finds that the licensee has not previously violated the law in the operation of his licensed business, and that no license held by him has previously been suspended or revoked, and if it appears to the satisfaction of the court that there are reasonable grounds
to expect that the licensee will not again commit the
offense or offenses charged in the complaint and that
to revoke the license would be unduly severe, then the
court may suspend the license for such period of time as
the court deems proper: Provided, however, That if the
licensee has previously had his license suspended or re-
voled it shall be mandatory upon the court, upon a
finding of guilty, to revoke the said license. After the
filing of a complaint with the clerk of the court for
revocation or suspension of a license, as hereinbefore pro-
vided, the court shall retain jurisdiction to hear and de-
termine such complaint and to enter judgment revoking
such license. For the purpose of such hearing and as to
the effect of the judgment of the court entered pursuant
thereto, the license shall be in full force and effect even
though the licensee, after the filing of such complaint,
may have surrendered his license, or such license may
have expired, or the rights of the licensee thereunder
may have otherwise terminated. It is the purpose of this
paragraph to preclude the licensee and the surety upon
his bond from avoiding the effect of judgment of revoca-
tion by the court by reason of conditions arising subse-
quently to the filing of a complaint.

Any court having jurisdiction to entertain a proceed-
ing under the provisions of this chapter for the revoca-
tion or suspension of a license may, after the date for
hearing has been fixed, enter an order referring the same
to a commissioner in chancery, or a special commissioner
designated by the court, for the purpose of ascertaining
the facts and reporting the same to the court.

It is hereby made the duty of all peace officers
to enforce within their jurisdiction the provisions of
paragraphs (a), (b), (g), (j), (m), (p) and (q), of section
thirteen of this act, and they shall promptly investigate
all complaints made to them by any citizen relative to
any alleged violations by a retailer within their juris-
diction of the foregoing paragraphs of section thirteen.
When any peace officer has knowledge of the fact that
any retailer within his jurisdiction has violated any of
the foregoing paragraphs of section thirteen, or has made
any false statement concerning any material fact in sub-
mitting an application for a retailer's license or for a renewal of such a license, it shall be his duty to file immediately a complaint as hereinabove provided. Agents of the commissioner may file complaints with the court or with the commissioner at their option. The failure of any peace officer to perform the duties herein imposed upon him shall be grounds for his removal from office in the manner hereinbefore provided for the removal of the prosecuting attorney.

Any person aggrieved by any final order entered by the court under the provisions of this section shall have the right, within sixty days from and after the entry of such final order, to make application to the supreme court of appeals of West Virginia for a writ of error, but the judgment of the court revoking or suspending such license shall not be superseded or stayed during the pendency of an appeal therefrom.

The word “court” as used in this section shall mean the court in term or the judge thereof in vacation.

Sec. 16. Reissuance of License After Revocation.—No license shall be issued to any person who has formerly held a license, under the provisions of this act, which has been revoked by the commissioner or a court of competent jurisdiction, within a period of two years from the date of such revocation; nor shall any license be issued hereunder to any person who was an officer or stockholder of a corporation whose license was revoked as aforesaid, nor to any person who was a member of a partnership or association whose license was revoked as aforesaid, nor to the wife or husband of any person whose license was revoked as aforesaid, within said period of two years from the date of revocation; nor shall any license be issued to any corporation having a stockholder or director who has had a license revoked as aforesaid, within said period of two years from the date of the revocation of such person’s license.

Sec. 18. Office of West Virginia Nonintoxicating Beer Commissioner Created; Appointment; Term; Salary; Qualifications; Deputy Commissioner; Bonds; Appointment of Agents; Payment of Administration and Enforce-
ment Expense.—(a) The office of an independent administrator to be known as “West Virginia Nonintoxicating Beer Commissioner” is hereby created and the administration of this act is vested in and shall be exercised by said commissioner, to whom is hereby given all necessary power and authority in the premises.

Whenever, in this article, the word “commissioner” or “tax commissioner” is used, it shall mean the “West Virginia nonintoxicating beer commissioner.” All acts heretofore performed by the tax commissioner under the provisions of this act are ratified and confirmed, and the commissioner shall succeed to the same position maintained by the tax commissioner in all proceedings and official acts instituted and perfected under the provisions of this act prior to the appointment of the commissioner.

The commissioner shall be appointed by the governor with the advice and consent of the senate. The term of office for such commissioner shall be six years from the date of his appointment and until his successor shall have been appointed and qualified. The commissioner shall receive an annual salary of six thousand dollars.

(b) The commissioner at the time of his appointment and qualification shall be a citizen of the United States and a resident of the state of West Virginia; shall have been a qualified voter in the state for a period of at least one year next preceding his appointment, and shall be not less than thirty years of age; no commissioner during his period of service as such shall hold any other office under the laws of this state or of the United States.

(c) The commissioner, with the consent of the governor, shall appoint a deputy commissioner who shall have the same qualifications as are required of a commissioner. The deputy commissioner in the absence of the commissioner shall exercise all the powers of the commissioner and generally shall exercise such powers as are delegated to him by the commissioner.

(d) Before entering upon the duties of their respective offices, the commissioner and his deputy shall execute and file with the state treasurer a penal bond in such sum as shall be fixed by the governor, but the amount of such bond shall not be less than five thousand dollars. Penal
bonds in such penal sums as shall be fixed by the
governor likewise shall be executed and filed with the
state treasurer by such employees of the commissioner
as the commissioner with the consent of the governor
shall prescribe: Provided, however, That no bond of any
employee handling moneys collected by the commissioner
under the provisions of this act shall be less than five
thousand dollars. All such bonds shall be payable to the
state of West Virginia and shall be conditioned for the
faithful performance of the duties imposed by law or
lawful authority upon the commissioner, deputy com-
missioner or employees, and further conditioned that
the person bonded will not knowingly violate the
provisions of any act relating to the manufacture, sale,
distribution or transportation of alcohol, alcoholic
liquors or nonintoxicating beer. All bonds required to be
given under this section, before being accepted by the
state treasurer, shall be approved by the attorney general,
and all such bonds shall be given with surety approved by
the attorney general. The cost of such bond shall be borne
by the commissioner as part of his operating expense.

(e) In addition to the service of the deputy com-
missioner hereinafore provided for, the commissioner
shall appoint an adequate number of competent persons
to serve as agents of the commissioner for the purpose
of keeping all necessary accounts and records required
under the provisions of this article; investigating the
books, accounts, records and other papers of retailers, dis-
tributors and brewers; investigating applicants for license
and the places of business of retailers, distributors and
brewers; procuring evidence with respect to violations of
the provisions of this act, and particularly for use at
hearings held by the commissioner and on proceedings
instituted in court for the purpose of revoking or sus-
pending licenses hereunder; and such agents shall per-
form such other duties as the commissioner may direct.
Such agents shall have the right to enter any licensed
premises in the state in the performance of their duties
at any hour of the day or night when beer is being sold
or consumed on such licensed premises. Refusal by any
licensee or by any employee of a licensee to permit such
agents to enter the licensed premises shall be an addi-
tional cause for revocation or suspension of the license
of such licensee by the commissioner. The compensation
of such deputy commissioner, employees and agents shall
be fixed by the commissioner.

Services rendered the state by clerks, sheriffs, commis-
sioners in chancery and special commissioners, designated
by the court, and court reporters and stenographers per-
forming services for said commissioners, and fees of wit-
nesses summoned on behalf of the state in proceedings
to revoke or suspend retailers' licenses, shall be treated as
a part of the expenses of administration and enforcement,
and such officers and said other persons shall be paid the
same fees and charges as would be chargeable for like
services performed for an individual; and the compensa-
tion of such clerks, sheriffs and other persons, shall be
paid out of the amount allocated for the expense of ad-
ministration and enforcement, after the amount of such
fees and other charges shall be certified by the court to
the auditor.

Sec. 19. Revenue Collected Paid to State Treasurer; Ad-

ministration Expense.—Taxes imposed and collected un-
der the provisions of this article shall be paid to the state
treasurer in the manner provided by law, and credited to
the state fund, general revenue. The expenses of adminis-
tration and enforcement shall be paid out of the taxes
collected under this article, but not less than fifteen per
cent of the amount so collected shall be allocated for the
expenses of administration and enforcement.

The provisions of this act shall be construed to be
severable, and if any of said provisions are held unconsti-
tutional or otherwise invalid, such invalidity shall not
affect the operation of the remaining portions thereof.

Chapter twelve, acts of the Legislature, regular session,
one thousand nine hundred thirty-seven, and this act and
other acts amendatory thereto are hereby designated
article sixteen, chapter eleven of the code of West Vir-
ginia, one thousand nine hundred thirty-one.
CHAPTER 16

(Com. Sub. for House Bill No. 119—Originating in the House Committee on Taxation and Finance)

AN ACT authorizing the issuance and sale of not exceeding fifteen 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 such bonds and the principal thereof within twenty-five years.

[Passed March 3, 1945; in effect 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 fifteen 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. Such 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.

Sec. 2. Transfer, Fee; Registration, Fee; Where Payable; Interest Rate; Tax Exempt.—The auditor and the 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 shall 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 bank in the city of New York to be designated by the governor. The 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 the state, or at the bank designated by the governor, upon presentation and surrender of interest coupons then due, in the case of coupon bonds. In the case of registered bonds the treasurer of the state of West
Virginia shall issue his check for the interest then due on
the first day of ___________ and ___________ of each
year, and mail it to the registered owner at his address
as shown by the record of registration. Both the prin­
cipal and interest of the bonds shall be payable in lawful
money of the United States of America and the bonds shall
be exempt from taxation by the state of West Virginia, or
by any county, district, or municipality thereof, which
facts shall appear on the face of the bonds as part of the
contract with the holder thereof.

Sec. 3. Form of Bond.—The bonds and coupons shall be
engraved and the bonds shall be signed on behalf of the
state of West Virginia, by the treasurer thereof, under
the great seal of the state, and countersigned by the audi­
tor of the state, and shall be in the following form 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-five, on
the ___________ day of ___________, one thousand
nine hundred forty-five, and approved by the governor
on the ___________ day of ___________, one thou­
sand nine hundred forty-five, which is hereby made a
part hereof as fully as if set forth at length herein, ac­
knowledges 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 capitol of said state, or at
the option of the holder at _______________________ bank
in the city of New York, the sum of____________dollars,
with interest thereon at ______________ per centum per annum
from date, payable semi-annually in 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 annexed coupons, bearing the engraved facsimile signature of the treasurer of the state of West Virginia, upon surrender of such coupons. This bond (in the case of a coupon 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 public works of the state of West Virginia shall annually cause to be levied and collected an annual state tax on all property in the state, until this bond is fully paid, sufficient to pay the annual interest on this 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 the state, hereunto affixed according to law, dated the day of, one thousand nine hundred , and the seal of the state of West Virginia.

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 such coupon shall be by his engraved facsimile signature and the coupons shall be numbered in the order of their maturity, from number one consecutively. The 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 successors in office without being signed by the successor 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 purpose, 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 interest on such bonds or paying off and retiring the bonds, from fines, forfeitures and penalties, if any, made applicable by law for the payment of such bonds or the interest thereon, from transfer fees as herein provided, and from any source whatsoever, which is made liable by law for the payment of the principal of such 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 the fund shall be deposited in the state treasury to the credit thereof.

Such 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 the 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 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 the 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 such bonds, as hereinafter 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 the bonds accruing during the current year and one twenty-fifth of the total issue (at par value) of such 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 the bonds; and such 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 sufficient to pay the interest on bonds accruing during the current year, and to pay off, and retire the principal of such 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 governor shall sell the bonds herein mentioned at such time or times as he may determine necessary to provide funds for road construction and maintenance 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 the sale date shall be cancelled by the treasurer and rendered ineffective before the delivery of the bonds so sold.

Sec. 9. Proceeds Paid into State Road Fund.—The proceeds of all sales of bonds herein authorized shall be paid into the state road fund created by section one, article three, chapter seventeen of the code, one thousand nine hundred thirty-one, as last amended.

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 authorize the issuance of interim certificates to be issued to the purchasers of such bonds to be held by them in lieu of engraved bonds. When 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.

CHAPTER 17
(House Bill No. 241—By Mr. Speaker, Mr. Amos, by request)

AN ACT to amend and reenact sections two and three, article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter eight, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to public bonded indebtedness.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 1. Bond Issues for Original Indebtedness.
Section
2. Purposes for which bonds may be issued.
3. Amount of indebtedness for which bonds may be issued.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter eight, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 2. Purposes for Which Bonds May Be Issued.—Debt may be incurred and bonds issued under this article for the purpose of acquiring, constructing and erecting, enlarging, extending, reconstructing or improving any building, work, utility or undertaking, or for furnishing, equipping and acquiring or procuring the necessary apparatus for any building, work, improvement or department, or for establishing and maintaining a library or museum for the public use, or a building or structure for
educational purposes, or acquiring a recreation park for
the public use, or for other similar corporate purpose,
for which the political division is authorized to levy taxes
or expend public money. But no bonds shall be issued
for the purpose of providing funds for the current ex-

dpenses of any body or political division. Interest accru-
ing during the construction period, that is to say, the time
when an improvement is under construction and six
months thereafter, shall be deemed a part of the cost of
the improvement, and shall not be deemed current ex-
penses. All engineering and inspection costs, including
a proper proportion of the compensation, salaries and
expenses of the engineering staff of the political division
properly chargeable to any work or improvements, as
determined by the governing body, or the estimated
amount of such costs, shall be deemed part of the cost of
an improvement. All costs and estimated costs of the
issuance of bonds shall be deemed a part of the cost of
the work or improvement, or of the property, or of the
carrying out of the purposes for which such bonds are
to be issued. The power to acquire or construct any
building, work or improvement as herein provided shall
be deemed to include the power to acquire the necessary
lands, sites and rights-of-way therefor.

Bonds may also be issued by any municipality having
a population of fifty thousand or more or by any county
for the purpose of acquiring land and constructing a
building or buildings for use and occupancy as a col-
lege. The proposal for such a bond issue shall contain
a provision that there shall be created a commission or
committee for the purpose of operating the building or
buildings and for renting the same for an amount suffi-
cient to pay the interest and sinking fund on the bonds
proposed to be issued, and shall contain a further pro-
vision that in the event a sufficient amount is not real-
ized from rent or rents for the purpose of meeting the
debt service, then the city or county shall lay a levy for
such purpose in an amount sufficient within the consti-
tutional and statutory limitation to pay the interest and
principal on such bonds as the same become due and pay-
Ch. 17] PURPOSES FOR WHICH BONDS MAY BE ISSUED

50 able. The proposal may also contain a provision that
51 when the bonds and the interest thereon shall have been
52 paid, then the title to the land and the building or build-
53 ings situated thereon may be transferred to the college
54 to which the same have been rented.

Sec. 3. Amount of Indebtedness for Which Bonds May
2 Be Issued.—No political division authorized by this article
3 to issue bonds, shall, by any bond issue, become indebted
4 to an amount, including all other indebtedness, exceed-
5 ing two and one-half per cent of the value of the taxable
6 property therein, as shown by the last assessment
7 thereof, for state and county purposes, next prior to the
8 issuing of such bonds: Provided, however, That any board
9 of education for the acquisition of land and the erection
10 and equipment of school buildings, and any county for
11 the erection and equipment of a courthouse and/or jail
12 for such county, with funds borrowed from the govern-
13 ment of the United States or any governmental agency,
14 federal or state, and any municipal corporation of three
15 hundred inhabitants or more, for the purpose of grading,
16 paving, sewering, and otherwise improving or reimprov-
17 ing its streets and alleys, or for establishing and maint-
18 aining a library or museum for the public use, or a
19 building or structure for educational purposes, or acquir-
20 ing a recreation park for the public use, may become in-
21 debted and issue bonds in an additional sum not exceeding
22 two and one-half per cent of the value of the taxable
23 property therein, ascertained as aforesaid.
24 The term “sewering” as used herein shall be treated
25 in a comprehensive sense, so as to include all mains,
26 laterals, connections, traps, incinerating and disposal
27 plants, and other necessary and convenient accessories to
28 a modern, sanitary and efficient sewerage system, and
29 shall include storm sewers.
30 The county court of any county is hereby authorized
31 and empowered to negotiate and sell to the government of
32 the United States or to any governmental agency, fed-
33 eral or state, at private sale, at not less than par any bonds
34 issued for the purpose of erecting and equipping a court-
AN ACT to amend and reenact section seven, article six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter forty-three, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to the state office building commission; empowering that commission to issue state office revenue bonds; grants and gifts.

(Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.)


Section 7. Commission empowered to issue state office revenue bonds; grants and gifts.

Be it enacted by the Legislature of West Virginia:

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

Section 7. Commission Empowered to Issue State Office Revenue Bonds; Grants and Gifts.—The commission is hereby empowered to raise the cost of the project, as defined hereinabove, by the issuance of state office building revenue bonds of the state, the principal of and interest on which bonds shall be payable solely from the special fund herein provided for such payment. Such bonds shall be authorized by resolution of the commis-
sion, which shall recite an estimate by the commission of
such cost, and shall provide for the issuance of bonds in
an amount sufficient, when sold as hereinafter provided,
to produce such cost, less the amount of any grant or
grants, gift or gifts received, or in the opinion of the
commission expected to be received from the United
States of America or from any other source. The accept-
ance by the commission of any and all such grants and
gifts, whether in money or in land, labor or materials, is
hereby expressly authorized. All such bonds shall have
and are hereby declared to have all the qualities of nego-
tiable instruments under the law merchant. Such bonds
shall bear interest at not more than four per cent per
annum, payable semi-annually, and shall mature in not
more than twenty-five years from their date or dates,
and may be made redeemable at the option of the state,
to be exercised by the commission, at such price and
under such terms and conditions as the commission may
fix prior to the issuance of such bonds. The commission
shall determine the form of such bonds, including cou-
pons to be attached thereto to evidence the right of in-
terest payments, which bonds shall be signed by the
chairman and secretary of the commission, under the
great seal of the state, attested by the secretary of state,
and the coupons attached thereto shall bear the facsimile
signature of said chairman of the commission. In case any
of the officers whose signatures appear on the bonds or
coupons shall cease to be such officers before the delivery
of such bonds, such signatures shall nevertheless be valid
and sufficient for all purposes the same as if they had
remained in office until such delivery. The commission
shall fix the denominations of said bonds, the principal
and interest of which shall be payable at the office of the
treasurer of the state of West Virginia, at the capitol of
said state, or, at the option of the holder, at some bank or
trust company in the city of New York to be named in
the bonds, in such medium as may be determined by the
commission. The said bonds shall be exempt from taxa-
tion by the state of West Virginia, or any county or mu-
nicipality therein. The commission may provide for the
registration of such bonds in the name of the owner as to
principal alone, and as to both principal and interest
under such terms and conditions as the commission may
determine, and shall sell such bonds in such manner as
it may determine to be for the best interest of the state,
taking into consideration the financial responsibility of
the purchaser, and the terms and conditions of the pur-
chase, and especially the availability of the proceeds of
the bonds when required for payment of the cost of the
project, such sale to be made at a price not lower than a
price which, computed upon standard tables of bond
values, will show a net return of four per cent per an-
um to the purchaser upon the amount paid therefor.
The proceeds of such bonds shall be used solely for the
payment of the cost of the project, and shall be deposited
and checked out as provided by section four of this article,
and under such further restrictions, if any, as the com-
mission may provide. If the proceeds of such bonds, by
error in calculation or otherwise, shall be less than the
cost of the project, additional bonds may in like manner
be issued to provide the amount of the deficiency, and
unless otherwise provided for in the trust agreement here-
inafter mentioned, shall be deemed to be of the same
issue, and shall be entitled to payment from the same
fund, without preference or priority as the bonds before
issued, provided that the aggregate amount of all issues
of bonds outstanding at one time shall not exceed two
million dollars. If the proceeds of bonds issued for the
project shall exceed the cost thereof, the surplus shall be
paid into the fund hereinafter provided for payment of
the principal and interest of such bonds. Such fund may
be used for the purchase of any of the outstanding bonds
payable from such fund at the market price, but at not
exceeding the price, if any, at which such bonds shall in
the same year be redeemable, and all bonds redeemed
or purchased shall forthwith be canceled, and shall not
again be issued. Prior to the preparation of definitive
bonds, the commission may, under like restrictions, issue
temporary bonds with or without coupons, exchangeable
for definitive bonds upon the issuance of the latter. Such
89 revenue bonds may be issued without any other proceed-
90 ings or the happening of any other conditions or things
91 than those proceedings, conditions and things which are
92 specified and required by this article, or by the constitution
93 of the state. Revenue bonds issued under the authority
94 herein granted shall be eligible as investments for the
95 workmen's compensation fund and as security for the
96 deposit of all public funds.

CHAPTER 19
(Com. Sub. for House Bill No. 48—Originating in the House Committee on
the Judiciary)

AN ACT to amend sections one and five, article one; sections
four, seven, and eight, and to add section four-a, article
two; and section one, article three, all of chapter forty-
ine of the code of West Virginia, one thousand nine hun-
dred thirty-one, as last amended, relating to child welfare.

[Passed March 9, 1945; in effect from passage. Approved by the Governor.]

Article
1. Purposes; Definitions.
2. State and County Responsibilities for the Protection and Care of
   Children.
3. Private Institutions and Organizations.

Be it enacted by the Legislature of West Virginia:

That sections one and five, article one; sections four, seven
and eight, article two; section one, article three, all of chapter
forty-nine of the code of West Virginia, one thousand nine hun-
dred thirty-one, as last amended, be amended and reenacted
and that section four-a be added to said article two, all to read as
follows:

Article 1. Purposes; Definitions.
Section
1. Purpose.
5. Definitions.

Section 1. Purpose.—The purpose of this chapter is to
provide a comprehensive system of child welfare throughout the state.

The child welfare service of the state shall be administered by the state department of public assistance, the several county departments, and the licensing board herein provided in accordance with the provision of this chapter.

The state department of public assistance is designated as the agency to cooperate with the children's bureau of the United States department of labor in extending and improving child welfare services, to comply with regulations of the children's bureau, and to receive and expend federal funds for these services.

Sec. 5. Definitions.—For the purposes of this chapter:

(1) "State department" means the state department of public assistance.

(2) "State board" means the state advisory board.

(3) "Director" means the director of the state department of public assistance.

(4) "County department of public assistance" means the county director, the county council, and the employees and appointees of the county council.

(5) "Child welfare agency" means any agency or institution maintained by a municipality or county, or any agency or institution maintained by a person, firm, corporation, association or organization to receive children for care and maintenance or for placement in a family home, or any institution that provides care for unmarried mothers and their children, but shall not include county shelters established and maintained for the detention of delinquent children or those charged with delinquency.

(6) "Licensing board" means a board consisting of the director of the state department of public assistance, the state commissioner of health and three persons appointed by the governor.

Article 2. State and County Responsibilities for the Protection and Care of Children.

Section

4. License for maintaining child welfare agencies.
4-a. State licensing board.
7. Revocation of license.
8. Violation.
Section 4. License for Maintaining Child Welfare Agencies.—No person, firm, corporation, association, organization, municipality or county may establish or maintain a child welfare agency unless licensed to do so by the state licensing board. Applications for such licenses shall be made on forms provided by the state department of public assistance and approved by the state licensing board. Before issuing licenses the licensing board shall investigate the activities and standards of care of the applicant. If satisfied as to the need for the agency, as to financial stability, equipment, good character and intent of the applicant, and that the services are conducive to the welfare of children, a license shall be issued. All licensees, on or before the third Thursday of October, one thousand nine hundred forty-five, and such licensees and subsequent licensees every two years thereafter, desiring to continue as licensed child welfare agencies shall apply to said board for renewal of their licenses. Any licensed child welfare agency failing to apply for and receive a renewal of its license shall thereafter discontinue receiving children for care, maintenance or placement.

A provisional license may be issued to any agency whose services are needed, but which is temporarily unable to conform to all the provisions of the established standards of care.

Each license shall specify in general terms the kind of child welfare work the licensee is authorized to undertake, the number of children that can be received and their ages and sex, and if authorized to place and supervise children in family homes, the area that the agency is equipped to serve.

Sec. 4-a. State Licensing Board.—There is hereby created a state licensing board which shall consist of five persons, one of whom shall be the director of the state department of public assistance, who shall be president of the board, one of whom shall be the state health commissioner, and three other persons to be appointed by the governor. Of the three persons first to be appointed to membership on said board by the governor, one shall serve for a period of two years, one for a period of four
10 years and one for a period of six years, and thereafter the
11 members to be so appointed shall serve for a term of six
12 years. The said licensing board shall meet on the third
13 Thursday of October in each year, beginning with the
14 year one thousand nine hundred forty-five, for the pur-
15 pose of passing on applications for licenses and revoking
16 the licenses of child welfare agencies not conforming to
17 the laws of this state relating to child welfare. The mem-
18 bers of said board shall be paid their actual and necessary
19 traveling expenses, by the state department of public
20 assistance from its appropriation, in traveling to and
21 from said annual meeting. The three persons appointed
22 to membership on said board shall receive a per diem
23 not to exceed ten dollars per day for time actually spent
24 attending said meeting and transacting the business of the
25 board. The said licensing board is hereby authorized, in
26 its discretion, to employ a field investigator for the pur-
27 pose of reporting to said board the results of investigations
28 made by him of child welfare agencies applying to said
29 board for licenses, said field investigator to receive a
30 per diem not to exceed ten dollars and his actual and
31 necessary traveling expenses while engaged in making
32 such investigations. Should the board employ such field
33 investigator, his actual and necessary traveling expenses
34 and his per diem shall be paid by the state department of
35 public assistance from its appropriation. No more than
36 three members of said licensing board shall be members
37 of the same political party.

Sec. 7. Revocation of License.—The state licensing board
2 may revoke the license of any child welfare agency in case
3 the licensee shall have wilfully violated any provision of
4 this article or has failed to maintain the established
5 standards of care and service. No license of a child wel-
6 fare agency shall be revoked or its renewal refused unless
7 the holder of the license shall have at least thirty days’
8 notice in writing of the grounds of the proposed revoca-
9 tion or refusal. If such revocation or refusal is protested
10 by a writing filed with the licensing board within such
11 thirty-day period, a hearing shall be held, upon at least
12 thirty days’ written notice to the protestant, at such
13 place as the licensing board may determine, and oppor-
tunity shall be given for presentation of testimony and
cross-examination of witnesses.

Sec. 8. Violation.—Whenever the state licensing board
shall be advised, or shall have reason to believe, that
any person is conducting or maintaining a child welfare
agency without a license as required by this act, it
shall have an investigation made, and if the person is
conducting a child welfare agency, it shall either issue
a license or take action to prevent continued operation
of the agency.

Article 3. Private Institutions and Organizations.

Section 1. Private child welfare agencies.

Section 1. Private Child Welfare Agencies.—Whenever
a child welfare agency licensed to place children for adop-
tion shall have been given the permanent care, custody
and guardianship of any child and the rights of the
parents of such child shall have been terminated by or-
der of a court of competent jurisdiction or by a legally
executed relinquishment of parental rights, the child
welfare agency may consent to the adoption of such
child pursuant to the statutes regulating adoption pro-
ceedings.

The parents or the surviving parent of a child or the
mother of an illegitimate child may relinquish the child
to a child welfare agency licensed to place children for
adoption by a written statement acknowledged as deeds
are required to be acknowledged by law: Provided, how-
ever, That if either of the parents of such child is under
twenty-one years of age, such relinquishment shall not
be valid unless and until the same shall have been ap-
proved in writing by a judge of a juvenile court of the
county in which such parent may reside or in which
such relinquishment is made: Provided, That an unwed
mother may repudiate said relinquishment within one
hundred twenty days from the date of said relinquish-
ment, by a written and acknowledged notice and state-
ment to said child welfare agency to such effect.
CHAPTER 20

(Senate Bill No. 97—By Mr. Bowling)

AN ACT to amend and reenact section one, article fourteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to commercial feeding stuffs.

[Passed March 5, 1945; in effect from passage. Approved by the Governor.]


Section 1. Definition.

Be it enacted by the Legislature of West Virginia:

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

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

CHAPTER 21

(House Bill No. 195—By Mr. Trumbo)

AN ACT to amend and reenact sections one, two and four, article fifteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to commercial fertilizers.

[Passed March 7, 1945; in effect from passage. Approved by the Governor.]
Article 15. Commercial Fertilizers.

Section

1. Definition of fertilizer.
2. Statement to be attached to fertilizer package.
4. Misleading or deceptive affidavit for registration; refusal or cancellation; change of ingredients; percentage of available plant food.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Definition of "Fertilizer".—The word "fertilizer" as used in this article, or in any rule or regulation authorized thereunder, unless the context otherwise requires or a different meaning is specifically prescribed, shall mean any article, substance or mixture applied to the soil, water, plants or seed for the purpose of increasing the productiveness thereof, excepting only the dung of domestic animals when sold as such without brand, name or trademark, and all forms of agricultural lime.

Sec. 2. Statement to Be Attached to Fertilizer Package.—Every bag, barrel or other package of fertilizer sold, offered or exposed for sale in this state shall have branded thereon or conspicuously attached thereto a statement showing:

(a) The name, brand or trademark of the fertilizer;
(b) The net weight of the package;
(c) The name and address of the manufacturer;
(d) The guaranteed analysis of the fertilizer and a quantitative statement of the materials from which each of the constituents is derived as set out in the affidavit required in section three of this article. The analysis shall set forth the minimum percentage of total nitrogen, available phosphoric acid and water soluble potash, except that in case of bone meal, animal manures and tankage, untreated phosphate rock and basic slag phosphates the minimum per cent of total phosphoric acid may be given. Bacterial preparations and plant and soil inocu-
plants are exempt from the provisions of the above subsection (d), but when sold or offered or exposed for sale within this state, shall be clearly and plainly labeled to show whether the inoculant or bacterial preparation is represented as effective for inoculating legumes or for some other purpose, and if represented as effective for the inoculation of legumes, for which legume or legumes it is so represented; and the date to which the inoculant is represented to produce effective inoculation.

Sec. 4. Misleading or Deceptive Affidavit for Registration; Refusal or Cancellation; Change of Ingredients; Percentage of Available Plant Food.—The commissioner of agriculture shall have the power to refuse to accept any affidavit for any fertilizer or material to be used as a fertilizer under a brand or trade name, or with any information or statement accompanying same which is misleading or deceptive or tends to mislead or deceive as to its quality or the constituents or materials of which it is composed. Any registration of any fertilizer may be cancelled by the commissioner whenever it is shown that any statement upon which said registration was made or upon which the fertilizer is sold is false or misleading. He shall have the power to refuse to register more than one commercial fertilizer under the same name or brand when offered by the same manufacturer, jobber, importer, firm, association, corporation or person.

Should any commercial fertilizer be registered in this state and it is afterward discovered that such registration is in violation of any of the provisions of this article, the commissioner shall have the power to cancel such registration. The commissioner shall have the power to refuse to allow any manufacturer, importer, jobber, firm, association, corporation or person to lower the guaranteed analysis or change the ingredients of any brand of his or their commercial fertilizer during the term for which registered unless satisfactory reasons are presented for making such change: Provided, however, That the commissioner shall refuse to register any fertilizer unless the same contains sixteen per cent or more of total available
31 plant food, except that untreated phosphate rock, basic
32 slag phosphates, bone meal, animal tankage, animal ma-
33 nures when sold with brand name or trademark, liquid
34 fertilizers, bacterial preparations, inoculants and ferti-
35 lizers which do not contain nitrogen, phosphorus and
36 potassium may be registered and sold without containing
37 the minimum of sixteen per cent total available plant
38 food.

CHAPTER 22

(House Bill No. 361—By Mr. Goff)

AN ACT to provide for the submission to the voters of the
state of an amendment to the constitution of the state of
West Virginia, amending article six thereof, by adding
thereto a new section to be numbered fifty-three, and to
be known as the "Forestry Amendment".

(Passed March 10, 1945; in effect ninety days from passage. Approved
by the Governor.)

Section
1. Submitting an amendment to article six of the state constitution,
   adding section fifty-three thereto.
2. Amendment to be known as the "Forestry Amendment".
3. Form of ballot; election.
4. Certificate of election commissioners; canvass of vote; certifying
   result.
5. Proclamation of result of election by governor.
6. Publication of proposed amendment by governor.

Be it enacted by the Legislature of West Virginia:

Section 1. Submitting An Amendment to Article Six of
the State Constitution, Adding Section Fifty-three There-
to.—The question of the ratification or rejection of an
amendment to the constitution of the state of West Vir-
ginia, proposed in accordance with the provisions of sec-
tion two, article fourteen, of said constitution, amending
article six thereof by adding to said article a new section,
numbered fifty-three, shall be submitted to the voters of
the state at the next general election to be held in the
year one thousand nine hundred forty-six, which proposed
amendment is as follows:

**Proposed Amendment**

**Article 6. Legislature.**

Section 53. *Forestry Amendment.*—The Legislature may
by general law define and classify forest lands and pro-
vide for cooperation by contract between the state and
the owner in the planting, cultivation, protection, and
harvesting thereof. Forest lands embraced in any such
contract may be exempted from all taxation or be taxed
in such manner, including the imposition of a severance
tax or charge as trees are harvested, as the Legislature
may from time to time provide. But any tax measured by
valuation shall not exceed the aggregate rates authorized
by section one of article ten of this constitution.

Sec. 2. *Amendment to Be Known as the “Forestry
Amendment”.*—For convenience in referring to said pro-
posed amendment and in the preparation of the form of
the ballot hereinafter provided for, said proposed amend-
ment is hereby designated and shall be known as the
“Forestry Amendment”.

Sec. 3. *Form of Ballot; Election.*—For the purpose of en-
abling the voters of the state to vote on the question of
said proposed amendment to the constitution at the gen-
eral election to be held in the year one thousand nine
hundred forty-six, the board of ballot commissioners of
each county is hereby required to place upon, and at the
foot of, the official ballot to be voted at said election, the
following:

Ballot on constitutional “Forestry Amendment” amend-
ing article six of the state constitution by adding a new
section thereto.

☐ For ratification of “Forestry Amendment”.
☐ Against ratification of “Forestry Amendment”.

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

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

“We, the undersigned who acted as commissioners (or canvassers, as the case may be), of the election held at precinct number ________, in the district of ____________, in the county of ____________, on the ___ day of November, one thousand nine hundred forty-six, upon the question of the ratification or rejection of the proposed constitutional amendment to article six, do hereby certify that the result of said election is as follows:

Amending article six by adding thereto a new section, numbered fifty-three:

For ratification of ‘Forestry Amendment’ ________ votes.
Against ratification of ‘Forestry Amendment’ ________ votes.

Given under our hands this ________ day of November, one thousand nine hundred forty-six.”

The said two certificates shall correspond with each other in all respects, and contain the full and true returns of said election at each place of voting on said questions. The said commissioners, or any one of them (or said canvassers, or any one of them, as the case may be), shall within four days, excluding Sunday, after that on which said election was held, deliver one of said certificates to the clerk of the county court of the county, together
The said certificates, together with the ballots cast on the question of said proposed amendment, shall be laid before the commissioners of the county court at the courthouse at the same time the ballots, poll books and the certificates of the election for the members of the Legislature are laid before them; and as soon as the result of said election in the county upon the question of such ratification or rejection is ascertained, two certificates of such result shall be made out and signed by said commissioners, as a board of canvassers, in the following form or to the following effect:

"We, the board of canvassers of the county of ..., having carefully and impartially examined the returns of the election held in said county, in each district thereof, on the ___ day of November, one thousand nine hundred forty-six, do certify that the result of the election in said county on the question of the ratification or rejection of the proposed constitutional amendment to article six is as follows:

For ratification of "Forestry Amendment" ............ votes.
Against ratification of "Forestry Amendment" ............ votes.

Given under our hands this ___ day of ............, one thousand nine hundred forty-six."

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

Sec. 5. Proclamation of Result of Election by Governor.

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

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

CHAPTER 23

(House Bill No. 161—By Mr. Hansbarger, by request)

AN ACT to amend and reenact sections eight, thirteen, eighteen, nineteen, twenty-one, twenty-two, twenty-three and twenty-five, article six, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, all relating to building and loan associations.

[Passed March 7, 1945; in effect from passage. Approved by the Governor.]


Section
8. Members; shareholders; dues; minors as shareholders.
13. Cancellation of shares; payment to withdrawing shareholder; dividends.
18. Board of directors, number, qualification and residence; meetings of members and voting rights thereat; election of officers and employees by directors; duties, terms, etc., of officers determined by by-laws; compensation and retirement of officers and employees.
19. How funds of association may be invested.
21. Conditions on which associations may take mortgage or deed of trust.
22. Repayment of loans by members.
23. Default by borrower; maturing indebtedness; collection of loan.
25. Contingent reserve, amount, purpose; undivided profit account.
Be it enacted by the Legislature of West Virginia:

That sections eight, thirteen, eighteen, nineteen, twenty-one, twenty-two, twenty-three and twenty-five, 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 those to whom its shares have been issued or transferred in accordance with the provisions of its constitution and by-laws, and those borrowers from the association to whom membership certificates have been issued. Holders of shares shall continue as members until their shares have been matured and paid, withdrawn, retired, transferred or forfeited. Borrowers holding membership certificates shall continue as members until their loans have been completely repaid to the association, or until the obligation to pay such loans is transferred to a third party and a new membership certificate is issued to such third party in accordance with the provisions of the association's constitution and by-laws. 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 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, share accounts, or accounts, and dividends thereon, or other rights relating thereto, may, at the option of the association, be paid or delivered, in whole or in part, to the beneficiary or beneficiaries of such trust. The payment or delivery of rights to any such beneficiary or beneficiaries, or a receipt, release, acquittance, or discharge signed by any such beneficiary or beneficiaries, 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.

Sec. 13. Cancellation of Shares; Payment to Withdrawing Shareholder; Dividends.—The dues and dividends
upon free shares of any such association may be with-
drawn and the shares cancelled after sixty days' written
notice of such intention filed with its secretary at the
place of business of the association, but the board of
directors may waive such notice: Provided, That the
constitution and by-laws of the association may provide
for the issuance of classes of full paid shares of stock
which may not be withdrawn. The withdrawing share-
holder shall be paid such part of the withdrawal value
of his shares as may be determined by the board of direc-
tors, less fines and other obligations, and remain a share-
holder until full payment to him be made: Provided, That
not more than one-half of the net funds received by the
association in any one month shall be applicable to the
payment of withdrawing shareholders and matured shares
as hereinbefore provided unless otherwise ordered by
the board of directors. A withdrawing member holding
shares having a withdrawal value, not paid within sixty
days, shall be entitled to dividends earned and declared,
begining at the expiration of said sixty days.

Sec. 18. Board of Directors, Number, Qualification and
Residence; Meetings of Members and Voting Rights
Thereat; Election of Officers and Employees by Directors;
Duties, Terms, etc., of Officers Determined by By-laws;
Compensation and Retirement of Officers and Employees.
—(a) The corporate powers of any building and loan
association shall be exercised by a board of directors
of not fewer than five in number, all of whom shall be
bona fide shareholders in such association, and a majority
of whom shall be resident citizens. The officers shall con-
sist of a president, one or more vice-presidents, a secre-
tary, a treasurer, and such other officers as the by-laws
shall provide, to be elected at the first meeting of the
directors following the annual meeting of the members.
The president and vice-presidents must be directors, but
the other officers and employees may or may not be
directors. The duties of the officers, their terms of office,
the time and manner of their election, the manner of
filling vacancies, the time of holding periodical meetings
of the directors and members, the manner of calling
special meetings, the qualifications of electors, and the
manner of voting, shall be determined by the constitution
and by-laws. The members who shall be entitled to vote
at any meeting of the members shall be those holding
shares and borrowers to whom membership certificates
were issued. A borrowing member to whom a member-
ship certificate has been issued shall be permitted to
cast one vote by reason thereof. A shareholder shall
be entitled to cast one vote for each share held.

(b) Unless the compensation of the officers, directors,
employees and committees shall be provided for in the
by-laws, the directors shall fix and determine the same.
In the discretion of a majority of all its directors, an
association may also establish retirement, death and dis-
ability benefits for such officers and employees who
regularly serve it on a fixed compensation basis, and to
that end, an association may become a party to any
agreement, trust, fund, or plan approved by the com-
missioner of banking which will provide any or all of
these benefits, and may make such contributions, out of
the earnings of the association, as may be required there-
by.

Sec. 19. How Funds of Association May Be Invested.—
Subject to the provisions of this article and its by-laws,
any building and loan association may invest the funds
received by it as follows:
First: In loans to its shareholders secured by a bond
or other obligation and mortgage or deed of trust on real
estate. Such loans may be secured by a transfer and
pledge to the association of shares having a matured or
par value at least equal to the amount of such loans, or
may be written on a direct reduction basis. A direct re-
duction loan shall mean a loan repayable in consecutive
monthly installments, equal or unequal, beginning not
later than thirty days after the date of the advance of the loan, sufficient to retire the debt, interest and principal within twenty years. The direct reduction borrower shall be given a membership certificate evidencing his rights in the association, but shall not participate in profits or losses: *Provided, however,* That no building and loan association shall lend upon any one piece of real estate more than ten per cent of its paid in capital stock, contingent or reserve funds, and undivided profits. Personal property may be accepted as additional security where the primary and principal security is a mortgage or deed of trust on real estate.

Second: In loans to shareholders upon their obligation secured by the transfer and pledge to the association of shares not previously transferred or pledged to it, the withdrawal or par value of which shall at least equal the amount of such loan.

Any such bonds or obligations, mortgages, or deeds of trust taken by any such association from its shareholders shall be deemed conditioned upon the performance of the provisions of this article and the by-laws of the association relating to the payment of loans, premium, interest, dues, fees, and fines, although the same may not be fully expressed therein.

Third: In real property as follows: (a) A lot of land whereon there is or may be erected a building or buildings suitable for the convenient transaction of its business, from portions of which, not required for its own use, a revenue may be derived: *Provided,* That no building and loan association shall so invest more than ten per cent of its assets; (b) such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its business; (c) such as it shall purchase at sales under judgments, decrees, or mortgages or deeds of trust held by it: *Provided,* That any real estate acquired by any building and loan association under classes (b) and (c) shall be disposed of by the association at the earliest practicable date; but the officers thereof shall have a reasonable discretion in the matter of the time to
dispose of such property in order to save the association from unnecessary losses.

If at any time it has funds in excess of the amount needed for loans to its members, and the payment of matured shares and withdrawals, such funds may be invested:

(a) In loans to other domestic building and loan associations;

(b) In bonds or interest-bearing obligations of the United States, or the District of Columbia, or of the state of West Virginia, or of any county, district, school district, or other political subdivision in the state of West Virginia, or of any incorporated city or village in the state of West Virginia; and in such other securities as now are or hereafter may be accepted by the United States to secure government deposits in national banks, or approved by the state commissioner of banking.

Sec. 21. Conditions on Which Associations May Take Mortgage or Deed of Trust.—No building and loan association shall:

First: Take a mortgage or deed of trust upon real estate unless a written application is first made for the loan described in such mortgage or deed of trust, showing the date, name of applicant, amount of loan desired, description of the real estate offered, and other information necessary, and unless a written report thereon shall have been made by at least two members of the appraisal committee, signed by them, stating that they have examined the real estate described in such application and that in their judgment it affords adequate security for such loan. Such report shall show separately the value of the land and the value of the improvements and of the building or buildings erected thereon. The application and the report shall be filed and preserved with all the other papers relating to the loan.

Second: Take a mortgage or deed of trust upon improved real estate if the amount secured by such mortgage or deed of trust, plus any prior liens, exceeds seventy-five per cent of the appraised value thereof as shown
by such report, unless said excess be secured by a pledge
of free stock or notes of the association, or unless said
excess is insured or guaranteed by the United States or
any instrumentality thereof, or there is a commitment
to so insure or guarantee. No loan shall be made on the
security of vacant real estate if the amount so secured,
plus any prior liens, exceeds fifty per cent of the appraised
value thereof as shown by such report.

Third: Take a mortgage or deed of trust upon real
estate unless the title to such real estate is approved by
the attorney of the association or some other competent
authority on titles.

Sec. 22. Repayment of Loans by Members.—Any loan
made by a building and loan association to a member may
be repaid at any time: Provided, That the member shall
pay the principal due thereon, the premium earned, and
the interest, fines, and other charges accrued at the date of
such repayment, and all sums advanced by the associa-
tion for taxes, assessments, insurance premiums, repairs,
or other purposes, with interest thereon, less the with-
drawal value of any shares transferred as security there-
for. Any association may provide in its by-laws that any
borrowing member may pay upon any loan secured by
shares a sum equal to the matured value of one or more
of the shares transferred and pledged as security there-
for upon the same proportionate terms as are provided
in this section for payment in full and have such share
or shares cancelled. A direct reduction loan may be re-
paid in full or in part at any time.

Sec. 23. Default by Borrower; Maturing Indebtedness;
Collection of Loan.—Whenever any borrower on a direct
reduction basis shall fail or neglect to pay his contracted
monthly installments, or whenever any borrower on a
loan secured by shares shall fail or neglect to pay dues,
interest, premium, or fines, as provided by the by-laws or
the terms of his obligation, bond, mortgage, or deed of
trust or other evidence of indebtedness, for a period of
three months, or shall be in default in the performance
of any of the obligations imposed upon him thereby, then
the whole of said indebtedness shall become and be im-
mediately due and payable at the option of the association.
Any shares pledged as security for such loan may be de-
declared cancelled and their withdrawal value at the time
of said declaration applied as a payment on the loan, and
such shares shall revert to the association. The balance
or the amount due, with interest and premium, fines, and
other charges thereon, may be enforced by proceedings
on the defaulting borrower’s security according to law.

Sec. 25. Contingent Reserve, Amount, Purpose; Undiv-
ided Profit Account.—Every building and loan associa-
tion shall set aside out of its earnings a contingent re-
serve. Until such time as the contingent reserve equals
ten per cent of the assets of the association, the associa-
tion shall, at each dividend date, transfer to such contin-
gent reserve a credit equivalent to at least five per cent
of the net earnings of the association for the period since
the previous dividend date. Such contingent reserve
shall be used only for the purpose of making good to the
association losses suffered on loans and expenses in-
curred in the collection of loans which may not be charged
against or collected from the borrower. Every building
and loan association may also carry an undivided profit
account as provided in the constitution and by-laws of
the association. The contingent reserve and the undivided
profit account shall be invested as other funds of the
association.

CHAPTER 24

(Senate Bill No. 194—By Mr. Vickers, Mr. President)

AN ACT to amend and reenact section seventy-one, article one,
chapter thirty-one of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, relating to the
designation of a state official, in some cases the auditor and
in other cases the secretary of state, as attorney in fact for
all corporations with authority to accept service of notice and process on behalf of such corporations in suits or proceedings instituted against such corporations.

[Passed March 7, 1945; in effect from passage. Approved by the Governor.]


Section 71. Auditor attorney in fact for all corporations; purposes for which secretary of state constituted such attorney in fact.

Be it enacted by the Legislature of West Virginia:

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

Section 71. Auditor Attorney in Fact for All Corporations; Purposes for Which Secretary of State Constituted Such Attorney in Fact.—The auditor of this state is hereby constituted the attorney in fact for and on behalf of every stock corporation created by virtue of the laws of this state and of every foreign corporation doing business herein, with authority to accept service of notice and process on behalf of and upon whom service of notice and process may be made in this state for and upon every such corporation. No act of such corporation appointing the auditor such attorney in fact shall be necessary. Immediately after being served with or accepting any such process or notice, the auditor shall make and file in his office a copy of such process or notice, with a note thereon indorsed of the time of service, or acceptance, as the case may be, and transmit such process, or notice, by registered mail to such corporation at the address last furnished by it, as required by law. But no process or notice shall be served on the auditor or accepted by him less than ten days before the return day thereof. Such corporation shall pay the annual fee prescribed in article twelve, chapter eleven of this code for the services of the auditor as its attorney in fact.

For the purpose of all suits or proceedings instituted for the collection of license taxes due the state, pursuant to the provisions of section eighty-six, article twelve,
chapter eleven of this code, as amended, and for the pur-
pose of all other cases where it is the duty of the auditor
to collect a debt or claim due the state from corporations,
the secretary of state, in lieu of the auditor, is hereby con-
stituted the attorney in fact for such corporations. No
act of any such corporation appointing the secretary of
state such attorney in fact shall be necessary. All pro-
visions in this section relating to the service of process
on, or acceptance of process by, the auditor, and the duties
imposed upon the auditor, shall apply to the secretary of
state in such cases.

CHAPTER 25

( House Bill No. 191—By Mr. Speaker, Mr. Amos)

AN ACT to amend and reenact section sixty-eight, article one,
chapter thirty-one of the code of West Virginia, one thou-
sand nine hundred thirty-one, relative to dispensing
with notices of the time, place or purpose of any meeting
of stockholders or directors of a corporation, and to permit
corporate action by stockholders or directors without a
meeting through written agreement.

(Passed February 21, 1945; in effect ninety days from passage. Approved by
the Governor.)


Section

68. Notice; waiver; action without meeting through written agreement.

Be it enacted by the Legislature of West Virginia:

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

Section 68. Notice; Waiver; Action without Meeting
2 Through Written Agreement.—Notice of the time, place
3 or purpose of any meeting of stockholders or directors
4 whether required by the provisions of this article or by
the by-laws of the corporation may be dispensed with if every stockholder shall attend either in person or by proxy, or if every director shall attend in person, or if every absent stockholder or director shall, in writing, filed with the records of the meeting either before or after the holding thereof, waive such notice. Whenever the vote of stockholders at a meeting thereof is required or permitted to be taken in connection with any corporate action, the meeting and vote of such stockholders may be dispensed with if all of the stockholders who would have been entitled to vote upon the action, if such meeting were held, shall agree in writing to such corporate action being taken, and such agreement shall have like effect and validity as though the action were duly taken by the unanimous action of all stockholders entitled to vote at a meeting of such stockholders duly called and legally held. Whenever the vote of directors at a meeting thereof is required or permitted to be taken in connection with any corporate action, the meeting and vote of such directors may be dispensed with if all the directors shall agree in writing to such corporate action being taken, and such agreement shall have like effect and validity as though the action were duly taken by the unanimous action of all directors at a meeting of such directors duly called and legally held. In the event that the action, which is agreed to as aforesaid, is such as would have required the filing of a certificate under any provisions of law, if such action had been voted upon by the stockholders or by the directors, at a meeting, the certificate filed under such section shall state that written agreement has been executed in lieu of stating that the stockholders voted upon the corporate action in question, if such last-mentioned statement is required thereby, and such certificate shall have the same force and effect under all provisions of law as if the action had been taken by the unanimous vote of all the directors, or stockholders entitled to vote, at a meeting duly called and legally held.
CHAPTER 26

(Senate Bill No. 107—By Mr. Hall, of Raleigh)

AN ACT to amend and reenact article thirteen, chapter eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-three, being article thirteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 February 22, 1945; in effect February 28, 1945. Approved by the Governor.]


Section
1. Organization of corporation; 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 article thirteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter eight, acts of the Legislature, regular session, one thousand nine hundred forty-three, be amended and reenacted to read as follows:

Section 1. Organization of Corporation; 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 corporation 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 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 obligations 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-seven, unless sooner repealed.

CHAPTER 27
(Senate Bill No. 44—By Mr. Ellison, by request)

AN ACT to amend section eighteen, article eight, chapter
thirty-one of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to limitations of
loans by a banking institution, the authorization of loans
to officers and employees of a bank and banking depart-
ment, and the valuation of securities, and making pro-
visions as to loans secured by certain bonds, notes, cer-
tificates of indebtedness, treasury bills of the United States
or obligations guaranteed by the United States.

[Passed February 20, 1945; in effect from passage. Approved by the
Governor.]

Article 8. Business Operations and Supervision of Banking In-
stitutions, Industrial Loan Companies and Building
and Loan Associations.

Section
18. Limitation on loans; authorization of loans to officers and em-
ployees of banks and banking department; valuation of securities.

Be it enacted by the Legislature of West Virginia:

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

Section 18. Limitation on Loans; Authorization of
2 Loans to Officers and Employees of Banks and Banking
3 Department; Valuation of Securities.—The total liabilities
4 to any banking institution of any persons, firm or cor-
poration, for money borrowed by note, bond, certificate of indebtedness, or other device, including in the liabilities 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: Provided, however, That the foregoing limitation of ten per cent shall be subject to the following exception, that is to say—obligations of any person, co-partnership, association, or corporation in the form of notes secured by not less than a like amount of bonds or notes of the United States issued since April twenty-fourth, one thousand nine hundred seventeen, or certificates of indebtedness of the United States, treasury bills of the United States, or obligations fully guaranteed both as to principal and interest by the United States, shall be subject under this section to a limitation of fifteen per cent of such unimpaired capital stock, including debentures and surplus fund, in addition to such ten per cent of such capital stock and surplus. 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 covering 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 increased up to fifty per cent of such unimpaired capital stock, in-
cluding debentures and surplus fund, with a corresponding
deincrease in market value of such staples securing such ob-
ligation up to not less than one hundred forty per cent of
the face amount of such additional obligation, but this ex-
ception 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 section 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 under
the authority of the West Virginia bridge commission 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 cor-
poration, or any loans or obligations to the extent that they
are secured or covered by guaranties, 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 establish-
ment 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 con-
strued to forbid the sale upon credit of a bank building
owned by a banking institution 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
Nominee Registration of Securities

86 a majority of the board of directors or discount committee
87 thereof filed in its office, or embodied in a resolution
88 adopted by a majority vote of such board, exclusive of
89 the director to whom the loan is made. If an officer,
90 clerk or other employee of any bank shall own or con­
91 trol a majority of the stock of any other corporation, a
92 loan to such corporation shall, for the purpose of this
93 section, constitute a loan to such officer, clerk or other
94 employee.
95 Securities purchased by a banking institution shall be
96 entered upon the books of the bank at actual cost, but
97 may be carried thereafter at market value. For the pur­
98 pose of calculating the undivided profits applicable to the
99 payment of dividends, securities shall not be estimated
100 at a valuation exceeding their present cost as determined
101 by amortization; that is, by deducting from the cost of a
102 security purchased at a premium, and charging to profit
103 and loss a sum sufficient to bring it to par at maturity.

CHAPTER 28
(Senate Bill No. 139—By Mr. Ellison, by request)

AN ACT to amend chapter thirty-one of the code of West Vir­
ginia, one thousand nine hundred thirty-one, as amended,
by adding thereto a new article numbered four-c, pro­
viding for nominee registration of certain fiduciary se­
curities.

[Passed March 7, 1945; in effect ninety days from passage. Approved by the
Governor.]

Article 4-c. Nominee Registration of Fiduciary Securities.
Section
1. What fiduciary securities may be registered in name of nominee;
consent of individual fiduciary; effect of nominee registration.
2. Duties of bank or trust company making use of nominee registra­
tion.
3. Civil liability for loss or damage of property; penalties for viola­
tion of article.
4. No liability for loss to attach for transferring or changing regis­
tration of property in compliance with directions of bank or
trust company.
5. Registering property to evade taxes prohibited.
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 thereto a new article numbered four-c, to read as follows:

Section 1. What Fiduciary Securities May Be Registered in Name of Nominee; Consent of Individual Fiduciary; Effect of Nominee Registration.—Any bank or trust company authorized to exercise trust powers under the laws of this state, which holds in a fiduciary capacity any stock, bond, debenture, note, warrant, certificate or other security evidencing ownership or interest, either whole or fractional, in fully paid and non-assessable intangible personal property, may cause such security or evidence of ownership to be registered and held in the name of a nominee or nominees of such bank or trust company, or in its own name, without disclosing the fiduciary relationship: Provided, however, That where such bank or trust company is acting jointly with some other individual or individuals, it shall first secure the written consent of such individual fiduciary or fiduciaries, which consent such individual fiduciary or fiduciaries are hereby authorized to give.

The placing of property in the name of a nominee, nominees, or in the name of the bank or trust company, without disclosure of the fiduciary capacity, shall be deemed to be nominee registration under this article and every such registration shall ipso facto constitute a declaration of trust upon the part of the registered owner so far as the fiduciary and the beneficiaries of the fiduciary status are concerned.

Sec. 2. Duties of Bank or Trust Company Making Use of Nominee Registration.—Every such bank or trust company making use of nominee registration as provided in this article shall:

(a) At all times maintain such records as may be necessary to show the actual beneficial ownership of the property so held;

(b) At all times retain possession and control of such
securities or other evidences of ownership which shall be kept separate and apart from the assets of such bank or trust company and assets held in other fiduciary capacities;

(c) Secure from such nominee or nominees such endorsements, assignments or other writings as may be necessary to effect retransfer of the securities or other evidences of ownership without notice, and such endorsements, assignments or other writings shall be valid and effective as of the date of delivery thereof whether the nominee die before transfer is perfected, or not;

(d) Enter into such contracts or agreements with its nominee or nominees as may be necessary to afford full protection to the ownership of its fiduciary account and the beneficiaries thereof;

(e) Clearly show in all of its reports and accounts the form of registration under which such securities or evidences of ownership are held.

Sec. 3. Civil Liability for Loss or Damage of Property; Penalties for Violation of Article.—Any such bank or trust company which places property in nominee registration under this article shall be absolutely liable in civil actions or suits for any or all loss or damage to its fiduciary account or the beneficiaries thereof occasioned by the acts of any of its nominees, or any of its agents, employees, or other persons acting for it with respect to such property, including reasonable attorney fees.

Any bank or trust company or its officers, employees, nominees or agents placing property in nominee registration in violation of any of the provisions of this article shall be guilty of a misdemeanor, and in addition to civil liability for restitution, shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars.

Sec. 4. No Liability to Attach for Transferring or Changing Registration of Property in Compliance with Directions of Bank or Trust Company.—No liability for any loss caused by the acts of the nominee of a bank or trust company shall attach to any transfer agent, registrar, corporation, officer or agent of a corporation, or other person, who, in compliance with the directions of any such
Ch. 29] CORPORATION MEETINGS 177

8 bank or trust company acting under the provisions of this article, transfers or changes the registration of any such property. The certification of the bank or trust company that it has complied with the provisions of this article shall be prima facie evidence of its compliance so far as any such transfer agent, registrar, corporation, officer or agent of a corporation, or other person, is concerned.

Sec. 5. Registering Property to Evade Taxes Prohibited.—No bank or trust company shall cause or permit the use of its name or the name of its nominee or nominees for the purpose of registering property to evade, avoid, minimize or relieve itself or any other person, firm or corporation, or the property, from taxation.

CHAPTER 29
(Senate Bill No. 54—By Mr. Harmer)

AN ACT to amend and reenact section twenty-one, article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the time, place, notice and quorum for corporate meetings and meetings of cooperative associations.

[Passed February 20, 1945; in effect from passage. Approved by the Governor.]


Be it enacted by the Legislature of West Virginia:

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

Section 21. Corporate Meetings; Time; Place; Notice; Quorum.—The stockholders and/or directors of any corporation created under the laws of this state may hold all
regular, annual and special meetings for the transaction
of the lawful business of the corporation, including the
first general meeting for purposes of organization, and
keep the principal office of such corporation, either in or
out of this state. Regular meetings of the stockholders
shall be held at such time and place as the by-laws may
prescribe, or if there be no such by-laws, then annually
on the fourth Tuesday of January, at eleven o’clock in the
forenoon, at the principal office of the company. Notice
of regular and special meetings shall be given as required
by the by-laws, and if none is prescribed therein, then by
mailing to each stockholder, at least ten days prior to
the date of meeting, a written notice thereof; or by publi-
cation once a week for two weeks in some newspaper
published and of general circulation, in the county of the
principal office or place of business of the corporation.
Special meetings may be held at such places and after
such notice as the by-laws prescribe, or, if none, then
at the same place and after the same notice as a regular
meeting. Special meetings of the stockholders may be
called by the board of directors, the president and secre-
tary, or any number of stockholders owning in the aggre-
gate at least one-tenth of the number of shares outstand-
ing. The notice of special meetings shall state the business
to be transacted, and no business other than that included
in the notice or incidental thereto shall be transacted at
such meeting.

Regular meetings of the board of directors may be held
at such time and place as the by-laws may prescribe, or
the board may from time to time designate by resolution.
Special meetings of the board of directors may be called
by the president, vice president, any two directors of a
stock or nonstock corporation, or by any two members of a
nonstock corporation. Notice of such meetings shall be
given as required by the by-laws, and if none is prescribed
therein, then by mailing a written notice to each director
at his last known post office address at least five days
before the time of the meeting.
A quorum of the stockholders shall consist of at least
a majority of all of the shares of stock entitled to vote.
Unless otherwise prescribed in the by-laws, or provided
in the charter, a quorum of the directors shall consist of a majority of the board of directors. Any number less than a quorum present may adjourn any stockholders’ or directors’ meeting until a quorum is present: Provided, however, That a quorum of the stockholders or members of a cooperative association organized under the provisions of this chapter shall consist of at least fifteen per cent of such stockholders or members.

CHAPTER 30
(Com. Sub. for House Bill No. 96—Originating in the House Committee on the Judiciary)

AN ACT to amend and reenact section twelve, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the allowance for expenses of the sheriff in the keeping, feeding and transporting of prisoners, and in the serving of summonses, notices and other official papers.

[Passed March 9, 1945; in effect ninety days from passage. Became a law without the approval of the Governor.]

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

Section 12. Allowance for expenses of sheriff.

Be it enacted by the Legislature of West Virginia:

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

Section 12. Allowance for Expenses of Sheriff.—The county court, or tribunal in lieu thereof, of every county shall, in addition to the salary herein provided, allow to the sheriff for keeping and feeding each prisoner, other than federal prisoners or prisoners held under civil process as provided by law, an amount to be computed in accordance with the following schedule, based on the
population figures appearing in the latest official census:

(1) In counties having a population of more than seventy-five thousand, forty-seven cents per day while such prisoner is actually in jail, and fifty-seven cents per day while such prisoner is working outside the jail under the authority of the county court.

(2) In counties having a population of more than thirty-five thousand but not more than seventy-five thousand, fifty-two cents per day while such prisoner is actually in jail, and sixty-two cents per day while such prisoner is working outside the jail under the authority of the county court.

(3) In counties having a population of more than twenty thousand but not more than thirty-five thousand, fifty-seven cents per day while such prisoner is actually in jail, and sixty-seven cents per day while such prisoner is working outside the jail under the authority of the county court.

(4) In counties having a population of twenty thousand or less, sixty-two cents per day while such prisoner is actually in jail, and seventy-two cents per day while such prisoner is working outside the jail under the authority of the county court.

The limitation per day shall not include cost of personal service, bed or bedding, soaps and disinfectants and items of like kind, the cost of all of which shall be paid out of the allowance fixed by the county court under the provisions of present law. All supplies of whatever kind for keeping and feeding prisoners shall be purchased upon the requisition of the sheriff under such rules and regulations as may be prescribed by the county court. At the end of each month the sheriff shall file with the county court a detailed statement showing the name of each prisoner, date of commitment and date of discharge, and number of days in jail, and shall also file an itemized statement showing each purchase and the cost thereof for keeping and feeding prisoners.

The county court shall allow the actual and necessary expenses incurred or expended in arresting, pursuing or
transporting persons accused or convicted of crimes and offenses, and in conveying or transferring to or from any state institution to which any person may be committed from his county, where by law the sheriff is authorized to convey or transfer such person, and may allow the actual and necessary expenses incurred or expended in serving summonses, notices and other official papers in connection with the sheriff's office. The amount of such expenses so allowed, however, shall not in the aggregate exceed the total fees earned by the sheriff for any year for serving such papers. Every sheriff shall file monthly, under oath, a full and accurate account of all his actual and necessary expenses mentioned in this section before payment thereof shall be allowed by the county court: Provided, That the allowances to sheriffs for expenses in the keeping of prisoners shall be effective only for two years from the effective date of this act, and that thereafter said expenses shall be at the rate in effect on the day prior to the effective date of this act.

CHAPTER 31

(Senate Bill No. 121—By Mr. McKown and Mr. Winters)

AN ACT to amend and reenact section fourteen, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to annual reports by county officers of expenditures for deputies, assistants and employees.

[Passed March 10, 1945; in effect May 1, 1945. Approved by the Governor.]

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

Section 14. Annual report of county officers of expenditures for deputies, assistants and employees.

Be it enacted by the Legislature of West Virginia:

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

Section 14. Annual Reports by County Officers of Expenditures for Deputies, Assistants and Employees.—Every county officer named in this article, except the prosecuting attorney, shall, on the first day of June of each year, file with the county court, or tribunal in lieu thereof, and with the state tax commissioner, an itemized sworn statement of the amount expended by him, including compensation, emoluments and other outlay of money or thing of value for the twelve months next preceding the time of filing such report, for the services of his several deputies, assistants and all other employees. If any person or officer shall fail to file the statements hereby required, and at the time required, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars, or imprisoned not less than thirty days nor more than six months, or both, at the discretion of the court.

CHAPTER 32

(Senate Bill No. 120—By Mr. McKown and Mr. Winters)

AN ACT to amend and reenact section seven, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, requiring county officers to file fiscal, instead of calendar, budgets.

[Passed March 10, 1945; in effect May 1, 1945. Approved by the Governor.]

Article 7. Salaries; Deputies and Assistants and Their Salaries. Section 1. Deputies and assistants of sheriffs and clerks of the courts; salaries; fiscal budget.

Be it enacted by the Legislature of West Virginia:

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

Section 7. Deputies and Assistants of Sheriffs and Clerks
of the Courts; Salaries; Fiscal Budget.—The sheriff, clerk
of the county court, clerk of the circuit court, clerk of the
criminal, common pleas or intermediate courts, on or be-
fore June first of each year, shall file with the county court,
or tribunal in lieu thereof, a detailed statement of the prob-
able amount necessary to be expended for deputies, as-
sistants, and other employees of their respective offices
in the following fiscal year. If any such officer shall fail
to file the statement hereby required, he shall be guilty of
a misdemeanor, and, upon conviction thereof, shall be
fined not less than fifty nor more than one hundred dol-
lars, or imprisoned in the county jail not less than thirty
days nor more than six months, or both, in the discretion
of the court. The county court, or tribunal in lieu there-
of, shall, not later than fifteen days after the filing of
such statement, take up and consider the same and shall
determine and fix an aggregate sum to be expended for
the period covered by such statement for the compensa-
tion of all such deputies, assistants, and other employees
of the respective officers, which shall be reasonable and
proper, regard being had to the amount of labor neces-
sary to be performed by those to receive the compensa-
tion, and shall enter upon its court record a finding of its
action: Provided, That any clerk of a circuit court, feel-
ing that the sum so fixed and determined is inadequate
to enable him to properly conduct his office, may appeal
to the circuit court of such county, which shall determine
and fix a reasonable and just amount for the compensa-
tion of his deputies and assistants: Provided further, That
any taxpayer feeling aggrieved at the allowance made by
the county court to the sheriff, and any sheriff feeling that
the business of his office cannot be conducted properly by
the maximum allowance by the county court for office
expenditures, or the number of deputies and their sal-
aries, shall be allowed the right of appeal to the circuit
court of such county for the purpose of determining the
equity of such maximum allowance.
39 The officers herein named shall appoint and employ
40 such deputies, assistants and other employees in the man-
41 ner provided by law, as may be necessary for their re-
42 spective offices and fix their compensation, and shall file
43 with the clerk of the county court, or other tribunal in
44 lieu thereof, a statement in writing showing such action
45 and setting forth the name of each deputy, assistant and
46 employee, the time for which employed and the monthly
47 compensation; but the compensation for all deputies, as-
48 sistants and other employees shall not exceed in the ag-
49 gregate, for each office, the amount so fixed for that office
50 as hereinbefore provided. The officers herein named shall
51 have authority to discharge any deputy, assistant, or other
52 employee, by filing with the clerk of the county court, or
53 tribunal in lieu thereof, a statement in writing showing
54 such action. All statements required to be filed by this
55 section shall be verified by the affidavit of the person
56 making them, and among other things contained in the
57 affidavit shall be the statement that the amounts shown
58 therein were the amounts actually paid or intended to
59 be paid to the deputies, assistants, or other employees,
60 without rebates, or any agreement, understanding and
61 expectation that any part thereof shall be repaid to him,
62 and that nothing has heretofore been paid or promised
63 him on that account, and that if he shall thereafter re-
64 ceive any money, or thing of value, on account thereof,
65 he will account for and pay the same to the county.
66 Until the statements required by this section have been
67 filed, no allowances or payments shall be made to any
68 officer for deputies, assistants or other employees.

CHAPTER 33
(Com. Sub. for Senate Bill No. 29—Originating in the Senate Committee on
the Judiciary)

AN ACT to amend and reenact section five, and sections five-
(one) to section five-(fifty-four), inclusive, article one,
chapter seven of the code of West Virginia, one thousand

Section 5. Duties of county commissioners and payment for services other than services in court.

5-(1) to 5-(54). Salaries of county commissioners of the various counties of the state.

Be it enacted by the Legislature of West Virginia:

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

Section 5. Duties of County Commissioners and Payment for Services Other Than Services in Court.—It shall be the duty of the county commissioners of each county to visit each quarter and inspect institutions within their county for housing and caring for the poor, to inspect the jails, and to investigate the conditions of the poor within their county not housed within such institutions; to visit detention homes for children within their counties, if any, and to visit and inspect bridges and bridge approaches under their control; to provide for and have general supervision over the repair and maintenance of the county courthouse, jails, houses for the poor, and other county property, so as to prevent the undue deterioration thereof; to supervise and control the purchase of furniture, fixtures and equipment, and janitors' and other supplies,
for their county; to attend the annual meeting of county
assessors, and such district meetings as may be called by
the state tax commissioner, on matters pertaining to the
work of the county assessors and county courts as boards
of review and equalization; to review and equalize the
assessments made by the assessor; to inspect and review
the lists of property, both real and personal, made up by
the assessor and his deputies for taxable purposes, and
to point out to the assessor any property, real or per-
sonal, which the said assessors of their respective counties
may have overlooked or omitted to place on said tax lists;
to call to the attention of the assessor all real estate or
personal property belonging to churches, lodges, schools
or other charitable institutions which may have been
overlooked or omitted by the assessor or his deputies in
making up his lists of property for entry on the land and
personal property books; to cooperate with the county
public assistance council and supervise the general man-
agement of the fiscal affairs and business of each county.

Compensation shall be allowed and paid out of the
county treasury, in the same manner as salaries are paid,
to each county commissioner of each county (except as
otherwise provided by law for the county of Ohio), for
services performed for such county concerning the visit-
ing of the poor, inspection of jails, bridges and bridge ap-
proaches, and for visiting detention homes for children;
and for providing for and supervising the repair and
maintenance of the county courthouse, jails, houses for
the poor, and other county property, and for supervising
and controlling the purchase of furniture, fixtures and
equipment and janitors' and other supplies of their
county; and for attending the annual meeting of assessors
and such district meetings as may be called by the state
tax commissioner, on matters pertaining to the work of
assessors and county courts as boards of review and equal-
ization; for reviewing and equalizing the assessments
made by the assessor; for inspecting and reviewing the
lists of property, both real and personal, made up by the
assessor and his deputies for taxable purposes, and for
pointing out to the assessor any property, real or personal,
which the said assessors of their respective counties may
have overlooked or omitted to place on said tax lists; for
calling to the attention of the assessor all real estate or
personal property belonging to churches, lodges, schools
or other charitable institutions which may have been over-
looked or omitted by the assessor or his deputies in mak-
ing up his lists of property for entry on the land and per-
sonal property books; and for duties of the county com-
missioners in cooperating with the county public as-
assistance council, and for supervising and general manage-
ment of the fiscal affairs and business of each county,
within their counties, and other business by such com-
missioners, in addition to compensation for services in
court, the sums of money hereinafter provided in the fol-
lowing sections five-(one) to five-(fifty-four), inclusive.

Section 5-(1). Barbour County.—For the county of
Barbour, twenty-five dollars per month.

Sec. 5-(2). Berkeley County.—For the county of Berke-
ley, the president of the court seventy-five dollars and
the other members of the court fifty dollars per month.

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

Sec. 5-(4). Braxton County.—For the county of Brax-
ton, sixty dollars per month.

Sec. 5-(5). Brooke County.—For the county of Brooke,
fifty dollars per month.

Sec. 5-(6). Cabell County.—For the county of Cabell,
two hundred dollars per month.

Sec. 5-(7). Calhoun County.—For the county of Cal-
houn, thirty-five dollars per month.

Sec. 5-(8). Clay County.—For the county of Clay,
thirty-five dollars per month.

Sec. 5-(9). Doddridge County.—For the county of Dod-
dridge, thirty-five dollars per month.

Sec. 5-(10). Fayette County.—For the county of Fay-
ette, one hundred fifty dollars per month.
Sec. 5-(11). Gilmer County.—For the county of Gil-
2 mer, twenty-five dollars per month.

Sec. 5-(12). Grant County.—For the county of Grant,
2 twenty dollars per month.

Sec. 5-(13). Greenbrier County.—For the county of
2 Greenbrier, fifty dollars per month.

Sec. 5-(14). Hampshire County.—For the county of
2 Hampshire, twenty-five dollars per month.

Sec. 5-(15). Hancock County.—For the county of Han-
2 cock, one hundred dollars per month.

Sec. 5-(16). Hardy County.—For the county of Hardy,
2 twenty-five dollars per month.

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

Sec. 5-(18). Jackson County.—For the county of Jack-
2 son, twenty-five dollars per month.

Sec. 5-(19). Jefferson County.—For the county of Jeff-
2 erson, fifty dollars per month.

Sec. 5-(20). Kanawha County.—For the county of Ka-
2 nawha, two hundred fifty dollars per month.

Sec. 5-(21). Lewis County.—For the county of Lewis,
2 one hundred dollars per month.

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

Sec. 5-(23). Logan County.—For the county of Logan,
2 one hundred seventy-five dollars per month.

Sec. 5-(24). Marion County.—For the county of Marion,
2 two hundred dollars per month.

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

Sec. 5-(26). Mason County.—For the county of Mason,
2 forty dollars per month.
Sec. 5-(27). McDowell County.—For the county of Mc-
2 Dowell, two hundred dollars per month.

Sec. 5-(28). Mercer County.—For the county of Mercer,
2 the president of the court two hundred dollars and the
3 other members of the court one hundred seventy-five dol-
4 lars per month.

Sec. 5-(29). Mineral County.—For the county of Min-
2 eral, fifty dollars per month.

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

Sec. 5-(31). Morgan County.—For the county of Mor-
2 gan, thirty-five dollars per month.

Sec. 5-(32). Monroe County.—For the county of Mon-
2 roe, twenty-five dollars per month.

Sec. 5-(33). Monongalia County.—For the county of
2 Monongalia, two hundred dollars per month.

Sec. 5-(34). Nicholas County.—For the county of Nich-
2 olas, twenty-five dollars per month.

Sec. 5-(35). Pendleton County.—For the county of
2 Pendleton, twenty-five dollars per month.

Sec. 5-(36). Pleasants County.—For the county of
2 Pleasants, twenty-five dollars per month.

Sec. 5-(37). Pocahontas County.—For the county of
2 Pocahontas, twenty-five dollars per month.

Sec. 5-(38). Preston County.—For the county of Prest-
2 ton, the president of the county court fifty-five dollars, and
3 other members of the court forty dollars per month.

Sec. 5-(39). Putnam County.—For the county of Put-
2 nam, forty-five dollars per month.

Sec. 5-(40). Raleigh County.—For the county of
2 Raleigh, the president of the county court one hundred
3 seventy-five dollars per month and other members of the
4 court one hundred sixty dollars per month.
Sec. 5-(41). Randolph County.—For the county of Randolph, fifty dollars per month.

Sec. 5-(42). Ritchie County.—For the county of Ritchie, fifty dollars per month.

Sec. 5-(43). Roane County.—For the county of Roane, forty dollars per month.

Sec. 5-(44). Summers County.—For the county of Summers, forty-five dollars per month.

Sec. 5-(45). Taylor County.—For the county of Taylor, forty-five dollars per month.

Sec. 5-(46). Tucker County.—For the county of Tucker, twenty-five dollars per month.

Sec. 5-(47). Tyler County.—For the county of Tyler, fifty dollars per month.

Sec. 5-(48). Upshur County.—For the county of Upshur, twenty-five dollars per month.

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

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

Sec. 5-(51). Wetzel County.—For the county of Wetzel, sixty-five dollars per month.

Sec. 5-(52). Wirt County.—For the county of Wirt, thirty dollars per month.

Sec. 5-(53). Wood County.—For the county of Wood, one hundred fifty dollars per month.

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

CHAPTER 34

(Com. Sub. for House Bill No. 272—Originating in the House Committee on the Judiciary)

AN ACT to amend article ten, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, by
adding thereto a new section to be designated section nine, relating to the authority and powers of sheriffs and deputy sheriffs to make arrests.

[Passed March 8, 1945; in effect from passage. Approved by the Governor.]

Section
9. Power and authority of sheriffs and deputy sheriffs to make arrests.

Be it enacted by the Legislature of West Virginia:

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

Section 9. Power and Authority of Sheriffs and Deputy Sheriffs to Make Arrests.—Sheriffs and each of their deputies are hereby authorized and empowered, within their respective counties, to make arrests for any crime for which a warrant has been issued in violation of any laws of the United States or of this state, and to make arrests without warrant for all violations of any of the criminal laws of the United States, or of this state, when committed in their presence.

CHAPTER 35
(House Bill No. 332—By Mr. Staley, of Wayne)

AN ACT to amend and reenact section two, article four, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to rewards and detection of crimes.

[Passed March 8, 1945; in effect from passage. Approved by the Governor.]

Article 4. Prosecuting Attorney, Rewards and Legal Advice.
Section
2. Rewards and detection of crime; bounties.
Be it enacted by the Legislature of West Virginia:

That section two, article four, chapter seven 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. Rewards and Detection of Crime; Bounties.—

The prosecuting attorney of any county, with the approval of the county court, or of the governor, or of the court of the county vested with authority to try criminal offenses, or of the judge thereof in vacation, may, within his discretion, offer rewards for the apprehension of persons charged with crime, or may expend money for the detection of crime. Any money expended under this section shall, when approved by the prosecuting attorney, be paid out of the county fund, in the same manner as other county expenses are paid. The county court may also offer reasonable bounties and rewards for the destruction of noxious animals, birds of prey, or weeds in the county, payable out of the county treasury: Provided, however, that nothing herein shall permit or give to the prosecuting attorney of any county, having a population according to the last official census of sixty thousand or less, the right to appoint a full-time investigator or detector of crime, or to expend any money for the investigation of any crime committed in his county beyond the actual expense of the investigation of said crime; except, in the counties of Wayne and Wyoming, the prosecuting attorney with the consent of the circuit judge and the county court therein, may appoint an investigator of crime to be paid an annual salary of not less than one thousand two hundred dollars nor more than two thousand four hundred dollars, and actual expenses, the salary to be fixed within these limits by the county court.
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 twenty-one, acts of the Legislature, regular session, one thousand nine hundred forty-three, relating to assistants and stenographers or clerks for prosecuting attorneys; salaries; and when the court may appoint attorney to prosecute.

[Passed March 9, 1945; in effect from passage. Approved by the Governor.]

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

Section 6. Assistants, stenographers and clerks for prosecuting attorneys; 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 twenty-one, acts of the Legislature, regular session, one thousand nine hundred forty-three, be amended and reenacted to read as follows:

Section 6. Assistants, Stenographers and Clerks 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, except as hereinafter provided, 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 com-

pensation of such assistant shall be paid by the principal,
except in the counties of Barbour, Berkeley, Boone,
Brooke, Cabell, Calhoun, Clay, Fayette, Harrison, Han-
cock, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall,
McDowell, Mercer, Mineral, Mingo, Monongalia, Nicholas,
Ohio, Putnam, Raleigh, Randolph, Summers, Taylor, Up-
shur, Wayne, Wetzel, Wood and Wyoming, and in said
counties 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 dol-
lars, 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 and not
more than five thousand dollars, and for the second assist-
ant not less than four thousand nor more than five thou-
sand dollars; in Cabell county, not more than twenty-
four hundred dollars for each assistant; in McDowell
county, not less than three thousand dollars nor more
than three thousand six hundred dollars for each assist-
ant; 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,
not to exceed three thousand dollars; in Harrison and
Mercer counties, not less than one thousand five hun-
dred nor more than three thousand four hundred
dollars; in Summers and Wood counties, not less
than one thousand nor more than two thousand dollars;
in Logan county, not less than three thousand dollars
nor more than three thousand six hundred dollars;
in Fayette county for the first assistant, not less than
two thousand four hundred nor more than three thou-
sand six 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, Randolph 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 Calhoun, Putnam, Ritchie and Upshur counties, shall not exceed nine hundred dollars; in Hampshire and Roane counties, shall not exceed six hundred dollars; in Berkeley county,
shall not be less than six hundred dollars nor exceed one thousand two hundred dollars; in Boone county, shall be one thousand eight hundred dollars; and in Braxton county, shall be seven hundred twenty dollars; in Webster county, shall be six hundred dollars; in Jefferson and Gilmer counties, shall not exceed nine hundred dollars: Provided, That in each of the last three named counties the prosecuting attorney may not employ a stenographer except with the consent of the county court entered of record.

In the county of Harrison, the prosecuting attorney may employ two stenographers for his office at a salary for each stenographer of not less than nine hundred nor more than one thousand two hundred dollars per annum, payable out of the county treasury.

In the counties of Clay and Wetzel, the prosecuting attorney may employ a clerk or stenographer for his office at a salary of one thousand two hundred dollars per annum, payable out of the county treasury; except, that in the county of Clay, in lieu of the appointment of such clerk or stenographer, the prosecuting attorney may employ a practicing attorney of said county as his assistant at a salary of not less than one thousand nor more than one thousand five hundred dollars per annum, payable out of the county treasury.

In the counties of Mingo and Preston, the prosecuting attorney may employ one stenographer for his office at a salary not to exceed two thousand one hundred dollars per annum for the county of Mingo and one thousand five hundred dollars per annum for the county of Preston, payable out of the county treasury.

In the county of Jackson, the prosecuting attorney may employ one stenographer or clerk for his office at a salary of six hundred dollars per annum, payable out of the county treasury.

In the counties of Hardy and Grant, the prosecuting attorney may employ one stenographer or clerk for his office with the consent of the county court, at a salary not to exceed five hundred dollars per annum, payable out of the county treasury as salaries of county officials.
134 are paid. The amount of said salary for one thousand nine
135 hundred forty-five for Hardy and Grant counties, shall
136 be fixed by the county court of each of said counties at
137 its first regular meeting after the effective date of this
138 act and annually thereafter at its first regular meeting in
139 each year.
140 In the county of Mason, the prosecuting attorney may
141 employ one stenographer at a salary to be fixed by the
142 county court and payable out of the treasury of said
143 county.

CHAPTER 37
(Senate Bill No. 198—By Mr. Hall, of Boone)

AN ACT to repeal sections one, two and three, article seven,
chapter seven of the code of West Virginia, one thousand
nine hundred thirty-one, and to enact in lieu thereof sec­
tion one, sections one-(one) to one-(fifty-five), inclusive; 
section two, sections two-(one) to two-(fifty-two), inclu­
sive; section three, sections three-(one) to three-(fifty-
two), inclusive, relating to salaries of sheriffs and clerks of
county and circuit courts; and to amend and reenact sec­
tions four, five, five-(three), five-(fourteen), five-(twenty­
three), five-(twenty-seven); five-(twenty-eight) and five­
forty) of said article, relating to the salaries of joint clerks
of county and circuit courts, and salaries of prosecuting
attorneys in certain counties.

[Passed March 10, 1945; in effect ninety days from passage. Approved by
the Governor.]

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

Section
1. Salaries of sheriffs.
1- (1) to 1-(55). Salaries of sheriffs in the various counties of the
state.
2. Salaries of county clerks.
2-(1) to 2-(52). Salaries of county clerks in the various counties of
the state.
Salaries of circuit clerks in the various counties of the state.

Salaries of joint clerks of county and circuit courts.

Salaries of prosecuting attorneys.

Boone county.

Hampshire county.

Logan county.

McDowell county.

Mercer county.

Putnam county.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, be repealed, and that section one, sections one-(one) to one-(fifty-five), inclusive; section two, sections two-(one) to two-(fifty-two), inclusive; section three, sections three-(one) to three-(fifty-two), inclusive, be enacted in lieu thereof, and that sections four, five, five-(three), five-(fourteen), five-(twenty-three), five-(twenty-seven), five-(twenty-eight) and five-(forty) of said article, be amended and reenacted, all to read as follows:

Section 1. Salaries of Sheriffs.—The annual compensation of the sheriff of each county shall, on and after January first, one thousand nine hundred forty-nine, be in the amount set forth in sections one-(one) to one-(fifty-five) inclusive, of this article.

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

Sec. 1-(2). Berkeley County.—For the county of Berkeley, three thousand seven hundred dollars.

Sec. 1-(3). Boone County.—For the county of Boone, three thousand dollars.

Sec. 1-(4). Braxton County.—For the county of Braxton, two thousand eight hundred dollars.

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

Sec. 1-(6). Cabell County.—For the county of Cabell, four thousand eight hundred dollars.
Sec. 1-(7). Calhoun County.—For the county of Calhoun, one thousand eight hundred dollars.

Sec. 1-(8). Clay County.—For the county of Clay, one thousand nine hundred dollars.

Sec. 1-(9). Doddridge County.—For the county of Doddridge, two thousand four hundred dollars.

Sec. 1-(10). Fayette County.—For the county of Fayette, four thousand dollars.

Sec. 1-(11). Gilmer County.—For the county of Gilmer, two thousand two hundred dollars.

Sec. 1-(12). Grant County.—For the county of Grant, one thousand eight hundred dollars.

Sec. 1-(13). Greenbrier County.—For the county of Greenbrier, two thousand seven hundred dollars.

Sec. 1-(14). Hampshire County.—For the county of Hampshire, two thousand two hundred dollars.

Sec. 1-(15). Hancock County.—For the county of Hancock, two thousand dollars.

Sec. 1-(16). Hardy County.—For the county of Hardy, one thousand six hundred dollars.

Sec. 1-(17). Harrison County.—For the county of Harrison, four thousand five hundred dollars.

Sec. 1-(18). Jackson County.—For the county of Jackson, two thousand dollars.

Sec. 1-(19). Jefferson County.—For the county of Jefferson, two thousand five hundred dollars.

Sec. 1-(20). Kanawha County.—For the county of Kanawha, five thousand dollars.

Sec. 1-(21). Lewis County.—For the county of Lewis, three thousand dollars.

Sec. 1-(22). Logan County.—For the county of Logan, four thousand two hundred dollars.
Sec. 1-(23). Lincoln County.—For the county of Lincoln, two thousand five hundred dollars.

Sec. 1-(24). Marion County.—For the county of Marion, four thousand eight hundred dollars.

Sec. 1-(25). Marshall County.—For the county of Marshall, three thousand eight hundred dollars.

Sec. 1-(26). Mason County.—For the county of Mason, two thousand five hundred dollars.

Sec. 1-(27). Mercer County.—For the county of Mercer, four thousand three hundred dollars.

Sec. 1-(28). Mineral County.—For the county of Mineral, three thousand dollars.

Sec. 1-(29). Mingo County.—For the county of Mingo, three thousand five hundred dollars.

Sec. 1-(30). Monongalia County.—For the county of Monongalia, three thousand six hundred dollars.

Sec. 1-(31). Monroe County.—For the county of Monroe, one thousand eight hundred dollars.

Sec. 1-(32). McDowell County.—For the county of McDowell, four thousand eight hundred dollars.

Sec. 1-(33). Morgan County.—For the county of Morgan, one thousand five hundred dollars.

Sec. 1-(34). Nicholas County.—For the county of Nicholas, two thousand five hundred dollars.

Sec. 1-(35). Ohio County.—For the county of Ohio, four thousand five hundred dollars.

Sec. 1-(36). Pendleton County.—For the county of Pendleton, one thousand six hundred dollars.

Sec. 1-(37). Pleasants County.—For the county of Pleasants, one thousand eight hundred dollars.

Sec. 1-(38). Pocahontas County.—For the county of Pocahontas, two thousand one hundred dollars.
Sec. 1-(39). Preston County.—For the county of Preston, three thousand dollars.

Sec. 1-(40). Putnam County.—For the county of Putnam, two thousand four hundred dollars.

Sec. 1-(41). Raleigh County.—For the county of Raleigh, three thousand six hundred dollars.

Sec. 1-(42). Randolph County.—For the county of Randolph, three thousand dollars.

Sec. 1-(43). Ritchie County.—For the county of Ritchie, two thousand seven hundred fifty dollars.

Sec. 1-(44). Roane County.—For the county of Roane, two thousand four hundred dollars.

Sec. 1-(45). Summers County.—For the county of Summers, two thousand dollars.

Sec. 1-(46). Taylor County.—For the county of Taylor, two thousand dollars.

Sec. 1-(47). Tucker County.—For the county of Tucker, two thousand two hundred dollars.

Sec. 1-(48). Tyler County.—For the county of Tyler, two thousand four hundred dollars.

Sec. 1-(49). Upshur County.—For the county of Upshur, two thousand seven hundred dollars.

Sec. 1-(50). Wayne County.—For the county of Wayne, two thousand four hundred dollars.

Sec. 1-(51). Webster County.—For the county of Webster, two thousand two hundred dollars.

Sec. 1-(52). Wetzel County.—For the county of Wetzel, three thousand dollars.

Sec. 1-(53). Wirt County.—For the county of Wirt, one thousand six hundred fifty dollars.

Sec. 1-(54). Wood County.—For the county of Wood, four thousand dollars.
Sec. 1-(55). Wyoming County.—For the county of Wy-
oming, two thousand eight hundred dollars.

Sec. 2. Salaries of County Clerks.—The annual com-
pensation of the clerk of the county court of each county,
including the compensation for new duties, imposed by
acts of this Legislature, shall, on and after July one, one
thousand nine hundred forty-five, be in the amounts set
forth in sections two-(one) to two-(fifty-two), inclusive,
of this article.

Sec. 2-(1). Barbour County.—For the county of Bar-
bour, two thousand two hundred dollars.

Sec. 2-(2). Berkeley County.—For the county of Berke-
ley, two thousand eight hundred dollars.

Sec. 2-(3). Boone County.—For the county of Boone,
two thousand six hundred dollars.

Sec. 2-(4). Braxton County.—For the county of Brax-
ton, two thousand four hundred dollars.

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

Sec. 2-(6). Cabell County.—For the county of Cabell,
five thousand dollars.

Sec. 2-(7). Calhoun County.—For the county of Cal-
houn, one thousand seven hundred dollars.

Sec. 2-(8). Clay County.—For the county of Clay, one
dollar.

Sec. 2-(9). Doddridge County.—For the county of Dodd-
ridge, two thousand dollars.

Sec. 2-(10). Fayette County.—For the county of Fay-
ette, three thousand two hundred dollars.

Sec. 2-(11). Gilmer County.—For the county of Gilmer,
one thousand eight hundred dollars.

Sec. 2-(12). Greenbrier County.—For the county of
Greenbrier, two thousand seven hundred fifty dollars.
Sec. 2-(13). *Hampshire County.*—For the county of Hampshire, two thousand dollars.

Sec. 2-(14). *Hancock County.*—For the county of Hancock, three thousand dollars.

Sec. 2-(15). *Harrison County.*—For the county of Harrison, four thousand dollars.

Sec. 2-(16). *Jackson County.*—For the county of Jackson, one thousand eight hundred dollars.

Sec. 2-(17). *Jefferson County.*—For the county of Jefferson, two thousand two hundred dollars.

Sec. 2-(18). *Kanawha County.*—For the county of Kanawha, five thousand five hundred dollars.

Sec. 2-(19). *Lewis County.*—For the county of Lewis, two thousand five hundred dollars.

Sec. 2-(20). *Lincoln County.*—For the county of Lincoln, two thousand seven hundred dollars.

Sec. 2-(21). *Logan County.*—For the county of Logan, three thousand nine hundred dollars.

Sec. 2-(22). *Marion County.*—For the county of Marion, four thousand eight hundred dollars.

Sec. 2-(23). *Marshall County.*—For the county of Marshall, three thousand six hundred dollars.

Sec. 2-(24). *Mason County.*—For the county of Mason, two thousand five hundred dollars.

Sec. 2-(25). *McDowell County.*—For the county of McDowell, four thousand five hundred dollars.

Sec. 2-(26). *Mercer County.*—For the county of Mercer, four thousand two hundred dollars.

Sec. 2-(27). *Mineral County.*—For the county of Mineral, three thousand dollars.

Sec. 2-(28). *Mingo County.*—For the county of Mingo, three thousand dollars.
Sec. 2-(29). Monongalia County.—For the county of Monongalia, three thousand six hundred dollars.

Sec. 2-(30). Monroe County.—For the county of Monroe, one thousand eight hundred dollars.

Sec. 2-(31). Morgan County.—For the county of Morgan, one thousand nine hundred dollars.

Sec. 2-(32). Nicholas County.—For the county of Nicholas, two thousand four hundred fifty dollars.

Sec. 2-(33). Ohio County.—For the county of Ohio, four thousand five hundred dollars.

Sec. 2-(34). Pleasants County.—For the county of Pleasants, one thousand eight hundred dollars.

Sec. 2-(35). Pocahontas County.—For the county of Pocahontas, one thousand eight hundred dollars.

Sec. 2-(36). Preston County.—For the county of Preston, two thousand eight hundred dollars.

Sec. 2-(37). Putnam County.—For the county of Putnam, two thousand four hundred dollars.

Sec. 2-(38). Raleigh County.—For the county of Raleigh, four thousand two hundred dollars.

Sec. 2-(39). Randolph County.—For the county of Randolph, three thousand two hundred dollars.

Sec. 2-(40). Ritchie County.—For the county of Ritchie, two thousand five hundred dollars.

Sec. 2-(41). Roane County.—For the county of Roane, two thousand two hundred dollars.

Sec. 2-(42). Summers County.—For the county of Summers, one thousand eight hundred dollars.

Sec. 2-(43). Taylor County.—For the county of Taylor, two thousand two hundred dollars.

Sec. 2-(44). Tucker County.—For the county of Tucker, two thousand one hundred dollars.
Sec. 2-(45). Tyler County.—For the county of Tyler, two thousand two hundred dollars.

Sec. 2-(46). Upshur County.—For the county of Upshur, two thousand five hundred dollars.

Sec. 2-(47). Wayne County.—For the county of Wayne, two thousand seven hundred dollars.

Sec. 2-(48). Webster County.—For the county of Webster, two thousand dollars.

Sec. 2-(49). Wetzel County.—For the county of Wetzel, two thousand six hundred dollars.

Sec. 2-(50). Wirt County.—For the county of Wirt, one thousand two hundred dollars.

Sec. 2-(51). Wood County.—For the county of Wood, three thousand six hundred dollars.

Sec. 2-(52). Wyoming County.—For the county of Wyoming, three thousand six hundred dollars.

Sec. 3. Salaries of Circuit Clerks.—The annual compensation of the clerk of the circuit court (or clerk of the circuit and criminal or intermediate or other court of limited jurisdiction) in each county, including the compensation for new duties imposed by acts of this Legislature, shall, on and after July one, one thousand nine hundred forty-five, be in the amounts set forth in sections three-(one) to three-(fifty-two), inclusive, of this article.

Sec. 3-(1). Barbour County.—For the county of Barbour, two thousand dollars.

Sec. 3-(2). Berkeley County.—For the county of Berkeley, two thousand two hundred dollars.

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

Sec. 3-(4). Braxton County.—For the county of Braxton, two thousand four hundred dollars.

Sec. 3-(5). Brooke County.—For the county of Brooke, two thousand one hundred dollars.
Sec. 3-(6). Cabell County.—For the county of Cabell, $5,000.

Sec. 3-(7). Calhoun County.—For the county of Calhoun, $1,200.

Sec. 3-(8). Clay County.—For the county of Clay, $1,500.

Sec. 3-(9). Doddridge County.—For the county of Doddridge, $1,700.

Sec. 3-(10). Fayette County.—For the county of Fayette, $3,200.

Sec. 3-(11). Gilmer County.—For the county of Gilmer, $1,600.

Sec. 3-(12). Greenbrier County.—For the county of Greenbrier, $2,000.

Sec. 3-(13). Hampshire County.—For the county of Hampshire, $1,440.

Sec. 3-(14). Hancock County.—For the county of Hancock, $2,400.

Sec. 3-(15). Harrison County.—For the county of Harrison, $4,000.

Sec. 3-(16). Jackson County.—For the county of Jackson, $1,500.

Sec. 3-(17). Jefferson County.—For the county of Jefferson, $1,000.

Sec. 3-(18). Kanawha County.—For the county of Kanawha, $3,500.

Sec. 3-(19). Lewis County.—For the county of Lewis, $2,000.

Sec. 3-(20). Lincoln County.—For the county of Lincoln, $3,000.

Sec. 3-(21). Logan County.—For the county of Logan, $3,600.
Sec. 3-(22). Marion County.—For the county of Marion, two thousand eight hundred dollars.

Sec. 3-(23). Marshall County.—For the county of Marshall, three thousand dollars.

Sec. 3-(24). Mason County.—For the county of Mason, one thousand eight hundred dollars.

Sec. 3-(25). McDowell County.—For the county of McDowell, four thousand five hundred dollars.

Sec. 3-(26). Mercer County.—For the county of Mercer, four thousand two hundred dollars.

Sec. 3-(27). Mineral County.—For the county of Mineral, three thousand dollars.

Sec. 3-(28). Mingo County.—For the county of Mingo, three thousand dollars.

Sec. 3-(29). Monongalia County.—For the county of Monongalia, three thousand six hundred dollars.

Sec. 3-(30). Monroe County.—For the county of Monroe, one thousand two hundred dollars.

Sec. 3-(31). Morgan County.—For the county of Morgan, one thousand dollars.

Sec. 3-(32). Nicholas County.—For the county of Nicholas, two thousand dollars.

Sec. 3-(33). Ohio County.—For the county of Ohio, five thousand five hundred dollars.

Sec. 3-(34). Pleasants County.—For the county of Pleasants, one thousand three hundred fifty dollars.

Sec. 3-(35). Pocahontas County.—For the county of Pocahontas, one thousand eight hundred dollars.

Sec. 3-(36). Preston County.—For the county of Preston, two thousand five hundred dollars.

Sec. 3-(37). Putnam County.—For the county of Putnam, two thousand dollars.
Sec. 3-(38). Raleigh County.—For the county of Raleigh, three thousand nine hundred dollars.

Sec. 3-(39). Randolph County.—For the county of Randolph, two thousand eight hundred dollars.

Sec. 3-(40). Ritchie County.—For the county of Ritchie, one thousand eight hundred dollars.

Sec. 3-(41). Roane County.—For the county of Roane, one thousand eight hundred dollars.

Sec. 3-(42). Summers County.—For the county of Summers, one thousand eight hundred dollars.

Sec. 3-(43). Taylor County.—For the county of Taylor, two thousand two hundred dollars.

Sec. 3-(44). Tucker County.—For the county of Tucker, one thousand eight hundred dollars.

Sec. 3-(45). Tyler County.—For the county of Tyler, two thousand two hundred dollars.

Sec. 3-(46). Upshur County.—For the county of Upshur, two thousand five hundred dollars.

Sec. 3-(47). Wayne County.—For the county of Wayne, two thousand four hundred dollars.

Sec. 3-(48). Webster County.—For the county of Webster, one thousand eight hundred dollars.

Sec. 3-(49). Wetzel County.—For the county of Wetzel, two thousand dollars.

Sec. 3-(50). Wirt County.—For the county of Wirt, nine hundred dollars.

Sec. 3-(51). Wood County.—For the county of Wood, three thousand dollars.

Sec. 3-(52). Wyoming County.—For the county of Wyoming, three thousand six hundred dollars.

Sec. 4. Salaries of Joint Clerks of County and Circuit Courts.—The annual compensation of the clerks of the courts in the counties where both the office of the clerk
of the county court and clerk of the circuit court are held by the same person, including the compensation for new duties imposed by acts of this Legislature, on and after July one, one thousand nine hundred forty-five, shall be as follows: Hardy county, one thousand eight hundred dollars; Grant county, two thousand one hundred dollars; Pendleton county, one thousand nine hundred dollars.

Sec. 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, including the compensation for new duties imposed by acts of this Legislature, shall, on and after July 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-(3). Boone County.—For the county of Boone, two thousand six hundred dollars.

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

Sec. 5-(23). Logan County.—For the county of Logan, four thousand five hundred dollars.

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

Sec. 5-(28). Mercer County.—For the county of Mercer, four thousand two hundred dollars.

Sec. 5-(40). Putnam County.—For the county of Putnam, two thousand one hundred dollars.
AN ACT to amend and reenact section six, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, relating to allowances to circuit judges for stationery, postage and stenographic work.

[Passed March 6, 1945; in effect from passage. Approved by the Governor.]

Article 7. Compensation and Allowances.

Section 6. Allowances to circuit judges for stationery, postage and stenographic work.

Be it enacted by the Legislature of West Virginia:

That section six, 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 6. Allowances to Circuit Judges for Stationery, Postage and Stenographic Work.—Each judge of the circuit court shall be reimbursed out of the state treasury for the actual amounts expended by him for the procurement of necessary stationery, the payment of postage, and the payment for stenographic work, necessary in the discharge of the duties of his office, not to exceed one hundred dollars per month: Provided, That in the first judicial circuit each judge shall be allowed not to exceed one hundred fifty dollars per month for such expenses. Such sums shall be paid monthly out of the state treasury, but not until the judge submits an itemized statement covering the same.

All acts or parts of acts in conflict with and inconsistent herewith are hereby repealed.
AN ACT to amend and reenact sections two, five, seven, eight, thirteen, fourteen and nineteen, article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter twenty, acts of the Legislature, regular session, one thousand nine hundred forty-one, all relating to claims and proceedings against the state, its officers and agencies.

[Passed March 8, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 2. Claims Against the State.

Section
2. Definitions.
5. Court clerk.
7. Meeting place of court.
8. Compensation of members.
13. The jurisdiction of the court.
19. Claims under existing appropriations.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Definitions.—For the purpose of this article
2 "Court" means the state court of claims established by
3 section four of this article.
4 "Claim" means a claim authorized to be heard by the
5 court in accordance with this article.
6 "Approved claim" means a claim found by the court to
7 be one that should be paid under the provisions of this
8 article.
9 "Award" means the amount recommended by the court
10 to be paid in satisfaction of an approved claim.
“Clerk” means the clerk of the court of claims.

“State agency” means a state department, board, com-
mission, institution, or other administrative agency of the
state government: Provided, however, That a “state
agency” shall not be considered to include county courts,
county boards of education, municipalities, or any other
political or local subdivision of the state regardless of
any state aid that might be provided.

Sec. 5. Court Clerk.—The court shall have authority to
appoint a clerk, and shall fix his salary at not to exceed
the sum of three thousand six hundred dollars per annum
to be paid out of the regular appropriation for the court.
The clerk shall have custody of all records and proceed-
ings of the court, shall attend meetings and hearings of
the court, shall administer oaths and affirmations and
shall issue all official summonses, orders, statements and
awards.

Sec. 7. Meeting Place of the Court.—The regular meet-
ing place of the court shall be at the state capitol, and the
board of public works shall provide adequate quarters
therefor. When deemed advisable, in order to facilitate
the full hearing of claims arising elsewhere in the state,
the court may convene at any county seat.

Sec. 8. Compensation of Members.—Each judge of the
court shall receive twenty dollars for each day actually
served, and actual expenses incurred in the perform-
ance of his duties. Requisition for traveling expenses
shall be accompanied by a sworn and itemized statement,
which shall be filed with the auditor and preserved as a
public record. For the purpose of this section, days
served shall include time spent in the hearing of claims, in
the consideration of the record, and in the preparation of
opinions. In no case, however, shall a judge receive com-
pensation for more than one hundred fifty days' service
in any fiscal year.

Sec. 13. The Jurisdiction of the Court.—The jurisdiction
of the court, except for the claims excluded by section
fourteen, shall extend to the following matters:
1. Claims and demands, liquidated and unliquidated, ex contractu and ex delicto, against the state or any of its agencies, which the state as a sovereign commonwealth should in equity and good conscience discharge and pay.

2. Claims and demands, liquidated and unliquidated, ex contractu and ex delicto, which may be asserted in the nature of set-off or counter claim on the part of the state or any of its agencies.

3. The legal or equitable status, or both, of any claim referred to the court by the head of a state agency for an advisory determination.

Sec. 14. Claims Excluded.—The jurisdiction of the court shall not extend to any claim:

1. For loss, damage, or destruction of property or for injury or death incurred by a member of the militia or national guard when in the service of the state.

2. For injury to or death of an inmate of a state penal institution.

3. Arising out of the care or treatment of a person in a state institution.

4. For a disability or death benefit under chapter twenty-three of this code.

5. For unemployment compensation under chapter twenty-one-a of this code.

6. For relief or public assistance under chapter nine of this code.

7. With respect to which a proceeding may be maintained by or on behalf of the claimant in the courts of the state.

Sec. 19. Claims Under Existing Appropriations.—A claim arising under an appropriation made by the Legislature during the fiscal year to which the appropriation applies, and falling within the jurisdiction of the court, may be submitted by:

1. A claimant whose claim has been rejected by the state agency concerned or by the state auditor.

2. The head of the state agency concerned in order to obtain a determination of the matters in issue.

3. The state auditor, in order to obtain a full hearing and consideration of the merits.
The regular procedure, so far as applicable, shall govern the consideration of the claim by the court. If the court finds that the claimant should be paid, it shall certify the approved claim and award to the head of the state agency, the state auditor and the governor. The governor may thereupon instruct the auditor to issue his warrant in payment of the award and to charge the amount thereof to the proper appropriation. The auditor shall forthwith notify the state agency that the claim has been paid. Such an expenditure shall not be subject to further review by the auditor upon any matter determined and verified by the court.

CHAPTER 40
(Senate Bill No. 48—By Mr. Harmer)

AN ACT to amend and reenact section six, article six, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to bonds of general court receivers.

[Passed February 20, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 6. Receiver's bond.

Be it enacted by the Legislature of West Virginia:

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

Section 6. Receiver's Bond.—Said general receiver shall receive or accept no money or securities until he shall have given bond with good security approved by the court or the judge thereof in vacation, conditioned as provided for official bonds, and in such penalty as the said court or judge may prescribe, but sufficient at least
to cover the probable amount of money and securities that may come into his possession. If at any time it appears to the said court or judge that the penalty of the bond or bonds is not sufficient to cover the probable amount of money and securities that may come into the possession of the general receiver, or that for any reason, new or additional bonds should be given by him, the said court or the judge thereof in vacation shall require the said general receiver to immediately give new or additional bonds in such penalty as the said court or judge may prescribe. The said general receiver shall not receive or accept any money or securities in excess of the penalty of the bonds given by him as aforesaid and remaining in full force and virtue.

If the said general receiver shall give bond as aforesaid with an indemnity or surety company having an unrevoked license or permit from the insurance commissioner authorizing it to engage or continue in business in this state, as surety thereon, the premiums for effecting or continuing such bond shall be treated as a cost or expense of administering the said receivership estate, and paid by the said general receiver out of the funds in his hands as ordered by the said court or judge.

In the event the said general receiver shall give any bond as aforesaid with a surety who is not an indemnity or surety company as aforesaid, he shall give a new bond at least once in every two years after his appointment, and at the time of giving such new bond the surety or sureties thereon shall appear before the said court or judge and be examined under oath in order that the said court or judge may determine the sufficiency of the surety on the said bond.

CHAPTER 41

(House Bill No. 308—Originating in the House Committee on the Judiciary)

AN ACT to amend article one, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as last
amended, by adding thereto four new sections to be designated sections fifteen, sixteen, seventeen and eighteen, creating the office of "Administrative Office of the Supreme Court of Appeals", and describing its powers and duties.

[Passed March 10, 1945; in effect from passage. Approved by the Governor.]

Article 1. Supreme Court of Appeals.

Section
15. Administrative office of the supreme court; director; salary; seal.
16. Employees; appointment; compensation; prohibiting practice in state courts.
17. Duties of director.
18. Annual report of activities and estimates of expenditures.

Be it enacted by the Legislature of West Virginia:

That article one, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended by adding thereto four new sections numbered fifteen, sixteen, seventeen and eighteen, to read as follows:

Section 15. Administrative Office of the Supreme Court; Director; Salary; Seal.—There shall be and is hereby established what shall be known as the "Administrative Office of the Supreme Court of Appeals", with a director at the head thereof, who shall be appointed by the supreme court of appeals and hold office at the pleasure of and be subject to removal by the aforesaid court. The director shall receive an annual salary of five thousand dollars a year. The director shall cause a seal of office to be made for said office of such design as the supreme court of appeals shall approve, and judicial notice shall be taken of such seal.

Sec. 16. Employees; Appointment; Compensation; Prohibiting Practice in State Courts.—The director, with the approval of the supreme court of appeals, shall have authority to appoint such employees as are deemed necessary to perform the functions and duties vested in said office by this act, and the director shall fix their compensation. During his term of office or employment no officer or employee of said office shall engage, directly
or indirectly, in the practice of law in any of the courts of the state.

Sec. 17. Duties of Director.—The director shall be the administrative officer of the supreme court of appeals and shall have charge, under the supervision and direction of the supreme court of appeals, of:

1. All administrative matters relating to the offices of the clerks of the circuit and intermediary courts and of the offices of justice of the peace, and all other clerical and administrative personnel of said courts; but nothing contained in this act shall be construed as affecting the authority of the courts to appoint their administrative or clerical personnel;

2. Examining the state of the dockets of the various courts and securing information as to their needs for assistance, if any, and the preparation of statistical data and reports of the business transacted by the courts, and promptly transmitting the information so obtained, quarterly, to the chairman of the judicial council;

3. The preparation of a proper budget to secure the appropriation of moneys for the maintenance, support and operation of the courts;

4. The purchase, exchange, transfer and distribution of equipment and supplies, as may be needful or desirable;

5. To act as the executive secretary of the judicial council and to report to the council upon such matters as the council or the chairman may from time to time request; and

6. Such other matters as may be assigned to him by the supreme court of appeals and the judicial council. The clerks of the circuit courts, intermediate courts and courts of the justices of the peace shall comply with any and all requests made by the director or his assistants for information and statistical data bearing on the state of the dockets of such courts, or such other information as may reflect the business transacted by them.

Sec. 18. Annual Report of Activities and Estimates of Expenditures.—The director shall submit annually to the
CHAPTER 42

(House Bill No. 318—Originating in the House Committee on the Judiciary)

AN ACT to amend and reenact section five, article three, chapter twenty-five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to publication of reports of the supreme court of appeals, and authorizing publication of advance sheets of the opinions of the court.

[Passed March 8, 1945; in effect from passage. Approved by the Governor.]

Article 3. Public Printing and Stationery; State Publications.
Section 5. Publication of reports of supreme court of appeals.

Be it enacted by the Legislature of West Virginia:

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

Section 5. Publication of Reports of Supreme Court of Appeals.—The director shall have charge and supervision of the printing and binding of the reports of the decisions of the supreme court of appeals of the state, and shall contract for their publication in the manner provided for contracts under article two. The contract shall provide for the publication of fifteen hundred copies of each volume of the reports ordered by the court to be printed on paper selected by the reporter of the court and bound in the best quality of calf or standard buckram. The
size of type and page shall be prescribed by the reporter. A volume shall be published according to the terms of the contract whenever ordered by the court. The reporter shall secure the copyright of each volume for the benefit of the state. The reports shall be styled “West Virginia Reports”.

The printing and binding of the reports shall be done under the direction of and in the manner prescribed by the reporter, subject to the control of the court. The reporter shall prefix to the printed report of each case the dates when the same was submitted and decided. Each volume shall, if practicable, contain the reports of at least eighty cases decided by the court, and shall contain no more than nine hundred pages, exclusive of the index and table of cases reported and cited. Proof sheets shall be furnished by the printer to the reporter and to each judge of the court, and such corrections and modifications shall be made by the printer as the reporter or any of the judges shall direct. If the work is not done in the manner required by law, the reporter shall not approve the volume and the director shall not accept it.

The reports of the decisions of the supreme court of appeals may be published in pamphlet form in advance of the publication of the bound volumes of the “West Virginia Reports”, periodically, or at such times as may be directed by the reporter and the supreme court of appeals. The reporter shall secure the copyright of each pamphlet of opinions so published in advance. Each pamphlet shall contain the report of such number of cases as the supreme court of appeals and the reporter shall deem advisable.

The contract for the publication of such advance sheets shall be made in the manner provided for the publication of bound volumes of the “West Virginia Reports”.

A charge of not less than the actual cost of printing and distribution shall be made for such advance sheets.
AN ACT to amend and reenact section two, article eight, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to West Virginia law library.

[Passed March 10, 1945; in effect July 1, 1945. Approved by the Governor.]

Section 2. Librarian; bond; assistants; compensation.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Librarian; Bond; Assistants; Compensation.
2 -The supreme court of appeals, or the judges thereof in vacation, shall appoint a competent librarian to have immediate custody and charge of the West Virginia law library under the direction of the court. Such librarian shall give bond in a penalty fixed by the court of not less than two nor more than five thousand dollars, with surety thereon, to be approved by the court, and conditioned as provided for official bonds. Such bond shall be deposited for safekeeping with the clerk of the court.

The librarian shall be an officer of the court and shall hold his office and be removable at its pleasure. Vacancies in the office of librarian occurring during a vacation of the court may be filled by appointment in writing made by the judges of the court, or any three of them. When, in the opinion of the court, other employees are needed for the proper protection and use of the library, it may employ such assistants as may be necessary for that purpose. The salary of the librarian shall be three thousand six hundred dollars per annum, payable in monthly
21 installments, and the expense of such assistants shall be fixed by the court and shall be paid upon order of the court.

CHAPTER 44

(House Bill No. 82—By Mr. Davis and Mr. Hugus)

AN ACT to amend article one, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be numbered four-a, providing for the adoption, promulgation and enforcement by the supreme court of appeals of West Virginia of rules defining the practice of law, prescribing a code of ethics governing the professional conduct of attorneys-at-law, and prescribing a code of judicial ethics, and establishing practice and procedure for disciplining, suspending, and disbarring attorneys-at-law, and providing for the creation, government, and conduct of the West Virginia state bar, and prescribing its powers and duties, and fees to be paid for the administration of this section and the collection and disbursement thereof.

(Passed February 26, 1945; in effect ninety days from passage. Approved by the Governor.)

Article 1. Supreme Court of Appeals.

Section 4-a. Rules governing the practice of law; creation of West Virginia state bar; providing its powers, and fees for administration.

Be it enacted by the Legislature of West Virginia:

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

Section 4-a. Rules Governing the Practice of Law; Creation of West Virginia State Bar; Providing Its Powers, and Fees for Administration.—The supreme court of ap-
peals of West Virginia shall, from time to time, pre-
scribe, adopt, promulgate, and amend rules:

(a) Defining the practice of law.

(b) Prescribing a code of ethics governing the profes-
sional conduct of attorneys-at-law and the practice of
law, and prescribing a code of judicial ethics.

c) Prescribing procedure for disciplining, suspending,
and disbarring attorneys-at-law.

d) Organizing and governing, by and through all of
the attorneys-at-law practicing in this state, an admin-
istrative agency of the supreme court of appeals of West
Virginia, which shall be known as “The West Virginia
State Bar”. The West Virginia state bar shall be a
part of the judicial department of the state govern-
ment and is hereby created for the purpose of en-
forcing such rules as may be prescribed, adopted and
promulgated by the court from time to time under
this section. It is hereby authorized and empowered
to perform the functions and purposes expressed in
a constitution, by-laws and amendments thereto as shall
be approved by the supreme court of appeals from time
to time. All persons practicing law in this state shall
be members of the West Virginia state bar in good
standing: Provided, however, That the West Virginia
state bar shall not become operative until its consti-
tution and by-laws shall first have been submitted
to all attorneys-at-law practicing in this state, includ-
ing those presently serving in the armed forces of the
United States, for the purpose of securing the sugges-
tions and recommendations of all such attorneys-
at-law, for a period of at least sixty days prior to
the entry of an order by such court approving said
constitution and by-laws.

e) Fixing a schedule of fees to be paid by attorneys-
at-law practicing in the state of West Virginia for the
purpose of administering this section, and providing for
the collection and disbursement of such fees: Provided,
however, That the annual fees to be paid by any attor-
ney-at-law shall not exceed the sum of five dollars,
unless a majority of the attorneys-at-law practicing in
AN ACT to amend article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section, to be numbered section twenty-two, relating to bribery of participants in games, sports and horse racing, and providing penalties.

[Passed March 10, 1945: in effect ninety days from passage. Approved by the Governor.]

Article 10. Crimes Against Public Policy.

Section 22. Bribery of participants in professional or amateur games and horse racing.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter sixty-one 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-two, to read as follows:

Section 22. Bribery of Participants in Professional or Amateur Games and Horse Racing.—Whoever gives, promises or offers to any professional or amateur baseball, football, basketball, hockey player or boxer or any player who participates in any professional or amateur game or
CHAPTER 46
(Senate Bill No. 189—By Mr. Morrison, by request)

AN ACT to amend and reenact section thirty-eight, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the publication of false advertisements and providing penalties for violations thereof.

[Passed March 9, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 3. Crimes Against Property.

Section 38. Publication of false advertisements; penalty.
Be it enacted by the Legislature of West Virginia:

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

Section 38. Publication of False Advertisements; Penalty.—Any person, firm, corporation or association, or their agents or employees, who, with intent to sell, or in any wise dispose of, merchandise, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or over any radio station, or in any other way, an advertisement of anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue and deceptive, shall be guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars, and such violation, by an agent or employee, shall be deemed an offense as well by the principal or employer, and they may be indicted for the same, either jointly or severally.

CHAPTER 47

(Senate Bill No. 166—By Mr. Vickers, Mr. President)

AN ACT to amend and reenact section twenty-six, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the procedure to be followed upon the reference to a com-
Article 2. Divorce.

Section 26. Reference to commissioner in chancery; taking of depositions; oral testimony before court.

Be it enacted by the Legislature of West Virginia:

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

Section 26. Reference to Commissioner in Chancery; Taking of Depositions; Oral Testimony Before Court.—Instead of proceeding with the cause under the provisions of the twenty-third section of this article, the court may, in its discretion, refer it to one of the commissioners in chancery of such court, or to a special commissioner in chancery, who shall take and return the testimony in such cause, with a report of all such facts as the commissioner may be able to obtain as to property rights of the parties, their income, their character, conduct, health, habits, their children, their respective places of residence from the time of their marriage up to the time of such report, and any other matter deemed necessary by the court, together with his recommendation concerning whether a divorce, annulment or affirmation, as the case may be, should be granted, and concerning any other matter on which the court may request his recommendation. All such facts so reported and the recommendation of the commissioner shall be considered by the court in passing on the merits of the cause, whether the same be referred to in the pleadings or evidence, or not. Except as otherwise expressly provided herein, the procedure in respect to the reference of such a cause to a commissioner shall be governed in all respects by the rules applicable to references to commissioners in other chancery cases.

If testimony is to be taken in a county other than that
in which the cause is pending, the same shall be taken
before one of the commissioners in chancery of the cir-
cuit court of the county in which the same is taken. If
testimony is taken of witnesses residing out of the state
of West Virginia, the same shall be taken before some
person duly authorized to take depositions in divorce
cases in the state where taken. If such depositions are
taken out of the county in which the cause is pending,
or without the state, the same shall be, by the person
taking the same, filed with or forwarded to the clerk of
the court wherein such cause is pending, and on receipt
of such depositions such clerk shall lay the same before
the commissioner to whom such cause has been referred,
who shall consider the same in connection with his report
hereinbefore mentioned. The person before whom depo-
sitions are taken hereunder shall be personally present
at the time and place of taking depositions, and no depo-
sition shall be taken or read in the cause unless it appears
therefrom that such person was personally present during
the taking of the same. It is hereby made the duty of the
person before whom such depositions are taken, to see that
all witnesses are so examined as to elicit all facts within
their knowledge pertaining to the cause. If any person
before whom any such depositions are taken certifies false-
ly as to his presence at the taking of such depositions, he
shall be guilty of a misdemeanor, and on conviction
thereof, shall be fined not less than fifty nor more than
five hundred dollars.

The court in which such cause is pending may so refer
the same as often as, in its judgment, justice requires, and
may, if it so elect, summon any one to appear before
such court, and give evidence with reference thereto, and
base its findings on such oral evidence solely. The com-
missioner shall be allowed for his services the same com-
ensation as is allowed in other chancery causes, and all
costs, including stenographer's fees, shall be taxed as in
other chancery causes.
CHAPTER 48
(House Bill No. 159—By Mr. Schupbach and Mr. Blankenship)

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 last amended, relating to the allocation of state aid and salaries for teachers.

[Passed March 9, 1945; in effect July 1, 1945. Approved by the Governor.]

Article 9-a. State Aid for Schools.
Section
11. Allocation of state aid; salaries 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 follows:

Section 11. Allocation of State Aid; Salaries for Teachers.—The board of finance shall then proceed to allocate the amount available for distribution as state aid (as certified by the state auditor in accordance with section six-a, article nine of this chapter) among the several counties as follows:

1. The board of finance shall first allocate to each county (a) forty-five per cent of the cost of the foundation program for that county, or (b) an amount equal to the difference between the cost of the foundation program for that county and the local share of revenue for that county, whichever of (a) or (b) is greater.

2a In computing the amount to be distributed under this subsection, the board shall continue to use as a basis for its calculation the schedule of basic and advanced salaries in effect during the fiscal year ending June thirtieth, one thousand nine hundred forty-five.

2b The board of finance shall next allocate to each county an amount to be computed by multiplying by two hundred seventy the number of teachers actually employed by the county board for the current school
year, which number for purposes of this and the next
subsection shall in no instance exceed the number of
teachers approved for employment in such county by
the board of finance.

(3) The board of finance shall next allocate to each
county an amount to be computed as follows: The board
shall first prepare for each county a list of all the teach-
ers employed therein for the current year, showing as
to each teacher the type of certificate held and the num-
ber of years of prior teaching experience. From this
list the board shall compile a table for the county show-
ing by columns as to each type of certificate the total
number of teachers with one year's experience, two
years' experience, and so on down to sixteen years' ex-
perience. For the purpose of compiling this table, prior
experience of seventeen years or more shall be counted as
only sixteen years' experience. The board shall then
determine, by reference to the following table of salary
increases not otherwise provided for, the additional
amounts of state aid necessary to provide such increases
for each teacher in the county, such additional amounts
to be computed by multiplying the figure appearing in
each line and column of the following table by the cor-
responding figure, if any, appearing on the table com-
piled by the board as provided above. The total of the
additional amounts so computed shall be the amount to
be allocated to each county under this subsection.

**TABLE OF SALARY INCREASES**

(Not Otherwise Provided For)

<table>
<thead>
<tr>
<th>Year of Prior Experience</th>
<th>Type of Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Second Grade</td>
</tr>
<tr>
<td>1</td>
<td>$0</td>
</tr>
<tr>
<td>2</td>
<td>9.00</td>
</tr>
<tr>
<td>3</td>
<td>13.50</td>
</tr>
<tr>
<td>4</td>
<td>18.00</td>
</tr>
<tr>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>27.00</td>
</tr>
<tr>
<td>7</td>
<td>27.00</td>
</tr>
</tbody>
</table>
No part of the funds distributed under this and the preceding subsection shall be available for any purpose other than teachers' salaries and no part thereof shall be made available to any county board which reduces salaries below those paid to teachers during the previous school year, such salaries to be computed by adding to the legal minimum salaries any excess salary paid by the county board during that year, except that such excess salary may be reduced with 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 was paid: (a) Rejection by the voters of the county of a previously approved special levy effective during the previous school year; (b) a substantial decline in the amount of revenue; or (c) other reasons approved by the board of finance.

(4) The board of finance shall then allocate the amount remaining for distribution as state aid, after the requirements of (1), (2) and (3) 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), (3) and (4) above, and shall be used by the several counties in the support of the schools. No county

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>57</td>
<td>8</td>
<td>27.00</td>
<td>27.00</td>
<td>27.00</td>
<td>81.00</td>
<td>81.00</td>
<td>81.00</td>
</tr>
<tr>
<td>58</td>
<td>9</td>
<td>27.00</td>
<td>27.00</td>
<td>27.00</td>
<td>81.00</td>
<td>108.00</td>
<td>108.00</td>
</tr>
<tr>
<td>59</td>
<td>10</td>
<td>-18.00</td>
<td>-18.00</td>
<td>-18.00</td>
<td>36.00</td>
<td>90.00</td>
<td>90.00</td>
</tr>
<tr>
<td>60</td>
<td>11</td>
<td>-18.00</td>
<td>-18.00</td>
<td>-18.00</td>
<td>36.00</td>
<td>90.00</td>
<td>117.00</td>
</tr>
<tr>
<td>61</td>
<td>12</td>
<td>-18.00</td>
<td>-18.00</td>
<td>-18.00</td>
<td>36.00</td>
<td>90.00</td>
<td>144.00</td>
</tr>
<tr>
<td>62</td>
<td>13</td>
<td>-18.00</td>
<td>-18.00</td>
<td>-18.00</td>
<td>36.00</td>
<td>90.00</td>
<td>171.00</td>
</tr>
<tr>
<td>63</td>
<td>14</td>
<td>-18.00</td>
<td>-18.00</td>
<td>-18.00</td>
<td>36.00</td>
<td>90.00</td>
<td>198.00</td>
</tr>
<tr>
<td>64</td>
<td>15</td>
<td>-18.00</td>
<td>-18.00</td>
<td>-18.00</td>
<td>36.00</td>
<td>90.00</td>
<td>225.00</td>
</tr>
<tr>
<td>65</td>
<td>16</td>
<td>-18.00</td>
<td>-18.00</td>
<td>-18.00</td>
<td>36.00</td>
<td>90.00</td>
<td>252.00</td>
</tr>
</tbody>
</table>
97 shall employ more than the allotted number of teachers
98 without the prior consent of the board of finance. By
99 allotted number of teachers is meant the sum of three per
100 cent of the corrected average daily attendance in elemen-
101 tary schools and four per cent of the corrected average
102 daily attendance in high schools. In determining the
103 corrected average daily attendance, under this para-
104 graph, a non-isolated elementary school shall be counted
105 as one full school and not as one-fourth of a school.

CHAPTER 49
(Senate Bill No. 52—By Mr. Mitchell)

AN ACT to amend and reenact section thirteen, article five,
chapter eighteen of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended by chapter eight,
acts of the Legislature, first extraordinary session, one
thousand nine hundred thirty-three, by chapter sixty, acts
of the Legislature, regular session, one thousand nine hun-
dred thirty-five, and as last amended by chapter forty-
nine, acts of the Legislature, regular session, one thousand
nine hundred thirty-nine, relating to the authority of
county boards of education, and authorizing the fur-
nishing, at public expense, of transportation of school chil-
dren participating in athletic, literary and band activities.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the
Governor.]

Article 5. District Board of Education.

Section
13. General control of schools; consolidation; transportation of pupils.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article five, chapter eighteen of the
code of West Virginia, one thousand nine hundred thirty-one,
as amended by chapter eight, acts of the Legislature, first ex-
traordinary session, one thousand nine hundred thirty-three,
as amended by chapter sixty, acts of the Legislature, regular session, one thousand nine hundred thirty-five, and as last amended by chapter forty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 13. General Control of Schools; Consolidation; Transportation of Pupils.—The boards, subject to the provisions of this chapter and the rules and regulations of the state board, shall have authority:

(1) To control and manage all of the schools and school interests of the county;

(2) To establish needed high schools;

(3) To close any school which is unnecessary and to assign the pupils thereof to other schools;

(4) To consolidate schools;

(5) To close any elementary school whose average daily attendance falls below twenty pupils for two months in succession, and send the pupils to other schools in the district or to schools in adjoining districts. The compensation of teachers in schools so closed shall cease;

(6) To provide at public expense adequate means of transportation for all children of school age who live more than two miles distant from school by the nearest available road or path; and to provide at public expense and according to such regulations as the board may establish, adequate means of transportation for school children participating in athletic, literary and band activities: Provided, That in all cases the buses or other transportation facilities owned by the board of education shall be driven or operated only by drivers regularly employed by the board of education: Provided further, That buses shall be used for extra curricular activities as herein provided only when the insurance provided for by this section shall have been effected.

(7) To provide at public expense for insurance against the negligence of the drivers of school buses, trucks, or other vehicles operated by the board; and if the transportation of pupils be let out to contract, then the contract therefor shall provide that the contractor shall carry in-
The board of any district shall expend under such regulations as it establishes for each child an amount not to exceed the proportion of all school funds of the district that each child would be entitled to receive if all the funds were distributed equally among all the children of school age in the district upon a per capita basis. No changes in textbooks except those provided by general law shall be made as a result of the passage of this act: Provided, however, That at least one year of instruction in the history of the state of West Virginia shall be given prior to the eighth grade.

CHAPTER 50

( Senate Bill No. 221—By Mr. Vickers, Mr. President)

AN ACT to amend and reenact section two, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter thirty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to basic salaries for public school teachers and advanced salaries for experience.

[Passed March 2, 1945; in effect July 1, 1945. Approved by the Governor.]

Article 7. Teachers.

Section 2. Salaries for teachers; basic salaries; advanced salaries.

Be it enacted by the Legislature of West Virginia:

That section two, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter thirty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:
Section 2. Salaries for Teachers; Basic Salaries; Advanced Salaries.—Boards of education shall fix the rate of salary to be paid teachers in accordance with the following classifications and requirements:

(A) Basic salaries shall be the salaries fixed for teachers in accordance with the certification classification of the teachers. Such salaries shall be those set forth in the following schedule:

(1) For teachers holding five-year certificates secured by examination or other first-grade certificates, not less than one hundred fifteen dollars a month.

(2) For teachers holding short course certificates, not less than one hundred twenty dollars a month.

(3) For teachers holding normal school or other certificates which required at the time of issuance at least two years of collegiate work, not less than one hundred thirty-five dollars a month.

(4) For teachers holding certificates which required at the time of issuance at least three years of collegiate training, not less than one hundred forty dollars a month.

(5) For teachers holding collegiate elementary, first-class high school, or other certificates of equal rank, based on a bachelor's degree earned in an approved institution, not less than one hundred fifty dollars a month.

(6) For teachers who have received a master's degree in an institution qualified and approved to do graduate work, holding the collegiate elementary, first-class high school, or other certificate of equal rank, at least one hundred sixty-five dollars a month.

(7) For teachers who have received a doctor's degree from an institution of university rank qualified and approved to confer the doctor's degree, holding the collegiate elementary, first-class high school, or other certificate of equal rank, at least one hundred seventy dollars a month.

Basic salaries shall be uniform throughout the state for teachers holding equivalent credentials.

A teacher teaching his first regular term of school shall be paid the basic salary in accordance with his certification classification.
Upon the change of the certification classification of a teacher, the basic salary of that teacher shall be that of the new certification classification.

(B) Advanced salaries shall mean any salaries greater than basic salaries. Advanced salary increments shall be the increments added to the basic salaries of teachers for experience and for such other services as recognized herein. Salary increments for teaching experience shall be those set forth in the following schedule:

(1) For teachers who hold the short course or certificate of lower grade, the rate of salary shall be the basic salary plus at least three dollars a month for the second term; and the basic salary plus an additional annual increase of at least three dollars a month for each year taught thereafter to and including the seventh year.

(2) For teachers who hold the third-class elementary (standard normal) certificate, the rate of salary shall be the basic salary plus at least three dollars a month for the second term; and the basic salary plus an additional annual increase of at least three dollars a month for each year taught thereafter to and including the ninth year.

(3) For teachers who hold the second-class collegiate certificate, the rate of salary shall be the basic salary plus at least three dollars a month for the second term; and the basic salary plus an additional annual increase of at least three dollars a month for each year taught thereafter to and including the eleventh year.

(4) For teachers who hold the collegiate elementary, first-class high school, or other certificates of equal rank, based on a bachelor's degree earned in an approved institution, the rate of salary shall be the basic salary plus at least three dollars a month for the second term; and the basic salary plus an additional annual increase of at least three dollars a month for each year taught thereafter to and including the fourteenth year.

(5) For teachers who have received a master's degree in an institution qualified and approved to do graduate work, holding a collegiate elementary certificate, first-class high school, or other certificate of equal rank, the rate of salary shall be the basic salary plus at least three dollars a month for the second term; and the basic salary...
plus an additional annual increase of at least three dollars a month for each year taught thereafter to and including the seventeenth year.

Boards of education may fix higher salaries for high school and elementary school principals, teachers of one-teacher schools, and any teacher assigned to or employed for duties other than or in addition to his regular instructional duties, by the addition of further increments consistent with the duties performed. Such additional salary increments shall conform to the regulations of the state board of education.

Advanced salaries shall be uniform throughout the district for teachers holding similar credentials and in the same classification as to experience and duties.

Upon the change of the certification classification of the teacher, his advanced salary increment as provided in this section shall be added to his new basic salary created by the change in the certification classification.

In determining the number of regular terms of school a teacher has taught, boards of education shall credit as regular teaching, service in the armed forces of the United States in the World War, and active work in educational positions other than teaching, but no teacher shall be given credit for teaching more than one regular term in any school year.

Salaries of colored teachers shall be the same as the salaries of other teachers in the same district with the same training and experience and holding similar credentials. Any board of education failing to comply with the provisions of this paragraph may be compelled to do so by mandamus.

All acts and parts of acts inconsistent with this act are hereby repealed.
AN ACT to amend and reenact sections three, thirteen, fifteen, sixteen, seventeen, eighteen, twenty-five and twenty-six, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to add to such article a new section to be designated section thirty-four, all relating to the benefits and coverage provided for members of the state teachers’ retirement system.

[Passed March 9, 1945; in effect from passage. Approved by the Governor.]

Article 7-a. State Teachers’ Retirement System.

Section
3. Definitions.
13. Membership in system.
15. Collection of member contributions.
16. Payment of employer contributions; transfer of appropriations.
17. Statement and computation of teachers’ service.
18. Funds created; uses and purposes.
25. Eligibility for retirement allowance.
26. Allowance upon retirement.
34. Loans to members.

Be it enacted by the Legislature of West Virginia:

That sections three, thirteen, fifteen, sixteen, seventeen, eighteen, twenty-five and twenty-six, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that a new section, to be designated thirty-four, be added to such article, all to read as follows:

Section 3. Definitions.—“Teacher” shall include the following persons, if regularly employed for at least half-time service: (a) Any person employed for instructional service in the public schools of West Virginia; (b) principals; (c) public school librarians; (d) county superintendents of schools and assistant county superintendents of schools; (e) any county-school attendance director holding a West Virginia teachers’ certificate; (f) the executive secretary of the retirement board; (g) members of the research, extension, administrative or library staffs
of the public schools; (h) the state superintendent of
schools, heads and assistant heads of the divisions under
his supervision, or any other employee thereunder per-
forming services of an educational nature; (i) employees
of the state board of education who are performing serv-
ices of an educational nature; (j) any person employed
in a non-teaching capacity by the state board of education,
the board of governors of West Virginia university, any
county board of education, the state department of edu-
cation or the teachers' retirement board, if such person
was formerly employed as a teacher in the public schools;
(k) all classroom teachers, principals, and educational
administrators in schools under the supervision of the
state board of control.

"Members of the administrative staff of the public
schools" shall include deans of instruction, deans of men,
deans of women, and financial and administrative secre-
taries.

"Members of the extension staff" of the public schools
shall include every agricultural agent, boys' and girls'
club agent, and every member of the agricultural exten-
sion staff whose work is not primarily stenographic, cler-
ical, or secretarial.

"Retirement system" shall mean the state teachers'
retirement system provided for in this article.

"Present teacher" shall mean any person who was a
teacher during either of the fiscal years ending in one thou-
sand nine hundred forty or one thousand nine hundred
forty-one, and whose membership in the retirement sys-
tem created by this article has been continuous.

"New entrant" shall mean a member of the retirement
system who is not eligible for a prior service pension under
the provisions of this article.

"Total service" shall mean all service as a teacher or a
member of the retirement system since last becoming a
member and, in addition thereto, all his prior service.

"Prior service" shall mean all service as a teacher com-
pleted prior to July first, one thousand nine hundred
forty-one.

"Average final salary" shall mean the average annual
salary earned as a teacher during the last fifteen years of
prior service, or if prior service is less than fifteen years,
the average annual salary for that period. If the records
for determining each annual salary needed cannot reason-
ablely be established by the retirement board, then the term
shall mean the average annual salary of the teacher for
years for which records are available.
“Accumulated contributions” shall mean the sum of
all the amounts deducted from the compensation of a
contributor and credited to his individual account in the
teachers' accumulation fund.
“Regular interest” shall mean interest at three per cent
compounded annually, or a higher earnable rate if ap-
proved by the retirement board.
“Refund interest” shall mean the interest on refunds of
the accumulated contributions and deposits payable to
former members, or to the beneficiaries of deceased mem-
bers, as provided in this article. The rate for refund inter-
est shall be the average annual rate of interest, calculated
to one decimal place, earned on retirement board invest-
ments in effect at the end of the fiscal year for which the
interest is due, according to the sworn statement of the
fund custodian required by section nineteen of this article.
In no case shall interest be paid on contributions received
and withdrawn within the same year.
“Employer” shall mean the agency of and within the
state which has employed or employs a member.
“Contributor” shall mean a member of the retirement
system who has an account in the teachers' accumulation
fund.
“Beneficiary” shall mean the recipient of annuity pay-
ments made under the retirement system.
“Earnable compensation” shall mean the full compen-
sation actually received by members for service as
teachers whether or not a part of such compensation is
received from other funds, federal or otherwise, than those
provided by the state or its subdivisions.
“Annuities” shall mean the annual retirement pay-
ments for life granted beneficiaries in accordance with
this article. All annuities shall be paid in twelve monthly
payments. In computing such monthly payments, fractions
of a cent shall be deemed a cent. Such monthly payments shall cease with the payment for the month within which the beneficiary dies.

“Member” shall mean a member of the retirement system.

“Public schools” shall mean all publicly supported schools, including normal schools, colleges and universities in this state.

The masculine gender shall be construed so as to include the feminine.

Age in excess of seventy years shall be deemed to be seventy years.

Sec. 13. Membership in System.—The membership of the retirement system shall consist of the following:

(a) All persons employed as teachers at the time they become eligible for membership who, within a year after becoming eligible, notify the retirement board in writing of their decision to become members. Any such persons who fail to notify the board shall automatically be constituted members one year after they become eligible, unless the retirement board receives written notice from them declining membership in the system.

(b) New entrants, whose membership in the system shall be compulsory upon employment as teachers.

The membership of any person in the retirement system shall cease:

(1) Upon the withdrawal of his accumulated contributions after the cessation of teaching service, or (2) upon retirement, or (3) at death, or (4) if service amounts to less than five years in any period of ten consecutive years. For the purpose of subsection four, however, a deposit by the member to his individual account in the teachers’ accumulation fund of an amount equalling his last annual contribution shall be deemed the equivalent of one year of service.

Any person in subsection (a) of this section who elects to become a member after having declined to accept membership, shall be permitted to enter the retirement system, but shall be accorded only the rights of a new entrant.
If any person resumes membership once it has ceased, such member shall be accorded only the rights of a new entrant.

Sec. 15. *Collection of Member Contributions.*—Each employer shall compile a list of all members in its employ and shall specify the amount of the contributions to be made by such members for the ensuing school year. Such data shall be filed with the retirement board.

The monthly payments, which members would receive from employers as compensation for service in the absence of this article, shall be decreased by the amount of the contribution due under this article. The amount of such deductions shall be retained in the funds containing the state appropriations to such employer, until such time as the retirement board shall make appropriate requisition therefor.

Each employer shall be held accountable for the sum composing the contributions made by its member employees.

At the beginning of each fiscal year, the retirement board shall make requisition upon the state auditor to issue warrants for ninety per cent of the estimated members’ contributions for the year. The balance of such moneys due and payable to the retirement board for such year shall be requisitioned upon completion of employers' certified reports of actual deductions for the fiscal year. Such sums shall be paid to the retirement board from the funds containing the state appropriations made to such employers.

The retirement board shall send the sheriff and county superintendent of each county a copy of the amount of each requisition upon the state aid of the county. The sheriff and the county superintendent shall record in their accounts the total of such requisition as a receipt to the county’s state aid fund, and as a disbursement to the teachers’ accumulation fund of the retirement board.

Sec. 16. *Payment of Employer Contributions; Transfer of Appropriations.*—The aggregate of employer contributions due and payable under this article shall be paid
from general fund appropriations for the retirement system.

At the beginning of the fiscal year for which the appropriation is made, the governor shall transfer the appropriation of the retirement board from the general treasury to the funds of the retirement board. The amount transferred to each fund shall be determined by the actuarial evaluation required by section twelve of this article.

Sec. 17. Statement and Computation of Teachers’ Service.—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 it credit for more than one year service performed in any calendar year.

For the purpose of this section the retirement board shall grant prior service credit to new entrants and other members of the retirement system for service in any of the armed forces of the United States in any period of national emergency within which a federal selective service act was in effect. For purposes of this section, “armed forces” shall include Women’s Army Corps, Women’s Appointed Volunteers for Emergency Service, Army Nurse Corps, Spars, Women’s Reserve, and other similar units officially parts of the military service of the United States. Such military 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 first year of teaching after discharge from military service.

For service as a teacher in the employment of the federal government, or a state or territory of the United States, or a governmental subdivision of such state or territory, the retirement board shall grant credit to the same extent and on the same conditions, if any, as a retirement system established for teachers in such employ-
ment would grant credit for service as a teacher in the public schools of West Virginia.

Subject to the above provisions, the board shall verify as soon as practicable the statements of service submitted. The retirement board shall issue prior service certificates to all persons eligible therefor under the provisions of this article. Such certificates shall state the length of such prior service credit.

Sec. 18. Funds Created; Uses and Purposes.—The funds created are the teachers' accumulation fund, the employers' accumulation fund, the benefit fund, the expense fund, and the reserve fund.

(a) The teachers' accumulation fund shall be the fund in which contributions from the compensation of members shall be accumulated. The accumulated contributions of a member returned to him upon his withdrawal, or paid to his estate or designated beneficiary in the event of his death, shall be paid from the teachers' accumulation fund. Any accumulated contributions forfeited by failure to claim such contributions shall be transferred from the teachers' accumulation fund to the reserve fund.

Any member shall be permitted to deposit in the teachers' accumulation fund such amounts in multiples of fifty dollars as he may desire.

(b) The employers' accumulation fund shall contain the contributions paid by employers. Upon the retirement of a member, the full amount of the employer's contributions shall be transferred from the employers' accumulation fund to the benefit fund.

(c) The benefit fund shall be the fund from which annuities shall be paid. Upon the retirement of a member, his accumulated contributions shall be transferred from the teachers' accumulation fund to the benefit fund; the accumulated employer's contributions shall be transferred from the employers' accumulation fund to the benefit fund; and annually a sum for prior service pension and disability credits, if any, shall be transferred from the reserve fund to the benefit fund.

(d) The retirement board is hereby authorized to ac-
possession of the retirement system in this manner or
which may be transferred from the teachers' accumula-
tion fund by reason of the lack of a claimant or because
of a surplus in any of the funds; or any other moneys the
disposition of which is not otherwise provided for shall
be credited to the reserve fund. The retirement board
shall allow interest on the contributions in the teachers'
accumulation fund. Such interest shall be paid from the
reserve fund and credited to the teachers' accumulation
fund. Any deficit occurring in any fund which would
not be automatically covered by the payments to that
fund as otherwise provided by this article shall be met
by payments from the reserve fund to such fund. In the
reserve fund shall be accumulated moneys from retire-
ment board appropriations to pay the accrued liabilities
of the system, caused by the granting of prior service and
disability pensions. Interest payments on board invest-
ments shall be credited to the reserve fund.
(c) The expense fund shall be the fund from which
shall be paid the expense incurred in the administration
of the retirement system.

Sec. 25. Eligibility for Retirement Allowance.—Any
member who has attained the age of sixty years or who
has had thirty-five years of total service as a teacher in
West Virginia, regardless of age, shall be eligible for an
annuity. No new entrant nor present member shall be
eligible for an annuity, however, if either has less than
five years of service to his credit.
Any member who attains the age of sixty-five years
shall retire from service as a teacher: Provided, If the
employer shall so request in writing, the retirement board
may permit the employment of such member beyond the
age of sixty-five.
The request for an annuity shall be made by the mem-
ber in writing to the retirement board, but in case of
retirement for disability, the written request may be
made by either the member or the employer.
A member shall be eligible for annuity for disability,
if he satisfies the conditions in both (a) and (b) as fol-
lows:
(a) His service as a teacher in West Virginia must total at least ten years, and service as a teacher must have been terminated because of disability.

(b) An examination by a physician or physicians selected by the retirement board must show that the member is at the time mentally or physically incapacitated for service as a teacher, that for such service the disability is total and likely to be permanent, and that he should be retired in consequence thereof.

Sec. 26. Allowance upon Retirement.—Upon retirement, a member shall be granted a retirement allowance consisting of an annuity which shall be the sum of the following:

(a) The actuarial equivalent of the contributions and deposits of the member up to the time of his retirement, with regular interest.

(b) The actuarial equivalent of the contributions of the employer up to the time of the member's retirement, which shall equal the sum in subsection (a) of this section minus deposits with regular interest on deposits.

(c) Where prior service credit has been granted, an allowance of one and twenty-five hundredths per cent of the member's average final salary multiplied by the number of years of prior service credited to him.

(d) The actuarial equivalent of the amounts that would have accumulated under subsections (a) and (b) of this section, if the member had contributed to his individual account until he was fifty years old, at the annual rate of his past actual contributions, but this subsection shall apply only as additional income to members who qualify for disability retirement before they are fifty years old.
The disability annuities of all teachers retired for disability shall be based upon a disability table prepared by a competent actuary, approved by the retirement board. For purposes of subsection (c):

(1) An allowance for prior service shall in no case exceed one-half of the member's average final salary.

(2) Average final salary shall in no instance be deemed to exceed the sum of two thousand five hundred dollars, or to be less than seven hundred and twenty dollars.

Sec. 34. Loans to Members.—A member of the retirement system upon written application may borrow from his individual account in the teachers' accumulation fund, subject to these restrictions:

(1) Loans shall be made in multiples of fifty dollars.

(2) Loans to any one member shall not exceed twice his monthly salary, and shall not exceed one-half of his contributions to his individual account in the teachers' accumulation fund.

(3) No member shall be eligible for a loan who served as a teacher thirty years or more, or who has reached the age of fifty-five years.

(4) Interest charged on the amount of the loan shall be six per cent per annum.

(5) If a refund or benefit is payable to the borrower before he repays the loan with interest, the balance due shall be deducted from the benefit or refund.

(6) From his monthly salary as a teacher the member shall pay the loan and interest by uniform deductions in even dollars which will pay the loan and interest in not more than sixteen nor less than six months. Upon notice of loan granted and payment due, the employer shall be responsible for making such salary deductions and reporting them to the retirement board. The deductions shall be collected as prescribed for the collections of member's contributions in this article. If the teacher decides to make the uniform monthly payments while not paid for service as a teacher, the retirement board must accept such payments.

The interest earned on such loans shall be deposited in the expense fund.
CHAPTER 52

(House Bill No. 155—By Mr. Blankenship and Mr. Underwood)

AN ACT to amend and reenact section four, article four, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by section four, article four, chapter eight, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, relating to compensation of county superintendent of schools.

[Passed March 10, 1945; in effect July 1, 1945. Approved by the Governor.]

Article 4. County Superintendent of Schools.

Section 4. Compensation.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Compensation.—The board shall fix the annual salary of the superintendent, but in no case shall the salary be less than twelve hundred dollars per year nor more than the following amounts exclusive of state aid in counties as determined by population figures of the last federal census: Three thousand four hundred dollars in counties with population from one thousand to twenty-nine thousand nine hundred ninety-nine; three thousand six hundred dollars in counties with population from thirty thousand to fifty-nine thousand nine hundred ninety-nine; three thousand eight hundred dollars in counties with population from sixty thousand to eighty-nine thousand nine hundred ninety-nine; four thousand dollars in counties with population from ninety thousand to ninety-nine thousand nine hundred ninety-nine; and five thousand five hundred dollars in counties with population of
Chapter 53

(1945 House Bill 267—By Mr. Ward)

An Act to amend article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, by adding thereto three new sections to be designated sections nineteen-a, nineteen-b and nineteen-c, relating to the authority of county boards of education to establish special classes for war veterans and adults and receive tuitions and fees.

[Passed March 10, 1945; in effect from passage. Approved by the Governor.]

Article 5. District Board of Education.

Section 19-a. Special classes for war veterans; authority of county boards to contract.

Section 19-b. Adult education classes; tuitions; authority of county boards.

Section 19-c. Supervision of veterans and adult education.

Be it enacted by the Legislature of West Virginia:

That article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended by adding thereto three new sections to be designated sections nineteen-a, nineteen-b and nineteen-c, to read as follows:

Section 19-a. Special Classes for War Veterans; Authority of County Boards to Contract.—The board of education of any county shall have authority to enter into contracts of agreement with authorized officials of the “War Veterans’ Administration” for the education of veterans in special classes of the elementary and high schools of the county. By reason of such contracts, the county board of education shall have authority to receive
tuitions, fees and other forms of assistance that may now or
later be made available by act of the congress for the edu-
cation of war veterans. Any funds so accruing to such
board from tuitions, fees or other forms of financial as-
assistance shall be credited to the current expense fund of
the county board of education and reported each year as
of June thirtieth in the manner required for other finan-
cial reports of the board.

Sec. 19-b. **Adult Education Classes; Tuitions; Author-
ity of County Boards.**—The board of education of any
county shall have authority to provide special classes for
adult education and to charge tuition for members of such
classes who are twenty-one years of age or over, such
tuitions not to exceed in any case the actual cost of opera-
tion of such classes. The county board of education shall
also have authority to enter into contracts of agreement
with authorized agencies of the federal government for
the education of adults and to provide, assemble and house
materials and equipment for efficient instruction in any
and all such special classes, employ teachers, and to use
school facilities by way of buildings and equipment un-
der the control of said board. Any funds accruing from
such tuitions shall be credited to the current expense
fund of the county board of education and reported each
year as of June thirtieth in the manner required for
other financial reports of the board.

Sec. 19-c. **Supervision of Veterans and Adult Educa-
tion.**—The state superintendent of schools shall have au-
thority to establish in the state department of education
a division of veteran and adult education, and to provide
for suitable coordination and supervision of such educa-
tional programs as are established under the provisions
of sections nineteen-a and nineteen-b of this article. All
programs established under the preceding sections of this
act shall be under regulations of the state board of edu-
cation.
CHAPTER 54
(Senate Bill No. 186—By Mr. Hall, of Raleigh, and Mr. McKown)

AN ACT to amend and reenact section nine, article three, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to the employment of the state supervisor of colored schools and other assistants and employees.

[Passed March 6, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 3. State Superintendent of Schools.
Section 9. State department of public schools; supervisor of colored schools.

Be it enacted by the Legislature of West Virginia:
That section nine, article three, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, is hereby amended and reenacted to read as follows:

Section 9. State Department of Public Schools; Supervisor of Colored Schools.—For carrying into effect the provisions of this chapter, the state superintendent of schools shall maintain a department of public schools at his office at the state capitol, and he shall have authority to employ assistants and such other employees as may be necessary, including a state supervisor of colored schools.

CHAPTER 55
(House Bill No. 153—By Mr. McVey)

AN ACT to amend article seven, 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 num-
bered two-a, relating to salaries for teachers and teachers' sick leave.

[Passed March 10, 1945; in effect July 1, 1945. Approved by the Governor.]

Article 7. Teachers.

Section 2-a. Teachers' sick leave.

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, as last amended, be amended by adding thereto a new section to be numbered two-a, to read as follows:

Section 2-a. Teachers' Sick Leave.—A county board of education may establish and maintain in the annual budget an item to be known as the teachers' sick leave item. Any funds so set aside shall be used to pay all or any part of the salaries of such substitute teachers as are needed because of the temporary inability of regularly employed teachers to perform their duties. No regularly employed teacher shall receive sick leave salary for more than five days during any one school year. Sick leave time for teachers shall not be accumulative from year to year. The county board of education, if it establishes such an item, shall promulgate rules and regulations covering eligibility of teachers for sick leave compensation and for such other matters as it deems proper in establishing a sick leave item in the annual budget.

CHAPTER 56

(Com. Sub. for Senate Bill No. 200—Originating in the Senate Committee on Education)

AN ACT to amend and reenact sections one, one-a, one-b and one-c, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to membership, eligibility, term of office and organization of county boards of education.
Article 5. District Board of Education.

Section

1. Members; non-partisan nomination and election.
1-a. Eligibility of members.
1-b. Term of office.
1-c. Organization of board of education.

Be it enacted by the Legislature of West Virginia:

That sections one, one-a, one-b and one-c, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and re-enacted to read as follows:

Section 1. Members; Non-partisan Nomination and Election.—Each county school district shall be under the supervision and control of a county board of education, which shall be composed of five members, nominated and elected by the voters of the respective county without reference to political party affiliation. No more than two members shall be elected from the same magisterial district.

Sec. 1-a. Eligibility of Members.—No person shall be eligible for membership on any county board of education who is not a citizen, resident in such county, or who accepts a position as teacher in any school district, or who is an elective member of any political party executive committee, or who becomes a candidate for any other office than to succeed himself.

No member of any board of education shall be eligible for nomination or election to any public office, other than to succeed himself, unless and until after his membership on the board has been terminated at or before the time of his filing for such nomination for, or appointment to, such elective public office.

Sec. 1-b. Term of Office.—At the general election in the year one thousand nine hundred forty-six, one member shall be elected for a term of six years; at the general election in the year one thousand nine hundred forty-eight, two members shall be elected for a term of six
Chapter 57

AN ACT to amend and reenact section four, article nine, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to nonpayment of orders issued by boards of education and liability of sheriff.

[Passed March 9, 1945; in effect ninety days from passage. Approved by the Governor.]
Article 9. School Finances.

Section 4. Nonpayment of order; liability of sheriff.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Nonpayment of Order; Liability of Sheriff.—

If, when an order of any board of education of his county is presented to the sheriff, there are no funds to pay the same, the person entitled to receive the sum of money specified in such order may require the sheriff to endorse thereon, or write across the face thereof, the words “presented for payment”, with the proper date, and sign the same; and the order, if it was due at the time of presentation, shall in such case be payable with legal interest from such date.

Any such order not paid when presented as aforesaid shall again be presented to the sheriff for payment by the person entitled to receive the money thereon, not later than the first day of December after such endorsement, and if not so presented, no further interest shall be allowed or paid on such order thereafter, until such order shall be so presented and endorsed as aforesaid a second time by the sheriff, and in no case shall interest be allowed or paid on such order for the period of time elapsed from the first day of December following the first endorsement of such order by the sheriff and the date when such order is presented for payment or endorsement by the sheriff a second time.

In no event shall any such order issued subsequent to July one, one thousand nine hundred forty-five, bear interest for a longer period than one year and six months from date of its issue. But if the sheriff, having funds to pay the same, fails to pay any proper order of any board of education of his county, properly endorsed, when presented to him during business hours by a person entitled to receive the money therein specified, if the same be then due and payable, he and his sureties, and the personal
33 representatives of such of them as are dead, shall be
34 liable to the person entitled to receive the money due on
35 said order for the whole amount due thereon at the time
36 of such presentation, with legal interest on such amount
37 from that time until payment, and ten per cent on the
38 same amount as damages.

CHAPTER 58

(House Bill No. 169—By Mr. Speaker, Mr. Amos)

AN ACT to repeal article nine, chapter nine, and sections six
and seven, article ten, chapter eighteen of the code of West
Virginia, one thousand nine hundred thirty-one, as
amended, and to amend chapter eighteen of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new article to be design-
nated article ten-a, relating to the vocational rehabilita-
tion of handicapped or disabled persons.

[Passed February 22, 1945; in effect ninety days from passage. Approved by the
Governor.]

Article 10-a. Vocational Rehabilitation.

Section

1. Definitions.
2. State board of vocational education; division of vocational re-
   habilitation.
3. Director of division of vocational rehabilitation.
4. Administration.
5. Cooperation with federal government.
6. Receipt and disbursement of vocational rehabilitation funds.
7. Gifts.
8. Eligibility for vocational rehabilitation.
9. Hearings.
10. Misuse of vocational rehabilitation lists and records.
11. Limitation on political activity.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter nine, and sections six and seven,
article ten, chapter eighteen of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, be re-
pealed, and that chapter eighteen 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 ten-a, to read as follows:

Section 1. Definitions.—As used in this article:

1. “State board” means the state board of vocational education.
2. “Division” means the division of vocational rehabilitation established by this article.
3. “Director” means the director of the division of vocational rehabilitation.
4. “Employment handicap” means a physical or mental condition which constitutes, contributes to, or if not corrected will probably result in, an obstruction to occupational performance.
5. “Disabled individual” means any person who has a substantial employment handicap.
6. “Vocational rehabilitation” and “vocational rehabilitation services” mean any services, provided directly or through public or private instrumentalities, found by the director to be necessary to compensate a disabled individual for his employment handicap, and to enable him to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counselling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, customary occupational tools and equipment, maintenance, and training books and materials.
7. “Rehabilitation training” means all necessary training provided to a disabled individual to compensate for his employment handicap including, but not limited to, manual, pre-conditioning, pre-vocational, vocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities.
8. “Physical restoration” means any medical, surgical or therapeutic treatment necessary to correct or substantially reduce a disabled individual’s employment handicap within a reasonable length of time including,
but not limited to, medical, psychiatric, dental and surgical treatment, nursing services, hospital care not to exceed ninety days, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory conditions.

(9) "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

(10) "Occupational licenses" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in an occupation.

(11) "Maintenance" means money payments not exceeding the estimated cost of subsistence during vocational rehabilitation.

(12) "Regulations" means regulations made by the director with the approval of the state board.

Sec. 2. State Board of Vocational Education; Division of Vocational Rehabilitation.—For the purposes of this article, the state board of education is hereby designated as the state board of vocational education. As such, it is authorized and directed to cooperate with the federal government to the fullest extent in an effort to provide vocational rehabilitation for disabled persons. To this end, there is hereby established in the state board of vocational education a division of vocational rehabilitation.

Sec. 3. Director of Division of Vocational Rehabilitation.—The division shall be administered, under the general supervision and direction of the state board, by a director appointed by such board in accordance with established personnel standards and on the basis of his education, training, experience, and demonstrated ability.

In carrying out his duties under this article the director shall:

(1) Appoint, with the approval of the state board, such personnel as he deems necessary for the efficient performance of the functions of the division.
(2) Establish a merit system of personnel management, or in lieu thereof, avail himself of the services of the state merit system upon payment of a fair share of the expenses of the operation of such system.

(3) Make regulations governing the protection of records and confidential information; the manner and form of filing applications for vocational rehabilitation services, eligibility therefor, and investigation and determination thereof; procedures for fair hearings; and such other matters as may be necessary or desirable in accomplishing the purposes of this article.

(4) Establish, with the approval of the state board, appropriate subordinate administrative units within the division.

(5) Prepare and submit to the state board annual reports of activities and expenditures and, prior to each regular session of the Legislature, estimates of sums required for carrying out the provisions of this article and estimates of the amounts to be made available for this purpose from all sources.

(6) Make requisition for disbursement, in accordance with regulations, of the funds available for vocational rehabilitation purposes.

(7) Take such other action, with the approval of the state board, as may be deemed necessary or appropriate to carry out the purposes of this article.

In addition to the foregoing, the director may, with the approval of the state board, delegate to any officer or employee of the division such of his powers and duties, except the making of regulations and the appointment of personnel, as may be necessary or appropriate for the purposes of this article.

Sec. 4. Administration.—Except as otherwise provided by law, the state board, through the division, shall provide vocational rehabilitation services to disabled individuals determined by the director to be eligible therefor, and for this purpose the division is authorized among other things to:

(1) Cooperate with other departments, agencies and
institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the provisions of this article, such programs, facilities and services as may be necessary or desirable.

(2) Enter into reciprocal agreements with any other state to provide for the vocational rehabilitation of residents of such state.

(3) Conduct research and compile statistics relating to the vocational rehabilitation of disabled individuals.

Sec. 5. Cooperation with Federal Government.—The state board, through the division, shall make agreements or plans to cooperate with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation, and to this end may adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

Sec. 6. Receipt and Disbursement of Vocational Rehabilitation Funds.—The state treasurer is hereby designated as the custodian of all funds received from the federal government under any federal statutes pertaining to vocational rehabilitation. The state treasurer shall make disbursements from such funds and from all state funds available for vocational rehabilitation purposes on warrants of the state auditor, requisitioned as provided in section three of this article.

Sec. 7. Gifts.—The director is hereby authorized and empowered, with the approval of the state board, to accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of this article. Gifts made under such conditions as in the judgment of the state board are proper and consistent with the provisions of this article may be so accepted and shall be held, in-
vested, reinvested, and used in accordance with the conditions of the gift.

Sec. 8. Eligibility for Vocational Rehabilitation.—Vocational rehabilitation services shall be provided to any disabled individual who is a resident of the state at the time of filing his application therefor, if the director after full investigation shall determine that his rehabilitation can be satisfactorily achieved. Such services shall also be provided to any person who is eligible therefor under the terms of an agreement with another state or with the federal government.

Except as otherwise provided by law or as specified in an agreement with the federal government with respect to classes of individuals certified to the state board thereunder the following rehabilitation services shall be provided at public cost only to disabled individuals found to require financial assistance with respect thereto:

1. Physical restoration.
2. Transportation, for any other purpose than that of determining the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary.
3. Occupational licenses.
5. Maintenance.
6. Training books and materials.

The rights of a disabled individual under the provisions of this article shall not be transferable or assignable at law or in equity.

Sec. 9. Hearings.—Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the division shall be entitled, in accordance with regulations, to a fair hearing by the state board.

Sec. 10. Misuse of Vocational Rehabilitation Lists and Records.—It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program and in accordance with regulations, for any person or persons to solicit, disclose, re-
receive, or make use of, or authorize, knowingly permit,
participate in, or acquiesce in the use of, any list of, or
names of, or any information concerning, persons apply-
ning for or receiving vocational rehabilitation, directly or
indirectly derived from the records, papers, files, or com-
munications of the state or subdivisions or agencies there-
of, or acquired in the course of the performance of offi-
cial duties.

Any person who violates any of the provisions of this
section shall be guilty of a misdemeanor, and upon con­
viction thereof shall be fined not less than fifty dollars nor
more than five hundred dollars, or imprisoned for not less
than thirty days nor more than ninety days, or both
such fine and imprisonment, in the discretion of the court.

Sec. 11. Limitation on Political Activity.—No officer or
employee engaged in the administration of the voca-
tional rehabilitation program shall use his official author-
ity or influence or permit the use of the vocational reha-
bilitation program for the purpose of interfering with an
election or affecting the result thereof or for any partisan
political purpose. No such officer or employee shall take
an active part in the management of political campaigns
or participate in any political activity, except that he
shall retain the right to vote as he may please and to ex-
press his opinions as a citizen on all subjects. No such
officer or employee shall solicit or receive, nor shall any
such officer or employee be obliged to contribute or ren-
der, any service, assistance, subscription, assessment, or
contribution for any political purpose. Any officer or em-
ployee violating this provision shall be discharged.

CHAPTER 59

(Senate Bill No. 67—By Mr. Bowling, by request)

AN ACT to amend and reenact section nine, article five, chapter
three of the code of West Virginia, one thousand nine hun-
dred thirty-one, as amended, relating to the appointment
of election boards for general and special elections.
Article 5. Conducting Election; Ascertaining and Certifying the Result.

Section 9. Appointment of commissioners and clerks.

Be it enacted by the Legislature of West Virginia:

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

Section 9. Appointment of Commissioners and Clerks.—
2 The county court of each county shall hold a regular or special session at the courthouse of the county on the first Tuesday of the month next preceding the date on which any election is to be held and appoint three commissioners and two clerks to hold the election in each precinct in the county, to be selected from the two political parties which at the last preceding election cast the highest and second highest number of votes in this state:

Provided, however, That for every precinct in which there are three hundred, but not more than four hundred, registered voters, there may be two boards of election officers, and for all precincts in which there are more than four hundred registered voters, there shall be two boards of election officers, and where two boards are used, each board shall consist of three election commissioners and two poll clerks, one of which boards shall be designated the "receiving board" and the other the "counting board", and not more than two commissioners and one poll clerk of each board shall be appointed from the same political party. If, at any time before or during the session of the county court, the county executive committee of either or both of the political parties, from which commissioners and clerks of election are to be selected, shall file with or present to the county court a writing signed by them, or by the chairman or secretary of such committee on their behalf, requesting the appointment of a member and of one clerk of each board of the political party for which such committee, chairman or secretary is acting, and des-
ignating persons who are qualified under this article for such appointment for each election precinct in the county, the county court shall appoint the persons so designated. If any person appointed receiving commissioner or clerk of election shall fail to appear at the voting place at the hour for opening the polls, the remaining commissioner or commissioners of election of the political party to which the absentee belongs shall select another commissioner or clerk, as the case may be, of such political party. But if the qualified voters of his party present at the polls shall nominate a voter of his party qualified to act under the provisions of this section, such nominee shall be appointed. If none of the receiving commissioners of the election or poll clerks shall appear at the voting place at the hour appointed for opening the polls, the qualified voters present, being at least ten in number, of the political party which cast the highest number of votes in the county at the last preceding election, shall select two commissioners and one clerk and those of the political party which cast the next highest number of votes in the county at such election shall select one commissioner and one clerk of the receiving board of such precinct, and the persons so selected shall constitute the receiving board for the precinct. A vacancy or vacancies on the counting board shall be filled in the manner herein provided for filling a vacancy or vacancies on the receiving board, except that such vacancy or vacancies shall be determined and filled as of the hour appointed in this chapter for the counting board to attend at the polls. Any commissioner of election acting at any election precinct is hereby empowered and authorized to administer oaths and to take and certify affidavits in relation to any matter or thing required or permitted to be done by any of the provisions of this article in conducting and holding the election.
CHAPTER 60

(Senate Bill No. 66—By Mr. Bowling, by request)

AN ACT to amend and reenact section fifteen, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to the appointment of election boards for primary elections.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]


Section 15. Commissioners and clerks for primary.

Be it enacted by the Legislature of West Virginia:

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

Section 15. Commissioners and Clerks for Primary.—2 The county court of every county shall hold a regular or special session at the courthouse of the county on the second Tuesday of the month preceding that in which any primary election is to be held, and shall appoint for each precinct in the county three commissioners of election and two poll clerks, who shall be legal voters in the magisterial district in which such precinct is located. Such commissioners and poll clerks shall be persons of good standing and character and not addicted to drunkenness. They shall be selected from the two political parties which, at the last preceding general election, cast the highest and next highest number of votes in the county in which the election is to be held, and not more than two of such commissioners or one clerk shall belong to the same political party: Provided, however, That for every precinct in which there are three hundred but not more than four hundred registered voters, there may be two boards of election officers, and for all precincts in which there are more than four hundred registered voters, there shall be two boards of election officers, and where two
boards are used, each board shall consist of three election commissioners and two poll clerks, one of which boards shall be designated the "receiving board" and the other the "counting board", and not more than two commissioners and one poll clerk of each board shall be appointed from the same political party. If, at any time prior to or during such session, the county executive committee of either political party from which such commissioners of election and poll clerks are to be selected or appointed, as herein provided, shall present to such court a writing signed by them, or by the chairman or secretary of such committee on their behalf, requesting the appointment of a qualified voter of their political party, for commissioner and/or poll clerk, who is otherwise qualified to act as such under the provisions of this chapter, it shall be the duty of the county court to appoint the person so named in such writing as such commissioner and/or poll clerk. No person shall be eligible to appointment as commissioner or poll clerk, or in any way to act as such, who has anything of value bet or wagered on the result of such primary election, or has received a promise, agreement or understanding that he is to receive appointment as deputy by any candidate to be voted for at such primary election, or has any agreement, understanding or arrangement that he shall receive any sum of money or any portion of the salary, fees or emoluments of any office, for which any candidate is to be voted for at such primary election, should such candidate be nominated at such primary election and elected to such office at the ensuing general election, or who is a candidate to be voted for at such primary election.

If any of the commissioners of election and poll clerks of the receiving board so selected shall fail to appear at the hour appointed for the opening of the polls, the remainder of the commissioners of such board may select a commissioner and poll clerk, if necessary, who shall be of the same political party as the absent commissioner or poll clerk; but if the qualified voters of the party of such absent commissioner or poll clerk, present at the opening of the polls, shall nominate a voter, having the qualifica-
tions to act under the provisions of this section, for com-
missioner or poll clerk, or both if necessary, such nominee
or nominees shall be appointed. If none of the commis-
missioners of election or poll clerks of such board appear
at the hour appointed for opening the polls, the qualified
voters present, being at least ten in number, shall elect
three commissioners of election and two poll clerks for
such board to act in their stead, by a viva voce vote; not
more than two of such commissioners and one poll clerk
for such board shall belong to or be elected by the voters
of the same political party. A vacancy or vacancies on
the counting board shall be filled in the manner herein
provided for filling a vacancy or vacancies on the receiv-
ing board, except that such vacancy or vacancies shall be
determined and filled as of the hour appointed in this
chapter for the counting board to attend at the polls.
A list of all commissioners and poll clerks appointed by
the county court as herein provided, shall be published
in two newspapers of general circulation in the county,
of opposite politics, if such there be, for at least two weeks
prior to such primary election.

CHAPTER 61
(House Bill No. 162—By Mrs. Walker and Mr. McClung)

AN ACT to amend and reenact section thirty-three, article
five, chapter three of the code of West Virginia, one thou-
sand nine hundred thirty-one, relating to the duties of the
county courts as canvassing boards, and providing for the
canvassing of the vote of elections in their counties; the
certification of the result thereof; the manner of recounting
same; hearing contests thereof, and providing for bond
to guarantee the costs and expenses thereof where no
change in the result is made.

[Passed February 23, 1945; in effect ninety days from passage. Approved by the
Governor.]
Article 5. Conducting Election; Ascertaining and Certifying the Result.

Section 33. Canvassing board.

Be it enacted by the Legislature of West Virginia:

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

Section 33. Canvassing Board.—The commissioners of the county court shall be ex officio a board of canvassers, and, as such, shall keep in a well-bound book, marked "election record", a complete record of all their proceedings in ascertaining and declaring the result of every election in their respective counties. They shall convene as such canvassing board at the courthouse on the fifth day (Sundays excepted) after every election held in their county, or in any district thereof, and the officers in whose custody the ballots, poll books, tally sheets and certificates have been placed shall lay the same before them for examination. They may, if deemed necessary, require the attendance of any of the commissioners, poll clerks or other persons present at the election, to appear and testify respecting the same, and make such other orders as shall seem proper, to procure correct returns and ascertain the true result of the election in their county; but in such case all the questions to the witnesses and all the answers thereto, and evidence, shall be taken down in writing and filed and preserved. All orders made shall be entered upon the record. They may adjourn from time to time, but no longer than absolutely necessary, and, when a majority of the commissioners are not present, their meeting shall stand adjourned until the next day, and so from day to day, until a quorum be present. The board, before proceeding to canvass the returns of the election, shall open each sealed package of ballots so laid before them, and, without unfolding them, count the number in each package and enter the same upon their record. The ballots shall then be again sealed up carefully in a new envelope, and each member
of the board shall write his name across the place where
such envelope is sealed. After canvassing the returns of
the election, the board shall, upon the demand of any
candidate voted for at such election, open and examine
any one or more of the sealed packages of ballots, and
recount the same; but in such case they shall seal the
same again, along with the envelope above named, and
the clerk of the county court and each member of the board
shall write his name across the place or places where
it is sealed, and indorse in ink, on the outside: "Ballots
of the election held at precinct No. _______, in the district
of ____________________, and county of ___________________,
on the _____ day of _________________.": Provided,
That the board shall require every candidate who demands
such recount to furnish bond in a reasonable amount
with good and sufficient surety to guarantee payment
of the costs and the expenses of such recount in the event
the result of the election be not changed by such recount;
but the amount of such bond shall in no case exceed three
hundred dollars. When they have made their certificates
and declared the results as hereinafter provided, they shall
deposit the sealed packages of ballots, poll books, tally
sheets, and precinct certificates, with the clerks of the
county and circuit courts from whom they were re-
ceived, who shall carefully preserve the same for sixty
days, and if there be no contest pending as to any such
election, and their further preservation be not required
by any order of a court, such ballots, poll books, tally
sheets and certificates shall be destroyed by fire or other-
wise, without opening the sealed packages of ballots; and
if there be such contest pending, then they shall be so
destroyed as soon as the contest is ended. If the result
of the election be not changed by such recount, the costs
and expenses thereof shall be paid by the party at whose
instance the same was made.
CHAPTER 62

(Com. Sub. for House Bill No. 208—Originating in the House Committee on the Judiciary)

AN ACT to repeal section twenty-five, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact sections sixteen, seventeen, thirty-three, thirty-eight and forty-seven of such article and chapter, all relating to the registration of voters.

[Passed March 9, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 2. Registration of Voters.

Section 16. Appointment of registrars; qualifications and duties.

Section 17. Salary of registrars.

Section 25. Repealed.

Section 33. Transfers.

Section 38. Time of hearings before county court.

Be it enacted by the Legislature of West Virginia:

That section twenty-five, article two, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that sections sixteen, seventeen, thirty-three, thirty-eight and forty-seven of such article and chapter be amended and reenacted to read as follows:

Section 16. Appointment of Registrars; Qualifications and Duties.—The county court of each county shall, not less than twelve nor more than fourteen weeks prior to the date of any state-wide primary or general election, appoint for each magisterial district of its county not more than ten nor less than two competent persons to act as registrars therein. No person shall be eligible to appointment as a registrar, or in any way act as such if he has been convicted of a felony or if he holds any elective or appointive office, or is a public employee, under the laws of this state or of the United States; or cannot read or write the English language; or is a candidate to be voted for at such election. If any such registrar shall fail or refuse to serve or is properly dismissed, the vacancy shall be
filied either by the county court or by the clerk thereof
in vacation, in the manner provided for the appointment
of registrars. Each registrar before entering upon the
discharge of his duties, shall take an oath that he will
perform the duties of the office to the best of his ability,
which oath shall be filed in the office of the clerk of the
county court. An equal number of such registrars shall
be selected from the political parties which at the last
preceding election cast the highest and next highest
number of votes in the county in which the election is to
be held. The county executive committees of the two po-

titical parties may, not less than one hundred twenty days
before any election for which registrars are to be ap-
pointed, submit to the county court, or to the clerk there-
of in vacation, a list of names of persons qualified to vote
in each district of said county, and who are qualified to
act as registrars therein; and the county court shall, if
such lists are submitted, appoint the respective registrars
therefrom. Every such list so presented shall be filed and
preserved for one year by the clerk of such court in his
office. The registrars shall sit at the places, dates and
hours, hereafter provided for, for the purpose of regis-
tering voters, and for the purpose of altering, correcting,
changing, and amending the registration records of any
voter so desiring to have his registration record altered,
corrected, changed or amended.

Before acting, all such registrars shall attend a session,
or sessions, of instruction by the clerk of the county court,
or some person designated by him, concerning the per-
formance of their duties. For his attendance at such ses-
don, or sessions, not to exceed three in number, each
registrar shall be entitled to one day's compensation for
each day he attends.

The county court shall designate the places, the dates
and the hours of sittings by registrars in each magisterial
district and cause notice thereof to be placed in at least
five conspicuous places in each precinct within the area
served, not less than five days prior to the first sitting
in such area. The places designated must be reasonably
accessible to the members of the public residing in the
area to be served. The dates of such sittings shall be fixed
so as to commence on the eighth Monday preceding any
state-wide primary or general election. In any magis-
terial district having a voting population of less than
fifteen thousand, the total number of days on which regis-
trars shall sit shall be not less than four, and in all other
districts, not less than ten. For the convenience of the
public, the court shall so arrange the schedule of hours
that at all times not less than two registrars of opposite
political parties shall sit together between the hours of
nine in the morning and five in the afternoon on the first
day and each alternate day thereafter, and between the
hours of three in the afternoon and ten at night on the
second day and each alternate day thereafter.

Sec. 17. Salary of Registrars.—Each registrar appointed
as provided in the preceding section shall, for the per-
formance of his duties, be paid not less than three dollars
nor more than seven dollars a day, at the discretion of
the county court, and in addition thereto five cents for
each mile necessarily traveled in the performance of such
duties. Any part or all of the salary and mileage of any
registrar may be withheld until the duties of the registrar
have been fulfilled.

Sec. 25. Quadrennial Check-up.—This section is re-
pealed.

Sec. 33. Transfers.—Whenever a voter removes his
residence from one place to another within the same
county he shall request that the change be made on his
registration record. Such request shall be made by filling
in, and, if he is able, signing under oath or affirmation
the necessary form, which may be procured in person or
by mail from the office of the clerk of the county court.
The form of such notice shall be prescribed by the secre-
tary of state.

Upon receipt of such notice the clerk of the county
court shall cause the signature thereon to be compared
with the signature of the applicant upon his registration
card and, if such signatures correspond, shall make entry
of such change of residence upon all the registration rec-
ords and the necessary transfers in the files. If the clerk
16 of the county court is not satisfied as to the genuineness
17 of the signature of the notice of change of residence, and
18 if the right of such applicant to register is challenged, ac-
19 cording to the procedure hereinbefore prescribed, such
20 transfer shall not be made.

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, but no such hearings shall be held within
the twenty days immediately preceding the election in
which the person whose registration is affected seeks to
vote.

Sec. 47. *Withholding of Information; Penalties.*—Any
person who neglects or refuses to furnish to the secretary
of state, the county court, or the clerk of the county court
any information which they are authorized to obtain in
connection with registration, or to exhibit any records,
papers, or documents herein authorized to be inspected
by them, shall be guilty of a misdemeanor, and upon con-
viction thereof shall be fined not more than one thousand
dollars, or confined in the county jail for not more than
one year, or both, at the discretion of the court.

### CHAPTER 63

(Senate Bill No. 93—By Mr. Allen and Mr. Young)

AN ACT to amend chapter nineteen of the code of West Vir-
ginia, one thousand nine hundred thirty-one, by adding
thereto a new article, numbered eleven-a, requiring the
enrichment of flour and bread to meet certain standards of
vitamin and mineral content, prescribing the method of
enrichment, and fixing penalties for violation of the pro-
visions of said article.

[Passed March 3, 1945; in effect ninety days from passage. Approved by the
Governor.]
Article 11-a. Vitamin and Mineral Enrichment of Flour and Bread.

Section
1. Definitions.
2. Enrichment of flour required; exceptions as to flour sold to distributors, bakers or other processors.
3. Vitamin and mineral content of white bread or rolls.
4. Enforcement of article; powers of commissioner; rules and regulations.
5. Penalties for violation of article; inconsistent acts repealed; provisions severable.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Definitions.—When used in this article, unless the context otherwise requires:
(a) “Flour” includes and shall be limited to the foods commonly known in the milling and baking industries as (1) white flour, also known as wheat flour or plain flour; (2) bromated flour; (3) self-rising flour, also known as self-rising white flour or self-rising wheat flour, and (4) phosphated flour, also known as phosphated white flour or phosphated wheat flour, but excludes whole wheat flour and also excludes special flours not used for bread, roll, bun or biscuit baking, such as specialty cake, pancake and pastry flours.
(b) “White bread” means any bread made with flour as defined in paragraph (a) whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread.
(c) “Rolls” includes plain white rolls and buns of the semi-bread dough type, namely: Soft rolls, such as hamburger rolls, hot dog rolls, Parker House rolls, and hard rolls, such as Vienna rolls, Kaiser rolls, but shall not include yeast-raised sweet rolls or sweet buns made with fillings or coatings, such as cinnamon rolls or buns and butterfly rolls.
(d) “Commissioner” means the commissioner of agriculture.
(e) "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or any group of persons whether incorporated or not, engaged in the commercial manufacture or sale of flour, white bread or rolls.

Sec. 2. Enrichment of Flour Required; Exceptions as to Flour Sold to Distributors, Bakers or Other Processors.—It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale, for human consumption in this state, flour as defined in section one of this article, unless the following vitamins and minerals are contained in each pound of such flour: not less than two (2) and not more than two and five-tenths (2.5) milligrams of thiamine; not less than one and two-tenths (1.2) and not more than one and five-tenths (1.5) milligrams of riboflavin; not less than sixteen (16) and not more than twenty (20) milligrams of niacin or niacin-amide; not less than thirteen (13) and not more than sixteen and five-tenths (16.5) milligrams of iron (Fe); except in the case of self-rising flour, which in addition to the above ingredients shall contain not less than five hundred (500) and not more than fifteen hundred (1500) milligrams of calcium (Ca): Provided, however, That the provisions of this section shall not apply to flour sold to distributors, bakers or other processors, if the purchaser furnishes to the seller a certificate in such form as the commissioner shall by regulation prescribe, certifying that such flour will be (1) resold to a distributor, baker or other processor, or (2) used in the manufacture, mixing or compounding of flour, white bread or rolls enriched to meet the requirements of this article, or (3) used in the manufacture of products other than flour, white bread or rolls. It shall be unlawful for any such purchaser so furnishing any such certificate to use or resell the flour so purchased in any manner other than as prescribed in this section: Provided further, That the provisions of this section shall not apply to non-commercial flour manufactured by small flour mills, located in this state, for persons from wheat harvested in this state, or to any other flour produced and sold at retail by such mills.
Sec. 3. Vitamin and Mineral Content of White Bread or Rolls.—It shall be unlawful for any person to manufac-
ture, bake, sell, or offer for sale, for human consumption in this state, any white bread or rolls, as defined in section one of this article, unless the following vitamins and minerals are contained in each pound of such bread or rolls: Not less than one and one-tenth (1.1) and not more than one and eight-tenths (1.8) milligrams of thiamine; not less than seven-tenths (0.7) and not more than one and six-tenths (1.6) milligrams of riboflavin; not less than ten (10.0) and not more than fifteen (15.0) milligrams of niacin; and not less than eight (8.0) and not more than twelve and five-tenths (12.5) milligrams of iron (Fe).

Sec. 4. Enforcement of Article; Powers of Commissioner; Rules and Regulations.—(a) The commissioner is hereby charged with the duty of enforcing the provisions of this article and he is hereby authorized and directed to make, amend or rescind rules, regulations and orders for the efficient enforcement of this article.

(b) Whenever the vitamin and mineral requirements set forth in sections two and three of this article are no longer in conformity with the legally established standards governing the interstate shipment of enriched flour and enriched white bread or enriched rolls, the commissioner, in order to maintain uniformity between the intrastate and interstate vitamin and mineral requirements for the foods within the provisions of this article, and to maintain and protect the health of the citizens of this state, is authorized and directed to modify or revise such requirements to conform with amended standards governing interstate shipments, and there shall be a presumption that the amended standards governing interstate shipments do actually represent the standards which will promote the health and well-being of such citizens.

(c) In the event of findings by the commissioner that there is an existing or imminent shortage of any ingredient required by sections two or three of this article, and that because of such shortage the sale and distribution of flour or white bread or rolls may be impeded by
the enforcement of this article, the commissioner shall is­

sue an order, to be effective immediately upon issuance,

permitting the omission of such ingredient from flour or

white bread or rolls; and if he finds it necessary or ap­

propriate, excepting such foods from labeling require­

ments until the further order of the commissioner. Any

such findings may be made without hearing, on the basis

of an order or of factual information supplied by the

appropriate federal agency or officer. In the absence of

any such order of the appropriate federal agency or

factual information supplied by it, the commissioner on

his motion may, and upon receiving the sworn statement

of ten or more persons subject to this article that they be­

lieve such a shortage exists or is imminent, shall, within

twenty days thereafter, hold a public hearing with re­

spect thereto at which any interested person may present

evidence; and shall make findings based upon the evi­
dence presented.

Whenever the commissioner has reason to believe that

such shortage no longer exists, he shall hold a public

hearing, at which any interested person may present evi­
dence, and he shall make findings based upon the evi­
dence so presented. If his findings be that such shortage

no longer exists, he shall issue an order to become effec­
tive not less than thirty days after date of issuance, re­
voking such previous order: Provided, however, That un­
disposed floor stocks of flour on hand at the effective date

of such revocation order, or flour manufactured prior to

such effective date, for sale in this state, may thereafter

be lawfully sold or disposed of.

(d) All orders, rules and regulations adopted by the

commissioner pursuant to this article, and, within the

limits specified by this article, shall become effective upon

such date as the commissioner shall fix.

(e) It shall be the duty of the commissioner to furnish

to any person or organization, filing a written request for

such information, a copy of any and all orders, rules or

regulations, adopted pursuant to this article, at least ten

days prior to the effective date of such orders, rules or

regulations, and to make copies of same available to the

press. In case any interested person files written ob-
68 objections to any proposed order, rule or regulation, the
69 commissioner shall give an opportunity for a public hear-
70 ing upon such order, rule or regulation, before the same
71 shall become effective.
72 (f) For the purpose of this article, the commissioner,
73 or such officers or employees under his supervision as he
74 may designate, is authorized to take samples for analysis
75 and to conduct examinations and investigations, and to
76 enter, at reasonable times, any factory, mill, bakery, ware-
77 house, shop or establishment where flour, white bread or
78 rolls are manufactured, processed, packed, sold or held,
79 or any vehicle being used for the transportation thereof,
80 and to inspect any such place or vehicle and any flour,
81 white bread or rolls therein, and all pertinent equipment,
82 materials, containers and labeling.

Sec. 5. Penalties for Violation of Article; Inconsistent
2 Acts Repealed; Provisions Severable.—Any person who
3 violates any of the provisions of this article or the orders,
4 rules or regulations promulgated by the commissioner
5 under authority thereof, shall be guilty of a misdemeanor
6 and, upon conviction thereof, shall be fined for each and
7 every offense, a sum of not less than twenty-five
8 dollars nor more than two hundred dollars, or im-
9 prisoned not to exceed sixty days, or both fined and
10 imprisoned, within the discretion of the court. Justices of
11 the peace shall have jurisdiction to try cases involving
12 violations of any provision of this article, or of the orders,
13 rules and regulations promulgated by the commissioner
14 under authority thereof.
15 All acts and parts of acts inconsistent with the pro-
16 visions of this article are hereby repealed to the extent of
17 such inconsistency.
18 If any part of this article is declared unconstitutional
19 by a court of competent jurisdiction, its decision shall not
20 affect any portion of the article which remains, but the
21 remaining portions of the article shall be in full force
22 and effect as if the portions declared unconstitutional had
23 never been a part of the article.
CHAPTER 64
(Com. Sub. for House Bill No. 141—Originating in the House Committee on the Judiciary)

AN ACT to amend and reenact section twenty-four, article one, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to the fixing of standard weights for containers for wheat and corn flours, corn meals, hominy and hominy grits; labeling packages with quantity; and defining "package".

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 1. Weights and Measures.

Section 24. Standard weights for sale of wheat and corn flours, corn meals, hominy and hominy grits in packages; labeling package with quantity; "package" defined.

Be it enacted by the Legislature of West Virginia:

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

Section 24. Standard Weights for Sale of Wheat and Corn Flours, Corn Meals, Hominy and Hominy Grits in Packages; Labeling Package with Quantity; "Package" Defined.—It shall be unlawful for any person, partnership, corporation, company, cooperative society, or organization to pack for sale, sell, offer or expose for sale in this state any of the following commodities except in containers of net avoirdupois weights of two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) pounds, and multiples of one hundred (100) pounds: Wheat flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meals, hominy and hominy grits: Provided, however, That the provisions hereof shall not apply to (a) the retailing of flours, meals, hominy and hominy grits direct to the consumer from bulk stock, or (b) the sale of flours and
18 meals to commercial bakers or blenders or for export
19 in containers of more than one hundred (100) pounds,
20 or (c) flours, meals, hominy and hominy grits packed in
21 cartons the net contents of which are less than five (5)
22 pounds, or (d) the exchange of wheat for flour by mills
23 grinding for toll.
24 It shall also be unlawful to keep for the purpose of
25 sale, offer or expose for sale, or sell any commodity in
26 package form unless the net quantity of the contents be
27 plainly and conspicuously marked on the outside of the
28 package, in terms of weights, measures, or numerical
29 count: Provided, however, That reasonable variations or
30 tolerances and also exemptions as to small packages shall
31 be established by rules and regulations made by the com-
32 missioner of weights and measures: Provided fur-
33 ther, That this section shall not be construed to apply to
34 medicinal articles and to those commodities in packages
35 the manner of sale of which is specifically regulated by
36 the provisions of other sections of this article.
37 The word “package” as used in this section shall be
38 construed to include the package, carton, case, basket,
39 can, box, barrel, half barrel, hamper, keg, drum, jug,
40 jar, crock, bag, pail, wrapping parcel, package, bottle,
41 phial, or other receptacle put up by the manufacturer;
42 or, when put up prior to the order of the commodity, by
43 the vendor; which may be labeled, branded, stenciled
44 or otherwise marked, or which may be suitable for label-
45 ing, branding, stenciling, or marking otherwise, making
46 one complete package of the commodity. The word
47 “package” shall be construed to include both the whole-
48 sale and the retail package: Provided, That a box or car-
49 ton used for shipping purposes containing a number of
50 similar packages which are individually marked, as here-
51 inbefore provided, will not be required to bear the
52 weight or measure of contents.
CHAPTER 65
(Senate Bill No. 144—By Mr. Bambrick)

AN ACT authorizing and empowering the conservation commission of the state of West Virginia to lease a camp site within the Tomlinson's Run state park, in Clay district of Hancock county, to the Boy Scouts of America for the purpose of constructing, erecting and maintaining a boy scout camp therein.

[Passed February 23, 1945; in effect from passage. Approved by the Governor.]

Section 1. Conservation commission authorized to lease a camp site in the Tomlinson's Run state park to the Boy Scouts of America.

Be it enacted by the Legislature of West Virginia:

Section 1. Conservation Commission Authorized to Lease a Camp Site in the Tomlinson's Run State Park to the Boy Scouts of America.—The conservation commission of the state of West Virginia is hereby authorized and empowered to lease a camp site within the confines of the Tomlinson's Run state park, situated in Clay district, Hancock county, West Virginia, to the Boy Scouts of America for the purpose of constructing, erecting and maintaining a boy scout camp therein for the exclusive use of said Boy Scouts of America; and said conservation commission of the state of West Virginia is hereby authorized and empowered to enter into such lease agreement with the Boy Scouts of America under such terms and conditions as the commission shall deem proper. No such lease shall be for any period longer than ninety-nine years.

CHAPTER 66
(House Bill No. 295—By Mr. McElwee)

AN ACT to provide for distribution by the state of West Virginia of funds received from the United States on account of re-
receipts from national forests, in accordance with acts of congress relative thereto.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 1. Disposition of funds received from the federal government on account of receipts from national forests.

Be it enacted by the Legislature of West Virginia:

Section 1. Disposition of Funds Received from the Federal Government on Account of Receipts from National Forests.—That receipts from any one national forest, paid to the state of West Virginia or its proper officers, pursuant to directions of acts of congress, shall be allocated by the auditor to each county which has acreage located in such one national forest, in the proportion which the acreage in such county bears to the total acreage of such national forest in this state. Following such allocation, funds so allocated to any county shall be paid to the sheriff and be deposited in the general county fund to be used for general expenses and purposes as may be directed by the county court.

CHAPTER 67

(House Bill No. 309—By Mr. Hall and Mr. Doringer)

AN ACT to amend and reenact section ten, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to financial assistance for forestry purposes.

[Passed March 9, 1945; in effect July 1, 1945. Approved by the Governor.]

Article 9. Forests.

Section 10. Financial assistance from owners of forest lands; expenditures by commission.
Be it enacted by the Legislature of West Virginia:

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

Section 10. Financial Assistance from Owners of Forest Lands; Expenditures by Commission.—The commission may cooperate with the owners of forest lands and receive financial assistance from them for the purposes aforesaid and do any and all things necessary therefor, including the establishment and maintenance of patrol and lookout stations: Provided, That the commission shall expend for forestry purposes only such moneys as shall be appropriated therefor by the state, and such moneys as may be contributed therefor by the private owners, and such moneys as may be recovered from persons giving origin to forest fires, and such moneys as may be received from the federal government by appropriation under the Weeks and the Clarke-McNary laws, or otherwise; and in addition for the aforementioned purposes, shall provide twenty per cent of the funds derived annually from the sale of game and fish licenses.

CHAPTER 68
(House Bill No. 2—By Mr. Cavender)

AN ACT to permit members of the armed forces to hunt or fish without license while on leave or furlough.

[Passed March 2, 1945; in effect from passage. Approved by the Governor.]

Section 1. Hunting and fishing licenses not required of members of armed forces.

Be it enacted by the Legislature of West Virginia:

Section 1. Hunting and Fishing Licenses Not Required of Members of Armed Forces.—All members of the armed
forces of the United States of America shall have the rights and privileges of hunting and fishing in season without state or county hunting and fishing licenses while on leave or furlough. Leave or furlough papers shall serve in lieu of regularly issued state hunting and fishing license, in any county within the state of West Virginia.

CHAPTER 69

(Senate Bill No. 209—By Mr. Bowling)

AN ACT to amend and reenact sections three and three-a, article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to add section three-b to said article four, relating to the deer of the state.

[Passed March 10, 1945; in effect May 1, 1945. Approved by the Governor.]

Article 4. Game and Fur-Bearing Animals.

Section

3. Hunting deer; report to director; tagging; penalties.
3-a. Dogs chasing deer.
3-b. Permit to kill deer causing damage to cultivated crops, fruit trees or commercial nurseries; penalties.

Be it enacted by the Legislature of West Virginia:

That sections three and three-a, article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section three-b be added to said article four, all to read as follows:

Section 3. Hunting Deer; Report to Director; Tagging; Penalties.—No person shall hunt, capture or kill any deer in this state except in open season, or as provided under section three-b of this article. A licensed person may hunt, capture or kill a buck deer with one or both antlers branched, or an antlerless deer, but only during the open season fixed by the conservation commission for the
Counties or parts thereof. The provisions of this section shall not apply to a licensed owner of deer which are kept in a park or field sufficiently enclosed reasonably to prevent escape therefrom.

No person shall:

1. Kill more than one deer in any one open season of the year;
2. Hunt, pursue, shoot or kill any fawn, doe or deer other than a buck with one or both antlers branched, except in such counties or parts thereof as may be declared open to the taking of antlerless deer by the conservation commission, or as may be authorized under section three-b of this article. Antlerless deer seasons may be established by the conservation commission when deemed necessary due to over-populations of deer, extreme crop damages, unbalanced sex ratios, or other unusual conditions in various counties or parts thereof;
3. Have in his possession the fresh skin or any other part of an illegally killed doe, fawn or buck deer;
4. Chase or hunt deer with dogs;
5. Kill a deer that is being chased by, or is fleeing from dogs;
6. Catch, capture or kill any deer by means of poison baits; salt lick, natural or artificial; trap or snare; or devices of any kind;
7. Hunt, pursue, catch or kill a deer between sunset on one day and sunrise of the next day;
8. Kill or wound a deer while the deer is in a stream, lake or pond;
9. Participate further in the hunt after he has killed his legal limit of deer if he has firearms of any description in his possession;
10. Hunt deer with a shotgun using ammunition loaded with more than one solid ball, or rifle using rim fire ammunition of less than twenty-five calibre.

A person who kills or wounds a deer by accident, such as by striking it with an automobile, or has knowledge that a deer is in distress for any reason whatever, shall promptly notify a game protector or other proper officer of the fact.
Any person who kills a legal deer during the open season shall, within twenty-four hours after the kill is made, securely attach, or have attached, to its head, an official tag furnished by the commission. No such deer shall be tagged unless the head is attached in a natural way to the carcass of said deer. The director shall furnish such official tags and shall distribute them to game protectors, county clerks, sheriffs, state police and other qualified officers. The tag shall specify the date and place of killing, the person by whom killed, the person, or persons hunting with him at the time, and the length and branching of horns or antlers. The person who killed the deer shall mail a duplicate of the tag to the director within five days after the deer is killed. The deer shall not be removed from the county where killed until the tag is attached, and is checked and countersigned by a game protector or other duly authorized officer or agent of the director.

Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred nor more than three hundred dollars, and confined in the county jail not less than thirty days, nor more than ninety days: Provided, however, That any person who kills a deer illegally during the open season therefor, and voluntarily reports same to a game protector or other officer, shall be fined not less than fifty dollars nor more than one hundred dollars.

Sec. 3-a. Dogs Chasing Deer.—No person shall permit his dogs to hunt or chase deer.

A game protector, or other duly authorized officer, shall take into possession any dog known to have hunted or chased deer, and shall advertise in a newspaper of general circulation in the county that he has the dog in his possession, giving a description of the dog and stating the circumstances under which it was taken. He shall hold the dog for a period of ten days, and shall report the facts in full to the director.

If, within ten days, the owner does not claim the dog, the game protector or other officer shall destroy it. In
13 this event, the cost of keep and advertising shall be paid
14 by the director.
15 If, within ten days, the owner claims the dog, he may
16 repossess it on the payment of the costs of advertising
17 and the cost of keep, not exceeding fifty cents per day.
18 A game protector, or other duly authorized officer, af-
19 ter a bona fide but unsuccessful effort to capture dogs
20 detected chasing or pursuing deer, may kill such dogs.

Sec. 3-b. Permit to Kill Deer Causing Damage to Cul-
2 tivated Crops, Fruit Trees or Commercial Nurseries;
3 Penalties.—Whenever it shall be found that deer are caus-
4 ing damage to cultivated crops, fruit trees or commercial
5 nurseries, the owner or lessee of the lands on which such
6 damage is done shall report such fact to the county con-
7 servation officer, heretofore called game protector, or to
8 the office of the conservation commission in the state cap-
9 itol. A representative of the conservation commission
10 shall then investigate the reported damage, and if found
11 substantial shall issue a permit to the owner or lessee
12 to kill one or more adult deer by means of firearms only,
13 as hereinbefore specified in subsection ten of section three
14 of this article, when such deer are found in the act of in-
15 juring such cultivated crops, fruit trees or commercial
16 nurseries on his premises. No such permit may be issued
17 to owner or lessee when such lands are posted against
18 public hunting of deer.
19 The first deer killed under this permit may be retained
20 by the permittee for food. He shall, however, within forty-
21 eight hours after such kill, notify the county conservation
22 officer or the state director of conservation.
23 The permittee, upon killing any additional deer under
24 this permit, shall immediately dress the carcass by re-
25 moving the entrails, and shall remove the deer killed to
26 his residence or other specified place of safekeeping. He
27 shall notify the county conservation officer within twenty-
28 four hours after the kill, who shall pick up the carcass
29 and shall make proper disposition to a hospital, charitable
30 institution, school, or as otherwise designated by the
31 conservation commission.
32 Any person who violates any of the provisions of this
33. section shall be guilty of a misdemeanor, and, upon con-
34. viction, shall be fined not less than one hundred nor more
35. than three hundred dollars, and confined in the county
36. jail not less than thirty days, nor more than ninety days.

CHAPTER 70

(House Bill No. 282—By Mr. Knight)

AN ACT to amend and reenact sections three, four, five, seven,
eight, ten, eleven, twelve and fourteen, and to repeal sec-
tions four-a and sixteen, article one; to amend and reenact
sections one, three, five, six, seven, eight, nine and eleven,
and to add section ten to article one-a, all of chapter
twenty of the code of West Virginia, one thousand nine
hundred thirty-one, as last amended, relating to the re-
organization and powers of the conservation commission of
West Virginia.

[Passed March 9, 1945; in effect July 1, 1945. Approved by the Governor.]

Article
1-a. Director of Conservation.

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; that sec-
tions four-a and sixteen, article one, be repealed; that sec-
tions one, three, five, six, seven, eight, nine and eleven, article
one-a, be amended and reenacted; and that article one-a be
amended by adding thereto a new section to be numbered ten,
all of chapter twenty of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, to read as fol-


Section
3. Members of the commission.
4. Terms of office.
4-a. Repealed.
5. Qualifications of members; political activities to vacate office.
7. Director; quorum.
8. Traveling expenses.
10. Regular and special meetings.
11. Powers and duties of the commission.
12. Director may submit matters for advice.

Section 3. Members of the Commission.—The commission shall consist of six members and a director of conservation. There shall be one member for each congressional district. The members shall be appointed by the governor, with the advice and consent of the senate.

Sec. 4. Terms of Office.—The term of office of members of the commission shall be six years. The governor, following the adoption of this act, shall appoint the members of the commission upon the following basis: In making initial appointments, the governor shall designate their respective terms of office in such manner that thereafter the term of one member shall expire in each calendar year. As the initial appointments expire, all appointments shall be made for six-year terms, or for unexpired terms of members who for any reason have died, resigned or become disqualified.

Sec. 4-a. This section is hereby repealed.

Sec. 5. Qualifications of Members; Political Activities to Vacate Office.—The members of the commission shall be citizens and residents of the state, selected with special reference to their training and experience in relation to the principal activities required of the commission, and for their ability and fitness to perform their duties within the purposes of this chapter.

No member of the commission shall be a candidate for or hold any public office other than that of member of the commission; nor shall he be a member of any committee of a political party. In case a member becomes a candidate for or is appointed to any public office or political committee, his office as member of the commission shall be immediately vacated.
Sec. 7. Director; Quorum.—The director shall be the presiding officer of the commission. A majority of the commission shall constitute a quorum for the conduct of official business.

Sec. 8. Traveling Expenses.—Each member of the commission shall receive his actual and necessary traveling expense incurred in the performance of his duties.

Sec. 10. Regular and Special Meetings.—The commission shall hold four regular sessions each year, as follows: On the first Monday in the months of July, October, January and April. Special meetings may be convened at any time on the call of the director of conservation, the governor or a majority of the commission.

Sec. 11. Powers and Duties of the Commission.—The members of the commission shall serve only as an advisory body to the director of conservation, and, as such, shall have the following powers and duties:

1. To 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;

2. To advise with the director concerning the conservation problems of particular localities or districts of the state;

3. To recommend policies and practices to the director relative to any duties imposed upon him by law;

4. To investigate the work of the director, and for this purpose to have access at reasonable times to all official books, papers, documents, and records.

5. To advise or make recommendations to the governor relative to the conservation policy of the state; and

6. To keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the director.

Sec. 12. Director May Submit Matters for Advice.—
2 The director of conservation may submit to the commis-
3 sion or any committee thereof at any regular or special
4 meeting any matter upon which he desires the advice or
5 opinion of the commission.

Sec. 14. Annual Report.—Upon the request of the com-
2 mission the director shall, and upon his own initiative he
3 may, incorporate the proceedings of the commission in
4 his report to the governor.

Sec. 16. This section is hereby repealed.

Article 1-a. Director of Conservation.

Section
1. Appointment; term of office.
3. Oath and bond.
5. Salary and traveling expenses.
6. Heads of divisions; necessary assistants and employees.
7. Powers and duties of the director.
8. Powers and duties exercised by appointees.
9. Legal services by attorney general and prosecuting attorneys.
11. Cooperation with federal government in wildlife projects.

Section 1. Appointment; Term of Office.—The governor,
2 with the advice and consent of the senate, shall appoint
3 a director of conservation to serve at the will and pleasure
4 of the governor. The director shall devote his entire time
5 to the duties of his office.

Sec. 3. Oath and Bond.—The director, before entering
2 upon the duties of his office, shall take and subscribe to
3 the oath prescribed by the constitution. He shall also
4 execute a bond approved by the governor in the penalty of
5 five thousand dollars for the faithful performance of his
6 duties as director, and in case a surety company executes
7 such bonds the premiums shall be paid out of the funds
8 of the commission. The bond and the oath shall be filed
9 with the secretary of state.

Sec. 5. Salary and Traveling Expenses.—The director
2 shall receive a salary of six thousand dollars per annum
3 and the necessary traveling expenses incident to the per-
4 formance of his duties. Requisition for traveling expenses
shall be accompanied by a sworn and itemized statement which shall be filed with the auditor and preserved as a public record.

Sec. 6. Heads of Divisions; Necessary Assistants and Employees.—The director shall appoint the heads of the divisions of the department and shall employ such assistants and employees as may be necessary to the efficient operation of his department, and fix their salaries: Provided, however, That in the employment of assistants and employees the director's actions shall be controlled at all times by the provisions of paragraph twenty-one, section seven of this article.

Sec. 7. Powers and Duties of the Director.—The director, in addition to the other powers granted by this chapter, shall have the sole authority to:

(1) Exercise general supervision of, and make rules and regulations for the government of his commission or department;

(2) Sign and execute in the name of the state by "The Conservation Commission of West Virginia" any contract or agreement with the federal government or its departments or agencies, subdivisions of the state, corporations, associations, copartnerships or individuals;

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

(4) Make a general conservation plan or program for the state; conduct research in improved conservation methods, and disseminate information on conservation matters to the residents of the state;

(5) Organize his department to give adequate treatment to the problems of fish and game, forestry, parks and playgrounds, natural resources, education in principles of conservation, and publicity: Provided, however, That publicity work of an advertising nature shall be coordinated with that of the West Virginia industrial and publicity commission so far as possible;

(6) Set and alter the open seasons and bag limits as provided in this chapter;

(7) Designate such localities as he shall determine to
be necessary and desirable for the perpetuation of any species of fish and for the purpose of replenishing adjacent fishing waters;

(8) Designate such localities as he 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;

(9) Enter private lands to make surveys or inspections for conservation purposes; and

(10) 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, demonstrating forestry, furnishing or protecting watersheds or providing public recreation;

(b) For state parks for the purpose of preserving scenic or historical values 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 purposes by exchange of other lands or waters under his supervision;

(11) Capture, propagate, transport, sell or exchange any species of game or fish needed for stocking any lands or waters of this state;

(12) Exercise the powers granted by this chapter for the protection of forests;

(13) Regulate fires and smoking in the woods or in their proximity at such times and in such localities as is necessary to reduce the danger of forest fires;

(14) Cooperate with the state road commission in the beautification of state highways, and establishment and maintenance of roadside parks and planning of roadside slopes;
66 (15) Cooperate with other departments and agencies
67 of the state and federal government;
68 (16) Keep a complete and accurate record of all pro-
69 ceedings, record and file all bonds and contracts taken
70 or entered into, and assume responsibility for the custody
71 and preservation of all papers and documents pertaining
72 to his office. Rules and regulations shall be recorded in
73 a book especially kept for that purpose, and in his dis-
74 cretion may be published for general circulation. All
75 other records and entries necessary to show the official
76 conduct of the department shall be preserved and shall
77 be public records and open for inspection during business
78 hours;
79 (17) Purchase as provided by law all equipment neces-
80 sary for the conduct of his department;
81 (18) Report to the governor each year all information
82 relative to the operation and functions of his department.
83 He shall make such other reports and recommendations
84 as may be required by the governor.
85 (19) Exercise any other power that may be necessary
86 or proper for the orderly conduct of his business and the
87 effective discharge of his duties. Invoke any legal or
88 equitable remedies, civil or criminal, for the enforcement
89 of his orders or the provisions of this chapter;
90 (20) This section shall not be construed as authorizing
91 the director to change any penalty for violating any game
92 law or regulation, or change the amount of any license
93 established by the Legislature, or to extend any open
94 season or bag limit on migratory birds prescribed by fed-
95 eral law or regulation.
96 (21) Establish a merit system of personnel manage-
97 ment for any division in order to insure the impartial
98 selection of competent and qualified personnel and to
99 accord to the employees of the commission, except the
100 director, rights of tenure and advancement so long as
101 they discharge their duties in a satisfactory manner. Such a
102 merit system shall be established for the game protectors
103 and for those employed in the division of forestry. In-
104 stead of establishing its own merit system, however, the
commission may avail itself of the services of the state
merit system council, and for this purpose may contribute
its fair share of the expenses of such council.

(22) 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. 8. **Powers and Duties Exercised by Appointees.**—
All powers and duties vested in the director, except the
power to sign contracts, may be exercised by the ap-
pointees or employees of the director at his discretion and
pursuant to his directions; but the director shall be re-
sponsible for their acts.

Sec. 9. **Legal Services by Attorney General and Prose-
cuting Attorneys.**—The attorney general and his assist-
ants and the prosecuting attorneys of the several counties
shall render to the director, without additional compen-
sation, such legal services as he shall require of them in
the discharge of his duties under the provisions of this
chapter.

Sec. 10. **Powers and Duties Vested in Director.**—The
powers and duties granted by chapter twenty of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, to any officer, board, or commission, or else-
where vested in the game, fish and forestry commission or
commission, shall now be vested in the director of con-
servation. He shall have possession of all records, papers,
equipment and property of every nature now belonging
to the game, fish and forestry commission.

Sec. 11. **Cooperation with Federal Government in Wild-
life 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 law number four hundred fifteen,
seventy-fifth congress), and the executive director is
hereby authorized, empowered and directed to perform
10 such acts as may be necessary to the conduct and establish-
11 lishment of cooperative wildlife restoration projects, as
defined in said act of congress, in compliance with said
13 act and with rules and regulations promulgated by the
14 secretary of interior thereunder. Funds accruing to the
15 state from license fees paid by hunters shall not be di-
16 verted for any purpose other than the activities of this
17 chapter.

CHAPTER 71
(Com. Sub. for House Bill No. 58—Originating in the House Committee on
the Judiciary)

AN ACT to amend chapter six of the code of West Virginia,
one thousand nine hundred thirty-one, by adding thereto
a new article to be designated article twelve, authorizing
officers, boards, commissions and agencies of the state
and of counties, municipalities and other units of state or
local government, having the right to expend public
funds, or to direct the expenditure of public funds, to pro-
vide at public expense for bodily injury liability and prop-
erty damage liability insurance against the negligence of
drivers of motor vehicles operated by or for such officers,
boards, commissions and agencies, and authorizing such
officers, boards, commissions and agencies to require con-
tractors to provide like insurance.

[Passed March 8, 1945: in effect ninety days from passage. Approved by the
Governor.]

Article 12. Bodily Injury and Property Damage Insurance by
State and Local Governments.

Section
1. Bodily injury and property damage insurance at public expense to
   protect against the negligence of drivers of certain motor ve-
   hicles; contractors to provide like insurance.
2. Policy may contain a provision authorizing action to be brought
   against insurance company either with or without joining driver
   as a party defendant.
3. Article not to authorize right of action not now existent.
Be it enacted by the Legislature of West Virginia:

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

Section 1. Bodily Injury and Property Damage Insurance at Public Expense to Protect Against the Negligence of Drivers of Certain Motor Vehicles; Contractors to Provide Like Insurance.—Officers, boards, commissions or agencies of the state or of any county, municipality or any other unit of local or state government, authorized to spend public funds, or to direct the expenditure of public funds, may provide at public expense for bodily injury liability and property damage liability insurance against the negligence of the drivers of motor vehicles operated by or for such officers, boards, commissions and agencies in such amount as such officers, boards, commissions and agencies may specify, and any such officer, board, commission or agency having the authority to contract for the use in the service of such officer, board, commission or agency, of any motor vehicle, may require the contractor to provide like insurance at his own expense in such amount as such officer, board, commission or agency may specify.

Sec. 2. Policy May Contain a Provision Authorizing Action to Be Brought Against Insurance Company Either With or Without Joining Driver as a Party Defendant.—Any insurance policy obtained in pursuance of the provisions of section one of this article may, by agreement between the insurance company issuing the policy and the officer, board, commission or agency applying for such insurance, contain a provision authorizing an action on such policy to be maintained against the insurance company issuing the policy by or in the name of any person sustaining bodily injury or property damage, either with or without joining the driver of such motor vehicle as a party defendant, or in the name of the personal representative of a deceased person, the proximate cause of whose death was the negligence of the driver. Such provision shall be valid and enforceable if set forth in the body
Sec. 3. Article Not to Authorize Right of Action Not Now Existent.—This article shall not be so construed as to authorize a right of action against any officer, board, commission or agency where no right of action has heretofore existed.

CHAPTER 72
(Senate Bill No. 137—By Mr. Winters, by request)

AN ACT to amend article ten, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section numbered sixteen, relating to the deposit of securities by automobile mutual insurance companies.

[Passed February 27, 1945; in effect from passage. Approved by the Governor.]

Article 10. Automobile Mutual Insurance Companies.

Section 16. Deposit of securities.

Be it enacted by the Legislature of West Virginia:

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

Section 16. Deposit of Securities.—Any automobile mutual insurance company organized or chartered under the laws of this state may maintain a deposit in securities with the state treasurer in trust for the protection of policyholders generally of such company. When such deposit is maintained with the state treasurer, and upon application by the company, the insurance commissioner shall issue apt and proper certificates specifying the nature and description of such securities and stating in such certificates that the deposit is held by the state treasurer,
in trust, for the protection of policyholders generally of such company. The securities deposited as required here-
in may be substituted by the company with others of like kind and quality, or withdrawn, upon approval of such substitution or withdrawal by the insurance commis-
sioner, in writing, and filed with the state treasurer. In-
terest or dividends accruing on such deposit shall be re-
leased by the state treasurer to the company making such deposit upon demand of the company.

CHAPTER 73

(Senate Bill No. 73—By Mr. Hardesty and Mr. Hall, of Raleigh)

AN ACT to amend and reenact sections seven and eight, article four, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, prescribing the form of fire insurance policies and of endorsements and contracts supplementary thereto for use in this state.

[Passed February 27, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 4. Fire and Marine Insurance.

Section
7. Form of fire policies.
8. Additional matter which may be inserted in fire policy.

Be it enacted by the Legislature of West Virginia:

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

Sec. 7. Form of Fire Policies.—(a) The printed form of a policy of fire insurance, as set forth in subsection (f) shall be known and designated as the standard fire insur-
ance policy of the state of West Virginia.
(b) No policy or contract of fire insurance shall be made, issued or delivered by any insurer or by any agent or representative thereof, on any property in this state, unless it shall conform as to all provisions, stipulations,
agreements and conditions, with such form of policy:

Provided, however, That any company organized under
special charter provisions may so indicate upon its policy,
and may add a statement of the plan under which it
operates in this state.

There shall be printed at the head of said policy the
name of the insurer or insurers issuing the policy; the
location of the home office thereof; a statement whether
said insurer or insurers are stock or mutual corporations;
and there may be added thereto such device or devices
as the insurer or insurers issuing said policy shall desire.
The standard fire insurance policy provided for herein
need not be used for effecting reinsurance between in-
surers.

If the policy is issued by a mutual insurer having special
regulations with respect to the payment by the policy-
holder of assessments, such regulations shall be printed
upon the policy, and any such insurer may print upon
the policy such regulations as may be appropriate to or
required by its form of organization.

(c) Binders or other contracts for temporary insur-
ance may be made, orally or in writing, for a period
which shall not exceed fifteen days, and shall be deemed
to include all the terms of such standard fire insurance
policy and all such applicable endorsements, approved
by the insurance commissioner, as may be designated in
such contract of temporary insurance; except that the
cancellation clause of such standard fire insurance policy,
and the clause thereof specifying the hour of the day at
which the insurance shall commence, may be superseded
by the express terms of such contract of temporary
insurance.

(d) Two or more insurers authorized to do in this
state the business of fire insurance, may, with the appro-
val of the insurance commissioner, issue a combination
standard form of fire insurance policy which shall contain
the following provisions:

(1) A provision substantially to the effect that the
insurers executing such policy shall be severally liable
for the full amount of any loss or damage, according to
the terms of the policy, or for specified percentages or
300 FIRE INSURANCE POLICIES [Ch. 73

amounts thereof, aggregating the full amount of such insurance under such policy;

(2) A provision substantially to the effect that service of process, or of any notice or proof of loss required by such policy, upon any of the insurers executing such policy, shall be deemed to be service upon all such insurers.

(e) Appropriate forms of supplemental contract or contracts or extended coverage endorsements whereby the interest in the property described in such policy shall be insured against one or more of the perils which the insurer is empowered to assume, in addition to the perils covered by said standard fire insurance policy, may be approved by the insurance commissioner, and their use in connection with a standard fire insurance policy may be authorized by him. The first page of the policy may in form approved by the insurance commissioner be rearranged to provide space for the listing of amounts of insurance, rates and premiums for the basic coverages insured under the standard form of policy and for additional coverages or perils insured under endorsements attached, and such other data as may be conveniently included for duplication on daily reports for office records.

(f) The form of the standard fire insurance policy of the state of West Virginia (with the right to number the lines, if desired, in the provisions and stipulations on page two of the form and to substitute for the word “company” a more accurate descriptive form for the type of insurer) shall be as follows:

No. [Space for insertion of name of company or companies issuing the policy and other matter permitted to be stated at the head of the policy.]

[Space for listing amounts of insurance, rates and premiums for the basic coverages insured under the standard form of policy and for additional coverages or perils insured under endorsements attached.]

In Consideration of the Provisions and Stipulations herein or added hereto and of

$____________________ Dollars Premium, this company, for the
term of .................................................. (from the ................day of
92 ........................................... 19........ to the ...................day of .....................,
93 19....... ) at noon, Standard Time, at location of property
94 involved, to an amount not exceeding.........................................
95 ........................................................................ Dollars,
96 does insure ........................................................................
97 and legal representatives, to the extent of the actual cash
98 value of the property at the time of loss, but not exceed­
99 ing the amount which it would cost to repair or replace
100 the property with material of like kind and quality
101 within a reasonable time after such loss, without allow­
102 ance for any increased cost of repair or reconstruction
103 by reason of any ordinance or law regulating construc­
104 tion or repair, and without compensation for loss result­
105 ing, from interruption of business or manufacture, nor in
106 any event for more than the interest of the insured,
107 against all DIRECT LOSS BY FIRE, LIGHTNING AND
108 BY REMOVAL FROM PREMISES ENDANGERED BY
109 THE PERILS INSURED AGAINST IN THIS POLICY,
110 EXCEPT AS HEREINAFTER PROVIDED, to the prop­
111 erty described hereinafter while located or contained as
112 described in this policy, or pro rata for five days at each
113 proper place to which any of the property shall necessarily
114 be removed for preservation from the perils insured
115 against in this policy, but not elsewhere.
116 Assignment of this policy shall not be valid except with
117 the written consent of this company.
118 This policy is made and accepted subject to the fore­
119 going provisions and stipulations and those hereinafter
120 stated, which are hereby made a part of this policy, to­
121 gether with such other provisions, stipulations and agree­
122 ments as may be added hereto, as provided in this policy.
123 IN WITNESS WHEREOF, this Company has executed
124 and attested these presents; but this policy shall not be
125 valid unless countersigned by the duly authorized Agent
126 of this Company at ........................................................................
127
128 Secretary.  President.
129 Countersigned this ........ day of ........................................... , 19 ....
130 ........................................................................
131 Agent.
Concealment, fraud. This entire policy shall be void if, whether before or after a loss, the insured has wilfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the insured therein, or in case of any fraud or false swearing by the insured relating thereto.

Uninsurable and excepted property. This policy shall not cover excepted property, namely, counts, bills, currency, deeds, evidences of debt, money or securities; nor, unless specifically named hereon in writing, bullion or manuscripts.

Perils not included. This Company shall not be liable for loss by fire or other perils insured against in this policy caused, directly or indirectly, by: (a) enemy attack by armed forces, including action taken by military, naval or air forces in resisting an actual or an immediately impending enemy attack; (b) invasion; (c) insurrection; (d) rebellion; (e) revolution; (f) civil war; (g) usurped power; (h) order of any civil authority except acts of destruction at the time of and for the purpose of preventing the spread of fire, provided that such fire did not originate from any of the perils excluded by this policy; (i) neglect of the insured to use all reasonable means to save and preserve the property at and after a loss, or when the property is endangered by fire in neighboring premises; (j) nor shall this Company be liable for loss by theft.

Other Insurance. Other insurance may be prohibited or the amount of insurance may be limited by endorsement attached hereto.

Conditions suspending or restricting insurance. Unless otherwise provided in writing added hereto this Company shall not be liable for loss occurring (a) while the hazard is increased by any means within the control or knowledge of the insured; or (b) while a described building, whether intended for occupancy by owner or tenant, is vacant or unoccupied beyond a period of sixty consecutive days; or (c) as a result of explosion or riot, unless fire ensue, and in that event for loss by fire only.

Other perils or subjects. Any other peril to be insured against or subject of insurance to be covered in this policy shall be by endorsement in writing hereon or added hereto.

Added provisions. The extent of the application of
insurance under this policy and of the contribution to be made by this Company in case of loss, and any other provision or agreement not inconsistent with the provisions of this policy, may be provided for in writing added hereto, but no provision may be waived except such as by the terms of this policy is subject to change.

Waiver No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of this Company relating to appraisal or to any examination provided for herein.

Cancellation This policy shall be cancelled at any time at the request of the insured, in which case this Company shall, upon demand and surrender of this policy, refund the excess of paid premium above the customary short rates for the expired time. This policy may be cancelled at any time by this Company by giving to the insured a five days' written notice of cancellation with or without tender of the excess of paid premium above the pro rata premium for the expired time, which excess, if not tendered, shall be refunded on demand. Notice of cancellation shall state that said excess premium (if not tendered) will be refunded on demand.

Mortgagee If loss hereunder is made payable, in whole or in part, to a designated mortgagee not named herein as the insured, such interest in this policy may be cancelled by giving to such mortgagee a ten days' written notice of cancellation.

If the insured fails to render proof of loss such mortgagee, upon notice, shall render proof of loss in the form herein specified within sixty (60) days thereafter and shall be subject to the provisions hereof relating to appraisal and time of payment and of bringing suit. If this Company shall claim that no liability existed as to the mortgagor or owner, it shall, to the extent of payment of loss to the mortgagee, be subrogated to all the mortgagee's rights of recovery, but without impairing mortgagee's right to sue; or it may pay off the mortgage debt and require an assignment thereof and of the mortgage. Other provisions relating to the interests and obligations of such mort-
gagee may be added hereto by agreement in writing.

Pro rata liability. This Company shall not be liable for a greater proportion of any loss than the amount hereby insured shall bear to the whole insurance covering the property against the peril involved, whether collectible or not.

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

Appraisal. In case the insured and this Com-
pany shall fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within twenty days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for fifteen days to agree upon such umpire, then, on request of the insured or this Company, such umpire shall be selected by a judge of a court of record in the state in which the property covered is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with this Company shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and umpire shall be paid by the parties equally.

Company's options. It shall be optional with this Company to take all, or any part, of the property at the agreed or appraised value, and also to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within thirty days after the receipt of the proof of loss herein required.

Abandonment. There can be no abandonment to this Company of any property.

When loss payable. The amount of loss for which this Company may be liable shall be payable sixty days after proof of loss, as herein provided, is received by this Company and ascertainment of the loss is made either by agreement between the insured and this Company expressed in writing or by the filing with this Company of an award as herein provided.

Suit. No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within twelve months next after inception of the loss.

Subrogation. This Company may require from the insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this Company.
It is important that the written portions of all policies covering the same property read exactly alike. If they do not, they should be made uniform at once.

Sec. 8. Additional Matter Which May Be Inserted in Fire Policy.—The insurance commissioner, either in person or by any one or more competent and disinterested persons specially appointed by him for that purpose, shall have access to and may at any time examine the books, papers and documents of any fire insurance corporation doing business in this state, or of any corporation, association or bureau maintained for the purpose of suggesting, approving or making rates to be used by more than one underwriter for insurance on property located in this state, for the purpose of determining the number and extent of use of any riders, indorsements, clauses, permits, forms or other memoranda attached to
and made a part of any fire insurance contract relating
to property located in this state; and after such examin-
ation and inspection such insurance commissioner may
determine that the use of any such rider, indorsement,
clause, permit, form or other memoranda is so exten-
sive that there should be in his judgment a standard
form thereof, and he shall thereupon prepare and file in
his office such standard form of rider, indorsement, clause,
permit, form or other memoranda, and thereafter no fire
insurance corporation shall attach to any such standard
policy of insurance, any rider, indorsement, clause, per-
mit, form or other memoranda covering substantially
the same agreement provided for by such standard rider,
indorsement, clauses, permit, form or other memoranda
except it be in the precise language of the form so
filed by the insurance commissioner. Forms of riders,
indorsements, clauses, permits, forms or other memo-
randa to be attached to and made a part of fire insurance
contracts relating to property located in this state may
be presented for filing in the office of the insurance com-
missioner by any corporation, association or bureau main-
tained for the purpose of suggesting, approving or mak-
ing rates to be used by more than one underwriter for
insurance on property located in this state, and when
approved and filed by such insurance commissioner, shall
thereupon become standard forms of riders, indorsements,
clauses, permits, forms or other memoranda and their
use shall be required as hereinbefore provided. Whenever,
in the judgment of the insurance commissioner, there
shall be no further necessity for requiring the use of any
standard form of rider, indorsement, clause, permit, form
or other memoranda in the precise language theretofore
required, he may give notice in writing of such determin-
atation, to each fire insurance corporation doing business
in this state, and to each such corporation, association or
bureau maintained for the purpose of suggesting, approv-
ing or making rates, as aforesaid, and thereafter the use
of such standard form shall not be required as herein
provided: Provided, however, That nothing in this section
or the preceding section shall relate or apply to farmers'
TAX ON INSURANCE PREMIUMS [Ch. 74

54 mutual insurance companies organized under article five of this chapter. The insurance commissioner may, upon complaint, after hearing, reduce any fire insurance rate that is excessive.

CHAPTER 74

(Senate Bill No. 123—Originating in the Senate Committee on Finance)

AN ACT to amend article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one as amended, by repealing sections thirty-seven, thirty-eight and thirty-nine, and enacting in lieu thereof a new section, designated section thirty-seven, relating to insurance companies and requiring an annual return of premiums for the purpose of taxation and requiring the payment of an annual premium tax by every licensed insurance company.

[Passed February 20, 1945; in effect from passage. Approved by the Governor.]

Article 2. General Provisions.

Section
37. Annual return of and tax on premiums of insurance companies; amount of tax; payment into state fund.
38. Repealed.

Be it enacted by the Legislature of West Virginia:

That sections thirty-seven, thirty-eight and thirty-nine, article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, be repealed, and that a new section, designated section thirty-seven, be enacted to read as follows:

Section 37. Annual Return of and Tax on Premiums of Insurance Companies; Amount of Tax; Payment into State Fund.—Every insurance company licensed to transact business in this state shall make a return annually, on or before the first day of March, to the insurance com-
missioner, under the oath of its president or secretary, of the gross amount of premiums collected and received by it during the previous calendar year on business done in this state; and upon receiving from the commissioner a certificate of the acceptance of such return and of the amount of tax due thereon, such company shall pay such tax to the insurance commissioner annually on or before the first day of March. The annual tax which a licensed insurance company is required to pay under the provisions of this section shall be a sum equal to two per cent of the gross premiums received by it on the business written or renewed in this state, including any so-called dividends on participating insurance policies applied in reduction of premiums less premiums returnable for cancellation. All such taxes paid to the commissioner shall be paid by him into the state treasury for the benefit of the state fund.

CHAPTER 75
(House Bill No. 121—By Mr. Meredith)

AN ACT to amend article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section forty-six, prohibiting an insurance company in this state from writing a public liability policy which contains a guest exclusion provision.

(Passed March 5, 1945; in effect ninety days from passage. Approved by the Governor.)

Article 2. General Provisions.

Section 46. Insurance policies to cover injury to guest or invitee of motor vehicle owner or operator.

Be it enacted by the Legislature of West Virginia:

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

Section 46. Insurance Policies to Cover Injury to Guest or Invitee of Motor Vehicle Owner or Operator.—No insurance company, doing business in this state as provided in this chapter, shall make, write or place any policy of bodily injury liability or property damage liability insurance which, by its terms, excludes coverage to the owner or operator of a motor vehicle on account of bodily injury to any guest or invitee of any such motor vehicle owner or operator.

CHAPTER 76
(Senate Bill No. 81—By Mr. Hall, of Raleigh)

AN ACT to amend chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, by adding thereto a new article to be designated article fourteen, authorizing and regulating the exchange of certain classes of reciprocal or inter-insurance contracts among individuals, partnerships and corporations; empowering corporations generally to make such contracts; regulating venue and process in actions and suits on such contracts; fixing certain fees and taxes on business done under this act; and making other regulations providing for the licensing and revocation of licenses of attorneys-in-fact acting under reciprocal insurance contracts.

[Passed February 27, 1945; in effect from passage. Approved by the Governor.]

Article 14. Reciprocal or Inter-Insurance Contracts.
Section
1. Exchange of insurance contracts authorized; laws governing.
2. Execution of contracts by attorney-in-fact; location of office.
3. Declaration to be filed with insurance commissioner.
4. Filing instrument relating to venue and service of process.
5. Statements as to amount of risks.
6. Funds to be maintained.
Be it enacted by the Legislature of West Virginia:

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

Section 1. Exchange of Insurance Contracts Authorized; Laws Governing.—Individuals, partnerships and corporations of this state, hereby designated subscribers, are hereby authorized to exchange reciprocal or inter-insurance contracts with each other or with individuals, partnerships and corporations of other states and countries providing indemnity among themselves from any loss which may be insured against under other provisions of the law excepting life insurance and health and accident insurance. Such contracts and the exchange thereof and subscribers, their attorneys-in-fact and representatives shall be regulated by this act, by sections forty-two and forty-five, article two, chapter thirty-three; sections nine, eleven and twelve, article four, chapter thirty-three; and section one, article one, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, and by no other part of said chapter thirty-three and no other insurance law unless such law is referred to in this act, and no law hereafter enacted shall apply to them, unless they be expressly designated therein. Whenever in said sections forty-two and forty-five, article two, and section nine, article four, chapter thirty-three, the word company is used, it shall be deemed to mean attorney-in-fact when such sections are applied to reciprocal or inter-insurance exchanges or contracts.

Sec. 2. Execution of Contracts by Attorney-in-Fact; Location of Office.—Such contracts may be executed by
Sec. 3. Declaration to Be Filed with Insurance Commissioner.—Such attorney-in-fact shall file with the insurance commissioner of this state a declaration verified by the oath of such attorney-in-fact, or when such attorney-in-fact is a corporation, by the oath of a chief officer thereof, setting forth:

(a) The name of the attorney-in-fact and the name or designation under which such contracts are to be issued, which name or designation shall not be so similar to any other name or designation previously adopted by any attorney-in-fact or any insurance organization in this state so as to confuse or deceive;

(b) The kind or kinds of insurance to be effected or exchanged;

(c) A copy of the form of policy contract or agreement under or by which such insurance is to be effected or exchanged. Such form of policy contract or agreement must conform to the statutory form, if any has been or is provided by West Virginia statute, for policies for like risks issued by other insurers, but may contain additional provisions, including the subscribers agreement or inter-insurance contract; and any other proper matters which may be approved by the insurance commissioner;

(d) A copy of the form of power of attorney or other authorization of such attorney-in-fact under or by which such insurance to be effected or exchanged;

(e) The location of the office or offices from which such contracts or agreements are to be issued;

(f) That except as to the kinds of insurance herein-after specifically mentioned in this subdivision, applications shall have been made for indemnity upon at least twenty separate risks aggregating not less than five hundred thousand dollars represented by executed contracts or bona fide applications to become concurrently effective.

In the case of automobile insurance, applications shall
have been made for indemnity upon at least two hundred
motor vehicles represented by executed contracts or bona
fide applications to become concurrently effective on any
or all classes of automobile insurance effected by said
subscribers through said attorney-in-fact. In the case of
airplane insurance, applications shall have been made for
indemnity upon at least twenty-five airplanes repre-
sented by executed contracts or bona fide applications
to become concurrently effective;
(g) That there is in the possession of such attorney-
in-fact and available for the payment of losses, assets
conforming to the requirements of section six hereof;
(h) A financial statement in form prescribed by the
insurance commissioner for the annual statement;
(i) An instrument authorizing service of process as
provided for in this act.

Sec. 4. Filing Instrument Relating to Venue and Serv-
ice of Process.—Concurrently with the filing of the
declaration provided for by the terms of section three
hereof, the attorney-in-fact shall file with the insurance
commissioner an instrument in writing, executed by him
for said subscribers, conditioned that upon the issuance of
certificate of authority, provided for in section ten hereof,
any action, suit or other proceeding arising out of any
insurance contract or policy issued under such license,
may be brought in the county of this state wherein the
property insured was situated either at the date of the
policy or at the time when the right of action accrued, or
the person insured had a legal residence at the date of his
death or at the time the right of action accrued, and that
service of any process or notice may be had upon the
auditor of this state in all actions, suits or other proceed-
ings in this state arising out of such policies, contracts,
agreements or other business of insurance transacted
under such license, and that said auditor may accept
service of any such process or notice.
Such service or acceptance of service shall be valid and
binding upon such attorney-in-fact and upon all sub-
scribers exchanging at any time reciprocal or inter-
insurance contracts through such attorney-in-fact. Two
copies of such process or notice, in addition to the original, shall be furnished the auditor, and he shall file one copy, forward one copy to said attorney-in-fact and return the original with his acceptance of service or for return of service. But no process or notice shall be served on the auditor or accepted by him less than ten days before the return day thereof. Where the principal office of the attorney-in-fact is located in this state, service of process may be had upon all subscribers by serving same upon the attorney-in-fact at said office. Service of process shall not be had upon said subscribers or any of them in any suit or other proceeding in this state except in the manner provided in this section, and any action, suit, or other proceeding may be begun and prosecuted against or defended by them under the name or designation adopted by them.

Sec. 5. Statements as to Amount of Risks.—There shall be filed with the insurance commissioner of this state by such attorney-in-fact a statement under the oath of such attorney-in-fact, giving, in the case of fire insurance, the maximum amount of indemnity upon any single risk, and such attorney-in-fact shall whenever and as often as shall be required, file with the commissioner of this state a verified statement to the effect that he has examined the commercial rating of such subscribers as shown by the reference book of a commercial agency having at least one hundred thousand subscribers, and that from such examination or from other information in his possession it appears that no subscriber has assumed on any fire insurance risk an amount greater than ten per cent of the net worth of such subscriber.

Sec. 6. Funds to Be Maintained.—There shall be maintained at all times as assets for the payment of losses, cash or securities authorized by the laws of the state in which the principal office of the attorney-in-fact is located for the investment of similar funds of insurance companies doing the same kind of business, an amount equal to fifty per cent of the net annual advance premiums or deposits collected and credited to the accounts
of subscribers on policies having one year or less to
run, and pro rata on those for longer periods; or in lieu
thereof, one hundred per cent of the net unearned
premiums or deposits collected and credited to the ac-
counts of subscribers. In addition to the assets previously
provided for in this section, there shall also be main-
tained on deposit at the exchange, a surplus fund in cash
or such securities of not less than fifty thousand dollars.
There shall also be maintained as a claim or loss reserve,
in cash or such securities, sufficient to discharge all liabili-
ties on all outstanding losses arising under policies issued,
the same to be calculated in accordance with the laws
of the state relating to similar reserves for companies
insuring similar risks. If at any time the amounts on
hand are less than the foregoing requirements, the sub-
scribers or their attorney-in-fact for them shall make
up the deficiency. If it appears that the amount of funds
required in this section has not been accumulated, then
the subscribers or the attorney-in-fact for them shall
immediately advance such sums as are needed to comply
with the provisions of this section, and the funds so
advanced shall not be treated as a liability at the exchange
and shall not be withdrawn except with the approval of
the insurance commissioner of the state wherein the
exchange is domiciled, and such advances shall be repaid
only out of the surplus funds of the exchange.

Sec. 7. Annual and Other Reports by Attorney-in-Fact;
Extension of License Period; Examination by Commis-
sioner.—Said attorney-in-fact shall make an annual re-
port to the insurance commissioner for each calendar
year on or before the expiration of the license period,
which license period shall correspond to that of other
insurance organizations licensed in this state for the
transaction of the same class of business. Such license
may be extended by the insurance commissioner for not
exceeding sixty days upon his extending the time for
filing the annual statement. Such annual statement shall
show that the financial condition of affairs at the office
where such contracts are issued is in accordance with
the standard of solvency provided for herein, and shall
furnish such additional information and reports as may be required to show the total premiums or deposits collected, the total losses paid, the total amounts returned to subscribers and the amounts retained for expenses: Provided, however, That such attorney-in-fact shall not be required to furnish the names and addresses of any subscribers except of those holding unpaid final judgments. The business affairs and assets of said reciprocal or inter-insurance exchanges, as shown at the office of the attorney-in-fact thereof, shall be subject to examination by the insurance commissioner at the expense of such exchange, at least once in every three years.

Sec. 8. Corporations Empowered to Exchange Insurance Contracts.—Any corporation now or hereafter organized under the laws of this state, shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incident to the purposes for which such corporations are organized and as much granted as the rights and powers expressly conferred.

Sec. 9. Copy of Form of Policy Contract and Power of Attorney with Statement of Organization to Be Filed; Compliance with Provisions of Article.—No such attorney-in-fact or other person shall directly or indirectly solicit or negotiate any application for contracts of indemnity of the kind and character specified in this act or do any act in the organization of any such exchange until he shall first have filed with the insurance commissioner a copy of the form of policy contract and power of attorney with a statement of the plan or organization, and except as aforesaid no such attorney-in-fact or other person shall solicit or accept any such applications for contracts of indemnity; and no such attorney-in-fact shall put into effect or exchange any such contracts of indemnity of the kind and character mentioned in this act without first complying with all of the provisions thereof.
Sec. 10. Issuance of Certificate of Authority; Renewal; Revocation of License or Certificate.—Except as herein-after provided, upon compliance with the foregoing requirements of this act, the insurance commissioner shall issue a certificate of authority to the attorney-in-fact in the name and title of the office mentioned in subdivision (a) of section three. The insurance commissioner may revoke or suspend any certificate of authority issued hereunder in case of breach of any of the conditions imposed by this act after reasonable notice has been given said attorney-in-fact in writing so that he may appear and show cause why such action should not be taken. Any attorney-in-fact who may have procured a certificate of authority hereunder shall have the same renewed annually thereafter: Provided, however, That any certificate of authority issued shall continue in force and effect until a new certificate of authority is issued or specifically refused.

The insurance commissioner may refuse to issue a certificate of authority to any attorney-in-fact if in his judgment such refusal will best promote the interests of the people of this state. When the insurance commissioner upon investigation is satisfied that any attorney-in-fact acting under his supervision and holding a license, or certificate of authority from him, is insolvent, or has failed to comply with or is violating the insurance laws of this state applicable to such attorney-in-fact, or is conducting business fraudulently, or is not carrying out its contracts in good faith, he shall begin proceedings for the revocation of the license or certificate of authority of such attorney-in-fact.

When the insurance commissioner, on application, shall refuse to issue any license, or certificate of authority, or when he shall proceed to revoke the same, whether for any of the reasons aforesaid or in pursuance of any other provision of this act, the attorney-in-fact shall be furnished a statement of the reasons for such failure to issue or revocation and shall be given thirty days notice of the time and place of a hearing at which the insurance commissioner will proceed to determine whether such license, or certificate, shall be finally refused, or shall
be revoked, as the case may be. Such statement and
notice shall be given by mailing the same addressed to
the attorney-in-fact at the latest address furnished said
insurance commissioner by the attorney-in-fact, by regis-
tered mail, the mailing to be at such a time that the
statement and notice should reach its destination by due
course of mail not less than thirty days before such
hearing. The attorney-in-fact may appear with witnesses,
and may be heard through its officers or agents, or by
counsel, or both. The insurance commissioner may take
such oral or written proof, for or against the issuance
or revocation, as he may deem advisable, or such at-
torney-in-fact may request. If upon the hearing the
commissioner finds that the reasons stated for refusing
or revoking the license are true, he may finally refuse
to issue, or may revoke, the license, or certificate of au-
thority. A stenographic report of each proceeding under
this section shall be made at the expense of the com-
missioner, and a transcript thereof retained in his files,
and he shall make a written report of his findings, which
shall constitute a part of the record.

Any attorney-in-fact, the application of which for a
license has been refused, or the license of which has been
revoked, in the manner aforesaid, may, within thirty days
after the decision of the insurance commissioner upon
the hearing aforesaid, present its petition in writing to
the circuit court of the county in which the seat of gov-
ernment of this state is situated, or to the judge of such
court in vacation, praying for a review and reversal of
such decision. Before presenting its petition to the court
or judge, the petitioner shall mail a copy thereof to the
insurance commissioner. Upon receipt of such copy,
the insurance commissioner shall forthwith transmit
to the clerk of such court the record of the proceedings
before him. The court or judge shall fix a time for the
review of said proceedings at his earliest convenience.
Notice in writing of the time and place of such hearing
shall be given to the insurance commissioner at least
ten days before the date set therefor. The court or judge
shall, without a jury, hear and determine the case upon
the record of the proceedings before the insurance com-
missioner. The court or judge may enter an order revising or reversing the decision of the insurance commissioner, if it appears that the decision was clearly wrong, or may affirm such decision. The judgment of the circuit court or judge may be reviewed upon appeal in the supreme court of appeals: Provided, That nothing contained in this section shall be taken or construed as preventing any such attorney-in-fact from continuing in good faith all contracts made in this state during the time such attorney-in-fact was legally authorized to transact business therein.

When any license, or certificate of authority, has been revoked by the insurance commissioner under the provisions of the preceding paragraph, the same may, except where it is otherwise specially provided by law, be reissued by him when he is satisfied that the conditions causing the revocation have ceased to exist.

Sec. 11. License Fees and Taxes.—Such attorney-in-fact shall pay into the state treasury the sum of ten dollars as an annual license fee, and a tax of two per cent of the gross premiums or deposits collected from West Virginia subscribers during the preceding calendar year, less cancellations and all amounts returned to subscribers or credited to their accounts as savings; and in addition to the foregoing taxes and fees, such attorney-in-fact shall pay an annual premium tax of one-half of one per cent of said premiums for fire policies for the support of the state fire marshal’s department; and such license fees and taxes shall be in lieu of all license fees and taxes of whatever character in this state.

CHAPTER 77

(Senate Bill No. 241—By Mr. Hall, of Raleigh)

AN ACT to amend sections three, five, eight and eighteen, article three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended,
and by adding a new section designated section eighteen-a
to said article, all relating to life insurance policies.

[Passed March 9, 1945; in effect from passage. Approved by the Governor.]

Article 3. Life Insurance.

Section
3. Valuation of life policies.
5. Payment of dividends.
8. Reports by insurance companies of other states; valuation of poli­
cies.
18. Rights of insured after default in payment of premium in policies
issued prior to operative date of standard nonforfeiture law.

Be it enacted by the Legislature of West Virginia:

That sections three, five, eight and eighteen, article three,
chapter thirty-three of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, be amended and re­
enacted, and that said article be further amended by the addi­tion thereto of a new section designated section eighteen-a to
read as follows:

Section 3. Valuation of Life Policies.—(1) The com­
missioner shall annually value, or cause to be valued, the
reserve liabilities (hereinafter called reserves) for all
outstanding life insurance policies and annuity and pure
endowment contracts of every life insurance company
doing business in this state, and may certify the amount
of any such reserves, specifying the mortality table or
tables, rate or rates of interest and methods (net level
premium method or other) used in the calculation of
such reserves.

All valuations made by him or by his authority shall
be made upon the net premium basis.

In every case the standard of valuation employed shall
be stated in his annual report.

In calculating such reserves, he may use group methods
and approximate averages for fractions of a year or
otherwise. In lieu of the valuation of the reserves here­
in required of any foreign or alien company, he may ac­
cept any valuation made, or caused to be made, by the
insurance supervisory official of any state or other juris­
diction when such valuation complies with the minimum
standard herein provided and if the official of such state
or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.

Any such company which at any time shall have adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(2) This subsection shall apply to only those policies and contracts issued prior to the operative date of section eighteen-a (the Standard Nonforfeiture Law). All valuations shall be according to the standard of valuations adopted by the company for the obligations to be valued. Any company may adopt different standards for obligations of different dates or classes, but if the total value determined by any such standard for the obligations for which it has been adopted shall be less than that determined by the legal minimum standard hereinafter prescribed, or if the company adopt no standard, said legal minimum standard shall be used.

The legal minimum standard for contracts issued before the first day of January, in the year one thousand nine hundred one, shall be actuaries' or combined experience table of mortality with interest at four per cent per annum, and for contracts issued on or after said date shall be the “American Experience Table” of mortality with interest at three and one-half per cent per annum. Policies issued by companies doing business in this state may provide for not more than one year preliminary term insurance: Provided, however, That, if the premium charged for term insurance under a limited payment life preliminary term policy providing for the payment of all premiums thereof in less than twenty years from the date of the policy, or under an endowment preliminary term policy,
exceeds that charged for like insurance under twenty
dayment life preliminary term policies of the same com-
pany, the reserve thereon at the end of any year, includ-
ing the first, shall not be less than the reserve on a twenty
dayment life preliminary term policy issued in the same
year and at the same age, together with an amount which
shall be equivalent to the accumulation of a net level
premium sufficient to provide for a pure endowment at
the end of the premium payment period, equal to the
difference between the value at the end of such period of
such a twenty payment life preliminary term policy and
a full reserve at such time of such a limited payment life
or endowment policy.
The commissioner may vary the standards of interest
and mortality in the case of corporations from foreign
countries and in particular cases of invalid lives and other
extra hazards.
Reserves for all such policies and contracts may be cal-
culated, at the option of the company, according to any
standards which produce greater aggregate reserves for
all such policies and contracts than the minimum reserves
required by this subsection.
(3) This subsection shall apply to only those policies
and contracts issued on or after the operative date of sec-
tion eighteen-a (the Standard nonforfeiture Law).
(a) The minimum standard for the valuation of all such
policies and contracts shall be the commissioners reserve
valuation method defined in paragraph (b), three and
one-half per cent interest, and the following tables:
(i) For all ordinary policies of life insurance issued
on the standard basis, excluding any disability and acci-
dental death benefits in such policies,—the Commission-
ers 1941 Standard Ordinary Mortality Table.
(ii) For all industrial life insurance policies issued on
the standard basis, excluding any disability and accidental
death benefits in such policies,—the 1941 Standard Indus-
trial Mortality Table.
(iii) For annuity and pure endowment contracts, ex-
cluding any disability and accidental death benefits in
such policies,—the 1937 Standard Annuity Mortality
Table.
(iv) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—Class (3) Disability Table (1926) which, for active lives, shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(v) For accidental death benefits in or supplementary to policies—the Inter-Company Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vi) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the commissioner.

(b) Reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (A) over (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due: Provided, however, That such net level annual premium shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(B) A net one year term premium for such benefits provided for in the first policy year.

Reserves according to the commissioners reserve valu-
ation method for (i) life insurance policies providing for
a varying amount of insurance or requiring the payment
of varying premiums, (ii) annuity and pure endowment
contracts, (iii) disability and accidental death benefits
in all policies and contracts, and (iv) all other benefits,
except life insurance and endowment benefits in life
insurance policies, shall be calculated by a method con­
sistent with the principles of this paragraph (b).

(c) In no event shall a company's aggregate reserves
for all life insurance policies, excluding disability and
accidental death benefits, be less than the aggregate
reserves calculated in accordance with the method set
forth in paragraph (b) and the mortality table or tables
and rate or rates of interest used in calculating non­
forfeiture benefits for such policies.

(d) Reserves for any category of policies, contracts or
benefits as established by the commissioner may be cal­
culated, at the option of the company, according to any
standards which produce greater aggregate reserves for
such category than those calculated according to the
minimum standard herein provided, but the rate or rates
of interest used shall not be higher than the correspond­
ing rate or rates of interest used in calculating any non­
forfeiture benefits provided for therein: Provided, how­
ever, That reserves for participating life insurance policies
may, with the consent of the commissioner, be calculated
according to a rate of interest lower than the rate of
interest used in calculating the non-forfeiture benefits in
such policies, with the.further proviso that if such lower
rate differs from the rate used in the calculation of the
non-forfeiture benefits by more than one-half per cent
the company issuing such policies shall file with the
commissioner a plan providing for such equitable in­
creases, if any, in the cash surrender values and non­
forfeiture benefits in such policies as the commissioner
shall approve.

(e) If the gross premium charged by any life insurance
company on any policy or contract is less than the net
premium for the policy or contract according to the mor­
tality table, rate of interest and method used in calculat­
ing the reserve thereon, there shall be maintained on
such policy or contract a deficiency reserve in addition
to all other reserves required by law. For each such
policy or contract the deficiency reserve shall be the
present value, according to such standard, of an annuity
of the difference between such net premium and the pre-
mium charged for such policy or contract, running for
the remainder of the premium-paying period.

Sec. 5. Payment of Dividends.—Except where it is
otherwise specially provided in this chapter, payments in
the form of dividends or otherwise shall not be made to
its stockholders by any life insurance company organized
under the laws of this state, unless its assets exceed by
the amount of such payment the amount of its paid-up
capital stock and all of its liabilities, including its re-
insurance reserve computed in accordance with the mini-
mum basis prescribed in section three of this article; and
no payment shall be made to the policyholders of any
such company except for matured claims and in the pur-
chase of surrendered policies, unless the assets of such
company exceed by the amount of such payments its lia-
bilities, including its reinsurance reserve, computed as
above provided in this section; but for all other purposes
the reinsurance reserve of every such company shall be
computed as provided in section three of this article.

Sec. 8. Reports by Insurance Companies of Other
States; Valuation of Policies.—Every life insurance com-
pany organized under the laws of any other state or coun-
try, before being admitted to do business in this state,
in addition to conforming to requirements of article two
of this chapter, shall annually, on or before the first day
of March, furnish to the insurance commissioner, on
blanks to be furnished by him for that purpose, a full re-
port of its condition on the preceding thirty-first day of
December, duly sworn to by its president and secretary
or other proper officers, together with a certificate, by the
proper officers of the government by whose authority it
is organized, and that it has complied with the laws of
such state or country and is authorized to transact busi-
ness therein. No license, or certificate of authority, to do
business in this state shall be issued to such company,
unless such certificate is furnished and the insurance
commissioner is satisfied with such certificate, nor unless
such other state or country shall license life insurance
companies incorporated by this state to transact business
within its jurisdiction upon a similar certificate from the
insurance commissioner, until such company makes the
report required by companies incorporated by this state.

Sec. 18. Rights of Insured After Default in Payment of
Premium in Policies Issued Prior to Operative Date of
Standard Nonforfeiture Law.—In event of default in pay-
ment of any premium due on any policy issued prior to the
operative date of section eighteen-a, (the Standard Non-
forfeiture Law), provided not less than three full years’
premiums shall have been paid, there shall be secured to
the insured, without action on his part, insurance either
paid up or extended, or extended as specified in the policy,
the net value of which shall be at least equal to the entire
net reserve held by the company on such policy, less two
and one-half per cent of the amount insured by the
policy and dividend additions, if any, and less any out-
standing indebtedness to the company on the policy at
the time of default. There shall be secured to the insured
the right to surrender such policy to the company at its
home office within one month after the date of default
for the cash value otherwise available for the purchase
of the paid up or extended insurance as aforesaid.

Sec. 18-a. Standard Nonforfeiture Law.—(1) In the
case of policies issued on or after the operative date of this
section, as defined in subsection (7), no policy of life
insurance, except as stated in subsection (6), shall be
issued or delivered in this state unless it shall contain
in substance the following provisions, or corresponding
provisions which in the opinion of the commissioner are
at least as favorable to the defaulting or surrendering
policyholder:

(a) That, in the event of default in any premium pay-
ment, the company will grant, upon proper request not
12 later than sixty days after the due date of the premium
13 in default, a paid-up non-forfeiture benefit on a plan
14 stipulated in the policy, effective as of such due date,
15 of such value as may be hereinafter specified;
16 (b) That, upon surrender of the policy within sixty
17 days after the due date of any premium payment in
18 default after premiums have been paid for at least three
19 full years, the company will pay, in lieu of any paid-up
20 non-forfeiture benefit, a cash surrender value of such
21 amount as may be hereinafter specified;
22 (c) That a specified paid-up non-forfeiture benefit shall
23 become effective as specified in the policy unless the per-
24 son entitled to make such election elects another avail-
25 able option not later than sixty days after the due date
26 of the premium in default;
27 (d) That, if the policy shall have become paid up by
28 completion of all premium payments or if it is continued
29 under any paid-up non-forfeiture benefit which became
30 effective on or after the third policy anniversary the
31 company will pay, upon surrender of the policy within
32 thirty days after any policy anniversary, a cash surren-
33 der value of such amount as may be hereinafter specified;
34 (e) A statement of the mortality table and interest rate
35 used in calculating the cash surrender values and the
36 paid-up non-forfeiture benefits available under the policy,
37 together with a table showing the cash surrender value,
38 if any, and paid-up non-forfeiture benefits, if any, avail-
39 able under the policy on each policy anniversary either
40 during the first twenty policy years or during the term of
41 the policy, whichever is shorter, such values and benefits
42 to be calculated upon the assumption that there are no
43 dividends or paid-up additions credited to the policy and
44 that there is no indebtedness to the company on the policy;
45 (f) A statement of the method to be used in calculating
46 the cash surrender value and the paid-up non-forfeiture
47 benefit available under the policy on any policy anniver-
48 sary with an explanation of the manner in which the
49 cash surrender values and the paid-up non-forfeiture
50 benefits are altered by the existence of any paid-up addi-
51 tions credited to the policy or any indebtedness to the
52 company on the policy.
Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

(2) Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (1), shall be an amount not less than the excess, if any of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of (i) the then present value of the adjusted premiums as defined in subsection (4), corresponding to premiums which would have fallen due on and after such anniversary, and (ii) the amount of any indebtedness to the company on the policy. Any cash surrender value available within thirty days after any policy anniversary paid up by completion of all premium payments or any policy continued under any paid-up non-forfeiture benefit, whether or not required by subsection (1), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the company on the policy.

(3) Any paid-up non-forfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(4) The adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year that the present value, at the date of issue of the policy, of all such adjusted
93 premiums shall be equal to the sum of (i) the then
94 present value of the future guaranteed benefits provided
95 for by the policy; (ii) two per cent of the amount of
96 insurance, if the insurance be uniform in amount, or
97 of the equivalent uniform amount, as hereinafter de-
98 fined, if the amount of insurance varies with duration
99 of the policy; (iii) forty per cent of the adjusted
100 premium for the first policy year; (iv) twenty-five per
101 cent of either the adjusted premium for the first policy
102 year or the adjusted premium for a whole life policy
103 of the same uniform or equivalent uniform amount
104 with uniform premiums for the whole of life issued at
105 the same age for the same amount of insurance, which-
106 ever is less: Provided, however, That in applying the
107 percentages specified in (iii) and (iv) above, no adjusted
108 premium shall be deemed to exceed four per cent of the
109 amount of insurance or level amount equivalent thereto.
110 The date of issue of a policy for the purpose of this sub-
111 section shall be the date as of which the rated age of the
112 insured is determined.
113 In the case of a policy providing an amount of insur-
114 ance varying with duration of the policy, the equiva-
115 lent level amount thereof for the purpose of this sub-
116 section shall be deemed to be the level amount of
117 insurance provided by an otherwise similar policy,
118 containing the same endowment benefit or benefits, if
119 any, issued at the same age and for the same term,
120 the amount of which does not vary with duration and
121 the benefits under which have the same present value
122 at the inception of the insurance as the benefits under
123 the policy.
124 All adjusted premiums and present values referred
125 to in this section shall be calculated on the basis of
126 the Commissioners 1941 Standard Ordinary Mortality
127 Table for ordinary insurance and the 1941 Standard
128 Industrial Mortality Table for industrial insurance and
129 the rate of interest, not exceeding three and one-half
130 per cent per annum, specified in the policy for calcu-
131 lating cash surrender values and paid-up non-forfeiture
132 benefits: Provided, however, That in calculating the
present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a non-forfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty per cent of the rates of mortality according to such applicable table: Provided further, That for insurance issued on a sub-standard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner,

(5) Any cash surrender value and any paid-up non-forfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (2), (3) and (4) may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (2), additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as decreasing term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, and (e) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and non-forfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up non-forfeiture benefits.

(6) This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen years or less expir-
(7) After the effective date of this act, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January first, nineteen hundred forty-eight. After the filing of such notice, then upon such specified date (which shall be the operative date for such company), this section shall become operative with respect to the policies thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be January first, nineteen hundred forty-eight.

CHAPTER 78

(House Bill No. 104—By Mr. Davis)

AN ACT to amend and reenact 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 fifty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-three, relating to compensation of petit jurors.

[Passed February 17, 1945; in effect ninety days from passage. 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 fifty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-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 case of felony shall be placed in the custody of the sheriff, he shall provide for and furnish such jury necessary meals and lodging while they are in such sheriff's custody, at a reasonable cost to be determined by an order of the court, and such meals and lodging 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, properly due and payable in the county treasury, and the sheriff of the county shall be held to account in his annual settlement for all such moneys collected by him.

CHAPTER 79
(House Bill No. 102—By Mr. Davis)

AN ACT to amend and reenact section two, article one, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, relating to exemptions and disqualifications from jury service.

(Passed February 15, 1945; In effect ninety days from passage. Approved by the Governor.)

Section 2. Exemptions and disqualifications.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Exemptions and Disqualifications.—The following persons shall be exempt but not disqualified, from serving on juries: Licensed practicing attorneys, licensed practicing physicians and dentists, registered practicing pharmacists, postmasters, all persons employed in the actual care and conveyance of the mails of the United States, officers of any court, justices of the peace, constables, all state, county and federal officers, all officers
and employees of the department of public safety, all officers and members of the national guard of West Virginia while in actual service, all telegraph operators actually engaged as such in any office in this state, ministers of the gospel, superintendents, officers and assistants of hospitals, prisons and jails, conductors and engineers of railways, the members of any regularly organized fire or police department in any city, town or village, all persons in the army or navy or volunteer force of the United States, all professors, tutors and pupils of institutions of learning while such institutions are actually in session; and the following persons shall be disqualified from serving on juries: Idiots, lunatics, paupers, vagabonds, habitual drunkards, and persons convicted of infamous crimes.

CHAPTER 80

(House Bill No. 105—By Mr. Davis)

AN ACT to amend and reenact section four, article one, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, relating to preparation of jury lists.

[Passed February 17, 1945; in effect ninety days from passage. Approved by the Governor.]


Section 4. Preparation of jury list.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Preparation of Jury List.—The jury commissioners of each county shall, annually, at the levy term of the county court thereof, or annually at such
other time as may be designated by order of the circuit
court of such county (and at any other time when re-
quired by the circuit court of such county), prepare, with-
out reference to party affiliations, a list of such inhabi-
tants of the county, not exempted or disqualified by law
as aforesaid, as they shall think well qualified to serve as
jurors, being persons of sound judgment, of good moral
character, and free from legal exception, which list shall
include not less than two hundred nor more than one
thousand persons: Provided, however, That in counties
having a population of fifty thousand or more, the jury
commissioners shall be required to have at least eight
hundred names in such list. The name of no person shall
be put on such list who shall have been drawn and who
actually served as a petit juror in any court of record
within a period of two years prior thereto, or who shall
have requested the jury commissioners or either of them,
by himself or another person, to have his name placed
on such list; and any such person shall be disqualified
from serving as a juror for the period of two years from
the date of such service or from the time of making such
request.

CHAPTER 81

(House Bill No. 103—By Mr. Davis)

AN ACT to amend and reenact section eleven, article one, chap-
ter fifty-two of the code of West Virginia, one thousand
nine hundred thirty-one, relating to the summoning of
jurors.

[Passed February 15, 1945; in effect ninety days from passage. Approved
by the Governor.]


Section

11. Special jury commissioners; delivery of list; summoning the jurors.
Be it enacted by the Legislature of West Virginia:

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

Section 11. Special Jury Commissioners; Delivery of List; Summoning the Jurors.—If either, or both, of the jury commissioners fail to attend as required by such summons, the clerk of the circuit court shall appoint a special jury commissioner or commissioners, having the qualifications herein required, to act in his or their place and stead, for the time being, and such jurors shall be drawn by such commissioners; and it shall be the duty of the clerk of such court to place the list thereof in the hands of the sheriff or other officer authorized to summon them. And it shall be the duty of such officer, at least three days before the time when the jurors are required to attend, to summon each person who is drawn to attend the sitting of the court at the time and place mentioned in the writ, and make due return thereof, and of the summons aforesaid, to such court, at the opening thereof.

In addition to any other method provided by law, any person named in writs of venire facias, or a summons for jurors, by direction of the court, may be served by the sheriff mailing a copy thereof to such person commanding him to attend as a juror, at a time and place designated therein, which copy shall be registered and deposited in the post office, addressed to such person at his usual post office address. And the personal receipt of the person so addressed for such registered copy shall be regarded as personal service of such writ or summons upon such person.
CHAPTER 82
(Senate Bill No. 181—By Mr. Bean)

AN ACT to amend chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article to be designated article fourteen, defining the terms "factoring", "factor" and "factors", providing for liens of factors upon goods or merchandise, and the giving and filing of notice of such liens.

[Passed March 9, 1945; in effect from passage. Approved by the Governor.]

Article 14. Factors' Liens.

Sec. 1. Definitions.—The term "factoring" as used in this article means the financing of a manufacturer in his purchases, manufacture and sales of goods and merchandise.

The terms "factor" and "factors" wherever used in this article include banks, persons, firms and corporations, and their successors in interest, who purchase or lend on the security of accounts receivable or who advance money on the security of materials, goods in process, or merchandise, whether or not they are employed to sell such materials, goods in process, or merchandise.

Sec. 2. Factors' Liens.—If so provided by any written agreement, all factors shall have a continuing general lien...
upon all materials, goods in process, and merchandise from time to time consigned to or pledged with them, whether in their constructive, actual or exclusive occupancy or possession or not, and upon any accounts receivable or other proceeds resulting from the sale or other disposition of such materials, goods in process, and merchandise, for all their loans and advances to or for the account of the person creating the lien (hereinafter called the borrower), together with interest thereon, and also for the commissions, obligations, indebtedness, charges, and expenses properly chargeable against or due from said borrower and for the amounts due or owing upon any notes or other obligations given to or received by them for or upon account of any such loans or advances, interest, commissions, obligations, indebtedness, charges, and expenses, and such lien shall be valid from the time of filing the notice hereinafter referred to, whether such materials, goods in process, or merchandise shall be in existence at the time of the agreement creating the lien or at the time of filing such notice or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the borrower: Provided, That there shall be placed and maintained on the door of, or in a conspicuous place at, one of the principal entrances of the place of business or other premises in or at which such materials, goods in process, and merchandise, or any part thereof, shall be located, kept or stored, the name of the factor in legible lettering and a designation of said factor as factor: Provided further, That a notice of the lien is filed, stating:

(a) The name of the factor, the name under which the factor does business, if an assumed name; the principal place of business of the factor within the state, or if he has no place of business within the state, his principal place of business outside this state; and if the factor is a partnership or association, the name of the partners, and if a corporation, the state under whose laws it was organized;

(b) The name of the borrower, and the interest of such person in the materials, goods in process, and merchandise, as far as known to the factor;
(c) The general character of materials, goods in process, and merchandise subject to the lien, or which may become subject thereto, and the period of time during which such loans or advances may be made under the terms of the agreement providing for such loans or advances and for such lien and the maximum amount to be loaned or advanced under such agreement. Amendments of the notice may be filed from time to time to record any changes in the information contained in the original, subsequent or amended notices.

Sec. 3. Filing.—Such notice must be verified by the factor or his agent, to the effect that the statements therein contained are true to the best of his knowledge. It must be filed in the office of the clerk of the county court in the county where the materials, goods in process, or merchandise subject to the lien, or any part thereof, are, or at any time shall be located, kept or stored, and also, if the factor has an office or principal place of business in the state, in the county where such principal office or place of business of the factor within the state is or at any time shall be located. The clerk shall file every such notice presented to him for that purpose and shall endorse thereon its number and the time of its receipt. The clerk at the time of filing such notice shall, upon request, issue to the person filing the same a receipt in writing setting forth the filing data. The clerk shall enter in a book provided for that purpose, in separate columns, the names of the parties named in each notice so filed under the head of borrowers and factors, the number of such notice and the date of filing thereof, and the general character of the merchandise as therein stated. The names of the persons, firms or corporations creating the liens, as stated in the notice, shall be arranged in alphabetical order under the head of borrower. The clerk shall be entitled to receive a fee of one dollar for the filing and indexing of each such notice.

Sec. 4. Effect of Filing.—Such notice shall be filed within thirty days after the making of the agreement, and shall be effectual from the time of the filing thereof as against all claims and unsecured creditors of the borrower.
and as against subsequent liens of creditors, except that if,
pursuant to the laws of this state, a lien should subse-
quently attach to the materials, goods in process, or mer-
chandise in favor of a processor, dyer, mechanic, or other
artisan, or in favor of a landlord, then the lien of the
factor on such materials, goods in process, or merchandise
shall be subject to such subsequent lien. When materials,
goods in process, or merchandise subject to the lien pro-
vided for by this act are sold in the ordinary course of
the business of the borrower, such lien, whether or not
the purchaser has knowledge of the existence thereof,
shall terminate as to the materials, goods in process, or
merchandise and shall attach to the proceeds of such sale
in the hands of the borrower.

Sec. 5. Discharge.—Upon the payment or satisfaction
of indebtedness secured by any lien specified in this act,
the factor or his legal representative, upon the request
of any person interested in the said materials, goods in
process, and merchandise, shall sign and acknowledge a
certificate setting forth such payment or satisfaction.
The county clerk with whom the notice of lien is filed,
on receipt of such certificate or a copy thereof certified
as required by law, shall file the same in his office and
write the word “Discharged” in the book where the notice
of lien is entered, opposite the entry thereof, and the
lien is thereby discharged. The county clerk shall be
entitled to receive a fee of fifty cents for filing each such
certificate of payment or satisfaction. All notices of liens
filed pursuant to this act and not satisfied by filing a
certificate setting forth payment or satisfaction thereof
shall be deemed to be and remain in full force and effect
under this act without further or other filing.

Sec. 6. Returned Merchandise and Allowances.—Where
accounts receivable, whether or not arising out of the
sale of materials, goods in process, or merchandise which
has become subject to the lien provided for by this act
by compliance with the provisions of section two hereof,
are assigned to a factor, the right to or lien of the factor
upon any balance remaining owing on such accounts
receivable, and his right to or lien upon any other ac-
counts receivable assigned to him by the assignor shall not be invalidated by reason of the fact that the materials, goods in process, or merchandise sold, or any part thereof, are returned to or recovered by the assignor from the person owing the account receivable and is thereafter dealt with by him as his own property or by reason of the fact that the assignor grants credits, allowances or adjustments to the person owing an account receivable, irrespective of whether the factor shall have consented to, or acquiesced in, such acts of the assignor.

Sec. 7. Common Law Lien.—When any factor, or any third party for the account of any such factor, shall have possession of materials, goods in process, or merchandise, such factor shall have a continuing general lien, as set forth in section two of this act, without filing the notice and posting the sign provided for in this act.

Sec. 8. Construction.—This act is to be construed liberally to secure the beneficial interest and purposes thereof. A substantial compliance with its several provisions shall be sufficient for the validity of a lien and to give jurisdiction to the courts to enforce the same. Nothing in this act shall be construed as affecting or limiting any existing or future lien at common law or any rights at common law, or any right given by any other statute, and as to any transaction falling within the provisions both of this act and of any other statute of this state requiring filing, recording, consent, publication, notices, or formalities of execution, the factor shall not be required to comply with both, but by complying with the provisions of either, at his election, may have the protection given by the law complied with.

CHAPTER 83
(Senate Bill No. 179—By Mr. Vickers, Mr. President, by request)

AN ACT to amend and reenact sections two, three and four, article six, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended,
and to add section four-a to said article, all relating to
miners' examining board, examination by the board, and
fee for examination.

[Passed March 9, 1945; in effect ninety days from passage. Approved
by the Governor.]

Article 6. Coal Miners' Examining Board.

Section
2. Miners' examining board.
3. Examinations by the board; records.
4. Fee for examination.
4-a. Transfer of funds.

Be it enacted by the Legislature of West Virginia:

That sections two, three and four, article six, chapter twenty­
two of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, be amended and reenacted, and that a
new section designated section four-a be added, all to read as
follows:

Section 2. Miners' Examining Board.—The chief of the
department of mines with the approval of the governor,
shall appoint a board of three members to be known as
the miners' examining board, which shall be composed
of two practical and experienced miners, one of whom
shall be a Negro, and one coal mine operator's repre­
sentative; not more than two members of the board shall
belong to the same political party; they shall serve for a
term of four years, unless sooner removed from office by
the chief of the department of mines for incompetency,
neglect of duty, drunkenness, malfeasance or other good
cause.

The chief of the department of mines shall designate
one member of the board as chairman, and shall furnish
said board with a seal of the department of mines. All
records, reports, books and papers of the board shall be
kept in the department of mines.

The salaries of the members of the board shall be not
less than thirty-three hundred dollars nor more than
thirty-nine hundred dollars per annum, and they shall
receive their actual traveling expenses, to be paid out of
the state treasury; such salary shall be fixed by the chief
of the department of mines, and shall be uniform; said
chief of the department of mines shall provide for the
maintenance of said miners' examining board in the same
manner as is provided all other branches of the depart-
ment of mines.

Sec. 3. **Examinations by the Board; Records.**—The
miners' examining board shall meet at least once each
month in each mine inspection district at such places as
the chief of the department of mines may designate, so
that all persons in the state, or who wish to come into the
state to engage in coal mining, may be examined as to
their competency and qualifications. Public notice of the
time and place of examinations shall be given through the
press or otherwise, in the discretion of the board, not less
than seven days in advance of the date of examination.
The board shall keep an accurate record of its pro-
cceedings and meetings, and in said record shall show a
correct detailed account of the examination of each appli-
cant with questions asked and their answers. Such rec-
ords shall be open to public inspection.

Sec. 4. **Fee for Examination.**—Each applicant for ex-
amination shall pay to the miners' examining board a fee
of one dollar. All fees collected by the miners' examining
board shall be promptly transmitted to the chief of the
department of mines and by him paid into the state
treasury.

Sec. 4-a. **Transfer of Funds.**—All funds from the date
this bill becomes effective that have been deposited in
the state treasury under a special fund known as the
"miners' examination certificate fund" shall be transferred
to the department of mines to defray the expenses of the
coal miners' examining boards until other funds are made
available by direct appropriation for the expenses of
such boards.
CHAPTER 84
(House Bill No. 293—By Mr. Warden)

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, as last amended, relating to the qualifications and salaries of mine inspectors.

[Passed March 8, 1945; in effect July 1, 1945. 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, as last amended, 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 which 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 four thousand one 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 further, That the salaries of mine inspectors herein mentioned shall be for the period ending June thirty, one thousand nine hundred forty-seven.

CHAPTER 85
(Com. Sub. for Senate Bill No. 83—Originating in the Senate Committee on Mines and Mining)

AN ACT to repeal chapter eighty-four, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-nine, and to amend chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article to be designated article two-a, relating to the regulation and control of strip mining and to the collection of bond forfeitures and the disposition thereof, and the rehabilitation of the land affected by strip mining operations, and providing penalties.

[Passed March 10, 1945; in effect from passage. Became a law without the approval of the Governor.]

Article 2-a. Strip Mining.
Section
1. Declaration of legislative purpose.
2. Permit required.
4. Duties of operator.
5. Bond forfeiture.
6. Validity of existing permits and bonds.
8. Offenses; penalty.

Be it enacted by the Legislature of West Virginia:

That chapter eighty-four, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-nine, be repealed, and that chapter twenty-two 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 two-a, to read as follows:

Section 1. Declaration of Legislative Purpose.—In view of the fact that the practice of strip mining may and commonly does cause soil erosion, stream pollution and the accumulation of stagnant water, increases the likelihood of floods, destroys the value of land for agricultural purposes, counteracts efforts for the conservation of soil, water and other natural resources of the state, and in general creates hazards dangerous to life and property; now therefore, the Legislature declares that its purpose in the enactment of this article is to provide such regulation and control of strip mining as to minimize its injurious effects as much as may be possible.

Sec. 2. Permit Required.—It shall hereafter be unlawful for any person, firm or corporation to engage in the strip mining of coal without having first obtained from the chief of the department of mines a permit therefor as provided in this section. The following information must be stated in the application for such a permit: (1) The location and area of the land to be covered by the permit and shown on a map or plat of portion to be stripped; (2) the owner or owners of the surface of the land; (3) the owner or owners of the coal to be mined; (4) the source of the operator's legal right to enter and mine the coal on the land covered by the permit; (5) the permanent and temporary post office address of the operator; (6) whether
any permits are now held, and, if so, how many such
permits and the numbers thereof.
Upon payment to the department of mines of a regis-
tration fee of fifty dollars, and the posting with the depart-
ment of the bond required by the following section, the
chief of the department shall upon proper application
issue the requested permit.

Sec. 3. Performance Bond.—Each operator shall give a
bond with satisfactory corporate surety, in a penalty of
five hundred dollars for each acre or fraction thereof cov-
ered by said permit, with a minimum of one thousand
dollars, conditioned for the faithful performance of the
requirements contained in section four hereof.

Sec. 4. Duties of Operator.—It shall be the duty of each
operator to: (1) Cover the face of the coal and so far as
practicable, bury all roof coal and pyritic shales; (2) seal
off with an earth fill any break-through to underground
working in the coal; (3) drain all the surface involved in
the strip mining operation, and provide such outlets as
may be necessary to conduct storm and seepage waters
from such surface to a permanent stream or stream bed
with as little erosion as possible; (4) remove all metal,
lumber and other refuse resulting from the operation;
(5) regrade, in a manner approved by the state depart-
ment of mines and the agricultural experiment station
of West Virginia university, the overburden or other
strata removed from the coal so as to refill any ditches,
trenches or excavations made in the stripping operation,
in order to minimize the hazards of floods, pollution of
streams and water, accumulation of stagnant water, and
the loss of the soil for agricultural or grazing purposes:
Provided, however, That any lands upon which stripping
operations are conducted which are not used for agri-
cultural or grazing purposes, and in the opinion of the
director of the agricultural experiment station of West
Virginia university are not adapted therefor shall be
exempt from the provisions of this requirement by the
chief of the department of mines and the director of the
agricultural experiment station of West Virginia uni-
versity; and (6) plant trees, shrubs, grasses or vines
upon the lands affected in accordance with such regu-
lations in respect to the time and manner of planting and
the type and quantity of fertilizer and lime to be used as
may be prescribed by the state department of mines and
the agricultural experiment station of West Virginia
university: Provided, however, That the surface owner
shall be entitled to his choice of trees, shrubs, grasses or
vines prescribed by the department of mines, and the
agricultural experiment station of West Virginia uni-
versity.

If the operator, land owner, or coal owner, including the
lessee, desires to conduct drift mining upon the premises,
he may designate drift locations, and also outside haulage
ways along the exposed face of the coal, at which places
it will not be necessary to replace the over-burden on the
haulage way to the coal until such mining is completed.

For failure to do all of the things required by this sec-
tion within one year after the completion of the mining
operation on the land covered by the permit, and after
receipt of a thirty-day notice in writing from the chief
of the department of mines, which notice may be sent
by registered mail, that any one or more of such things
had not been done, the permit covering the particular
operation and any other strip mining permits that may
have been issued to the operator involved shall be re-
voked by the chief of the department of mines, and the
performance bond shall be forfeited, unless such operator
shall comply with the provisions of this section within
said thirty-day period.

Any operator whose strip mining permit has been re-
voked shall not be eligible to receive another such permit
until he shall have complied with the requirements of
all the laws in respect to former permits issued to him.

Sec. 5. Bond Forfeitures.—Upon default in the perform-
ance of the conditions of the performance bond, the chief
of the state department of mines shall give notice to the
attorney general and it shall be his duty to collect the
forfeiture without delay.

All such forfeitures shall be deposited in a special fund
to the credit of the state department of mines to be ex-
pended by it, in cooperation with and subject to the ap­
proval of the agricultural experiment station of West
Virginia university, solely for the purpose of promptly
reclaiming lands that have been injured by strip mining
operations since the effective date of this act. It shall be
the duty of the state department of mines and the agri-
cultural experiment station of West Virginia university
to reclaim and rehabilitate the lands affected in accord-
ance with the provisions of section four of this act. Inso-
far as is reasonably practicable, such forfeitures shall be
expended upon the lands upon which the permit was
issued for which the bond was given. The state depart-
ment of mines may avail itself of any services that may
be provided by the federal government for reclaiming
lands.

All money in the special fund created by this section
may be expended without the necessity of legislative ap­
propriation, and the auditor shall issue the warrants there­
for upon the requisition of the chief of the state depart­
ment of mines, approved by the director of the agricultural
experiment station of West Virginia university.

Sec. 6. Validity of Existing Permits and Bonds.—The
provisions of chapter eighty-four of the acts of the Legis-
lature of West Virginia, regular session, one thousand
nine hundred thirty-nine, shall continue to be in full
force and govern in all respects every existing right for
strip mining operations, every outstanding permit for
strip mining operations and every existing cash or other
bond posted in connection therewith, as though this law
had never been passed, and the repeal herein made of
said chapter eighty-four of said acts shall not affect any
offenses or act committed or done, or any penalty or
forfeiture incurred, or any right established, accrued, or
accruing before the day this law takes effect: Provided,
however, That any money received from the forfeiture
of bonds given under the provisions of said act shall be
deposited in the same fund and used in the same manner
as forfeitures under this act: Provided further, That
every operator under an existing permit under which
actual mining operations have not been commenced prior
to March tenth, one thousand nine hundred forty-five,
shall nevertheless be required to perform all the duties
specified in section four of this act, and that for failure
to do so his bond shall be forfeited and he shall be subject
to all other penalties provided by the above-mentioned
former act: And provided further, That every such
operator shall be required to comply with the provisions
of section three of this act under which actual mining
operations have not been commenced prior to March
tenth, one thousand nine hundred forty-five, and for that
purpose shall post such additional bond as may be
necessary; if any such operator shall fail to post such
additional bond within thirty days after the effective
date of this act, the department of mines shall revoke his
permit.

Sec. 7. Certificate of Release.—If and when each oper-
ator has completed his strip mining operations under the
permit granted him by the department of mines in
accordance and in full compliance with the provisions
of this act, thereupon the chief of the department of mines
and the director of the agricultural experiment station
of West Virginia university shall issue to such operator
a certificate, wherein and whereby the bond given by the
operator shall be discharged and the surety thereon re-
leased.

Sec. 8. Offenses; Penalty.—Any operator who shall con-
duct any strip mining operation without a permit, or who
shall carry on such operation on land not covered by a
permit, shall be guilty of a misdemeanor, and upon con-
viction thereof shall be punished by a fine of one thousand
dollars, or by imprisonment in jail for not more than
one year, or by both such fine and imprisonment, in the
discretion of the court. It shall be the duty of the chief
of the department of mines to see that prosecutions are
instituted for any violation of the provisions of this sec-
tion.

Sec. 9. Provisions of Act Severable.—The various pro-
visions of this act shall be construed as separable and
severable, and should any of the provisions, sentences,
clauses, or parts thereof be construed or held unconsti-
AN ACT to amend and reenact section eleven, article six, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by acts of the Legislature, extraordinary session, one thousand nine hundred thirty-three, relating to fees for motor vehicles designated as trucks or truck-tractors, other than those operated for compensation.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 11. Class B. Fee for motor vehicles designated as trucks or truck-tractors, other than those operated for compensation; exemption of trucks used for agricultural or horticultural spraying purposes.

Be it enacted by the Legislature of West Virginia:

That section eleven, article six, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter sixty, acts of the Legislature, extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 11. Class B. Fee for Motor Vehicles Designated as Trucks or Truck-Tractors, Other Than Those Operated for Compensation; Exemption of Trucks Used for Agricultural or Horticultural Spraying Purposes.—The registration fee for all motor vehicles, commonly designated as trucks or truck-tractors, other than those operated for compensation, shall be as follows:
CHAPTER 87

(Com. Sub. for House Bill No. 78—Originating in the House Committee on Roads)

AN ACT to amend and reenact sections nine and twelve, article twenty-one, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter eighty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to the expiration, renewal and fees for operators' and chauffeurs' licenses.

[Passed February 27, 1945; in effect ninety days from passage. Approved by the Governor.]


Section

9. Issuance of operators' and chauffeurs' license; fees.
12. Expiration of licenses; renewals; fees.
Be it enacted by the Legislature of West Virginia:

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

Section 9. Issuance of Operators' and Chauffeurs' License; Fees.—The commissioner shall, upon payment of the fees hereinafter prescribed, issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, age, residence address, and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No such license shall be valid until it has been so signed by the applicant.

The fee for the issuance of an operator's license shall be one dollar. The fee for the issuance of a chauffeur's license shall be three dollars, except that a chauffeur's license may be issued on or after the first day of July in any year upon payment of a fee of one dollar and fifty cents.

Sec. 12. Expiration of Licenses; Renewals; Fees.—(a) Any operator's license issued under any prior act of the Legislature relating to the licensing of motor vehicle operators shall expire by its own limitation four years from the date of its issuance, except the operator's license of any person in the armed forces shall be extended for a period of six months from date of honorable discharge from service. Any operator's license issued subsequent to this act shall expire four years from the date of issue except as above provided. Any license so expiring may be thereafter renewable for successive periods of four years on or before its expiration date upon application and upon payment of a fee of one dollar for such renewal; if such license has been permitted to expire, it may be renewed by complying with the regulations of this section and the payment of a fee double
the regular fee for such renewal and without examination. The commissioner shall notify by first-class mail not less than thirty days prior to the expiration date, any person whose operator's license is about to expire, giving the expiration date and including therewith a renewal application form. The commissioner may, in his discretion, renew any license without examination.

(b) The commissioner shall, upon application and upon payment of a fee of three dollars, issue a chauffeur's license to any person holding a valid chauffeur's license issued pursuant to the provisions of any prior act of the Legislature. The commissioner may, in his discretion, issue such chauffeur's license to any such applicant without examination. Any chauffeur's license issued shall expire by its own limitation on the thirty-first day of December in the year following the issuance thereof, and shall be thereafter renewable for successive periods of one year upon application and upon payment of the required fee as hereinafter provided in this section.

CHAPTER 88

(Senate Bill No. 172—By Mr. Johnston, by request)

AN ACT to amend and reenact section one, article seven, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by the acts of the Legislature, regular session, one thousand nine hundred thirty-five, and regular session, one thousand nine hundred thirty-seven, relating to certificates of title for motor vehicles and imposing a tax upon the certification of such titles.

[Passed March 6, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 7. Certificates of Title.

Section

1. Certificate of title; application; tax and fee.
Be it enacted by the Legislature of West Virginia:

That section one, article seven, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter sixty-five, acts of the Legislature, regular session, one thousand nine hundred thirty-five, and chapter forty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, be amended and re-enacted to read as follows:

Section 1. Certificate of Title; Application; Tax and Fee.—Certificates of registration of any vehicle or registration plates therefor, whether original issues or duplicates, shall not be issued or furnished by the state road commission or any other officer charged with such duty, unless the applicant therefor already has received, or shall at the same time make application for and be granted, an official certificate of title of such motor vehicle. Such application shall be upon a blank form to be furnished by the state road commission and shall contain a full description of the motor vehicle, which description shall contain the manufacturer's number, the motor number and any distinguishing marks, together with a statement of the applicant's title and of any liens or encumbrances upon such motor vehicles, the names and addresses of the holders of such liens, and such other information as the state road commission may require. The application shall be signed and sworn to by the applicant. A tax is hereby imposed upon the privilege of effecting the certification of title of each motor vehicle in the amount equal to two per cent of the value of said motor vehicle at the time of such certification. If the motor vehicle is new, the actual purchase price or consideration to the purchaser thereof shall be the value of said vehicle; if the motor vehicle is a used or second-hand vehicle, the actual price or consideration paid therefor by the purchaser shall be deemed the value thereof for the purposes of this section: Provided, That so much of the purchase price or consideration as is represented by the exchange of other motor vehicles on which the tax herein imposed has been paid by the vendor shall be
deducted from the total actual price or consideration paid for said vehicle, whether the same be new or second-hand. No certificate of title for any motor vehicle shall be issued to any applicant unless such applicant shall have paid to the state road commissioner the tax imposed by this section; but the tax imposed by this act shall not apply to motor vehicles to be registered under sections seventeen and eighteen, article six of this chapter, which are used or to be used exclusively in interstate commerce, nor shall the tax imposed by this act apply to titling of motor vehicles by a registered dealer of this state for resale only. The total amount of revenue collected by reason of this tax shall be paid into the state road fund and expended by the state road commissioner in the maintenance and construction of the state's secondary roads. In addition to said tax, there shall be a charge of one dollar for each original certificate of title so issued. The state road commissioner, or other officer charged with such duty by the commission, if satisfied that the applicant is the owner of such vehicle, or otherwise entitled to have the same registered in his name, shall thereupon issue to the applicant an appropriate certificate of title over the signature of the official designated by the commission, authenticated by a seal to be procured and used for such purpose. Such certificates shall be numbered consecutively, beginning with number one, and shall contain such description and other evidence of identification of such motor vehicle as the state road commission may deem proper.

Such certificate shall be good for the life of the car, so long as the same is owned or held by the original holder of such certificate, and need not be renewed annually, or at any other time, except as herein provided. If, by will or direct inheritance, a person becomes the owner of a vehicle upon which the tax herein imposed has been paid, he shall not be required to pay such tax. A person who has paid the tax imposed by this section shall not be required to pay the tax a second time for the same vehicle, but he shall be required to pay a charge of one dollar for the certificate of re-title of that vehicle.
CHAPTER 89

(Com. Sub. for House Bill No. 302—Originating in the House Committee on the Judiciary)

AN ACT to authorize agents of municipalities having gross sales tax ordinances to inspect tax returns filed by their respective taxpayers for state tax purposes in the office of the state tax commissioner.

[Passed March 10, 1945; in effect from passage. Approved by the Governor.]

Section 1. Authorizing agents of municipalities having gross sales tax ordinances to inspect gross sales tax returns in office of state tax commissioner.

Be it enacted by the Legislature of West Virginia:

Section 1. Authorizing Agents of Municipalities Having Gross Sales Tax Ordinances to Inspect Gross Sales Tax Returns in Office of State Tax Commissioner.—It shall be the duty of the state tax commissioner, upon the written request of the mayor of any municipality having a gross sales tax ordinance, to allow the duly authorized agent of such municipality to inspect and make copies of state gross sales tax returns filed in the commissioner's office by taxpayers of such municipality, for the purpose of securing information for municipal tax purposes: Provided, however, That before such agent may inspect and make copies of said returns he shall pay in advance, or furnish sufficient security for, such reasonable cost and expense as may be necessary to obtain such information.

CHAPTER 90

(House Bill No. 67—By Mr. Ross, of Mercer)

AN ACT to amend and reenact section one, article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter sixty-eight,
acts of the Legislature, regular session, one thousand nine hundred thirty-five, relating to authority of municipalities to construct public works.

[Passed February 20, 1945; in effect from passage. Approved by the Governor.]

Article 4-a. Municipal Public Works; Bonds.

Section 1. Definitions.

Be it enacted by the Legislature of West Virginia:

That section one, article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter sixty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:

Section 1. Definitions.—(a) The term “municipality”, as used in this act, shall be construed to mean any city or incorporated town in the state of West Virginia; (b) the term “municipal authorities”, as used in this act, shall be construed to mean the mayor and council, or similar governing body, board or commission of any city or incorporated town; (c) the term “municipal public works”, as used in this act, shall be construed to mean and include cemeteries, incinerator plants, hospitals, piers, docks, terminals, airports, drainage systems, flood control systems, public markets, automobile parking buildings, stadiums, public recreation parks, swimming pools, tennis courts, golf courses, polo grounds, public buildings, including libraries and museums, common jails, where such works or projects will be made self-supporting, and the construction and/or acquisition cost thereof, together with interest thereon, will be returned within a reasonable period, not exceeding thirty years, by means of tolls, fees, rents or charges other than taxation, and shall mean and include such system, building plant or project in its entirety, and all integral parts thereof.
AN ACT to amend and reenact section four, article fourteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to board of park commissioners.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 14. Board of Park Commissioners.

Section 4. Members; qualifications; election or appointment; terms; disqualification.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Members; Qualifications; Election or Appointment; Terms; Disqualification.—The board shall consist of not less than three nor more than five members as the council may, by ordinance, determine, a majority of whom shall constitute a quorum for the transaction of business, except as may be hereinafter provided. Each member of said board shall be a bona fide resident of the municipality and shall own real estate within its corporate limits. The council of the municipality may provide either by the ordinance creating the board or by a subsequent ordinance for the appointment of the members thereof by the council, but unless and until it does so provide, the members of the board shall be elected by the duly qualified voters of the municipality at regular municipal elections. A councilman, if otherwise qualified, may be a member of said board, if the board consists of four or less members, but one such councilman may be appointed by the council, and if it consists of five members not more than two councilmen may be so appointed. The term of the board membership of any such councilman
so appointed shall continue during his term and until his successor is appointed or elected and qualified. Membership on the council shall not disqualify any member for election to the board. The terms of other appointed or elected members shall be for six years, and until their successors have been duly elected or appointed and qualified: Provided, however, That the council of the municipality shall appoint the members of the first board, such appointees to serve, one for a term of six years, one for a term of four years, and one for a term of two years. The ordinance creating the board shall fix the date upon which the terms of such board members shall begin. When any member of the board, during his term of office, shall cease to be a bona fide resident of the municipality or a freeholder thereof, he shall thereby be disqualified as a member of said board and his office shall thereupon become vacant.

CHAPTER 92

(House Bill No. 15—By Mr. Hansbarger, by request)

AN ACT to amend and reenact section two, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter twelve, acts of the Legislature, regular session, one thousand nine hundred forty-three, relating to the compensation of municipal officers.

[Passed March 2, 1945; in effect ninety days from passage. Approved by the Governor.]

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

Section 2. Compensation of officers and employees.

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, as last amended and reenacted by chapter twelve, acts of the Legislature, regular session, one thousand nine hundred forty-three, be amended and reenacted to read as follows:

Section 2. Compensation of Officers and Employees.—
2 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.
11 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 one hundred twenty 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, shall be the same as that of a constable, except that he shall receive for his services, in the collection of taxes and assessments and such license and other fees as it is his duty under the law to collect, a compensation, to be fixed by the council, of not exceeding five per cent on the amount duly collected and accounted for.

CHAPTER 93

(House Bill No. 300—Originating in the House Committee on Taxation and Finance)

AN ACT to amend and reenact sections fourteen and twenty, article six, chapter eight of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating to the firemen's and policemen's pension or relief funds.

[Passed March 6, 1945; in effect July 1, 1945. Approved by the Governor.]

Article 6. Fire Department, Fire Companies, and Firemen's and Policemen's Pensions or Relief Funds.

Section

14. Levy to maintain fund; gifts, etc; assessments on members of departments; return of assessments.
20. Payments upon retirement without disability; payments for retirement at sixty-five; payments for permanent disability; credit for military service.

Be it enacted by the Legislature of West Virginia:

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

Section 14. Levy to Maintain Fund; Gifts, etc; Assessments on Members of Departments; Return of Assessments.—In every municipality there shall be a firemen's pension or relief fund and a policemen's pension or relief fund, which shall be maintained as follows: The council or other governing body of each municipality shall levy annually and in the manner provided by law for other municipal levies, and include within the maximum levy or levies permitted by law, and if necessary in excess of any charter provision, a tax of not less than one cent on each one hundred dollars of all real and personal property as listed for taxation in such municipality, for the firemen's pension or relief fund, and a like levy on all real and personal property as listed for taxation in such municipality, for a policemen's pension fund: Provided, That in any city or municipality of eight thousand three hundred population or less the laying of the levies herein provided for shall be within the discretion of the common council or other body of like power and duties in such city or municipality. The levies authorized under this section, or any part of them, may by the council or other governing body be laid in addition to all other municipal levies, and to that
extent beyond the limit of levy imposed by the charter
of such municipality; and such levies shall supersede and
if necessary exclude levies for other purposes if such
priority or exclusion is necessary under limitation upon
taxes or tax levies imposed by law.

Such corporations are authorized to take by gift, grant,
devises or bequest, any money or real or personal property,
upon such terms as to the investment and expenditure
thereof as may be fixed by the grantor or determined by
said trustees.

In addition to all other sums provided for pensions in
this section, it shall be the duty of every municipal cor-
poration to assess and collect from each member of such
fire department and police department each month the
sum of three per cent of the monthly basic pay of such
fire or police department, that is, the monthly basic pay
for all equally and regardless of rank or position of the
member of such department and so that the amount of
such deduction shall be the same for all members of such
fire department and the same for all members of such
police department, which amount so to be deducted shall
be deducted from the monthly pay of such persons; and
the amount so collected shall become a regular part of the
firemen’s pension fund, if collected from a fireman, and
of the policemen’s pension fund, if collected from a
policeman.

Any member of a municipal fire or police department
who is released or who before retirement on any pension
severs his connection with said department, provided
he has served two full years or more, shall, upon request,
be refunded all deductions made from his salary, but
without interest. In event such refund is made and such
member subsequently reenters the department, no credit
shall be allowed him for any former service.

Sec. 20. Payments Upon Retirement without Disability;
Payments for Retirement at Sixty-Five; Payments for
Permanent Disability; Credit for Military Service.—Any
member of a municipal fire department or police depart-
ment who is entitled to benefits of said fund, and who has
been in the continuous service of such department for
twenty years, and upon reaching the age of fifty years, may, upon written application to the board of trustees, be retired from all service from such department without medical examination or disability, and on such retirement the board of trustees shall authorize the payment of eighty-five dollars per month to such retired member during the remainder of his life, and any member of such department who is entitled to the benefits of said fund and who has been in the continuous service of such department for more than twenty years at the time of his retirement as herein provided shall in addition to the eighty-five dollars per month authorized to be paid such member upon retirement after twenty years of continuous service, and reached the age of fifty years, receive five dollars per month during the remainder of his life for each year of the first three additional years served with such department in excess of said twenty years, but in no event shall he receive additional retirement pay for more than three such additional years: Provided, however, That any member of such department who has served in the armed services, as defined hereinafter, shall be eligible to retirement prior to reaching the age of fifty years if he is otherwise eligible hereunder. A member of such department who may have served twenty years, but not continuously, and reached the age of fifty years, shall be entitled to the benefits of this section, provided he shall not have been out of the service for a longer period than two years and six months.

Any member of a municipal fire or police department upon reaching the age of sixty-five years shall retire, unless a national emergency exists, and then at the expiration of such national emergency, and the board of trustees shall authorize the payment to such retired member, who need not have served twenty years, of the sum of eighty-five dollars per month to such retired member during the remainder of his life, and any member of such department who is entitled to the benefits of said fund and who has been in the continuous service of such department for longer than twenty years and reached the age of fifty at the time of his retirement as herein provided, shall in addition to the eighty-five dollars per
month authorized to be paid such member upon retirement
after twenty years of continuous service, receive five
dollars per month during the remainder of his life for
each year of the first three additional years served with
such department, but in no event shall he receive addi-
tional retirement pay for more than three such additional
years. A member of such department who may have
served twenty years, but not continuously, and reached
the age of fifty years, shall be entitled to the benefits of
this section, provided he shall not have been out of the
service for a longer period than two years.

The sum to be paid to permanently disabled members
shall be at the rate of one hundred dollars per month,
which shall be paid regardless of the position in the
department of such disabled member.

Absence from the service because of sickness or injury
shall not be construed as time out of service.

Any member of such departments who has served in
the armed forces of the United States between Septem-
ber fifteenth, one thousand nine hundred forty, the date
of the selective service act, and the official termination
of the present war as may be declared by the president
of the United States or by joint resolution of the con-
gress of the United States, and who has not been dis-
honorably discharged from said service, shall be given
credit for continuous service in said fire or police depart-
ments: Provided, That he shall not have reenlisted
in said armed forces after such official termination of the
present war, nor remained in such service without re-
signing or retiring where or when resignation or retire-
ment is necessary for discharge or release, and that with-
in six months after the receipt of an honorable discharge
he shall present himself to the officer, board or person
having power to make original appointments to the de-
partment and offer to resume service as an active member
of the department and that he, upon his return and proffer
to resume active service, be determined by the pension
board doctors as mentally and physically capable of per-
forming his duties as a member of the department. In
event such member becomes disabled after entering upon
his duties as a member of any municipal fire department
or police department, and it appears that such disability
was brought about by reason of his service in the armed
forces of the United States and that the government of
the United States has upon his application or otherwise
granted him a pension of less than one hundred dollars
per month, then, in that event, upon his application, the
board of trustees of the firemen's pension relief fund or
the policemen's pension relief fund, as the case may be,
may grant him a pension, payable monthly, so as to
bring his total monthly pension income from both the gov-
ernment of the United States and said firemen's pension
relief fund or the policemen's pension relief fund, to the
aggregate sum of one hundred dollars per month.

No member of the fire or police departments shall be
required to pay the monthly assessment as now required
by law, during his period of service in the armed forces
of the United States.

None of the provisions of this act shall apply to or
affect any person who at the time this act takes effect is
receiving any pension, payment or benefit from the fire-
men's or policemen's pension or relief funds.

CHAPTER 94

(Senate Bill No. 160—By Mr. Morrison, by request)

AN ACT to amend article one, chapter eight of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding a new section thereto, to be numbered
section three, authorizing municipalities to become mem-
bers of an association or league of municipalities, defray-
ing the expense thereof by the payment of dues thereto.

[Passed March 6, 1945; in effect ninety days from passage. Approved
by the Governor.]


Section
3. Authority to become members of association or league of munici-
palities; payment of expenses.
Be it enacted by the Legislature of West Virginia:

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

Section 3. Authority to Become Members of Association or League of Municipalities; Payment of Expenses.—Every municipality in this state is hereby authorized and empowered to become a member of an association or league of municipalities having for its general purpose the exchange and dissemination of information and ideas designed for the more efficient administration and conduct of municipal government and affairs. In order to finance the maintenance of such organization, each municipality is hereby authorized to expend and contribute thereto annually, a sum not to exceed one cent per capita for each inhabitant of such municipality based on the last federal census, such expenditure to be appropriated by the council as a current expense item and included in the annual budget.

CHAPTER 95

(House Bill No. 215—By Mr. Speaker, Mr. Amos, by request)

AN ACT to amend and reenact sections twenty-four and twenty-five, article twelve, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to certificate or permit to be attached to nursery stock sold, duties of carriers bringing such stock into the state, and to registration of nurserymen; and to repeal section thirty-two of said article and chapter relating to tags required to be attached to shipments of nursery stock.

[Passed March 9, 1945; in effect from passage. Approved by the Governor.]
Article 12. Insects and Plant Diseases.

Section
24. Certificate or permit to be attached to nursery stock sold; duties of carriers.
25. Registration of nurserymen.
32. Repealed.

Be it enacted by the Legislature of West Virginia:

That section thirty-two, article twelve, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be repealed, and that sections twenty-four and twenty-five be amended and reenacted to read as follows:

Section 24. Certificate or Permit to Be Attached to Nursery Stock Sold; Duties of Carriers.—It shall be unlawful for any nurseryman to deliver or give away, within the boundaries of this state, plants commonly known as nursery stock, which have not been duly inspected in accordance with the provisions of this article and do not carry plainly attached to each carload, box, bale or package, a copy of a certificate or permit as herein provided, except that in case of nursery stock shipped into the state from without, the commissioner shall provide by regulations for the acceptance of proper certificates from other states, and a tag or certificate so stating shall be attached to all such shipments, but no nursery stock shall be sold or shipped under the certificate issued as provided herein that was not raised in the nursery for or to which the certificate was issued, until such stock has been duly examined, as provided herein, and found to be apparently free from any dangerously injurious insect pest or plant disease. The commissioner may require all transportation companies and common carriers bringing nursery stock into this state, upon receiving such consignment, to notify immediately the commissioner of the fact that such consignment is in their possession or enroute to some point within the state, and give the names of the consignor and consignee, the point of shipment, the designation of such consignment and whether it bears the official tag hereinbefore
required. It shall be unlawful, after the promulgation of the rules and regulations provided for in this article, for any person to transport, by land or water, plants commonly known as nursery stock, in violation of the same, and every such offense shall constitute a misdemeanor.

Sec. 25. Registration of Nurserymen.—It shall be unlawful for any person, either for himself or as agent for another, to offer for sale, sell, deliver or give away, within the bounds of this state, any plants known as nursery stock, unless such person shall have first procured from the commissioner a certificate of registration, which certificate shall contain such rules and regulations concerning the sale of nursery stock as the commissioner may prescribe, who shall have full power, and is hereby authorized and required, to cancel and withdraw any certificate upon satisfactory evidence that any rules and regulations governing the sale of nursery stock within this state have been violated by the holder of the same. The commissioner shall not issue any certificate of registration except on the filing with the commissioner of a certified copy of a certificate of inspection, as specified in sections twenty-one and twenty-four of this article. All such certificates as may be granted shall expire and become null and void June thirtieth next succeeding the issuance thereof. Any person, either for himself or as agent for another, who shall sell, offer for sale, deliver or give away any plants, commonly known as nursery stock, without exhibiting a copy of the certificate of registration as herein provided for to each and every person to whom he shall sell, offer for sale, deliver or give away any such plants, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined as provided in section thirty-one of this article. This section shall not be construed so as to prevent a neighbor from giving away a plant or tree which is not from a nursery.

Sec. 32. This section is hereby repealed.
CHAPTER 96  
(Senate Bill No. 68—By Mr. Bean, by request)

AN ACT to amend and reenact article seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, relating to the examination, licensing and regulation of registered professional nurses; to provide for a board of examiners and prescribe and define the powers and duties thereof; to provide for the annual recording of registration certificates; and to prescribe penalties for violation of the provisions of this act.

[Passed March 9, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 7. Nurses.

Section

1. Definitions.
2. Who may practice.
3. Use of title “Registered Nurse”; registration of alien graduate nurses.
4. Qualifications and examination of registered professional nurses.
5. Renewal of license.
6. Board of examiners for nurses.
7. Advisory council to board of examiners.
8. Schools of nursing.
9. Administration of anaesthetics by registered nurse.
10. Construction of this article.
11. Disciplinary proceedings; grounds for discipline.
12. Penalties.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Definitions.—As used in this article, the term “board” means the West Virginia state board of examiners for registered nurses. The practice of registered nursing is defined as follows: A person practicing nursing within the meaning of this article who for compensation or personal profit (a) performs any professional service requiring the application of principles of nursing based on biological, physical and social sciences, such as responsible supervision of a patient requiring skill in ob-
Chapter 96, Nurses

Section 1. Duties of Nurses.—(a) Performs such duties as are required in the physical care of a patient and in carrying out of medical orders as prescribed by a licensed physician, requiring an understanding of nursing but not requiring the professional service as outlined in (a).

(b) Performs such duties as are required in the physical care of a patient and in carrying out of medical orders as prescribed by a licensed physician, requiring an understanding of cause and effect in order to safeguard life and health of a patient and others; or (b) performs such duties as are required in the physical care of a patient and in carrying out of medical orders as prescribed by a licensed physician, requiring an understanding of nursing but not requiring the professional service as outlined in (a).

Section 2. Who May Practice.—In order to safeguard life and health, graduate nurses practicing or offering to practice nursing in this state for compensation or personal profit shall, hereafter, be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. After December thirty-first, one thousand nine hundred forty-five, it shall be unlawful for any graduate nurse to practice or to offer to practice nursing in this state or to use any title, sign, card or device to indicate that such a person is practicing nursing unless such person has been duly licensed and registered under the provisions of this article.

Section 3. Use of Title “Registered Nurse”; Registration of Alien Graduate Nurses.—A registered professional nurse shall be entitled to use such title and the abbreviation R. N. No other person shall assume such title or use the abbreviation R. N. or any other words, letters or figures to indicate that the person using the same is a registered professional nurse. A license may be issued to a person who is not a citizen of the United States but who has declared his or her intention of becoming a citizen, but shall terminate and become void at the end of seven years from such declaration of intention if the holder has not become a citizen. A license so terminated may be reissued by the board any time thereafter upon evidence of citizenship and an explanation of the delay satisfactory to the board. Every alien graduate nurse who will register under this act shall file with the application for registra-
tion a copy of his or her declaration of intention to become
a citizen of the United States certified by the clerk of the
court in which it was filed. In case of failure to present
such certificate his or her application will not be acted
upon until the certificate is filed.

Sec. 4. Qualifications and Examination of Registered Pro-
fessional Nurses.—To obtain a license to practice as a reg-
istered professional nurse, the applicant shall submit to
the board satisfactory evidence that he or she (a) is
more than twenty years of age; (b) is of good moral char-
acter; (c) is a citizen of the United States or has legally
declared his or her intention of becoming a citizen; (d)
has completed at least an approved four-year high school
course of study or three years of high school work after
graduation from a standard junior high school and has
received a diploma or certificate of graduation from a
standard high school in this state or from a high school
outside this state having equal standards, grades and re-
quirements: Provided, That an applicant who began his or
her course of study in a school of nursing registered by
the board prior to January first, one thousand nine hun-
dred thirty, may submit in lieu thereof evidence of having
completed the preliminary educational requirements in
force at that time; (e) has completed the course of study
in, and holds the diploma of a school of nursing approved
by the board. The applicant shall also be required to
pass a written examination in such subjects as the board
shall determine. Each written examination may be sup-
plemented by such oral or practical examination as may
be determined upon the recommendation of the board.
The board shall determine the times and places for the
examinations. Any person who (a) has graduated from
a school of nursing accredited in any other state, province,
or country and is licensed in any other state, province or
country; (b) meets the requirements as to age, character
and citizenship; (c) and who has completed a course in
nursing considered by the board to be a satisfactory
equivalent to that required in this state at that time, may
file with the board an application for a license as a regis-
tered professional nurse. Upon recommendation of the
board, such person may be licensed as a registered professional nurse without examination. In determining what is a satisfactory equivalent of a course of study in a school of nursing, the board shall grant an applicant reasonable opportunity to furnish further evidence and to make up any deficiencies, which, in the opinion of the board, may be necessary to meet its requirements.

Sec. 5. Renewal of License.—The license of every nurse registered in this state shall be annually renewed except as hereinafter provided. On or before January first, one thousand nine hundred forty-six, the board shall mail an application for renewal of license to every known, active, nurse who has ever been licensed in West Virginia. On or before January first in each year thereafter the board shall mail a renewal application to every nurse whose license was renewed during the previous year. The applicant shall fill in the application blank and return it to the board with a renewal fee of one dollar before January thirty-first of that year. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the current year beginning January first and expiring December thirty-first. Such certificate of renewal shall render the holder thereof a legal practitioner for the period stated on the certificate of renewal. Any licensee who allows his or her license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation for such failure to renew his or her license, and on payment of a fee of two dollars. Any person practicing nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of this article. A person licensed under the provisions of this article desiring to retire from practice temporarily, shall send a written notice to the board. Upon receipt of such notice the board shall place the name of such person upon the non-practicing list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice nursing in the state. When the
person desires to resume practice, application for renewal of license and payment of renewal fee for the current year shall be made to the board.

Sec. 6. Board of Examiners for Nurses.—The governor shall appoint, by and with the advice and consent of the senate, five citizens of the state of West Virginia, who shall be registered nurses and residents of the state, who shall constitute the West Virginia state board of examiners for registered nurses: Provided, however, That the present members of the West Virginia board of examiners for nurses shall, unless sooner removed, serve as members of the board until their successors are duly appointed under the provisions of this act. Upon the expiration of said present terms or upon the appointment of such successors, said appointments shall be made by the governor, by and with the advice and consent of the senate, from lists submitted to the governor by the West Virginia state nurses' association, which lists shall consist of not less than five nurses, each of whom shall have graduated from an accredited school of nursing and had at least five years' experience in nursing following graduation and two years' experience in nursing education or administration in schools of nursing, and who shall have been active in nursing within two years of his or her appointment. Such appointments shall be for terms of five years each or for the unexpired term, if any, of present members. Any member may be eligible for a reappointment, but no member shall serve longer than two successive terms. Vacancies shall be filled in the same manner as is provided for appointment in the first instance, from a list of five names. The board is hereby authorized to appoint and employ a registered nurse, who is duly qualified, to perform the duties of a secretary to the board and also to act as educational adviser; to survey and advise the approved schools of nursing to the end that the rules and regulations adopted by said board may be observed throughout the state. Such secretary shall act under the direction of said board. The board shall furnish the secretary a headquarters and shall provide such office equipment and clerical assistance as the duties of the of-
fice may require. The board shall have power to ap-
point such nurses, deputies, clerks, assistants, inspectors,
and employees as shall be necessary for the proper exer-
cise of the powers and duties of the board. The com-
pensation and expenses of the members of the board and
its appointees and employees shall be paid out of such
funds as are allocated to the board in its annual budget.
The secretary shall keep the records of all proceedings
of the board, and shall keep a register of the names and
addresses of all nurses registered under this article which
register shall be a public record. Said board shall hold
not less than two regular meetings each year, and such
additional meetings at such times and places as the board
may determine. Notice of each of said meetings shall be
published in two newspapers of general circulation in the
state, and in one state publication of a journal of nursing,
and notices of said meetings shall be sent by mail to each
person known by the secretary to be an applicant for an
examination or registration, at least thirty days previous
to any such meeting. The board is authorized to adopt
and, from time to time, revise such rules and regulations
not inconsistent with the law, as may be necessary to
enable it to carry into effect the provisions of this act.
The board shall prescribe curricula and standards for
schools and courses preparing persons for licensure under
this article. It shall provide for surveys of such schools
and courses at such times as it may deem necessary. It
shall accredit such schools and courses as meet the re-
quirements of this article and of the board. It shall
evaluate and approve courses for affiliation. It shall ex-
amine, license and renew the license of duly qualified
applicants.

Sec. 7. Advisory Council to Board of Examiners.—There
is hereby created an advisory council to said board to con-
sist of the members of the West Virginia public health
council and two members of the West Virginia state hos-
pital association. These two representatives shall be
chosen by the members of the public health council for a
term of two years beginning July first, one thousand
nine hundred forty-five, and shall be eligible for re-
appointment. The advisory council shall act in an ad-
visory capacity to the board herein provided for.

Sec. 8. Schools of Nursing.—An institution desiring to
be accredited by the board shall file an application there-
for with the board, together with the information re-
quired and a fee of ten dollars. It shall submit evidence
that: (1) It is prepared to give the course of theoretical
instruction and practical experience in nursing as pre-
scribed in the curriculum adopted by the board. Such
instruction and experience may be secured in one or more
institutions approved by the board; (2) it is prepared to
meet other standards established by this law and by the
board.

A survey of the institution, or institutions, with which
the school is to be affiliated shall be made by the execu-
tive secretary of the board. The executive secretary shall
submit a written report of the survey to the board. If,
in the opinion of the board, the requirements for an ac-
credited school of nursing are met, it shall approve the
school as an accredited school of nursing. From time to
time as deemed necessary by the board, it shall be the
duty of the board, through its executive secretary, to
survey all schools of nursing in the state. Written reports
of such surveys shall be submitted to the board. If the
board determines that any accredited school of nursing
is not maintaining the standards required by the statutes
and by the board, notice thereof in writing specifying the
defect or defects shall be immediately given to the school.
A school which fails to correct these conditions to the
satisfaction of the board within a reasonable time shall be
removed from the list of accredited schools of nursing.

Sec. 9. Administration of Anaesthetics by Registered
Nurse.—In any case where it is lawful for a duly licensed
physician and surgeon practicing medicine and surgery
under the laws of this state to administer anaesthetics,
such anaesthetics may lawfully be given and adminis-
tered by any nurse who has been duly registered as such
under the laws of this state: Provided, That such anaes-
thetic is administered by the nurse in the presence and
under the supervision of such physician or surgeon.
Sec. 10. Construction of This Article.—This article shall not be construed as conferring any authority to practice medicine or to undertake the treatment or cure of disease, pain, injury, deformity or physical condition, nor shall it be construed as prohibiting the care of the sick by domestic servants, housekeepers, nursemaids, companions or household aides of any type, whether employed regularly or because of an emergency illness: Provided, That such person does not hold himself or herself out, or accept employment, as an R. N. under the provisions of this article, or preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of an emergency; nor shall it be construed as including service given by attendants in institutions under the jurisdiction of or subject to the visitation of the West Virginia board of control if adequate medical and nursing supervision is provided; nor shall it be construed as prohibiting such practice of nursing by students enrolled in registered schools as may be incidental to their course of study; nor shall it be construed as prohibiting or preventing the practice of nursing in this state by a graduate nurse, whose application for registration by reciprocity is pending; nor shall it be construed as prohibiting or preventing the practice of nursing in this state by any legally qualified nurse of another state or country whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of such engagement: Provided, That such person does not represent or hold himself or herself out as a nurse registered to practice in this state, nor shall it be construed as prohibiting nursing or care of the sick, with or without compensation, or personal profit, when done in connection with the practice of the religious tenets of any church by adherents thereof as long as they do not engage in the practice of nursing as defined in this article. This article shall not affect or apply to gratuitous nursing of the sick by friends or members of the family or to prevent any person, undergraduate nurses, practical nurses or medically trained Waves, Wacs, Spars or Women Marines from nursing the sick or injured for hire who does not in any way assume to be a registered nurse.
This article shall not be construed to prohibit the practice
of nursing pending the results of licensing examinations
by graduates of schools registered by the board while
working under the supervision of such schools or by other
persons eligible for licensure under this article, whose
applications for admission to a licensing examination have
been approved by the board: Provided, That such candi-
date shall enter the first licensing examination scheduled
by the board following such graduation or approval and
shall enter the two following examinations in turn in case
of failure to pass the preceding examination, unless such
candidate has presented reasons satisfactory to the board
as to inability to enter the first or second examination and
has been excused therefrom. Such practice pending li-
censing examination shall terminate upon failure to enter
the examination hereinbefore required, and in no case
shall continue beyond the announcement of the result
of the third licensing examination after such graduation
or approval.

Sec. 11. Disciplinary Proceedings; Grounds for Disci-
pline.—The board shall have power to deny, revoke or
suspend any license to practice nursing issued by the
board or applied for in accordance with the provisions of
this act, or to otherwise discipline a licensee upon proof
that the person:

(1) Is guilty of fraud or deceit in procuring or attempt-
ing to procure a license to practice nursing; or
(2) Is convicted of a felony; or
(3) Is unfit or incompetent by reason of negligence,
habits or other causes; or
(4) Is habitually intemperate or is addicted to the use
of habit-forming drugs; or
(5) Is mentally incompetent; or
(6) Is guilty of conduct derogatory to the morals or
standing of the profession of nursing; or
(7) Who practices or attempts to practice without li-
cense or reregistration, or who wilfully or repeatedly vio-
lates any of the provisions of this article.

Sec. 12. Penalties.—It shall be a misdemeanor for any
person (including any corporation, association or individual) to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license or record or aid or abet therein; or

(2) Practice nursing as defined by this article under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation; or

(3) Practice nursing as defined by this article unless duly licensed to do so under the provisions of this article; or

(4) Use in connection with his or her name any designation tending to imply that he or she is a registered nurse unless duly licensed so to practice under provisions of this article; or

(5) Practice nursing during the time his or her license issued under the provisions of this article shall be suspended or revoked; or

(6) Otherwise violate any provisions of this article.

Upon conviction, such misdemeanor shall be punishable by a fine of not less than twenty-five nor more than two hundred and fifty dollars.

---

CHAPTER 97

(Senate Bill No. 53—By Mr. Allen)

AN ACT to amend and reenact sections four and eight, article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, relating to pharmacists, assistant pharmacists and drug stores.

[Passed March 8, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 5. Pharmacists, Assistant Pharmacists and Drug Stores.

Section

4. Qualifications of applicant for registration as pharmacist; certificates of registration.

8. Annual renewal of registrations and permits.
Be it enacted by the Legislature of West Virginia:

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

Section 4. Qualifications of Applicant for Registration as Pharmacist; Certificate of Registration.—In order to be registered as a pharmacist within the meaning of this article, an applicant shall be a citizen of the United States, not less than twenty-one years of age, shall present to the board of pharmacy satisfactory evidence that he is a graduate of a recognized school of pharmacy, as defined by the board of pharmacy, and in addition thereto he shall have had at least one year of practical experience in a drug store or in the armed services of the United States under the instruction and supervision of a registered pharmacist, and shall pass a satisfactory examination by or under the direction of the board of pharmacy.

Every applicant for registration as a pharmacist shall present to the board of pharmacy satisfactory evidence that he is a person of good moral character and not addicted to drunkenness or the use of narcotic drugs. The board shall issue certificates of registration to all applicants who successfully pass the required examination and are otherwise qualified, and to all those whose certificates or licenses the board shall accept in lieu of an examination as provided in the next succeeding section.

Sec. 8. Annual Renewal of Registrations and Permits.—Every registered pharmacist and assistant pharmacist within this state who desires to continue in the practice of his profession, shall, on or before the first day of July following the date on which this takes effect, and annually thereafter, apply to the state board of pharmacy for a renewal of his registration, or permit, and shall transmit with his application the fees prescribed by the next succeeding section of this article. If the board shall find that the applicant has been legally registered in this state, and is entitled to a renewal of the certificate or permit, it shall issue to him a renewal certificate attesting to that
fact. Notification of the annual renewal shall be given by
the board at least thirty days prior to the said first day of
July. If any pharmacist or assistant pharmacist shall fail
for a period of ninety days after the first day of July to
apply to the board for a renewal of his registration, his
name shall be erased from the register of registered phar-
macists and assistant pharmacists, and such person, in
order to again become registered, shall be required to pay
the same fee as in the case of examination.

CHAPTER 98
(House Bill No. 12—By Mr. Evans)

AN ACT to amend and reenact section eight, article one, chap­
ter sixteen of the code of West Virginia, one thousand nine
hundred thirty-one, relating to the placing in the state
department of health of responsibility for the advisory
medical supervision of state mental and tuberculosis hos­
pitals.

[Passed March 6, 1945; in effect ninety days from passage. Approved
by the Governor.]

Section
8. Supervision of state tuberculosis and mental hospitals; suppression
of tuberculosis; promotion of mental health.

Be it enacted by the Legislature of West Virginia:

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

Section 8. Supervision of State Tuberculosis and Men­
tal Hospitals; Suppression of Tuberculosis; Promotion of
Mental Health.—The state department of health shall have
the advisory medical supervision of the Hopemont, Pine­
crest, Denmar and all other state tuberculosis hospitals; the
Huntington, Lakin, Weston, Spencer, Barboursville and
all other state hospitals for the treatment of mental or
nervous diseases; the Welch and Fairmont emergency
hospitals; and the state board of control shall have the
total control of the business and fiscal affairs thereof. The di-
tector of the bureau of tuberculosis, under the supervi-
sion of the commissioner of health, shall encourage mea-
asures for the suppression of tuberculosis, such as clinics,
camps, open-air schools, sanataria, district nursing, anti-
tuberculosis societies, diffusion of knowledge, and other
means. The commissioner of health may promote mental
health by establishing a bureau of mental health, by hav-
ing mental hygiene clinics conducted, by utilizing the
professional services of the state mental hospitals, by co-
operating with the department of education and other
school authorities in making the services of psycholo-
gists and psychiatrists available to schools, by conducting
educational programs, and by other means approved by
the public health council.

CHAPTER 99
(House Bill No. 51—By Mr. Evans)

AN ACT to amend and reenact sections two and three, article
one, chapter sixteen of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating to
the appointment of the commissioner of health and the
public health council, their compensation, powers and
duties.

[Passed February 16, 1945; in effect from passage. Approved by the Governor.]


Section
2. Commissioner of health.
3. Public health council; violation of its regulations.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Commissioner of Health.—The commissioner of health shall be appointed by the governor, by and with the advice and consent of the senate, and shall be a physician, a graduate of a reputable medical college, of at least five years' experience in the practice of medicine, skilled in sanitary science and experienced in public health administration. Before making such appointment, the governor shall request the council of the West Virginia state medical association to furnish a full and complete report concerning the qualifications and suitability of the proposed appointee for this position. The commissioner of health in office on the date this act takes effect shall, unless sooner removed, continue to serve until his term expires and his successor has been appointed and has qualified. On or before the first day of June, one thousand nine hundred thirty-one, and on or before the first day of June on each fourth year thereafter, the governor shall appoint a commissioner of health to serve for a term of four years, commencing on said first day of June, and any commissioner shall be eligible for reappointment. The commissioner of health shall receive an annual salary of six thousand dollars and actual expenses incurred in the performance of official business, which salary shall be in full for all services. He shall be the administrative head of the state department of health and shall be ex officio a member of its public health council. His duties shall be to administer the laws and regulations of the department; to prepare rules and regulations for the consideration of the public health council; and, with the approval of said council, to appoint, remove and fix the compensation of the directors of divisions and all other employees, but said compensation shall not exceed the appropriation therefor; to advise with the public health council, keep himself informed as to the efficiency of each local health officer within the state; aid each health officer in the performance of his duties; assist each local health officer in making an annual sanitary survey of the
COMMISSIONER OF HEALTH

Sec. 3. Public Health Council; Violation of Its Regulations.—The public health council shall consist of the commissioner of health and seven other members, who shall be appointed by the governor, by and with the advice and consent of the senate. The commissioner and six of the members shall be graduates of reputable medical colleges, and shall have had at least five years' experience in the
practice of medicine. Before making such appointments, the governor shall request the council of the West Virginia state medical association to furnish a full and complete report concerning the qualifications and suitability of the proposed appointee or appointees. The other member shall be a graduate of a reputable dental college, a member of the West Virginia state dental society, and shall have had at least five years' experience in the practice of dentistry. Before making such appointment, the governor shall request the West Virginia state dental society to furnish a complete report concerning the qualifications and suitability of the proposed appointee for such position. The members in office on the date this section takes effect shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and have qualified. On or before the first day of July, one thousand nine hundred thirty-three, and on or before the first day of July of each alternate year thereafter, the governor shall appoint three medical members of the public health council, other than the commissioner of health, to serve for terms of four years respectively, commencing on said first day of July. On or before the first day of July, one thousand nine hundred thirty-three, and on or before the first day of July of every fourth year thereafter, the governor shall appoint the dental member to serve for a term of four years, commencing on said first day of July, and any member shall be eligible for reappointment.

The public health council shall elect one of its members president, whose term of office shall be two years. The commissioner of health shall be secretary of the council. The public health council shall hold at least two meetings each year, and at such other times as it may prescribe by rule, or upon the request of the commissioner of health. A quorum of the council shall consist of not fewer than four members. Each member of the council, other than the commissioner, shall receive ten dollars for each day actually spent in attending the sessions of the council or of its committees and in necessary travel, not to exceed sixty days in any one calendar
year, and shall be reimbursed for all actual and necessary traveling, incidental and clerical expenses incurred in the discharge of his duties. All authorized compensation and all expenses certified by the council as properly and necessarily incurred in the discharge of its duties shall be paid out of the state treasury, from funds appropriated for that purpose, on the warrant of the state auditor issued on requisitions signed by the president and secretary of the council.

It shall be the duty of the public health council to promulgate rules and regulations; take evidence in appeals; approve plans and appointments; hold hearings; advise with the commissioner of health; define the qualifications of local health authorities and directors of divisions, and discharge other like duties. The public health council shall have power, by the affirmative vote of a majority of its members, to establish and from time to time amend regulations under the public health laws, the enforcement of which devolves upon the state commissioner of health. Every general regulation adopted by the public health council shall state the day on which it takes effect, and a copy thereof, duly signed by the commissioner of health, shall be filed in the office of the secretary of state, and a copy thereof shall be sent by the commissioner of health to each health officer within the state, and shall be published in such manner as the public health council may determine. Any violation of the regulations so promulgated, when said regulations are reasonable and not inconsistent with law, shall be a misdemeanor, punishable by a fine of not less than ten dollars nor more than three hundred dollars, and in the discretion of the court, by imprisonment in the county jail for not more than thirty days: Provided, however, That the dental member of the public health council shall have no duties or authority whatever in connection with the licensing of physicians or the regulation of the practice of medicine in this state.
CHAPTER 100
(House Bill No. 321—By Mr. Evans)

AN ACT to amend article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section fourteen, authorizing the state department of health to cooperate with the federal government in its hospital construction program.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]


Section 14. State department of health authorized to cooperate with federal government in hospital construction program.

Be it enacted by the Legislature of West Virginia:

That article one, chapter sixteen 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 fourteen, to read as follows:

Section 14. State Department of Health Authorized to Cooperate with Federal Government in Hospital Construction Program.—The state department of health is hereby designated as the sole state agency to cooperate with the federal government in its hospital construction program; and is hereby authorized to make such an inventory of existing public health centers and public and private hospitals, and the laboratory and other facilities thereof, and to adopt and supervise the administration of such a state-wide plan for the construction of additional hospitals and public health centers as may be necessary to comply with the requirements and conditions of federal law in respect to the granting of federal aid for such purposes.

The authority conferred by this section may be exercised by the department of health only with the joint approval of the commissioner of health and the public
SEROLOGIC TEST FOR PREGNANT WOMEN

CHAPTER 101

(House Bill No. 9—By Mr. Evans)

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article to be designated article four-a, relating to the discovery and suppression of syphilis by providing a compulsory serologic test for pregnant women.

[Passed March 5, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 4-a. Prenatal Examination.

Section

1. Compulsory serologic test.
2. Attending physician to obtain blood specimen.
3. Identification of specimen; report.
4. Notation on birth certificate.
5. Offenses; penalty.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen 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 four-a, to read as follows:

Section 1. Compulsory Serologic Test.—Every pregnant woman, resident in West Virginia, shall have a blood sample taken and submitted to the West Virginia state hygienic laboratory or other laboratory approved by the state department of health where there shall be performed thereon a standard serologic test for syphilis.
Any standard laboratory test for syphilis approved by the state commissioner of health shall be considered to be such a standard serologic test.

Sec. 2. Attending Physician to Obtain Blood Specimen.—Every physician engaging in attendance upon a pregnant woman in West Virginia shall, as soon as he or she is engaged to attend a woman and has reasonable grounds for suspecting that pregnancy exists, acquaint such woman with the provisions of this article and take or cause to be taken a specimen of blood from such woman. This specimen shall be submitted to the state hygienic laboratory or other laboratory approved by the state department of health as required by the preceding section. If the woman is in a stage of gestation or labor at the time that the diagnosis of pregnancy is made, which may make it inadvisable to obtain the specimen, the specimen of blood shall be obtained within ten days following delivery.

The state hygienic laboratory of the state health department shall perform the serological tests required by law on all blood specimens taken from pregnant women by physicians for examination. These tests shall be performed without charge.

Upon request, it shall be the duty of county and district health officers to draw blood specimens from pregnant women for performing thereon a serologic test for syphilis. This service shall be performed without charge.

In those areas where the services of a district or county health officer are not available, the state health department shall assume the responsibility of obtaining the required blood specimens without any charge to the pregnant women.

Sec. 3. Identification of Specimen; Report.—Any physician who takes or causes to be taken from a woman in pregnancy or suspected pregnancy a blood test for syphilis shall identify such specimen as being from a pregnant woman, and the laboratory shall provide a report in triplicate on forms prepared and furnished by the state department of health showing the results of such tests. The original of each such report shall be
sent at once to the physician submitting the specimen, a
duplicate shall be forwarded to the bureau of venereal
diseases of the state department of health during the week
that the test was performed, and the triplicate shall be
retained by the laboratory for its files. All laboratory re­
ports shall be confidential and shall not be open to public
inspection. The laboratory test for syphilis in compliance
with this article shall be performed free of charge by the
state hygienic laboratory on the application of any mu­
icipal or county health officer or other physician, or
any other person permitted by law to secure such speci­
mens.

Sec. 4. Notation on Birth Certificate.—Every physician
required to report births and stillbirths, shall state on
each birth certificate or stillbirth certificate, as the case
may be, whether a blood test for syphilis was performed
during such pregnancy upon a specimen of blood taken
from the woman who bore the child for which the birth
or stillbirth certificate is filed.

If such test was made, the physician shall state on the
certificate the name of the test used, the date the test
was performed, and the name of the laboratory making
the test; if not made, the physician filing the certificate
shall state the reason or reasons why such test was not
performed. In no event shall the result of the test be
stated on the birth or stillbirth certificate.

Sec. 5. Offenses; Penalty.—Any physician or representa­
tive of a laboratory, making such examinations or tests
as are required by this article, or filing such birth or
stillbirth certificates, who shall knowingly misrepre­
sent any of the facts called for in the laboratory reports
or birth or stillbirth certificate, or who otherwise know­
ingly and wilfully shall violate any provision of this ar­
ticle, shall be guilty of a misdemeanor and upon convic­
tion thereof shall be subject to a fine of not less than ten
dollars nor more than fifty dollars.

Sec. 6. Separability.—If any part of this article shall
be declared unconstitutional, such declaration shall not
affect any other part thereof.
CHAPTER 102
(Com. Sub. for Senate Bill No. 82—Originating in the Senate Committee on Forestry and Conservation)

AN ACT to amend and reenact sections two and fourteen, article eleven, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the state water commission and compliance with its orders.

(Passed March 9, 1945; in effect ninety days from passage. Approved by the Governor.)


Section
2. State water commission, how constituted; reimbursement for expenditures; assistance to by director of division of sanitary engineering and college of engineering at West Virginia university.

14. Extension of time for compliance; penalty for noncompliance.

Be it enacted by the Legislature of West Virginia:

That sections two and fourteen, article eleven, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. State Water Commission, How Constituted;
2 Reimbursement for Expenditures; Assistance to by Director of Division of Sanitary Engineering and College of Engineering at West Virginia University.—On and after the date this act shall go into effect the state water commission shall consist of the commissioner of health, the chairman of the West Virginia game and fish commission, and their successors in office, and three others to be appointed by the governor with the advice and consent of the senate. The terms of office of the members of the commission to be appointed by the governor shall be for six years, except that the first members to be appointed under the provisions of this act shall take office immediately and their terms shall be for two and four years, respectively, from July first, one thousand nine hundred forty-five. The members of the commission shall receive no salary or remuneration for their services as such commissioners but they shall be reimbursed, out of moneys
appropriated for such purposes, all sums which they
necessarily shall expend in the discharge of their duties
as members of such commission. The director of the
division of sanitary engineering in the state health de-
partment shall perform such services as said commission
may request of him in connection with its duties here-
under; he shall be reimbursed, out of moneys appropri-
ated for such purposes, all sums which he necessarily shall
expend in the performance of such services. Nothing
contained in this act, however, shall be construed to limit
or interfere with the power of the state health depart-
ment to select, employ and direct the direction of the
division of sanitary engineering of said department, or
any employee thereof who in any way may perform any
services for the commission. The college of engineering
at West Virginia university, under the direction of the
dean thereof, shall, insofar as it can, without interfer-
ence with its usual and regular activities, aid and assist
the commission in the study and research of questions
connected with pollution of waters. The dean of the col-
lege of engineering shall be reimbursed out of moneys
appropriated for such purposes, any and all sums which
he necessarily shall expend in the performance of any
services he may render to the commission under the pro-
visions hereof.

Sec. 14. Extension of Time for Compliance; Penalty for Noncompliance.—The state water commission shall have
the authority, in its discretion, to extend the time fixed
in any final order issued by it, within which any offender
is ordered to correct or abate a condition of pollution of
any water or waters, upon written petition filed with
such commission not less than thirty days prior to the
time fixed in such order, when it shall appear that a good
faith effort to comply with said order is being made, and
that it shall be impossible for such an offender to complete
the project of work undertaken within the time so fixed:
Provided, however, That when it shall appear from such
petition aforesaid that due to wartime restrictions with re-
spect to labor or material, or both, compliance with any
such order would be impossible or place undue burden
upon such offender, the commission shall then stay the
execution of its order until such time as it may satis-
factorily appear that such wartime restrictions no longer
exist.

Any person, corporation, municipal corporation, part-
nership, association or other legal entity, who shall fail
or refuse to correct or abate such polluted condition in
compliance with such order within the time fixed or
within the time additionally granted as herein provided,
shall be subject to a penalty of one hundred dollars for
each day that such polluted condition continues to exist
after the time so fixed, or additionally granted, which may
be recovered in a civil suit brought in the name of the
state of West Virginia and which penalty shall be in
addition to the penalty provided in section thirteen of this
act. It shall be the duty of the attorney general to prose-
cute all actions for penalties under this section, and all
penalties so recovered shall be paid into the common
school fund of the state. The penalties accruing for any
two or more days under the provisions of this section
may be recovered in one complaint and may be joined in
one paragraph of said complaint.

CHAPTER 103

(Com. Sub. for Senate Bill No. 64—Originating in the Senate Committee on
Public Libraries)

AN ACT to amend article one, chapter ten of the code of West
Virginia, one thousand nine hundred thirty-one, as amend-
ed, by amending and reenacting sections one to eleven
thereof, inclusive, and by adding thereto a new section to
be numbered eleven-a, all relating to the establishment of
public libraries and their operation.

[Passed March 3, 1945; in effect ninety days from passage. Approved
by the Governor.]

Section

1. Public library and governing authority defined.
2. Power of governing authority to establish and maintain libraries; levy.
3. Regional library.
4. Contract with existing library.
5. Board of library directors; qualifications; term of office; no compensation.
7. Free use of libraries.
8. Annual report of directors.
9. Library board to be a corporation; vesting of title.
10. Injury to library property; penalty.
11. Wilful retention of library property.
11-a. Application of article.

Be it enacted by the Legislature of West Virginia:

That article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and reenacting sections one to eleven thereof, inclusive, and by adding thereto a new section numbered eleven-a, to read as follows:

Section 1. Public Library and Governing Authority Defined.—The term “public library” as used in this article shall be construed to mean a library maintained wholly or in part by any governing authority from funds derived by taxation and the services of which are free to the public. The term shall not, however, include special libraries such as law, medical or other professional libraries, or school libraries which are maintained primarily for school purposes. The term “governing authority” shall be construed to mean county court, county board of education or the governing body of any municipality.

Sec. 2. Power of Governing Authority to Establish and Maintain Libraries; Levy.—A governing authority, either by itself or in cooperation with one or more other such governing authorities, shall have the power to establish, equip and maintain a public library, or to take over, maintain or support any public library already established. Any library established, maintained or supported by a governing authority may be financed either (1) by the appropriation from the general funds of the governing
authority of a sum sufficient for the purpose, or (2) by
the imposition of an excess levy for library purposes, in
accordance with the provisions of section sixteen, article
eight, chapter eleven of this code.

Sec. 3. Regional Library.—Two or more counties, by
action of their governing authorities may join in estab-
lishing and maintaining a regional library under the
terms of a contract to which all agree. The expenses of
the regional library shall be apportioned between or
among the counties concerned on such basis as shall be
agreed upon in the contract, which shall specify what
items of expense shall be paid by each county, and the
total amount thereof.

Sec. 4. Contract with Existing Library.—The governing
authority may in lieu of supporting and maintaining an
independent public library, enter into a contract with an
existing library and make annual payments of money to
such library, whose books shall be available without
charge to all persons living within the area represented by
such governing authority. Any school board may con-
tract for school library service from an existing public
library which shall agree to furnish books to a school
or schools under the terms of the contract.
All money paid to a library under such contract shall
be expended solely for the maintenance and support of
the library.

Sec. 5. Board of Library Directors; Qualifications;
Term of Office; No Compensation.—Whenever a public
library is established under this article the governing
authority shall appoint a board of five directors, chosen
from the citizens at large of such governmental division
with reference to their fitness for such office. In a re-
gional library the directors shall be appointed by the
joint action of the governing authorities of the counties
concerned. Such directors shall hold office for five years
from the first day of July following their appointment,
and until their successors are appointed and qualified:
Provided, That upon their first appointment under this
article one member shall be appointed for one year, one
for two years, one for three years, one for four years,
and one for five years; and thereafter all appointments
shall be for terms of five years. Vacancies in the board
shall be immediately reported by the board to the govern-
ing authority and filled by appointment in like manner,
and, if in an unexpired term, for the residue of the term
only. The governing authority may remove any director
for just cause. No compensation shall be paid or allowed
any director.

Sec. 6. Powers and Duties of Library Directors.—The
board of directors of each public library established
under this article shall: (a) Immediately after appoint-
ment, meet and organize by electing one member as
president, one as secretary, one as treasurer, and such
other officers as may be necessary. All officers shall hold
office for one year and shall be eligible for reelection.
The treasurer before entering upon his duties shall give
bond to the governing authority in an amount fixed by
the board of directors, conditioned for the faithful dis-
charge of his official duties. (b) Adopt such by-laws,
rules, and regulations as are necessary for its own guid-
ance and for the administration, supervision and protec-
tion of the library and all property belonging thereto
as may not be inconsistent with the provisions of this
article. (c) Supervise the expenditure of all money
credited to the library fund. All money appropriated or
collected for public library purposes shall be deposited
in the treasury of the governing authority to the credit
of the library fund, and shall be paid out on the certified
requisition of the library board, in the manner provided
by law for the disbursement of other funds of such gov-
erning authority. (d) Lease or purchase and occupy
suitable quarters, or erect upon ground secured through
gift or purchase, an appropriate building for the use of
such library; and have supervision, care, and custody
of the grounds, rooms or building constructed, leased or
set apart for library purposes. (e) Employ a head li-
brarian, and upon his recommendation employ such other
assistants as may be necessary for the efficient operation
of the library.
Sec. 7. **Free Use of Libraries.**—Each library established or maintained by any governing authority shall be free for the use of all persons living within the area represented by such governing authority, subject to reasonable rules and regulations adopted by the library board. The board may extend the privilege and use of the library to nonresidents upon such terms and conditions as it may prescribe.

The board may exclude from the use of the library under its charge any person who wilfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities.

Sec. 8. **Annual Report of Directors.**—The board of directors shall make an annual report for the fiscal year ending June thirtieth to the governing authority or authorities appointing it, stating the conditions of the library property, the various sums of money received from the library fund, and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books lent, the number of registered users of such library, with such other statistics, information, and suggestions as may be deemed of general interest. A copy of this report shall be sent to the West Virginia library commission.

Sec. 9. **Library Board to Be a Corporation; Vesting of Title.**—The board of library directors of each public library 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.

Any person desiring to make bequests or donations of cash or other personal property or real estate for the benefit of such library, shall vest title thereof in the board of library directors to be held in trust and controlled by such board according to the terms and for the purposes set forth in the deed, gift, devise, or bequest.

Sec. 10. **Injury to Library Property; Penalty.**—Any person who shall wilfully deface or injure any building or furniture, or deface, injure or destroy any picture,
plate, map, engraving, newspaper, magazine, or book, or subject of art, or any other article belonging to a public library shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment not exceeding six months.

Sec. 11. Wilful Retention of Library Property.—Whoever wilfully retains any book, newspaper, magazine, pamphlet, manuscript, or other article belonging to any public library for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules and regulations of the library such an article or other property may be kept, shall be liable for damages, to be recovered by said library board by appropriate proceedings before a justice of the peace; the recovery in each case to be paid to the proper office or custodian of the library fund: Provided, however, That the notice required hereby shall include a copy of this section.

Sec. 11-a. Application of Article.—Nothing in this article shall be construed to abolish or abridge any power or duty conferred upon any public library already established by virtue of any city or town charter or other special act, or to affect any existing local laws allowing or providing municipal aid to libraries. Any library now operating under any city or town charter or other special act has, however, the privilege of reorganizing under the provisions of this article.

CHAPTER 104

(Senate Bill No. 69—By Mr. Johnston, by request)

AN ACT to amend article nine, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, by adding a new section thereto, to be numbered section nine, relating to public inspection of reports of examination and audits of public offices.
Article 9. Supervision of Public Offices.

Section 9. Public inspection of reports.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter 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, to read as follows:

Section 9. Public Inspection of Reports.—All reports of examinations and audits of public offices made in accordance with the provisions of section seven of this article, and the copies thereof, when filed in the office of the chief inspector of public offices or in the office of the state tax commissioner, shall be public documents and shall be available for public inspection.

CHAPTER 105

(House Bill No. 66—By Mr. Knight)

AN ACT to amend and reenact article two, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, relating to the establishment and conduct of public recreation and playgrounds.

[Passed March 8, 1945; in effect from passage. Approved by the Governor.]

Article 2. Public Recreation and Playgrounds.

Section

1. Definitions.
2. Authority to establish and conduct public recreation and playgrounds; levy.
3. Joint establishment and administration by two or more governmental divisions.
4. How conducted, delegation of administration; recreation board or commission.
5. Article not to affect powers granted by special acts.
Be it enacted by the Legislature of West Virginia:

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

Section 1. Definitions.—(a) The term “governing body” as used in this article shall be construed to mean any city council, city commission, county court, or body acting in lieu thereof, or county board of education in the state of West Virginia; (b) the term “governmental division” when hereinafter used in this article shall be construed to mean any city, town, county, or school district in the state of West Virginia; (c) the term “board” when hereinafter used in this article shall be construed to mean any board, commission, committee, or council appointed or designated to carry out the provisions of this article.

Sec. 2. Authority to Establish and Conduct Public Recreation and Playgrounds; Levy.—The governing body of any governmental subdivision may provide, establish, maintain, and conduct a system of public recreation, including recreation centers, parks, swimming pools, playgrounds, and any and all other recreation facilities and activities; may set apart for such use any land or buildings and other recreational facilities by gift, purchase, lease, condemnation, bond issue, or otherwise, and may improve, maintain, and equip, and conduct the same; may employ a director of recreation and assistants and other personnel as they deem proper; may set up in their respective budgets funds to be spent for such purposes. Any such governing body or governmental division may levy annually for such purposes, in the manner provided by law for other levies: Provided, however, That in case sufficient funds cannot be raised by ordinary levies, additional funds may be raised as provided by section sixteen, article eight, chapter eleven of the code.

Sec. 3. Joint Establishment and Administration by Two or More Governmental Divisions.—Any two or more governing bodies may jointly establish and conduct such a system of recreation, including recreation centers, parks,
swimming pools, playgrounds, and any and all other recreation facilities and activities; and may exercise all the powers given by this article. The respective governing bodies operating such a program or programs jointly may provide by agreement among themselves for all matters connected with such programs and determine what items of cost and expense shall be paid by each.

Sec. 4. How Conducted, Delegation of Administration; Recreation Board or Commission.—The governing body or bodies establishing such a system may conduct the same through a department or bureau of recreation, or may delegate the administration thereof to a recreation board created by it or in conjunction and cooperation with another governing body or bodies as hereinbefore provided, or to a school board or to any other appropriate existing board. If the governing body or bodies shall decide to delegate the administration to a recreation board, the board shall consist of not fewer than five nor more than nine persons which may include representation from the school board, and shall be appointed by the governing authority or an equal number appointed by each governing body where a system is established jointly by more than one governing body as hereinbefore provided, which members shall serve for a term of not less than three years nor more than five years, or until their successors are appointed, except that the members of such board first appointed shall be appointed for such terms that the terms of not more than two-fifths of the members shall expire annually thereafter. Vacancies in such board occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments. Members of such board shall serve without pay. Said board shall organize, adopt, and promulgate rules and regulations for the conduct, administration and management of said program: Provided, however, that in the case of a joint recreation program sponsored by two or more governing bodies, said rules and regulations shall be made subject to the approval of the respective governing bodies.
Sec. 5. Article Not to Affect Powers Granted by Special Acts.—The provisions of this article shall not in any wise repeal, affect or limit the powers and provisions heretofore or hereafter granted to any city, town, district, county, school district or independent school district, under the provisions of any charter or by any special act or acts of the Legislature, to establish, maintain and conduct parks and public recreation and playgrounds.

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

CHAPTER 106

(Senate Bill No. 126—By Mr. Jackson)

AN ACT to amend article two, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be designated section one-a, relating to possession of the surface of land where minerals and appurtenant rights have been or may hereafter be severed.

[Passed February 26, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 2. Limitation of Actions and Suits.

Section 1-a. Ownership or possession of surface of lands after severance of minerals not adverse to owner of minerals.

Be it enacted by the Legislature of West Virginia:

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

Section 1-a. Ownership or Possession of Surface of Lands After Severance of Minerals Not Adverse to Owner of Minerals.—Wherever title to any minerals in land and the rights appurtenant thereto have been, or shall
hereafter be, severed from title to the surface, the conti- 
nuity of the possession of such minerals and the rights 
apprurtenant thereto shall not be deemed to have been 
broken by such severance; and ownership or possession 
of the surface after severance shall not be adverse to the 
iinterests of the owner or owners of such minerals and 
apprurtenant rights.

CHAPTER 107

(House Bill No. 30—By Mr. Davis, by request)

AN ACT to amend and reenact section eleven, article one, 
chapter thirty-seven of the code of West Virginia, one 
thousand nine hundred thirty-one, relating to summary 
proceedings by petition for sale, lease or mortgage of the 
estate of a minor, insane person or convict.

[Passed February 8, 1945; in effect ninety days from passage. Approved 
by the Governor.]

Article 1. Lands of Infants, Insane Persons, or Convicts and 
Lands Held in Trust.

Section

11. Summary proceedings on petition for sale, lease or mortgage of 
the estate of minors, insane persons, or convicts.

Be it enacted by the Legislature of West Virginia:

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

Section 11. **Summary Proceedings on Petition for Sale, 
Lease or Mortgage of the Estate of Minors, Insane Persons, 
or Convicts.**—In addition to the proceedings authorized by 
the second section of this article, the guardian of any 
minor, or the committee of any insane person or con- 
vict, if he deem that the interests of his ward or insane 
person or convict will be promoted by a sale, lease or
mortgage of, or trust deed upon, his estate, or of any estate in which he with others, infants or adults, is interested, whether the estate of the minor, or insane person or convict, or of any of the other persons interested, be absolute or limited, and whether there be or be not limited thereon any other estate, vested or contingent, may apply by petition, in a summary way, to the circuit court, or to the judge thereof in vacation, or to any court of concurrent jurisdiction with the circuit court, or to the judge thereof in vacation, of the county in which the estate proposed to be sold, leased or encumbered, or some part thereof may be, describing all the estate, real and personal, belonging to the minor, or insane person or convict and setting forth plainly all the facts calculated to show the propriety of the sale, lease, mortgage, or deed of trust. The petition shall be verified by the oath of the plaintiff, and all persons interested shall be made defendants, and ten days' notice shall be given to such defendants before such petition can be heard.

CHAPTER 108
(Senate Bill No. 61—By Mr. Vickers, Mr. President)

AN ACT to amend and reenact section six-a, article three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the allotment of funds for secondary roads.

[Passed March 10, 1945; in effect July 1, 1945. Approved by the Governor.]

Article 3. State Road Fund.
Section
6-a. Allotment of funds for secondary roads.

Be it enacted by the Legislature of West Virginia:

That section six-a, article three, 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 6-a. Allotment of Funds for Secondary Roads.—

In making expenditures for the maintenance of secondary roads and for their construction and reconstruction, the state road commissioner shall distribute available funds justly among the several counties in such manner as will best serve the interests of the state and the convenience of its inhabitants; giving equal consideration in the allocation of funds to the following three factors:

1. The ratio of the county’s rural population to the total rural population of the state;
2. The ratio of the total population of the county to the total population of the state; and
3. The ratio of secondary road mileage in the county to the total secondary road mileage in the state.

For the purposes of this section, the words “rural population” are defined and shall be construed to mean all population outside of municipalities having a population of five thousand or more.

Any money heretofore advanced to any county for payment for rights-of-way, and which has not been repaid by such county to the state road commission at the time this act becomes effective, shall be a charge against and shall be deducted from any funds allocated to such county, as herein provided, for construction, reconstruction or maintenance of secondary roads in such county, and not more than eighty per cent annually of such state road funds so allocated shall be paid to such county before or until all such advancements made to such county have been so repaid to the state road commission.

CHAPTER 109

(House Bill No. 116—By Mr. Speaker, Mr. Amos)

AN ACT to amend and reenact section twenty-seven, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the control of connecting parts of the state road system within municipalities.
Article 4. State Road System; Primary and Secondary Roads.

Section 27. Control of connecting parts of state road system within municipalities.

Be it enacted by the Legislature of West Virginia:

That section twenty-seven, 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 27. Control of Connecting Parts of State Road System within Municipalities.—The state road commissioner shall exercise the same control over connecting parts of the state road system in municipalities, except the regulation of traffic, that he exercises over such system generally, but he shall assume no greater duty or obligation in the construction, reconstruction and maintenance of streets as primary and secondary roads than he is required to assume in the case of state roads outside of municipalities. In order, however, to promote the safe and efficient utilization of such streets, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any municipality on any highway or street hereafter constructed with state or federal aid shall be subject to the approval of the state road commissioner.

CHAPTER 110
(House Bill No. 289—By Mr. Hansbarger)

AN ACT to authorize the state road commission of West Virginia to include existing intrastate toll bridges in the system of state roads and highways provided for by the constitution, and to authorize such commission to expend not to exceed one million five hundred thousand dollars from the proceeds of the sale of any state road bonds for the
purposes of discharging outstanding bonds or obligations on any such bridge which becomes the property of the state road commission when such bonds or obligations are discharged, and for the purpose of acquiring by eminent domain proceedings any or all existing privately-owned toll bridges which may be included in the state road system.

[Passed February 28, 1945; in effect thirty days from passage. Approved by the Governor.]

Section

1. State road commission authorized to include existing intrastate toll bridges in system of state roads and highways.

Be it enacted by the Legislature of West Virginia:

Section 1. State Road Commission Authorized to Include Existing Intrastate Toll Bridges in System of State Roads and Highways.—The state road commission is hereby authorized to include any or all existing intrastate toll bridges within the system of state roads and highways provided for by the constitution, and is further authorized to expend out of the proceeds of any sales of West Virginia state road bonds, authorized by the Legislature and the “Good Roads Amendment of 1920”, not to exceed one million five hundred thousand dollars, for the purpose of discharging outstanding bonds or obligations upon any of such intrastate toll bridges which become the property of the state road commission when such bonds or obligations are discharged, and for the purpose of acquiring by eminent domain proceedings any or all of the existing privately-owned intrastate toll bridges for inclusion in such system of roads and highways.

CHAPTER 111

(House Bill No. 117—By Mr. Speaker, Mr. Amos)

AN ACT to amend and reenact section twenty-six, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the
construction and maintenance by the state of bridges which are a part of the state road system.

[Passed February 20, 1945; in effect ninety days from passage. Approved by the Governor.]

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

Section

26. Bridges as part of state road system; maintenance by state.

Be it enacted by the Legislature of West Virginia:

That section twenty-six, 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 26. Bridges as Part of State Road System; Maintenance by State.—The state road commissioner, with the consent of the governing body of any municipality, may at any time relocate and redesignate as a connecting part of a primary or secondary road any bridge or street within a municipal corporation. The commissioner may, whenever requested to do so by the proper county court, construct, reconstruct, improve and maintain the designated connecting part at the cost and expense of the state. Any existing free bridge forming a connecting link between two counties or two state routes, is hereby adopted as part of the state road system and shall hereafter be maintained by the state, and any existing free bridge forming a connecting link between this and another state is hereby adopted as part of such system, and shall, as to that part of the bridge within the boundary of this state, be maintained by the state.

CHAPTER 112

(House Bill No. 57—By Mr. Stealey, of Wood, and Mr. Davis, by request)

AN ACT to amend article nineteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be
designated section thirteen-b, pertaining to the dumping of trash along the right-of-way of public highways.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

**Article 19. General Criminal Provisions.**

Section 13-b. Unlawful dumping of trash, etc., upon right-of-way of, or along, public highway; penalty.

Be it enacted by the Legislature of West Virginia:

That article nineteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be further amended by adding thereto a new section to be designated section thirteen-b, to read as follows:

Section 13-b. **Unlawful Dumping of Trash, etc., Upon Right-of-Way of, Or Along, Public Highway; Penalty.**—It shall be unlawful for any person to dump, unload or place upon the berm or right-of-way of any public highway, or upon the property adjacent thereto and within three hundred feet thereof, without the written consent of the owner, any trash, tin cans, garbage, or any other type of waste products or refuse.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars.

---

**CHAPTER 113**

(Senate Bill No. 222—By Mr. Morrison, by request)

AN ACT to amend and reenact section three, article one, chapter thirty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to securities not included under the act regulating and supervising the sale of securities, one thousand nine hundred thirty-five.
Article 1. Securities; Definitions; Registration; Unlawful Acts; Penalties; Liabilities.

Section 3. Securities not included.

Be it enacted by the Legislature of West Virginia:

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

Section 3. Securities Not Included.—Except as herein-after expressly provided, the provisions of this chapter shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any territory or insular possession thereof, or by the District of Columbia, or by any state or political subdivision or agency thereof;

(b) Any security issued by a national bank or by any federal land bank or by a corporation created or acting as an instrumentality of the government of the United States pursuant to authority granted by the congress of the United States, or any security issued by provisions of the federal laws: Provided, That such corporation is subject to supervision or regulation by the government of the United States;

(c) Any security issued or guaranteed either as to principal, interest or dividend by a corporation owning or operating a railroad engaged in interstate commerce and under supervision of the interstate commerce commission;

(d) Any security issued by a person organized and operated exclusively for educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any person, private stockholder or individual;

(e) Any security which has been regularly and continuously listed on the New York stock exchange, the New York
York curb exchange or the Chicago stock exchange for a period of not less than two years: Provided, That the commissioner shall have power and authority at any time to withdraw such exemption for any security or group of securities so listed, pending an investigation and hearing on securities included in such order. A date for hearing shall be set by the commissioner not more than twenty-days after such withdrawal order. The commissioner, by ruling, may grant this same exemption to securities listed on any other exchange following an application from such exchange and after an investigation and examination has been made by him. The expense of all hearings, investigations and examinations shall be paid by the exchange making application or receiving a hearing;

(f) Any security issued by a state bank, trust company, building and loan association or savings institution, incorporated under the laws of and subject to the examination, supervision and control of any state or territory of the United States or any insular possession thereof;

(g) Any insurance or endowment policy or annuity contract or optional annuity contract, issued by a person licensed and supervised by the insurance commissioner of this state;

(h) Any security other than common stock outstanding and in the hands of the public for a period of not less than three years upon which no default in payment of principal, interest or dividend exists and upon which no such default has occurred for a continuous immediately preceding period of three years: Provided, That the issuer of such securities has continued such payments of principal, interest or dividends as provided at the time of original issue: Provided further, That no plan or proposal of recapitalization, reorganization, rearrangement of capitalization, or other form of readjustment of issuer's finances, has been made or a petition of voluntary or involuntary bankruptcy has been filed in any court by or for such issuer within the preceding period of three years;

(i) Any securities bought or sold upon customers' orders: Provided, That such securities are bought or sold
CHAPTER 114

(Senate Bill No. 223—By Mr. Morrison, by request)

AN ACT to amend and reenact section four, article one, chapter thirty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to add two new subsections thereto, designated subsections (h) and (i), relating to transactions not included under the act regulating and supervising the sale of securities, one thousand nine hundred thirty-five.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 1. Securities; Definitions; Registration; Unlawful Acts; Penalties; Liabilities.

Section 4. Transactions not included.

Be it enacted by the Legislature of West Virginia:

That section four, article one, chapter thirty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that two new subsections be added thereto, designated subsections (h) and (i), to read as follows:

on an exchange which, at the time of such transaction, is registered as a national exchange by the securities and exchange commission; Provided further, That no solicitation is made of the orders so executed;

(j) Any note, draft, bill of exchange or bankers acceptance which arises out of a current transaction or the proceeds of which have been or are to be used for a current transaction, is not the subject of a public offering, has at the time of issuance a definite maturity (after all days of grace, if any) of not exceeding one year, is payable in cash only, and is not convertible into and does not carry an option or right to receive payment or any bonus in any other security.
Section 4. Transactions Not Included.—The provisions of this chapter shall not apply to any of the following transactions:

(a) Any judicial, sheriff's, constable's, executor's, administrator's, guardian's or conservator's sale or any sale by a receiver or trustee in insolvency or bankruptcy, or the sale by a pledgee, in good faith and in the ordinary course of business and not for the purpose of evading any provision of this chapter, of a security pledged for a bona fide debt;

(b) An isolated transaction in which any security is sold, offered for sale, subscription or delivery by the owner thereof, such sale or offer for sale, subscription or delivery not being made in the course of repeated and successive transactions of a like character by such owner;

(c) A sale upon a customer's order of any security, if sale is made to a person outside this state: Provided, That such sale in another state is not a violation of the securities laws of that state;

(d) The distribution by a corporation actively engaged in the business authorized by its charter, of capital stock, bonds or other securities to its stockholders or its other security-holders as a stock dividend or other distribution out of earnings or surplus;

(e) The sale, transfer or delivery to any broker or dealer: Provided, That such broker or dealer is actually engaged in buying and selling securities as a business;

(f) Bonds or notes, or other obligations secured by mortgage, deed of trust, or other lien upon property, where the entire lien, together with all the bonds or notes secured thereby, is sold to a single purchaser at a single sale, or where the lien is given or incurred to secure the payment of unpaid purchase money;

(g) The issue and delivery of any security in exchange for any other security of the same issuer pursuant to a right or conversion entitling the holder of the security surrendered in exchange to make such conversion: Provided, That the security so surrendered has been registered under the provisions of this chapter or was, when sold, exempt through the provisions of said chapter;
(h) The sale by a domestic corporation of its securities if the aggregate number of holders of all its securities, after the securities to be issued are sold, does not exceed fifteen, and no commission, profit or other compensation is or has been paid for the sale of any securities of such corporation, and the total organization and promotion expense in connection with the issue of all securities of such corporation, exclusive of statutory fees, does not exceed three per cent of the aggregate sale price of all such securities or two hundred fifty dollars, whichever is greater;

(i) The transfer or exchange by one corporation to another corporation of its own securities in connection with a consolidation or merger of such corporations.

CHAPTER 115

(House Bill No. 271—By Mr. Davis, by request)

AN ACT to amend and reenact section three, article three, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter eighty-five, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, and as last amended by chapter seventy-seven, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to assistant attorneys general.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 3. Attorney General.

Section 3. Assistants to attorney general.

Be it enacted by the Legislature of West Virginia:

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

Section 3. Assistants to Attorney General.—The attorney general may appoint four assistants to serve at his pleasure and to perform such duties as he may require of them. One of such assistants shall receive a salary not in excess of five thousand four hundred dollars per annum, and three of them shall each receive a salary not in excess of five thousand one hundred dollars per annum. And upon finding of the necessity therefor by the governor and attorney general, the attorney general may appoint not more than one special assistant to serve at his pleasure and to perform such duties as he may require of him for such time as the governor and attorney general determine the necessity to continue, and he shall for the time actually employed receive a salary not to exceed four hundred twenty-five dollars per month.

CHAPTER 116
(Senate Bill No. 32—By Mr. Allen, by request)

AN ACT to amend section thirteen-a, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the salary deductions allowed by the auditor.

[Passed February 13, 1945; 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 government bonds.

Be it enacted by the Legislature of West Virginia:

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

Section 13-a. State Auditor Authorized to Make Deductions from Salaries of State Officials and Employees to Purchase United States Government Bonds.—The auditor of the state of West Virginia is authorized to deduct and withhold sums from the salaries or other compensation 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 shall, upon the written request or order of any state official or employee, deduct and withhold sums from the salaries or compensation 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, as soon as reasonably convenient, transmitted to the treasurer of the state of West Virginia, as an issuing agent of federal securities, or such other official or agent of the United States government designated by the secretary of the treasury of the United States of America, from time to time.

Should any official or employee leave the employ of the state at a time when there is not sufficient accumulation of deductions from his salary or compensation to purchase 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 purchased
with the deductions from the salaries or compensation of state officials and employees only when the United States government bonds or obligations are presented to him by the official or agent of the United States government for delivery to the state officials or employees.

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 comply with the rules and regulations promulgated by the auditor under this section.

CHAPTER 117

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

[Passed March 9, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 1. Organization; General Powers and Duties; Supervision of State Institutions.

Section 1. State board of control; appointment of members; term of office; salaries; secretary and assistants; oath and bond of members.

Be it enacted by the Legislature of West Virginia:

That section one, article one, chapter twenty-five 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. State Board of Control; Appointment of
Members; Term of Office; Salaries; Secretary and Assistants; Oath and Bond of Members.—There shall be a state board of control, known as the "West Virginia Board of Control", which shall be a corporation, and as such may contract and be contracted with, and shall have a common seal. The board shall consist of three members, not more than two of whom shall at any one time belong to the same political party, who shall be appointed by the governor by and with the advice and consent of the senate. The members in office on the date this code takes effect shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and have qualified. Beginning on the first day of July, one thousand nine hundred thirty-one, and on the first day of July of each alternate year thereafter, a member shall be appointed to serve for a term of six years, and any member shall be eligible for reappointment.

The salary of each member shall be five thousand nine hundred ninety-nine dollars and ninety-nine cents per annum, to be paid monthly; and each member shall be paid his actual traveling and other necessary expenses while absent from the state capitol on official business. The board shall be provided with offices at the state capitol and with necessary furniture. The members of the board shall give their entire time to the discharge of the duties of their office. The board shall elect one of its members as president and another as treasurer, and shall appoint a competent secretary and such clerical and other assistants as may be necessary to the proper conduct of its business. The offices of treasurer and secretary may be held by the same member of the board. The salaries or compensation of the employees of the board shall be fixed by it, but no salary or compensation shall be increased to exceed the amount appropriated by the Legislature to pay the same.

Before entering upon the duties of his office, each member of the board shall take and subscribe the oath of office prescribed by section five, article four of the constitution of this state, the certificate whereof shall be filed in the office of the secretary of state, and he shall
AN ACT to amend and reenact section eleven, article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to the appointment of the officers and employees of certain state institutions and to their compensation, powers and duties.

Passed February 20, 1945; in effect from passage. Approved by the Governor.

Article 1. Organization; General Powers and Duties; Supervision of State Institutions.

Section 11. Officers and employees of certain state institutions.

Be it enacted by the Legislature of West Virginia:

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

Section 11. Officers and Employees of Certain State Institutions.—The governor shall, by and with the advice and
consent of the senate, appoint a superintendent for the West Virginia children’s home, a superintendent for the West Virginia colored children’s home, a superintendent for the West Virginia home for aged and infirm colored men and women, a superintendent for Hopemont sanitarium, a superintendent for Denmar sanitarium, a superintendent for Pinecrest sanitarium, a superintendent for Berkeley Springs sanitarium, a superintendent for Welch emergency hospital, a superintendent for Fairmont emergency hospital, a superintendent for Huntington state hospital, a superintendent for Spencer state hospital, a superintendent for Weston state hospital, a superintendent for Lakin state hospital, a superintendent for the West Virginia training school, a superintendent for the West Virginia industrial school for boys, a superintendent for the West Virginia industrial school for colored boys, a superintendent for the West Virginia industrial home for girls, a superintendent for the West Virginia industrial home for colored girls, and a warden for the West Virginia penitentiary: Provided, however, That, as to the institutions named in this section which are maintained solely for members of the Negro race, the person appointed as superintendent or other chief executive officer of such institutions, respectively, shall be a member of such race. In the case of a hospital or sanitarium, or of any institution the superintendent of which is required by law to be a physician, the governor, before making such appointment, shall request the public health council to furnish a full and complete report concerning the qualifications and suitability of the proposed appointee for this position, and it shall be the duty of the public health council to furnish such report.

The warden of the penitentiary and the superintendent of each institution named in this section shall have the power to appoint all assistants and employees required for the management of the institution in his charge; but the number of such assistants and employees, and their compensation, shall first be fixed by the state board of control. The warden of the penitentiary and the superintendent of any institution may, at his pleasure, discharge any person therein employed. It shall be the duty of the
board of control to investigate any complaint made against
the chief executive officer of any institution, and also
against any other officer or employee thereof, if the
same has not been investigated. The board shall have the
power to recommend to the governor the removal of any
such chief executive officer, or other officer, or employee,
setting forth in such recommendation the reasons for the
same.

The board shall fix the salaries or compensation of the
officers and employees of the institutions named in sec-
tion three of this article. The salaries or compensation of
all officers and employees of the several institutions
named in sections three and four of this article shall be
paid monthly, to include the last day of each month. The
chief officer of each of the institutions named in section
three shall be furnished living quarters, household furni-
ture, board, fuel and light for himself and his family.
Living quarters, household furniture, board, fuel and light
shall be furnished to such other officers as is made neces-
sary by the character of their service, and the board of
control shall designate those who shall receive the fore-
going in addition to their salary.

CHAPTER 119
(Senate Bill No. 197—By Mr. Burgess)

AN ACT to amend and reenact section five, article one, chapter
twenty-five of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the
powers of the state board of control.

[Passed March 7, 1945; in effect July 1, 1945. Approved by the Governor.]

Article 1. Organization; Powers and Duties; Supervision of
State Institutions.

Section
5. Rules and regulations.
Be it enacted by the Legislature of West Virginia:

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

Section 5. Rules and Regulations.—The state board of control is authorized to make rules for the proper execution of its duties and powers. It shall also have the power to adopt rules and regulations for the government of the institutions named or referred to in section three of this article and for the administration of the financial and business affairs of the institutions named or referred to in section four of this article, and shall therein prescribe, consistent with the provisions of this article, the duties of the persons connected with the management of such institutions. When any of the guards, attendants, or other employees in the institutions mentioned in this section are uniformed, the state board of control shall prescribe the design, or designs, of the uniforms, which designs shall be dissimilar to the design of the uniform worn by the members of the department of public safety; and, when the institution is located in, or in close proximity to, a municipality, no such guard, attendant or other employee shall wear the cap or caps designed by the board as part of the uniform, when not actually on duty connected with his employment, nor shall such municipality adopt for its police officers or other employees a uniform which is similar in design to the uniform adopted by the board.

Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than ten dollars, or by imprisonment for ten days, or both.
AN ACT to amend and reenact section two, article one, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the qualifications, appointment, term of office and salary of the state commissioner of labor.

[Passed March 8, 1945; in effect July 1, 1945. Approved by the Governor.]


Section 2. Commissioner of labor; qualifications; appointment; term of office; salary.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Commissioner of Labor; Qualifications; Appointment; Term of Office; Salary.—The state commissioner of labor shall be appointed by the governor, by and with the advice and consent of the senate. He shall be a competent person, who is identified with the labor interests of the state. The commissioner of labor in office on the effective date of this act shall, unless sooner removed, continue to serve until his term expires and his successor has been appointed and has qualified. On or before the first day of April, one thousand nine hundred forty-one, and on or before the first day of April of each fourth year thereafter, the governor shall appoint a commissioner of labor to serve for a term of four years, commencing on said first day of April. The salary of the commissioner of labor shall be six thousand dollars per annum.
CHAPTER 121

(House Bill No 132—By Mr. Hudson and Mr. Adkins, by request)

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

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]


Section 7. Regulation for operation of steam boilers; penalty.

Be it enacted by the Legislature of West Virginia:

That section seven, article three, 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 7. Regulation for Operation of Steam Boilers; Penalty.—Any person owning or operating a steam boiler carrying more than fifteen pounds pressure per square inch (except boilers on railroad locomotives subject to inspection under federal laws; portable boilers used for agricultural purposes, boilers on automobiles, boilers of steam fire engines brought into the state for temporary use in times of emergency for the purpose of checking conflagrations, boilers used in private residences which are used solely for residential purposes, any sectional boilers, small portable boilers commonly used in the oil and gas industry about their wells and tool houses, and boilers under the jurisdiction of the United States) in this state shall first obtain a permit to operate a steam boiler from the commissioner of labor, or from an inspector working under his jurisdiction.

Applications for permits to operate a steam boiler must be accompanied by a sworn statement made by the owner or operator of such boiler, setting forth the condition of the boiler and its appurtenances, at which time, if the facts
disclosed by such statement meet the safety requirements established under this article, the commissioner of labor shall issue a temporary permit, which shall be valid until such boiler has been inspected by a boiler inspector authorized by the state commissioner of labor; thereupon, if the boiler meets the safety requirements established under this article, the commissioner of labor shall issue an annual permit to operate such steam boiler: Provided, however, that boilers which are insured by an insurance company operating in this state and which are inspected by such insurance company's boiler inspector shall not be subject to inspection by the state department of labor, during any twelve months' period during which an inspection is made by the insurance company's boiler inspector.

The commissioner of labor or state boiler inspector shall have the authority to inspect steam boilers in this state. To carry out the provisions of this section, the commissioner of labor shall prescribe rules and regulations under which boilers may be constructed and operated, according to their class. The commissioner of labor shall be authorized to revoke any permit to operate a steam boiler if the rules prescribed by the commissioner of labor, or his authorized representative, are violated, or if a condition shall prevail which is hazardous to the life and health of persons operating or employed at or around the boiler. Any persons or corporation who shall operate a steam boiler for which a permit is necessary under the provisions of this section, without first obtaining such permit to operate a steam boiler, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars. Every day a steam boiler requiring a permit to operate is operated without such permit shall be considered a separate offense.
CHAPTER 122

(House Bill No. 25—By Mr. Hansbarger and Mr. Davis)

AN ACT to amend and reenact sections five, twenty-seven and twenty-eight, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter twenty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, and by chapter ninety-one, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, and by chapters thirty-four and thirty-five, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, and by chapter ninety-three, acts of the Legislature, regular session, one thousand nine hundred forty-one, and by chapter seventy, acts of the Legislature, regular session, one thousand nine hundred forty-three, relating to qualifications, appointment, initial grade and promotions of members of the department of public safety, and to a death, disability and retirement fund for members and retired members of said department and dependent members of their families, and relating to retirement awards for retired or disabled members or former members of said department and dependent members of their families, and to a retirement board to control and disburse such fund.

[Passed March 2, 1945; in effect June 1, 1945. Approved by the Governor.]

Article 2. Department of Public Safety.

Section

5. Qualifications; appointment, initial grade and promotions of members.

27. Death, disability and retirement fund; retirement board.

28. Retirement; death, disability and retirement awards and benefits.

Be it enacted by the Legislature of West Virginia:

That sections five, twenty-seven and twenty-eight, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and re-enacted to read as follows:
Section 5. Qualifications, Appointment, Initial Grade and Promotions of Members.—Preference in making appointments shall be given wherever possible to honorably discharged soldiers, sailors and marines of the United States army and navy. Each applicant for appointment shall be a person not less than twenty-one nor more than thirty years of age, of sound constitution, of good moral character, and shall be required to pass such mental and physical examinations as may be provided for by the rules and regulations promulgated by the retirement board provided for under section twenty-seven of this act: Provided, That a former member to whom, at or after termination of his previous service, there were not refunded moneys contributed by him to the retirement fund, may, at discretion of the superintendent, be again enlisted if upon subtracting the period of his former service from the age of such former member when he shall present himself to the superintendent to be again enlisted shall leave a remainder not exceeding thirty. The superintendent is authorized to pay at public expense all reasonable fees and costs incurred in the making of such examinations of applicants. No person shall be barred from becoming a member of the department of public safety because of his religious or political convictions.

No person shall be appointed or enlisted to membership in said department at a grade or rank above the grade of trooper and no trooper shall be promoted to any other grade or rank until he shall have served at least two years as a member of said department at the grade of trooper.

Sec. 27. Death, Disability and Retirement Fund; Retirement Board.—There is hereby created a death, disability and retirement fund for the benefit of members of the department of public safety, and any dependent of a retired or deceased member thereof. Into such fund shall be paid such amounts as have heretofore been collected by the superintendent of the department of public safety on account of fees for arrest, court attendance and mileage, seizures, rewards, or from any other source permitted by law. There shall be paid into such fund
such amounts arising in the future from the above named
or any other sources permitted by law, designated by the
superintendent of the department of public safety, except
that no part of any fine shall be paid thereinto.

There shall be deducted from the monthly payroll of
each member of the department of public safety and
paid into such fund six per cent of the amount of his
salary, and an additional twelve per cent of the monthly
salary of each member of said department shall be paid
by the state of West Virginia monthly into such fund out
of the biennial appropriation for said department. All
moneys payable into such fund shall be deposited in the
state treasury, and the treasurer and auditor shall keep
a separate account thereof on their respective books.

The death, disability and retirement fund shall be
administered by a retirement board which shall consist
of the attorney general, state treasurer, the superin-
tendent and two members in active service of the depart-
ment of public safety: Provided, That members of said
retirement board shall not be entitled to receive any
compensation in addition to the salary of their respective
offices for any service rendered as a member of said re-
tirement board: Provided further, That the superintendent
may pay out of funds appropriated for operation of said
department the reasonable expenses of members of said
board necessarily incurred in connection with dispatch
of any business properly before such board. The two
members of said department shall be elected to mem-
ership on the retirement board by vote of the members
of the department of public safety; such election to be
held on the first Tuesday in June next following the
passage of this act and on the first Tuesday in June
each two years thereafter. The attorney general, state
treasurer and the superintendent of the department of
public safety shall promulgate any and all necessary
rules and regulations for holding in a fair and impartial
manner the election on the first Tuesday in June next
following the passage of this act, and thereafter the re-
tirement board consisting of the attorney general, state
treasurer, superintendent and the two duly elected mem-
ers of said department shall have authority to promul-
gate and, from time to time, revise rules and regulations for holding all subsequent elections in a fair and impartial manner. All elections shall be held under the direction of the superintendent of said department in accordance with said rules and regulations. The members of the department chosen to serve on said retirement board shall hold office for a period of two years commencing on the first day of July next following the date of such election. When any member elected to the retirement board shall die, resign from the board, resign or be discharged from service in the department, make application for retirement, be retired, or become disabled, the office of such member of the retirement board shall be declared vacant by the superintendent of said department, and said superintendent, to supply such vacancy, shall appoint the member in active service of said department who as an unsuccessful candidate at the preceding election of members to said retirement board received the greatest number of votes. No member of the retirement board shall participate in any hearing at which his own petition for retirement or the petition of any member of said department who is related to him by blood or marriage shall be presented for consideration.

At its first meeting following each election of members to the retirement board, said board shall elect one of its members to serve as chairman and a second member to serve as secretary thereof. The retirement board shall have the power to make rules and regulations, not inconsistent with the provisions hereof, governing procedure and order and manner of business by and before such board. The retirement board shall have the power to make awards and to revise and terminate awards previously made for such times and under such terms and conditions as are hereinafter provided. The votes of a majority of the five members of the board shall be necessary to decision of any matter by the board. Decisions made by the board shall be supreme and final and there shall be no appeal therefrom.

It shall be the duty of the retirement board on or before the first day of July of each year to cause all future awards from such fund to be valued and, to the extent
that moneys shall be available, reserves based on sound
actuarial principles for payment thereof to be carried
on the funds account as a liability against the reserve
fund. The board shall have authority to employ an actu-
ary for such purpose. The board shall cause a system of
accounting to be installed and maintained to reflect cur-
rently and truly all transactions or developments per-
taining to age of members and eligible dependents sur-
viving deceased members, periods of service and aggre-
gate earnings of all members eligible to participate in said
fund and any other matter relating to maintenance of
said fund or administration thereof, and each year to
cause to be made and submitted to each member of said
department a statement of the condition of said fund.
Costs and expenses incurred in making actuarial studies,
audits and installations and maintenance of such account-
ing system shall be paid by the superintendent from funds
appropriated for operation of the department of public
safety.
All moneys paid into and accumulated in said death,
disability and retirement fund, except such amounts as
shall be designated or set aside by the retirement board
for payments of death, disability and retirement bene-
fits and awards, shall be invested by the state board of
public works in bonds of the government of the United
States, the state of West Virginia, or any political sub-
division thereof selected or approved by the retirement
board.

Sec. 28. Retirement; Death, Disability and Retirement
Awards and Benefits.—(a) The retirement board shall re-
tire any member of the department of public safety when
such member
(1) Shall have attained the age of fifty-five years and
shall have completed twenty-five years of service as a
member of said department, or
(2) Has completed twenty-five years of service as a
member of said department and shall have attained the
age of fifty-five years, or
(3) Has attained the age of fifty-five years, and shall
have completed twenty-five years of service as a mem-
(b) The retirement board shall retire any member of said department of public safety when such member shall have lodged with the secretary of the retirement board the voluntary petition in writing of such member for retirement, and

(1) Has or shall have completed not less than twenty-five years of service as a member of said department, or

(2) Has or shall have attained the age of fifty years and has or shall have completed not less than twenty years of service as a member of said department, or

(3) Being under the age of fifty years has or shall have completed twenty years of service as a member of said department.

(c) When the retirement board shall retire any member under any of the foregoing provisions of this section, said board shall, by order in writing, make an award directing that such member shall be entitled to receive annually and that there shall be paid to such member from the death, disability and retirement fund in equal monthly installments during the natural lifetime of such member while in status of retirement one or the other of two amounts, whichever shall be the greater, namely:

(1) Either an amount equal to three per cent of the aggregate of salary paid to such member during the whole period of service of such member as a member of the department of public safety; or

(2) When such period of service has or shall have been more than

(a) Twenty years but less than twenty-one years, the sum of nine hundred sixty dollars;

(b) Twenty-one years but less than twenty-two years, the sum of one thousand eight dollars;

(c) Twenty-two years but less than twenty-three years, the sum of one thousand fifty-six dollars;

(d) Twenty-three years but less than twenty-four years, the sum of one thousand one hundred four dollars;

(e) Twenty-four years but less than twenty-five years, the sum of one thousand one hundred fifty-two dollars;
(f) Twenty-five years, the sum of one thousand two hundred dollars.

It is provided, however, that when a member has or shall have served twenty years or longer but less than twenty-five years as a member of said department and shall be retired under any of the foregoing provisions before he shall have attained the age of fifty years, payment of monthly installments of the amount of retirement award to such member shall commence on the date such member shall attain the age of fifty years.

(d) Any member of the department of public safety who has been or shall be commissioned, enlisted or induced into the armed forces of the United States or, being a member of the reserve officers' corps, has been or shall be called to active duty in said armed forces since the first day of September, one thousand nine hundred forty, and prior to the close of hostilities in the wars 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 retirement pay from the service of the department of public safety for a period equal to the full time he shall, pursuant to such commission, enlistment, induction or call, have served with said armed forces: Provided, That such member shall (1) be honorably discharged from said armed forces, and (2) within ninety days after honorable discharge from said armed forces present himself to the superintendent and offer to resume service as an active member of the department: Provided further, That no such member shall be entitled to any credit, privilege or benefit under the provisions of this paragraph who shall by any voluntary act on his part, whether by reenlistment, waiver of discharge, acceptance of commission or otherwise, extend or participate in extension of the period of service of such member with such armed forces beyond the period of service therewith for which such member was originally commissioned, enlisted, inducted or called: And provided further, That the amount of retirement pay to which any such member shall be entitled shall be calculated and determined as if such member had continued in the active service of the depart-
ment at the rank or grade to him appertaining at the
time of such commission, induction, enlistment or call,
during a period coextensive with the time such member
shall have served with said armed forces pursuant to
such commission, induction, enlistment or call. The
superintendent of said department is authorized to trans-
fer and pay over each month into said death, disability
and retirement fund from moneys that shall be appropri-
ated for said department a sum equal to eighteen per
cent of the aggregate of salary which all said members
would have been entitled to receive had they continued
in the active service of said department during a period
coextensive with the time such members shall have served
with said armed forces pursuant to said commission, in-
duction, enlistment or call. If any member on leave of
absence and while serving with the armed forces of the
United States pursuant to commission, enlistment, induc-
tion or call as aforesaid shall die as a result of illness or
injury from any cause 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 de-
partment and deposited in the death, disability and re-
tirement fund created by section twenty-seven of this
article shall, if such member was not at the time of his
death eligible for retirement benefits under any of the pro-
visions of this act, be withdrawn from said fund and paid
over to the widow of such member, if any, and if none, to
the children of such member, and if there be no widow or
children, to the dependent parent or parents, and if there
be no widow or children or dependent parent or parents,
then the same shall remain in the fund.
(e) Any member of said department who has been or
shall become physically or mentally permanently disabled
by injury, illness or disease resulting from any occupa-
tional risk or hazard inherent in or peculiar to the services
required of members of said department and incurred pur-
suant to or while such member was or shall be engaged in
the performance of his duties as a member of said depart-
ment shall, if, in the opinion of the retirement board, he be
by reason of such cause unable to perform adequately the
duties required of him as a member of said department, be
retired from active service by the retirement board and
thereafter such member shall be entitled to receive annu-
ally and there shall be paid to such member from the death,
disability and retirement fund in equal monthly install-
ments during the natural lifetime of such member or until
such disability shall sooner terminate, an amount equal to
four per cent of the total salary which would have been
earned by him during twenty-five years of service in said
department based on his average earnings while employed
as a member of said department. If such disability shall be
total and permanent to the extent that such member is or
shall be incapacitated ever to engage in any gainful em-
ployment, such member shall be entitled to receive annu-
ally and there shall be paid to such member from the death,
disability and retirement fund in equal monthly install-
ments during the natural lifetime of such member or until
such disability shall sooner terminate, an amount equal to
five per cent of the total salary which would have been
earned by him during twenty-five years of service in said
department based on his average earnings while employed
as a member of said department.

The superintendent is authorized to expend moneys from
funds appropriated for the department of public safety in
payment of medical, surgical, laboratory, x-ray, hospital,
ambulance and dental expenses and fees, and reasonable
costs and expenses incurred in purchase of artificial limbs
and other approved appliances which may be reasonably
necessary for any member of said department who has or
shall become temporarily, permanently or totally disabled
by injury, illness or disease resulting from any occupational
risk or hazard inherent in or peculiar to the service required
of members of said department and incurred pursuant to
or while such member was or shall be engaged in the per-
formance of his duties as a member of said department.
Whenever the superintendent shall determine that any
disabled member is ineligible to receive any of the afore-
said benefits at public expense the superintendent shall,
at the request of such disabled member, refer such matter
to the retirement board for hearing and final decision.
(f) If any member while in active service of said department has or shall become permanently disabled from any cause other than those set forth in the next preceding section not due to vicious habits, intemperance or wilful misconduct on his part, such member shall, if he be not eligible for retirement under the other provisions of this article, be retired by the retirement board and shall be entitled to receive annually and there shall be paid to such member from the death, disability and retirement fund in equal monthly installments during a period equal to one-half the time such member has served as a member of said department, a sum equal to three per cent of the total salary which would have been earned by him during twenty-five years of service in said department based on his average earnings while employed as a member of said department.

(g) The superintendent may require any member who has been or who shall be retired with compensation on account of disability to submit to a physical and/or mental examination by a physician or physicians selected or approved by the retirement board and cause all costs incident to such examination including hospital, laboratory, x-ray, medical and physician fees to be paid out of funds appropriated to defray the current expense of said department, and a report of the findings of such physician or physicians shall be submitted in writing to the retirement board for its consideration. If from such report or from such report and hearing thereon the retirement board shall be of opinion and find that such disabled member shall have recovered from such disability to the extent that he is able to perform adequately the duties of a member of said department, the superintendent shall order such member to reassume active duty as a member of said department and thereupon all payments from the death, disability and retirement fund shall be terminated.

(h) A member who has been or shall be retired shall not while in retirement status exercise any of the powers conferred upon active members by section eleven of this article; but shall be entitled to receive free of cost to such member and retain as his separate property one
213 complete standard uniform prescribed by section nine of
214 this article: Provided, That such uniform may be worn
215 by a member in retirement status only on such occasions
216 as shall be prescribed by the superintendent. The super-
217 intendent is authorized to maintain at public expense for
218 the benefit of all members in retirement status that group
219 life insurance mentioned in section nine of this article.
220 The superintendent, when he shall be of opinion that the
221 public safety shall require, may recall to active duty
222 during such period as the superintendent shall determine
223 any member who shall be retired under the provisions of
224 subsections (a), (b) or (c) of this section: Provided, That
225 the consent of such member to reassume duties of active
226 membership shall first be had and obtained. When any
227 member in retirement shall reassume status of active
228 membership such member, during the period he shall
229 remain in active status, shall not be entitled to receive
230 retirement pay or benefits but in lieu thereof shall be
231 entitled to receive that rate of salary and allowance
232 pertinent to the rank or grade held by such member
233 when retired. When such member shall be released
234 from active duty he shall reassume the status of retire-
235 ment and shall thereupon be entitled to receive appro-
236 priate benefits as provided by this act: Provided, That the
237 amount of such benefits shall in no event be less than the
238 amount determined by the order of the retirement board
239 previously made in his behalf.
240 (i) The widow or the children under the age of eighteen
241 years or dependent parent or parents of any member
242 who has lost or shall lose his life by reason of injury, ill-
243 ness or disease resulting from any occupational risk or
244 hazard inherent in or peculiar to the service required of
245 members while such member was or shall be engaged in
246 the performance of his duties as a member of said de-
247 partment, or if said member shall die from such causes
248 after being retired on disability, shall be entitled to re-
249 ceive and shall be paid from the death, disability and
250 retirement fund benefits as follows: To the widow annu-
251 ally, in equal monthly installments during her lifetime
252 or until her remarriage, an amount equal to two per cent
of the total salary which would have been earned by said deceased member during twenty-five years of service in said department based on his average earnings while employed as a member of said department. In addition thereto such widow shall be entitled to receive and there shall be paid to her five dollars monthly for each child until such child shall attain the age of eighteen years. If such widow shall die or remarry or if there be no widow there shall be paid monthly to such child or children from said death, disability and retirement fund the sum of fifteen dollars each until such child or children shall respectively attain the age of eighteen years. If there be no widow and no child or children, there shall be paid annually in equal monthly installments from said death, disability and retirement fund to the dependent parents of said deceased member during their joint life-times a sum equal to the amount which a widow, without children, would have received: Provided, That when there shall be but one dependent parent surviving, such parent shall be entitled to receive during his or her lifetime one-half the amount which both parents, if living, would have been entitled to receive.

(j) In any case where a member while in active service of said department, before becoming eligible for retirement under the provisions of subsections (a), (b) or (c) of this section, has died or shall die from any other cause not due to vicious habits, intemperance or wilful misconduct on his part, there shall be paid annually in equal monthly installments from said death, disability and retirement fund to the widow of such member during a period equal to one-half the time such member served as a member of said department, or until the time during such period said widow shall remarry, a sum equal to one and one-half per cent of the total salary which would have been earned by him during twenty-five years of service in said department based on his average earnings while employed as a member of said department. If there be no widow or during the period aforesaid such widow shall remarry there shall be paid from said fund to each child of said deceased member the sum of fifteen
dollars monthly until such child or children respectively shall attain the age of eighteen years. If there be no widow and no child or children there shall be paid annually in equal monthly installments from said fund to the dependent parents of said deceased member during their joint lifetimes a sum equal to the amount which a widow would have been entitled to receive: Provided, That when there shall be but one dependent parent surviving then such dependent parent shall be entitled to receive during his or her lifetime one-half the amount which both parents, if living, would have been entitled to receive.

(k) When a member of said department shall die after having been retired by the retirement board under the provisions of subsections (a), (b) or (c) of this section, there shall be paid annually in equal monthly installments from said fund to the widow of said member, during her lifetime or until her remarriage, an amount equal to one-half the retirement benefits said deceased member was receiving or was entitled to receive at the time of his death; and in addition thereto said widow shall be entitled to and there shall be paid to her from said fund the sum of five dollars monthly for each child under the age of eighteen years until such child or children respectively shall attain the age of eighteen years: Provided, That no widow of any member who shall die after having been retired by the retirement board shall be entitled to receive any benefits under the terms of this paragraph unless such widow shall have been married to such member during at least one full year prior to the date such member shall have been retired by the retirement board: Provided further, That a child born to said dependent wife after such member was placed on retirement shall not be entitled to any benefits nor shall such dependent wife be entitled to receive benefits for such child. If such widow shall not be entitled to benefits or shall die or remarry, or if there be no widow there shall be paid monthly from said fund to each child under the age of eighteen years of said deceased member the sum of fifteen dollars until such child or children respectively attain the age of eighteen years. If there be
no widow or no widow eligible to receive benefits and no child or children there shall be paid annually in equal monthly installments from said fund to the dependent parents of said deceased member during their joint lifetimes a sum equal to the amount which a widow without children would have been entitled to receive: Provided, That when there shall be but one dependent parent surviving, such parent shall be entitled to receive during his or her lifetime one-half the amount which both parents, if living, would have been entitled to receive.

(1) When any widow of a member shall die or remarry while receiving or being entitled to receive any benefits under this act, such widow shall not from the date of such remarriage, nor shall her estate from the date of her death, be entitled to receive any benefits hereunder whatsoever: Provided, That in any case where under the terms of this act benefits are provided for a child or children surviving the death or remarriage of such widow, payment of such benefits to such child or children shall be calculated for payment from the date such widow shall die or remarry.

(m) Any member who shall be discharged by order of the superintendent after such member has or shall have served two full years or more as a member of said department shall, at request of such member, be entitled to receive from said fund a sum equal to the aggregate of the principal amount of moneys deducted from his salary and paid into said death, disability and retirement fund as provided and required by section twenty-seven of this article: Provided, That the superintendent shall forthwith refund to any member that has or shall have served more than two but less than twenty years as a member of said department and has resigned or shall resign or that has been or shall be discharged from the service for cause in accordance with recommendation of a majority of a board of five officers of the department, a sum equal to the aggregate of the principal amount of all moneys deducted from the salary of such member and paid into said fund as aforesaid: Provided further, That if any such refund shall be made to any member such mem-
373  ber shall not be entitled to any benefits provided by this
374  act, and should any such member thereafter be again en-
375  listed as a member of said department no credit on any
376  period of service required of a member as a condition of
377  retirement shall be allowed to such member on account of
378  such former service: And provided further, That when
379  any member has or shall have served as a member of said
380  department during twenty years or longer and shall, in the
381  opinion of the superintendent, become unfit for any reason
382  for further active service such member shall, in lieu of be-
383  ing discharged, be retired by the retirement board under
384  the provision or provisions of this act most favorable to
385  such member.
386  (n) If any member while in active status shall die
387  after having served two full years or longer as a member
388  of said department and the retirement board shall be of
389  opinion after hearing thereon that the dependent or de-
390  pendents of said member are ineligible under the provi-
391  sions of this article to receive any of the benefits pro-
392  vided herein, the superintendent shall refund to the
393  widow, if surviving, but if not surviving, to the children of
394  such member, and if there be no widow or children, to the
395  dependent parent or parents, a sum equal to the aggregate
396  of the principal amount of all moneys deducted from the
397  salary of such member and paid into said funds as afore-
398  said, and if there be no widow or children or dependent
399  parent or parents, then the same shall remain in the fund.
400  Whenever any such refund shall be made the widow or
401  other dependents of such deceased member shall not be
402  entitled to any other rights or benefits on account of said
403  fund under the provisions of this act.
AN ACT to amend article two, chapter twenty-five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding a new section numbered eleven, relating to the department of purchases.

[Passed March 7, 1945; in effect from passage. Approved by the Governor.]

Article 2. Sales, Purchases or Contracts.

Section

11. Purchase from federal government.

Be it enacted by the Legislature of West Virginia:

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

Section 11. Purchase From Federal Government.—Notwithstanding any other provision of this article, the director may, upon the recommendation of a state department, purchase from the government of the United States, commodities or equipment, by tendering bids therefor.

CHAPTER 124

(House Bill No. 36—By Mr. Davis)

AN ACT to amend and reenact chapter forty-two, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-nine, relating to the West Virginia publicity commission, by changing the name, composition, authority and duties of the commission and by providing that such chapter, as hereby amended, shall be designated article nine, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended.

[Passed February 12, 1945; in effect ninety days from passage. Approved by the Governor.]
Article 9. Industrial and Publicity Commission.

Section
1. West Virginia industrial and publicity commission; members; meetings.
2. Executive director.
3. General powers and duties of commission.
4. Cooperation of other state agencies and departments.

Be it enacted by the Legislature of West Virginia:

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

Section 1. West Virginia Industrial and Publicity Commission; Members; Meetings.—The West Virginia publicity commission, heretofore created, shall be continued and shall hereafter be designated the West Virginia industrial and publicity commission. The commission shall be a corporation and as such may contract and be contracted with, and shall have a corporate seal.

The commission shall be composed of seven members, five of whom shall be members ex officio, and two of whom shall be appointed by the governor, by and with the advice and consent of the senate, to serve at his will and pleasure. The members shall be the governor, who shall be chairman of the commission, the attorney general, the commissioner of agriculture, the conservation commissioner and the commissioner of labor. The two appointive members shall be chosen from among those citizens of the state best qualified by training and experience to represent commerce and industry.

The commission shall have its principal office in the state capitol at Charleston and shall meet there at least once each month, and at such other times and places as may be designated by the chairman. All members shall serve without compensation, but shall be allowed such reasonable expenses as may be incurred in the immediate discharge of their duties as members of the com-
mission. Such expenses shall be met out of any funds available for the purpose, and shall be paid upon certification of the chairman, in such manner as the expenses of other state officials are paid.

Sec. 2. Executive Director.—The commission shall employ an executive director, and fix his salary at an amount not to exceed six thousand dollars per annum. The executive director shall be the chief administrative officer of the commission and, subject to its control, shall direct all the activities of the commission.

The director shall have authority to employ and fix the compensation of such technical and clerical assistants as may be necessary to carry out the purposes of this article.

The salary and expenses of the director and of the technical and clerical assistants shall be met out of any funds available for the purpose, and shall be paid upon certification of the director, in such manner as the expenses of other state employees are paid.

Sec. 3. General Powers and Duties of Commission.—The commission shall have the authority and, within the limits of available funds, it shall be its duty to:

1. Investigate, study and undertake ways and means of promoting and encouraging the prosperous development and protection of the legitimate interests and welfare of West Virginia business, industry and commerce, within and outside the state.

2. Serve as a clearing house for industrial problems of the state.

3. Promote and encourage the expansion and development of markets for West Virginia products.

4. Promote and encourage the location and development of new business in the state and the maintenance and expansion of existing business.

5. Investigate and study conditions affecting West Virginia business, industry and commerce; collect and disseminate information, and engage in technical studies, scientific investigations, statistical research and educa-
(6) Plan and develop an effective business information service that will directly assist West Virginia industry, and also encourage industries outside the state to use business facilities within the state.

(7) Compile, collect and periodically make available scientific indices and other information relating to current business conditions.

(8) Encourage and develop commerce with other states and devise methods of removing trade barriers that hamper the free flow of commerce between this and other states, and for these purposes cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business, industry and commerce.

(9) Conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state, with a view to the development of new products and industrial processes.

(10) Compile periodically a census of business and industry in the state, in cooperation with other agencies, and analyze and publish the information in such form as to be most valuable to business and industry.

(11) Study long-range trends and developments in the industries of the state and analyze the reasons underlying such trends; study costs and other factors affecting successful operation of businesses within the state; and make to the governor and to the Legislature, from time to time, recommendations for the improvement of any conditions, and for the elimination of any restrictions or burdens imposed by law, or otherwise existing, which adversely affect or retard legitimate development and expansion of business, industry and commerce.

(12) Advertise and publicize the material, economic and other advantages of the state which render it a desirable place for business and residence.

(13) Collect, compile and distribute information and literature concerning the advantages and attractions of
DUES TO VOLUNTARY ORGANIZATIONS

Chapter 125

(From House Bill No. 113—By Mr. Hansbarger)

AN ACT to amend section eleven, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, relating to the payment of traveling expenses of state officers and employees, auditing by the state board of traveling expenses, and payment of dues to voluntary organizations.

[Passed March 8, 1945; in effect ninety days from passage. Approved by the Governor.]
Article 3. Appropriations and Expenditures.

Section 11. Traveling expenses; audit by state board; dues to voluntary organizations.

Be it enacted by the Legislature of West Virginia:

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

Section 11. Traveling Expenses; Audit by State Board; Dues to Voluntary Organizations.—The board known as the state auditing board of traveling expenses shall continue as heretofore by law created. The governor, attorney general and the secretary of state shall be ex officio members of and constitute said board. The governor shall be president, and the secretary of state shall be secretary. A minute record shall be kept by said board in which shall be entered a record of all its proceedings. It shall be unlawful for the auditor to issue his warrant in payment of any claim presented by a state officer or employee for expenses incurred while traveling without the state, unless the trip is authorized and the claim is approved by the state auditing board of traveling expenses: Provided, however, That the auditor is authorized to issue his warrant in payment of claims of state officers or employees without the approval hereinbefore required for expenses incurred while traveling without the state where the state officer or employee is required to be present in a proceeding before a court on official state business. Payment for dues or membership in annual or other voluntary organizations shall be made from the proper item of appropriation only after an itemized schedule of such organizations, together with the amount of such dues or membership, has been submitted to the budget director and approved by the board of public works. A requisition for items of such schedule authorized by the board of public works for payment shall be approved by the director of the budget and honored for payment by the state auditor. All accounts of expenses incurred by state officers or employees, whether traveling within or without
the state, shall be verified by affidavit of the person in-
curriing the expense, shall be itemized in detail, and no
item shall be designated as "miscellaneous", "sundry", or
by any term of like general nature. If the account is for
traveling without the state, it shall be made out in tripli-
cate, one copy retained in the office of the officer or em-
ployee incurring the expense, one copy filed with the state
auditing board of traveling expenses, and the other copy
filed with the auditor. If the account is for traveling
within the state, it shall be made out in duplicate, one
copy retained in the office of the officer or employee in-
curriing the expense and the other copy filed with the
auditor.

CHAPTER 126
(Com. Sub. for Senate Bill No. 193—Originating in the Senate Committee on
the Judiciary)

AN ACT to amend and reenact section five, article two, and
section three, article three, chapter twenty-four-a of the
code of West Virginia, one thousand nine hundred thirty-
one, as amended, relating to the issuance of certificates and
permits to motor carriers by the public service commission
of West Virginia.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the
Governor.]

Article

Be it enacted by the Legislature of West Virginia:

That section five, article two, and section three, article three,
chapter twenty-four-a of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, be amended and re-
enacted to read as follows:

Section 5. Certificates of convenience and necessity; hearing on application; transfer; revocation.

Section 5. Certificates of Convenience and Necessity; Hearing on Application; Transfer; Revocation.—(a) It shall be unlawful for any common carrier by motor vehicle to operate within this state without first having obtained from the commission a certificate of convenience and necessity. Upon the filing of an application for such certificate and after hearing thereon, if the commission finds from the evidence that the public convenience and necessity require the proposed service or any part thereof, it shall issue the certificate as prayed for, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the right granted by such certificate such terms and conditions as in its judgment the public convenience and necessity may require, and if the commission shall be of the opinion that the service rendered by any common carrier holding a certificate of convenience and necessity over any route or routes in this state is in any respect inadequate or insufficient to meet the public needs, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy or insufficiency before any certificate shall be granted to an applicant proposing to operate over such route or routes as a common carrier. Before granting a certificate to a common carrier by motor vehicle the commission shall take into consideration existing transportation facilities in the territory for which a certificate is sought, and in case it finds from the evidence that the service furnished by existing transportation facilities is reasonably efficient and adequate, the commission shall not grant such certificate.

(b) The commission shall prescribe such rules and regulations as it may deem proper for the enforcement of the provisions of this section, and in establishing that public convenience and necessity do exist the burden of proof shall be upon the applicant. The commission may designate any of its employees to take evidence at the hearing of any application for a certificate and submit
findings of fact as a part of a report or reports to be made
to the commission.
(c) No certificate issued in accordance with the terms
of this chapter shall be construed to be either a franchise or
irrevocable or to confer any proprietary or property rights
in the use of the public highways. No certificate issued
under this act shall be assigned or otherwise transferred
without the approval of the commission. Upon the death
of a person holding a certificate, his personal representa-
tive or representatives may operate under such certificate
while the same remains in force and effect and, with the
consent of the commission, may transfer such certificate.
(d) The commission may at any time, for good cause,
suspend and, upon not less than fifteen days' notice to the
grantee of any certificate and an opportunity to be heard,
revoke or amend any certificate.


Section

3. Permit; hearing on application; transfer; revocation.

Section 3. Permit; Hearing on Application; Transfer;
Revocation.—(a) It shall be unlawful for any contract
carrier by motor vehicle to operate within this state with-
out first having obtained from the commission a permit.
Upon the filing of an application for such permit, the
commission shall fix a time and place for hearing thereon
and after hearing shall grant or deny the permit prayed
for or grant it for the partial exercise only of the privilege
sought, and may attach to the exercise of the privilege
granted by such permit such terms and conditions as in
its judgment are proper and will carry out the purpose
of this chapter. No permit shall be granted unless the
applicant has established to the satisfaction of the com-
mission that the privilege sought will not endanger the
safety of the public or unduly interfere with the use of the
highways or impair unduly the condition or unduly in-
crease the maintenance cost of such highways, directly or
indirectly, or impair the efficient public service of any
authorized common carrier or common carriers adequate-
ly serving the same territory.
(b) The commission shall prescribe such rules and
regulations as it may deem proper for the enforcement of
the provisions of this section and may designate any of its
employees to take evidence at the hearing on any appli-
cation for a permit and submit findings of fact as a part
of report or reports to be made to the commission.

(c) No permit issued in accordance with the terms
of this act shall be construed to be either a franchise or
irrevocable or to confer any proprietary or property rights
in the use of the public highways. No permit issued un-
der this act shall be assigned or otherwise transferred
without the approval of the commission. Upon the death
of a person holding a permit, his personal representative
or representatives may operate under such permit while
the same remains in force and effect and, with the con-
sent of the commission, may transfer such permit.

(d) The commission may at any time, for good cause,
suspend and, upon not less than fifteen days' notice to
the grantee of any permit and an opportunity to be heard,
revoke or amend any permit.

(e) Every contract carrier by motor vehicle who shall
cease operation or abandon his rights under a permit is-
sued shall notify the commission within thirty days of
such cessation or abandonment.

CHAPTER 127
(Senate Bill No. 192—By Mr. Vickers, Mr. President)

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, as amended, relating to the powers
of the public service commission.

[Passed March 9, 1945; in effect ninety days 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, as amended, 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, and shall include any utility engaged in any of the following public services:

1. 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;
2. Transmission of messages by telephone, telegraph or radio;
3. 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 systems; toll bridges, wharves, ferries; and any other public service.

CHAPTER 128

(Senate Bill No. 203—By Mr. Vickers, Mr. President)

AN ACT to establish a capitol salvage committee, with authority to supervise the salvaging, processing and sale of waste material discarded in and around the capitol building and grounds.

(Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.)

Section
1. Capitol salvage committee; disposition of collections.

Be it enacted by the Legislature of West Virginia:

Section 1. Capitol Salvage Committee; Disposition of
Collections.—There is hereby created a capitol salvage committee to be composed of the director of the budget, the director of purchases and the superintendent of building and grounds, which shall have authority to supervise and direct the salvaging, processing and disposition of waste paper and other waste materials discarded in and around the capitol building and grounds. The proceeds of the sale of any such salvage shall be deposited in a special revenue account and may be expended upon the approval of the capitol salvage committee for minor repairs on buildings and grounds, for the purchase of equipment, and for the cleaning and painting of the capitol building.

CHAPTER 129

(Senate Bill No. 216—By Mr. Johnston, by request)

AN ACT to amend and reenact chapter seventy-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-three, entitled “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 10, 1945; in effect from passage. Approved by the Governor.]

Section
1. Release of state’s claims for damages caused by construction, operation and maintenance of Tygart river reservoir; sale of lands.

Be it enacted by the Legislature of West Virginia:

That chapter seventy-five of the acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-three, be amended and reenacted to read as follows:
Section 1. Release of State’s Claims for Damages Caused by Construction, Operation and Maintenance of Tygart River Reservoir; Sale of Lands.—The state road commission is authorized, in consideration of the conveyance by the federal government to the state conservation commission of approximately one thousand seven hundred thirty-two acres of land adjacent to the Tygart River Reservoir, to release all claims of the state of West Virginia for damage to roads and highways caused by the construction, operation and maintenance 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 130

(Senate Bill No. 182—By Mr. Vickers, Mr. President)

AN ACT to amend and reenact section three, article one; section seventeen, article two; sections seven, ten, ten-a, ten-b, sixteen, seventeen, eighteen and nineteen, article five; sections one, four, ten, eleven and twenty-one, article six; section eleven, article seven; sections one, five and seven, article eight; section eleven, article ten; to add section one-a to article six; to add section five-a to article nine, all of chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter on acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-six, as amended, relating to unemployment compensation.

[Passed March 8, 1945: effective April 1, 1945. Approved by the Governor.]
Article

1. Department of Unemployment Compensation.
2. Director of Unemployment Compensation.
3. Employer Coverage and Responsibility.
4. Employee Eligibility; Benefits.
5. Claim Procedure.
7. Unemployment Compensation Administration Funds.

Be it enacted by the Legislature of West Virginia:

That section three, article one; section seventeen, article two; sections seven, ten, ten-a, ten-b, sixteen, seventeen, eighteen and nineteen, article five; sections one, four, ten, eleven and twenty-one, article six; section eleven, article seven; sections one, five and seven, article eight; section eleven, article ten; to add section one-a to article six; to add section five-a to article nine, 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, be amended and reenacted to read as follows:

Article 1. Department of Unemployment Compensation.

Section 3. Definitions.—As used in this chapter, unless the context clearly requires otherwise:

3. "Administration fund" means the unemployment compensation administration fund, from which the administrative expenses under this chapter shall be paid.
4. "Annual payroll" means the total amount of wages for employment paid by an employer during one year.
5. "Average annual payroll" means the average of the annual payrolls of an employer for the last three years.

The "base period" for an individual who files an initial claim for benefits between April first and September thirtieth (both dates inclusive) of any year shall be the preceding calendar year; the base period for an individual who files an initial claim for benefits between October first and the next following March thirty-first (both dates inclusive) shall be the twelve consecutive month period ending on the preceding June thirtieth.
"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 year" with respect to an individual means the fifty-two consecutive weeks period beginning with the day on which he filed a valid claim for benefits, and thereafter the fifty-two consecutive weeks period beginning with the day on which such individual next files a valid claim for benefits after the termination of his last preceding benefit year. An initial claim for benefits filed in accordance with the provisions of this chapter shall be deemed to be a valid claim within the purposes of this definition if the individual has been paid wages in his base period sufficient to make him eligible for benefits under the provisions of this chapter.

"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 thereof, 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 employed on each of such days, or who or which is or becomes a liable employer under any federal unemployment tax act.

“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, written or oral, express or implied.

(2) The term “employment” shall include an individual’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 individual’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 compensation 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 service within this state. For example, is temporary or transitory in nature or consists of isolated transactions.

(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 contract 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 service 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 instrumentality of this state or its subdivisions.

(2) Service performed directly in the employ of another state, or its political subdivisions.

(3) Service performed in the employ of the United States or an instrumentality of the United States exempt 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 instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing 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 erroneously collected.

(4) Service performed after June thirty, one thousand nine hundred thirty-nine, with respect to which unem-
Employment compensation is payable under the Railroad Unemployment Insurance Act (fifty-two Stat. one thousand ninety-four), and service with respect to which unemployment benefits are payable under an unemployment compensation system for maritime employees established by an act of congress. The director may enter into agreements with the proper agency established under such an act of congress to provide reciprocal treatment to individuals who, after acquiring potential 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 chapter. 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 by an individual in the employ of his son, daughter, or spouse.
(8) Service performed by a child under the age of twenty-one years in the employ of his father or mother.
(9) Service performed in the employ of an employing unit organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes 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.

Notwithstanding the foregoing exclusions from the definition of “employment”, services shall be deemed to be in employment if with respect to such services a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund.

“Employment office” means a free employment 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.

“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 to be totally unemployed in any week during which he performs no services and with respect to which no wages are payable to him.

2. An individual shall be deemed to be partially unemployed in any week of less than full time work if wages payable to him with respect to such week are less than his weekly benefit amount.

“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 respect to employment during such calendar year.

2. The amount of any payment made to, or on behalf 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 insurance 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 hospitalization 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 system or policy of insurance providing for such death benefit, to assign such benefit, or to receive such consideration in lieu of such benefit either upon his withdrawal 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 employer.

(3) The payment by an employer (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in its employed 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

17. Federal-state cooperation.

Section 17. Federal-State Cooperation.—The director
shall have all powers and duties necessary to secure to
the state the benefits of congressional action for the pro-
motion and maintenance of a system of public employ-
ment offices. To this end the provisions of the act re-
ferred to in the preceding section and such additional
congressional action consistent with the above act are
accepted by the state and the state pledges its observance
and compliance therewith.

The department of unemployment compensation is
designated the agent of this state for the purpose of
compliance with the act of congress entitled "An act to
provide for the establishment of a national employment
system and for cooperation with states in the promotion of
such systems, and for other purposes", approved June
six, one thousand nine hundred thirty-three, as amended.

The director is also authorized, with the approval of
the advisory council, to apply for an advance to the un-
employment compensation fund in accordance with the
conditions specified in title twelve of the social security
act, as amended, in order to secure to this state and its
citizens the advantages available under the provisions
of that title.

Article 5. Employer Coverage and Responsibility.

Section

Separate accounts.
Experience ratings: decreased rates.
Suspension of decreased rates.
Transfer of business.
Collection of payments.
Interest on past-due payments.
Priorities.
Refunds.

Section 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 individ-
uals. The account of any employer which has been in-
active for a period of four consecutive calendar years
shall be terminated for all purposes.
(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 experience in the payment of contributions on their own behalf 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 respect to compensable weeks ending on or before December thirty-one of the preceding year, shall not be taken into account until the time for fixing contribution rates for the succeeding calendar year: Provided, however, that any payment made on or before the termination of an extension of time for such payment granted pursuant to a regulation of the director authorizing such extension, shall be taken in to account for the purpose of fixing contribution rates: Provided further, That whenever through mistake or inadvertence erroneous credits or charges are found to have been made to or against the reserve account of any employer, the rate shall be adjusted as of January one of the calendar year in which such mistake or inadvertence is discovered; but payments made under any rate assigned prior to January one of such year shall not be deemed to be erroneously collected.

Sec. 10. Experience Ratings; Decreased Rates.—On and after January one, one thousand nine hundred forty-five, 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 have elapsed three consecutive years immediately preceding the computation date throughout which an employer's account was chargeable with benefits.

(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 pay roll, 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 pay roll, 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 pay roll, 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 pay roll, 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 nine per cent (9%) of his average annual pay roll, in which case his rate shall be one and two-tenths per cent (1.2%).

(7) 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 pay roll, in which case his rate shall be nine-tenths of one per cent (0.9%).

(8) His payments credited to his account for all past years exceed the benefits charged to his account by an amount equal to at least eleven per cent (11%) of his average annual pay roll, in which case his rate shall be seven-tenths of one per cent (0.7%).
(9) His payments credited to his account for all past years exceed the benefits charged to his account by an amount equal to at least twelve per cent (12%) of his average annual payroll, in which case his rate shall be five-tenths of one per cent (0.5%).

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 maximum benefit amount as determined on all claims allowed, shall fall below the sum of thirty-five million dollars, the director shall suspend the decreased rates as provided in this 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 maximum benefit amount as determined on all claims allowed, reaches the sum of forty 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: Provided, however,
That in case the transferring employer is delinquent in the payment of contributions or interest thereon the acquiring employer shall not be entitled to any benefit of the contribution record of the transferring employer unless payment of such delinquent contributions and interest thereon is assumed by the acquiring employer.
The director shall upon joint request of the transferor and transferee, before the transfer, furnish the transferee a statement of the amount of any contribution and interest due from and unpaid by the transferor, and shall, upon such transfer, furnish such statement to the transferee upon the transferee’s request. A statement so furnished shall be controlling for the purposes of the foregoing proviso.

Sec. 16. Collection of Payments.—(1) The director in the name of the state shall commence a civil action against an employer who, after due notice, defaults in any payment or interest thereon. If judgment is against the employer he shall pay the costs of the action. Civil actions under this section shall be given preference on the calendar of the court over all other civil actions except petitions for judicial review under article seven of this chapter and cases arising under the Workmen’s Compensation Law.

(2) A payment and interest thereon due and unpaid under this chapter shall be a debt due the state in favor of the director. It shall be a personal obligation of the employer and shall, in addition thereto, be a lien, enforceable by suit in equity, upon all the property of the employer: Provided, however, That no such lien shall be enforceable as against a purchaser (including lien creditor) of real estate or personal property for a valuable consideration, without notice, unless docketed as provided in chapter ninety-nine, of the acts of the Legislature, regular session, one thousand nine hundred forty-three.

(3) In addition to all other civil remedies prescribed herein the director may in the name of the state distrain
upon any personal property, including intangibles, of any employer delinquent for any payment and interest thereon. If the director has good reason to believe that such property or a substantial portion thereof is about to be removed from the county in which it is situated he may likewise restrain in the name of the state before such delinquency occurs. For such purpose the director may require the services of a sheriff of any county in the state in levying such distress in the county in which such sheriff is an officer and in which such personal property is situated. A sheriff so collecting any payments and interest thereon shall be entitled to such compensation as is provided by law for his services in the levy and enforcement of executions.

(4) In case a business subject to the payments and interest thereon imposed under this chapter shall be operated in connection with a receivership or insolvency proceeding in any state court in this state, the court under whose direction such business is operated shall, by the entry of a proper order or decree in the cause, make provision, so far as the assets in administration will permit, for the regular payment of such payments as the same become due.

(5) The secretary of state of this state shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this state, or organized under the laws of another state and admitted to do business in this state, until notified by the director that all payments and interest thereon against any such corporation which is an employer under this chapter have been paid or that provision satisfactory to the director has been made for payment.

Sec. 17. Interest on Past-due Payments.—Payments unpaid on the date on which due and payable, as prescribed by the director, shall bear interest at the rate of one per cent per month until payment plus accrued interest is received by the director.

Interest collected pursuant to this section shall be
paid into the unemployment compensation special administration fund.

Sec. 18. Priorities.—(1) In the event of any distribution of an employer's assets pursuant to an order of the court under a law of this state, payments then or thereafter due and interest allowable thereon shall be paid in full prior to all other claims except taxes and claims for wages. Wage claims in excess of two hundred fifty dollars per claimant or earned more than six months before the commencement of the proceeding, shall not be entitled to priority.

(2) In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of one thousand eight hundred ninety-eight, as amended, claims for payments then or thereafter due and interest thereon, which have not been reduced to lien, shall be entitled to such priority as is provided in said bankruptcy act for taxes due any state of the United States.

Sec. 19. Refunds.—Within two years after the date on which payment of contribution, or interest thereon, is made, an employer, who has paid such payment or interest, may make application for:

(1) An adjustment thereof in connection with subsequent payments.

(2) A refund thereof if adjustment cannot be made.

If the director determines that payments and interest were erroneously collected, he shall make the adjustment, without interest, in connection with subsequent payments of the employer, or if such adjustment cannot be made, refund the amount of the payments erroneously collected, without interest, from the clearing account of the unemployment compensation fund, and the amount of the interest erroneously collected, from the unemployment compensation special administration fund.

For like cause and within the same period the director, on his own initiative, may make an adjustment or refund: Provided, That nothing in this chapter shall be construed as permitting a cash refund of any contribution required
21 under the law in effect when such contribution became
due.

Article 6. Employee Eligibility; Benefits.

Section

1. Eligibility qualifications.
1-a. Seasonal employment.
4. Disqualification for benefits.
10. Benefit rate; total unemployment.
11. Benefit rate; 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 con-
tinues 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 em-
ployment equal to not less than three hundred dollars.

Sec. 1-a. Seasonal Employment.—An individual work-
ing less than one hundred days during his base period in
an industry recognized as seasonal, such as food process-
ing and canning, shall not be eligible for benefits unless
he has earned wages during his base period in other
covered employment equal to not less than one hundred
dollars.

Sec. 4. Disqualification for Benefits.—Upon the deter-
mination of the facts by the director, an individual shall
be disqualified for benefits:

1. For the week in which he left his most recent 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 indi-
individual's weekly benefit rate. However, if the claimant returns to work in covered employment during his benefit year the maximum benefit amount shall be increased by the amount of the decrease imposed under the disqualification.

(2) For the week in which he was discharged by his last employing unit 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. However, if the claimant returns to work in covered employment during his benefit year the maximum benefit amount shall be increased by the amount of the decrease imposed under the disqualification.

(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. However, if the claimant returns to work in covered employment during his benefit year the maximum benefit amount shall be increased by the amount of the decrease imposed under the 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 director 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 disqualification under this subsection shall be imposed if the employees are required to accept wages, hours or conditions of employment substantially less favorable than those prevailing for similar work in the locality, or if employees are denied the right of collective bargaining un-
der generally prevailing conditions, or if an employer
shuts down his plant or operation or dismisses his em-
ployees in order to force wage reduction, changes in
hours or working conditions.

(5) For a week with respect to which he is receiving
or has received:

(a) Wages in lieu of notice or payments under any
form of a separation wage plan.

(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 busi-
ness or affairs, and until the individual returns to covered
employment and has been employed in covered employ-
ment 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.

(8) For the purposes of this section an employer’s ac-
count shall not be charged under any of the following con-
ditions: (1) When benefits are paid without any disquali-
fication to an individual who has left work voluntarily for
good cause not attributable to the employer. (2) When
benefits are paid for unemployment immediately after the
expiration of a period of disqualification for (a) leaving
work voluntarily without good cause, (b) discharge for
misconduct, (c) failing without good cause to apply for
suitable work, accept suitable work when offered, or return to his customary self-employment when directed to do so by the director.

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</th>
<th>Base Period</th>
<th>Benefit Rate</th>
<th>Maximum Benefit for Total and Partial Unemployment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Col. A)</td>
<td>(Col. B)</td>
<td>(Col. C)</td>
<td>Amount</td>
</tr>
<tr>
<td>1</td>
<td>Under-$300.00</td>
<td>Ineligible</td>
<td>$168.00</td>
</tr>
<tr>
<td>2</td>
<td>$300.00-$399.00</td>
<td>$8.00</td>
<td>189.00</td>
</tr>
<tr>
<td>3</td>
<td>$400.00-$499.00</td>
<td>9.00</td>
<td>210.00</td>
</tr>
<tr>
<td>4</td>
<td>$500.00-$599.00</td>
<td>10.00</td>
<td>231.00</td>
</tr>
<tr>
<td>5</td>
<td>$600.00-$699.00</td>
<td>11.00</td>
<td>252.00</td>
</tr>
<tr>
<td>6</td>
<td>$700.00-$799.00</td>
<td>12.00</td>
<td>273.00</td>
</tr>
<tr>
<td>7</td>
<td>$800.00-$899.00</td>
<td>13.00</td>
<td>294.00</td>
</tr>
<tr>
<td>8</td>
<td>$900.00-$999.00</td>
<td>14.00</td>
<td>315.00</td>
</tr>
<tr>
<td>9</td>
<td>$1000.00-$1099.00</td>
<td>15.00</td>
<td>336.00</td>
</tr>
<tr>
<td>10</td>
<td>$1100.00-$1199.00</td>
<td>16.00</td>
<td>357.00</td>
</tr>
<tr>
<td>11</td>
<td>$1200.00-$1299.00</td>
<td>17.00</td>
<td>367.50</td>
</tr>
<tr>
<td>12</td>
<td>$1300.00-$1399.00</td>
<td>17.50</td>
<td>388.50</td>
</tr>
<tr>
<td>13</td>
<td>$1400.00-$1499.00</td>
<td>18.00</td>
<td>399.00</td>
</tr>
<tr>
<td>14</td>
<td>$1500.00-$1599.00</td>
<td>18.50</td>
<td>409.50</td>
</tr>
<tr>
<td>15</td>
<td>$1600.00-$1699.00</td>
<td>19.00</td>
<td>420.00</td>
</tr>
<tr>
<td>16</td>
<td>$1700.00-$1799.00</td>
<td>19.50</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>$1800.00 and over</td>
<td>20.00</td>
<td></td>
</tr>
</tbody>
</table>
Sec. 11. Benefit Rate; Partial Unemployment.—An eligible individual who is partially unemployed in any week 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 equal to his weekly benefit rate, as determined in accordance with section ten of this article, less that part of wages from any source payable to him with respect to such week which is in excess of three dollars: Provided, That such amount of benefits if not a multiple of one dollar shall be computed to the next higher multiple of one dollar. Such partial benefits shall be paid without regard to the current employment status of such individual, and without regard to the provisions of subsections one, three and four, of section one, of this article, at the time he files his claim.

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 or released from the armed forces under conditions other than dishonorable and files a claim for benefits pursuant hereto prior to April first, one thousand nine hundred forty-seven; (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

Section 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: Provided, That such decision does not relate to a disqualification under subsection (4) of section four of article six; but if the decision of the board is reversed on appeal an employer's account shall not be charged with the benefits so paid.

Article 8. Unemployment Compensation Fund.

Section
1. Establishment.
5. Clearing account.
7. Deposit with federal government.

Section 1. Establishment.—There is hereby established as a special fund, separate and apart from all public moneys or funds of the state, an unemployment compensation fund. The fund shall consist of:

(1) All payments collected under this chapter.
(2) Interest earned upon money in the fund.
(3) Property or securities acquired through the use of the fund.
(4) Earnings of such property or securities.
(5) Amounts transferred from the unemployment compensation special administration fund.
(6) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with title twelve of the social security act, as amended.

All money in the fund shall be mingled and undivided.

Sec. 5. Clearing Account.—Upon the receipt of payments and other moneys payable into the fund under this
Chapter, the director shall immediately deposit them in the clearing account. Refunds payable under section nineteen, article five, of payments erroneously collected, shall be made from the clearing account. Such refunds shall be made upon warrants issued by the director. Interest collected on delinquent payments shall be paid out of the clearing account, upon warrants issued by the director, into the state treasury to be credited to the unemployment compensation special administration fund.

Sec. 7. Deposit with Federal Government.—Except as otherwise provided in section five of this article, after clearance, moneys in the clearing account shall be deposited immediately with the secretary of the treasury of the United States to the credit of the account of this state in the unemployment trust fund, established under section nine hundred four of the social security act. The deposit of these funds shall not be conditioned by the requirements imposed upon public funds of this state.

Article 9. Unemployment Compensation Administration Funds.

Section

5-a. Special administration fund.

Section 5-a. Special Administration Fund.—There is hereby created in the state treasury a fund to be known as the unemployment compensation special administration fund, which shall consist of interest collected on delinquent payments pursuant to section seventeen of article five of this chapter. The moneys deposited with this fund are hereby appropriated and made available to the order of the director for the purpose of (a) replacements in the unemployment compensation administration fund as provided in section eight of this article, (b) to meet special, extraordinary, and contingent expenses not provided for in the unemployment compensation administration fund, and (c) refunds pursuant to section nineteen of article five, of interest erroneously collected. This fund shall be administered and disbursed in the same manner and under the same conditions as other special funds of the state treasury. Balances to the credit of the special administration fund shall not lapse at any
time but shall be continuously available to the director for expenditures consistent with this chapter: Provided,
(1) That not more than twelve thousand five hundred dollars shall be expended from said fund in any fiscal year for purposes (a) and (b); (2) that at the beginning of each calendar quarter the director shall estimate the amount that may be required in that quarter for refunds of interest erroneously collected; (3) that thereupon the excess, if any, over the amounts provided to be expended under this section shall be paid into the unemployment compensation trust fund.


Section 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 or the individual. A claimant of benefit, however, shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Such information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of an unemployment compensation law or the maintenance of a system of public employment offices.
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
CHAPTER 131
(Senate Bill No. 183—By Mr. Vickers, Mr. President)

AN ACT to repeal article six, except as hereinafter provided; to amend and reenact sections one, two, twelve and sixteen, article one; to amend and reenact sections one, three, four, eight and nine, article two; to amend and reenact section one, article three, and to amend article three by adding thereto a new section, to be designated section one-a; to amend and reenact sections one, two, three, four, six, eight, nine-b, ten, thirteen, fourteen, fifteen, fifteen-a, sixteen and twenty, article four, and to amend article four by adding thereto five new sections, to be designated sections six-a, eight-a, eight-b, eight-c, and fifteen-b; to amend and reenact sections two, three, four and five, article five, and to amend article five by adding thereto new sections to be designated sections four-a and four-b, all of chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and all relating to workmen’s compensation and its administration.

(Passed March 7, 1945; in effect ninety days from passage. Approved by the Governor.)

Article
2. Employers and Employees Subject to Chapter; Premiums.
3. Workmen's Compensation Fund.
4. Disability and Death Benefits.
5. Review.

Be it enacted by the Legislature of West Virginia:
That article six, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended,
be repealed, except as hereinafter provided; that sections one, two, twelve and sixteen, article one, be amended and reenacted; that sections one, three, four, eight and nine, article two, be amended and reenacted; that section one, article three, be amended and reenacted, and that a new section, to be designated section one-a, be added to article three; that sections one, two, three, four, six, eight, nine-b, ten, thirteen, fourteen, fifteen, fifteen-a, sixteen and twenty, article four, be amended and reenacted, and that five new sections, to be designated sections six-a, eight-a, eight-b, eight-c and fifteen-b, be added to article four; that sections two, three, four and five, article five, be amended and reenacted, and that two new sections, to be designated sections four-a and four-b, be added to article five; all of chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and all to read as follows:


Section
1. Compensation commissioner; appointment; legal services by attorney general.
2. Expense of administration.
16. Omission to perform duty required by commissioner; perjury.

Section 1. Compensation Commissioner; Appointment; Legal Services by Attorney General.—There shall be a state compensation commissioner who shall be a citizen of this state entitled to vote and shall be appointed by the governor by and with the advice and consent of the senate. The compensation commissioner in office on the date this code takes effect shall, unless sooner removed, continue to serve until his term expires and his successor has been appointed and has qualified. On or before the first day of June, one thousand nine hundred thirty-five, and on or before the first day of June of each sixth year thereafter, the governor shall appoint a compensation commissioner to serve for a term of six years commencing on the first day of June. An appointment may be made to fill a vacancy or otherwise when the senate is not in session, but shall be acted upon at the next session thereof. The person so appointed shall take the oath or affirmation prescribed by section five of article four of the
constitution, and such oath shall be certified by the person who administers the same and shall be filed in the office of the secretary of state. He shall give bond in the penalty of twenty-five thousand dollars conditioned for the faithful performance of the duties of his office, which bond shall be approved by the attorney general as to form, and by the governor as to sufficiency. The surety of such bond may be a bonding or surety company, in which case the premiums shall be paid out of the appropriation made for the administration of this chapter. The commissioner shall hold no position of trust or profit, or engage in any occupation or business; interfering or inconsistent with his duties as such commissioner. The commissioner shall receive an annual salary of six thousand dollars, payable in the same manner as the salaries of other state officers are paid and charged to the appropriations which shall be made from time to time hereafter by the state for the administration of this chapter. The commissioner shall have an official seal for the authentication of his orders and proceedings, upon which seal shall be engraved the words, “West Virginia Compensation Commissioner”, and such other design as the commissioner may prescribe. The courts in this state shall take judicial notice of the seal of the commissioner, and in all cases copies of orders, proceedings or records in the office of the West Virginia compensation commissioner, certified by the secretary of the commissioner under his seal, shall be equal to the original in evidence.

The attorney general shall perform all legal services required by the commissioner under the provisions of this chapter: Provided, however, That in any case in which an application for review is prosecuted from any final decision of the workmen’s compensation appeal board to the supreme court of appeals, as provided by section four, article five of this chapter, or in any court proceeding, including a proceeding before the workmen’s compensation appeal board, in which such representation shall appear to the commissioner to be desirable, he may designate a regular employee of his office, qualified to practice before such court, to represent him upon such appeal or proceeding, and in no case shall the person
so appearing for the commissioner before the court receive remuneration therefor other than his regular salary.

Sec. 2. Expense of Administration.—All expenses peculiar to the administration of this chapter, and, when on official business, the traveling and incidental expenses of the commissioner and salaries or other compensation, traveling and other expenses of all officers or employees of the commissioner, and all expenses for furniture, books, maps, stationery, appliances, property of all kinds and dues for membership in all organizations pertaining to workmen's compensation or safety in which the commissioner deems it advisable to maintain membership, shall be paid out of the workmen's compensation fund.

Sec. 12. Copies of Proceedings as Evidence.—A transcribed copy of the evidence and proceedings, or any specific part thereof, on any investigation or hearing, taken by a stenographer appointed by the commissioner and certified and sworn to by such stenographer to be a true and correct transcript of the testimony in the investigation or hearing, or of a particular witness, or of a specific part thereof, or to be a correct transcript of the proceedings had on such investigation or hearing so purporting to be taken and subscribed, may be received in evidence by the commissioner with the same effect as if such stenographer were present and testified to the facts certified. A copy of such transcript shall be furnished on demand to any party upon payment of the fee prescribed therefor in the rules and regulations of the commissioner, such fee not to exceed that prescribed for transcripts in the circuit court.

Sec. 16. Omission to Perform Duty Required by Commissioner; Perjury.—Any person, firm or corporation knowingly failing to make any report or perform any duty required by the commissioner within the time specified shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than twenty-five hundred dollars. Any person or firm, or the officer of any corporation, who knowingly makes a false report or statement under oath, affidavit or certification respecting any
information required by the commissioner, or who shall knowingly testify falsely in any proceeding before the commissioner, shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished as provided by law.

Article 2. Employers and Employees Subject to Chapter; Premiums.

Section
1. Employers and employees, including state, its agencies and political subdivisions, subject to chapter.
3. Report blanks and other forms for use of employers.
4. Classification of industries; accounts by commissioner; rate of premiums.
5. Election not to pay or default in payment of premiums; defenses prohibited.
9. Election of employer to provide own system of compensation.

Section 1. Employers and Employees, Including State, Its Agencies and Political Subdivisions, Subject to Chapter.—The state of West Virginia and all governmental agencies or departments created by it are hereby required to subscribe to, and pay premiums into, the workmen's compensation fund for the protection of their employees, and shall be subject to all requirements of this chapter, and all rules and regulations prescribed by the commissioner with reference to rates, classifications, and premium payments.

All persons, firms, associations and corporations regularly employing other persons for the purpose of carrying on any form of industry or business in this state, including county courts, boards of education, municipalities and other political subdivisions of the state, are employers within the meaning of this chapter and subject to its provisions: Provided, however, That the provisions of section eight, article two of this chapter shall not apply to such county courts, boards of education, municipalities, or other political subdivisions of the state: And provided further, That the failure of such county courts, boards of education, municipalities or other political subdivisions of the state to elect to subscribe to, and to pay premiums into, the workmen's compensation fund, shall not impose any liability upon them, or either of them, other than such liability as would exist notwithstanding the pro-
visions of this chapter. All persons in the service of em-
ployers as herein defined, and employed by them for the
purpose of carrying on the industry, business or work in
which they are engaged, including persons regularly em-
ployed in the state whose duties necessitate employment
of a temporary or transitory nature by the same employer
without the state, and check-weighmen employed accord-
ing to law, and all members of rescue teams assisting in
mine accidents with the consent of the owner who, in such
case, shall be deemed the employer, or at the direction of
the chief of the department of mines, are employees with-
in the meaning of this chapter and subject to its provisions:
Provided, however, That this chapter shall not apply to
employers of employees in domestic service or persons
whose employment is prohibited by law, nor to employees
of an employer while employed without the state, except
in case of temporary employment without the state as
hereinbefore provided; nor shall a member of a firm of
employers, or any official of an association or of a cor-
poration employer, including managers, or any elective
or appointive official of the state, county, county court,
board of education, municipality or other political sub-
division of the state, whose term of office is definitely
fixed by law, be deemed an employee within the meaning
of this chapter: And provided further, That employers of
not more than three employees for a period of not more
than one month, who shall be called herein “casual em-
ployers” and employers of employees in agricultural serv-
ice, may voluntarily elect to subscribe to, and pay premi-
ums into, the workmen’s compensation fund for the pro-
tection of their employees, and in such case shall be sub-
ject to all requirements of this chapter and all rules and
regulations prescribed by the commissioner with reference
to rates, classifications and premium payments; but such
casual employers and employers of employees in agricul-
tural service shall not be required to subscribe to the
workmen’s compensation fund and their failure to sub-
scribe to such fund shall not impose any liability upon them
other than such liability as would exist notwithstanding
the provisions of this chapter; nor shall the provisions

of section eight of this article apply to casual employers
or to employers of employees in agricultural service.

The premium and actual expenses in connection with
governmental agencies and departments of the state of
West Virginia, shall be paid out of the state treasury
from appropriations made for such agencies and depart-
ments, in the same manner as other disbursements are
made by such agencies and departments.

County courts, boards of education, municipalities and
other political subdivisions of the state which shall elect
to become subscribers to the workmen's compensation
fund shall provide for the funds to pay their prescribed
premiums into the fund, and such premiums, and pre-
miums of state agencies and departments, shall be paid
into the fund in the same manner as herein provided for
other employers subject to this chapter.

Any employer whose employment in this state is to
be for a definite or limited period, which could not be con-
sidered "regularly employing" within the meaning of this
section, may elect to pay into the workmen's compensa-
tion fund the premiums herein provided for, and at the
time of making application to the commissioner such em-
ployer shall furnish a statement under oath showing the
probable length of time the employment will continue
in this state, the character of the work, an estimate of the
monthly payroll, and any other information which may
be required by the commissioner. At the time of making
application such employer shall deposit with the state
compensation commissioner to the credit of the work-
men's compensation fund the amount required by section
five of this article, which amount shall be returned to
such employer, if his application be rejected by the com-
missioner. Upon notice to such employer of the accept-
ance of his application by the commissioner, he shall be
an employer within the meaning of this chapter and sub-
ject to all of its provisions.

Any foreign corporation employer electing to comply
with the provisions of this chapter and to receive the
benefits hereunder, shall, at the time of making applica-
tion to the commissioner, in addition to other require-
ments of this chapter, furnish such commissioner with a certificate from the secretary of state showing that it has complied with all the requirements necessary to enable it legally to do business in this state, and no application of such foreign corporation employer shall be accepted by the commissioner until such certificate is filed. For the purpose of this chapter, a mine shall be adjudged within this state when the main opening, drift, shaft or slope is located wholly within this state.

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

Sec. 3. Report Blanks and Other Forms for Use of Employers.—The commissioner shall prepare report blanks for the use of, and furnish the same to, employers subject to this chapter. Every employer receiving from the commissioner any blank or blanks with direction for filling out and returning the same shall return the same, within the period fixed by the commissioner, filled out so as to answer fully and correctly all pertinent questions therein propounded, and if unable to do so, shall give good and sufficient reasons for such failure. Every employer subject to the provisions of this chapter, who may hereafter elect to pay the premiums as provided herein, and to receive the benefits hereunder, shall make application on the forms prescribed by the commissioner for such purpose; and all employers who desire to discontinue the payment of the premiums required under this chapter shall so notify the commissioner on forms to be furnished by the commissioner for the purpose.

Sec. 4. Classification of Industries; Accounts by Commissioner; Rate of Premiums.—The commissioner shall distribute into groups or classes the industries subject to this chapter, in accordance with the nature of the busi-
ness and the degree of hazard incident thereto. And the
commissioner shall have power, in like manner, to re-
classify such industries into groups or classes at any time,
and to create additional groups or classes. The commis-
sioner may make necessary expenditures to obtain statis-
tical and other information to establish the classes pro-
vided for in this section.

The commissioner shall keep an accurate account of all
money or moneys paid or credited to the compensation
fund, and of the liability incurred and disbursements
made against same; and an accurate account of all money
or moneys received from each individual subscriber, and
of the liability incurred and disbursements made on ac-
count of injuries and death of the employees of each sub-
scriber, and of the receipts and incurred liability of
each group or class.

In fatal and total permanent disability cases, the
amount charged against the employer's account shall be
such sum as is estimated to be the average cost of such
cases to the fund; provided the commissioner decides
that the injury or injuries causing death or permanent
disability were received in the course of and resulted from
the employee's employment.

It shall be the duty of the commissioner to fix and
maintain the lowest possible rates of premiums consistent
with the maintenance of a solvent workmen's compensa-
tion fund and the creation and maintenance of a reason-
able surplus in each group after providing for the pay-
ment to maturity of all liability incurred by reason of in-
jury or death to employees entitled to benefits under
the provisions of this chapter. A readjustment of rates
shall be made yearly on the first day of July, or at any
time the same may be necessary. The determination of
the lowest possible rates of premiums within the mean-
ing hereof and of the existence of any surplus or deficit
in the fund, shall be predicated solely upon the experience
and statistical data compiled from the records and files
in the commissioner's office under this and prior work-
men's compensation laws of this state for the period from
the first day of June, one thousand nine hundred thirteen.
to the nearest practicable date prior to such adjustment:

Provided, however, That any expected future return, in the nature of interest or income from invested funds shall be predicated upon the average realization from investments to the credit of the compensation fund for the two years next preceding. Any reserves set up for future liabilities and any commutation of benefits shall likewise be predicated solely upon prior experience under this and preceding workmen's compensation laws and upon expected realization from investments determined by the respective past periods, as aforesaid.

The commissioner may fix a rate of premiums applicable alike to all subscribers forming a group or class, and such rates shall be determined from the record of such group or class shown upon the books of the commissioner: Provided, however, That if any group has a sufficient number of employers with considerable difference in their degrees of hazard, the commissioner may fix a rate for each subscriber of such group, such rate to be based upon the subscriber's record on the books of the commissioner for the twelve months last ending June thirtieth of the year in which the rate is to become effective; and the liability part of such record shall include such cases as have been acted upon by the commissioner during such twelve months' period, irrespective of the date the injury was received; and any subscriber in a group so rated, whose record for such twelve months' period cannot be obtained, shall be given a rate based upon his record for any part of such period as may be deemed just and equitable by the commissioner; and the commissioner shall have authority to fix a reasonable minimum and maximum for any group to which this individual method of rating is applied, and to add to the rate determined from the subscriber's record such amount as is necessary to liquidate any deficit in the schedule or to create a reasonable surplus.

It shall be the duty of the commissioner, whenever he changes any rate, to notify every employer affected thereby of that fact and of the new rate and when the same takes effect. It shall also be his duty to furnish to each
employer yearly, or oftener if requested by the employer, a statement giving the name of each of his employees who were paid for injury and the amounts so paid during the period covered by the statement.

Sec. 8. Election Not to Pay or Default in Payment of Premiums; Defenses Prohibited.—All employers subject to this chapter, except the state of West Virginia and the governmental agencies or departments created by it, who shall not have elected to pay into the workmen’s compensation fund the premiums provided by this chapter and have not elected to pay individually and directly or from benefit funds compensation and expenses to injured employees or fatally injured employees’ dependents under the provisions of section nine of this article, or having so elected, shall be in default in the payment of the same, or not having otherwise fully complied with the provisions of section five or section nine of this article, shall be liable to their employees (within the meaning of this article) for all damages suffered by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer or any of the employer’s officers, agents or employees while acting within the scope of their employment and in the course of their employment and also to the personal representatives of such employees where death results from such personal injuries, and in any action by any such employee or personal representative thereof, such defendant shall not avail himself of the following common law defenses: The defense of the fellow-servant rule; the defense of the assumption of risk; or the defense of contributory negligence; and further shall not avail himself of any defense that the negligence in question was that of some one whose duties are prescribed by statute: Provided, however, That such provision depriving a defendant employer of certain common law defenses under the circumstances therein set forth shall not apply to an action brought against a county court, board of education, municipality, or other political subdivision of the state or against a casual employer or an employer of employees in agricultural service.
Ch. 131]  WORKMEN'S COMPENSATION  487

Sec. 9. Election of Employer to Provide Own System of
Compensation.—Notwithstanding anything contained in
this chapter, employers subject to this chapter who are of
sufficient financial responsibility to insure the payment of
compensation to injured employees and the dependents
of fatally injured employees, whether in the form of
pecuniary compensation or medical attention, funeral ex-
spenses or otherwise as herein provided, of the value at
least equal to the compensation provided in this chapter,
or employers of such financial responsibility who main-
tain their own benefit funds, or system of compensation,
to which their employees are not required or permitted to
contribute, or such employers as shall furnish bond or
other security to insure such payments, may, upon a find-
ing of such facts by the compensation commissioner, elect
to pay individually and directly, or from such benefit
funds, department or association, such compensation and
expenses to injured employees or fatally injured em-
ployees' dependents. The compensation commissioner
shall require security or bond from such employer, to be
approved by him, and of such amount as is by him con-
sidered adequate and sufficient to compel or secure to such
employees, or their dependents, payment of the com-
pensation and expenses herein provided for, which shall
in no event be less than the compensation paid or fur-
nished out of the state workmen's compensation fund in
similar cases to injured employees or the dependents of
fatally injured employees whose employers contribute to
such fund. Any employer electing under this section
shall on or before the twenty-fifth day of each month, for
the preceding month, file with the commissioner a sworn
statement of the total earnings of all his employees sub-
ject to this chapter for such preceding month, and shall
pay into the workmen's compensation fund a sum suf-
ficient to pay his proper proportion of the expenses of
the administration of this chapter, as may be determined
by the commissioner. The commissioner shall make and
publish rules and regulations governing the mode and
manner of making application, and the nature and ex-
tent of the proof required to justify the finding of facts
by the commissioner, to consider and pass upon such elec-
tion by employers subject to this chapter, which rules and regulations shall be general in their application. Any employer subject to this chapter who shall elect to carry his own risk and who has complied with the requirements of this section and the rules of the compensation commission shall not be liable to respond in damages at common law or by statute for the injury or death of any employee, however occurring, after such election and during the period that he is allowed by the commissioner to carry his own risk; provided the injured employee has remained in his service with notice given, as provided for in section seven of this article, that his employer has elected to carry his own risk as herein provided. The continuation in the service of such employer with such notice shall be deemed a waiver by the employee and by the parents of any minor employee of the right of action, as aforesaid, which the employee or his or her parents would otherwise have.

Any employer whose record upon the books of the compensation commissioner shows a liability against the workmen's compensation fund, incurred on account of injury to or death of any of his employees, in excess of premiums paid by such employer, shall not be granted the right, individually and directly or from such benefit funds, department or association, to compensate his injured employees and the dependents of his fatally injured employees until he has paid into the workmen's compensation fund the amount of such excess of liability over premiums paid, including his proper proportion of the liability incurred on account of explosions or catastrophes occurring within the state and charged against such fund.

All employers who have heretofore elected, or shall hereafter elect, to pay compensation and expenses directly, as provided in this section, shall, unless they give the catastrophe security or bond hereinafter provided for, pay into the surplus fund referred to in section one, article three of this chapter upon the same basis and in the same percentages, subject to the limitations herein set forth, as funds are set aside for the maintenance of the surplus fund out of payments made by premium-paying subscribers, such payments to be made at the same time
as hereinbefore provided with respect to payment of proportion of expenses of administration. In case there be a catastrophe, as defined in section one, article three of this chapter, to the employees of any employer making such payments, the employer shall not be liable to pay compensation or expenses arising from or necessitated by the catastrophe, and such compensation and expenses shall not be charged against such employer, but such compensation and expenses shall be paid from the surplus fund in the same manner and to the same extent as in the case of premium-paying subscribers.

If an employer elect to make payments into the surplus fund as aforesaid, then the bond or other security required by this section shall be of such amount as the commissioner considers adequate and sufficient to compel or secure to the employees or their dependents payment of compensation and expenses, except any compensation and expenses that may arise from, or be necessitated by, any catastrophe, as defined in section one, article three of this chapter, which last are secured by and shall be paid from the surplus fund, as hereinbefore provided.

If an employer elect not to make payments into the surplus fund, as hereinbefore provided, then, in addition to bond or security in the amount hereinbefore set forth, such employer shall furnish catastrophe security or bond, approved by the commissioner, in such additional amount as the commissioner shall consider adequate and sufficient to compel or secure payment of all compensation and expenses arising from, or necessitated by, any catastrophe that might thereafter ensue.

All employers hereafter making application to carry their own risk under the provisions of this section, shall with such application, make a written statement as to whether such employer elects to make payments as aforesaid into the surplus fund, or not to make such payments and to give the catastrophe security or bond hereinbefore in such case provided for.

All employers who have heretofore elected to carry their own risk under the provisions of this section shall
be deemed to have elected to make payments into the surplus fund unless, within thirty days after the effective date of this act, they notify the commissioner in writing to the contrary. Provided, however, That such employers, as have heretofore elected, under the rules heretofore promulgated by the commissioner, not to make payments into the surplus fund, shall be deemed to have elected to give the catastrophe security or bond hereinbefore provided for and not to make payments into the surplus fund. Any catastrophe security or bond heretofore given under rules and regulations promulgated by the commissioner and approved by him shall be valid under this section, and any election heretofore made under rules and regulations of the commissioner to make payments into the surplus fund shall be valid and protective to the person so electing from and after the date of such election.

In any case under the provisions of this section that shall require the payment of compensation or benefits by an employer in periodical payments, and the nature of the case makes it possible to compute the present value of all future payments, the commissioner may, in his discretion, at any time compute and permit or require to be paid into the workmen's compensation fund an amount equal to the present value of all unpaid compensation for which liability exists, in trust; and thereupon such employer shall be discharged from any further liability upon such award, and payment of the same shall be assumed by the workmen's compensation fund.

Article 3. Workmen's Compensation Fund.

Section

1. Compensation fund; surplus fund; catastrophe and catastrophe payment defined; compensation by employers.

1-a. Transfer of silicosis fund to workmen's compensation fund; claims under former article six.

Section 1. Compensation Fund; Surplus Fund; Catastrophe and Catastrophe Payment Defined; Compensation by Employers.—The commissioner shall establish a workmen's compensation fund from the premiums and other funds paid thereto by employers, as herein provided, for the benefit of employees of employers who have paid the
 premiums applicable to such employers and have other-
wise complied fully with the provisions of section five,
article two of this chapter, and for the benefit, to the
extent elsewhere in this chapter set out, of employees
of employers who have elected, under section nine, article
two of this chapter, to make payments into the surplus
fund hereinafter provided for, and for the benefit of the
dependents of all such employees, and for the payment of
the administration expenses of this chapter, and shall
adopt rules and regulations with respect to the collection,
maintenance and disbursement of such funds not in con-
flict with the provisions of this chapter.

Ten per cent of all that shall hereafter be paid into the
workmen’s compensation fund by subscribers not elect-
ing to carry their own risk under section nine, article
two of this chapter, shall be set aside for the creation of
a surplus fund until such surplus shall amount to the
sum of five hundred thousand dollars, after which time
the sum of five per cent of all the money paid into such
fund shall be credited to such surplus fund, until such
time as in the judgment of the commissioner, such sur-
plus fund shall be sufficiently large to cover the catastro-
phe hazard and all losses not otherwise specifically pro-
vided for in this chapter.

A catastrophe is hereby defined as an accident in
which three or more employees are killed or receive
injuries, which, in the case of one individual, consist of:
Loss of both eyes or the sight thereof; or loss of both
hands or the use thereof; or loss of both feet or the use
thereof; or loss of one hand and one foot or the use
thereof. The aggregate of all medical and hospital bills
and other costs, and all benefits payable on account of a
catastrophe is hereby defined as “catastrophe payment”.

In case of a catastrophe to the employees of an employer
who is an ordinary premium-paying subscriber to the
fund, or to the employees of an employer who, having
elected to carry his own risk under section nine, article
two of this chapter, has heretofore elected, or may here-
after elect, to pay into the surplus fund under the pro-
visions of that section, then the catastrophe payment
arising from such catastrophe shall not be charged against,
Employers electing, as herein provided, to compensate individually and directly their injured employees and their fatally injured employees' dependents shall do so in the manner prescribed by the commissioner, and shall make all reports and execute all blanks, forms and papers as directed by the commissioner, and as provided in this chapter.

Sec. 1-a. Transfer of Silicosis Fund to Workmen's Compensation Fund; Claims Under Former Article Six.—Ten per cent of the funds collected and held as the workmen's compensation silicosis fund under the provisions of former article six of this chapter, which article is by this act repealed, shall be transferred to and made a part of the workmen's compensation fund provided for in the preceding section, and the balance thereof shall be refunded to the subscribers thereto in proportion to their contributions to the same under the provisions of said former article six; and all awards heretofore made under the provisions of article six shall be paid from the workmen's compensation fund, or directly by the employer, under order of the commissioner, if the employer has elected to carry his own risk under the provisions of section nine, article two of this chapter; Provided, however, That notwithstanding the repeal of said article six, the provisions thereof shall be applicable in all cases of the disease or death, because of silicosis, or an employee whose last exposure to silicon dioxide dust has occurred prior to the effective date of this act, whose claim or application for compensation benefits for silicosis, or that of his dependent, has not been filed prior to said date, and whose employer, at the time of such exposure, was subject to the provisions of said article six.

Article 4. Disability and Death Benefits.

Section

1. To whom compensation fund disbursed; silicosis included in "injury" and "personal injury"; definition of silicosis.
2. Disbursement where injury is self-inflicted or intentionally caused by employer; rules and safety appliances; "wilful self-exposure" defined.
3. Disbursements for medicine, hospital treatment, artificial limbs and other appliances; contract by employer with hospital prohibited.
4. Funeral expenses.
6-a. Stages of silicosis; benefits and mode of payment to employees and dependents.
8. Physical examination of claimant; expenses.
8-a. Silicosis medical board created; qualifications; term of office; duties; remuneration.
8-b. Silicosis medical board; procedure; autopsy.
8-c. Silicosis medical board; reports and distribution thereof; findings required by board; objection to findings; procedure thereon.
9-b. Effect of pre-existing physical impairment; limited compensation.
10. Classification of death benefits; "dependent" defined.
13. Widow or widower living separate from employee.
15. Application for benefits; nonresident aliens.
15-b. Nonmedical questions determined by commissioner on hearing of silicosis claim.
16. Commissioner's jurisdiction over case continuous; modification of finding or order; time limitations on awards.
20. Post-mortem examinations.

Section 1. To Whom Compensation Fund Disbursed;
2 Silicosis Included in "Injury" and "Personal Injury";
3 Definition of Silicosis.—Subject to the provisions and limitations elsewhere in this chapter set forth, the commissioner shall disburse the workmen's compensation fund to the employees of such employers as are not delinquent in the payment of premiums for the month in which the injury occurs, and in case of catastrophe, in addition to the employees next above described, to the employees of employers who have elected, under section nine, article two of this chapter to make payments into the surplus fund as provided in that section, and which employees shall have received personal injuries in the course of and resulting from their employment in this state, or in temporary employment without the state as provided in section one, article two of this chapter, or to the dependents, if any, of such employees in case death has ensued, according to the provisions hereinafter made; and also for the expenses of the administration of this chapter, as provided in section two, article one of this chapter.

For the purpose of this chapter the terms "injury" and "personal injury" shall be extended to include silicosis, and the commissioner shall likewise disburse the workmen's compensation fund to the employees of such em-
employers as are not delinquent in the payment of premiums
for the last month in which such employees have been
exposed to silicon dioxide dust in harmful quantities,
and which employees shall have contracted silicosis
in this state in the course of and resulting from
their employment, or to the dependents, if any, of such
employees, in case death has ensued, according to the
provisions hereinafter made: Provided, however, That
compensation shall not be payable for the disease of
silicosis, or death resulting therefrom, unless the em-
ployee has been exposed to the inhalation of silicon diox-
ide dust in harmful quantities over a period of not less
than two years in the state of West Virginia. An applica-
tion for benefits on account of silicosis shall set forth
the name of the employer or employers and the time
worked for each, and the commissioner may allocate to
and divide any charges on account of such claim among
the employers for whom the claimant was employed dur-
ing a period of two years immediately preceding the filing
of the application. The allocation shall be based upon the
time and degree of exposure with each employer.

For the purpose of this chapter silicosis is defined as
an insidious fibrotic disease of the lung or lungs due to the
prolonged inhalation and accumulation, sustained in the
course of and resulting from his employment, of minute
particles of dust containing silicon dioxide (SiO₂) over
such a period of time and in such amounts as result in
the substitution of fibrous tissues for normal lung tissues;
and the term "silicosis" as used herein shall also include
silicosis accompanied by tuberculosis of the lungs.

Sec. 2. Disbursement Where Injury is Self-Inflicted or
Intentionally Caused by Employer; Rules and Safety
Appliances; "Wilful Self-Exposure" Defined.—Not-
withstanding anything hereinbefore or hereinafter con-
tained, no employee or dependent of any employee
shall be entitled to receive any sum from the work-
men's compensation fund, or to direct compensation
from any employer making the election and receiving
the permission mentioned in section nine, article two
of this chapter, or otherwise under the provisions of
this chapter, on account of any personal injury to or
death of any employee caused by a self-inflicted in-
jury, wilful misconduct, wilful disobedience to such
rules and regulations as may be adopted by the employer
and approved by the commissioner, and which rules and
regulations have been and are kept posted in conspicu-
ous places in and about the work, wilful self-exposure in
case of silicosis, as defined herein, or the intoxication of
such employee, or the failure of such employee to use
or make use of any protective or safety appliance or
appliances prescribed by the commissioner and furnished
by the employer for the use of or applicable to such em-
ployee. For the purpose of this chapter, the commissioner
may cooperate with the state department of mines and
the state department of labor in promoting general safety
programs and in formulating rules and regulations to
govern hazardous employments. If injury or death result
to any employee from the deliberate intention of his
employer to produce such injury or death, the employee,
the widow, widower, child or dependent of the employee
shall have the privilege to take under this chapter, and
shall also have cause of action against the employer, as if
this chapter had not been enacted, for any excess of dam-
ages over the amount received or receivable under this
chapter.

As used in this section, the term "wilful self-exposure"
causing the contraction of the disease of silicosis, shall
include: (1) Failure or omission on the part of an em-
ployee truthfully to state to the best of his knowledge,
in answer to inquiry made by the employer, the place,
duration and nature of previous employment; (2) Failure
or omission on the part of an employee truthfully to
furnish, to the best of his knowledge, in answer to an
inquiry made by the employer, full information as to
the previous state of his health, as to exposure to lung
diseases, and as to any special medical attention that he
may have previously received in connection with a dis-
eased condition of his lungs.

Sec. 3. Disbursements for Medicine, Hospital Treatment,
Artificial Limbs and Other Appliances; Contract by Em-
player with Hospital Prohibited.—Except in case of silicosis, the commissioner shall disburse and pay from the fund for such personal injuries to such employees as may be entitled thereto hereunder as follows:

(a) Such sums for medicine, medical, surgical, dental and hospital treatment, crutches, artificial limbs and such other and additional approved mechanical appliances and devices as may be reasonably required; not, however, in any case to exceed the sum of eight hundred dollars:

Provided, however, That in exceptional cases where the treatment required, in the opinion of competent medical authority, is such as to necessitate an expenditure in excess of such amount, the commissioner may, with the approval of the employer, pay such sum as may be necessary, not, however, in any such special case to exceed an additional sum of eight hundred dollars or a total sum of sixteen hundred dollars.

(b) Payment for such medicine, medical, surgical, dental and hospital treatment, crutches, artificial limbs and such other and additional approved mechanical appliances and devices authorized under subdivision (a) hereof may be made to the injured employee, or to the person or persons who have furnished such service, or who have advanced payment for same, as the commissioner may deem proper, but no such payments or disbursements shall be made or awarded by him unless duly verified statements on forms prescribed by the commissioner shall be filed with the commissioner within three months after the cessation of such treatment or the delivery of such appliances.

(c) No employer shall enter into any contracts with any hospital, its physicians, officers, agents or employees, to render medical, dental or hospital service or to give medical or surgical attention therein to any employee for accidental injury compensable within the purview of this act, and no employer shall permit or require any employee to contribute, directly or indirectly, to any fund for the payment of such medical, surgical, dental or hospital service within such hospital for such accidental compensable injury. Any employer violating this section shall be liable in damages to his or its employee, and shall
not avail himself of any of the common law defenses mentioned in section eight, article two of this chapter, and any employer or hospital or agent or employee thereof violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo imprisonment not exceeding one year, or both.

Sec. 4. Funeral Expenses.—In case the personal injury causes death, and disability is continuous from the date of such injury to date of death, reasonable funeral expenses, not to exceed one hundred and fifty dollars, shall be paid from the fund, payment to be made to the persons who have furnished the service and supplies, or to the persons who have advanced payment for same, as the commissioner may deem proper, in addition to such award as may be made to the employee’s dependents.

Sec. 6. Classification of Disability Benefits.—Where compensation is due an employee under the provisions of this chapter for a personal injury other than silicosis, such compensation shall be as provided in the following schedule:

(a) If the injury causes temporary total disability, the employee shall receive during the continuance thereof sixty-six and two-thirds per cent of his average weekly earnings, not to exceed a maximum of eighteen dollars a week nor to be less than a minimum of ten dollars a week.

(b) Subdivision (a) shall be limited as follows: Aggregate award for a single injury causing temporary disability shall be for a period not exceeding fifty-two weeks: Provided, however, That in case an injured employee, by reason of having an ununited fracture or having undergone a surgical operation to correct a vicious union following a fracture, or for the repair of an ununited fracture, or having suffered an injury to the spine or pelvic bones which is of a temporary nature, or for any ankylose joint, is disabled for a longer period than fifty-two weeks, the period during which compensation shall be paid may be seventy-eight weeks: Provided further, That if at the end of such period of fifty-two or
seventy-eight weeks the temporary disability continues
but does not warrant a finding of permanent disability, the
commissioner may grant a temporary extension for such
further period as may appear necessary, but in no case
shall the combined periods exceed one hundred and fifty-
six weeks.

(c) If the injury causes permanent disability, the per-
centage of disability to total disability shall be determined
and the award computed and allowed as follows:

For permanent disability of from one per cent to eighty-
five per cent, sixty-six and two-thirds per cent of the
average weekly earnings for a period to be computed on
the basis of four weeks' compensation for each per cent of
disability determined.

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

(d) If the injury results in the total loss by severance
of any of the members named in this subdivision, the
percentage of disability shall be determined in accordance
with the following table, and award made as provided
in subdivision (c) of this section:

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

The loss of a great toe (one phalanx) shall be consid-
ered a five per cent disability.

The loss of other toes shall be considered a four per
cent disability.

The loss of other toes (one phalanx) shall be considered
a two per cent disability.

The loss of all toes shall be considered a twenty-five
per cent disability.

The loss of fore part of foot shall be considered a thirty
per cent disability.

The loss of foot shall be considered a thirty-five per
cent disability.

The loss of leg shall be considered a forty-five per cent
disability.

The loss of thigh shall be considered a fifty per cent
disability.
The loss of thigh at hip joint shall be considered a sixty per cent disability.
The loss of little or fourth finger (one phalanx) shall be considered a three per cent disability.
The loss of little or fourth finger shall be considered a five per cent disability.
The loss of ring or third finger (one phalanx) shall be considered a three per cent disability.
The loss of ring or third finger shall be considered a five per cent disability.
The loss of middle or second finger (one phalanx) shall be considered a three per cent disability.
The loss of middle or second finger shall be considered a seven per cent disability.
The loss of index or first finger (one phalanx) shall be considered a six per cent disability.
The loss of index or first finger shall be considered a ten per cent disability.
The loss of thumb (one phalanx) shall be considered a twelve per cent disability.
The loss of thumb shall be considered a twenty per cent disability.
The loss of thumb and index finger shall be considered a thirty-two per cent disability.
The loss of index and middle finger shall be considered a twenty per cent disability.
The loss of middle and ring finger shall be considered a fifteen per cent disability.
The loss of ring and little finger shall be considered a ten per cent disability.
The loss of thumb, index and middle finger shall be considered a forty per cent disability.
The loss of index, middle and ring finger shall be considered a thirty per cent disability.
The loss of middle, ring and little finger shall be considered a twenty per cent disability.
The loss of four fingers shall be considered a thirty-two per cent disability.
The loss of hand shall be considered a fifty per cent disability.
The loss of forearm shall be considered a fifty-five per cent disability.

The loss of arm shall be considered a sixty per cent disability.

The total and irrecoverable loss of the sight of one eye shall be considered a thirty-three per cent disability, and the injured employee shall be entitled to compensation for a period of one hundred and thirty-two weeks.

For the partial loss of vision in one, or both eyes, the percentage of disability shall be determined by the commissioner, using as a basis the total loss of one eye.

(e) Should a claimant to whom has been made a permanent partial award of from one per cent to eighty-five per cent, both inclusive, die from sickness or non-compensable injury, the unpaid balance of such award shall be paid to claimant's dependents as defined in this chapter, if any; such payment to be in the same installments that would have been paid to claimant if living:

Provided, however, That no payment shall be made to any widow of such claimant after her remarriage, and that this liability shall not accrue to the estate of such claimant and shall not be subject to any debts of, or charges against, such estate.

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

(g) The percentage of all permanent disabilities other than those enumerated in subdivisions (c), (d), (e), and (f) of this section shall be determined by the commissioner, and award made in accordance with the provisions of subdivision (c).

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

(i) Where an injury results in temporary total disability for which compensation is awarded under subdivision (a) of this section and such injury is later determined permanent partial disability under subdivision
(c), the amount of compensation so paid shall be considered as payment of the compensation payable for such injury in accordance with the schedule in subdivision (c). Compensation, either total temporary or permanent partial, under this section shall be payable only to the injured employee and the right thereto shall not vest in his or her estate, except that any unpaid compensation which would have been paid or payable to the employee up to the time of his death, if he had lived, shall be paid to the dependents of such injured employee if there be such dependents at the time of death.

(j) The following permanent disabilities shall be conclusively presumed to be total in character:

- Loss of both eyes or the sight thereof.
- Loss of both hands or the use thereof.
- Loss of both feet or the use thereof.
- Loss of one hand and one foot or the use thereof.

In all other cases permanent disability shall be determined by the commissioner in accordance with the facts in the case, and award made in accordance with the provisions of subdivision (c).

Sec. 6-a. Stages of Silicosis; Benefits and Mode of Payment to Employees and Dependents.—An employee shall, for the purposes hereof, be deemed to have silicosis: (1) In the first stage when it is found by the commissioner that the earliest detectable specific signs of silicosis are present, whether or not capacity for work is or has been impaired by such silicosis; (2) In the second stage when it is found by the commissioner that definite and specific physical signs of silicosis are present, and that capacity for work is or has been impaired by that disease; (3) In the third stage when it is found by the commissioner that the employee has silicosis accompanied by active tuberculosis of the lungs resulting in total and permanent disability.

Where compensation for silicosis is due an employee under the provisions hereof, such compensation shall be as provided in the following schedule: (a) If the employee is suffering from silicosis in the first stage, the employee shall receive eight hundred dollars as compensation in full for silicosis that he has sustained as a
result of and in the course of his employment, to be
payable as a lump sum or in periodic installments in the
discretion of the commissioner, and shall be a final pay-
ment and operate as a full release by the employee for
compensation and for any claim against the employer
that the employee may thereafter have for silicosis, and
irrespective of whether the employee thereafter continues
in the same employment, he shall not have the right to
receive any or further compensation or make any claim be-
cause of silicosis, either to the compensation commissioner
or against his employer, anything to the contrary in this
chapter notwithstanding. (b) If the employee is suffer-
ing from silicosis in the second stage, the employee shall
receive sixteen hundred dollars as compensation in full
for silicosis that he has sustained as a result of and in
the course of his employment, to be payable as a lump
sum or in periodic installments in the discretion of
the commissioner, and shall be a final payment and oper-
ate as a full release by the employee for compensation
and for any claim against the employer that the employee
may thereafter have for silicosis, and irrespective of
whether the employee thereafter continues in the same
employment, he shall not have the right to receive any
or further compensation or make any claim because of
silicosis either to the commissioner or against his em-
ployer; anything to the contrary in this chapter not-
withstanding. (c) If the employee is suffering from
silicosis in the third stage, the compensation shall be paid
therefor in the same manner and at the same rate as is
provided for permanent disability under the provisions of
subdivisions (c), (f) and (h) of the preceding section.
(d) If the employee dies from silicosis within six years
from the date of his last injurious exposure to silicon
dioxide dust in harmful quantities and the commissioner
determines that he was suffering from silicosis in the
third stage, the benefits shall be in the amounts and to
the persons provided for in section ten of this article;
as to such benefits sections eleven to fourteen, inclusive,
of this article shall apply.

Sec. 8. Physical Examination of Claimant; Expenses.—
The commissioner shall have authority, after due notice
to the employer and claimant, whenever in his opinion it shall be necessary, to order a claimant of compensation for a personal injury other than silicosis to appear for examination before a medical examiner selected by the commissioner; and the claimant and employer, respectively, shall each have the right to select a physician of his or its own choosing and at his or its own expense to participate in such examination. The claimant and employer shall, respectively, be furnished with a copy of the report of examination made by the medical examiner selected by the commissioner. The respective physicians selected by the claimant and employer shall have the right to concur in any report made by the medical examiner selected by the commissioner, or each may file with the commissioner a separate report, which separate report shall be considered by the commissioner in passing upon the claim. If the compensation claimed is for silicosis, the commissioner shall have the power, after due notice to the employer, and whenever in his opinion it shall be necessary, to order a claimant to appear for examination before the medical board hereinafter provided. In either case the claimant shall be entitled to reasonable traveling and other expenses necessarily incurred by him in obeying such order, which shall be paid out of the amount allowed under this chapter for medical, surgical, dental and hospital treatment.

Sec. 8-a. Silicosis Medical Board Created; Qualifications; Term of Office; Duties; Remuneration.—There shall be a medical board, known as the "silicosis medical board", which shall consist of three licensed physicians, who shall be appointed by the commissioner. No person shall be appointed as a member of such board, or as a consultant thereto, who has not by special study or experience, or both, acquired special knowledge of pulmonary diseases. All members of the silicosis medical board shall be physicians of good professional standing, admitted to practice medicine and surgery in this state, and one of them shall be a roentgenologist. One of the board shall be designated annually as chairman by the commissioner. The term of office of each member of such board shall be six years.
The function of the board shall be to determine all medical questions relating to cases of compensation for silicosis under the direction and supervision of the commissioner. The commissioner, from time to time, shall fix the per diem salary, computed on the basis of actual time devoted to the discharge of their duties, to be paid each member of such board, and they shall also be entitled to reasonable and necessary traveling and other expenses incurred while actually engaged in the performance of their duties.

Sec. 8-b. Silicosis Medical Board; Procedure; Autopsy.

The silicosis medical board, upon reference to it by the commissioner of a case of silicosis, shall notify the employee, or in case he is dead the claimant, and the employer, to appear before such board at a time and place stated in the notice. If the employee be living, he shall appear before the board at the time and place specified and submit to such examination, including clinical and X-ray examinations, as the board may require. If a physician licensed to practice medicine in the state shall make affidavit that the employee is physically unable to appear at the time and place designated by the board, such board shall, on notice to the proper parties, change the place and time of examination to such other place and time as may reasonably facilitate the hearing or examination of the employee. The employee, or in case he is dead, the claimant, and the employer shall also produce as evidence to the board all reports of medical and X-ray examinations which may be in their respective possession or control, showing the past or present condition of the employee. If the employee be dead, the notice of the board shall further require that the claimant produce necessary consents and permits so that an autopsy may be performed, if the board shall so direct. When in the opinion of the board an autopsy is deemed necessary accurately and scientifically to ascertain and determine the cause of death, such autopsy examination shall be ordered by the board, which shall designate a duly licensed physician, a pathologist, or such other specialists as may be deemed necessary by the board, to make such
31 examination and tests to determine the cause of death
32 and certify his or their written findings, in triplicate, to
33 the board, which findings shall be public records. In the
34 event that a claimant for compensation for such death
35 refuses to consent and permit such autopsy to be made,
36 all rights for compensation shall thereupon be forfeited.
37 The employee, or if he be dead, the claimant, and the
38 employer, shall be entitled to be present at all exami-
39 nations conducted by the board, and to be represented by
40 attorneys and physicians.

Sec. 8-c. Silicosis Medical Board; Reports and Distribu-
2 tion Thereof; Findings Required of Board; Objection to
3 Findings; Procedure Thereon.—The silicosis medical
4 board, as soon as practicable, after it has completed its
5 investigation, shall make its written report, to the com-
6 missioner of its findings and conclusions on every medi-
7 cal question in controversy, and the commissioner shall
8 send one copy thereof to the employee or claimant and
9 one copy to the employer, and the board shall also re-
10 turn to and file with the commissioner all the evidence,
11 as well as all statements under oath, if any, of the per-
12 sons who appeared before it on behalf of the employee or
13 claimant, or employer, and also all medical reports and
14 X-ray examinations produced by or on behalf of the
15 employee or claimant, or employer.
16 The findings and conclusions of the board shall set
17 forth, among other things, the following:
18 (a) Whether or not the claimant or the deceased em-
19 ployee has contracted silicosis, and, if so, the stage thereof.
20 (b) If the claimant or the deceased employee has con-
21 tracted such disease, whether or not the exposure in the
22 employment was sufficient to have caused silicosis or to
23 have perceptibly aggravated an existing silicosis.
24 (c) What, if any, physician appeared before the board
25 on behalf of the claimant, and what, if any, X-rays were
26 produced by or on behalf of the claimant, and what, if
27 any, physician appeared before the board on behalf of the
28 employer, and what, if any, X-rays were produced by or
29 on behalf of the employer.
30 If either party objects to the whole or any part of such
findings and conclusions of the board, he shall file with
the commissioner, within fifteen days of the mailing of
such copy to him unless for good cause shown the com-
missioner extends such time, his objections thereto in
writing, specifying the particular statements of the
board’s findings and conclusions to which he objects.
After the time has expired for the filing of objections to
the findings and conclusions of the board, the commis-
sioner shall proceed to act as provided in this chapter.
If after the time has expired for the filing of objections
to the findings and conclusions of the board no objections
have been filed, the report of a majority of the board of
its findings and conclusions on any medical question shall
be taken to be plenary and conclusive evidence of the
findings and conclusions therein stated. If objection has
been filed to the findings and conclusions of the board,
notice thereof shall be given to the board, and the mem-
ers thereof joining in such findings and conclusions shall
appear at the time fixed by the commissioner for the
hearing to submit to examination and cross-examination
in respect to such findings and conclusions. At such
hearing evidence to support or controvert the findings
and conclusions of the board shall be limited to examina-
and cross-examination of the members of the board,
and to the taking of testimony of other qualified physi-
cians and roentgenologists.

Sec. 9-b. Effect of Pre-Existing Physical Impairment;
Limited Compensation.—Where an employee has a defin-
ity ascertainable physical impairment originating as
hereafter set forth in this section, then in the event that
such employee shall thereafter receive an injury in the
course of and resulting from his employment, such
physical impairment, and the effect thereof, and an ag-
gravation thereof, shall not be taken into consideration
in fixing the amount of compensation allowed by reason
of such injury, and such compensation shall be awarded
only in the amount that would have been allowable had
such employee not had such pre-existing physical im-
pairment. This section shall only apply to definitely
ascertainable physical impairments, either
(a) Originating either before or after October 1, 1913, otherwise than from an injury received in the course of and resulting from employment, or

(b) Originating prior to October 1, 1913, from an injury in the course of and resulting from employment, or

(c) Originating after October 1, 1913, from an injury in the course of and resulting from employment by an employer, who at the time of such injury had not elected to comply with, or was not in good standing, under the workmen's compensation law of West Virginia, or

(d) Originating in any injury of whatsoever origin whenever received, occurring without the state of West Virginia, except injuries received after October 1, 1913, in the employ of a subscriber in good standing under the compensation fund of West Virginia in the course of and resulting from temporary employment without the state as defined and limited by section one, article two of this chapter.

Sec. 10. Classification of Death Benefits; “Dependent” Defined.—In case a personal injury other than silicosis, suffered by an employee in the course of and resulting from his employment, causes death within the period of six years and the disability is continuous from date of such injury until date of death, or if death results from determined third degree silicosis within six years from the date of his last injurious exposure to silicon dioxide dust in harmful quantities, the benefits shall be in the amounts and to the persons as follows:

(a) If there be no dependents, the disbursements shall be limited to the expense provided for in sections three and four of this article.

(b) If the deceased employee leaves a dependent widow or invalid widower, the payment shall be thirty dollars a month until death or remarriage of such widow or widower, and in addition ten dollars a month for each child under sixteen years of age, to be paid until such child reaches such age, or, if an invalid child, fifteen dollars a month, to continue as long as such child re-
mains an invalid: Provided, however, That if such widow or invalid widower shall remarry within two years from the date of the death of such employee, such widow or widower shall be paid at the time of remarriage twenty per cent of the amount that would be due for the period remaining between the date of such remarriage and the end of ten years from the date of death of such employee, and such widow or widower shall be advised in writing by the commissioner of his or her rights under this proviso at the time of making the original award: Provided further, That if upon investigation and hearing, as provided in article five of this chapter, it shall be ascertained that such widow or widower is living with a man or woman, as the case may be, as man and wife and not married, or that the widow is living a life of prostitution, the commissioner shall stop the payment of the benefits herein provided to such widow or widower.

If the deceased employee be a widow or widower and leave a child or children under the age of sixteen years, the payment shall be fifteen dollars a month to each child until he or she reaches the age of sixteen years.

In all awards of compensation to children, unless otherwise provided herein, the award shall be until they reach the age of sixteen years or their death prior thereto.

(c) If the deceased employee leaves no dependent widow or widower and leaves a wholly dependent father or mother, he or she shall be paid the sum of twenty dollars a month, payments to continue until death, and if there be no widow or widower and both the father and mother are wholly dependent, then a joint award shall be made to the father and mother in the sum of twenty dollars a month until death. Upon the death of either the father or mother in any case in which a joint award has been made to them, the full award of twenty dollars a month shall be paid to the survivor until his or her death.

(d) If the deceased employee leaves no dependent widow or widower or wholly dependent father or mother but there are other wholly dependent persons, as defined in paragraph (f) of this section, the payment shall
Ch. 131] WORKMEN'S COMPENSATION 509

61 be twenty dollars a month, to continue for six years after
62 the death of the deceased.
63 (e) If the deceased employee leaves no dependent
64 widow or widower, child under sixteen years of age, or
65 wholly dependent person, but there are partially depend-
66 ent persons at the time of death, the payment shall be
67 twelve dollars and fifty cents a month, to continue for
68 such portion of the period of six years after the date of
69 death, as the commissioner may determine.
70 Compensation under subdivisions (b), (c), (d), and (e)
71 hereof shall, except as may be specifically provided to the
72 contrary therein, cease upon the death of the dependent,
73 and the right thereto shall not vest in his or her estate.
74 (f) Dependent, as used in this chapter, shall mean a
75 widow; invalid widower; child under sixteen years of
76 age; invalid child; or a posthumous child, who, at the
77 time of the injury causing death, is dependent in whole
78 or in part for his or her support upon the earnings of
79 the employee; also the following persons who are and
80 continue to be residents of the United States or its terri-
81 torial possessions: Stepchild under sixteen years of age;
82 child under sixteen years of age legally adopted prior
83 to the injury causing death; father; mother; grandfather
84 or grandmother, who, at the time of the injury causing
85 death, is dependent in whole or in part for his or her
86 support upon the earnings of the employee; an invalid
87 brother or sister wholly dependent for his or her sup-
88 port upon the earnings of the employee at the time of
89 the injury causing death.

Sec. 13. Widow or Widower Living Separate from
2 Employee.—Notwithstanding anything herein contained,
3 no sum shall be paid to a widow or widower who shall
4 have abandoned the employee before the injury causing
5 death, but nothing herein contained shall be construed to
6 preclude a widow or widower from receiving compensa-
7 tion in accordance with section ten of this article if such
8 widow or widower has been abandoned within a period
9 of two years by the employee for any reason except such
10 reason as would have entitled the deceased employee to
Sec. 14. **Computation of Benefits.**—The average weekly wage earnings, wherever earned, of the injured person at the time of the injury, shall be taken as the basis upon which to compute the benefits. The time of injury within the meaning of this section shall be two months, six or twelve months immediately preceding the date of the injury, whichever is most favorable to the injured employee. In cases involving third stage silicosis “time of injury” within the meaning of this section shall be the day of cessation of work.

Sec. 15. **Application for Benefits; Nonresident Aliens.**—To entitle any employee or dependent of a deceased employee to compensation, other than for silicosis, under this chapter, the application therefor must be made on a form or forms prescribed by the commissioner and filed in the office of the commissioner within six months from and after the date of injury or death, as the case may be, and all proofs of dependency in fatal cases must be filed with the commissioner within nine months from and after the death: Provided, however, That in case an employer fails to report an injury within five months from and after the date such injury occurs the claimant shall have two months from and after the date of the filing of the report by the employer within which to file his application for compensation with the commissioner: Provided further, That no employee shall be entitled to compensation regardless of whether or not report of injury be submitted by the employer unless application therefor be filed in the office of the commissioner within one year from the date of the injury. In case the employee is mentally or physically incapable of filing such application, it may be filed by his attorney or by a member of his family.

To entitle any employee to compensation for silicosis under the provisions hereof, the application therefor must be made on a form or forms prescribed by the commis-
sioner and filed in the office of the commissioner within one year from and after the date of the last injurious exposure to silicon dioxide dust, or, in the case of death, the application shall be filed as aforesaid by the dependent of such employee within six months from and after such employee's death.

Nonresident aliens who may be entitled to benefits under prior law with respect to injuries sustained prior to March eleventh, one thousand nine hundred thirty-nine, may be officially represented by the consular officers of the country of which such aliens may be citizens or subjects, but no compensation shall be paid to such nonresident aliens in fatal cases through the consular officers of the country of which such aliens may be citizens or subjects until such consular officers or a representative of such consular officer is appointed personal representative of the deceased party by proper authority in the county in which the deceased resided, or in which the seat of government is located. Nothing herein contained shall be construed as giving such consular officer the right to make application for compensation on behalf of nonresident aliens.

Sec. 15-a. Nonresident Alien Beneficiaries.—Notwithstanding any other provisions of this chapter, no benefits under any such provisions and no commutation of periodical benefits under the provisions of section seventeen of this article shall be made to nonresident alien beneficiaries on account of any injury sustained after March eleventh, one thousand nine hundred thirty-nine. Nonresident alien beneficiaries within the meaning hereof shall mean persons not citizens of the United States residing outside of the territorial limits of the United States at the time of the injury with respect to which benefits would otherwise have been payable to them in the absence of such nonresident alienage. In case of nonresident alien beneficiaries entitled under prior law to benefits on account of accidents occurring prior to March eleventh, one thousand nine hundred thirty-nine, the commissioner in his discretion may make, and such beneficiary shall be required to accept, commutation of such benefits into a...
lump sum settlement and payment, at the rate of one-half of like benefits to resident beneficiaries.

Sec. 15-b. Nonmedical Questions Determined by Commissioner on Hearing of Silicosis Claim.—On the hearing of a claim for compensation for silicosis, the commissioner shall hear, determine and file findings covering, but not limited thereto, the following nonmedical questions:

(a) Whether the employee was in fact, within one year prior to the filing of his claim, in the employ of the employer, and, if so, the duration of such employment and whether or not such employment was subject to the provisions hereof.

(b) The occupation or occupations, process or processes in which the employee was engaged during such employment, and the approximate periods of work in each such occupation or process.

(c) The employments, previous and subsequent to the employment out of which the claim arose, the duration thereof, and the exposure therein to the hazard of silicon dioxide dust.

(d) Whether the employee contracted such disease through wilful self-exposure.

(e) The average weekly wages of the employee at the time he ceased work for his last employer in whose employment he was exposed to silicon dioxide dust. The time of cessation of work, within the meaning of this section, shall be two months, six months or twelve months immediately preceding the date of the injury, whichever is most favorable to the injured employee.

(f) Whether the last injurious exposure to silicon dioxide dust in the employment with the employer, occurred within one year prior to the filing of the claim for silicosis benefits, and if the employee is no longer in the service of the employer, the date upon which such employee ceased so to work; and, if the employee has died, the date and place of such death, and the place of interment of the body.

Sec. 16. Commissioner's Jurisdiction over Case Continuous; Modification of Finding or Order; Time Limitation on Awards.—The power and jurisdiction of the com-
missioner over each case shall be continuing, and he may
from time to time, after due notice to the employer, make
such modifications or changes with respect to former
findings or orders as may be justified: Provided, however,
That no further award may be made in fatal cases arising
after March seventh, one thousand nine hundred twenty-
ine, except within two years after the death of the
employee, or, in case of nonfatal injuries on and after
March seventh, one thousand nine hundred twenty-nine,
extcept within three years after payments for temporary
disability shall have ceased and within one year after
the commissioner shall have made the last payment in
any permanent disability case: And provided further,
That no further award may be made in either fatal or
nonfatal cases arising on account of injuries occurring
prior to March seventh, one thousand nine hundred
twenty-nine, unless written application for such award,
signed personally by claimant, or, in case of claimant's
infancy or physical or mental incapacity, by his or her
guardian, next friend, or committee, be filed with the
commissioner on or before September fifteenth, one thou-
sand nine hundred thirty-nine. In any case in which an
injured employee shall make application for a further
adjustment of his claim, if such application be in writing
and filed within the applicable time limit as prescribed
herein, the commissioner shall pass upon and determine
the merits of such application within thirty days after
the filing thereof.

Sec. 20. Post-Mortem Examinations.—The commis-
sioner shall have authority, after due notice to the em-
ployer and claimant, whenever he shall deem it necessary,
to order an autopsy, and may designate a duly licensed
physician to make such post-mortem examination or
examinations as may be necessary to determine the cause
of the deceased employee's death, and such physician shall
file with the commissioner a written report of his findings;
the claimant and the employer respectively, shall have the
right to select a physician of his or its own choosing and
at his or its own expense, to participate in the post-
mortem examination, and the respective physicians
selected by the claimant and the employer shall have the
right to concur in any report made by the physician
selected by the commissioner, or each may file with the
commissioner a separate report. In any case, including
silicosis cases, in which either the employer or a claimant
requests that an autopsy be performed, then such au-
topsy shall be directed as hereinbefore provided, and in
the event that a claimant for compensation for such
death refuses to consent and permit such autopsy to be
made all rights to compensation shall be forfeited.

Article 5. Review.

Section

2. Workmen's compensation appeal board.
3. Appeals to board; procedure.
4. Appeals from final decisions of board.
4-a. Findings of fact.
4-b. Jurisdictional findings and decisions appealable.
5. Fees of attorney for claimant.

Section 2. Workmen's Compensation Appeal Board.—
There shall be a board to be known as the “Workmen's
Compensation Appeal Board”, which shall be referred to
in this chapter as the “board”, to be composed of three
members, none of whom shall be a contributor to the
compensation fund or in any way connected with a
contributor thereto and none of whom shall be a bene­
ficiary of the compensation fund or in any way connected
with a beneficiary thereof. Two members of such board
shall be of opposite politics to the third, and all three
shall be citizens of this state who have resided therein
for a period of at least five years. All members of the
board shall be appointed by the governor for a term of
six years. The governor is hereby vested with power to
remove any member of the board according to section
four, article six, chapter six, of this code. They shall
each receive an annual salary of two thousand four hun-
dred dollars, payable in monthly installments, and shall
also be entitled to reasonable and necessary traveling
and other expenses incurred while actually engaged in
the performance of their duties. The governor shall
designate one of the members of the board as chairman
thereof, and the board shall meet at the capitol or at
such other places throughout the state as it may deem
proper, at regular sessions commencing on the first Tues-
day in February, April, June, August, October and December, and continuing as long as may be necessary for the proper and expeditious transaction of the business before it. All clerical services required by the board shall be paid for by the compensation commissioner from any funds at his disposal. The board shall, from time to time, compile and promulgate such rules of practice and procedure as to it shall appear proper for the prompt and efficient discharge of its business and such rules shall be submitted to the supreme court of appeals for approval, and if approved by such court shall have the same force and effect as the approved rules of procedure of circuit courts.

Sec. 3. Appeals to Board; Procedure.—Any employer, employee, claimant, or dependent, who shall feel aggrieved at any final action of the commissioner taken after a hearing held in accordance with the provisions of section one of this article, and any claimant or employer who shall feel aggrieved at any action of the commissioner in refusing to reopen a claim under the provisions of sections one-b and one-d of this article, shall have the right to appeal to the board created in section two of this article for a review of such action. The aggrieved party shall file a written notice of appeal with the compensation commissioner, directed to such board, within thirty days after receipt of notice of the action complained of, or in any event, regardless of notice, within sixty days after the date of the action complained of, and the commissioner shall notify the other party immediately upon the filing of a notice of appeal. The commissioner shall forthwith make up a transcript of the proceedings before him and certify and transmit the same to the board. In such certificate, he shall incorporate a brief recital of the proceedings therein had and recite each order entered and the date thereof. The board shall review the action of the commissioner complained of at its next meeting after the filing of notice of appeal, provided such notice of appeal shall have been filed thirty days before such meeting of the board, unless such review be postponed by agreement of parties or by the board for good cause. The board shall set a time and place for the hearing of
arguments on each claim and shall notify the interested parties thereof, and briefs may be filed by the interested parties in accordance with the rules of procedure prescribed by the board. And thereupon, after a review of the case, the board shall sustain the finding of the commissioner or enter such order or make such award as the commissioner should have made and shall thereupon certify the same to the commissioner, who shall proceed in accordance therewith. Or, instead of affirming or reversing the commissioner as aforesaid, the board may, upon motion of either party or upon its own motion, for good cause shown, to be set forth in the order of the board, remand the case to the commissioner for the taking of such new, additional or further evidence as in the opinion of the board may be necessary for a full and complete development of the facts of the case. In the event the board shall remand the case to the commissioner for the taking of further evidence therein, the commissioner shall proceed to take such new, additional or further evidence in accordance with any instructions given by the board, and shall take the same within thirty days after receipt of the order remanding the case, giving to the interested parties at least ten days' notice of such supplemental hearing, unless the taking of evidence shall be postponed by agreement of parties, or by the commissioner for good cause. After the completion of such supplemental hearing the commissioner shall, within sixty days, render his decision affirming, reversing or modifying his former action, which decision shall be appealable to, and proceeded with by the appeal board in like manner as in the first instance. The board may remand any case as often as in its opinion is necessary for a full development and just decision of the case. The board may take evidence or consider ex parte statements furnished in support of any motion to remand the case to the commissioner. All evidence taken by or filed with the board shall become a part of the record. All appeals from the action of the commissioner shall be decided by the board at the same session at which they are heard, unless good cause for delay thereof be shown and
entered of record. In all proceedings before the board, either party may be represented by counsel.

Sec. 4. Appeals from Final Decisions of Board.—From any final decision of the board, including any order of remand, an application for review may be prosecuted by either party, or by the commissioner, to the supreme court of appeals within thirty days from the date thereof by the filing of a petition therefor to such court against the board and the adverse party (claimant or employer, as the case may be) as respondents, and the clerk of such court shall notify each of the respondents and the commissioner of the filing of such petition. The board shall, within ten days after receipt of such notice, file with the clerk of the court the record of the proceedings had before it, including all the evidence. The court or any judge thereof in vacation may thereupon determine whether or not a review shall be granted. And if granted to a non-resident of this state, he shall be required to execute and file with the clerk before such order of review shall become effective, a bond, with security to be approved by the clerk, conditioned to perform any judgment which may be awarded against him thereon. The board may certify to the court and request its decision of any question of law arising upon the record, and withhold its further proceeding in the case, pending the decision of court on the certified question, or until notice that the court has declined to docket the same. If a review be granted or the certified question be docketed for hearing, the clerk shall notify the board and the parties litigant or their attorneys and the commissioner, of that fact by mail. If a review be granted or the certified question docketed, the case shall be heard by the court in the same manner as in other cases, except that neither the record nor briefs need be printed. Every such review granted or certified question docketed prior to thirty days before the beginning of the term, shall be placed upon the docket for such term. The attorney general shall, without extra compensation, represent the board in such cases. The court shall determine the matter so brought before it and certify its decision to the board and to the commis-
sioner. The cost of such proceedings on petition, including 
a reasonable attorney’s fee, not exceeding thirty dollars 
to the claimant’s attorney, shall be fixed by the court and 
taxed against the employer if the latter be unsuccessful, 
and if the claimant, or the commissioner (in case the latter 
be the applicant for review) be unsuccessful, such costs, 
not including attorney’s fees, shall be taxed against the 
commissioner, payable out of any funds available in his 
hands, or shall be taxed against the claimant, in the dis-
cretion of the court. But there shall be no cost taxed upon 
a certified question.

Sec. 4-a. 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 
findings of facts of a trial chancellor or judge in equity 
procedure.

Sec. 4-b. Jurisdictional Findings and Decisions Appeal-
able.—In any case where the jurisdiction of the commis-
sioner is contested, his order in respect thereto shall be 
deemed final for the purpose of appeal to the board and 
any decision of the board in respect to such questions of 
jurisdiction, shall be deemed final for the purpose of 
appeal to the supreme court of appeals.

Sec. 5. Fees of Attorney for Claimant.—If any claimant 
shall employ an attorney to represent him in connection 
with any claim arising under this chapter and such 
attorney shall file with the commissioner an executed 
copy of his contract of employment with such claimant, 
it shall be the duty of the commissioner to protect such 
attorney in the collection of the amount provided for 
therein from any award made under the provisions of 
this chapter in favor of the claimant, up to but not in 
excess of twenty-five per cent of the total amount 
awarded.
CHAPTER 132

(House Bill No. 227—By Mr. McElwee, by request)

AN ACT authorizing the state auditor and state treasurer to charge off by appropriate bookkeeping entries state funds in certain closed banks which are now included in the balance of the state fund.

[Passed March 7, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 1. Auditor and treasurer authorized to charge off balances of funds in closed banks now included in balance of the state fund.

2. Disposition of dividends from receivers of closed banks.

Be it enacted by the Legislature of West Virginia:

Section 1. Auditor and Treasurer Authorized to Charge Off Balances of Funds in Closed Banks Now Included in Balance of the State Fund.—The state auditor and the state treasurer are authorized and empowered to reduce by appropriate bookkeeping entries the balance of the state fund by charging off the sum of sixty-nine thousand six hundred forty-five dollars and eighty-five cents composed of balances in the following closed banks in stated amounts:

10 Beverly Bank, Beverly ........................................... $ 1,627.09
11 Fidelity Bank & Trust Co., Bluefield .......................... 13,457.39
12 First National Bank, Friendly ................................. 537.34
13 Grafton Bank, Grafton ........................................... 172.63
14 Kingwood National Bank, Kingwood ......................... 8,689.47
15 First National Bank, Mullens ................................. 3,202.22
16 First National Bank, New Cumberland ..................... 19,969.09
17 Citizens National Bank, Philippi ............................ 578.16
18 First National Bank, Pineville ............................... 10,055.63
19 Tunnelton Bank, Tunnelton .................................... 11,356.83

Sec. 2. Disposition of Dividends from Receivers of Closed Banks.—Any dividends which may hereafter be paid to the state of West Virginia as receivership dividends from the receivers of the banks named in section one shall
be deposited in the state fund and become a part of the general revenues of the state.

CHAPTER 133
(House Bill No. 228—By Mr. McElwee, by request)

AN ACT to authorize the state auditor and the state treasurer to transfer balances of certain special revenue funds to the state fund.

[Passed March 7, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 1. Auditor and treasurer authorized to transfer certain funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Auditor and Treasurer Authorized to Transfer Certain Funds.—The state auditor and state treasurer are authorized and empowered to transfer to the state fund, to become a part of the general revenues of the state, balances of the following funds in the stated amounts:

Federal Building Funds:

4-H Camp for Colored Boys and Girls __________ $ 3.57
West Virginia Penitentiary __________________________ 1,322.12
Pinecrest Sanitarium ____________ 80.21
State Board of Aeronautics _______________ 243.59
American Negro Exposition Fund ___________ 317.03
Unemployment Compensation Reserve Fund____ 19,907.00

CHAPTER 134
(House Bill No. 226—By Mr. McElwee, by request)

AN ACT to authorize the state auditor and state treasurer to transfer from the special escrow account of the state banking commissioner in the state treasury the sum of
two hundred seventy-three dollars twenty-two cents re­ceived for Peoples bank of West Virginia, Buckhannon, West Virginia, of which the receivership and liquidation has been completed.

[Passed March 7, 1945; in effect ninety days from passage. Approved by the Governor.]

Section
1. Explanation and derivation of sum to be transferred.
2. Authorization to transfer to state fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Explanation and Derivation of Sum to Be Transferred.—The West Virginia commissioner of banking has received from trustees of the bankrupt estate of Henry M. Jackson the sum of two hundred seventy-three dollars twenty-two cents which was due from said estate to the Peoples bank of West Virginia, Buckhannon, West Virginia. The said Peoples bank had been closed, liquidation completed and receiver discharged, leaving no method whereby this amount of two hundred seventy-three dollars twenty-two cents could be distributed to the creditors of the said bank. The commissioner of banking deposited this sum in the state treasury in a special escrow account until proper disposition of it could be made.

Sec. 2. Authorization to Transfer to State Fund.—The state auditor and state treasurer are authorized and em­powered to transfer the amount described in section one from the special escrow account in the state treasury to the state fund to become a part of the general revenues of the state.

CHAPTER 135

(Com. Sub. for Senate Bill No. 9—Originating in the Senate Committee on the Judiciary)

AN ACT to amend chapter twenty-six of the code of West Vir­ginia, one thousand nine hundred thirty-one, by adding
thereto a new article to be designated article three, relating to the establishment of a home for aged and infirm white men and women and delinquent white boys; providing for the management thereof, the qualifications for admission thereto, and the cost of maintaining the inmates therein.

[Passed March 1, 1945; in effect from passage. Approved by the Governor.]

Article 3. Home for Aged and Infirm White Men and Women.

1. Establishment; name; management; superintendent.
2. Admission of inmates.
3. Transfer of inmates of state hospitals.
4. Transfer of inmates from the Industrial School for Boys.
5. How expenses to be paid.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new article embracing five sections to be designated article three, sections one, two, three, four and five to read as follows:

Article 3. Home for Aged and Infirm White Men and Women.

Section 1. Establishment; Name; Management; Superintendent.—The West Virginia Home for aged and infirm white men and women is hereby established at Sweet Springs, Monroe county, West Virginia, to be known as Andrew S. Rowan Memorial Home, and shall be managed, directed and controlled as provided in article one, chapter twenty-five of this code. The chief executive officer thereof shall be a superintendent who must be a citizen of the state and a person of good executive ability, and who shall be appointed by the governor by and with the advice and consent of the senate.

Sec. 2. Admission of Inmates.—Any white man or woman shall be eligible for admission to said home who:

1. Has attained the age of sixty-five years;
2. Has resided in the state for at least one year immediately preceding the application;
(3) Has not made an assignment or transfer of property for the purpose of qualifying for public assistance;
(4) Is in need of continuing institutional care because of his physical or mental condition;
(5) Is actually in need and has not sufficient income or other resources to provide a subsistence compatible with decency and health;
(6) Has no children, father, brothers, sisters or mother of sufficient financial ability to support such person in the manner required by the county council of the department of public assistance of the county of which the person may be a resident.

No person shall be admitted to said home except upon the recommendation of the council of the department of public assistance of the county in which the individual seeking admission resided at the date of application therefor, or unless such person be qualified to admission to said home under the provisions of the next two succeeding sections.

Sec. 3. Transfer of Inmates of State Hospitals.—The state board of control shall have authority to transfer any person from Weston State Hospital, Spencer State Hospital and Huntington State Hospital to the Andrew S. Rowan Memorial Home who is qualified for admission under the provisions of this article. The said board shall also have authority to transfer any such person to the hospital from which he or she may have been transferred or to any other hospital under the control of the board.

Sec. 4. Transfer of Inmates from the Industrial School for Boys.—The state board of control shall also have the power and authority to transfer, from time to time, any number of inmates of the Industrial School for Boys at Pruntytown, to the Andrew S. Rowan Memorial Home, if, in the opinion of the board, the maintenance of boys at this institution will promote their rehabilitation. The board of control shall prescribe rules and regulations pertaining to transfers of this nature. The board shall also have the authority to return such boys to the Industrial School for Boys as it sees fit.
Sec. 5. *How Expenses to be Paid.*—The pay for the care and accommodation of any person who may be admitted to the home, except as to those transferred from state hospitals and from the Industrial School for Boys, shall be provided by the county department of public assistance of the county which recommended his or her admission; and said county department of public assistance shall also pay all just and proper charges for the transportation of such person to the home. Such pay shall be at the rate of fifteen dollars monthly and shall be paid quarterly.

CHAPTER 136

(Provision of a sum of three hundred forty dollars for services as physician for the West Virginia home for colored men and women at McKendree. Approved March 10, 1945.)

AN ACT providing that the West Virginia home for aged and infirm colored men and women, located at McKendree, West Virginia, shall pay to Dr. J. W. Hartigan the sum of three hundred forty dollars for maintenance and services as physician, and for medical instruments furnished said institution when it was operated as the McKendree Emergency hospital.

[Passed March 10, 1945; in effect from passage. Approved by the Governor.]

Section

1. West Virginia home for aged and infirm colored men and women to pay claim of Dr. J. W. Hartigan.

WHEREAS, During the six months period from April twenty-fourth, one thousand nine hundred forty-one, to October twenty-fourth, one thousand nine hundred forty-one, while Dr. J. W. Hartigan served as physician at the McKendree emergency hospital, at McKendree, West Virginia, the said hospital failed to make payment to Dr. Hartigan in the amount of three hundred forty dollars, which amount was owed him for maintenance and service as physician at said hospital and for medical instruments furnished said hospital; and

WHEREAS, Since that time the name of the institution has
been changed to that of West Virginia home for aged and infirm colored men and women; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. Payment to Dr. J. W. Hartigan.—That the West Virginia home for aged and infirm colored men and women shall pay, out of any funds available, the sum of three hundred forty dollars to Dr. J. W. Hartigan for services rendered at McKendree emergency hospital as physician, for his maintenance, and for medical instruments furnished said hospital by the said Dr. J. W. Hartigan.

Upon payment of the three hundred forty dollars, the agents of the West Virginia home for aged and infirm colored men and women are hereby directed to receive a full and complete release and discharge for said obligation.

CHAPTER 137
(Senate Bill No. 234—By Mr. Hardesty)

AN ACT relating to the disposition of balances remaining in funds realized from the Federal Army, Navy and Civil Aeronautics Trainee Program in the West Virginia University, West Virginia Institute of Technology, Marshall College, Shepherd College, Concord College, Fairmont State College, and West Virginia State College.

[Passed March 10, 1945; in effect from passage. Approved by the Governor.]

Section
1. Application of the net proceeds from the federal army, navy and civil aeronautics trainee program in the West Virginia university and the state colleges of West Virginia.
2. Duration of the act.

Be it enacted by the Legislature of West Virginia:

Section 1. Application of the Net Proceeds from the Federal Army, Navy and Civil Aeronautics Trainee Program in the West Virginia University and the State Col-
leges of West Virginia.—The entire net proceeds derived from the Federal Army, Navy and Civil Aeronautics Trainee Program in the West Virginia University, West Virginia Institute of Technology, Marshall College, Shepherd College, Concord College, Fairmont State College and West Virginia State College shall be expended respectively by the said West Virginia University, West Virginia Institute of Technology, Marshall College, Shepherd College, Concord College, Fairmont State College and West Virginia State College upon the approval of the board of governors for West Virginia University as to that institution, and upon the approval of the West Virginia board of control as to all the other institutions herein named, for the renovation and repair of the buildings of said institutions; for the replacement of furniture and equipment of said institutions, and for the restoration of property damaged by the said Federal Army, Navy and Civil Aeronautics Trainee Program in each of said institutions. Any unexpended funds heretofore collected by said institutions, whether heretofore paid and reported to the state or otherwise, and any funds hereafter collected and derived from such sources by each of said institutions, shall be placed and kept in a special fund to the credit of such institution so reporting or collecting the same, and shall be expended by the board of governors for West Virginia University for that institution, and shall be expended by the board of control for each of the other institutions so reporting or collecting for the purposes herein enumerated.

Sec. 2. Duration of the Act.—The provisions of this act shall be operative and in full force and effect until March first, one thousand nine hundred forty-seven.
AN ACT, to amend article two, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section seven, relating to the transfer of Barboursville unit of Weston State Hospital to Huntington State Hospital.

Section 7. Transfer of Barboursville unit of Weston state hospital to Huntington state hospital.

Be it enacted by the Legislature of West Virginia:

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

Section 7. Transfer of Barboursville Unit of Weston State Hospital to Huntington State Hospital.—Effective the first day of July, one thousand nine hundred forty-five, the operation of the Barboursville unit of Weston state hospital shall be transferred by the board of control in such manner that thereafter the said Barboursville unit shall be operated as a part of Huntington state hospital. The board of control is empowered to take all such steps and do all such things as may be necessary and proper to effect such transfer, including transfer of property and other like accounts from Weston state hospital to Huntington state hospital.

Nothing herein contained shall in any wise impair the rights and powers vested in the board of control by law with respect to state institutions. Appropriations now or hereafter made for the operations of said Barboursville unit shall be used for its maintenance and operation without regard to the transfer required hereunder.
CHAPTER 139

(House Bill No. 112—By Mr. Hansbarger)

AN ACT to amend and reenact section one, article one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter eighty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, relating to the tax commissioner, and authorizing the attorney general, upon the request of the tax commissioner, to select and appoint an assistant attorney general, to perform, under the supervision and direction of the attorney general, such duties as may be required of him by the tax commissioner.

[Passed February 15, 1945; in effect ninety days from passage. Approved by the Governor.]


Section

1. Tax commissioner; appointment of assistant attorney general to perform duties for commissioner.

Be it enacted by the Legislature of West Virginia:

That section one, article one, 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 1. Tax Commissioner; Appointment of Assistant Attorney General to Perform Duties for Commissioner.—There shall be a tax commissioner who shall be appointed by the governor, by and with the advice and consent of the senate. The tax commissioner in office when this code takes effect shall, unless sooner removed, continue to serve until his term expires, and his successor has been appointed and has qualified. On or before the first day of March, one thousand nine hundred thirty-five, and on or before the first day of March of each sixth year thereafter, the governor shall appoint a tax commissioner for a term of six years, commencing on said first day of March. The person so appointed shall take the oath or affirmation prescribed by section five of article four of the constitu-
tion. He shall give bond with good security, to be approved by the governor, in the penalty of five thousand dollars. The salary of the tax commissioner shall be six thousand dollars a year. He shall be repaid his actual disbursements for traveling expenses. He shall be provided with an office in the capitol, and with such furniture and clerical assistance as shall be necessary.

The tax commissioner, if he deem such action necessary, may request the attorney general to appoint an assistant attorney general, who shall perform, under the supervision and direction of the attorney general, such duties as may be required of him by the tax commissioner. The attorney general, in pursuance of such request, may select and appoint an assistant attorney general, to serve during the will and pleasure of the attorney general; and such assistant shall receive a salary not in excess of five thousand dollars per annum, to be paid out of any funds made available for that purpose by the Legislature to the office of the tax commissioner.

CHAPTER 140
(Senate Bill No. 47—By Mr. Bean)

AN ACT to amend and reenact article four, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the collection and enforcement of property taxes and to the sale of lands for the school fund.

(Passed March 10, 1945; in effect from passage. Approved by the Governor.)


Section
1. Declaration of legislative purpose.
2. Forfeiture of lands for nonentry.
3. Lands subject to sale under this article.
4. State commissioner of forfeited and delinquent lands.
5. Deputy commissioners of forfeited and delinquent lands; compensation; bond.
6. Auditor’s record of delinquent lands.
SALE OF LANDS FOR SCHOOL FUND

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. Publication of general notice to redeem.
11. Redemption after certification and before sale.
13. Lien of person redeeming interest of another; record.
14. Revaluation and reclassification.
15. Preparation of list of persons entitled to notice of suit.
17. Parties defendant; right to intervene.
18. Summons; service.
19. Averments and prayer of bill.
20. Procedure; extent to which defendant is bound by order or decree.
21. Certified list made exhibit and part of bill.
22. Separate order book to be kept by clerk; costs.
23. Decree by default.
26. Procedure upon application for reduction or dismissal; order of reference.
27. Execution of reference; report.
28. Orders when applicant's claim upheld.
29. Decree of sale.
30. Notice of sale.
31. Sale by deputy commissioner; receipt for purchase price; report to circuit court.
32. Return of purchase money.
33. Co-owner free to purchase at sale.
34. Purchase by former owner or by deputy commissioner and other officers prohibited.
35. Right of former owner to surplus proceeds.
36. Right of creditor of former owner of escheated land.
37. Redemption after sale and before confirmation.
38. Lien of person redeeming interest of another; record.
39. Payment of redemption money to clerk of circuit court.
40. Contest of redemption by payment to clerk.
41. Contest when claim is made that payment was insufficient.
42. Proceeding to set aside sale.
43. Confirmation of sale; right to redeem terminated.
44. Deed to purchaser; record.
45. Title acquired.
46. Effect of irregularity on title acquired.
47. Right to set aside sale or deed when land was not subject to sale.
48. Right to set aside deed improperly obtained.
49. Right to set aside sale or deed when one entitled to notice not notified.
50. On whose behalf suits instituted; decree when sale or deed set aside.
51. Redemption by persons under disability.
52. Redemption by members of armed services.
53. Annual report of deputy commissioner to auditor.
54. Sheriff to keep proceeds in separate accounts; disposition.
55. Disposition of pending suits; former sales confirmed.
56. Liability of officer failing to perform duty; penalty.
57. Release of taxes and interest.
58. Separability.
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 amended, be amended and reenacted to read as follows:

Section 1. Declaration of Legislative Purpose.—In furtherance of the policy declared in section one, article three of this chapter, it is the intent and purpose of the Legislature to establish a judicial proceeding for the sale of land for the school fund, which will be as expeditious, inexpensive and informal as possible without violating any claim which may fairly and properly be made on behalf of the former owner. The procedure provided for in this article is designed to convey to the purchaser not an original but merely a derivative title, transferring only such interest in the land as may at the time of the sale be vested in the state under its constitution and laws, or otherwise.

Sec. 2. Forfeiture of Lands for Nonentry.—It is the duty of each owner of land to have his land entered for taxation on the land books of the appropriate county, have himself charged with the taxes due thereon, and pay the same. Land which for any five successive years shall not have been so entered and charged, shall by operation of law, without any proceedings therefor, be forfeited to the state as provided in section six, article thirteen of the constitution.

Sec. 3. Lands Subject to Sale Under This Article.—All lands purchased by the state for nonpayment of taxes, or forfeited for nonentry, or escheated, or waste and unappropriated, are subject to sale as provided in this article.

Sec. 4. State Commissioner of Forfeited and Delinquent Lands.—The state auditor shall, ex officio, be state commissioner of forfeited and delinquent lands. The term "auditor", whenever used in this chapter in connection with the subject of forfeited, delinquent, escheated, or waste and unappropriated lands, shall be construed to refer to the auditor in his capacity as state commissioner of forfeited and delinquent lands.
The auditor is empowered, and it shall be his duty, through the land department in his office, to administer and carry into execution the laws with reference to such lands. The auditor, on behalf of the state, shall have power to hold and manage such lands, and to exercise all other powers incident to the general ownership of land.

Sec. 5. Deputy Commissioners of Forfeited and Delinquent Lands; Compensation; Bond.—There shall be for each county in the state a deputy commissioner of forfeited and delinquent lands. The auditor shall appoint such deputies as soon as may be after this act takes effect, and shall make new appointments from time to time thereafter whenever vacancies occur, or when in his judgment it is deemed advisable. The auditor may make rules respecting the tenure of deputy commissioners. In the absence of such rules, the deputy for each county shall, so long as he satisfies the requirements of this section in respect to professional qualifications and bonding, continue to act without reappointment until the auditor designates his successor.

Appointments shall be limited to persons duly licensed to practice law in the state, and so far as possible shall be made for each county from among attorneys residing and practicing law therein. If, however, there is in the opinion of the auditor no suitable person in a county available for appointment, he shall designate a member of the bar of another county in the same judicial circuit. Whenever in respect to any land the deputy commissioner, in his own judgment or in the opinion of the auditor, is disqualified because of his personal interest, or because of his representation of clients in matters affecting such land, the auditor may appoint a special deputy to deal with that land. All provisions of this article in respect to the rights, duties, liabilities and qualifications of the deputy commissioner, shall be applicable to the special deputy.

The deputy commissioner shall be subject to the orders and control of the auditor, shall be accountable to him, and shall serve as his local agent within the county. It
shall be his duty to do whatever is required of him by
the auditor or by the provisions of this article. As com-
36 pensation for his services he shall receive the sum of
one dollar for every tract certified to the circuit court
of the county of his appointment, and such additional
compensation and fees as are provided for in this article.
The auditor shall prepare and keep in his office a permanent
record of all forfeited, delinquent, escheated, and waste
and unappropriated lands. The record shall, as to every
tract or lot listed, set forth the information available
as to quantity, local description, and, except in the case
of waste and unappropriated lands, the name of the
former owner and the respective dates of nonentry and
forfeiture, or delinquency and sale to the state, or escheat,
as the case may be. The record shall be prima facie
evidence of all matters required by this section to be
set forth therein, including the propriety of the descrip-
tion of lands as forfeited, delinquent, escheated, or waste
and unappropriated.

Sec. 7. Operating Fund for Land Department in Audi-
tor'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-
four of this article except such part thereof as repre-
sents state taxes and interest and the proceeds of the
sale of any escheated or waste and unappropriated lands.
The fund shall be used by the auditor to pay any bal-
ances due to deputy commissioners for services rendered under the provisions of this article, to pay for publica-
tion of the notice to redeem as provided in section ten of this article, and to pay for the operation and mainte-
nance of the land department in his office. The surplus, over and above the amount of twenty-five thousand dol-
lars, 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.—When-
ever 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 un-
appropriated 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 before the first day of December, one thousand nine hundred forty-six, and on or before the first day of December 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 as much as a year before certification, except that escheated or waste and unappropriated lands need not be held a year but may be certified by the auditor at any time after they are brought to his attention. He shall note the fact of certification on his record of delinquent lands. Upon completion of a list for certification, a charge of one dol-
lar shall be added to the taxes, interest and charges already due on each item listed, to cover the costs in-
curred 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.

Escheated lands and waste and unappropriated lands
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 forfeited or delinquent, the amount of taxes and interest due on the date of 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.

All items certified to each circuit court 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 may 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 circuit court and the clerk of the county court shall each bind his copy in a permanent book to be labeled "Report of State Commissioner of Forfeited and Delinquent Lands," and the clerk of the county court shall note the fact of the certification of each item on his record of delinquent lands. Such copies shall become permanent records, and shall be preserved as such in the offices of the auditor, the county clerk and the circuit clerk.

Sec. 10. Publication of Notice to Redeem.—Within ten
2 days after receipt of the auditor's certified list of forfeited
3 and delinquent lands, the deputy commissioner shall pre-
4 pare and insert twice in two newspapers of opposite
5 politics, published in the county, a notice in form or effect
6 as follows:
7 Notice is hereby given to all interested parties that the
8 following described tracts or lots of land, or undivided in-
9 terests therein, forfeited or sold to the state for nonpay-
10 ment of taxes and not redeemed, are in the hands of the
11 deputy commissioner of forfeited and delinquent lands, and
12 that suits will be instituted as soon as possible for the ben-
13 efit of the school fund, and furthermore, that any person
14 having the right to redeem any of the lands may do so be-
15 fore the sale by applying to the deputy commissioner whose
16 address shall be given. The form of such a descriptive
17 list shall be determined by the auditor and shall show the
18 certificate number, the name of the party, parties, firms
19 or corporations claiming title to such land at the time it
20 was forfeited or sold to the state, the number of lots or
21 acres, as the case may be; the town, city, district, road,
22 street or waters in or on which such real estate is located
23 and the aggregate of the tax, costs and interests necessary
24 to redeem at the time the list of forfeited or delinquent
25 lands is certified to the deputy commissioner of forfeited
26 and delinquent lands. The deputy commissioner shall also
27 post a copy of the notice and list at the front door of the
28 courthouse on the date of the first publication. There
29 shall be allowed and paid out of the operating fund of
30 the land department in the auditor's office the sum of
31 twenty-five cents per item for each insertion in each news-
32 paper.

Sec. 11. Redemption After Certification and Before
2 Sale.—In order to redeem after certification and before
3 sale, a person having a right of redemption under the
4 provisions of section eight, article three of this chapter,
5 must apply to the deputy commissioner. The deputy
6 commissioner shall thereupon compute the amount re-
7 quired for redemption by adding to the amount stated
8 in the auditor's list as the total due on the date of certifi-
9 cation, 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, charges and costs 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, together with such compensation as he may have earned for making an examination of the title, as provided in section fifteen of this article. (4) A charge of one dollar for costs of the proceedings in the circuit court, if redemption is after institution of a suit for the sale of the land. (5) Such costs as may have been incurred for service of summons by publication, as provided in section eighteen of this article, or for publication of the notice of sale as provided in section thirty of this article.

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.

If redemption of any land is sought after institution of a suit for its sale, and if the pleadings disclose that there are two or more adverse parties claiming ownership of such land, the deputy commissioner shall allow redemption only upon order of the court.

Sec. 12. Certificate of Redemption Issued by Deputy Commissioner; Recordation.—Upon presentation to him of the sheriff's receipt for the amount found to be due under the preceding section, the deputy commissioner shall issue a certificate of redemption in the same form
as the auditor’s certificate required by section nine, article 
three of this chapter. All certificates issued by the deputy 
commissioner in each year shall be numbered consecu-
tively. The original certificate shall be sent to the auditor 
for filing in his office, one copy shall be delivered to the 
person redeeming, and the other copy shall be delivered 
by the deputy commissioner to the clerk of the county 
court who in respect to this certificate shall do every-
thing required of him by section nine, article three of 
this chapter, in respect to the auditor’s certificate, and 
shall also note the fact of redemption on his certified 
list. If redemption is after institution of a suit for sale 
of the land, the deputy commissioner shall report the 
redemption to the clerk of the circuit court who shall 
note the fact on his certified list.

Sec. 13. Lien of Person Redeeming Interest of Another; 
Record.—Any person redeeming an interest of another 
shall be subrogated to the lien of the state on such 
interest. He shall lose his right to the lien, however, 
unless within thirty days after payment he shall file 
with the clerk of the county court his claim in writing 
against the owner of such interest, together with a refer-
ence by number to the certificate of redemption delivered 
by the deputy commissioner to the clerk, as provided 
in the preceding section. The clerk shall docket the 
claim on the judgment lien docket in his office and proper-
ly index the same. Such lien may be enforced as other 
judgment liens are enforced.

Sec. 14. Revaluation and Reclassification.—One re-
deeming from the deputy commissioner may request such 
a revaluation or reclassification as is provided for in sec-
tion eleven, article three of this chapter. Any new 
valuation or reclassification shall, however, be certi-
fied by the county court to the deputy commissioner 
and shall be used by him in computing the taxes due.

Sec. 15. Preparation of List of Persons Entitled to 
Notice of Suit.—Upon receipt of the certified list, the 
deputy commissioners shall as speedily as possible pro-
cceed to make an examination of the title of each
tract or lot, in order to determine the persons entitled to
notice of the institution of suit for the sale of the land
and to acquire the information necessary for prepara-
tion of the bill as provided in section nineteen of this
article. If, however, the deputy commissioner knows or
later learns, from his examination of the title, or other-
wise, that any tract or lot is owned by a member of the
armed services who would be entitled to redeem the land
under the provisions of section fifty-two of this article, he
shall not proceed any further with the examination of the
title and shall not institute a suit for sale of the land. If
the fact of such ownership is not discovered until after
suit has been instituted, the deputy commissioner shall, as
soon as he learns the fact, request the court to enter an
order staying the proceedings as to such land until after
the expiration of the redemption period provided for in
that section.

He shall, in respect to each tract or lot, prepare a list
of the following persons entitled to notice of the insti-
tution of the suit: (1) The person in whose name the
real estate was forfeited or was returned delinquent and
sold, or, in case of his death, his heirs or devisees and his
personal representative, if such there be; (2) every sub-
sequent grantee of the land, or his heirs or devisees and
his personal representative, if such there be, if the con-
voyance under which he claims is recorded or filed for
record in the office of the clerk of the county court; (3)
every person having a lien upon such real estate dis-
closed by any paper recorded in the county clerk's of-
office; and (4) every other person having such an interest
in the property as would entitle him to redeem, if the
existence of such interest appears of record.

He shall, as to each tract or lot, also obtain the in-
formation appearing on the record concerning the source
of title of the person in whose name the land was for-
feited or was returned delinquent and sold, and if it con-
tains a description of the land, by reference or otherwise,
he shall make a note of the date of the deed or other writ-
ing in which the description or reference appears, and of
the volume and page of the record on which it is found.

For his services in making the examination of the title
of each tract or lot, the deputy commissioner shall be entitled to a fee of ten dollars, plus such additional compensation as the auditor may recommend and the court or judge approve, to be paid as hereinafter provided.

Sec. 16. Suit for Sale of Lands.—As soon as possible after receipt of the certified list, the deputy commissioner shall, except as otherwise provided in the preceding section, institute in the circuit court of his county a suit or suits in chancery, in the name of the State of West Virginia, for the sale for benefit of the school fund of all the lands included in the list, except such as may have been redeemed after certification. Except as hereinafter provided, not more than twenty-five items as certified by the auditor shall be included in one suit, and whenever the deputy commissioner deems it advisable, a suit may be instituted in respect to any number less than twenty-five. In the case of forfeited or delinquent undivided interests in a single tract or lot, one suit may be brought for the sale of all such interests regardless of the number involved. In a suit for the sale of any escheated lands or of any waste and unappropriated lands, no lands of any other sort shall be included.

Sec. 17. Parties Defendant; Right to Intervene.—In any suit for the sale of lands for the benefit of the school fund, the deputy commissioner shall name as parties defendant all persons mentioned in section fifteen of this article as ones entitled to notice of the institution of suit. He shall also make defendants all other persons, including the unknown heirs of any deceased former owner, who, according to his knowledge however acquired, have or claim an interest in any of the land included in the suit. Failure to make any such person a defendant, however, shall in no wise affect the validity of the proceeding in respect to any person who was made a defendant. In the case of escheated or waste and unappropriated lands, the deputy commissioner shall also make parties defendant, in addition to those referred to in the preceding paragraph, all unknown claimants of any interest in such lands. In the case of any land which the deputy commissioner
has found should not be sold, it shall be necessary for him
to name as a party defendant only the former owner, in
whose name the real estate was forfeited or was returned
delinquent and sold, or, if the land has since been trans-
ferred, only the present owner or owners.

Any person claiming an interest in any land included
in a suit instituted under the provisions of the preceding
section may intervene, at any stage of the proceeding, by
filing his petition in the suit stating what interest he
claims, and thereupon he shall become a party defendant
with the same rights as if he had originally been named a
defendant.

Sec. 18. *Summons; Service.*—In all suits for the sale of
lands as provided in this article, the clerk of the circuit
court shall append to the summons a memorandum con-
taining a list of the lands included in the suit, setting forth
as to each tract or lot its location, and local description, and
the names of such defendants as may be interested therein.
The summons in such suits shall be in form and effect
as follows.

**SUMMONS IN CHANCERY**

**STATE OF WEST VIRGINIA:**

To the Sheriff of __________ County, Greeting:

You are hereby commanded to notify __________

(Here list all defendants in the suit.)

that the State of West Virginia has instituted a suit for the
sale, for benefit of the school fund, of the lands listed in the
appended memorandum, and you are further commanded
to summon each of the persons named above, if he be found
in your bailiwick, to appear before the judge of the circuit
court for __________ County, at rules to be held in the clerk's
office of such court on the first Monday in __________ next, to
answer the bill in chancery of the state of West Virginia,
exhibited therein against him, and show cause, if any there
be, why a decree should not be entered for the sale of the
land or lands in respect to which, in the appended memo-
randum, he is named as an interested party, and have then
and there this writ.
542  SALE OF LANDS FOR SCHOOL FUND  [Ch. 140

30  WITNESS: ................................................., Clerk of the circuit court for
31  ...................... County, at the courthouse thereof, on this the ...........
32  day of........................., 19__, and in the ........ year of the state.
33  ........................................................................, Clerk
34  By.................................................., Deputy.
35
36  MEMORANDUM
37  Lands Included in Suit  Parties Interested in
38  Location and Local Description  Each Tract or Lot
39  1.................................................. ..................................................
40  2.................................................. ..................................................
41  (etc.)
42
43  The summons and memorandum shall be personally
44  served on those defendants who are found or reside in the
45  state, and shall be served on all other defendants, by pub-
46  lication once a week for three successive weeks, as in
47  other suits in chancery. In such published summons,
48  however, only those defendants not served personally
49  shall be named, and in the published memorandum shall
50  be listed only those tracts or lots in which such defendants
51  are interested. The published summons shall, however,
52  refer to the style of the case, as, State of West Virginia v.
53  A. B., et al.
54
55  The cost of such publication shall not, for each in-
56  sertion, exceed the total of the following amounts: (1)
57  Five cents for each defendant served by publication; (2),
58  twenty-five cents for each tract or lot listed in the pub-
59  lished memorandum; and (3) five cents for each defend-
60  ant named as a party interested in the listed tracts or lots.
61  Such publication charges in respect to each tract or lot
62  shall be taxed to the state as part of its costs in the suit
63  and shall be paid as hereinafter provided.

Sec. 19. Averments and Prayer of Bill.—In all suits for
2 the sale of lands as provided in this article, the bill shall,
3 except as hereinafter provided, contain an averment that
4 each tract or lot included in the suit is, as certified to the
5 court by the auditor, subject to sale for the benefit of the
6 school fund. The bill shall also contain a list of the lands
7 included in the suit, setting forth as to each piece of land
8 the total amount due including all fees or compensation
9 earned by the deputy commissioner, and indicating
whether the land is forfeited, delinquent, escheated or
waste and unappropriated, its certification number, loca-
tion and general description, the name of the former
owner, if any, and in the case of forfeited or delinquent
land, the year of forfeiture or sale to the state. Whenever
possible the bill shall as to each item, by reference to
the former owner’s source of title, state that the particular
tract or lot is the same land described, by reference or
otherwise, in the deed or other writing dated __________,
and recorded on page ______, volume ______, of the records
in the county clerk’s office.
If the deputy commissioner has found that any land
included in the suit is not subject to sale, the bill shall
state the fact and the reasons for the deputy comis-
sioner’s conclusion. In such case, the prayer of the bill
shall be that the court enter an order dismissing the suit
in respect to such land. In respect to all other tracts or
lots mentioned in the bill, the prayer shall be that the
court enter a decree ordering the sale of each such tract
or lot.

Sec. 20. Procedure; Extent to Which Defendant Is
Bound by Order or Decree.—Except as otherwise speci-
fically provided, all suits instituted under the provisions
of this article shall in all respects be commenced, pro-
ceeded in, heard and determined in like manner as other
suits in chancery.
A defendant in a suit brought under the provisions of
this article shall be bound by the orders or decrees en-
tered therein only in so far as they concern the particular
land in respect to which he was named in the bill as an
interested party.

Sec. 21. Certified List Made Exhibit and Part of Bill.—
The list of lands certified to the circuit court by the
auditor shall be considered to be an exhibit, and a part
of the bill, in every suit for the sale of any lands included
therein. Such list shall be prima facie evidence of every-
thing required by section nine of this article to be stated
concerning each item, including the propriety of the
description of any land as forfeited, delinquent, escheated
or waste and unappropriated.
Sec. 22. *Separate Order Book to Be Kept by Clerk; Costs.*—All orders or decrees made by the court in respect to proceedings for the sale of lands under this article shall be entered by the clerk of the court in a separate chancery order books, to be labeled "Chancery Order Book for Sales of Lands for School Fund." Every order shall specify the certification number of each item to which the order is applicable. The clerk of the court shall index the order book by certification number and name of former owner of each tract.

The court costs shall be one dollar for each tract or lot included in the suit, which amount shall be taxed to the state as part of its costs and shall be paid as hereinafter provided. Unless otherwise expressly provided by this article, no additional court costs shall be taxed.

Sec. 23. *Decree by Default.*—Under any of the circumstances mentioned in section forty-nine, article four, chapter fifty-six of this code, a decree by default may be entered, in a suit for the sale of land under the provisions of this article, against any defendant who was properly served with process, either personally or by publication.

Sec. 24. *Application for Reduction of Amount Due.*—Any person substantially interested, who claims that the amount rightfully due on any item is less than the amount charged against it on the certified list, may, unless the decree for sale has become final as to him, apply to the circuit court at any time before the sale for an order reducing such amount. The deputy commissioner may also apply for such an order whenever, because of a re-valuation under section fourteen of this article, or for any other reason, he is satisfied that the amount should be reduced.

Sec. 25. *Application for Dismissal of Suit.*—Any person substantially interested may, unless the decree for sale has become final as to him, apply to the circuit court at any time before the sale for an order dismissing the suit for the sale of any land as to which he makes one or more of the following claims: (1) That all taxes due thereon were paid before sale to the state; (2) that the land was
redeemed after sale to the state; (3) that the land has not escheated; (4) that the land has not been forfeited for nonentry; (5) that the land was sold to him at a former circuit court sale for the benefit of the school fund and has not thereafter been sold to the state for nonpayment of taxes nor forfeited for nonentry; (6) that he has acquired title to the land by transfer under the provisions of section three, article thirteen of the constitution. The application shall state briefly the facts on which the claim is based. The deputy commissioner may also apply for such an order whenever on any of these grounds he is satisfied that the land should not be sold.

Sec. 26. Procedure upon Application for Reduction or Dismissal; Order of Reference.—Whenever application under either of the two preceding sections is made by the deputy commissioner, he shall state briefly the reasons for his application, and the court, if satisfied therewith, shall enter the order applied for, together with such other orders mentioned in section twenty-eight of this article as may in the opinion of the court be appropriate. No costs shall be taxed in connection with applications by the deputy commissioner.

Whenever such an application is made by a person substantially interested, the court shall make a decree of reference as to the land involved, directing a commissioner in chancery to ascertain the facts and report to the court concerning the matter in dispute, unless the court, by reason of the fact that the right claimed by the applicant is clearly established, or for any other reason, is of the opinion that a decree of reference need not be made as to such land. The costs in connection with an application by an interested party and those in connection with the reference to a commissioner in chancery, if a reference was made, shall be taxed to the applicant.

Sec. 27. Execution of Reference; Report.—Before proceeding to discharge his duties under the decree of reference, the commissioner in chancery shall give at least ten days' notice in writing to all interested parties of record, who have appeared in the suit and who are named as defendants in respect to any of the lands included in
the reference, of the time and place at which he will so
proceed. Like notice shall be given to the deputy com-
missioner who shall attend as representative of the state.
As soon after the hearing as may be practicable, the
commissioner in chancery shall prepare and file his report
with the court, and may do so as to one or more of the
tracts or lots mentioned in the decree of reference, with-
out waiting to complete his report as to all of them.

Sec. 28. Orders When Applicant's Claim Upheld.—
Whenever, on the basis of the report of the commissioner
in chancery, or otherwise, the court shall find that the
applicant has established the claim made by him, it shall,
in the case of an application under section twenty-four
of this article, determine the amount properly due, and
enter an order that upon payment of this amount the
applicant shall be entitled to a certificate of redemption;
and in the case of an application under section twenty-
five of this article, the court shall enter an order dis-
missing the suit as to the land or interest claimed.

Sec. 29. Decree of Sale.—Whenever, in respect to any
tract or lot included in a suit for the sale of lands for
the school fund, the court, either because none of the
defendants interested in the tract or lot has appeared in
the suit or because such of them as did appear failed to
overcome the burden of proof resting on the state to
prove by a preponderance of the evidence that the land
is subject to sale, shall find as alleged in the bill that the
tract or lot is subject to sale for the benefit of the school
fund, it may enter a decree ordering that such tract or lot
be sold by the deputy commissioner at public auction to
the highest bidder. In every such decree the court shall fix
the time and place of the sale.

The court may order the sale of any one or more of the
tracts or lots mentioned in the bill, without waiting for
the termination of the suit as to other lands included
therein. It may also order that lands included in several
suits be sold at the same sale.

Sec. 30. Notice of Sale.—In order to encourage attend-
ance and bidding at the sale, the deputy commissioner
shall, beginning at least fifteen days before the day on
which the court has ordered that any lands be sold, publish once a week for two successive weeks a list of all such lands in two newspapers of opposite politics, if such there be in the county. At the head of the list there shall be a notice of the sale in form or effect as follows:

Notice is hereby given that, pursuant to the order of the Circuit Court of __________ County, the following described tracts or lots of land, or undivided interests therein, will unless sooner redeemed be sold for cash to the highest bidder at public auction at (insert place of sale fixed by court), beginning at ten o'clock in the morning on the __________ day of __________, 19________.

The list shall set forth as to each tract or lot its quantity, local description and, except in the case of waste and unappropriated lands, the name of the former owner, and shall also specify the total amount of taxes, interest, charges and costs due.

The cost of such publication, not to exceed twenty-five cents per item for each insertion in each newspaper, shall be taxed to the state as part of its costs in the suit and shall be paid as hereinafter provided.

Sec. 31. Sale by Deputy Commissioner; Receipt for Purchase Price; Report to Circuit Court.—On the day fixed by order of the court the deputy commissioner shall sell, in the manner specified in the notice of sale, each unredeemed item included in the published list of lands to be sold. If the sale is not completed on that day, it shall be continued from day to day until all the land has been offered for sale. If in respect to any land no bid is made, the deputy commissioner shall report that fact to the court, and the court may order that such land be sold at a subsequent sale.

For the purpose of receiving the proceeds of the sale, it shall be the duty of the sheriff or one of his deputies to attend all such sales conducted by the deputy commissioner in his county. The sheriff or deputy shall issue to the purchaser of each tract or lot a receipt for the purchase money. The auditor may prescribe the form of the receipt.

The deputy commissioner shall prepare a report for the
SALE OF LANDS FOR SCHOOL FUND

Sec. 32. 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 for an order directing the sheriff to return the purchase money. If satisfied that the application is proper, the court 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. 33. Co-owner Free to Purchase at Sale.—Any co-owner, except a coparcener, in the absence of satisfactory proof of a fiduciary relationship, shall be entitled to purchase at the sale for his own account the interest of any, or all, of his co-owners in any real estate, without being required to hold such interest or interests under a constructive trust. There shall be a prima facie presumption against the existence of any such constructive trust.

Sec. 34. Purchase by Former Owner or by Deputy Commissioner and Other Officers Prohibited.—It shall be illegal for a former owner, in whose name any real estate was forfeited or was sold to the state, his heirs or assigns, to purchase such real estate at the sale, or to be indirectly interested in its purchase. No deputy commissioner, sheriff, clerk of the county or circuit court, assessor, nor
deputy of either shall directly or indirectly become the
purchaser, or be interested in the purchase of any real
estate at the sale. Any such person or officer so purchas-
ing shall for each offense forfeit one hundred dollars, to
be collected as other forfeitures are collected. The sale
of any real estate to one of the persons or officers named
in this section shall be voidable, at the instance of any
person having the right to redeem, until such real estate
reaches the hands of a bona fide purchaser.

Sec. 35. Right of Former Owner to Surplus Proceeds.—
If upon the sale of any forfeited or delinquent lands a
surplus is realized over and above the total amount due
on such land, the sheriff shall pay such surplus to the
general receiver of the circuit court. The former owner
of such land, his heirs or assigns, shall be entitled to the
surplus upon application to the circuit court, if appli-
cation is made within two years after the sale. If no
application is made within two years the general receiver
shall pay such surplus into the operating fund for the
land department in the auditor’s office.

Sec. 36. Right of Creditor of Former Owner of Es-
cheated Land.—Upon application to the court within a
year after the sale, any surplus proceeds arising from
the sale of escheated land, after all publication and other
charges or costs in respect thereto have been paid, may
be applied to the satisfaction of the claims of creditors of
the decedent who had a lien on the land at the time of his
death, or who, being general creditors, have properly
proved their claims against his estate and have been
unable to obtain payment out of the personalty. In the
disposition of any such surplus, due preference shall be
given to lien creditors over general creditors.

Sec. 37. Redemption After Sale and Before Confirma-
tion.—After the sale of any forfeited or delinquent land,
any person having a right of redemption under the pro-
visions of section eight, article three of this chapter, may
redeem such land at any time before confirmation of the
sale by complying with the provisions of this section.
He must first pay to the purchaser, his heirs or assigns,
the amount of purchase money, with interest at the rate of twelve per cent per annum from the date of sale. The person redeeming shall be given an itemized receipt for the payment. If the purchaser, his heirs or assigns, shall refuse or fail to sign and give such a receipt when lawfully required to do so, he or they shall pay to the person redeeming twice the amount of such payment, which may be recovered by action on the case in any court of competent jurisdiction.

After obtaining the itemized receipt, the person redeeming shall present it to the deputy commissioner who shall then calculate the additional amount required for redemption. If the land was sold for as much or more than the total amount of taxes, interest, charges and costs due thereon, the additional amount required for redemption shall be only the fee for the certificate of redemption, together with the fee of one dollar for execution of the certificate. If the land was sold for less than the amount due, the additional amount required for redemption shall be the difference between the purchase price at the sale and the amount then due, with interest at the rate of twelve per cent per annum from the date of sale, plus the fees mentioned above.

After the deputy commissioner has determined the amount required for redemption he shall prepare such an order as is provided for in section eleven of this article, directing the sheriff to receive and give his receipt for the payment. Upon presentation to him of the sheriff's receipt for the amount due, the deputy commissioner shall issue a certificate of redemption as required by section twelve of this article, and shall comply with all other provisions of that section in respect to such certificate.

Sec. 38. Lien of Person Redeeming Interest of Another; Record.—Any person who, by reason of the fact that no provision is made for partial redemption from the circuit court sale, is compelled in order to protect himself to redeem all of any real estate which belonged in whole or in part to some other person, shall have a lien on the interest of such other person for the amount paid to redeem such interest. He shall lose his right to the lien, how-
ever, unless within thirty days after payment he shall file
with the clerk of the county court his claim in writing
against the owner of such interest, together with the re-
cceipt provided for in the following section, or with a
reference by number to the certificate of redemption.
The clerk shall docket the claim on the judgment lien
docket in his office and properly index the same. Such
lien may be enforced as other judgment liens are enforced.

Sec. 39. Payment of Redemption Money to Clerk of
Circuit Court.—Whenever the deputy commissioner or
the purchaser, his heirs or assigns, shall refuse to allow
redemption, or cannot be found, payment of the amount
required for redemption may be made to the clerk of the
circuit court at any time before confirmation of the sale.
The clerk shall issue duplicate receipts, note the fact of
redemption on his certified list, and report the redemption
to the deputy commissioner. One of the receipts shall be
given to the person redeeming and the other shall be sent
by the clerk to the clerk of the county court, who, after
noting the fact of redemption on his record of delinquent
lands, shall file and preserve the receipt in his office.

Sec. 40. Contest of Redemption by Payment to Clerk.—If
the deputy commissioner or the purchaser, his heirs or
assigns, dispute the right to redeem of the person making
payment to the clerk as provided in the preceding section,
he or they may, within one year after payment to the
clerk, give to such person, or to his heirs, or personal rep-
resentative, notice in writing of such dispute, requiring
him or them to appear before the circuit court of the
county, on a day to be named in the notice, and prove that
the person who made the payment had a right to redeem.
Such notice shall be served at least ten days before the
day on which it is returnable, and if the party served
fails to appear, or if he appears and fails to prove the
right to redeem, the court shall enter an order canceling
the redemption. The court shall also order the clerk of
the court to return the redemption money to the person
who made the payment, or to his personal representative.
If, however, the decision of the court be that such person
had the right to redeem, the clerk shall be ordered to pay
the money to the purchaser, his heirs or assigns, or to the
sheriff, as the case may be, and shall order the deputy
commissioner to execute a certificate of redemption as re-
quired by section thirty-seven of this article.

Sec. 41. Contest When Claim Is Made That Payment
Was Insufficient.—If the deputy commissioner or the pur-
chaser, his heirs or assigns, admit the right to redeem but
claim that the sum paid the clerk was insufficient, he or
they may, upon such notice as is required by the preced-
ing section, have the sufficiency of the payment deter-
mined by the court. If the person served fails to appear,
or if the decision is that the sum paid was insufficient, the
court shall, unless such additional amount as may be
found to be due is paid within thirty days, enter an order
canceling the redemption, and shall also enter such fur-
ther appropriate orders as are authorized to be entered
under the preceding section. If the sum is found to have
been sufficient, the court shall make such orders as are
appropriate when the right to redeem is sustained under
the preceding section.

Sec. 42. Proceeding to Set Aside Sale.—Any person en-
titled under the provisions of section twenty-five of this
article to apply for an order dismissing the suit for the
sale of any land, but who did not learn of the suit in time
to protect himself by making such application, may, at
any time after the sale and before confirmation thereof,
institute a proceeding under this section to set aside the
sale. Notice in writing of the institution of such proceed-
ing shall be given to the purchaser, his heirs or assigns.
The notice shall state the facts which are the basis of the
claimed right to have the sale set aside, shall require the
person served to appear before the circuit court, on a day
to be named in the notice, and protect whatever rights
were acquired at the sale, and shall be served at least
ten days before the day on which it is returnable.
If the decision be in favor of the claimant, the court
shall enter an order setting aside the sale, and directing
the sheriff to return the purchase money to the purchaser,
his heirs or assigns. Until a decision has been made, the
sale may not be confirmed.
Sec. 43. Confirmation of Sale; Right to Redeem Terminated.—As soon as possible after the report of the sale has been filed with the clerk of the circuit court as provided in section thirty-one of this article, the deputy commissioner shall apply to the court for an order confirming the sale of each tract or lot sold. If satisfied that the purchase price was as high as might reasonably be expected, the court shall enter an order confirming the sale and directing the deputy commissioner to execute and deliver to the purchaser, or to his heirs or assigns, a deed as provided in the following section. If, however, the court shall be of the opinion that the purchase price was too low, it shall refuse to confirm the sale and shall enter an order directing the deputy commissioner to sell the land again at his next sale and directing the sheriff to return the purchase money to the purchaser, his heirs or assigns. If in any case the court shall be in doubt as to the sufficiency of the purchase price, it may direct the deputy commissioner to confer with the county court, as the board of review and equalization, or with the assessor, or both, concerning the present true and actual value of the land, and to report their estimate of such value to the court.

Upon confirmation of the sale all right of redemption in respect to the land shall be terminated, except such as is expressly saved by the provisions of section fifty-one of this article for persons under disability, or by the provisions of section fifty-two of this article for persons in the armed services.

Sec. 44. Deed to Purchaser; Record.—Whenever ordered to do so as provided in the preceding section, the deputy commissioner shall make and deliver to the person entitled thereto a deed in form or effect as follows:

This deed made this ______ day of ______________, 19____, by and between __________________________, deputy commissioner of forfeited and delinquent lands for _______ County, West Virginia, acting for and on behalf of the State of West Virginia, grantor, and ______________________, purchaser, (or ____________________, heir, devisee or assignee of ______________________, purchaser,) grantee, wit-
Whereas, In pursuance of the statutes in such case made and provided, the above named deputy commissioner did, by order of the Circuit Court of ________________ County, in the month of ________________, in the year 19___, sell the real estate, hereinafter mentioned and described, for the benefit of the school fund, and ____________________________, (here insert name of purchaser) for the sum of $______________, that being the amount of purchase money paid, did become the purchaser of such real estate (or of an undivided ____________ interest in such real estate) which was sold to the state for nonpayment of taxes in the name of ________________; (or which was forfeited to the state for nonentry in the name of ________________; or which escheated to the state in the name of ________________; or which was waste and unappropriated land belonging to the state;) and

Whereas, The real estate so purchased has not been redeemed in the manner prescribed by law, and the time for redemption has expired; and

Whereas, By an order entered on the ________________ day of ________________, 19___, in the case of State of West Virginia v. (A. B., et al.), the Circuit Court of ________________ County has confirmed the sale and has ordered that this deed be executed;

Now, therefore, the grantor, for and in consideration of the premises and in pursuance of the statute, doth grant and convey unto ________________, grantee, his heirs and assigns forever, the real estate so purchased, situate in the county of ________________, bounded and described as follows:

Witness the following signature:

Deputy Commissioner of Forfeited and Delinquent Lands for ________________ County

After execution and acknowledgment of the deed, the deputy commissioner shall ascertain from the clerk of the county court the total amount of the transfer fee, the fee for recording the deed, and if the grantee was an assignee of the purchaser, the fee for recording the assignment, and
shall notify the grantee to pay such amount to the clerk
of the county court. Upon such payment and upon pay-
ment by the grantee to the deputy commissioner of a fee
of five dollars as his compensation for preparing and
executing the deed, the deputy commissioner shall have
the deed and the assignment, if any, recorded by the
clerk of the county court before delivery of the deed
to the grantee. The purchaser shall have the right to
examine the deed before it is recorded.
The clerk of the county court shall index the deed in
the grantor’s index under the name of the former owner
mentioned in the deed as well as under the name “State
of West Virginia.”

Sec. 45. Title Acquired.—Whenever, under the pro-
visions 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 as-
sessed and taxed, has done so and has paid all the taxes
due thereon, or unless the rights of such person are ex-
pressly saved by the provisions of sections thirty-four,
forty-seven, forty-eight, forty-nine, fifty-one or fifty-two
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.

Sec. 46. Effect of Irregularity on Title Acquired.—No
irregularity, error or mistake in respect to any step in the
procedure leading up to and including confirmation of
the sale or delivery of the deed shall invalidate the title
acquired unless such irregularity, error or mistake is, by
the provisions of sections thirty-four, forty-seven, forty-
eight or forty-nine of this article, expressly made ground
for instituting a suit to set aside the sale or the deed. This
and the preceding section are enacted in furtherance of
the purpose and policy set forth in section one, article
three of this chapter.
Sec. 47. Right to Set Aside Sale or Deed When Land Was Not Subject to Sale.—Any person entitled under provisions of section twenty-five of this article to apply for an order dismissing the suit for the sale of any land, and not named in section fifteen of this article as one entitled to notice of the institution of the suit, who did not have actual knowledge of the proposed sale in time to protect himself under the provisions of section twenty-five or of section forty-two of this article, may, on or before the expiration of one year after confirmation of the sale, institute a suit in equity to set aside the sale or the deed. If such suit is instituted by or on behalf of the owner of an undivided interest which was included in a group assessment but which was separately redeemed before certification, the sale or the deed shall be set aside only in so far as it affects his interest.

Sec. 48. Right to Set Aside Deed Improperly Obtained.—Whenever the deputy commissioner has delivered a deed to a purchaser who was not entitled thereto because the property conveyed had been redeemed, the former owner of such property, his heirs or assigns, or the person who redeemed the property may, on or before the expiration of one year after confirmation of the sale, institute a suit in equity to set aside the deed.

Sec. 49. Right to Set Aside Sale or Deed When One Entitled to Notice Not Notified.—If any person entitled to be notified under the provisions of section fifteen of this article is not given notice of the institution of the suit and does not have actual knowledge thereof in time to protect his interests by redeeming the property or by instituting proceedings under section forty-two of this article to set aside the sale, he, his heirs or assigns, may, on or before the expiration of one year after confirmation of the sale, institute a suit in equity to set aside the sale or the deed. No sale or deed shall be set aside under the provisions of this section until payment has been made or tendered to the purchaser, his heirs or assigns, and to the deputy commissioner if necessary, of the amount which would have been required for redemption, together with any taxes which have been paid or are
chargeable on the property since the sale, with interest
at the rate of twelve per cent per annum.

Sec. 50. On Whose Behalf Suits Instituted; Decree When
Sale or Deed Set Aside.—Any suit instituted under the
provisions of either of the three preceding sections by a
person other than the owner, or the former owner, his
heirs or assigns, must be brought on his or their behalf.
Whenever the sale or deed in such case is set aside the
decree shall be either that all the right, title and interest
held or claimed by the state prior to the sale to the extent
that title is proved to be in the person named as owner,
is vested in such person, or that all the right, title and
interest of the former owner, his heirs or assigns, is re-
vested in him or them.

Sec. 51. Redemption by Persons Under Disability.—In
addition to and notwithstanding any other provision of
this article, any infant or insane person, the former owner
of any forfeited or delinquent land which during such
disability was sold as provided in this article, may redeem
such land from the purchaser, his heirs or assigns, at any
time before the expiration of one year after removal of
the disability, but in no event more than twenty years
after the sale was confirmed, by paying such an amount
as is required for redemption under the provisions of
section thirty-five, article three of this chapter.
As an alternative to the right of redemption provided
by this section, such infant or insane person may elect
to redeem forfeited land as provided in section six, article
thirteen of the constitution.

Sec. 52. Redemption by Members of Armed Services.
—In addition to and notwithstanding any other provision
of this article, any member of any branch of the armed
services of the United States, who was the person in whose
name any land was forfeited, or was sold to the state for
nonpayment of taxes, or who is the heir or devisee of
such person, may redeem the land at any time before
the expiration of one year after his or her discharge from
the armed services, but in no event more than one year
after the termination of the present war or after his or her
final return to the territorial limits of the United States, which ever is later. In order to redeem, such person must pay to the purchaser, if any, the amount of the purchase money or the taxes due, which ever is smaller, with interest at the rate of six per cent per annum to the date of redemption, and to the sheriff such additional amount, if any, to be calculated by the deputy commissioner, as would have been necessary to discharge the taxes, interest and charges, if any, due on the land on the day he or she became a member of the armed forces, with interest at the rate of six per cent per annum to the date of redemption, together with any other taxes that have since become due or chargeable thereon, with interest at the rate of six per cent per annum to the date of redemption.

If redemption is sought by any such person before certification of the land, he shall pay to the auditor only such an amount as is required by this section, rather than the amount required by section eight, article three of this chapter.

Sec. 53. 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 of his county before the first day of the preceding July, unless the final disposition of such item is shown in a former 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 dollars.

Sec. 54. Sheriff to Keep Proceeds in Separate Accounts; Disposition.—The sheriff shall keep in a separate fund the proceeds of all redemptions and sales paid to him under the provisions of this article. He shall keep separate
accounts of the proceeds of redemptions before institution of suit and the proceeds of sales and redemptions after institution of suit.

The proceeds of redemptions before institution of suit shall in respect to each tract or lot be credited as follows, for payment as hereinafter provided: (1) To the deputy commissioner, such part as represents fees and other compensation due him; (2) to the auditor, such part as represents state taxes with interest, the redemption fee, and all charges which were paid by or which are payable to the auditor; (3) to the fund kept by the sheriff for each local taxing unit, such part as represents taxes, interest and charges payable to such unit.

In respect to the proceeds of sales and redemptions after institution of suit, the sheriff shall keep a separate account as to all tracts or lots included in each suit. Out of the total proceeds of sales and redemptions of the lands included in a particular suit, the sheriff shall first earmark an amount sufficient to pay all court costs taxed to the state and all charges or fees due in respect to any tract or lot included in the suit. If the total is insufficient for this purpose, the sheriff shall on a pro rata basis divide the proceeds among the various charges and costs. The amount so set aside for charges and costs shall be credited as follows, for payment as hereinafter provided: (1) To the clerk of the circuit court, such part as represents court costs; (2) to the deputy commissioner, such part as represents fees or compensation due him; (3) to the auditor, such part as represents redemption fees, and all charges which were paid by or which are payable to him; (4) to the general county fund, such part as represents charges paid out of such fund or payable to it.

The balance, if any, of the proceeds of the lands included in the suit shall be prorated among the various taxing units on the basis of the total amount of taxes due them in respect to the lands that were sold or redeemed, and shall be credited as follows, for payment as hereinafter provided: (1) To the auditor, such part as represents state taxes and interest, and the surplus proceeds of the sale of any escheated or waste and unappropriated lands; (2) to the fund kept by the sheriff for
each local taxing unit, such part as represents taxes, interest and charges payable to such unit.

The amounts so credited by the sheriff to the deputy commisioner shall be paid to him quarterly; those credited to the clerk of the circuit court shall be paid to him quarterly; those credited to the auditor shall be paid to him semi-annually; and those credited to the various local taxing units shall be transferred semi-annually by the sheriff to the fund kept by him for each such taxing unit.

The tax commissioner, in cooperation with the land department in the auditor's office, shall prescribe the form of the records to be kept by the sheriff for the purposes of this section, and the method to be used by him in making the necessary pro rata distributions.

Sec. 55. Disposition of Pending Suits; Former Sales Confirmed.—All suits now pending in any circuit court for the sale of lands for the benefit of the school fund shall be and are hereby discontinued and dismissed. Any circuit court in which such a suit is pending shall make all necessary orders for such discontinuance and dismissal. All sales and conveyances made in any former circuit court suits for the sale of lands for the benefit of the school fund are hereby confirmed. Whatever right, title or interest the state had in any land so sold, shall be deemed to have vested in the purchaser or grantee thereof. Notwithstanding any irregularity, error or mistake in such suit or in the tax enforcement proceedings prior thereto, such title shall not hereafter be subject to attack. This paragraph is enacted in furtherance of the purpose and policy set forth in section one, article three of this chapter.

Sec. 56. Liability of Officer Failing to Perform Duty; Penalty.—If the deputy commissioner or any other officer mentioned in this article shall fail or refuse to perform any duty required of him, he and the sureties on his official bond shall be liable in an action on the bond for such damages as may be sustained by any person by reason of such failure. In addition to this liability, he shall forfeit not less than twenty-five nor more than one
hundred dollars for each such failure or refusal, unless a different penalty is imposed by the provisions of this article.

Sec. 57. Release of Taxes and Interest.—In view of the great uncertainty and confusion existing in the auditor’s records of delinquent lands for the years prior to one thousand nine hundred thirty-six, due to the insufficient and inadequate reports by former school land commissioners, and the unconstitutionality of the legal status of delinquent or forfeited undivided interests, the Legislature finds that it will be impossible to provide a speedy method for disposing of delinquent and forfeited lands and for conveying to the purchasers of such lands a secure title, unless some action is taken to prevent the certification and sale of lands which were formerly redeemed from or were sold by such commissioners, but which appear on the auditor’s records, as unsold and unredeemed. Wherefore it is the purpose and intent of the Legislature to release all taxes, interest and charges that may be due on any real estate in this state for the assessment year one thousand nine hundred thirty-five and for all years prior thereto, and all such taxes, interest and charges are hereby declared to be fully paid. If all the taxes due on any land for the assessment year one thousand nine hundred thirty-six and for all years subsequent thereto have been paid, all title to any such land theretofore acquired by the state shall be and is hereby released.

The auditor, in computing the amount necessary for redemption as provided in section eight, article three of this chapter, and in preparing the list of lands for certification to the circuit court as provided in section nine of this article, shall use the assessment year one thousand nine hundred thirty-six as the initial year for which taxes are charged. He shall specify the year in which the state acquired title, but if such year was prior to one thousand nine hundred thirty-six, shall charge no taxes for any year prior thereto, nor shall he charge any interest, fees, penalties or costs for any years prior to the year one thousand nine hundred thirty-six, and all interest, fees, penalties and costs provided by law shall be charged
CHAPTER 141

(House Bill No. 42—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, acts of the Legislature, regular session, one thousand nine hundred forty-three; and section twenty-two, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter eighty-nine, acts of the Legislature, regular session, one thousand nine hundred forty-three, relating to tax on gasoline.

[Passed February 22, 1945; 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.

22. Taxes to be used for road purposes.

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, acts of the Legislature, regular session, one thousand nine hundred
forty-three; and section twenty-two, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter eighty-nine, acts of the Legislature, regular session, one thousand nine hundred forty-three, 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-seven, 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-seven, 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 of the tax by refiners and producers when such gallonage has been placed into any tank from which withdrawals are made for sales or transfer to any other person.

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. A tax due and unpaid under this article shall be a debt due the state of West Virginia. It shall be a per-
sonal obligation of the taxpayer and shall be a lien in fa-
vor of the state of West Virginia upon all property and
rights to property, whether real or personal, belonging to
such taxpayer. The lien shall arise when a taxpayer fails
to file his return and remit the tax at the time required by
this article. Such lien shall not be valid or enforceable
against a purchaser (including lien creditor) of real estate
or personal property for a valuable consideration, without
notice unless docketed in the office of the clerk of the
county court as provided in sections one and two, article
ten-c, chapter thirty-eight of the code of West Virginia,
one thousand nine hundred thirty-one, as last amended
and reenacted by chapter ninety-nine, acts of the Legisla-
ture, regular session, one thousand nine hundred forty-
three.

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 of
the discontinuance, sale or transfer takes effect. Such no-
tice 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, not-
withstanding 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 certifi-
cate theretofore issued, under the provisions of this ar-
ticle.

Unless the notice shall have been given to the tax
commissioner as above provided, such purchaser or trans-
feree 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 selling or transferring his business, on the date of
such sale or transfer, but only to the extent of the value
73 of the property and business thereby acquired from such
distributor, importer or retail dealer.

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, main-
tenance and repair of roads and highways, and for the pay-
ment of the interest and sinking fund on state bonds
issued for road purposes.
8 Unless necessary for such bond requirements, one-fifth
9 of the taxes collected under the provisions of this article
10 shall be used for secondary road purposes, until July first,
11 one thousand nine hundred forty-seven.

CHAPTER 142
(Senate Bill No. 77—By Mr. Boreman)

AN ACT to amend and reenact section four, article eleven,
chapter eleven of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to inherit-
ance and transfer taxes.

[Passed March 9, 1945; In effect ninety days from passage. Approved by the
Governor.]

Article 11. Inheritance and Transfer Taxes.
Section
4. Exemptions.

Be it enacted by the Legislature of West Virginia:

That section four, article eleven, 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 4. Exemptions.—(a) All property transferred
2 to the state or to any county, school district, or municipal
corporation thereof for public purposes shall be exempt from taxation under this article.

(b) No transfer of less than one hundred dollars shall be taxable under this article. For this purpose all transfers from a decedent to the same transferee shall be treated as a unit.

(c) In computing the tax upon property transferred to a widow or a widower of a deceased person, an exemption of fifteen thousand dollars shall be allowed.

(d) In computing the tax upon property transferred to any person within the classes described in subsection (a) of section two, other than a widow or widower, an exemption of five thousand dollars shall be allowed.

The descendants of any child referred to in subsection (a) of section two shall be allowed the exemption of the person they represent per stirpes and not per capita.

(e) There shall be exempt from taxation under this article all property transferred to a person or corporation, in trust or for use solely for educational, literary, scientific, religious or charitable purposes: Provided, however, That the property so transferred for the purposes herein mentioned and the rentals, profits and proceeds thereof, are used exclusively in this state.

CHAPTER 143

(Senate Bill No. 159—By Mr. Vickers, Mr. President)

AN ACT to amend and reenact section nine, article three, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the exemption of property from taxation.

[Passed March 10, 1945: in effect from passage. Approved by the Governor.]

Article 3. Assessments Generally.

Section

8. Property exempt from taxation.
Be it enacted by the Legislature of West Virginia:

That section nine, 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 9. Property Exempt from Taxation.—All property, real and personal, described in this section, and to the extent herein limited, shall be exempt from taxation, that is to say: Property belonging to the United States, other than property permitted by the United States to be taxed under state law; property belonging exclusively to the state; property belonging exclusively to any county, district, city, village, or town in this state, and used for public purposes; property used exclusively for divine worship; parsonages, and the household goods and furniture pertaining thereto; mortgages, bonds and other evidence of indebtedness in the hands of bona fide owners and holders hereafter issued and sold by churches and religious societies for the purposes of securing money to be used in the erection of church buildings used exclusively for divine worship, or for the purpose of paying indebtedness thereon; cemeteries; property belonging to, or held in trust for, colleges, seminaries, academies and free schools, if used for educational, literary or scientific purposes, including books, apparatus, annuities, money and furniture; public and family libraries; property used for charitable purposes, and not held or leased out for profit; all real estate not exceeding one-half acre in extent, and the buildings thereon, and used exclusively by any college or university society as a literary hall, or as a dormitory or club room, if not leased or otherwise used with a view to profit; all property belonging to benevolent associations, not conducted for private profit; property belonging to any public institution for the education of the deaf, dumb or blind, or any hospital not held or leased out for profit; house of refuge, lunatic or orphan asylum; homes for children or for the aged, friendless or infirm, not conducted for private profit; fire engines and implements for extinguishing fires,
and property used exclusively for the safekeeping thereof, and for the meetings of fire companies; and all property on hand to be used in the subsistence of livestock on hand at the commencement of the assessment year, household goods to the value of two hundred dollars, dead victuals laid away for family use and any other property or security exempted by any other provision of law; but no property shall be exempt from taxation which shall have been purchased or procured for the purpose of evading taxation, whether temporarily holding the same over the first day of the assessment year or otherwise: Provided, however, That the property, both real and personal, which is exempt from taxation by this section, shall be entered upon the assessor’s books, together with the true and actual value thereof, but no taxes shall be levied upon the same or extended upon the assessor’s books.

Notwithstanding any other provision of this section, however, no language herein shall be construed to exempt from taxation any property owned by, or held in trust for, educational, literary, scientific, religious or other charitable corporations or organizations, unless such property is used primarily and immediately for the purposes of such corporations or organizations.

CHAPTER 144

(House Bill No. 269—By Mr. Warden)

AN ACT to provide for redemption of real property formerly held for religious, charitable and educational purposes and wrongly exempted from taxation; to provide procedure for stabilizing and protecting titles thereto, and establishing the rights of persons therein.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]
*Article 2-b. Redemption of, and Clarification of Title to, Real Property Formerly Held for Religious, Charitable and Educational Purposes and Improperly Exempted from Taxes.

Section
1. Compromise of state's claims.
2. Auditor's receipt for redemption; receipt as release and discharge from taxes; recordation.
3. Entry and back-taxing of property after redemption.
4. Entry of property acquired after year 1942.
5. Reports to auditor by assessor; when assessor to reenter property.
6. Protection of purchasers of such exempted property who have held for five years or more; right of redemption.
7. Protection of constitutional transferees; priority of redemption.
8. Purpose of act; power and jurisdiction of courts in suits involving such real estate; state as party to suits.
9. Auditor's power to provide for redemption of such property as not covered by other statutes.

Be it enacted by the Legislature of West Virginia:

Section 1. Compromise of State's Claims.—The auditor, in his capacity as commissioner of forfeited and delinquent lands, is hereby authorized to compromise all claims of the state against all real property, including undivided interests therein, which, heretofore, may have been exempted from taxation and carried upon the land books of any county as tax exempt property, or which may have been exempted from taxation as religious, charitable or educational property regardless of the form of assessment or entry insofar as the state may now have any claim thereto and the property, or any part thereof, or interest therein, has not been transferred to others by operation of section three, article thirteen of the constitution of West Virginia, upon payment to him of the sum of one dollar for each year that any parcel, lot, tract or interest, heretofore exempted as aforesaid, may have been exempted or carried as exempt property upon the land books of any county prior to the year one thousand nine hundred forty-five. The auditor, as such commissioner, is hereby authorized to establish and provide administrative procedure for handling of such cases; and to design, procure and keep and maintain such records concerning his transactions under this ar-

*Since H. B. No. 269 did not amend the West Virginia Code, the publishers of the Code have been requested to publish the Act as article 2-b of Chapter 37.
REDEMPTION OF CERTAIN REAL PROPERTY  [Ch. 144

23 ticle as sound business practice may demand, and charge
24 the cost thereof to appropriations for the operation of his
25 office and the proceeds of redemption hereunder.

Sec. 2. Auditor’s Receipt for Redemption; Receipt as Re-
2 lease and Discharge from Taxes; Recordation.—The audi-
3 tor shall issue his receipt for redemptions made under the
4 preceding section. Such receipt shall operate as a full
5 and complete discharge and release of the property de-
6 scribed therein from any and all claims on account of
7 direct property taxes imposed or imposable by the state
8 of West Virginia, or any of its subdivisions, or agencies of
9 every kind and character for each and every year covered
10 by such receipt, and shall release and return to the owner
11 of the property described such title as may have been in
12 the state at the time such receipt is issued free and acquit
13 of all claims of the state, or any of its subdivisions for the
14 year or years covered by such receipt. Such receipts
15 shall be recordable in the deed books of the proper coun-
16 ties, and once recorded shall constitute notice to all persons
17 of the facts recited therein.

Sec. 3. Entry and Back-Taxing of Property After Re-
2 demption.—In every case where the auditor provides for
3 redemption under this act he shall, where such redemption
4 is made prior to the first day of January, one thousand
5 nine hundred forty-seven, direct the assessor to enter
6 and back-tax such property, as other property should be
7 entered and back-taxed for the assessment year one thou-
8 sand nine hundred forty-five and each and every year
9 thereafter in which the same has not properly appeared
10 upon the land books of such county. In those cases where
11 redemption is made after the first day of January, one
12 thousand nine hundred forty-seven, he shall extend and
13 collect taxes at proper valuations and rates for all assess-
14 ment years after the year one thousand nine hundred
15 forty-five. No compromise shall be made under the au-
16 thority of this act for direct property taxes for the year
17 one thousand nine hundred forty-five or thereafter: Pro-
18 vided, however, That nothing herein contained shall pre-
19 vent the auditor from redetermining value and taxes for
the year one thousand nine hundred forty-five and there-
after in the manner otherwise provided for by law in
case of redemption of property which may have been
sold to the state for nonpayment of taxes, or be delin-
quent, or forfeit for nonentry.

Sec. 4. Entry of Property Acquired After Year 1942.—
In every case where real property was acquired for
and transferred to or placed in religious, educational
or charitable usages after the assessment year one thou-
sand nine hundred forty-two and was improperly ex-
empted (under the holding of Central Realty company
versus Martin, assessor), the assessor shall reenter such
property and value and extend taxes thereupon for the
assessment year one thousand nine hundred forty-five,
without regard to the former exemption in those cases
where redemption has been made from the auditor. Taxes
extended upon such assessment shall be valid and en-
forceable as all other taxes without regard to the former
exemptions. Entry and payment of taxes hereunder shall
operate to relieve such property against the assertion of
any forfeiture which has not become effective prior to the
effective date of this act, and shall stand and at all times
be construed as a valid entry of such property for tax-
ation for the year or years involved, and payment of taxes
under such assessment shall discharge and relieve such
property from all claims of the state and its subdivisions
for all property taxes of any such year or years.

Sec. 5. Reports to Auditor by Assessor; When Assessor
to Reenter Property.—The auditor is empowered to direct
the assessor of each county to examine the lists of tax
exempt properties appearing on the land books of his
county for the assessment years one thousand nine hun-
dred twenty-eight through one thousand nine hundred
forty-five, both inclusive, and report to the auditor a list
of all real estate so exempted from taxation in any of said
years which was not actually used for religious, charitable
or educational purposes and which (under the opinion in
Central Realty company versus Martin, assessor) he be-
lieves should have been assessed with taxes in any of
said years. No assessor shall reenter any real property, now or formerly held for religious, charitable or educational usages and upon which taxes for years prior to the year one thousand nine hundred forty-five should have been paid except upon written directions from the auditor or by order of the judge of a court of record which has jurisdiction to deal with such property or rights therein. Such list shall show the name of the person assessed, a description of the property, and the year or years for which the same was entered on the land books as tax exempt, and the assessor shall classify and value the same. Where any list of real property is forwarded to the auditor under this section, he shall have power and authority to compromise the claim of the state or its subdivisions or agencies for taxes, to accept redemptions from forfeitures, and to do all acts and things which may be necessary to protect the interest of the state and assist the property owner in clearing his title.

Sec. 6. Protection of Purchasers of Such Exempted Property Who Have Held for Five Years or More; Right of Redemption.—In all cases where property formerly held for religious, charitable or educational usages has heretofore been sold or transferred in good faith to persons for value as successors in title of the person who held for such usage, and has been subsequently assessed to them and taxes have been paid thereon for such number of years that such persons are or would otherwise be entitled to claim the benefit of a transfer under section three, article thirteen of the constitution, the same, by operation hereof, shall be transferred to and vested in such person, and the state hereby waives its claim to assert penalties or forfeiture on account of any taxes which would otherwise have accrued or become due prior to the creation of color of title in such successor.

In all cases where property formerly held for the uses aforesaid has heretofore been sold or transferred to another in good faith and has subsequently been assessed to him, and the taxes paid, for a period of time less than the period of time necessary to establish the right to
claim the benefit of a transfer under said constitutional provision or this section, the owners shall have the right to apply for and have redemption so far as title thereto may be in the state.

Sec. 7. Protection of Constitutional Transferees; Priority of Redemption.—The provisions of this act shall not extend to or affect any real property or undivided interest therein which has been transferred to or vested in adverse claimants by operation of section three, article thirteen of the constitution of West Virginia, in those cases where the color of title of such claimants originated in good faith and has been regularly maintained and protected against subsequent forfeiture and loss by entry and payment of taxes according to law: Provided, however, That in any case where there has been a constitutional transfer and the adverse claim has subsequently been acquired by the state for nonpayment or nonentry, the successor in title to the former religious, charitable or educational usage shall have a prior right of redemption.

Sec. 8. Purpose of Act; Power and Jurisdiction of Courts in Suits Involving Such Real Estate; State as Party to Suits.—This act is to provide for clarification of land titles and for establishment of a sound system of property law and of taxation, and the courts of this state which have equitable jurisdiction are hereby vested with authority, power and jurisdiction to entertain, hear and decide suits on behalf of any person whose property or title may be affected by a former exemption from taxation for religious, charitable or educational purposes; and to make and render such decisions, orders and decrees as will give equitable justice to the persons involved. Whenever it appears that the state or any of its subdivisions has any interest in any of such proceedings, any person or the court shall have the right to make the state, its subdivisions, or proper officials a party or parties plaintiff thereto and shall cause the attorney general of the state of West Virginia to be notified thereof. Such courts shall have the right to try title and render decisions as may be necessary and proper, based upon the tax status
of different claims without regard to proof of chain of
title for a period longer than is necessary to establish a
tax claim better than that of any other party. No decision,
order or opinion rendered by any court under this act
shall establish precedent or be regarded as stare decisis
as to any other case.

Sec. 9. Auditor’s Power to Provide for Redemption of
Such Property as Not Covered by Other Statutes.—The
auditor shall have full power and authority to provide for
redemption of property covered by this act, and to compro-
mise the state’s claim for unpaid taxes upon any such
property which has heretofore been purchased at sales
for nonpayment of taxes, or acquired by forfeiture for
nonentry, to make redemptions, and to provide for re-
assessment and back-taxing of property redeemed on ac-
count of any taxes heretofore levied or hereafter to accrue;
such redemptions and compromiss to be made upon like
payment and condition as provided in section one of this
act for any year prior to the year one thousand nine
hundred thirty-six.

CHAPTER 145
(Senate Bill No. 195—By Mr. Vickers, Mr. President)

AN ACT to amend article twelve, chapter eleven of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, by amending and reenacting section eighty-
six thereof, and by adding thereto a new section, to be
designated section eighty-six-a, relating to suits by the
state against delinquent corporations to enforce payment
of corporation license taxes, and to the rights of purchasers
of the assets of such corporations in suits heretofore or
hereafter instituted.

[Passed March 7, 1945; in effect from passage. Approved by the Governor.]
Article 12. License Taxes.

Section 86. Suit to enforce payment of corporation license tax.

86-a. Limitation on institution of proceedings to set aside sales in prior suits.

Be it enacted by the Legislature of West Virginia:

That article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and reenacting section eighty-six thereof, and by adding thereto a new section to be designated section eighty-six-a, to read as follows:

Section 86. Suit to Enforce Payment of Corporation License Tax.—Within thirty days after such first day of the fifth month of the license tax year the auditor shall certify to the governor and the secretary of state a list of all such delinquent corporations, domestic and foreign. The secretary of state shall preserve the list in his office, and a certificate from him that the name of any corporation mentioned in such certificate is delinquent in the payment of the license tax imposed by this article shall be prima facie evidence thereof. Within thirty days after receiving such list from the auditor the governor shall issue his proclamation, in which he shall declare the delinquency of every such corporation. A copy of such proclamation shall be filed and recorded in the office of the secretary of state, and be published in such newspapers as the governor may designate, not exceeding one in each congressional district; the costs of such publication shall be paid by the governor when allowed by the board of public works. Sixty days after the date of the publication of such proclamation, it shall be the duty of the attorney general to institute on the chancery side of the circuit court, in the county in which the seat of government is, a suit or proceedings, or suits or proceedings, in the name of the state, in which such delinquent corporations shall be made defendants; in the bill or petition so filed it shall only be necessary to allege that the corporations therein made defendants have failed to pay such license tax, and that each of them justly owes to the state the amount of license tax, penalty and fines stated
therein, in connection with the name of the corporation, which amount shall be computed up to the first day of the month succeeding that in which such bill or petition is filed. No such corporation shall interpose as a plea or defense in such suit the fact that the auditor failed to notify it as prescribed in this article, or that it failed to receive such notice, or that its name was not included in the list or proclamation hereinbefore mentioned. Upon the hearing of such suit, if it shall appear to the court that any such corporation has failed to pay any such license tax and the penalties and fines assessed against it, the court shall enter a decree or judgment against such corporation for the amount due, including the costs of the proceeding, or such portion of such costs as the court shall apportion to be paid by such corporation, and, if the same be not then and there paid, the court shall enter a decree if it be a domestic corporation, forfeiting its charter, rights and franchises; and if it be a foreign corporation, revoking its rights and privileges to hold property and transact business in this state. The amount of the judgment or decree, including costs, entered against any corporation, and interest thereon until paid, may be collected by the attorney general, or be collected by the auditor in the same manner that other claims due the state are collected. In any such suit or proceeding the court may, upon payment of the judgment hereinabove mentioned together with interest and costs and the payment of any and all license taxes which may have accrued since the institution of such suit, reinstate any corporation to its former rights as if it had not been delinquent and proceeded against under this section, and make such other orders and decrees as it shall deem necessary and proper for a court of equity; and may appoint a receiver for any such corporation and order its assets marshalled and distributed among its creditors; and may, on motion of the attorney general, grant an injunction against any such corporation restraining it from the exercise of any franchise or the transaction of any business within this state, until such tax and the costs be paid. Any person or persons who shall exercise or attempt to exercise any powers under the charter of
any such corporation, after the issuing of the governor's proclamation, shall be guilty of a misdemeanor, and shall be punished by imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both, in the discretion of the court. The words “license tax” used in this section include, in addition to the amount of license tax proper, all penalties and fines accruing for failure to pay such tax, the annual fee of the auditor as statutory attorney-in-fact, and the cost of any suit or proceeding to enforce the collection of the same. When two or more corporations are included in one suit or proceeding the court shall apportion the cost thereof among them as it may deem just.

If in any such suit or proceeding the court shall decree the sale of the property of any delinquent corporation without ordering that its assets be marshalled and distributed among its creditors, the purchaser at the sale shall acquire title to the property subject to any rights which the creditors of the corporation would have had if no suit had been brought by the state for collection of delinquent license taxes. In any subsequent suit, however, brought by the creditors of the corporation to subject the property in the hands of the purchaser to the payment of their claims against the corporation, the purchaser shall be given a preference over any creditor for the payment of the purchase price, including costs with interest at six per cent per annum from the date of sale.

Sec. 86-a. Limitation on Institution of Proceedings to Set Aside Sales in Prior Suits.—No suit or proceeding shall be instituted in any court of this state on and after the first day of July, one thousand nine hundred forty-six, for the purpose of setting aside the sale of all or any of the assets of any corporation heretofore sold by order of the court in any former suit instituted under the preceding section on the ground that process was served on the auditor or that service thereof was accepted by him.
CHAPTER 146

(Senate Bill No. 10—By Mr. Harner)

AN ACT to amend and reenact section nine, article five, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to who may administer an oath and take an affidavit, by adding thereto a new paragraph providing for the administration of oaths to and taking of affidavits by members of the military service of the United States by commissioned officers in the military service of the United States, and providing for the validation of oaths and affidavits heretofore taken by persons in the military service.

[Passed February 19, 1945; in effect from passage. Approved by the Governor.]


Section 9. Who may administer an oath or take an affidavit; how affidavit made in another state authenticated; oaths and affidavits of persons in military service.

Be it enacted by the Legislature of West Virginia:

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

Section 9. Who May Administer an Oath or Take an Affidavit; How Affidavit Made in Another State Authenticated; Oaths and Affidavits of Persons in Military Service.

Any judge of this state may administer any oath that is or may be lawful for any person to take, including oaths of office, and also may swear any person to an affidavit, and administer an oath to any person in any proceeding. Any oath or affidavit required by law, which is not of such a nature that it must be made otherwise or elsewhere, may, unless otherwise provided, be administered by, or made before, a county commissioner, notary public, or a commissioner appointed by the governor, or by the clerk of any court, or, in case of a survey directed
by a court in a case therein pending, by or before the
surveyor directed to execute said order of survey.

An affidavit may also be made before any officer of
another state or country authorized by its laws to ad-
minister an oath, and shall be deemed duly authenticated
if it be subscribed by such officer, with his official seal
annexed, and if he have none, the genuineness of his sig-
nature, and his authority to administer an oath, shall
be authenticated by some officer of the same state or
country under his official seal.

Any oath or affidavit required of a person in the mili-
tary service of the United States (including the Women’s
Army Corps, Women’s Appointed Volunteers for Emer-
gency Service, Army Nurse Corps, Spars, Women’s Re-
serve, or similar women’s auxiliary unit officially con-
nected with such military service of the United States),
may be administered by or made before any commissioned
officer of any branch of the military service of the
United States, or any auxiliary unit officially connected
with such military service. Such oath may be taken or
affidavit made at any place either within or outside the
United States of America, or any territory, possession
or dependency thereof. The jurat to such oath and cer-
tificate to such affidavit need not state the place where
the same is taken and shall require no seal to be affixed
there to. The certificate of the officer before whom such
oath is taken or affidavit is made must state his rank,
branch of military service, and identification number,
and such certificate may be substantially 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 I am a member
of the military service of the United States (or of____
 ..........................................., an auxiliary to the military
forces of the United States); that * * *, etc.

Taken, subscribed and sworn to before me, .............,
a commissioned officer in the ........................ service of the
54 United States, by __________, a member of the military
55 service of the United States (or of __________),
56 an auxiliary to the military forces of the United States),
57 this the ___ day of ____________, 19____.
58
59 (Signature of officer)
60
61 (Rank) (Identification Number)
62
63 Any oath or affidavit heretofore taken or made by any
64 person in the military service in substantial compliance
65 with this section shall be deemed valid.

CHAPTER 147

(House Bill No. 152—By Mr. Lubliner)

AN ACT to amend the code of West Virginia, one thousand
nine hundred thirty-one, by adding thereto a new chap­
ter numbered nine-a, relating to veterans; and to estab­
lish a state agency to aid, assist, counsel and advise, and
look after the rights and interests of all persons known as
veterans who have served in the armed forces of the United
states in the army, navy, marine corps or coast guard as de­
defined by the laws of the United States and whose separa­
tion therefrom has been other than dishonorable and who
are citizens and residents of this state, and the widows,
dependents and orphans, who are or have become citizens
and residents of this state, of all such persons known as
veterans who have served in the armed forces of the
United States in the army, navy, marine corps or coast
guard as defined by the laws of the United States and
whose separation therefrom has been other than dis­
honorable; to transfer to such state agency from the de­
partment of public assistance and the office of the state
veterans' service officer all the property, equipment,
files, records and documents pertaining to veterans, their
widows, dependents and orphans; to repeal article eight,
chapter nine of the code of West Virginia, one thousand
nine hundred thirty-one, and any and all amendments thereto, and all other acts, or parts of acts, inconsistent herewith.

[Passed March 10, 1945; in effect July 1, 1945. Approved by the Governor.]

CHAPTER 9-A. VETERANS' AFFAIRS

Article 1. Department of Veterans' Affairs.

Section
1. General purposes.
2. Veterans' council; administration of department.
3. Appointment of veterans' council members; term of office; removal.
4. Duties and functions of council; appointment of director; term of office; removal.
5. Compensation of director, deputies, assistants and employees; honorarium of council members; traveling expenses; meetings of council.
6. Oaths.
7. Definitions.
8. Offices.
9. Duties of department.
11. Advisory council.
12. Legal assistance.
13. Succession of offices and property.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, be repealed, and that said code be amended by adding thereto a new chapter to be designated chapter nine-a, to read as follows:

Section 1. General Purposes.—A state agency to be known as the “West Virginia Department of Veterans' Affairs” is hereby created and established for the purpose of aiding, assisting, counseling and advising, and looking after the rights and interests of, all persons known as veterans who have served in the armed forces of the United States in the army, navy, marine corps or coast guard as defined by the laws of the United States and whose separation therefrom has been other than dishonorable and who are citizens and residents of this state, and the widows, dependents and orphans, who are or have become citizens and residents of this state, or
all persons known as veterans who have served in the
armed forces of the United States in the army, navy,
marine corps or coast guard as defined by the laws of
the United States and whose separation therefrom has
been other than dishonorable.

Sec. 2. Veterans' Council; Administration of Depart-
ment.—There shall be a “Veterans' Council” which shall
consist of five members who shall be citizens and resi-
dents of this state, who have served in and been honor-
ably discharged or separated under honorable conditions
from the armed forces of the United States and whose
service was within a time of war as defined by the laws
of the United States, either Public Law No. 2—73rd Con-
gress or Public Law No. 346—78th Congress, and any and
all amendments thereto. The members of the veterans'
council shall be selected with special reference to their
ability and fitness to effectuate the purposes of this act.
The West Virginia department of veterans' affairs shall
be administered by a director, and such deputy directors,
assistants and employees as may be deemed advisable.

Sec. 3. Appointment of Veterans' Council Members;
Term of Office; Removal.—The term of office of the mem-
ers of the veterans' council shall be six years, and they
shall be appointed by the governor by and with the advice
and consent of the senate: Provided, however, That upon
the adoption of this act, the governor as aforesaid shall
appoint two members for a term of two years, two mem-
ers for a term of four years, and one member for a term
of six years, and thereafter the successors of each mem-
er shall be appointed for the term of six years. In case
of a vacancy in the veterans' council, the appointment
shall be for the remainder of the unexpired term. A mem-
er of the veterans' council shall be subject to removal by
the governor for cause, but shall have upon his own re-
quest an open hearing before the governor on the com-
plaints or charges lodged against him. The action of the
governor shall be final.

Sec. 4. Duties and Functions of Council; Appointment
of Director; Term of Office; Removal.—It shall be the
duty and function of the veterans' council to determine the general administrative policies of the department, to select at their first meeting in each fiscal year commencing on the first day of July a chairman to serve one year, to promulgate such rules and regulations as may be necessary, to examine into the efficiency of the department from time to time, to exercise general supervision over the operations of the department, to advise the governor and the Legislature with respect to legislation affecting the interests of veterans, their widows, dependents and orphans, to make annual reports to the governor respecting the service of the department, and to prescribe the duties of the director. Such director shall have the same eligibility and qualifications prescribed for members of the veterans' council. The governor shall appoint a director for a term of six years, by and with the advice and consent of the senate. Before making such appointment, the governor shall request the council of the West Virginia department of veterans' affairs to furnish a full and complete report concerning the qualifications and suitability of the proposed appointee. The director shall be subject to removal by the governor for cause, but shall have upon his own request an open hearing before the governor on the complaints or charges lodged against him. The action of the governor shall be final. The director ex officio shall be the executive secretary of the veterans' council, keep the minutes of each meeting, and be in charge of all records of the department.

Sec. 5. Compensation of Director, Deputies, Assistants and Employees; Honorarium of Council Members; Traveling Expenses; Meetings of Council.—The director shall receive a salary of six thousand dollars per annum, payable in monthly installments, and, in addition, the necessary traveling expenses incident to the performance of his duties. The salaries of the deputy directors, assistants and employees shall be fixed by the veterans' council. The members of the veterans' council shall receive no salary, but each member shall receive an honorarium of ten dollars for each day actually in attendance at a meeting and his actual expenses and traveling expenses incurred in
the performance of his duties under this act. The requisition for such expenses and traveling expenses shall be accompanied by a sworn and itemized statement, which shall be filed with the auditor and permanently preserved as a public record. The veterans' council shall hold its initial meeting on the call of the governor, and thereafter shall meet on the call of its chairman, except as otherwise provided. With the exception of the first three meetings of the veterans' council, none of which shall be of a duration longer than two weeks each, for organizational purposes, the veterans' council shall meet not more than once every two months at such times as may be determined by and upon the call of the chairman for a period of not more than two days, unless there should be an emergency requiring a special meeting or for a longer period and so declared and called by the governor or by the chairman with the approval of the governor. A majority of the members of the veterans' council shall constitute a quorum for the conduct of official business.

Sec. 6. Oaths.—The members of the veterans' council, the director, and his deputy directors, shall take and subscribe to the oath prescribed by article four, section five of the state constitution, before entering on their duties. Their oaths shall be filed with the secretary of state.

Sec. 7. Definitions.—(a) The word, "veteran", shall be construed to mean any person who shall have served in the armed forces of the United States as defined in section one of this act.
(b) The term, "federal agency", shall mean any agency, department or bureau created and established by the act of congress, or executive order of the president of the United States.
(c) The word or term, "administrator", shall be construed to designate and refer to the administrator of veterans' affairs of the United States.
(d) The term or words, "federal act", shall mean any law of the United States.

Sec. 8. Offices.—The offices of the director shall be lo-
cated at the state capitol or other place provided in the
capital city. The director shall keep his offices open at
all reasonable times for the transaction of business. The
offices and meeting place of the veterans' council shall be
in the offices of the director: Provided, That the veterans'
council with the approval of the governor may hold
meetings at other places but not outside of this state,
except in the District of Columbia.

Sec. 9. Duties of Department.—The department of
veterans' affairs of West Virginia shall:
(1) Assist veterans, their widows, dependents and or-
phans within the state, in properly presenting their
claims before the United States veterans' administration,
its administrator, or any federal agency, the state of West
Virginia, or any of the several states of the United States,
when the claims arise out of service with the armed forces
of the United States as defined in section one of this act;
(2) Contact all veterans' organizations in this state
through their duly elected or appointive officers to effectu-
ate the purposes of this act and aid in the efficiency of the
operations of the department;
(3) Render all possible and proper advice, assistance
and counsel to veterans, their families, and their widows,
dependents and orphans, within the state, and furnish
them information, on compensation, allowances, pen-
sions, insurance, rehabilitation, hospitalization, education,
vocational training, or refresher or retraining courses in
education or training, employment, loans or aid for the
purchase, acquisition or construction of homes, farms,
farm equipment and business property, preference in
the purchase of property and preference in employment,
as provided or may be provided by any federal act, any
federal agency, this state or other states;
(4) Make careful inquiry into all claims presented for
payment out of the state treasury from any appropriation
made for the benefit of veterans, their widows, depend-
ents and orphans.

Sec. 10. Powers and Duties of Director.—The director
shall be the executive and administrative head of the de-
partment, and as such shall have the power and duty, subject to the provisions of section four hereof, to:

(a) Supervise and put into effect the purposes and provisions of this act and the rules and regulations for the government of the department;

(b) Prescribe methods pertaining to investigations and reinvestigations of all claims, and to the rights and interests of all veterans, their widows, dependents and orphans;

(c) Prescribe uniform methods of keeping all records, and case records of the veterans, their widows, dependents and orphans;

(d) Sign and execute, in the name of the state by "West Virginia Department of Veterans' Affairs", and by and with the consent of the veterans' council, any contract or agreement with the federal government or its agencies, other states, subdivisions of this state, corporations, associations, partnerships or individuals;

(e) Supervise the fiscal affairs and responsibilities of the department;

(f) Organize the department to comply with the requirements of this act and with the standards required by any federal act or any federal agency;

(g) Establish such regional or area offices throughout the state as may be necessary to promote efficiency and economy in administration;

(h) Make such reports as will comply with the requirements of any federal act or federal agency and the provisions of this act;

(i) Cooperate with the federal and state governments for the more effective attainment of the purposes of this act;

(j) Keep a complete and accurate record of all proceedings; record and file all contracts and agreements, and assume responsibility for the custody and preservation of all papers and documents pertaining to his office and the department;

(k) Prepare for the veterans' council the annual reports to the governor of the condition, operation and functioning of the department;

(l) Exercise any other powers necessary and proper to
standardize the work; to expedite the service and business; to assure fair consideration of the rights and interests, and claims of veterans, their widows, dependents and orphans, and to promote the efficiency of the department;

(m) Invoke any legal, equitable or special remedies for the enforcement of his orders or the provisions of this act;

(n) Appoint the deputy directors and heads of divisions of the department, and of regional or area offices, and employ such assistants and employees as may be necessary for the efficient operation of the department;

(o) Delegate to all or any of his appointees, assistants or employees all powers and duties vested in the director, except the power to sign and execute contracts and agreements, but the director shall be responsible for the acts of such appointees, assistants and employees;

(p) Remove at his will and pleasure any appointee, assistant or employee.

Sec. 11. Advisory Council.—There is hereby established an advisory council to the West Virginia department of veterans' affairs, which shall meet on the call of the chairman of the veterans' council with the veterans' council at any of its regular or special meetings, in connection with the establishment of policies and rules and regulations of the department to effectuate the purposes of this act and promote the efficient operation of the department, but the advisory council shall have no vote. The director, in carrying out his powers and duties, shall have the right to call on the individual members of the advisory council, and through them or their department, agency or organization, and also to call on such other departments or agencies of the state as may be necessary, for advice, aid and assistance. The members of the advisory council shall be the state superintendent of free schools, secretary of agriculture, adjutant general, state banking commissioner, state health commissioner, president of the board of governors of West Virginia university, president of the state board of control, state road commissioner and director of the state
22 department of public assistance, or their duly authorized
23 and accredited representatives.

Sec. 12. Legal Assistance.—The attorney general of the
2 state and his assistants, and the prosecuting attorneys
3 of the various counties, shall render to the veterans'
4 council or director, without additional compensation,
5 such legal services as may be required in the discharge of
6 the provisions of this act.

Sec. 13. Succession of Offices and Property.—Upon this
2 act taking effect, the West Virginia department of veter-
3 ans' affairs shall have possession of and there shall be
4 transferred from the department of public assistance and
5 the office of the state veterans’ service officer to the de-
6 partment any unexpended funds appropriated for the
7 state veterans’ service officer and all the property, equip-
8 ment, files, records and documents pertaining to veterans,
9 their widows, dependents and orphans.

Sec. 14. Provisions Severable.—The provisions of this
2 act shall be construed as severable, and should any sec-
3 tion or part thereof be held unconstitutional, or for any
4 other reason invalid, the remaining provisions shall not
5 be affected thereby.

Sec. 15. Acts Repealed.—Article eight, chapter nine of
2 the code of West Virginia, one thousand nine hundred
3 thirty-one, and any and all amendments thereto, and all
4 acts, or parts of acts, general or special, in conflict or in-
5 consistent with or superseded by this act are hereby re-
6 pealed.

CHAPTER 148
(House Bill No. 301—By Mr. Ross, of Mercer)

AN ACT to amend and reenact section three, article five, chap-
ter fifteen of the code of West Virginia, one thousand nine
hundred thirty-one, as last amended, relating to national
and state defense.

[Passed March 10, 1945; in effect from passage. Approved by the Governor.]

Section 3. Powers and duties.

Be it enacted by the Legislature of West Virginia:

That section three, article five, chapter fifteen 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. Powers and Duties.—The "council" shall have the following powers and duties:

(a) To adopt, amend, and repeal rules, regulations, and by-laws governing its procedure and activities.

(b) To cooperate with the "Advisory Commission to the Council of National Defense" through its division of state and local cooperation, or with any similar federal agencies hereafter created, and with any departments or other federal agencies engaged in defense activities.

(c) To cooperate with similar councils of defense in other states.

(d) To prepare, edit, and have printed a bulletin explaining the rights, benefits and opportunities available in West Virginia to veterans, service men and service women, and war workers. Upon the completion of the bulletin, the council shall deliver the copies of the bulletin to the department now existing or hereafter created for the rendition of service to veterans for appropriate distribution.

(e) To cooperate with local defense councils.

(f) To supervise and direct investigations, and report to the governor with recommendations for legislation or other appropriate action, as it may deem necessary, with respect to the following matters insofar as they are or may be related to defense:

(1) Industrial materials and facilities.

(2) Production and manufacturing facilities.

(3) Agriculture, food supply, and land-use.

(4) Transportation facilities.

(5) Labor supply and training labor relations, and human resources, professions, trades, and skills.

(6) Consumers and consumer protection.
(7) Housing and related facilities.
(8) Health, hospitals, and sanitation facilities.
(9) Welfare.
(10) Educational facilities.
(11) Recreational areas and facilities.
(12) Finance.
(13) Civil liberties, including but without limitation, the protection thereof, maintenance of law and order, and measures to guard against sabotage and subversive activities.
(14) Civil defense, including police mobilization, coordinated for fire protection, and disaster relief.
(15) Any other type of activity directly or indirectly related to defense.

(g) To create committees, either within or without its membership, to aid it in the discharge of its powers and duties.
(h) To require and direct the cooperation and assistance of state and local governmental agencies and officials.
(i) To make full investigation as to all questions directly or indirectly relating to the powers or duties vested in it by this act, or by any other law.
(j) To do all acts and things, not inconsistent with law, for the furtherance of defense activities.

CHAPTER 149

(Senate Bill No. 95—By Mr. Mitchell)

AN ACT to amend and reenact section two, article three, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, relating to memorials in memory of all persons who served in the armed forces of the United States; to provide revenue therefor; to provide a fund to erect new buildings, structures or monuments, acquire ground therefor; to remodel existing buildings; to provide a maintenance fund; to provide for a board of directors;
to provide for the receipt of gifts; and to provide for a reasonable charge for the use of the facilities.

[Passed March 10, 1945; in effect from passage. Approved by the Governor.]

Article 3. Monuments, Tablets and Memorials.

Section 2. Memorials to soldiers and sailors; memorial fund.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Memorials to Soldiers and Sailors; Memorial Fund.—The county court of any county shall have the power, upon petition of twenty per cent of the voters of such county, based on the number of votes cast at the last general election, to acquire and establish at the county seat, or at any other suitable place within the county, by purchase or otherwise, ground, park or grove, and to erect and maintain thereon a building or buildings, structure or structures, monument or monuments, as a memorial in memory of and in recognition of the virtues and sacrifices of the soldiers and sailors from the county in the World Wars, and may lay a tax for the purpose of acquiring and establishing the same of not more than five cents on the one hundred dollars, on all taxable property in the county, and thereafter a like tax of not more than two cents on the one hundred dollars, such tax to be levied and collected in like manner as the general taxes of the county, which shall be kept separate in a fund to be known as the "Memorial Fund": Provided, That in any county, where such memorial has been established and partly completed, the amount of levy for acquiring and establishing the same shall not be more than ten cents on the hundred dollars, and thereafter a like tax of not more than three cents on the hundred dollars of all taxable property in the county.

Whenever such memorial is established under this section, the county court shall appoint a board of directors equal in number to the magisterial districts of the county
and select one from each of such districts from the citizens thereof, with reference to their fitness for such office. Such directors shall hold office for four years from the first day of July following their appointment, and until their successors are appointed. No person shall be ineligible to appointment by reason of sex. Vacancies in the board shall be reported to the county court and filled by appointment in like manner as original appointments for the unexpired term. The county court may remove any director for misconduct or neglect of duty. No compensation shall be paid or allowed any director.

The board of directors of each memorial established under this section shall, immediately after their appointment, meet and organize by electing one of their number as president and one as secretary; a majority of all the members of any board shall constitute a quorum for the transaction of business. They shall make and adopt such by-laws, rules and regulations from time to time, for their own guidance and for the government and use of the memorial, as may be expedient and not inconsistent with this section. Such board shall have authority to contract for the construction or purchase of a memorial established under this section and for repairs thereon or maintenance thereof and the supervision, care and custody of the ground, structure or structures: Provided, however, That all contracts shall be approved by the county court and that the expenditures of all funds shall be subject to the approval of the county court, and all moneys belonging to the memorial fund shall be deposited in the treasury of such county to the credit of the memorial fund and shall be drawn therefrom on orders issued by the county court. Such orders shall not be drawn except upon requisition of the memorial board attached to proper authenticated vouchers. Ground, park or a grove for a memorial established under this section may be acquired by condemnation by such board in the same manner as the county court may acquire other real estate for public uses and purposes, and the title of all such property shall be and vest in the county court. The board shall have power to appoint a suitable custodian and assistants and prescribe rules for their conduct, fix their duties and compensation,
and shall have power to remove such appointees and, in general, to carry out the spirit and intention of this section.

Each memorial established under this section shall be free for the use of the inhabitants of the county, subject to such reasonable rules and regulations as the board may adopt, in order to render the use of such building or structure of the greatest benefit to the greatest number; and the board may exclude from the use of the building any and all persons who shall wilfully violate such rules. The board of directors may extend the use and privileges of the building and structure to an educational institution or to nonresidents of the county upon such terms and conditions as the board may prescribe.

The board of directors shall, on or before the first day of July in each year, make a report to the county court, stating the condition of the property, the various sums of money received from the memorial fund, and from all other sources, how much money was expended and for what expended; also an itemized budget estimate of expense of the property for the ensuing year, with such other information and suggestions as they deem of general interest, or that may be required by the county court.

Any person or persons, including corporations, who desire to make donations of cash or other personal property or real estate for the benefit of the memorial, shall have the right to do so, and shall have the right to vest the title thereof in the county court, to be held in trust and controlled by such board, the same as the other property owned or acquired, and according to the terms and for the purposes set out in the deed, gift, devise or bequest.
CHAPTER 150
(House Bill No. 135—By Mr. Speaker, Mr. Amos)

AN ACT to amend chapter six of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article designated article thirteen, providing for preference rating to veterans on examinations for positions in the departments of public assistance, health and unemployment compensation, and in other departments or agencies filled according to a nonpartisan merit basis; and to repeal article eleven of said chapter as enacted by chapter one hundred twenty-eight, acts of the Legislature, regular session, one thousand nine hundred forty-one.

[Passed March 6, 1945; in effect from passage. Approved by the Governor.]

Article 13. Preference Rating of Veterans on Written Examination on Nonpartisan Merit Basis.

Section 1. Preference rating of veterans on written examinations for positions in state departments filled under the nonpartisan merit system.

Be it enacted by the Legislature of West Virginia:

That article eleven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred twenty-eight, acts of the Legislature, regular session, one thousand nine hundred forty-one, be repealed, and that said chapter six be amended by adding thereto a new article to be designated article thirteen, to read as follows:

Section 1. Preference Rating of Veterans on Written Examinations for Positions in State Departments Filled Under the Nonpartisan Merit System.—For positions in the departments of public assistance, health, unemployment compensation and in any other department or agency in which positions are filled under the nonpartisan merit system, a preference of five points in addition to the regular numerical score received on examination shall be awarded to all veterans having qualified for appointment...
by making a minimum passing grade; and to all veterans
having a service-connected disability, as established by
any proper veterans' bureau or department of the federal
government, an additional five points shall be allowed.

For the purpose of this act, "veteran" shall mean any
person who has served in the armed forces of the United
States during the Spanish American War, World War I or
World War II and who has been honorably discharged
from such service.

Such awards shall be made for the benefit and prefer-
ence in appointment of all veterans who have heretofore
or who shall hereafter take such examinations, but shall
not operate to the detriment of any person heretofore
appointed to a position in such department or agency.

CHAPTER 151
(House Bill No. 325—By Mr. Powell and Mr. Osborne)

AN ACT to amend article nine, chapter forty-four of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section designated sec-
tion one-a, relating to presumptive findings of death.

(Passed March 10, 1945; in effect from passage. Approved by the Governor.)

Article 9. Persons Presumed to Be Dead and Their Estates.

Section 1-a. When a person in military service presumed to be dead; admin-
istration of estate; when spouse may remarry.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter forty-four of the code of West Vir-
ginia, one thousand nine hundred thirty-one, as amended, be
amended by the addition thereto of a new section designated
section one-a, to read as follows:

Section 1-a. When a Person in Military Service Pre-
sumed to Be Dead; Administration of Estate; When
Spouse May Remarry.—Presumptive findings of death of any person engaged in any service or activity of, or employment by the United States in any war in which the United States is engaged, by an official or officer of the United States, who is authorized to make such presumptive findings by any act of congress, shall create a presumption of the death of such person in the state of West Virginia. Proceedings under section two of this article may be commenced at any time after such finding is made.

No administrator, executor or personal representative of any person who is presumed to be dead under this section shall make final distribution of the assets of any such person until the expiration of three years after the termination of the present World War by presidential proclamation: Provided, however, That assets in the estate of any such person, which are exempt from attachment by creditors, including moneys paid by the United States of such nature, and other assets of any such estate which would otherwise be available for support of the wife, children and other dependents of such person, if he were alive, after allowance for debts and costs of administration, may be paid by the personal representative for the support of the wife and children and dependents of such person upon order of the circuit or other similar court of the county which has jurisdiction in probate proceedings until such time as distribution may be made or administration terminated, and such sums shall be treated for all purposes of law as expenditures legally chargeable against such person, as if he were living to the time a final presumption of death becomes effective in this state.

In case any such person presumed to be dead as a result of a finding, as aforesaid, is not heard from as provided in section one of this article, for a period of three years after the termination of the present World War by presidential proclamation, the presumption provided in section one of this article shall become effective to permit final distribution of his estate.

No surviving spouse of any person who is presumed to be dead under this section shall marry another until after the expiration of two years following the finding
aforesaid, unless proceedings for divorce were commenced
by such spouse or the missing person prior to the date
such presumptive finding was made by an official of the
United States; and after such two-year period the sur-
viving spouse shall be free to remarry, or at any time un-
less the other spouse be heard from prior to the actual
date of remarriage.

CHAPTER 152
(Senate Bill No. 148—By Mr. Perry and Mr. Bean)

AN ACT to authorize the county court of Berkeley county to
use unexpended funds and surpluses in the general fund of
said county for the purpose of creating a special fund for
the building of a new jail, or for enlarging, remodeling
and improving the present jail, and to expend for such
purpose the fund so created.

[Passed March 2, 1945; in effect ninety days from passage. Approved by
the Governor.]

Section
1. Berkeley county court authorized to create special fund for building
new jail, or for improving present jail.

Be it enacted by the Legislature of West Virginia:

Section 1. Berkeley County Court Authorized to Create
Special Fund for Building New Jail, or for Improving
Present Jail.—The county court of Berkeley county is
hereby authorized and empowered, from year to year, to
use any unexpended funds of said county and any surplus
in the general county fund for the purpose of creating a
special fund for the building of a new jail, or for enlarg-
ing, remodeling and improving the present jail, and
to expend for such purpose the fund so created.
CHAPTER 153
(Senate Bill No. 188—By Mr. Hall, of Boone)

AN ACT to amend and reenact section five-(three), article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter eighteen, acts of the Legislature, regular session, one thousand nine hundred forty-three, relating to the salary of the assessor of Boone county.

[Passed March 8, 1945; in effect ninety days from passage. Approved by the Governor.]

Article 2. Assessors.

Section 5-(3). Boone county.

Be it enacted by the Legislature of West Virginia:

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

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

CHAPTER 154
(Senate Bill No. 155—By Mr. Belknap)

AN ACT to authorize the county court of Braxton county to use unexpended funds and surpluses in the general fund of said county for the purpose of creating a special fund for the remodeling, enlarging, repairing and improving the present jail of said county, and to expend such fund for such purposes.

[Passed March 2, 1945; in effect from passage. Approved by the Governor.]

Section 1. Braxton county court authorized to create special fund for improving county jail.
Be it enacted by the Legislature of West Virginia:

Section 1. Braxton County Court Authorized to Create Special Fund for Improving County Jail.—The county court of Braxton is hereby authorized and empowered from year to year to use any unexpended funds of said county and any surplus in the general county fund for the purpose of creating a special fund, not to exceed the sum of twenty thousand dollars, for the remodeling, enlarging, repairing and improving the present jail of said county, and to expend such fund for such purposes.

CHAPTER 155
(Senate Bill No. 118—By Mr. Belknap)

AN ACT to authorize the county court of Braxton county to transfer funds from the general county fund to the dog tax fund.

[Passed February 23, 1945; 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 is authorized to transfer the sum of two thousand dollars from the general county fund of said county to the dog tax fund.

CHAPTER 156
(Senate Bill No. 140—By Mr. Winters)

AN ACT to authorize the county court of Cabell county to use part of the several funds of said county or part of any unexpended balances in any said funds, to assist in the
maintenance of the public library of Huntington, in said county.

[Passed February 23, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 1. Cabell county court authorized to use county funds to assist in maintenance of Huntington public library.

Be it enacted by the Legislature of West Virginia:

Section 1. Cabell County Court Authorized to Use County Funds to Assist in Maintenance of Huntington Public Library.—The county court of Cabell county is authorized, out of any county funds or balances in said funds not needed or which may be otherwise available, to expend such sum or sums as in its discretion may seem needful and proper to assist in the maintenance of the Huntington public library. The court may designate for what particular maintenance purpose, or purposes, said sum or sums may be expended.

CHAPTER 157

(Senate Bill No. 243—By Mr. Winters)

AN ACT to authorize and empower the county court of Cabell county, in conjunction with the city of Huntington, or alone, to construct, acquire, equip, operate and maintain a general hospital in said county for the treatment and care of patients, charitable and otherwise; to appoint a board of trustees to control, manage and operate the said hospital, and to use in connection therewith such existing facilities or property as may be available.

[Passed March 8, 1945; in effect from passage. Approved by the Governor.]

Section 1. Establishment and maintenance of Cabell county general hospital.
2. Cost of operating; hospital fund.
3. Construction, etc., to be under control of board of trustees.
4. Officers and members of board to serve without compensation; committees.
5. Qualifications of members of board; term of office; vacancies.
6. Hospital board to be a corporation.
7. Composition of medical staff and specific powers of staff and board.
8. Board to keep books of account; method of making disbursements.
9. Requirement of surety bonds for officers or agents of board.
10. Cabell county 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 board.
13. Title to hospital property.

Be it enacted by the Legislature of West Virginia:

Section 1. Establishment and Maintenance of Cabell County General Hospital.—That the county court of Cabell county, alone or in conjunction with the city of Huntington in Cabell and Wayne counties, West Virginia, is hereby authorized and empowered to construct, acquire, equip, operate and maintain a general hospital in said county to be known as the “Cabell County General Hospital” or by other appropriate name, and for that purpose to acquire and use, to the extent possible, all existing public and private facilities and property as may be available for the care, hospitalization and treatment of the indigent poor of said county, and the treatment and hospitalization of such pay patients as are able and willing to pay the reasonable costs thereof.

Sec. 2. Cost of Operating; Hospital Fund.—The cost of maintaining and operating the said hospital shall be paid out of its revenue: Provided, That said court and said city, if it shall elect to participate in the construction, acquisition, equipment, operation and maintenance of said hospital, may, in its or their discretion as the case may be, contribute to the cost of constructing, acquiring, equipping, operating and maintaining such hospital out of any available funds subject to the control of said court or said city as are not otherwise appropriated. Until such time as sufficient funds are available for the establishment of said hospital, the said court and city, or either or both of them, may set aside out of any available funds not otherwise appropriated such sums annually as it or they may determine,
and the same shall, until the establishment of said hospital, be kept in a separate account to be known as the "Cabell County Hospital Fund", and upon the establishment of said hospital the same shall be paid over to it. All funds in said account shall be invested and kept invested as are other public funds until such time as the same shall in the judgment of said court and city or said court alone, as the case may be, be sufficient to warrant the establishment of said hospital. Said court and city or said court alone, as the case may be, may receive gifts of money or property to be used or held for the benefit of such hospital and shall have the right to apply for and receive for its use and benefits grants-in-aid from federal and state governments and agencies thereof, and shall also have the right and power to borrow from federal and state governments and lending agencies of them or either of them, and from private lending agencies such sums as may from time to time be required upon the sole security of such hospital and its revenues from all sources.

Sec. 3. Construction, etc., to Be Under Control of Board of Trustees.—The said court and city or said court alone, as the case may be, shall forthwith appoint a board of trustees consisting of nine persons, of whom one each shall be a member of the following organizations, viz: Huntington ministerial association, Cabell county bar association, chamber of commerce of said city, woman’s club of said city, council of social agencies and community chest. Two of such persons shall be members of the two major labor organizations (A. F. of L. and C. I. O.) in said city, and the remaining two shall be members in good standing of the Cabell county medical society. Said board is hereby authorized and empowered to construct, acquire, equip, operate and maintain said Cabell county general hospital, and the term “board” when hereafter used in this act shall be construed to mean the board of trustees of the Cabell county general hospital.

Sec. 4. Officers and Members of Board to Serve without Compensation; Committees.—No officer or member of the board shall receive any compensation for his
services as a member thereof; and no person who holds any other public office or public employment shall be eligible to membership on the board. The officers of the board shall be a president, vicepresident, secretary, and treasurer, and such other officers as may be appropriate or necessary. Except as herein otherwise provided, the board shall have the power to establish by-laws, rules and regulations for its own government and respecting the construction, maintenance and operation of said hospital, and it may by appropriate resolution or resolutions designate one or more committees consisting of two or more members of the board to have and exercise the powers of the board in the management, control and operation of the hospital to the extent provided for in any such resolution.

Sec. 5. Qualifications of Members of Board; Term of Office; Vacancies.—All members of the board shall be citizens of West Virginia and residents of Cabell county, and no more than two of such members shall be engaged in the practice of medicine or surgery. The term of office of the members of the board shall be three years, except that the court and city or the court alone, as the case may be, 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 made after such classification, members shall be chosen for a full term of three years to succeed those whose terms expire. All vacancies in the board shall be filled by the appointment of a successor member for the unexpired term by the court and city or the court alone, as the case may be, and in every occasion appointment shall be made and the terms of office shall continue until successors have been appointed and qualified. Every appointee to fill a vacancy, or upon the expiration of a term on the board, shall be a member of the same organization as the predecessor. The members of the board shall be chosen with regard to their business and professional experience and their standing as citizens in the community.
26 and without regard to their religious or political affilia-
27 tions. Members of the board may be removed for such
28 cause as other public officers may be removed from office.

Sec. 6. Hospital Board to Be a Corporation.—Said board
2 of trustees shall be a corporation under the name of
3 “Cabell County General Hospital” and as such it may
4 contract and be contracted with, sue and be sued, plead
5 and be impleaded, and shall have and use a common seal.

Sec. 7. Composition of Medical Staff and Specific Powers
2 of Staff and Board.—The medical staff of the hospital shall
3 consist of such reputable licensed physicians and surgeons
4 as are members in good standing of the Cabell county
5 medical society. The medical staff shall promulgate
6 medical and surgical rules and regulations for the staff
7 and shall be amenable to such general rules and regula-
8 tions governing the operation of the hospital as may from
9 time to time be promulgated by the board. If said hos-
10 pital shall have an out-patient department, all members
11 of the staff shall render without charge or remuneration
12 such services to the indigent patients of said out-patient
13 department as may be prescribed by the staff, and the
14 refusal of any member of the staff to render services with-
15 out charge to any indigent out-patient or to perform any
16 services in connection with the operation of such out-
17 patient department as the staff may prescribe shall be suf-
18 ficient cause for the summary removal of such offending
19 member from the staff.

In addition to any other powers granted by this act,
20 the said board shall have specific authority over each of
21 the following subjects:
22 1. Employment of all agents, technicians, nurses and
23 other employees deemed proper or needful by it and the
24 medical staff for the successful operation of the hospital,
25 and fix the conditions of their employment and their com-
26 pensation. All employees shall be chosen upon the basis
27 of their administrative, technical or other particular quali-
28 fications for the office or position for which they are
29 employed and without regard to their religious or political
30 opinions or affiliations;
32 2. The making of such rules and regulations in and
concerning the management of the hospital as may seem
necessary, needful or proper; and the adoption of such
disciplinary measures as may appear expedient. The
board may delegate to the superintendent of the hospital
and to such others of the directing personnel, as it may
from time to time determine, ample and plenary power
to enforce its rules and regulations;
3. The formulation of appropriate rules and regulations
relating to the use of the hospital and its facilities by
members of the medical and surgical profession and mem-
bers of the medical staff;
4. The fixing and establishing of appropriate rates and
charges for the use of the hospital and its facilities by any
patients who may be admitted thereto for care, hospital-
zation or treatment;
5. The utilization of net income or surplus for equip-
ment, equipment-maintenance and improvement of facili-
ties; and the board is specifically authorized to make such
expenditures for these purposes as may in its discretion
seem proper;
6. In general, the board shall possess complete authority
to conduct the affairs of the Cabell county 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. Board to Keep Books of Account; Method of
Making Disbursements.—The board shall cause accurate
and proper books of account to be kept and no money
shall be paid out of the board's treasury except upon an
order signed by the president and secretary of the board
and specifying the purposes for which the amount thereof
is to be paid with sufficient clearness to indicate the pur-
pose for which the order is issued. Checks shall be drawn
in the name of the hospital, signed by the treasurer and
countersigned either by the superintendent of the hos-
pital or some other officer or agent of the board desig-
nated so to do.

Sec. 9. Requirement of Surety Bonds for Officers or
Agents of Board.—All officers, agents or employees of the hospital, appointed or authorized to receive moneys for the hospital, shall be required to give bond in such sum and with such surety as may be deemed sufficient by the said board.

Sec. 10. Cabell County General Hospital Fund; Accounts; Payment of Necessary Expenses; Surplus.—All funds of the hospital, from whatever source received, shall be deposited in such bank or banks in Cabell county as a majority of the board may direct, and at least once each month the board shall render an itemized statement of the hospital’s receipts and disbursements to the court and city or the court alone, as the case may be, and annually as of the first day of July in each year, it shall also submit to the court and city or the court alone, as the case may be, a completely itemized statement of the hospital’s financial condition. The board may provide for such reserve accounts for operation, repair, insurance, depletion, depreciation and building as it may deem advisable and shall order paid into such reserve account or accounts such part of the funds of the hospital under such conditions as it may prescribe.

Sec. 11. Hospital Employees to Be within Workmen’s Compensation Act; Other Insurance.—All employees of the hospital, eligible thereto, shall be deemed to be within the workmen’s compensation act of West Virginia, and premiums on their compensation shall be paid by the board as required by law. Adequate insurance-coverage against hazards shall at all times be carried in such amount as prudence and good management indicates.

Sec. 12. Wide Discretion to Be Vested in the 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 said board. Wide discretion and adequate authority are accordingly hereby vested in the said board of trustees in order to accomplish such purposes expeditiously and with due safeguards.

Nevertheless, the 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 board for the governing of
the said hospital, and the regulations of the medical staff.

Sec. 13. Title to Hospital Property.—Title to all property
constituting or belonging to the Cabell county general
hospital shall be vested in the county court of Cabell
county and the city of Huntington or in the county court
of Cabell county alone, as the case may be.

CHAPTER 158
(Senate Bill No. 162—By Mr. Boner)

AN ACT to authorize the county court of Doddridge county
to expend funds for the construction and maintenance of
a Four-H camp and county recreational center in Doddridge
county, and for the acquisition of necessary buildings,
land and equipment in connection therewith.

[Passed March 2, 1945; in effect ninety days from passage. Approved by
the Governor.]

Section
1. Doddridge county court authorized to expend funds for con-
struction and maintenance of a Four-H camp and county recrea-
tional center.

Be it enacted by the Legislature of West Virginia:

Section 1. Doddridge County Court Authorized to Ex-
pend Funds for Construction and Maintenance of a Four-H
Camp and County Recreational Center.—The Doddridge
county court is hereby authorized to expend annually from
general county funds the amount of money which it deems
necessary for the purpose of constructing and maintaining
a Four-H camp and county recreational center in Dodd-
ridge county, and for the acquisition of buildings, land
and equipment in connection therewith.
CHAPTER 159
(House Bill No. 110—By Mr. Welton)

AN ACT to authorize and empower the county court of Grant county to transfer the sum of thirty thousand dollars arising from the sale of the county poor farm, to a special fund to be known as the “Grant County Courthouse Fund”.

[Passed February 26, 1945; in effect from passage. Approved by the Governor.]

Section 1. Grant county authorized to transfer funds and set up a special courthouse fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Grant County Authorized to Transfer Funds and Set Up a Special Courthouse Fund.—The county court of Grant county is hereby authorized and empowered to transfer the sum of thirty thousand dollars, derived from the sale of the county poor farm, and set up a special fund to be known as the “Grant County Courthouse Fund”. Said funds shall be invested in government bonds. Said funds, and any securities in which said funds may from time to time be invested, shall be used for the purchase of land for, and the construction of, a new courthouse: Provided, however, That said county court may, in its discretion, use said fund for the repair and remodeling of the present courthouse, and the purchase of additional land adjacent thereto. Said fund shall not be expended until materials are available for a new courthouse or for the repair or remodeling of the present courthouse, except for the acquisition of land for the purpose hereinbefore set forth.

All acts or parts of acts inconsistent herewith are hereby repealed insofar as they may apply to Grant county.
CHAPTER 160

(Senate Bill No. 96—By Mr. Bowling)

AN ACT to authorize the county court of Greenbrier county, West Virginia, to use unexpended funds of said county and any surpluses in the funds of said county, and funds derived from capital assets for the purpose of erecting a county jail building, and to expend for such purpose the fund so created.

[Passed February 23, 1945; in effect from passage. Approved by the Governor.]

Section 1. Greenbrier county court authorized to create special jail building fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Greenbrier County Court Authorized to Create Special Jail Building Fund.—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 surpluses in any county funds, and any existing surpluses or funds derived from capital assets, for the purpose of creating a special fund for the building and erection of a new county jail, and to expend for such purpose the fund so created, and when so created such fund shall not be used for any other purpose.

CHAPTER 161

(Senate Bill No. 164—By Mr. Bambrick)

AN ACT validating the use, by the county court of Hancock county in prior years, of funds from justices' fines deposited in the general county fund of said county.

[Passed March 6, 1945; in effect ninety days from passage. Approved by the Governor.]
Section
1. Use of justices' fines in prior years by Hancock county court validated.

Be it enacted by the Legislature of West Virginia:

Section 1. Use of Justices' Fines in Prior Years by Hancock County Court Validated.—The use of forty-two thousand six hundred eighty-six dollars and seventy-six cents by the county court of Hancock county, in prior years, from justices' fines deposited in said county's general fund and representing the difference between the gross revenue from fines and forfeitures collected in and around the unincorporated town of Weirton, Hancock county, West Virginia, and the net proceeds of such fines and forfeitures, is validated. Any unexpended balance of said justices' fines and forfeitures shall be transferred by the court to the general school fund of the county, effective as of the date of this act.

CHAPTER 162

(Senate Bill No. 31—By Mr. Boner and Mr. Harmer)

AN ACT to authorize the county court of Harrison county to use unexpended funds and surpluses in the general fund of said county for the purpose of creating a special fund for the building of a new jail, or for enlarging, remodeling and improving the present jail, and to expend for such purposes the fund so created.

[Passed February 8, 1945; in effect ninety days from passage. Approved by the Governor.]

Section
1. Harrison county court authorized to create a special jail fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Harrison County Court Authorized to Create a Special Jail Fund.—The county court of Harrison county is hereby authorized and empowered from year to year
4 to use any unexpended funds of said county and any sur-
5 plus in the general county fund for the purpose of cre-
6 ating a special fund for the building of a new jail, or for
7 enlarging, remodeling and improving the present jail,
8 and to expend for such purposes the fund so created.

CHAPTER 163
(House Bill No. 340—By Mr. Desist and Mr. Sharpe)

AN ACT to amend and reenact section four, chapter twenty-
seven, acts of the Legislature of West Virginia, regular ses-
son, one thousand nine hundred nine; as amended and
reenacted by section four, chapter twelve, acts of the Legis-
lature, regular session, one thousand nine hundred nineteen;
as amended and reenacted by section four, chapter one
hundred forty-six, acts of the Legislature, regular session,
one thousand nine hundred twenty-nine; as amended and
reenacted by section four, chapter twenty-seven, acts of
the Legislature, extraordinary session, one thousand nine
hundred thirty-two, and as last amended by section twenty-
one, chapter eighty-two, acts of the Legislature, regular
session, one thousand nine hundred thirty-seven, all relat-
ing to the salary of the judge of the criminal court of Har-

[Passed March 8, 1945; in effect ninety days from passage. Approved by
the Governor.]

Section
1. Salary of judge of criminal court of Harrison county.

Be it enacted by the Legislature of West Virginia:

That section four, chapter twenty-seven, acts of the Legisla-
ture of West Virginia, regular session, one thousand nine hun-
dred nine, as amended and reenacted by section four, chapter
twelve, acts of the Legislature, regular session, one thousand
nine hundred nineteen, as amended and reenacted by section
four, chapter one hundred forty-six, acts of the Legislature,
regular session, one thousand nine hundred twenty-nine, as amended and reenacted by section four, chapter twenty-seven, acts of the Legislature, extraordinary session, one thousand nine hundred thirty-two, and as last amended by section twenty-one, chapter eighty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, be amended and reenacted to read as follows:

Section 4. Salary of Judge of Criminal Court of Harrison County.—The judge of the criminal court of Harrison county, West Virginia, shall, from the effective date hereof, receive for his services a salary of five thousand dollars per year; said amount to be paid in twelve equal monthly installments from year to year by the county court of said county, out of funds of said county, in the manner provided by statute.

CHAPTER 164
(Senate Bill No. 122—By Mr. Staats)

AN ACT to authorize the county court of Jackson county to use unexpended funds and surpluses in any fund of said county for purchasing and erecting a memorial for those who served in the armed forces of the United States during World War I and World War II, or for the purposes of creating a special fund for purchasing gravel and other necessary material to be used for secondary road purposes in cooperation with the state road commission of West Virginia, and to expend for such purposes the fund so created.

[Passed March 5, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 1. Jackson county court authorized to create a special fund for construction of a war memorial, or for secondary road purposes.
Be it enacted by the Legislature of West Virginia:

Section 1. Jackson County Court Authorized to Create a Special Fund for Construction of a War Memorial, or for Secondary Road Purposes.—The county court of Jackson 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 purchasing and erecting a memorial for those who served in the armed forces of the United States during World War I and World War II, or for purchasing gravel and other necessary material to be used for secondary road purposes in cooperation with the state road commission of West Virginia, upon such terms as said county court and the state road commission may agree, and to expend for such purposes or such of them as the said county court deems expedient, the fund so created.

CHAPTER 165

(House Bill No. 348—By Mr. Davis)

AN ACT authorizing and empowering the county court of Kanawha county to expend money for the improvement of an airport; repairs, alterations and improvements to the courthouse, and acquisition of ground at county infirmary.

[Passed March 10, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 1. Kanawha county court authorized to expend surplus funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Kanawha County Court Authorized to Expend Surplus Funds.—The county court of Kanawha county is authorized and empowered to use general county funds or any other funds at its disposal which are not required to be expended for other purposes or which have not been appropriated for other county expenditures, for
the purpose of constructing and improving an airport in Kanawha county; for the purpose of making repairs, alterations and improvements to the Kanawha county courthouse building, and for the purpose of acquiring ground and making improvements at the county infirmary property in Kanawha county.

CHAPTER 166
(Senate Bill No. 37—By Mr. Morrison, by request)

AN ACT to amend and reenact section eleven, chapter twenty-five, acts of the Legislature of West Virginia, one thousand nine hundred seven, as amended by chapter one hundred forty-three, acts of the Legislature, one thousand nine hundred thirty-seven, relating to the time for holding terms of the intermediate court of Kanawha county, West Virginia.

[Passed March 2, 1945; in effect from passage. Approved by the Governor.]

Section 11. Terms of intermediate court of Kanawha county.

Be it enacted by the Legislature of West Virginia:

That section eleven, chapter twenty-five, acts of the Legislature of West Virginia, one thousand nine hundred seven, as amended by chapter one hundred forty-three, acts of the Legislature, one thousand nine hundred thirty-seven, be amended and reenacted to read as follows:

Section 11. Terms of Intermediate Court of Kanawha County.—There shall be three terms of said court held in each year, commencing on the second Monday in January, the third Monday in April, and the third Monday in September. Adjourned and special terms of said court may be called and held as provided for special and adjourned terms of the circuit court.
AN ACT to repeal chapter ninety-three, acts of the Legislature of West Virginia, regular session, one thousand nine hundred twenty-seven, relating to the salary of the judge and probation officers of the juvenile court of Kanawha county, and to amend and reenact section nine, chapter one hundred seventy-one, acts of the Legislature, regular session, one thousand nine hundred twenty-one, relating to the salary of the judge of the court of common pleas of Kanawha county.

(Passed March 5, 1945; in effect ninety days from passage. Approved by the Governor.)

Section 1. Salary of the judge of the court of common pleas of Kanawha county.

Be it enacted by the Legislature of West Virginia:

That chapter ninety-three, acts of the Legislature of West Virginia, regular session, one thousand nine hundred twenty-seven, is hereby repealed, and that section nine, chapter one hundred seventy-one, acts of the Legislature, regular session, one thousand nine hundred twenty-one, be amended and reenacted to read as follows:

Section 9. Salary of the Judge of the Court of Common Pleas of Kanawha County.—The judge of the court of common pleas of Kanawha county shall receive for his services as such eight thousand five hundred dollars per annum, payable out of the county treasury of said county of Kanawha as the salaries of the other officers of said county are paid, beginning the first day of July, one thousand nine hundred forty-five.
CHAPTER 168
(House Bill No. 56—By Mr. Knight)

AN ACT to amend and reenact section one, chapter sixteen, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-seven, relating to the authorization of the judge of the thirteenth judicial circuit of West Virginia to appoint a law assistant, fixing his qualifications and salary, and requiring the county court of Kanawha county to provide the manner of payment of such salary.

[Passed February 2, 1945; in effect from passage. Approved by the Governor.]

Section 1. Law assistant for thirteenth judicial circuit; qualifications; salary.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Law Assistant for Thirteenth Judicial Circuit; Qualifications; Salary.—On or after the effective date of this act, the judge of the circuit court of Kanawha county, West Virginia (thirteenth judicial circuit), may appoint a law assistant who shall be a person duly licensed to practice law in this state, and who shall discharge such secretarial duties as may be assigned him by the judge; said law assistant, while acting as such, shall not engage in the practice of law but shall devote his time to the duties of his office, and may be removed and his successor appointed at any time by the judge. Said law assistant shall receive a salary of not in excess of four thousand two hundred dollars per year, payable monthly, and the county court of Kanawha county shall annually, at its levy session, provide for the payment out of general county funds the amount of the salary so fixed.
AN ACT to authorize the county court of Logan 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 8, 1945; in effect ninety days from passage. Approved by the Governor.]

Section
1. Logan county court authorized to create special county building fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Logan County Court Authorized to Create Special County Building Fund.—The county court of Logan county is hereby authorized and empowered from year to year to use any unexpended funds of said county and any surpluses in any county fund, or so much thereof as they may see fit, for the purpose of creating a special fund for the erection of new county buildings or for enlarging, remodeling and improving present county buildings, and to expend for such purpose the fund so created.

CHAPTER 170

(Com. Sub. for House Bill No. 352—Originating in the House Committee on the Judiciary)

AN ACT to amend and reenact section nine, chapter five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred nineteen, as last amended, concerning the judge of the criminal court of McDowell county.

[Passed March 7, 1945; in effect July 1, 1945. Approved by the Governor.]
Section 9. Salary of McDowell county criminal judge.

Be it enacted by the Legislature of West Virginia:

That section nine, chapter five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred nineteen, as last amended, be amended and reenacted to read as follows:

Section 9. Salary of McDowell County Criminal Judge.
2 -The said criminal judge shall, for his services, receive six thousand dollars per annum, to be paid out of the county treasury.

CHAPTER 171

(Senate Bill No. 38—By Mr. Johnston, by request)

AN ACT to amend and reenact section four, chapter eighteen, acts of the Legislature of West Virginia, one thousand eight hundred ninety-three, as amended by section one, chapter fourteen, acts of the Legislature, extraordinary session, one thousand nine hundred four, as amended by section four, chapter twenty-seven, acts of the Legislature, one thousand nine hundred seven, as amended by section four, chapter fifty, acts of the Legislature, extraordinary session, one thousand nine hundred eight, as amended by section four, chapter sixty-eight, acts of the Legislature, one thousand nine hundred nineteen, relating to the salary of the judge of the criminal court of Mercer county, West Virginia.

[Passed February 6, 1945; in effect from passage. Approved by the Governor.]

Section 4. Salary of the judge of the criminal court of Mercer county.

Be it enacted by the Legislature of West Virginia:

That section four, chapter eighteen, acts of the Legislature
of West Virginia, one thousand eight hundred ninety-three, as amended by section one, chapter fourteen, acts of the Legislature, extraordinary session, one thousand nine hundred four, as amended by section four, chapter twenty-seven, acts of the Legislature, one thousand nine hundred seven, as amended by section four, chapter five, acts of the Legislature, extraordinary session, one thousand nine hundred eight, as amended by section four, chapter sixty-eight, acts of the Legislature, one thousand nine hundred nineteen, be amended and reenacted to read as follows:

Section 4. Salary of the Judge of the Criminal Court of Mercer County.—The judge of said court shall, for his services, receive five thousand four hundred dollars per annum, payable out of the county treasury of said county, as provided by section one, chapter fourteen, acts of the extraordinary session of the Legislature of West Virginia, one thousand nine hundred four.

CHAPTER 172
(Senate Bill No. 127—By Mr. Hardesty, by request)

AN ACT to authorize and empower the county court of Monongalia 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 court in the employment, operation and maintenance of a dog catcher in Monongalia county.

[Passed February 23, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 1. Monongalia county court authorized to transfer funds to be used for employment, operation, and maintenance of a dog catcher.

Be it enacted by the Legislature of West Virginia:

Section 1. Monongalia County Court Authorized to Transfer Funds to Be Used for Employment, Operation,
and Maintenance of a Dog Catcher.—The county court of Monongalia county is hereby authorized and empowered to transfer any and all necessary money, from the fund realized from the assessment and collection of head taxes on dogs, to the general county fund to be used for the payment and satisfaction of all expense in connection with the hiring, operation and maintenance of a dog catcher in Monongalia county, to be selected by and operate under the direction of the said county court.

All acts, or parts of acts, inconsistent herewith, are hereby repealed, insofar as they may apply to Monongalia county.

CHAPTER 173
(House Bill No. 194—By Mr. Hugus and Mr. Burt)

AN ACT to authorize the board of commissioners of the county of Ohio to use all or part of debt levies, not required for bonded indebtedness, for the purpose of the construction, equipment and maintenance of an airport, and a county building, providing for the leasing of temporary quarters during the construction of any county building, and for the construction, equipment and maintenance of any county building in conjunction with the city of Wheeling, and validating and confirming levies heretofore laid for the purchase of lands for and the construction of an airport.

[Passed March 6, 1945; in effect ninety days from passage. Approved by the Governor.]

Section 1. Board of commissioners of the county of Ohio authorized to lay an additional levy, and to use proceeds therefrom for construction and maintenance of an airport and a county building.

2. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Board of Commissioners of the County of Ohio Authorized to Lay an Additional Levy, and to Use
Proceeds Therefrom for Construction and Maintenance of an Airport and a County Building.—For a period of five years commencing with the fiscal year one thousand nine hundred forty-five—one thousand nine hundred forty-six, in addition to the levies heretofore authorized to be laid by county courts for general county current expense, and for the payment of interest and sinking fund requirements on bonded indebtedness incurred subsequent to the passage of the tax levy limitation amendment, the board of commissioners of the county of Ohio is hereby authorized and empowered to lay such additional levy as may not be required for bonded indebtedness, on all of the property in Ohio county, but not to exceed four and nine-tenths cents on each one hundred dollars' assessed valuation on class I property; nine and eight-tenths cents on class II property; and nineteen and six-tenths cents on classes III and IV property. The proceeds of said levy shall be placed in a separate fund designated "Public Improvement Fund", to be used solely for the construction, equipment and maintenance of an airport, and a county building, and for the leasing of temporary quarters for a county building during any construction period. Any such county building may be constructed, equipped and maintained in conjunction with the city of Wheeling. Such levies heretofore laid by the board of commissioners of the county of Ohio for the purpose of purchasing land and constructing an airport thereon are hereby validated and confirmed.

Sec. 2. Inconsistent Acts Repealed.—All acts and parts of acts inconsistent or in conflict herewith, insofar as the same may be applicable to the county of Ohio, or the said board of commissioners of the county of Ohio, are hereby repealed.
CHAPTER 174
(House Bill No. 178—By Mr. Ward and Mr. Flint)

AN ACT to amend chapter one hundred fifty-one, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-one, by adding thereto a new section, numbered fourteen, relating to the approval, by the county court of Raleigh county, of disbursements made from the general county fund of said county for improvements of the Raleigh county recreational park, known as Four-H lake.

(Passed March 2, 1945; in effect from passage. Became a law without the approval of the Governor.)

Section
14. Raleigh county court authorized to approve disbursements made for the improvement of the county recreational park.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred fifty-one, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-one, be amended by adding thereto a new section to read as follows:

Section 14. Raleigh County Court Authorized to Approve Disbursements Made for the Improvement of the County Recreational Park.—The county court is authorized to approve at any regular meeting of the said court within six months after the effective date of this act, the disbursements heretofore made from the general county fund for the improvements of the Raleigh county recreational park commission, known as the Four-H lake, which said approval shall be a validation of all such disbursements so made.
CHAPTER 175

( House Bill No. 334—By Mr. Flint and Mr. Ward)

AN ACT to amend and reenact chapter one hundred sixty-six, acts of the Legislature of West Virginia, regular session, one thousand nine hundred twenty-one, fixing the salary of the judge of the criminal court of Raleigh county.

[Passed March 8, 1945; in effect July 1, 1945. Approved by the Governor.]

Section 9. Salary of the judge of the criminal court of Raleigh county.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred sixty-six, acts of the Legislature of West Virginia, regular session, one thousand nine hundred twenty-one, be amended and reenacted to read as follows:

Section 9. Salary of the Judge of the Criminal Court of Raleigh County.—The judge of the criminal court of Raleigh county shall receive for his services six thousand dollars per annum, to be paid out of the county treasury of said county of Raleigh in the same manner and at the same time as the salaries of the other county officers are paid; and he shall not practice law in any of the courts of this state during his continuance in said office.

CHAPTER 176

(Senate Bill No. 135—By Mr. Hall, of Raleigh)

AN ACT authorizing the county courts of Preston, Raleigh and Ritchie counties to expend money for acquiring, developing and maintaining an airport or landing field within each of said counties and to cooperate with state and federal agencies for that purpose.

[Passed March 2, 1945; in effect from passage. Approved by the Governor.]
Section

1. County courts of Preston, Raleigh and Ritchie counties authorized to use public funds for acquiring and developing airports or landing fields.

Be it enacted by the Legislature of West Virginia:

Section 1. County Courts of Preston, Raleigh and Ritchie Counties Authorized to Use Public Funds for Acquiring and Developing Airports or Landing Fields.—The county courts of Preston, Raleigh and Ritchie counties are hereby authorized to use general county funds or any other funds at their disposal, and which they are not required to spend for other purposes, for acquiring, developing and maintaining airports or landing fields within each of their said counties. The said county courts are also authorized to cooperate with any state or federal agencies or departments in acquiring, developing and maintaining said airports or landing fields and are authorized to accept state or federal funds, and other gifts, devises and bequests for such purposes.

CHAPTER 177

(Senate Bill No. 210—By Mr. McKown)

AN ACT to authorize the county court of Wayne county to construct, equip, maintain and operate memorial buildings in the vicinities of Wayne, Ceredo-Kenova and Westmoreland, in Wayne county; and to transfer unexpended balances in the county contractual fund and county road bond fund to the general county fund to be used for said purposes.

[Passed March 7, 1945; in effect ninety days from passage. Approved by the Governor.]

Section

1. Wayne county court authorized to construct, maintain and operate war memorials.
2. Transfer of county funds.
Be it enacted by the Legislature of West Virginia:

Section 1. Way County Court Authorized to Construct, Maintain and Operate War Memorials. — The county court of Wayne county, West Virginia, is authorized to erect, or purchase community buildings, structure or structures, monument or monuments, and to acquire sites therefor either by purchase or condemnation, as memorials in memory of and in recognition of the virtue and sacrifices of the soldiers and sailors from Wayne county in the two World Wars, and to lay a levy for the purpose as provided by section two, article three, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, and said fund shall be administered in every respect as provided therein.

Sec. 2. Transfer of County Funds. — The said county court is hereby authorized to transfer such unexpended funds as it now has in the contractual debt fund and the county road bond fund by proper order entered of record to the general county fund of said county to be used for the purposes set out in section one hereof.

CHAPTER 178

(Senate Bill No. 190 — By Mr. Bowers, by request)

AN ACT to authorize the county court of Wetzel county to reimburse Marne Post No. 28 of the American Legion, for money spent for repairs to the War Memorial building at New Martinsville, West Virginia, to the extent of five thousand dollars.

[Passed March 7, 1945; in effect from passage. Approved by the Governor.]

Section
1. Wetzel county court authorized to reimburse Marne Post No. 28 of the American Legion, for money spent for repairs to war memorial building.
Be it enacted by the Legislature of West Virginia:

Section 1. Wetzel County Court Authorized to Reimburse Marne Post No. 28 of the American Legion, for Money Spent for Repairs to War Memorial Building.—The county court of Wetzel county is hereby authorized and empowered to reimburse Marne Post No. 28 of the American Legion, for money expended for repairs on the War Memorial building at New Martinsville, West Virginia, and pay said reimbursement out of any available funds: Provided, however, That such reimbursement shall not exceed the sum of five thousand dollars.
RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 1
(By Mr. Schupbach)
[Adopted January 10, 1945.]

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 2:45 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 Governor and other state officers elected at the general election held throughout the state on the 7th-day of November, one thousand nine hundred forty-four, as provided by section three, article seven of the Constitution of this State.

HOUSE CONCURRENT RESOLUTION NO. 2
(By Mr. Ross, of Mercer)
[Adopted January 10, 1945.]

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 3:00 o'clock P. M., this day, to hear the biennial message of His Excellency, Governor Matthew M. Neely.
HOUSE CONCURRENT RESOLUTION NO. 3
(By Mr. Ward)
[Adopted January 10, 1945.]

Providing for a recess of the Legislature.

Resolved by the House of Delegates, the Senate concurring therein:

That when adjournment is taken by the two Houses of the Legislature at the close of this day's session, such adjournment shall be until Tuesday, January 16th, 1945, at 2:00 o'clock P. M.

Committee Substitute for

HOUSE CONCURRENT RESOLUTION NO. 4
(Originating in the House Committee on the Judiciary)
[Adopted February 15, 1945.]

Providing for the appointment of an interim committee to make a study, survey, and investigation of public health problems, institutional and civilian medical care, hospital service and medical education in West Virginia.

WHEREAS, The health of the people of the State of West Virginia is a matter of state concern; and

WHEREAS, The distribution of medical care for persons who cannot provide it for themselves and their families continues to be a matter of great public interest, calling for cooperative action on the part of public administrators and doctors in civilian practice to bring about a high order of medical care for the needy sick; and

WHEREAS, The Legislature feels that public health problems, including medical and hospital care for the needy, the operation of state hospitals and sanitariums, the distribution of medical care and hospital service through the medium of service plans, the extension of state and county health programs, and the continuance of a medical school at West Vir-
Virginia University, should all receive careful study by a committee; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That an interim committee, consisting of five members of the Senate, to be appointed by the President thereof, and five members of the House of Delegates, to be appointed by the Speaker thereof, of which committee the Speaker of the House of Delegates and the President of the Senate shall be members and ex officio chairman and co-chairman, is hereby set up for the purpose of making a thorough study, survey and investigation of the following matters of public interest:

(a) The administration of state-owned hospitals and sanitariums, particularly with reference to medical care provided at such institutions;

(b) The enlargement of the present public health program so as to provide adequate medical care and hospital service for the needy in all areas, including industrial and agricultural;

(c) The operation of existing prepaid voluntary medical-hospital-surgical service plans and the desirability of or necessity for amendments to present statutes, or the enactment of additional laws in connection therewith;

(d) The development of prepaid voluntary or compulsory health insurance plans designed to provide adequate medical care and hospital service for all of the people;

(e) The continuance of a two-year school of medicine at West Virginia University; the need for an additional building or buildings for that purpose; the practicability of the establishment of a four-year school of medicine; and, the advisability of establishing a department of public health in connection with that school;

(f) The transfer of the supervision of superintendents of state hospitals and sanitariums from the Board of Control to the Public Health Council;

(g) Availability of hospital facilities in all areas of the State
compared with the need therefor, particularly with reference to bed-capacity;

(h) Such other matters concerning public health as may properly come before the committee for study, investigation and report. The committee shall elect a chairman and a vice chairman from the members of the committee, which is authorized to employ such assistance as may be needed and fix compensation within the amounts made available by the appropriation therefor. Such committee may meet anywhere in the State, may take testimony, subpoena witnesses, and require the production of books, records and papers, as may be necessary to carry out the spirit of this resolution.

There shall be appointed by the Governor a committee, not to exceed twenty-five persons, who shall act in an advisory capacity to the interim committee, of whom five shall be duly licensed doctors of medicine practicing in West Virginia, one a member of the Hospital Association of West Virginia, one a member of the West Virginia State Nurses' Association, one a representative of a medical, surgical or hospital service plan organization, functioning in West Virginia, one a member of the West Virginia State Dental Society, one a member of the West Virginia State Pharmaceutical Association, one a member of the West Virginia Osteopathic Society, Inc., and one a member of the West Virginia Medical Society.

Vacancies occurring for any cause in the membership shall be filled by the officer authorized to make the original appointments.

The committee is authorized to fix the amount to be paid the members of the interim and advisory committees as an allowance for their expenses, not to exceed fifteen dollars a day per member, and for their mileage.

Such committee shall make a report to the Legislature on or before January 10, 1947, and shall include in such report such amendments to our present statutes and such additional measures as may be deemed necessary to carry the recommendations of the committee into effect.

The sum of twenty-five thousand dollars ($25,000), or so
much thereof as may be needed, is hereby appropriated for the expenses of the committee, one-half thereof to be paid from the contingent fund of the Senate, and one-half from the contingent fund of the House of Delegates, upon proper requisitions of the Clerks of the two Houses.

The Clerk of the Senate and the Clerk of the House of Delegates, upon the approval of the chairman of said committee, shall draw their requisitions upon the Auditor, payable equally out of the contingent fund of the House of Delegates and the contingent fund of the Senate for such expenditures and expenses of said committee as are authorized by this resolution. Requisitions to the Auditor for payment of expenses of said committee shall be accompanied by the signed approval of said expenses, signed by the chairman of said committee or by one authorized to do so by the committee.

HOUSE CONCURRENT RESOLUTION NO. 7
(By Mr. Davis)
[Adopted January 30, 1945.]

Providing for a joint assembly to hear an address by His Excellency, the Governor.

WHEREAS, His Excellency, the Governor, has informed the Legislature that he would be pleased to address a joint assembly; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That His Excellency, the Governor, is hereby invited to address a joint assembly at 2:30 o'clock P. M., Monday, February 5, 1945; and, be it

Further Resolved, That the Legislature meet in joint assembly in the hall of the House of Delegates at this hour to hear the address of His Excellency, the Governor; and, be it

Further Resolved, That the President of the Senate appoint three members of that body and that the Speaker of the House
of Delegates appoint three members of that body as a committee to wait upon His Excellency, the Governor, and escort him to the hall of the House of Delegates at 2:30 o'clock P. M., on this day.

HOUSE CONCURRENT RESOLUTION NO. 13
(By Mr. Matthews)
[Adopted February 19, 1945.]

Deploring the death of the Honorable Harry L. Van Sickler, a member of the House of Delegates.

WHEREAS, On last Saturday morning the Legislature learned with unfeigned sorrow of the death, which took place shortly before the two Houses convened on that day, of the Honorable Harry L. Van Sickler, late a Delegate from the County of Greenbrier; and

WHEREAS, The first legislative service of the deceased antedates that of any other member of the Legislature, he having been a member of the House of Delegates in the 1903 session of the Legislature; and since that time has served as a member of the House of Delegates in the first and second extraordinary sessions of 1933, and of the 1935, 1937, 1943, and 1945 sessions; and

WHEREAS, This distinguished Delegate was an able and conscientious legislator, a capable lawyer and wise counsellor, a faithful churchman, an ardent fraternalist, and a respected and worthy public official; and

WHEREAS, The deceased had been honored by his neighbors and fellow citizens in the Town of Lewisburg, West Virginia, in selecting him as a member of council and mayor of his home town on numerous occasions; and from 1937 to 1941 he served as a member of the Workmen's Compensation Appeal Board, displaying able and outstanding ability in this position, as reflected by the affirmation of the decisions of this board by the Supreme Court of Appeals; and

WHEREAS, During his service in the House of Delegates he
served as chairman and member of leading standing committees, having been a member of the House Committee on Rules in the forty-third, forty-sixth and forty-seventh Legislatures, and was chairman of the House Committee on the Judiciary and majority leader in that body during the forty-sixth Legislature, a position which he filled with distinction and ability, and as a result of his leadership and devotion to principle, as displayed in this position, he won great esteem and respect throughout the state; and

WHEREAS, The deceased was a man whose every action, manner, high principles and dealings with his fellowman typified the word gentleman, and characterized the highest attributes of exemplary citizenship; and

WHEREAS, This distinguished gentleman, although ever kind, courteous, tolerant, tactful and fair, never feared to take a position upon any public question, and having taken a position, he stood upon principle, and adhered strictly to principle, defending or advocating it with all his strength and ability, never faltering or wavering from the path of duty and right, no matter how rocky the road or how stormy the course; and

WHEREAS, Because of the ability, loyalty and devotion to principle, with which Delegate Van Sickler discharged his duties as a member of the House of Delegates, as well as his fundamental desire to serve and help others; the people of the State of West Virginia have suffered the loss of a true friend and a competent and honest advocate; and

WHEREAS, While he was an outstanding member of the Democratic party, he was loved and respected by members of all political groups; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the members of the forty-seventh Legislature of West Virginia, fully aware of the tragic loss suffered as a result of the death of this distinguished member of the House of Delegates, hereby extend their deepest and heartfelt sympathy to the members of the family of the deceased; and, be it

Further Resolved, That out of respect to the memory of the
deceased, that the Sergeants-at-Arms of the two Houses have
the flags lowered to half-mast during today; and, be it

Further Resolved, That the members of the House Committee
on Rules, and Senators Bowling, Allen and Morrison, hereto­
fore appointed by the President of the Senate, are hereby desig­
nated the official committees of the House of Delegates and
Senate to attend the funeral at Lewisburg, West Virginia, at
3:00 o'clock P. M., this day.

HOUSE CONCURRENT RESOLUTION NO. 14
(By Mr. Hansbarger)

[Adopted March 2, 1945.]

Requesting the Governor to limit the issuance and sale of
seven million dollars' worth of West Virginia state road bonds,
authorized by an act of the Legislature at its regular session,
one thousand nine hundred forty-five, until such time as federal
matching funds for highway construction may be available
under acts of Congress.

Resolved by the House of Delegates, the Senate concurring
therein:

That the Governor do defer issuance and sale of seven million
dollars' worth of West Virginia state road bonds, authorized
to be issued and sold by an act of the Legislature at its regular
session, one thousand nine hundred forty-five, until such time
as federal matching funds for highway construction may be
available under acts of the Congress.

HOUSE CONCURRENT RESOLUTION NO. 16
(By Mr. Hartigan and Mr. Carder)

[Adopted March 2, 1945.]

Creating a committee to recommend a suitable marker for
the birthplace of the founder of Mother's Day, and the location
of an appropriate memorial in some public park or place.
WHEREAS, Miss Ann Jarvis, the founder of Mother’s Day, is a native of West Virginia, having been born in Taylor County, near Grafton, on May 1, 1864; and

WHEREAS, Miss Jarvis lost her mother in 1906 and the following year appealed to some of her friends to observe with her the anniversary of her mother’s death, which resulted in plans being made for the annual celebration of Mother’s Day, and the response to this appeal being so immediate and general that on May 10, 1908, the City of Philadelphia, where Miss Jarvis then resided, observed Mother’s Day, and in 1912 the Governor of Texas proclaimed the observation of the day and pardoned a number of prisoners at that time; and

WHEREAS, Interest in the movement continued to grow, and on May 10, 1913, a resolution was passed by the Congress declaring Mother’s Day a national observation, and on May 9, 1914, President Wilson was the first President to issue a proclamation for the national observance of this day, which has since been observed nationally; and

WHEREAS, In addition to being the founder of Mother’s Day, Miss Jarvis contributed much to West Virginia—music and literature claimed her interest at an early age, and to her belongs credit for the first literary clubs in the public schools of this State—and furthermore she organized the first industrial classes in the public schools of her native state, and has the honor of being responsible for the establishment of the first flag day through legislation; and

WHEREAS, Miss Jarvis is now advanced in years and confined to a sanitarium at West Chester, Pennsylvania; and

WHEREAS, It is only fitting and proper that the State of West Virginia recognize the outstanding achievements of this distinguished lady, and at the same time honor and pay tribute to all mothers of this State; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That a committee of five members of the Legislature, three members of the House of Delegates, to be appointed by the Speaker, and two members of the Senate, to be appointed by
the President thereof, be appointed to consider and make recommendation to the next regular session of the Legislature upon the following:

1. The design, location, and cost of an appropriate marker at the birthplace of Miss Ann Jarvis; and

2. The location and cost of an appropriate memorial in honor of West Virginia motherhood, and in recognition of the founder of Mother's Day and her contribution to the cultural and moral life of this great State, such memorial to be located in some public park or place; and, be it

Further Resolved, That the committee may consult and advise with historical societies, the Board of Control, and other public agencies or voluntary organizations upon the problems herein assigned said committee. The committee shall serve without cost to the State.

HOUSE CONCURRENT RESOLUTION NO. 17
(By Mr. Holt)

[Adopted February 27, 1945.]

Deploring the death of the Honorable John W. Johnson, the Delegate from the County of Braxton.

WHEREAS, The Legislature has learned with sincere sorrow of the death of the Honorable John W. Johnson, late a Delegate from the County of Braxton; and

WHEREAS, The deceased was serving his second consecutive term as a member of the House of Delegates from the County of Braxton, having been elected in the years 1942 and 1944; and

WHEREAS, This Delegate was one of Braxton County's leading citizens and prominent businessmen; and was an honest, capable and conscientious legislator; therefore, be it
Resolved by the House of Delegates, the Senate concurring therein:

That the members of the forty-seventh Legislature of West Virginia, realizing the great loss suffered in the death of this beloved member of the House of Delegates, hereby extend their genuine and heartfelt sympathy to the members of the family of the deceased; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint committees from the membership of the respective Houses to attend the funeral of the deceased; and, be it

Further Resolved, That the Clerks of the two Houses do procure appropriate floral emblems, and that out of respect to the memory of the deceased, the Sergeants-at-Arms of the two Houses have the flags lowered to half-mast until after the funeral.

HOUSE CONCURRENT RESOLUTION NO. 18

(By Mr. Davis)

[Adopted March 2, 1945.]

Providing for a joint assembly to hear a message by His Excellency, the Governor.

Whereas, His Excellency, the Governor, has informed the presiding officers of the Senate and House of Delegates that he would be pleased to address a joint assembly; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That His Excellency, the Governor, is hereby invited to address a joint assembly, and that the Legislature meet in joint assembly in the hall of the House of Delegates to hear an address by His Excellency, the Governor, at 2:30 o'clock P. M., Friday, March 2, 1945.
HOUSE CONCURRENT RESOLUTION NO. 20
(By Mr. Speaker, Mr. Amos)

[Adopted March 8, 1945.]

Authorizing the Governor to make the State of West Virginia a party to the Interstate Oil Compact Commission.

Resolved by the House of Delegates, the Senate concurring therein:

That the Governor of the State of West Virginia is hereby authorized, for and in the name of the State of West Virginia, to join with other states in the interstate compact to conserve oil and gas, which was heretofore executed from the city of Dallas, Texas, on the 16th day of February, 1935, and is now deposited with the Department of State of the United States, and which has been extended with the consent of the Congress to September 1, 1947; and, be it

Further Resolved, That the Governor of West Virginia is further authorized and empowered for and in the name of the State of West Virginia, to execute agreements for the further extension of the expiration date of the said the interstate oil compact to conserve oil and gas, and to determine if and when it shall be for the best interest of the State of West Virginia to withdraw from said compact upon sixty days' notice as provided by its terms. In the event he shall determine that the State should withdraw from said compact, he shall have full power and authority to give necessary notice and to take any and all steps necessary and proper to effect the withdrawal of the State of West Virginia from said compact; and, be it

Further Resolved, That the Governor shall be the official representative of the State of West Virginia on "The Interstate Oil Compact Commission", provided for in the compact to conserve oil and gas, and shall exercise and perform for the State of West Virginia all the powers and duties as a member of "The Interstate Oil Compact Commission": Provided, That he shall have the authority to appoint an assistant representative who shall act in his stead as the official representative of the State of West Virginia as a member of said commission.
HOUSE CONCURRENT RESOLUTION NO. 22

(By Mr. Davis)

(Adopted March 10, 1945.)

Thanking Dr. Clyde L. Colson for assistance to the Legislature.

WHEREAS, Dr. Clyde L. Colson, technical adviser to His Excellency, the Governor, has been of great service to the members of the forty-seventh Legislature, in the drafting of bills and advising members and committees; and

WHEREAS, Dr. Colson has been courteous and accommodating to the members of the Legislature; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the members of this Legislature hereby express their appreciation and thanks to Dr. Colson for his courteous and valuable aid and assistance during this session of the Legislature.

HOUSE CONCURRENT RESOLUTION NO. 23

(By Mr. Hansbarger)

(Originating in the Committee on Rules)

(Adopted March 10, 1945.)

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 requisitions 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. 26 and Senate Resolution No. 16, 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 JOINT RESOLUTION NO. 7
(By Mr. Goff, by request)

[Adopted March 6, 1945.]

Proposing an amendment to the Constitution of the State, amending article six thereof by adding thereto a new section to be numbered section fifty-three, and to be known as the "Forestry Amendment".

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of West Virginia shall be submitted to the voters of the State at the next general election to be held in the year one thousand nine hundred forty-six, which proposed amendment is as follows:

That article six of the Constitution of the State of West Virginia be, and the same is hereby amended by adding thereto a new section to be numbered section fifty-three, and to be known as the "Forestry Amendment", to read as follows:

Section 53. Forestry Amendment.—The Legislature may by general law define and classify forest lands and provide for cooperation by contract between the state and the owner in the planting, cultivation, protection, and harvesting thereof. Forest lands embraced in any such contract may be exempted from all taxation or be taxed in such manner, including the imposition of a severance tax or charge as trees are harvested, as the
Legislature may from time to time provide. But any tax measured by valuation shall not exceed the aggregate rates authorized by section one of article ten of this Constitution.

HOUSE RESOLUTION NO. 1
(By Mr. Davis)
[Adopted January 10, 1945.]
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-three, are hereby adopted and shall govern the proceedings of this House.

HOUSE RESOLUTION NO. 2
(By Mr. Lubliner)
[Adopted January 10, 1945.]
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. Hansbarger)
[Adopted January 10, 1945.]
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. Van Sickler)
[Adopted January 10, 1945.]

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 manual to supply each member of the Legislature with ten copies thereof shall be printed.

HOUSE RESOLUTION NO. 5
(By Mr. Knight)
[Adopted January 18, 1945.]

Congratulating the West Virginia State Government Mileage Administration for its accomplishments in the reduction of state travel.

Whereas, At the request of the Office of Price Administration,
Washington, D. C., and the further request of the Governor, there was set up by the departmental heads of the state administration, in December, 1942, the office of the West Virginia State Government Mileage Administration; the primary object of which was to bring about a reduction of travel in automobiles by state employees, for the preservation of tires; and

WHEREAS, The West Virginia State Government Mileage Administration so set up and operated has, with the cooperation of the departmental heads and the state employees during the years 1943 and 1944, affected a reduction of auto travel by approximately thirty-five per cent each year as compared with state travel during the year 1941, the year 1941 being the last pre-war year; and

WHEREAS, Said reduction in travel saved the State of West Virginia for the year 1943 the sum of $338,743.75 and for the first nine months of 1944 the sum of $342,441.12, or a total saving from January 1, 1943, to September 30, 1944, of $681,184.87, the reports for the last three months of 1944 not being completed at this time; therefore, be it

Resolved by the House of Delegates:

That the said mileage administration be congratulated for its efforts and accomplishments, and that the proper committee of the House of Delegates be requested to consider the advisability of legislation for the purpose of making permanent the Office of State Government Mileage Administration.

---

HOUSE RESOLUTION NO. 6

(By Mr. Davis)

(Originating in the Committee on Rules)

[Adopted January 17, 1945.]

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 seven dollars, and that 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. Davis)

(Originating in the Committee on Rules)

[Adopted January 17, 1945.]

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. 9

(By Mr. Davis)

(Originating in the Committee on Rules)

[Adopted January 17, 1945.]

Authorizing the appointment of attaches for the House of Delegates for the 1945 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 eight dollars per day each;
Two roll-call clerks at eight dollars per day each;
Four proofreaders at nine dollars per day each;
Four copyholders at eight 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 nine dollars per day;
One messenger at eight dollars per day;
One file clerk at eight dollars per day;
Two typists at eight dollars per day each;
One receptionist-telephone operator at eight dollars per day;
One Journal clerk at twelve dollars per day;
One Journal stenographer at ten dollars per day;
One stenographer at nine 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, ten and nine dollars per day, respectively;

One clerk, one assistant clerk and one stenographer to the Committee on the Judiciary at twelve, ten and nine dollars per day, respectively;

Eleven committee clerks, to be assigned by the Speaker, at nine 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 nine dollars per day each;

One supervisor of stenographers at ten dollars per day;

Twelve stenographers at nine dollars per day each;

Four typists at eight dollars per day each;

One superintendent of document and mailing rooms at twelve dollars per day;

One assistant superintendent of document and mailing rooms at ten dollars per day;

Six document room clerks at eight dollars per day each;

Four mailing room clerks at eight dollars per day each;

Four pages at six dollars per day each;

One messenger to the Speaker at eight dollars per day;

Three assistants to the Sergeant-at-Arms at nine dollars per day each;

One clerk to the Sergeant-at-Arms at nine dollars per day;

Six assistant doorkeepers at eight dollars per day each;
One mimeograph supervisor at ten dollars per day;
Two mimeograph operators at eight dollars per day each;
One custodian of offices and property at eight dollars per day;
Two ladies' cloak room attendants at seven dollars per day each;
Two men's cloak room attendants at seven dollars per day each;
One voting machine technician at thirteen dollars per day;
One night watchman at eight 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 twenty dollars per day during the session, but shall not receive the compensation provided in Account No. 102, chapter one, acts of the Legislature, regular session, one thousand nine hundred forty-three; that the Sergeant-at-Arms and Doorkeeper shall 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. 10
(By Mr. Davis)
[Adopted January 22, 1945.]

Fixing per diem of House Chaplain.

Resolved by the House of Delegates:

That the per diem of any official Chaplain who may be appointed by the Speaker under authority of the rules of the House shall be five dollars.
HOUSE RESOLUTION NO. 11
(By Mr. Matthews)

[Adopted January 25, 1945.]

Relating to service and care of patients at Weston State Hospital and other state institutions.

WHEREAS, From information which seems credible, patients at some of our humane institutions, especially Weston State Hospital, are not receiving proper service and care; and.

WHEREAS, It is the duty of the Legislature to provide for the proper care of the wards of the State, who live tragic lives at best, and the members of this body are anxious that these persons receive adequate care and service and that they shall not be neglected; therefore, be it

Resolved by the House of Delegates:

That this body, through its committee on Humane Institutions and Public Buildings, or otherwise, take immediate steps to determine the true conditions that exist at these institutions, and that a full and complete report, giving the true facts as determined by such committee as may be authorized to make a study of conditions in these institutions, be made to this House as soon as possible, together with the recommendations of the committee.

HOUSE RESOLUTION NO. 12
(By Mr. Holt)

[Adopted January 29, 1945.]

Creating a standing Committee on Veterans' Affairs.

Resolved by the House of Delegates:

That a standing committee of the House, to be known as the Committee on Veterans' Affairs, be and it is hereby created; and, be it
Further Resolved, That the Speaker of the House be, and he is hereby, authorized to appoint the membership of such committee.

HOUSE RESOLUTION NO. 13

(Originating in the Committee on Rules)

[Adopted January 29, 1945.]

Amending the rules of the House of Delegates to provide for a Committee on Veterans’ Affairs.

Resolved by the House of Delegates:

That Rule No. 76 be amended by adding thereto a new standing committee to be known as the Committee on Veterans’ Affairs.

HOUSE RESOLUTION NO. 14

(By Mr. Doringer)

[Adopted January 30, 1945.]

Thanking the Inwood Fruit Growers for apples sent House of Delegates.

WHEREAS, The Inwood Fruit Growers, Inwood, West Virginia, has treated the members of the House to several bushels of choice Stayman Winesap apples; and

WHEREAS, This delicious fruit was shipped prepaid freight by this organization; therefore, be it

Resolved by the House of Delegates:

That the appreciation and thanks of the members of this body are hereby extended to the Inwood Fruit Growers for this very fine gift; and that the Clerk transmit a copy of this resolution to said organization.
HOUSE RESOLUTION NO. 16
(By Mr. Matthews and Mr. McClung)

[Adopted February 7, 1945.]

Extending birthday congratulations to the only feminine member of the forty-seventh session of the Legislature of West Virginia.

WHEREAS, Today, February 7, our charming lady member of the forty-seventh Legislature of West Virginia, Mrs. Nell W. Walker of Winona, Fayette County, celebrates 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 fifth 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 from the House of Delegates; and, be it

Further Resolved, That a certified copy of this resolution be transmitted to Mrs. Walker for her personal files.

HOUSE RESOLUTION NO. 18
(By Mr. Hugus)

[Adopted February 15, 1945.]

Extending to the family of the late John Guy Prichard, former Clerk of the House of Delegates, the sympathy of this House.

WHEREAS, Word has been received of the untimely death of John Guy Prichard of Fairmont, West Virginia, who passed away on February twelfth, one thousand nine hundred forty-five, in Phoenix, Arizona; and
WHEREAS, The late Mr. Prichard served this honorable body as Clerk of the House of Delegates from the county of Marion in the years one thousand nine hundred thirteen—one thousand nine hundred fifteen, and for many years was a friendly and familiar figure in these legislative halls; therefore, be it

Resolved by the House of Delegates:

That the Delegates to this forty-seventh session of the Legislature extend to Mrs. Prichard and other members of his family their sympathy; and, be it

Further Resolved, That a copy of this resolution be forwarded to the widow, Mrs. John Guy Prichard, and a copy to the oldest remaining member of the deceased's family in Fairmont, Miss Dorcas Prichard, dean of women at Fairmont State College; both documents to bear the certification of the Clerk of the House of Delegates, and be transmitted forthwith by him.

HOUSE RESOLUTION NO. 19

(By Mr. Davis)

(Originating in the Committee on Rules)

[ Adopted February 16, 1945.]

Amending House Rule No. 42.

Resolved by the House of Delegates:

That rule No. 42 of the rules of the House of Delegates for this session of the Legislature be amended to read as follows:

42. On the passage of every bill and joint resolution, and when the yeas and nays on any question are called for by one-tenth of those present, the Speaker shall direct a yea and nay vote to be taken, and every member present shall vote, unless excused. On all roll-calls, when the voting machine is not used, before the result is announced, the Clerk shall read to the House the names of those who voted in the affirmative or in the negative, whichever is the smaller number, and announce the names of those absent and not voting, at which time any
member may correct a mistake committed in taking down his vote. The result shall then be announced, and the yeas and nays entered on the Journal, but if the House so orders, the announcement of the result and the entry of the yeas and nays upon the Journal may be postponed to the succeeding day, with liberty to absent members at any time before the result is announced by the Speaker, to appear and vote “Aye” or “No”, in the presence of the House; and any member may, in the presence of the House, change his vote before the result is announced. The Journal shall also show those absent and not voting.

When the yeas and nays are called for by a member on any question, the Speaker shall hold this demand in abeyance until debate has closed upon the question under consideration, or until the previous question has been moved and sustained. Then the Speaker shall ascertain if the demand is sustained, and if sustained by one-tenth of the members present, the yeas and nays shall be taken.

Upon calls of the House, in taking the yeas and nays, the names of the members shall be called alphabetically, except the name of the Speaker shall be called last.

HOUSE RESOLUTION NO. 20
(By Mr. Schupbach)
[Adopted February 16, 1945.]

Authorizing payment of expenses of the House Committee on Penitentiary.

WHEREAS, The House Committee on Penitentiary has visited both the Penitentiary, at Moundsville, and the Medium Security Prison, at Huttonsville, during this session of the Legislature, and incurred certain expenses for hotel, transportation, meals, stenographic service and other miscellaneous expenses in connection with these visits; 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 for the purpose, in favor of the Chairman of the Committee on Penitentiary, in the amount of five hundred four dollars and nine cents ($504.09), to reimburse him for moneys expended in the payment of the various expenses incurred in the visiting and inspecting of said Penitentiary and Medium Security Prison by the House Committee on Penitentiary.

HOUSE RESOLUTION NO. 21

(By Mr. Davis)

(Originating in the Committee on Rules)

[Adopted February 21, 1945.]

Authorizing the Committee on Rules to arrange a Special Calendar.

Resolved by the House of Delegates:

That effective Monday, February 26, 1945, 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 ninth 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.
An expression of appreciation to the registered nurses of West Virginia for their patriotic service with the uniformed forces of the United States.

WHEREAS, The registered nurses of West Virginia have made an outstanding contribution to the cause of freedom and, as volunteers for service with the uniformed forces of the United States, exceeded all quotas assigned to this state from the first call for nurses until July 1, 1944, when misunderstanding, misconception and over-optimism caused the dissipation of an adequate reserve pool of registered nurses, the basic misunderstanding being advice from the Federal Government that after July 1, 1944, only nurses' replacements would be needed; and

WHEREAS, More than 878 of West Virginia's daughters are now serving in the Nurses Corps of our national military services, while scores of other qualified nurses have volunteered, passed their examinations, proved their qualifications, and have been awaiting their call to duty since the latter part of December, 1944; and

WHEREAS, The registered nurses in this State, as well as in the nation, conducted, largely at their own expense, their own recruitment program which resulted in the enrollment of at least fifty per cent of their available professional colleagues, a record no other profession can match; and

WHEREAS, Out of the enrolled national membership of registered nurses of 178,000, more than 81,000 volunteered, of whom 66,300 were accepted, though more than 11,000 have been separated from the services for physical or other reasons; and

WHEREAS, The registered nurses of this State and this nation feel that a competent federal agency with an adequately implemented program, with sufficient personnel, with authority to act, and with sufficient funds for proper expenses, can secure sufficient registered nurses for the military forces and provide, as well, adequate nursing services on the home front; therefore, be it
Resolved by the House of Delegates:

That we do express our pride in the patriotic services of our West Virginia daughters in the Army and Navy Nurse Corps; and our confidence that the patriotism of our nurses will assure the voluntary filling of every quota assigned to this State, and their prompt response to every call by the nation to duty.

HOUSE RESOLUTION NO. 23
(By Mr. Postalwait)
[Adopted February 22, 1945.]
Authorizing the payment of expenses of the Committee on Humane Institutions and Public Buildings.

Resolved by the House of Delegates:

That the Clerk of the House of Delegates, upon the approval of the Chairman of the Committee on Humane Institutions and Public Buildings, 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 members of said committee incurred in visiting state institutions, and for stenographic services and other expenses. The Auditor shall honor such requisitions as are presented to him under authority of this resolution, and draw upon the Treasurer for the payment thereof.

HOUSE RESOLUTION NO. 25
(By Mr. Hansbarger and Mr. Hugus)
[Adopted March 7, 1945.]
Expressing appreciation and thanks to Latelle M. LaFollette, Jr., for services during this session of the Legislature.

Whereas, During this session of the Legislature, Mr. Latelle M. LaFollette, Jr., has given valuable and outstanding services
to the chairmen and members of the Committees on Taxation and Finance, Game and Fish, and Forfeited, Delinquent and Unappropriated Lands, as well as to the members of the House of Delegates generally; and

WHEREAS, Mr. LaFollette has given generously of his time in counselling and advising members and committees; and

WHEREAS, This able lawyer and capable and conscientious member of the 1943 House of Delegates has unstintingly given of his knowledge and experience, without cost to the State of West Virginia, and has refused to be compensated for this invaluable service; therefore, be it

Resolved by the House of Delegates:

That the sincere thanks and gratitude of the members of this House of Delegates are hereby extended to Mr. LaFollette; and, be it

Further Resolved, That as an expression of the appreciation of this body of the services and assistance of Mr. LaFollette, the Rules Committee is hereby authorized to procure and present him with an appropriate gift or present on behalf of the members of this body.

HOUSE RESOLUTION NO. 26

(By Mr. Davis)

(Originating in the Committee on Rules)

(Adopted March 10, 1945.)

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 the 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, ten copies of the 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 fol-
lowing assistants to the Clerk, and other employees and attachés 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, and a secretary to the clerk is extended for one hundred eighty days; a superintendent of document and mailing rooms is extended for one hundred twenty days; three proofreaders, three copyholders, and two file clerks is extended for ninety days; the secretary to the minority is extended for ninety days, and the clerk to the minority is extended for thirty days; two assistant clerks, an assistant superintendent of document and mailing rooms, a supervisor of the mimeograph room, two mail room clerks, two document room clerks, and four stenographers is extended for thirty days; the time of the clerk, assistant clerk, and stenographer to the Committee on the Judiciary is extended for ten days; the time of the clerk, assistant 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 fifteen 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; the time of the supervisor of stenographers is extended for twenty 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 thirty days; and the time of the messenger to the Speaker is extended for forty-five days; and, be it

Further Resolved, That the Speaker is hereby authorized to employ a full-time stenographer at a salary not to exceed one hundred seventy-five dollars per month and a full-time messenger-janitor for the House of Delegates at a salary not to exceed one hundred forty dollars per month, said salaries 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 their office, the time of the Sergeant-at-Arms, Doorkeeper, and clerk to the Sergeant-at-Arms is extended for ten days, and an assistant sergeant-at-arms is extended for thirty days.

The Clerk shall draw his requisitions upon the Auditor in favor of the persons entitled to per diems 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 the 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 officers 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. 27
(By Mr. Ward)
[Adopted March 10, 1945.]

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.

HOUSE RESOLUTION NO. 28
(By Mr. Davis)
[Adopted March 10, 1945.]

Raising a committee to notify His Excellency, the Governor, that the Legislature is ready to adjourn sine die.

Resolved by the House of Delegates:

That a committee of three be appointed by the Speaker to join with a similar committee of the Senate 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.

SENATE CONCURRENT RESOLUTION NO. 1
(By Mr. Johnston)
[Adopted January 10, 1945.]

Relating to joint rules of the Senate and House of Delegates.

Resolved by the Senate, the House of Delegates concurring therein:

That the joint rules of the Senate and House of Delegates for the regular session of the Legislature of the year one thousand nine hundred forty-three, are hereby adopted and shall govern the proceedings of this session.
SENATE CONCURRENT RESOLUTION NO. 2
(By Mr. Jackson)
[Adopted January 10, 1945.]

Relating to the payment by the Auditor of mileage and contingent and other expenses of this session of the Legislature.

Resolved by the Senate, the House of Delegates concurring therein:

That the Auditor, in advance of the appropriation for the purpose, is hereby authorized, upon proper requisitions 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 may become due.

---

SENATE CONCURRENT RESOLUTION NO. 4
(By Mr. Vickers, Mr. President, Messrs. Johnston, Morrison and Harmer)
[Adopted February 8, 1945.]

Commending the Congress of the United States on its action in affirming the world-wide right of interchange of news.

The Legislature of the State of West Virginia at its forty-seventh regular session thereof, being advised of the unanimous action of the Congress of the United States in adopting Senate Resolution No. 53, September 21, 1944, which reads as follows:

"That the Congress of the United States expresses its belief in the world-wide right of interchange of news by news gathering and distributing agencies, individual or associate, by any means, without discrimination as to sources, distribution, rates, or charges; and that this right should be perfected by international compact."; and
The Legislature of the State of West Virginia, fully subscribing to the principles enunciated by said resolution; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the Legislature of the State of West Virginia hereby extends its commendation to the Congress of the United States for its affirmance of the principles of the freedom of speech and press as guaranteed in this country by the Constitution of the United States of America, advocates the adoption of the same principles upon a world-wide basis, in freedom and equality of access to the truth and the facts, and urges upon the delegates of this country to the peace conference the adoption of an international compact in accordance with the mandate from the Congress of the United States; and, be it

Further Resolved, That a copy of this resolution be sent to the Secretary of State of the United States, to the Chairman of the Committee on Foreign Affairs of the United States Senate and to the Chairman of the Committee on Foreign Affairs of the House of Representatives of the United States.

SENATE CONCURRENT RESOLUTION NO. 6
(By Mr. Vickers, Mr. President)
[Adopted February 28, 1945.]

Creating an interim committee of the Legislature for the purpose of studying and making recommendations for the solution of important problems of government in West Virginia.

WHEREAS, Major problems of state government require more extensive research and more detailed study than the demands of a regular legislative session will permit; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That an interim committee be created for the purpose of
studying the following subjects, and such others as may be agreed upon by the committee, on its own motion or at the request of the Governor:

(1) The educational system of West Virginia, including the institutions of higher learning, with particular reference to:
(a) finances, sources of revenue, and the administration of state aid; (b) the elimination of duplicate or overlapping facilities; (c) the creation of incentives for the assumption by counties of greater local responsibility for the financing and administration of the public schools; (d) the nomination and election of members of boards of education; and (e) such other matters as would aid in the formulation of a financial, administrative and functional plan for the educational system of the State, that will guarantee to the taxpayers and the public generally a minimum of waste and a maximum of efficiency and service in our school system, which is at present absorbing approximately sixty per cent of the total state appropriations.

(2) All problems connected with the government and operation of state institutions, other than state medical institutions, with a view to their more efficient administration and their more effective service to the people of the State.

That prior to the convening of the next regular session of the Legislature the committee make and issue reports to the Governor and to the Legislature concerning its studies, together with such recommendations and proposed legislation as may, in the opinion of the committee, aid in the solution of the problems considered.

That the membership of the committee be composed of the President of the Senate, as co-chairman, and four members of the Senate to be appointed by him; the Speaker of the House of Delegates, as co-chairman, and four members of the House of Delegates to be appointed by him.

That in connection with any particular problem under consideration, the Governor be authorized to appoint an advisory committee of not more than fifteen representative citizens of the state to consult and advise with the interim committee concerning the best solution of the problem.
That the committee be authorized to meet in Charleston, or elsewhere, as it may determine.

That in order to make possible the procurement of the necessary information to carry out the intent and spirit of this resolution, the committee be empowered to call upon any of the departments of the state government, to summon witnesses, and to take testimony and to cause the production of such papers, documents, records, and the like as the committee may deem pertinent.

That the committee be empowered to employ such advisory, clerical and stenographic assistants as may be necessary in the proper execution of its duties.

That the committee be authorized to fix the amount to be paid the members of the interim and advisory committees as an allowance for their expenses, not to exceed fifteen dollars a day per member, and for their mileage, and to fix the amount to be paid to such assistants as it may employ for their compensation and expenses.

That the expenses incurred, not to exceed seventy-five thousand dollars, be paid from the contingent funds of the Senate and the House of Delegates in as nearly equal proportions as may be practicable.

SENATE CONCURRENT RESOLUTION NO. 9
(By Mr. Winters)

[Adopted March 5, 1945.]

Granting permission to introduce a bill relating to the construction of a county-city hospital at Huntington.

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 authorize and empower the county court of Cabell county, in conjunction with the city of Huntington, or alone, to construct, acquire, equip, operate and maintain a general hospital in said county for the treatment and care of patients, charitable and otherwise; to appoint a board of trustees to control, manage and operate the said hospital, and to use in connection therewith such existing facilities or property as may be available."

SENATE CONCURRENT RESOLUTION NO. 10
(By Mr. Vickers, Mr. President)
[Adopted March 8, 1945.]
Granting permission to introduce a bill.

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 provide for the submission to the voters of the state of an amendment to the constitution of the State of West Virginia, amending section one, article ten thereof, such amendment to be known as the "Special Levy Amendment".

SENATE CONCURRENT RESOLUTION NO. 11
(By Mr. Vickers, Mr. President)
[Adopted March 10, 1945.]
Relating to the Dumbarton Oaks and San Francisco Conferences.

Whereas, It is clearly apparent that in order to win and preserve the peace at the conclusion of the present wars, it will be necessary to perfect and maintain an international organi-
zation in which the United States of America should be an active participant; therefore, be it

Resolved by the Senate of West Virginia, the House of Delegates concurring therein:

That the Legislature of West Virginia congratulates the Department of State and the Congress of the United States upon their support of, and active participation in, the work of the Dumbarton Oaks Conference and its enunciation of principles, so essentially necessary, to prevent future aggressions against the freedoms of the peace-loving peoples of the world under whatever names such aggressions may occur, and expresses the hope that the deliberations of the forthcoming conference at San Francisco in which the Department of State and the Congress will have an important part, will eventually lead to the establishment of such an international organization in order that stable and lasting political and economic relations among all the sovereign states of the world may be firmly established and effectually maintained; and, be it

Further Resolved, That a copy of this resolution be sent to the Secretary of State of the United States, to the Chairman of the Committee on Foreign Relations of the United States Senate, and to the Chairman of the Committee on Foreign Affairs of the House of Representatives.

---

SENATE CONCURRENT RESOLUTION NO. 12
(By Mr. Vickers, Mr. President)

[Adopted March 10, 1945.]

Granting permission to introduce a bill.

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 and reenact section ten, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to expenditures by the state department of health and to its authority to accept federal funds."

SENATE RESOLUTION NO. 1

(By Mr. Allen)

[Adopted January 10, 1945.]

Raising a committee to notify the House of Delegates that the Senate 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 inform the House of Delegates that the Senate is organized by the election of the Honorable Arnold M. Vickers as President and Mr. J. Howard Myers as Clerk, and is ready to proceed with the business of the session.

SENATE RESOLUTION NO. 2

(By Mr. McKown)

[Adopted January 10, 1945.]

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. Bowling)

[Adopted January 10, 1945.]

Relating to the mailing of Journals and Bills.

Resolved by the Senate:

That the Clerk of the Senate be and he is hereby authorized to have mailed from the Senate document room, copies of the Bills and daily Journals of the Senate to addresses to be furnished to the Clerk by the members of the Senate, twenty of which such addresses may be submitted by each member of the Senate, and that the expense of such mailing, including postage, be paid out of the contingent fund of the Senate by the Auditor, in advance of the appropriation therefor, under requisition drawn by the Clerk of the Senate.

SENATE RESOLUTION NO. 4

(By Mr. Johnston)

[Adopted January 16, 1945.]

Adopting rules of the Senate.

Resolved by the Senate:

That the rules of the Senate, regular session, one thousand nine hundred forty-three, be adopted as the rules of the Senate for this session.
SENATE RESOLUTION NO. 5
(By Mr. Vickers, Mr. President)
[Adopted January 18, 1945.]

Authorizing the appointment of attaches and other employees for the one thousand nine hundred forty-five 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:

One mimeograph supervisor, at ten dollars per day;
One mail clerk, at eight dollars per day;
One stenographer to the Finance Committee, at nine dollars per day;
One stenographer to the Judiciary Committee, at nine dollars per day;
One assistant to the Sergeant-at-Arms, at nine dollars per day;
One assistant journal room supervisor, at ten dollars per day;
Two committee clerks-at-large, at nine dollars per day, each;
Four committee clerks, at nine dollars per day, each;
One clerk on enrolled bills, at nine dollars per day;
One assistant sergeant-at-arms, at eight dollars per day;
Four assistant doorkeepers, at eight dollars per day, each;
Five journal and mailing room clerks, at eight dollars per day, each;
One receptionist to the President, at eight dollars per day;
Ten floor stenographers, at nine dollars per day, each;
Ten typists, at eight dollars per day, each;
One secretary to the minority, at eighteen dollars per day;  
One journal stenographer, at fifteen dollars per day;  
One bill editor, at twelve dollars per day;  
One secretary to the Clerk, at twelve dollars per day;  
One secretary to the President, at twelve dollars per day;  
One clerk to the minority, at twelve dollars per day;  
One supervisor printing, at fifteen dollars per day;  
Three mimeograph operators, at eight dollars per day, each;  
One messenger to the President, at seven dollars per day;  
One proofreader, at nine dollars per day;  
One proofreader, at ten dollars per day;  
Two copyholders, at eight dollars per day, each;  
One journal room supervisor, at ten dollars per day;  
One chaplain, at five dollars per day;  
One clerk to the Finance Committee, at twelve dollars per day;  
One assistant clerk to the Finance Committee, at ten dollars per day;  
One clerk to the Judiciary Committee, at twelve dollars per day;  
One assistant clerk to the Judiciary Committee, at ten dollars per day;  
One messenger for the clerk's office, at eight dollars per day;  
Ten clerk-stenographers, at nine dollars per day, each;  
Ten janitors at seven dollars per day, each; and, be it  

Further Resolved, That the Clerk of the Senate is authorized to appoint a court reporter, at twelve dollars per day for each day the Senate is in session; and, be it  

Further Resolved, That the Sergeant-at-Arms shall receive
ten dollars per day; the Doorkeeper ten dollars per day, and the Clerk twenty dollars per day.

The Clerk shall draw his requisitions 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 diems, herein set out, and the Auditor shall honor and pay such requisitions 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. 6
(By Mr. Allen)
[Adopted January 24, 1945.]

Authorizing the appointment of a standing committee to be designated "Committee on Veterans' Affairs".

Resolved by the Senate:

That there be, and is hereby created, a standing committee of the Senate to be designated "Committee on Veterans' Affairs"; and, be it

Resolved Further, That the President of the Senate is authorized to appoint forthwith the membership of such committee.

SENATE RESOLUTION NO. 8
(By Mr. Staats)
[Adopted January 25, 1945.]

Concerning the death of the Honorable William Woodyard.
WHEREAS, The Senate has learned of the sudden death of the Honorable William Woodyard, a former member of this body; and

WHEREAS, In his passing, the State, his county and city have lost a valued statesman and esteemed public-spirited citizen, and many of the members of this body a much prized friend; therefore, be it

Resolved by the Senate:

That the Senate deplores the untimely death of Senator Woodyard, and expresses its sincere sympathy to his loved ones; and, be it

Resolved Further, That the Clerk of this body is directed to send a suitable floral emblem, on behalf of the Senate, to the family of our deceased friend and former member, together with a copy of this resolution.

SENATE RESOLUTION NO. 9

(By Mr. Hardesty)

(Adopted January 29, 1945.)

Concerning leave of absence for Senator Don J. Eddy.

WHEREAS, The Honorable Don J. Eddy, a member of the Senate from the Fourteenth 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 Eddy be granted an indefinite leave of absence for this session.
SENATE RESOLUTION NO. 10
(By Mr. Vickers, Mr. President)
(Originating in the Committee on Rules)
[Adopted February 7, 1945.]
Relative 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 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. Vickers, Mr. President)
(Originating in the Committee on Rules)
[Adopted February 7, 1945.]
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:

Fred B. Watkins, Clerk, 10 days at $20.00 $200.00
M. L. Jackson, Supervisor of Printing, 10 days at $15.00 150.00
Fern Runion, Journal Stenographer, 10 days at $15.00 150.00
SENATE RESOLUTION NO. 12
(By Mr. Vickers, Mr. President)
(Originating in the Committee on Rules)
[Adopted February 23, 1945.]

Authorizing the Committee on Rules to arrange a special calendar.

Resolved by the Senate:

Beginning February twenty-sixth, and for the remainder of the session, the committee on rules is authorized to arrange a "Special Calendar" and, until the business on the special calendar is disposed of each day no item of business on the regular calendar shall be considered or take precedence over any item of business on the special calendar, except as provided by Senate rule number sixty-eight.

SENATE RESOLUTION NO. 13
(By Mr. Vickers, Mr. President)
(Originating in the Committee on Rules)
[Adopted February 23, 1945.]

Relative to the per diem of the Superintendent of Capitol Building and Grounds.

Resolved by the Senate:

That the per diem of Howard N. Martin, Superintendent of Capitol Building and Grounds, is fixed at one dollar, as the Senate's part of his per diem allowed by section twenty-two, article one, chapter five of the code.

SENATE RESOLUTION NO. 14
(By Mr. Vickers, Mr. President)
(Originating in the Committee on Rules)
[Adopted March 3, 1945.]
Authorizing the payment of expenses of Committee on the Penitentiary.

Resolved by the Senate:

That the Auditor, in advance of the appropriation for the purpose, shall pay out of the contingent fund of the Senate the following items of expense incurred by the Senate Committee on the Penitentiary on its visit of inspection to the penitentiary and the medium security prison:

W. C. Perry, meals and expenses for all the members of the committee, advanced by him, $12.90.

Raymond Allman, for transcript (original and six carbons) of hearings before the joint meetings of the House and Senate Committees on the Penitentiary, held on February 9th and 10th, at Charleston and Moundsville, $394.08.

SENATE RESOLUTION NO. 15
(By Mr. Vickers, Mr. President)
(Originating in the Committee on Rules)

[Adopted March 10, 1945.]

Commending members of the press who have reported the proceedings of this session of the Legislature.

WHEREAS, This has been an important session of the Legislature, resulting in the consideration and enactment of many laws of great moment; and

WHEREAS, The representatives of the press have been in constant attendance upon the session of the Senate and have made comprehensive reports to the people of the State through the press of the actions of this body; therefore, be it

Resolved by the Senate:

That the representatives of the press who have been in attendance upon the sessions of the Senate be commended for their efforts in reporting said actions and for their courteous and extremely fair presentation of the same to the reading public.
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 diems hereinafter set forth: one clerk to Finance Committee for five days at twelve dollars per diem; one clerk to Judiciary Committee for five days at twelve dollars per diem; one stenographer to Finance Committee for five days at nine dollars per diem; two stenographers to the Judiciary Committee for five days at nine dollars each; one clerk on enrolled bills for ten days at nine dollars per diem; one journal room supervisor for fifteen days at ten dollars per diem; one journal room clerk for twenty days at nine dollars per diem; one secretary to the Clerk for one hundred and eighty days at twelve dollars per diem; one stenographer for thirty days at ten dollars per diem; two journal stenographers for thirty days at ten dollars per diem each; one journal clerk for one hundred and eighty days at fifteen dollars per diem; one journal editor for one hundred and eighty days at eighteen dollars per diem; one senior stenographer for fifteen days at nine dollars per diem; one printing clerk for one hundred and eighty days at fifteen dollars per diem; one proofreader for one hundred and fifty days at ten
dollars per diem; one proofreader for one hundred and fifty days at nine dollars per diem; two copyholders for ninety days each at eight dollars per diem each; one clerk to the minority for ninety days at twelve dollars per diem; one supervisor of supplies for ten days at ten dollars per diem; one secretary to the President for thirty days at twelve dollars per diem; one supervisor of janitors for sixty days at eight dollars per diem; two assistant janitors for thirty days each at seven dollars per diem each; one assistant janitor for thirty days at seven dollars per diem.

SENATE RESOLUTION NO. 17
(By Mr. Hardesty)

[Adopted March 10, 1945.]

Raising a committee to notify the House of Delegates that the Senate is ready to adjourn sine die.

Resolved by the Senate:

That the President be authorized to appoint a committee of three, to notify the House of Delegates, that the Senate has completed its labors and is ready to adjourn sine die.

SENATE RESOLUTION NO. 18
(By Mr. Bowling)

[Adopted March 10, 1945.]

Raising a committee to notify the Governor that the Legislature is ready to adjourn sine die.

Resolved by the Senate:

That the President is authorized to appoint a committee of three, to meet with a like committee on the part of the House of Delegates to inform the Governor that the Legislature has completed its labors and is ready to adjourn sine die, and to inquire if he has any further communications he desires to make.
DISPOSITION OF BILLS ENACTED

The following table shows the disposition of Senate and House Bills passed at the regular session of the 1945 Legislature. The first column gives the number of the bill and the second column the chapter assigned to it. House Bills appear first, followed by Senate Bills.

### HOUSE BILLS

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>2</td>
<td>68</td>
</tr>
<tr>
<td>9</td>
<td>101</td>
</tr>
<tr>
<td>12</td>
<td>98</td>
</tr>
<tr>
<td>15</td>
<td>92</td>
</tr>
<tr>
<td>25</td>
<td>122</td>
</tr>
<tr>
<td>29</td>
<td>2</td>
</tr>
<tr>
<td>30</td>
<td>107</td>
</tr>
<tr>
<td>36</td>
<td>124</td>
</tr>
<tr>
<td>42</td>
<td>141</td>
</tr>
<tr>
<td>45</td>
<td>36</td>
</tr>
<tr>
<td>48</td>
<td>19</td>
</tr>
<tr>
<td>50</td>
<td>118</td>
</tr>
<tr>
<td>51</td>
<td>99</td>
</tr>
<tr>
<td>56</td>
<td>168</td>
</tr>
<tr>
<td>57</td>
<td>112</td>
</tr>
<tr>
<td>58</td>
<td>71</td>
</tr>
<tr>
<td>64</td>
<td>39</td>
</tr>
<tr>
<td>66</td>
<td>105</td>
</tr>
<tr>
<td>67</td>
<td>90</td>
</tr>
<tr>
<td>78</td>
<td>87</td>
</tr>
<tr>
<td>81</td>
<td>44</td>
</tr>
<tr>
<td>96</td>
<td>30</td>
</tr>
<tr>
<td>101</td>
<td>117</td>
</tr>
<tr>
<td>102</td>
<td>79</td>
</tr>
<tr>
<td>103</td>
<td>81</td>
</tr>
<tr>
<td>104</td>
<td>78</td>
</tr>
<tr>
<td>105</td>
<td>80</td>
</tr>
<tr>
<td>106</td>
<td>9</td>
</tr>
<tr>
<td>110</td>
<td>159</td>
</tr>
<tr>
<td>112</td>
<td>68</td>
</tr>
<tr>
<td>113</td>
<td>125</td>
</tr>
<tr>
<td>115</td>
<td>109</td>
</tr>
<tr>
<td>117</td>
<td>111</td>
</tr>
<tr>
<td>118</td>
<td>16</td>
</tr>
<tr>
<td>121</td>
<td>75</td>
</tr>
<tr>
<td>122</td>
<td>121</td>
</tr>
<tr>
<td>123</td>
<td>38</td>
</tr>
<tr>
<td>124</td>
<td>64</td>
</tr>
<tr>
<td>125</td>
<td>7</td>
</tr>
<tr>
<td>126</td>
<td>147</td>
</tr>
<tr>
<td>127</td>
<td>55</td>
</tr>
<tr>
<td>128</td>
<td>52</td>
</tr>
<tr>
<td>129</td>
<td>48</td>
</tr>
<tr>
<td>130</td>
<td>23</td>
</tr>
<tr>
<td>131</td>
<td>61</td>
</tr>
<tr>
<td>132</td>
<td>58</td>
</tr>
<tr>
<td>133</td>
<td>174</td>
</tr>
<tr>
<td>134</td>
<td>25</td>
</tr>
<tr>
<td>135</td>
<td>21</td>
</tr>
<tr>
<td>136</td>
<td>169</td>
</tr>
<tr>
<td>137</td>
<td>62</td>
</tr>
<tr>
<td>138</td>
<td>134</td>
</tr>
<tr>
<td>139</td>
<td>132</td>
</tr>
<tr>
<td>140</td>
<td>133</td>
</tr>
</tbody>
</table>

### SENATE BILLS

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>135</td>
</tr>
<tr>
<td>10</td>
<td>146</td>
</tr>
<tr>
<td>29</td>
<td>33</td>
</tr>
<tr>
<td>31</td>
<td>162</td>
</tr>
<tr>
<td>32</td>
<td>116</td>
</tr>
<tr>
<td>37</td>
<td>166</td>
</tr>
<tr>
<td>38</td>
<td>171</td>
</tr>
<tr>
<td>43</td>
<td>4</td>
</tr>
<tr>
<td>44</td>
<td>27</td>
</tr>
<tr>
<td>47</td>
<td>140</td>
</tr>
<tr>
<td>48</td>
<td>40</td>
</tr>
<tr>
<td>52</td>
<td>49</td>
</tr>
<tr>
<td>53</td>
<td>97</td>
</tr>
<tr>
<td>54</td>
<td>29</td>
</tr>
<tr>
<td>61</td>
<td>108</td>
</tr>
<tr>
<td>64</td>
<td>103</td>
</tr>
<tr>
<td>65</td>
<td>43</td>
</tr>
<tr>
<td>66</td>
<td>59</td>
</tr>
<tr>
<td>67</td>
<td>96</td>
</tr>
<tr>
<td>69</td>
<td>104</td>
</tr>
<tr>
<td>72</td>
<td>73</td>
</tr>
<tr>
<td>77</td>
<td>14</td>
</tr>
<tr>
<td>81</td>
<td>76</td>
</tr>
<tr>
<td>82</td>
<td>102</td>
</tr>
<tr>
<td>83</td>
<td>85</td>
</tr>
<tr>
<td>88</td>
<td>14</td>
</tr>
<tr>
<td>89</td>
<td>15</td>
</tr>
<tr>
<td>93</td>
<td>63</td>
</tr>
<tr>
<td>95</td>
<td>149</td>
</tr>
<tr>
<td>96</td>
<td>160</td>
</tr>
<tr>
<td>97</td>
<td>20</td>
</tr>
<tr>
<td>107</td>
<td>26</td>
</tr>
<tr>
<td>108</td>
<td>167</td>
</tr>
<tr>
<td>117</td>
<td>120</td>
</tr>
<tr>
<td>118</td>
<td>91</td>
</tr>
<tr>
<td>120</td>
<td>32</td>
</tr>
<tr>
<td>121</td>
<td>31</td>
</tr>
<tr>
<td>122</td>
<td>164</td>
</tr>
<tr>
<td>123</td>
<td>74</td>
</tr>
<tr>
<td>126</td>
<td>106</td>
</tr>
<tr>
<td>127</td>
<td>172</td>
</tr>
<tr>
<td>135</td>
<td>176</td>
</tr>
<tr>
<td>136</td>
<td>57</td>
</tr>
<tr>
<td>137</td>
<td>72</td>
</tr>
<tr>
<td>139</td>
<td>28</td>
</tr>
<tr>
<td>140</td>
<td>31</td>
</tr>
<tr>
<td>142</td>
<td>51</td>
</tr>
<tr>
<td>144</td>
<td>65</td>
</tr>
<tr>
<td>147</td>
<td>86</td>
</tr>
<tr>
<td>148</td>
<td>152</td>
</tr>
<tr>
<td>149</td>
<td>45</td>
</tr>
<tr>
<td>152</td>
<td>3</td>
</tr>
<tr>
<td>155</td>
<td>154</td>
</tr>
<tr>
<td>159</td>
<td>143</td>
</tr>
<tr>
<td>160</td>
<td>94</td>
</tr>
<tr>
<td>162</td>
<td>158</td>
</tr>
<tr>
<td>163</td>
<td>123</td>
</tr>
<tr>
<td>164</td>
<td>161</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>96</td>
<td>160</td>
</tr>
<tr>
<td>97</td>
<td>20</td>
</tr>
<tr>
<td>107</td>
<td>26</td>
</tr>
<tr>
<td>108</td>
<td>167</td>
</tr>
<tr>
<td>117</td>
<td>120</td>
</tr>
<tr>
<td>118</td>
<td>91</td>
</tr>
<tr>
<td>120</td>
<td>32</td>
</tr>
<tr>
<td>121</td>
<td>31</td>
</tr>
<tr>
<td>122</td>
<td>164</td>
</tr>
<tr>
<td>123</td>
<td>74</td>
</tr>
<tr>
<td>126</td>
<td>106</td>
</tr>
<tr>
<td>127</td>
<td>172</td>
</tr>
<tr>
<td>135</td>
<td>176</td>
</tr>
<tr>
<td>136</td>
<td>57</td>
</tr>
<tr>
<td>137</td>
<td>72</td>
</tr>
<tr>
<td>139</td>
<td>28</td>
</tr>
<tr>
<td>140</td>
<td>31</td>
</tr>
<tr>
<td>142</td>
<td>51</td>
</tr>
<tr>
<td>144</td>
<td>65</td>
</tr>
<tr>
<td>147</td>
<td>86</td>
</tr>
<tr>
<td>148</td>
<td>152</td>
</tr>
<tr>
<td>149</td>
<td>45</td>
</tr>
<tr>
<td>152</td>
<td>3</td>
</tr>
<tr>
<td>155</td>
<td>154</td>
</tr>
<tr>
<td>159</td>
<td>143</td>
</tr>
<tr>
<td>160</td>
<td>94</td>
</tr>
<tr>
<td>162</td>
<td>158</td>
</tr>
<tr>
<td>163</td>
<td>123</td>
</tr>
<tr>
<td>164</td>
<td>161</td>
</tr>
<tr>
<td>166</td>
<td>47</td>
</tr>
<tr>
<td>168</td>
<td>5</td>
</tr>
<tr>
<td>170</td>
<td>6</td>
</tr>
<tr>
<td>172</td>
<td>88</td>
</tr>
<tr>
<td>179</td>
<td>83</td>
</tr>
<tr>
<td>181</td>
<td>82</td>
</tr>
<tr>
<td>182</td>
<td>130</td>
</tr>
<tr>
<td>183</td>
<td>131</td>
</tr>
<tr>
<td>184</td>
<td>154</td>
</tr>
<tr>
<td>188</td>
<td>153</td>
</tr>
<tr>
<td>189</td>
<td>46</td>
</tr>
<tr>
<td>190</td>
<td>178</td>
</tr>
<tr>
<td>192</td>
<td>127</td>
</tr>
<tr>
<td>193</td>
<td>126</td>
</tr>
<tr>
<td>194</td>
<td>24</td>
</tr>
<tr>
<td>195</td>
<td>145</td>
</tr>
<tr>
<td>197</td>
<td>119</td>
</tr>
<tr>
<td>198</td>
<td>37</td>
</tr>
<tr>
<td>200</td>
<td>56</td>
</tr>
<tr>
<td>203</td>
<td>128</td>
</tr>
<tr>
<td>209</td>
<td>69</td>
</tr>
<tr>
<td>210</td>
<td>177</td>
</tr>
<tr>
<td>216</td>
<td>129</td>
</tr>
<tr>
<td>221</td>
<td>50</td>
</tr>
<tr>
<td>222</td>
<td>113</td>
</tr>
<tr>
<td>223</td>
<td>114</td>
</tr>
<tr>
<td>234</td>
<td>137</td>
</tr>
<tr>
<td>240</td>
<td>138</td>
</tr>
<tr>
<td>241</td>
<td>77</td>
</tr>
<tr>
<td>243</td>
<td>157</td>
</tr>
</tbody>
</table>
### INDEX

**ACTS**

**REGULAR SESSION, 1945**

#### ACTIONS AND SUITS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ascertainment and determination of boundary lines between coterminous landowners</td>
<td>31</td>
<td>1</td>
</tr>
<tr>
<td>Collection of corporation license tax</td>
<td>86</td>
<td>575</td>
</tr>
<tr>
<td>Injuries to person</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Suits for sale of forfeited and delinquent lands. See “Taxes and Taxation”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suits for clarification of title to lands formerly held for religious, charitable and educational purposes. See “Taxes and Taxation”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Summary proceedings for sale, etc., of estates of minors, insane persons or convicts</td>
<td>11</td>
<td>403</td>
</tr>
</tbody>
</table>

#### ACTS AMENDED:

<table>
<thead>
<tr>
<th>Acts</th>
<th>Sess.</th>
<th>Ch.</th>
<th>Art.</th>
<th>Sec.</th>
<th>(Description)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1893</td>
<td>Reg.</td>
<td>18</td>
<td>4</td>
<td>4</td>
<td>(Salary Mercer county criminal court judge)</td>
<td>618</td>
</tr>
<tr>
<td>1904</td>
<td>Ex. Sess.</td>
<td>14</td>
<td>1</td>
<td></td>
<td>(Salary Mercer county criminal court judge)</td>
<td>618</td>
</tr>
<tr>
<td>1907</td>
<td>Reg.</td>
<td>25</td>
<td>11</td>
<td></td>
<td>(Terms of intermediate court of Kanawha county)</td>
<td>614</td>
</tr>
<tr>
<td>1907</td>
<td>Reg.</td>
<td>27</td>
<td>4</td>
<td></td>
<td>(Salary Mercer county criminal court judge)</td>
<td>618</td>
</tr>
<tr>
<td>1908</td>
<td>Ex. Sess.</td>
<td>5</td>
<td>4</td>
<td></td>
<td>(Salary Mercer county criminal court judge)</td>
<td>618</td>
</tr>
<tr>
<td>1909</td>
<td>Reg.</td>
<td>27</td>
<td>4</td>
<td></td>
<td>(Salary Harrison county criminal court judge)</td>
<td>611</td>
</tr>
<tr>
<td>1919</td>
<td>Reg.</td>
<td>5</td>
<td>9</td>
<td></td>
<td>(Salary McDowell county criminal court judge)</td>
<td>617</td>
</tr>
<tr>
<td>1919</td>
<td>Reg.</td>
<td>12</td>
<td>4</td>
<td></td>
<td>(Salary McDowell county criminal court judge)</td>
<td>617</td>
</tr>
<tr>
<td>1919</td>
<td>Reg.</td>
<td>68</td>
<td>4</td>
<td></td>
<td>(Salary Mercer county criminal court judge)</td>
<td>618</td>
</tr>
<tr>
<td>1921</td>
<td>Reg.</td>
<td>121</td>
<td>9</td>
<td></td>
<td>(Salary judge of court of common pleas of Kanawha county)</td>
<td>615</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

#### ACTS AMENDED (Continued):

<table>
<thead>
<tr>
<th>Acts Sess.</th>
<th>Ch. · Art.</th>
<th>Sec.</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1921 Reg.</td>
<td>166</td>
<td>9</td>
<td>(Salary Raleigh county, criminal court judge)</td>
</tr>
<tr>
<td>1929 Reg.</td>
<td>146</td>
<td>4</td>
<td>(Salary Raleigh county criminal court judge)</td>
</tr>
<tr>
<td>1931 Reg.</td>
<td>4</td>
<td>4</td>
<td>(State board of aeronautics, director, etc.)</td>
</tr>
<tr>
<td>1932 Ex. Sess. 27</td>
<td>4</td>
<td></td>
<td>(Salary Harrison county criminal court judge)</td>
</tr>
<tr>
<td>1933 1st Ex. 8</td>
<td>4</td>
<td>4</td>
<td>(Compensation of county superintendents)</td>
</tr>
<tr>
<td>1933 1st Ex. 8</td>
<td>6</td>
<td>11</td>
<td>(Transportation of school children)</td>
</tr>
<tr>
<td>1933 1st Ex. 60</td>
<td>6</td>
<td>11</td>
<td>(Class B motor vehicle license fees)</td>
</tr>
<tr>
<td>1935 Reg. 4</td>
<td>3</td>
<td>19</td>
<td>(Operating and reserve funds of liquor control commission)</td>
</tr>
<tr>
<td>1935 Reg. 4</td>
<td>6</td>
<td>9</td>
<td>(Arrests by sheriff for violations of liquor law)</td>
</tr>
<tr>
<td>1935 Reg. 28</td>
<td></td>
<td></td>
<td>(Department of public safety)</td>
</tr>
<tr>
<td>1935 Reg. 60</td>
<td></td>
<td></td>
<td>(Transportation of school children)</td>
</tr>
<tr>
<td>1935 Reg. 65</td>
<td>7</td>
<td>1</td>
<td>(Tax on certification of motor vehicle title)</td>
</tr>
<tr>
<td>1935 Reg. 68</td>
<td>1</td>
<td></td>
<td>(Municipal public works)</td>
</tr>
<tr>
<td>1936 2nd Ex. 1</td>
<td></td>
<td></td>
<td>(Unemployment compensation)</td>
</tr>
<tr>
<td>1937 Reg. 12</td>
<td></td>
<td></td>
<td>(Nonintoxicating beer)</td>
</tr>
<tr>
<td>1937 Reg. 14</td>
<td>6</td>
<td>9</td>
<td>(Arrests by sheriff for violations of liquor law)</td>
</tr>
<tr>
<td>1937 Reg. 16</td>
<td>1</td>
<td></td>
<td>(Law assistant to judge of circuit court of Kanawha county)</td>
</tr>
<tr>
<td>1937 Reg. 49</td>
<td>7</td>
<td>1</td>
<td>(Tax on certification of motor vehicle title)</td>
</tr>
<tr>
<td>1937 Reg. 82</td>
<td>1</td>
<td>1</td>
<td>(Assistant attorney general to perform duties for tax commissioner)</td>
</tr>
<tr>
<td>1937 Reg. 91</td>
<td></td>
<td></td>
<td>(Department of public safety)</td>
</tr>
</tbody>
</table>
### Index to Acts

#### Acts Amended (Continued):

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1937 Reg.</td>
<td>143 11</td>
</tr>
<tr>
<td>1939 Reg.</td>
<td>34,35</td>
</tr>
<tr>
<td>1939 Reg.</td>
<td>40</td>
</tr>
<tr>
<td>1939 Reg.</td>
<td>42</td>
</tr>
<tr>
<td>1939 Reg.</td>
<td>43 7</td>
</tr>
<tr>
<td>1939 Reg.</td>
<td>87 21 9,12</td>
</tr>
<tr>
<td>1941 Reg.</td>
<td>8</td>
</tr>
<tr>
<td>1941 Reg.</td>
<td>20</td>
</tr>
<tr>
<td>1941 Reg.</td>
<td>37</td>
</tr>
<tr>
<td>1941 Reg.</td>
<td>85</td>
</tr>
<tr>
<td>1941 Reg.</td>
<td>93</td>
</tr>
<tr>
<td>1941 Reg.</td>
<td>128</td>
</tr>
<tr>
<td>1941 Reg.</td>
<td>151 14 (new)</td>
</tr>
<tr>
<td>1943 Reg.</td>
<td>8</td>
</tr>
<tr>
<td>1943 Reg.</td>
<td>12</td>
</tr>
<tr>
<td>1934 Reg.</td>
<td>18 5-(3)</td>
</tr>
<tr>
<td>1943 Reg.</td>
<td>21</td>
</tr>
<tr>
<td>1943 Reg.</td>
<td>70</td>
</tr>
<tr>
<td>1943 Reg.</td>
<td>75</td>
</tr>
<tr>
<td>1943 Reg.</td>
<td>89 14 22</td>
</tr>
<tr>
<td>1943 Reg.</td>
<td>100 14 3</td>
</tr>
</tbody>
</table>

**Page**

- (Terms of Intermediate court of Kanawha county) 614
- (Department of public safety) 426
- (Transportation of school children) 231
- (Publicity commission) 441
- (State office revenue bonds) 142
- (Operators' and chauffeurs' licenses) 352
- (Public bonded indebtedness) 139
- (Court of claims) 211
- (Salaries for teachers) 233
- (Assistants to attorney general) 414
- (Department of public safety) 426
- (Preference rating of veterans on nonpartisan merit examinations) 594
- (Raleigh county recreational park) 622
- (Non-profit hospital service corporation) 169
- (Compensation of municipal officers) 360
- (Salary of Boone county assessor) 598
- (Assistants and stenographers for prosecuting attorneys) 193
- (Department of public safety) 426
- (Release of state's claim for damage to roads caused by construction of Tygart reservoir) 453
- (Use of gasoline tax funds for roads) 562
- (Tax on gasoline) 562
## INDEX TO ACTS

### ACTS REPEALED:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1927 Reg.</td>
<td>93</td>
<td></td>
<td></td>
<td>615</td>
</tr>
<tr>
<td>1939 Reg.</td>
<td>84</td>
<td></td>
<td></td>
<td>345</td>
</tr>
</tbody>
</table>

(Juvenile court of Kankawa county probation officers)

(Strip mining)

### ADJUTANT GENERAL:

| Member advisory council to department of veterans' affairs | 11 | 587 |

### ADMINISTRATION OF ESTATES AND TRUSTS:

| Estates of persons in military service presumed to be dead | 1-a | 596 |
| See "Common Trust Funds" | 7 |
| See "Veterans' Guardianship" | 4 |

### ADMINISTRATOR:

| Action for injuries to person against, to survive death of wrongdoer | 2 | 4 |

### ADOPTION:

| See "Child Welfare Agencies" | 145 |

### ADVERTISEMENTS:

| Publication of false, in sale of merchandise, etc. | 38 | 225 |
| penalty | 38 | 225 |

### AFFIDAVIT:

| Made by persons in military service certificate of officer before whom made, form | 9 | 579 |
| may be made before commissioned officer | 9 | 579 |
| validation of, heretofore made | 9 | 580 |
| Made without state authentication | 9 | 579 |
| by whom may be taken | 9 | 578 |

### AGRICULTURE:

| Commercial feeding stuffs definition | 1 | 150 |
| Commercial fertilizers branding of packages definition of registration with commissioner cancellation and refusal of fertilizers prohibited from | 2 | 151 |
| commercial fertilizers cancellation and refusal to register enforcement of flour and bread analysis | 4 | 152 |

| Commissioner | | |
| | | |
### AGRICULTURE (Continued):

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enrichment of flour and bread (Cont'd)</td>
<td>4</td>
<td>275</td>
</tr>
<tr>
<td>Enforcement of law</td>
<td>4</td>
<td>275</td>
</tr>
<tr>
<td>Inspections and investigations</td>
<td>4</td>
<td>277</td>
</tr>
<tr>
<td>Powers and duties, generally</td>
<td>4</td>
<td>275</td>
</tr>
<tr>
<td>Rules and regulations</td>
<td>4</td>
<td>275</td>
</tr>
<tr>
<td>Penalty for violation of</td>
<td>5</td>
<td>277</td>
</tr>
<tr>
<td>Member advisory council to department of veterans' affairs</td>
<td>11</td>
<td>587</td>
</tr>
<tr>
<td>Industrial and publicity commission</td>
<td>1</td>
<td>442</td>
</tr>
<tr>
<td>Nursery stock registration of nurserymen and dealers</td>
<td>25</td>
<td>369</td>
</tr>
<tr>
<td>Rules and regulations</td>
<td>24, 25</td>
<td>369</td>
</tr>
</tbody>
</table>

### Cooperative associations

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quorum of stockholders or members, what constitutes</td>
<td>21</td>
<td>179</td>
</tr>
</tbody>
</table>

### Nursery stock

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of inspection attached to stock sold</td>
<td>24</td>
<td>368</td>
</tr>
<tr>
<td>Sale of registration of nurserymen</td>
<td>25</td>
<td>369</td>
</tr>
<tr>
<td>Without certificate of registration, penalty</td>
<td>25</td>
<td>369</td>
</tr>
<tr>
<td>Shipments into state acceptance of certificates of other states</td>
<td>24</td>
<td>368</td>
</tr>
<tr>
<td>Carriers may be required to notify commissioner</td>
<td>24</td>
<td>368</td>
</tr>
</tbody>
</table>

### AIRPORTS AND AVIGATION:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aeronautical words, terms and phrases defined</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Airports and landing fields counties and municipalities may establish and operate</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>Federal aid for</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>Jurisdiction of county court over, property owned or leased without county for</td>
<td>2</td>
<td>19</td>
</tr>
<tr>
<td>State and subdivisions authorized to cooperate with federal government in development of</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>State and subdivisions empowered to lease</td>
<td>5-b</td>
<td>17</td>
</tr>
<tr>
<td>Publication use of proceeds from</td>
<td>5-b</td>
<td>18</td>
</tr>
</tbody>
</table>

### Board of aeronautics

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acceptance of federal aid for airports, etc., for state</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>Administrative, engineering and technical assistants employment</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Powers and duties</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Contracts made by</td>
<td>5-a</td>
<td>16</td>
</tr>
</tbody>
</table>
## INDEX TO ACTS

### AIRPORTS AND AVIGATION (Continued):

<table>
<thead>
<tr>
<th>Board of aeronautics (Cont’d)</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>cooperation with federal government in airport and air navigation facilities</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>designation of, as agent of subdivision for acceptance of federal aid</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>director of aeronautics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>appointment</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>compensation</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>powers and duties</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>qualifications</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>enforcement of aviation laws</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>engineering and technical service to county or municipal airport</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>funds accepted by</td>
<td>5-a</td>
<td>16</td>
</tr>
<tr>
<td>appropriated</td>
<td>5-a</td>
<td>16</td>
</tr>
<tr>
<td>deposited in state treasury</td>
<td>5-a</td>
<td>16</td>
</tr>
<tr>
<td>disbursement of</td>
<td>5-a</td>
<td>16</td>
</tr>
<tr>
<td>leasing airports, landing fields or grounds</td>
<td>5-b</td>
<td>17</td>
</tr>
<tr>
<td>publication</td>
<td>5-b</td>
<td>18</td>
</tr>
<tr>
<td>use of proceeds from</td>
<td>5-b</td>
<td>18</td>
</tr>
</tbody>
</table>

### ALCOHOLIC LIQUORS:

See “Intoxicating Liquors” 19-22

### ANDREW S. ROWAN MEMORIAL HOME:

See “Home for Aged and Infirm White Men and Women” 522

### APPEAL AND ERROR:

#### Bond

| condition and penalty | 14 | 23 |
| in insurance cases not to exceed amount of insurance coverage | 14 | 23 |
| when not required | 14 | 23 |

### APPROPRIATIONS:

#### Act

| constitutionality | 3 | 106 |
| definitions | 2 | 25 |
| expenditure of funds in violation of | 2-a | 105 |
| purpose | 1 | 25 |
| suspension of conflicting | 2 | 105 |
| Bonded obligations | 3 | 92 |
| Capital expenditures for post-war projects | 3-a | 93 |
| classification | | |
| educational group | 3-a | 97 |
| institutional group | 3-a | 95 |
| unlimited release group | 3-a | 98 |
| conditions and limitations on expenditures | 3-a | 93-95 |
### APPROPRIATIONS (Continued):

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chain store tax fees and general license taxes</td>
<td>11</td>
<td>103</td>
</tr>
<tr>
<td>Claims against the state</td>
<td>2</td>
<td>86</td>
</tr>
<tr>
<td>Classification of</td>
<td>3</td>
<td>26</td>
</tr>
<tr>
<td>Conditional</td>
<td>1</td>
<td>105</td>
</tr>
<tr>
<td>Contingent fund, approval of board of public works</td>
<td>9</td>
<td>102</td>
</tr>
<tr>
<td>County clerks, bond premiums</td>
<td>12</td>
<td>103</td>
</tr>
<tr>
<td>Dues or memberships in annual or voluntary organizations</td>
<td>13-a</td>
<td>104</td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>limitations on</td>
<td>5</td>
<td>27</td>
</tr>
<tr>
<td>maximum</td>
<td>6</td>
<td>27</td>
</tr>
<tr>
<td>method</td>
<td>4</td>
<td>27</td>
</tr>
<tr>
<td>Erroneous payments, refunds</td>
<td>8</td>
<td>102</td>
</tr>
<tr>
<td>General school fund</td>
<td>17</td>
<td>104</td>
</tr>
</tbody>
</table>

### Governmental

**AGRICULTURE**

- Department of agriculture—Acct. No. 510 ........................................ 14
- Department of agriculture (soil conservation commission—limestone) Acct. No. 6547 75
- Department of agriculture (soil conservation committee)—Acct. No. 510 74
- Agricultural awards—Acct. No. 515 ........................................ 74

**BUSINESS AND INDUSTRIAL RELATIONS**

- Beer commission—Acct. No. 490 ........................................ 68
- Board of aeronautics—Acct. No. 485 ....................................... 71
- Commission on interstate cooperation—Acct. No. 4727 .................... 71
- Department of banking—Acct. No. 480 ..................................... 68
- Department of labor—Acct. No. 450 ........................................ 65
- Department of mines—Acct. No. 460 ........................................ 65
- Interstate commission on Potomac river basin—Acct. No. 4728 .......... 71
- Liquor control commission—Acct. No. 6676 ................................ 69
- Public service commission—Acct. No. 6617 ................................ 66
- Public service commission (motor carrier division)—Acct. No. 6624 66
- Public service commission (salaries of members)—Acct. No. 470 ....... 65
- Racing commission—Acct. No. 6082 .......................................... 70
- West Virginia industrial and publicity commission—Acct. No. 4866 71
- West Virginia planning commission—Acct. No. 4729 ....................... 71
- Workmen's compensation commission—Acct. No. 900 ........................ 68
- Workmen's compensation commission (silicosis)—Acct. No. 903 .......... 69

### CHARITIES AND CORRECTION

- West Virginia children's home—Acct. No. 380 ................................ 57
- West Virginia colored children's home—Acct. No. 381 ...................... 57
- West Virginia home for aged and infirm colored men and women—Acct. No. 382 57
- West Virginia industrial home for colored girls—Acct. No. 373 .......... 56
- West Virginia industrial home for girls—Acct. No. 372 ................... 56
- West Virginia industrial school for boys—Acct. No. 370 .................. 55, 86
- West Virginia industrial school for colored boys—Acct. No. 371 .......... 55
- West Virginia penitentiary—Acct. No. 375 .................................. 56, 86
- West Virginia penitentiary (medium security prison)—Acct. No. 376 ....... 57
- West Virginia training school—Acct. No. 383 ................................ 58
## INDEX TO ACTS

### APPROPRIATIONS (Continued):

#### Governmental (Cont’d)

<table>
<thead>
<tr>
<th>CONSERVATION AND DEVELOPMENT</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarke-McNary—Acct. No. 523.</td>
<td>78'</td>
</tr>
<tr>
<td>Conservation commission (game, fish and forestry)—Acct. No. 521</td>
<td>77</td>
</tr>
<tr>
<td>Conservation commission (general administration)—Acct. No. 661</td>
<td>76</td>
</tr>
<tr>
<td>Conservation commission (state parks)—Acct. No. 522</td>
<td>78</td>
</tr>
<tr>
<td>Droop Mountain battlefield monument—Acct. No. 5609</td>
<td>78</td>
</tr>
<tr>
<td>Geological survey—Acct. No. 520</td>
<td>78</td>
</tr>
<tr>
<td>Grafton G. A. R. post—Acct. No. 5649</td>
<td>79</td>
</tr>
<tr>
<td>Morgan Morgan memorial—Acct. No. 5639</td>
<td>79</td>
</tr>
<tr>
<td>Point Pleasant battle monument commission—Acct. No. 5619</td>
<td>78</td>
</tr>
<tr>
<td>Rumseyan society—Acct. No. 5629</td>
<td>79</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EDUCATIONAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Archives and history—Acct. No. 340</td>
<td>54, 84</td>
</tr>
<tr>
<td>Bluefield state college—Acct. No. 329</td>
<td>53</td>
</tr>
<tr>
<td>Concord college—Acct. No. 325</td>
<td>52</td>
</tr>
<tr>
<td>Department of education—Acct. No. 703</td>
<td>44</td>
</tr>
<tr>
<td>Department of education (free textbooks)—Acct. No. 6408</td>
<td>47</td>
</tr>
<tr>
<td>Department of education (hot lunches)—Acct. No. 705</td>
<td>45</td>
</tr>
<tr>
<td>Department of education (school fund)—Acct. No. 6407</td>
<td>45</td>
</tr>
<tr>
<td>Department of education (state aid to supplement the general school fund)—Acct. No. 6405</td>
<td>46</td>
</tr>
<tr>
<td>Fairmont state college—Acct. No. 321</td>
<td>51</td>
</tr>
<tr>
<td>Glenville state college—Acct. No. 322</td>
<td>51</td>
</tr>
<tr>
<td>Marshall college—Acct. No. 320</td>
<td>51</td>
</tr>
<tr>
<td>Shepherd state college—Acct. No. 324</td>
<td>52</td>
</tr>
<tr>
<td>State board of education—Acct. No. 700</td>
<td>43</td>
</tr>
<tr>
<td>State board of education (rehabilitation)—Acct. No. 702</td>
<td>44</td>
</tr>
<tr>
<td>State board of education (vocational)—Acct. No. 701</td>
<td>44</td>
</tr>
<tr>
<td>Storer college—Acct. No. 338</td>
<td>54</td>
</tr>
<tr>
<td>Teachers' retirement board—Acct. No. 6409</td>
<td>47, 74</td>
</tr>
<tr>
<td>West Liberty state college—Acct. No. 323</td>
<td>51</td>
</tr>
<tr>
<td>West Virginia Institute of technology—Acct. No. 327</td>
<td>52</td>
</tr>
<tr>
<td>West Virginia library commission—Acct. No. 350</td>
<td>55</td>
</tr>
<tr>
<td>West Virginia schools for the colored deaf and blind—Acct. No. 334</td>
<td>54</td>
</tr>
<tr>
<td>West Virginia schools for the deaf and blind—Acct. No. 333</td>
<td>54</td>
</tr>
<tr>
<td>West Virginia state college—Acct. No. 328</td>
<td>53</td>
</tr>
<tr>
<td>West Virginia state college (4-H camp for colored boys and girls)—Acct. No. 330</td>
<td>53</td>
</tr>
<tr>
<td>West Virginia university—Acct. No. 300</td>
<td>47</td>
</tr>
<tr>
<td>West Virginia university (agricultural etc.)—Acct. No. 302</td>
<td>48</td>
</tr>
<tr>
<td>West Virginia university (agricultural experiment station)—Acct. No. 310</td>
<td>49</td>
</tr>
<tr>
<td>West Virginia university (engineering experiment station)—Acct. No. 306</td>
<td>49</td>
</tr>
<tr>
<td>West Virginia university (experiment farm, Kearneysville)—Acct. No. 311</td>
<td>50</td>
</tr>
<tr>
<td>West Virginia university (experiment farm—Reedsville)—Acct. No. 314</td>
<td>50</td>
</tr>
<tr>
<td>West Virginia university (extension division)—Acct. No. 305</td>
<td>49</td>
</tr>
<tr>
<td>West Virginia university (gas and petroleum research)—Acct. No. 310</td>
<td>50</td>
</tr>
<tr>
<td>West Virginia university (Inwood apple packing plant)—Acct. No. 313</td>
<td>50</td>
</tr>
<tr>
<td>West Virginia university (Jackson’s Mill)—Acct. No. 303</td>
<td>48</td>
</tr>
<tr>
<td>West Virginia university (mining and industrial)—Acct. No. 301</td>
<td>48</td>
</tr>
<tr>
<td>West Virginia university (Oglebay institute)—Acct. No. 304</td>
<td>49</td>
</tr>
<tr>
<td>West Virginia university (Potomac state school)—Acct. No. 315</td>
<td>50</td>
</tr>
<tr>
<td>West Virginia university (Reymann memorial farm)—Acct. No. 312</td>
<td>50</td>
</tr>
</tbody>
</table>

### EXECUTIVE

| Governor's office—Acct. No. 120 | 35 |
| Parole and probation investigation and supervision—Acct. No. 123 | 37 |

### CUSTODIAL AND SERVICE

<p>| Capitol building and grounds—Acct. No. 270 | 40 |
| Capitol building and grounds (salvage fund)—Acct. No. 6510 | 75 |
| Central mailing office—Acct. No. 280 | 41 |
| Department of purchases—Acct. No. 290 | 43 |</p>
<table>
<thead>
<tr>
<th>Category</th>
<th>Fiscal</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>APPROPRIATIONS (Continued):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive (Cont'd)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auditor's office—Act. No. 150</td>
<td></td>
<td>37, 84</td>
</tr>
<tr>
<td>Auditor's office (land department)—Act. No. 704</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>Board of control—Act. No. 190</td>
<td></td>
<td>38</td>
</tr>
<tr>
<td>Director of the budget—Act. No. 210</td>
<td></td>
<td>39</td>
</tr>
<tr>
<td>Sinking fund commission—Act. No. 170</td>
<td></td>
<td>38</td>
</tr>
<tr>
<td>Tax commissioner—Act. No. 180</td>
<td></td>
<td>38</td>
</tr>
<tr>
<td>Treasurer's office—Act. No. 160</td>
<td></td>
<td>37, 84</td>
</tr>
<tr>
<td><strong>INCORPORATING AND RECORDING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clerk of court of claims—Act. No. 260</td>
<td></td>
<td>40</td>
</tr>
<tr>
<td>Secretary of state—Act. No. 250</td>
<td></td>
<td>40, 84</td>
</tr>
<tr>
<td>State election commission—Act. No. 256</td>
<td></td>
<td>40</td>
</tr>
<tr>
<td><strong>LEGAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney general—Act. No. 240</td>
<td></td>
<td>39</td>
</tr>
<tr>
<td>Commission on uniform state laws—Act. No. 245</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>State court of claims—Act. No. 243</td>
<td></td>
<td>40</td>
</tr>
<tr>
<td><strong>HEALTH AND WELFARE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andrew S. Rowan memorial home—Act. No. 437</td>
<td>63, 86</td>
<td></td>
</tr>
<tr>
<td>Barbers and beauticians—Act. No. 402</td>
<td></td>
<td>58</td>
</tr>
<tr>
<td>Berkeley Springs sanitarium—Act. No. 436</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>Bureau of Negro welfare and statistics—Act. No. 403</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>Denmar sanitarium—Act. No. 432</td>
<td></td>
<td>64</td>
</tr>
<tr>
<td>Department of public assistance—Act. No. 641</td>
<td>59</td>
<td></td>
</tr>
<tr>
<td>Fairmont emergency hospital—Act. No. 425</td>
<td>62</td>
<td></td>
</tr>
<tr>
<td>Health department and public health council—Act. No. 400</td>
<td>58</td>
<td></td>
</tr>
<tr>
<td>Hopewell sanitarium—Act. No. 430</td>
<td></td>
<td>63, 85</td>
</tr>
<tr>
<td>Huntington state hospital—Act. No. 422</td>
<td>62</td>
<td></td>
</tr>
<tr>
<td>Huntington state hospital (Barboursville unit)—Act. No. 424</td>
<td>62</td>
<td></td>
</tr>
<tr>
<td>Lakin state hospital—Act. No. 423</td>
<td></td>
<td>62</td>
</tr>
<tr>
<td>Morris memorial hospital—Act. No. 435</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>Pinecrest sanitarium—Act. No. 431</td>
<td></td>
<td>63</td>
</tr>
<tr>
<td>Spencer state hospital—Act. No. 421</td>
<td></td>
<td>61</td>
</tr>
<tr>
<td>Tuberculosis field clinic—Act. No. 434</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>Water commission—Act. No. 401</td>
<td></td>
<td>58</td>
</tr>
<tr>
<td>Welch emergency hospital—Act. No. 426</td>
<td></td>
<td>63, 86</td>
</tr>
<tr>
<td>West Virginia foundation for crippled children (Pines)—Act. No. 433</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>West Virginia veterans' bureau—Act. No. 4046</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>Weston state hospital—Act. No. 420</td>
<td></td>
<td>61, 85</td>
</tr>
<tr>
<td><strong>HIGHWAYS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road commission (administration and engineering)—Act. No. 670</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>Road commission (primary and secondary roads)—Act. No. 6406</td>
<td>73</td>
<td></td>
</tr>
<tr>
<td><strong>JUDICIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Circuit courts—Act. No. 111</td>
<td></td>
<td>34</td>
</tr>
<tr>
<td>Compensation of special judges—Act. No. 113</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Criminal charges—Act. No. 119</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>Judicial council—Act. No. 118</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>State law library—Act. No. 114</td>
<td></td>
<td>34</td>
</tr>
<tr>
<td>Supreme court of appeals—Act. No. 110</td>
<td></td>
<td>34</td>
</tr>
<tr>
<td><strong>LEGISLATIVE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>House of Delegates—Act. No. 102</td>
<td></td>
<td>32</td>
</tr>
<tr>
<td>Joint expenses—Act. No. 103</td>
<td></td>
<td>34</td>
</tr>
<tr>
<td>Senate—Act. No. 101</td>
<td></td>
<td>31</td>
</tr>
<tr>
<td><strong>MISCELLANEOUS BOARDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic commission—Act. No. 6017</td>
<td></td>
<td>82</td>
</tr>
<tr>
<td>Board of dental examiners—Act. No. 6045</td>
<td></td>
<td>82</td>
</tr>
<tr>
<td>Board of embalmers and funeral directors—Act. No. 6049</td>
<td>83</td>
<td></td>
</tr>
<tr>
<td>Board of examiners for architects—Act. No. 6069</td>
<td>83</td>
<td></td>
</tr>
<tr>
<td>Board of examiners for veterinarians—Act. No. 6076</td>
<td>84</td>
<td></td>
</tr>
<tr>
<td>Board of examiners of accountants—Act. No. 6007</td>
<td>82</td>
<td></td>
</tr>
<tr>
<td>Board of law examiners—Act. No. 6005</td>
<td></td>
<td>81</td>
</tr>
<tr>
<td>Board of optometry—Act. No. 6048</td>
<td></td>
<td>83</td>
</tr>
<tr>
<td>Board of osteopathy—Act. No. 6047</td>
<td></td>
<td>83</td>
</tr>
</tbody>
</table>
INDEX TO ACTS

APPROPRIATIONS (Continued):

Miscellaneous Boards (Cont'd)

<table>
<thead>
<tr>
<th>Board of pharmacy—Acct. No. 6046</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of examiners of registered nurses—Acct. No. 6044</td>
<td>82</td>
</tr>
<tr>
<td>Board of registration for professional engineers—Acct. No. 6068</td>
<td>83</td>
</tr>
<tr>
<td>State armory board—Acct. No. 6539</td>
<td>76</td>
</tr>
</tbody>
</table>

PROTECTION

<table>
<thead>
<tr>
<th>Adjutant general; state militia—Acct. No. 580</th>
<th>Sec.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditor’s office; fire marshal—Acct. No. 6605</td>
<td>80, 85</td>
</tr>
<tr>
<td>Department of public safety—Acct. No. 570</td>
<td>79</td>
</tr>
<tr>
<td>Fire insurance—Acct. No. 591</td>
<td>81</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Limitation on spending</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-a 105</td>
<td>105</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local government</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 104</td>
<td>104</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Payment of damages to Achilles T. Robison for injuries inflicted by an escaped convict</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-a 105</td>
<td>108</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Personal liability of officer or person for illegal expenditure</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-a 105</td>
<td>105</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Printing costs</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 104</td>
<td>104</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Publication of delinquent corporations</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 103</td>
<td>103</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Publicity, limitation on expenditures for</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-b 106</td>
<td>106</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revived and extended</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 101</td>
<td>101</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sinking fund deficiencies</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 102</td>
<td>102</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special revenue</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 101</td>
<td>101</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Specific funds and collections</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 102</td>
<td>102</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Specific statutory payments</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 102</td>
<td>102</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supplemental payment of additional compensation to members of court of claims</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 109</td>
<td>109</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total sum; items included</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 104</td>
<td>104</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use of, when name of institution has been changed</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-a 105</td>
<td>105</td>
<td></td>
</tr>
</tbody>
</table>

ARMED FORCES:

<table>
<thead>
<tr>
<th>Members of, may hunt or fish without license when on leave or furlough</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 282</td>
<td>282</td>
<td></td>
</tr>
</tbody>
</table>

ARRESTS:

<table>
<thead>
<tr>
<th>For violations of liquor control law</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 20</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Power and authority of sheriffs and deputies to make</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 191</td>
<td>191</td>
<td></td>
</tr>
</tbody>
</table>

ASSESSOR:

<table>
<thead>
<tr>
<th>See “Redemption of Real Property Held for Religious, Charitable and Educational Purposes”</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>569</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Salary of Boone county</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-(3) 598</td>
<td>598</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To report forfeited lands to auditor</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 534</td>
<td>534</td>
<td></td>
</tr>
</tbody>
</table>

ATTORNEY GENERAL:

<table>
<thead>
<tr>
<th>Assistant to perform duties required by tax commissioner</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 529</td>
<td>529</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assistants to</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>salary 3 415</td>
<td>415</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>special</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 415</td>
<td>415</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>salary</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 415</td>
<td>415</td>
<td></td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

**ATTORNEY GENERAL (Continued):**

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duties to state water commission</td>
<td>14</td>
<td>393</td>
</tr>
<tr>
<td>Legal services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to department of veterans’ affairs</td>
<td>12</td>
<td>588</td>
</tr>
<tr>
<td>to director of conservation</td>
<td>9</td>
<td>294</td>
</tr>
<tr>
<td>Member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>industrial and publicity commission</td>
<td>1</td>
<td>442</td>
</tr>
<tr>
<td>retirement board, department of public safety</td>
<td>27</td>
<td>428</td>
</tr>
<tr>
<td>state auditing board of traveling expenses</td>
<td>11</td>
<td>446</td>
</tr>
</tbody>
</table>

**ATTORNEYS AT LAW:**

See “West Virginia State Bar”........................................................................ 221

Deputy commissioner of forfeited and delinquent lands required to be licensed attorney.................. 5 532

Protection of fees of, in workmen’s compensation cases .................................. 5 518

**AUDITING BOARD, STATE:**

Audit of traveling expenses by........................................................................ 11 446

Members............................................................................................................. 11 446

**AUDITOR:**

See “Redemption of Real Property Held for Religious, Charitable and Educational Purposes”....... 569

See “Sale of Lands for the School Fund”.................................................................. 529

Attorney in fact for corporations........................................................................ 71 166

Certification to governor of delinquent corporations........................................ 86 575

Salary deductions by, for purchase of bonds..................................................... 13-a 416

accumulated deductions..................................................................................... 13-a 416

account of, to be kept....................................................................................... 13-a 416

receipts to officials and employees................................................................ 13-a 416

refunds to persons leaving employ of state.................................................... 13-a 416

special fund...................................................................................................... 13-a 416

transmittal to U. S. government......................................................................... 13-a 416

delivery of bond or obligation purchased...................................................... 13-a 416

from salary of state officials and employees................................................ 13-a 416

rules and regulations....................................................................................... 13-a 417

State funds........................................................................................................

authorized to charge off balances in closed banks......................................... 1 519

disposition of dividends from receivers of closed banks................................ 2 519

funds due Peoples bank of W. Va., received from an estate............................. 1 521

transfer of, to state fund................................................................................ 2 521

transfer of balances of special funds to state funds...................................... 1 520
# INDEX TO ACTS

## AUDITS:
- Public inspection of, in office of tax commissioner...
  - Sec.: 9
  - Page: 399

## BANKING INSTITUTIONS:
- Civil liability for loss or damage of property in nominee registration
  - Sec.: 3
  - Page: 176
- Common trust funds accounting
  - Sec.: 7
  - Page: 8
- Fiduciary securities held by registration in name of nominee
  - Sec.: 1
  - Page: 175
- civil liability for loss or damage
  - Sec.: 3
  - Page: 176
- consent of individual fiduciary
  - Sec.: 1
  - Page: 175
- effect of
  - Sec.: 1
  - Page: 175
- illegal, penalty
  - Sec.: 3
  - Page: 176
- records
  - Sec.: 2
  - Page: 175
- to evade taxes, prohibited
  - Sec.: 5
  - Page: 177
- transferring or changing
  - Sec.: 4
  - Page: 176
- when no liability to attach
  - Sec.: 4
  - Page: 176
- Loans
  - limitation on, how computed
    - Sec.: 18
    - Page: 171
  - to commissioner of banking or assistants
    - Sec.: 18
    - Page: 173
  - to officers and employees
    - Sec.: 18
    - Page: 173
- Securities, valuation of
  - Sec.: 18
  - Page: 174

## BARBOUR COUNTY:
- Circuit clerk, salary of
  - Sec.: 3-(1)
  - Page: 205
- County clerk, salary of
  - Sec.: 2-(1)
  - Page: 202
- County commissioners, salary of
  - Sec.: 5-(1)
  - Page: 187
- Prosecuting attorney assistant
  - Sec.: 6
  - Page: 193
- compensation
  - Sec.: 6
  - Page: 194
- stenographer for
  - Sec.: 6
  - Page: 195
- Sheriff, salary of
  - Sec.: 1-(1)
  - Page: 198

## BARBOURSVILLE HOSPITAL:
- Transferred to Huntington state hospital
  - Sec.: 7
  - Page: 527
**INDEX TO ACTS**

**BEER, NONINTOXICATING:**

<table>
<thead>
<tr>
<th>Act</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>administration of provisions severable</td>
<td>18</td>
<td>129</td>
</tr>
<tr>
<td>Alcoholic content of</td>
<td>5</td>
<td>110</td>
</tr>
<tr>
<td>Brewer, defined bond</td>
<td>2</td>
<td>114</td>
</tr>
<tr>
<td>when located in state</td>
<td>5</td>
<td>115</td>
</tr>
<tr>
<td>when shipping into state</td>
<td>5</td>
<td>116</td>
</tr>
<tr>
<td>license fee</td>
<td>4</td>
<td>115</td>
</tr>
</tbody>
</table>

**Courts**

| jurisdicton of, to suspend or revoke license of retailer | 15 | 123 |
| revocation or suspension of retailer's license by appeal time | 15-b | 125 |
|   complaint duty of prosecuting attorney hearing | 15-b | 125 |
|   notice of, to licensee reference to commissioner in chancery or special commissioner judgment of court | 15-b | 126 |

**Definitions**

| Distributor, defined bond | 2 | 113 |
|   license fee | 2 | 114 |

**Licensees**

| clerk of court to furnish commissioner record of conviction of unlawful acts of penalty | 15-a | 125 |
| License, state, required application for, form additional information time of filing issuance refusal, causes for reissuance | 3 | 114 |
|   revocation, causes for reissuance | 12 | 117 |
|   revocation or suspension by commissioner appeal | 12 | 118 |
|   time | 12 | 118 |
|   grounds for hearing on continuance place witnesses notice to licensee selling, after | 15 | 122 |
|   time | 15-a | 124 |
|   time | 15-a | 124 |
|   time | 15-a | 123 |
|   time | 15-a | 124 |
|   time | 15-a | 124 |
|   time | 15-a | 123 |
|   time | 15-a | 123 |
**Index to Acts**

<table>
<thead>
<tr>
<th>BEER, NONINTOXICATING (Continued):</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacture for sale without state, alcoholic content</td>
<td>3</td>
<td>114</td>
</tr>
<tr>
<td>Payment of administrative and enforcement expenses</td>
<td>18</td>
<td>131</td>
</tr>
<tr>
<td>Peace officers, duty of in enforcement of beer law...</td>
<td>15-b</td>
<td>127</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>collection of bond of retailer</td>
<td>5</td>
<td>117</td>
</tr>
<tr>
<td>failure to perform duty cause for removal from office</td>
<td>5</td>
<td>117</td>
</tr>
<tr>
<td>duties of, in court action for revocation or suspension of retailer’s license</td>
<td>15-b</td>
<td>125</td>
</tr>
<tr>
<td>Retailer, defined</td>
<td>2</td>
<td>114</td>
</tr>
<tr>
<td>Retail dealer, classes</td>
<td>4</td>
<td>114</td>
</tr>
<tr>
<td>class A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>bond, conditions of</td>
<td>5</td>
<td>116</td>
</tr>
<tr>
<td>collection upon revocation of license</td>
<td>5</td>
<td>116</td>
</tr>
<tr>
<td>license fee</td>
<td>4</td>
<td>114</td>
</tr>
<tr>
<td>class B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>issued only to grocery stores</td>
<td>4</td>
<td>115</td>
</tr>
<tr>
<td>license fee</td>
<td>4</td>
<td>115</td>
</tr>
<tr>
<td>Taxes collected</td>
<td></td>
<td></td>
</tr>
<tr>
<td>administrative and enforcement expenses paid from</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>paid into state treasury</td>
<td>19</td>
<td>131</td>
</tr>
<tr>
<td>West Virginia nonintoxicating beer commissioner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>agents</td>
<td>18</td>
<td>130</td>
</tr>
<tr>
<td>administration of law vested in</td>
<td>18</td>
<td>129</td>
</tr>
<tr>
<td>appointment</td>
<td>18</td>
<td>129</td>
</tr>
<tr>
<td>approval of bonds</td>
<td>5</td>
<td>115</td>
</tr>
<tr>
<td>bonds of commissioner, deputy and employees</td>
<td>18</td>
<td>129</td>
</tr>
<tr>
<td>deputy</td>
<td>18</td>
<td>129</td>
</tr>
<tr>
<td>issuance of license</td>
<td>12</td>
<td>117</td>
</tr>
<tr>
<td>powers</td>
<td>14</td>
<td>122</td>
</tr>
<tr>
<td>qualifications</td>
<td>18</td>
<td>129</td>
</tr>
<tr>
<td>refusal to grant license, causes for</td>
<td>12</td>
<td>119</td>
</tr>
<tr>
<td>revocation or suspension of license by</td>
<td>15</td>
<td>122</td>
</tr>
<tr>
<td>salary</td>
<td>18</td>
<td>129</td>
</tr>
<tr>
<td>term of office</td>
<td>18</td>
<td>129</td>
</tr>
</tbody>
</table>

**BENEVOLENT INSTITUTIONS:**

See “Home for Aged and Infirm Colored Men and Women” | 524 |

See “Home for Aged and Infirm White Men and Women” | 522 |

**BERKELEY COUNTY:**

| Circuit clerk, salary of | 3-(2) | 205 |
| County clerk, salary of | 2-(2) | 202 |
| County commissioners, salary of | 5-(2) | 187 |
### INDEX TO ACTS

#### BERKELEY COUNTY (Continued):

<table>
<thead>
<tr>
<th>Position</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecuting attorney assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(2)</td>
<td>198</td>
</tr>
<tr>
<td>Special jail fund</td>
<td>1</td>
<td>597</td>
</tr>
</tbody>
</table>

#### BOARD OF AERONAUTICS:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acceptance of federal aid for airports, etc</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>Administrative engineering and technical assistants employment</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>powers and duties</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Contracts made by</td>
<td>5-a</td>
<td>16</td>
</tr>
<tr>
<td>Cooperation with federal government in airport and air navigation facilities</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>Director of aeronautics</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>appointment</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>compensation</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>powers and duties</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>qualifications</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Enforcement of aviation laws</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Engineering and technical service to county or municipal airports</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Funds accepted by</td>
<td>5-a</td>
<td>16</td>
</tr>
<tr>
<td>appropriated</td>
<td>5-a</td>
<td>16</td>
</tr>
<tr>
<td>deposited in state treasury</td>
<td>5-a</td>
<td>16</td>
</tr>
<tr>
<td>disbursement of</td>
<td>5-a</td>
<td>16</td>
</tr>
<tr>
<td>Leasing airports, landing fields or grounds</td>
<td>5-b</td>
<td>17</td>
</tr>
<tr>
<td>publication</td>
<td>5-b</td>
<td>17</td>
</tr>
<tr>
<td>use of proceeds</td>
<td>5-b</td>
<td>18</td>
</tr>
</tbody>
</table>

#### BOARD OF CONTROL:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate status</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>Employees and assistants</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>authority to employ</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>secretary</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>Expenditure of proceeds from federal army, navy and civil aeronautics trainee program at educational institutions</td>
<td>1</td>
<td>526</td>
</tr>
<tr>
<td>Members</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>appointment and terms of office</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>bonds and oath</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>president, election of</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>salary</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>treasurer, election of</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>Offices</td>
<td>1</td>
<td>418</td>
</tr>
<tr>
<td>President, member advisory council to department of veterans' affairs</td>
<td>11</td>
<td>587</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

**BOARD OF CONTROL (Continued):**

<table>
<thead>
<tr>
<th>State institutions</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>management and control</td>
<td></td>
<td></td>
</tr>
<tr>
<td>home for aged and infirm white men and women</td>
<td>1</td>
<td>522</td>
</tr>
<tr>
<td>officers and employees</td>
<td>11</td>
<td>419</td>
</tr>
<tr>
<td>appointment and removal of</td>
<td>11</td>
<td>420</td>
</tr>
<tr>
<td>living quarters for chief officers</td>
<td>11</td>
<td>421</td>
</tr>
<tr>
<td>salaries</td>
<td>11</td>
<td>421</td>
</tr>
<tr>
<td>rules and regulations for</td>
<td>5</td>
<td>422</td>
</tr>
<tr>
<td>uniforms for guards, attendants and employees</td>
<td>5</td>
<td>422</td>
</tr>
<tr>
<td>Transfer of Barboursville unit of Weston state hospital to Huntington state hospital</td>
<td>7</td>
<td>527</td>
</tr>
</tbody>
</table>

**BOARDS OF EDUCATION:**

<table>
<thead>
<tr>
<th>County board of education</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>adult education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>contracts with federal government</td>
<td>19-b</td>
<td>249</td>
</tr>
<tr>
<td>establishment of special classes</td>
<td>19-b</td>
<td>249</td>
</tr>
<tr>
<td>tuitions</td>
<td>19-b</td>
<td>249</td>
</tr>
<tr>
<td>supervision of, by state superintendent of schools</td>
<td>19-c</td>
<td>249</td>
</tr>
<tr>
<td>election of president</td>
<td>1-c</td>
<td>253</td>
</tr>
<tr>
<td>members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>eligibility of</td>
<td>1-a</td>
<td>252</td>
</tr>
<tr>
<td>nomination and election</td>
<td>1</td>
<td>252</td>
</tr>
<tr>
<td>term of office</td>
<td>1-b</td>
<td>252</td>
</tr>
<tr>
<td>orders for payment of money</td>
<td></td>
<td></td>
</tr>
<tr>
<td>endorsement of sheriff when no funds to pay</td>
<td>4</td>
<td>254</td>
</tr>
<tr>
<td>failure of sheriff to pay, liability</td>
<td>4</td>
<td>254</td>
</tr>
<tr>
<td>organization</td>
<td>1-c</td>
<td>253</td>
</tr>
<tr>
<td>veteran education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>contracts with federal government</td>
<td>19-a</td>
<td>248</td>
</tr>
<tr>
<td>supervision of, by state superintendent of schools</td>
<td>19-c</td>
<td>249</td>
</tr>
</tbody>
</table>

**Libraries**

| establishment and maintenance of | 1, 2 | 394 |

**Public recreation and playgrounds**

| authorized to establish and operate | 1, 2 | 400 |

**Teachers' sick leave**

| authority to establish item in annual budget | 2-a | 251 |
| fund, use of | 2-a | 251 |

**BONDS:**

| See “Appeal Bonds” |  | 23 |
| See “Beer, Nonintoxicating” |  | 112 |
| See “State Road Bonds” |  | 132 |
| Public indebtedness | 3 | 141 |
**INDEX TO ACTS**

**BONDS (Continued):**

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public indebtedness (Cont'd) purpose, by political subdivision</td>
<td>2, 3</td>
<td>139, 141</td>
</tr>
<tr>
<td>by county or municipality to erect college</td>
<td>2</td>
<td>140</td>
</tr>
<tr>
<td>amount</td>
<td>3</td>
<td>141</td>
</tr>
<tr>
<td>sale of</td>
<td>3</td>
<td>141</td>
</tr>
<tr>
<td>State office revenue bonds</td>
<td>7</td>
<td>142</td>
</tr>
<tr>
<td>form, interest, etc.</td>
<td>7</td>
<td>143</td>
</tr>
<tr>
<td>limitation on aggregate amount outstanding</td>
<td>7</td>
<td>144</td>
</tr>
<tr>
<td>payable from special fund</td>
<td>7</td>
<td>142</td>
</tr>
<tr>
<td>tax exempt</td>
<td>7</td>
<td>143</td>
</tr>
</tbody>
</table>

**BOONE COUNTY:**

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary or compensation details</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor</td>
<td></td>
<td>5-(3)</td>
<td>598</td>
</tr>
<tr>
<td>Circuit clerk</td>
<td></td>
<td>3-(3)</td>
<td>205</td>
</tr>
<tr>
<td>County clerk</td>
<td></td>
<td>2-(3)</td>
<td>202</td>
</tr>
<tr>
<td>County commissioners</td>
<td></td>
<td>5-(3)</td>
<td>187</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistant</td>
<td>compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>salary</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>stenographer for</td>
<td></td>
<td>5-(3)</td>
<td>209</td>
</tr>
<tr>
<td>Sheriff</td>
<td></td>
<td>1-(3)</td>
<td>198</td>
</tr>
</tbody>
</table>

**BOUNDARY LINES:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between coterminous landowners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>petition for ascertainment and designation of</td>
<td>31</td>
<td>1</td>
</tr>
<tr>
<td>answer</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>defendants to</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>form and content</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>judgment on</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>appeal from</td>
<td>31</td>
<td>3</td>
</tr>
<tr>
<td>enforcement</td>
<td>31</td>
<td>3</td>
</tr>
<tr>
<td>recording</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>maturity of action for trial</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>trial</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>who may file</td>
<td>31</td>
<td>1</td>
</tr>
</tbody>
</table>

**BOY SCOUTS OF AMERICA:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation commission authorized to lease camp site in Tomlinson’s run state park</td>
<td>1</td>
<td>280</td>
</tr>
</tbody>
</table>

**BRAXTON COUNTY:**

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary or compensation details</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk</td>
<td></td>
<td>3-(4)</td>
<td>205</td>
</tr>
<tr>
<td>County clerk</td>
<td></td>
<td>2-(4)</td>
<td>202</td>
</tr>
<tr>
<td>County commissioners</td>
<td></td>
<td>5-(4)</td>
<td>187</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistant</td>
<td>compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>stenographer for</td>
<td>6</td>
<td>196</td>
</tr>
</tbody>
</table>
BRAXTON COUNTY (Continued):

Sheriff, salary of_ 1-(4) 198
Special jail fund___ 1 599
Transfer of funds from general fund to dog tax fund _______ 1 599

BREAD:
Enrichment law
definitions ___________________________ 1 273
enforcement of, by commissioner of agriculture... 4 275
analysis ________________________________ 4 277
inspections and investigations ____________ 4 277
powers and duties, generally ________ 4 275
rules and regulations ___________________ 4 275
penalty for violation of________________ 5 277
violation of, penalty____________________ 5 277
vitamins and minerals required __________ 3 275

BRIBERY:
Participants in professional or amateur games and horse racing__________ 22 223
penalty ______________________________ 22 224

BRIDGES:
Intrastate toll bridges as part of state road system... 1 407
Within municipalities as parts of primary or secondary road system... 26 408

BROOKE COUNTY:
Circuit clerk, salary of._________________ 3-(5) 205
County clerk, salary of_________________________ 2-(5) 202
County commissioners, salary of______________ 5-(5) 187
Prosecuting attorney
assistant ________________________________ 6 193
compensation _____________________________ 6 194
stenographer for __________________________ 6 195
Sheriff, salary of______________________________ 1-(5) 198

BUDGET BILL:
See “Appropriations”

BUILDING AND LOAN ASSOCIATIONS:
Borrowers as members__________________________ 8(a) 158
voting by____________________________________ 18 161
By-laws affecting directors________________________ 18 161
Cancellation of shares___________________________ 13 160
Contingent reserve
amount, purpose, undivided profit account______ 25 165
Deed of trust or mortgage
conditions upon which associations may take___ 21 163
### BUILDING AND LOAN ASSOCIATIONS (Continued): Sec. Page

**Directors**
- board of 
  - duties 
  - election of officers 
  - number 
  - qualifications and residence 
- Dues, payments on shares
- Election of officers
- Fiduciaries, shares held in fiduciary capacity
- Funds, investment of
- Infants as members
- Investment of funds
- Joint shareholders
  - withdrawal of joint shareholder
- Loans
  - collection of 
  - default by borrower 
  - repayment of, by members 
  - maturing indebtedness 
- Members, see, within this title, "Shares"
  - repayment of loans by 
- Memberships 
  - infants 
- Mortgage or deed of trust
  - conditions upon which association may take 
- Officers and employees
  - compensation and retirement 
  - election 
- Payment to withdrawing shareholder 
- Receipts of minor shareholder
- Shares
  - dividends 
  - held by two or more persons
  - issued to fiduciary
  - minor shareholder 
  - payment to withdrawing shareholder 
  - withdrawal 
  - value 
  - voting by shareholder 
- Undivided profit account
- Withdrawal
  - payment to withdrawing shareholders

**CABELL COUNTY:**
- Circuit clerk, salary of 
- County clerk, salary of
<table>
<thead>
<tr>
<th><strong>INDEX TO ACTS</strong></th>
<th><strong>699</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CABELL COUNTY (Continued):</strong></td>
<td><strong>SEC.</strong></td>
</tr>
<tr>
<td>County commissioners, salary of...</td>
<td>5-(6)</td>
</tr>
<tr>
<td>County court authorized to construct and operate a general hospital</td>
<td>1-13</td>
</tr>
<tr>
<td>County court authorized to use funds to assist in maintenance of Huntington public library</td>
<td>1</td>
</tr>
<tr>
<td>Prosecuting attorney assistants compensation</td>
<td>6</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(6)</td>
</tr>
<tr>
<td><strong>CALHOUN COUNTY:</strong></td>
<td><strong>Circuit clerk, salary of...</strong></td>
</tr>
<tr>
<td>County clerk, salary of...</td>
<td>2-(7)</td>
</tr>
<tr>
<td>County commissioners, salary of...</td>
<td>5-(7)</td>
</tr>
<tr>
<td>Prosecuting attorney assistant compensation</td>
<td>6</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(7)</td>
</tr>
<tr>
<td><strong>CAPITOL SALVAGE COMMITTEE:</strong></td>
<td><strong>Members</strong></td>
</tr>
<tr>
<td><strong>Purpose</strong></td>
<td><strong>Waste paper and waste materials around capitol proceeds of sale of...</strong></td>
</tr>
<tr>
<td><strong>expenditure of...</strong></td>
<td><strong>1</strong></td>
</tr>
<tr>
<td><strong>CEMETERIES:</strong></td>
<td><strong>Property of, exempt from taxation</strong></td>
</tr>
<tr>
<td><strong>CHAUFFEURS' AND OPERATORS' LICENSES:</strong></td>
<td><strong>Expiration of operators' license...</strong></td>
</tr>
<tr>
<td><strong>notice to operator...</strong></td>
<td><strong>12</strong></td>
</tr>
<tr>
<td><strong>Extension of operators' license of person in armed forces...</strong></td>
<td><strong>12</strong></td>
</tr>
<tr>
<td><strong>Issuance of license...</strong></td>
<td><strong>9</strong></td>
</tr>
<tr>
<td><strong>fees for...</strong></td>
<td><strong>9</strong></td>
</tr>
<tr>
<td><strong>Renewal of operators' license...</strong></td>
<td><strong>12</strong></td>
</tr>
<tr>
<td><strong>fee...</strong></td>
<td><strong>12</strong></td>
</tr>
<tr>
<td><strong>Renewal of chauffeurs' license...</strong></td>
<td><strong>12</strong></td>
</tr>
<tr>
<td><strong>fee...</strong></td>
<td><strong>12</strong></td>
</tr>
<tr>
<td><strong>CHILD WELFARE:</strong></td>
<td><strong>Agencies</strong></td>
</tr>
<tr>
<td>board for licensing created</td>
<td><strong>4</strong></td>
</tr>
<tr>
<td>licenses for maintaining, required application for</td>
<td><strong>4</strong></td>
</tr>
<tr>
<td>duration</td>
<td><strong>4</strong></td>
</tr>
</tbody>
</table>
### CHILD WELFARE (Continued):

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>licenses for maintaining agencies (Cont'd)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>operation without</td>
<td>8</td>
<td>149-</td>
</tr>
<tr>
<td>provisional</td>
<td>4</td>
<td>147</td>
</tr>
<tr>
<td>revocation</td>
<td>7</td>
<td>148</td>
</tr>
<tr>
<td>relinquishment of child to state licensing board created</td>
<td>1</td>
<td>149</td>
</tr>
<tr>
<td>employment of field investigator by</td>
<td></td>
<td></td>
</tr>
<tr>
<td>investigation of violations of law</td>
<td>8</td>
<td>149</td>
</tr>
<tr>
<td>members</td>
<td>4-a</td>
<td>147</td>
</tr>
<tr>
<td>revocation of licenses</td>
<td>7</td>
<td>148</td>
</tr>
<tr>
<td>notice and hearing thereon</td>
<td>7</td>
<td>148</td>
</tr>
<tr>
<td>Definitions</td>
<td>5</td>
<td>146</td>
</tr>
<tr>
<td>Department of public assistance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>county</td>
<td></td>
<td></td>
</tr>
<tr>
<td>welfare services administered by</td>
<td>1</td>
<td>146</td>
</tr>
<tr>
<td>state</td>
<td></td>
<td></td>
</tr>
<tr>
<td>cooperation with federal agencies</td>
<td>1</td>
<td>146</td>
</tr>
<tr>
<td>welfare services administered by</td>
<td>1</td>
<td>146</td>
</tr>
<tr>
<td>Purposes of chapter</td>
<td>1</td>
<td>145</td>
</tr>
<tr>
<td>CHURCHES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When property of, exempt from taxation</td>
<td>9</td>
<td>567</td>
</tr>
<tr>
<td>CIRCUIT COURTS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Sale of Lands for the School Fund”</td>
<td></td>
<td>529</td>
</tr>
<tr>
<td>Clerks of, See “Clerk of the Circuit Court”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>allowance for stationery, postage and stenographic work</td>
<td>6</td>
<td>210</td>
</tr>
<tr>
<td>CLAIMS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court of claims</td>
<td></td>
<td></td>
</tr>
<tr>
<td>claims under existing appropriations</td>
<td>19</td>
<td>213</td>
</tr>
<tr>
<td>payment</td>
<td>19</td>
<td>214</td>
</tr>
<tr>
<td>procedure</td>
<td>19</td>
<td>214</td>
</tr>
<tr>
<td>submission of</td>
<td>19</td>
<td>213</td>
</tr>
<tr>
<td>clerk</td>
<td></td>
<td></td>
</tr>
<tr>
<td>appointment, salary and duties</td>
<td>5</td>
<td>212</td>
</tr>
<tr>
<td>compensation of members</td>
<td>8</td>
<td>212</td>
</tr>
<tr>
<td>supplemental appropriation to pay additional</td>
<td>1</td>
<td>109</td>
</tr>
<tr>
<td>definitions</td>
<td>2</td>
<td>211</td>
</tr>
<tr>
<td>jurisdiction</td>
<td>13</td>
<td>212</td>
</tr>
<tr>
<td>claims excluded</td>
<td>14</td>
<td>213</td>
</tr>
<tr>
<td>meeting place</td>
<td>7</td>
<td>212</td>
</tr>
<tr>
<td>CLAY COUNTY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(8)</td>
<td>202</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(8)</td>
<td>202</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(8)</td>
<td>187</td>
</tr>
</tbody>
</table>
## INDEX TO ACTS

### CLAY COUNTY (Continued):

<table>
<thead>
<tr>
<th>Prosecuting attorney</th>
<th>6</th>
<th>193</th>
</tr>
</thead>
<tbody>
<tr>
<td>assistant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>clerk or stenographer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(8)</td>
<td>199</td>
</tr>
</tbody>
</table>

### CLERK OF CIRCUIT COURT:

- See "Sale of Lands for the School Fund"........ 529
- Deputies, assistants and employees
  - annual budget estimate for.................. 7 | 183
  - county court to fix aggregate amount....... 7 | 183
  - appeal to circuit court...................... 7 | 183
  - appointment and removal...................... 7 | 184
- Duties in proceedings for revocation of nonintoxicating beer license.............................. 15-b | 125
- reports on convictions of beer licensees for violation of state law.......................... 15-a | 125
- Report of expenditures to county court........ 14 | 182
- Salary ............................................................ 3-(1)-3-(52) | 205-208
- as joint clerk of circuit and county court.... 4 | 208

### CLERK OF COUNTY COURT:

- See "Sale of Lands for the School Fund"........ 529
- Deputies, assistants and employees
  - annual budget estimate for.................. 7 | 183
  - county court to fix aggregate amount....... 7 | 183
  - appointment and removal...................... 7 | 184
- Factors' liens
  - filing certificate of discharge............... 5 | 340
    - fee .................................................. 5 | 340
  - filing notices of............................. 3 | 339
    - fee .................................................. 3 | 339
- Report of expenditures to county court........ 14 | 182
- Salary ............................................................ 2-(1)-2-(52) | 202-205
- as joint clerk of county and circuit court.... 4 | 208

### COAL MINERS' EXAMINING BOARD:

- See "Mines and Minerals"

### CODE AMENDED:

<table>
<thead>
<tr>
<th>Ch.</th>
<th>Art.</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>2</td>
<td>16, 17, 25, 33, 38</td>
<td>269</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>15</td>
<td>264</td>
</tr>
<tr>
<td>3</td>
<td>5</td>
<td>9</td>
<td>261</td>
</tr>
<tr>
<td>3</td>
<td>5</td>
<td>33</td>
<td>266</td>
</tr>
<tr>
<td>5</td>
<td>3</td>
<td>3</td>
<td>414</td>
</tr>
<tr>
<td>5</td>
<td>6</td>
<td>7</td>
<td>142</td>
</tr>
</tbody>
</table>

- (Registration of voters).............................. 269
- (Primary election officers)........................ 264
- (General election boards)......................... 261
- (Canvassing board).................................. 266
- (Assistants to attorney general).................. 414
- (State office revenue bonds)....................... 142
<table>
<thead>
<tr>
<th>CH.</th>
<th>ART.</th>
<th>SEC.</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>7</td>
<td>6</td>
<td>210</td>
</tr>
<tr>
<td>6</td>
<td>12</td>
<td>(new)</td>
<td>295</td>
</tr>
<tr>
<td>6</td>
<td>9</td>
<td>9 (new)</td>
<td>398</td>
</tr>
<tr>
<td>6</td>
<td>13</td>
<td>(new)</td>
<td>594</td>
</tr>
<tr>
<td>7</td>
<td>4</td>
<td>2</td>
<td>191</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>1, 2, 3, 4, 5</td>
<td>197</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>7</td>
<td>182</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>5, 5(1)-5(54)</td>
<td>184</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>6</td>
<td>184</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>12</td>
<td>193</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>14</td>
<td>179</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>14</td>
<td>181</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>3 (new)</td>
<td>366</td>
</tr>
<tr>
<td>8</td>
<td>4</td>
<td>2</td>
<td>360</td>
</tr>
<tr>
<td>8</td>
<td>4-a</td>
<td>1</td>
<td>357</td>
</tr>
<tr>
<td>8</td>
<td>6</td>
<td>14, 20</td>
<td>361</td>
</tr>
<tr>
<td>8</td>
<td>11</td>
<td>1, 5-a, 5-b</td>
<td>11</td>
</tr>
<tr>
<td>8</td>
<td>11</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>8</td>
<td>14</td>
<td>4</td>
<td>359</td>
</tr>
<tr>
<td>9-a</td>
<td>1 (new)</td>
<td>580</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>1</td>
<td>1</td>
<td>393</td>
</tr>
<tr>
<td>10</td>
<td>3</td>
<td>2</td>
<td>590</td>
</tr>
<tr>
<td>10</td>
<td>2</td>
<td>2</td>
<td>399</td>
</tr>
<tr>
<td>11</td>
<td>1</td>
<td>1</td>
<td>528</td>
</tr>
<tr>
<td>11</td>
<td>2</td>
<td>5-(3)</td>
<td>598</td>
</tr>
<tr>
<td>Ch.</td>
<td>Art.</td>
<td>Sec.</td>
<td>Page</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>11</td>
<td>3</td>
<td>9</td>
<td>566</td>
</tr>
<tr>
<td>11</td>
<td>11</td>
<td>2</td>
<td>565</td>
</tr>
<tr>
<td>11</td>
<td>12</td>
<td>86, 86-a</td>
<td>574</td>
</tr>
<tr>
<td>11</td>
<td>14</td>
<td>3, 22</td>
<td>562</td>
</tr>
<tr>
<td>11</td>
<td>16 (new)</td>
<td></td>
<td>112</td>
</tr>
<tr>
<td>11-a</td>
<td>4</td>
<td></td>
<td>529</td>
</tr>
<tr>
<td>12</td>
<td>3</td>
<td>13-a</td>
<td>415</td>
</tr>
<tr>
<td>12</td>
<td>3</td>
<td>11</td>
<td>445</td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>2, 3</td>
<td>139</td>
</tr>
<tr>
<td>14</td>
<td>2</td>
<td>2, 5, 7, 8, 13, 14, 19</td>
<td>211</td>
</tr>
<tr>
<td>15</td>
<td>2</td>
<td>5, 27, 28</td>
<td>426</td>
</tr>
<tr>
<td>15</td>
<td>5</td>
<td>3</td>
<td>488</td>
</tr>
<tr>
<td>16</td>
<td>1</td>
<td>2, 3</td>
<td>382</td>
</tr>
<tr>
<td>16</td>
<td>1</td>
<td>8</td>
<td>381</td>
</tr>
<tr>
<td>16</td>
<td>1</td>
<td>14 (new)</td>
<td>387</td>
</tr>
<tr>
<td>16</td>
<td>4—a (new)</td>
<td></td>
<td>388</td>
</tr>
<tr>
<td>16</td>
<td>11</td>
<td>2, 14</td>
<td>391</td>
</tr>
<tr>
<td>17</td>
<td>3</td>
<td>6-a</td>
<td>404</td>
</tr>
<tr>
<td>17</td>
<td>4</td>
<td>26</td>
<td>407</td>
</tr>
<tr>
<td>17</td>
<td>4</td>
<td>27</td>
<td>405</td>
</tr>
<tr>
<td>17</td>
<td>7</td>
<td>1</td>
<td>354</td>
</tr>
<tr>
<td>17</td>
<td>6</td>
<td>11</td>
<td>351</td>
</tr>
<tr>
<td>17</td>
<td>21</td>
<td>9, 12</td>
<td>352</td>
</tr>
<tr>
<td>17</td>
<td>19</td>
<td>13-b (new)</td>
<td>408</td>
</tr>
<tr>
<td>18</td>
<td>3</td>
<td>9</td>
<td>250</td>
</tr>
<tr>
<td>18</td>
<td>4</td>
<td>4</td>
<td>247</td>
</tr>
<tr>
<td>18</td>
<td>5</td>
<td>1, 1-a, b, c</td>
<td>251</td>
</tr>
<tr>
<td>18</td>
<td>5</td>
<td>13</td>
<td>231</td>
</tr>
<tr>
<td>18</td>
<td>5</td>
<td>19-a, b, c</td>
<td>248</td>
</tr>
<tr>
<td>18</td>
<td>7</td>
<td>2</td>
<td>233</td>
</tr>
<tr>
<td>18</td>
<td>7</td>
<td>2-a</td>
<td>251</td>
</tr>
<tr>
<td>Ch.</td>
<td>Art.</td>
<td>Sec.</td>
<td>Page</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>18</td>
<td>7-a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>9</td>
<td>4</td>
<td>237</td>
</tr>
<tr>
<td>18</td>
<td>9-a</td>
<td>11</td>
<td>253</td>
</tr>
<tr>
<td>18</td>
<td>10-a</td>
<td></td>
<td>228</td>
</tr>
<tr>
<td>19</td>
<td>11-a</td>
<td></td>
<td>255</td>
</tr>
<tr>
<td>19</td>
<td>12</td>
<td>24, 25</td>
<td>272</td>
</tr>
<tr>
<td>19</td>
<td>14</td>
<td>1</td>
<td>367</td>
</tr>
<tr>
<td>19</td>
<td>15</td>
<td>1, 2, 4</td>
<td>150</td>
</tr>
<tr>
<td>20</td>
<td>1, 1-a</td>
<td></td>
<td>150</td>
</tr>
<tr>
<td>20</td>
<td>4</td>
<td>3, 3-a, 3-b</td>
<td>287</td>
</tr>
<tr>
<td>20</td>
<td>9</td>
<td>10</td>
<td>283</td>
</tr>
<tr>
<td>21</td>
<td>1</td>
<td>2</td>
<td>281</td>
</tr>
<tr>
<td>21</td>
<td>3</td>
<td>7</td>
<td>423</td>
</tr>
<tr>
<td>21-a</td>
<td>1, 2, 5, 6, 7, 8, 9, 10</td>
<td></td>
<td>424</td>
</tr>
<tr>
<td>22</td>
<td>1</td>
<td>8</td>
<td>453</td>
</tr>
<tr>
<td>22</td>
<td>2-a (new)</td>
<td></td>
<td>344</td>
</tr>
<tr>
<td>22</td>
<td>6</td>
<td>2, 3, 4, 4-a</td>
<td>345</td>
</tr>
<tr>
<td>23</td>
<td>1, 2, 3, 4, 5</td>
<td></td>
<td>341</td>
</tr>
<tr>
<td>24</td>
<td>2</td>
<td>1</td>
<td>476</td>
</tr>
<tr>
<td>24-a</td>
<td>2, 3</td>
<td></td>
<td>450</td>
</tr>
<tr>
<td>25</td>
<td>1</td>
<td>1</td>
<td>447</td>
</tr>
<tr>
<td>25</td>
<td>1</td>
<td>5</td>
<td>417</td>
</tr>
<tr>
<td>25</td>
<td>1</td>
<td>11</td>
<td>421</td>
</tr>
<tr>
<td>25-a</td>
<td>2</td>
<td>11 (new)</td>
<td>419</td>
</tr>
<tr>
<td>25-a</td>
<td>3</td>
<td>5</td>
<td>441</td>
</tr>
<tr>
<td>26</td>
<td>3 (new)</td>
<td></td>
<td>218</td>
</tr>
<tr>
<td>27</td>
<td>2</td>
<td>7 (new)</td>
<td>521</td>
</tr>
<tr>
<td>29</td>
<td>2-a</td>
<td>4</td>
<td>527</td>
</tr>
<tr>
<td>29</td>
<td>9 (new)</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>30</td>
<td>5</td>
<td>4, 8</td>
<td>441</td>
</tr>
</tbody>
</table>

- (Teachers' retirement)...
- (Nonpayment of orders issued by board of education)...
- (Allocation of state aid for schools)...
- (Vocational rehabilitation)...
- (Vitamin and mineral enrichment of flour and bread)...
- (Nursery stock)...
- (Commercial feeding stuffs)...
- (Commercial fertilizers)...
- (Reorganization of conservation commission)...
- (Hunting and killing deer)...
- (Financial assistance for forestry purposes)...
- (Commissioner of labor)...
- (Operation of steam boilers)...
- (Unemployment compensation)...
- (Mine inspectors, salary, etc.)...
- (Strip mining)...
- (Coal miners' examining board)...
- (Workmen's compensation)...
- (Jurisdiction of public service commission)...
- (Issuance of certificates and permits to motor carriers)...
- (Board of control; members; salaries, etc.)...
- (Powers of board of control)...
- (Appointment of officers and employees at state institutions)...
- (State purchases from federal government)...
- (Publication of reports of supreme court of appeals)...
- (Home for aged and infirm white men and women)...
- (Barboursville unit of Weston hospital transferred to Huntington hospital)...
- (Board of aeronautics, director, etc.)...
- (Industrial and publicity commission)...
- (Pharmacists and assistant pharmacists)...

**CODE AMENDED (Continued):**
<table>
<thead>
<tr>
<th>CH.</th>
<th>ART.</th>
<th>SEC.</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>1</td>
<td>21</td>
<td>370</td>
</tr>
<tr>
<td>31</td>
<td>1</td>
<td>68</td>
<td>177</td>
</tr>
<tr>
<td>31</td>
<td>1</td>
<td>71</td>
<td>167</td>
</tr>
<tr>
<td>31</td>
<td>4-c (new)</td>
<td>165</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>6</td>
<td>8, 13, 18, 19, 21, 22, 23, 25</td>
<td>157</td>
</tr>
<tr>
<td>31</td>
<td>8</td>
<td>18</td>
<td>171</td>
</tr>
<tr>
<td>31</td>
<td>13</td>
<td></td>
<td>169</td>
</tr>
<tr>
<td>32</td>
<td>1</td>
<td>3</td>
<td>409</td>
</tr>
<tr>
<td>32</td>
<td>1</td>
<td>4</td>
<td>412</td>
</tr>
<tr>
<td>33</td>
<td>2</td>
<td>37</td>
<td>308</td>
</tr>
<tr>
<td>33</td>
<td>2</td>
<td>46 (new)</td>
<td>309</td>
</tr>
<tr>
<td>33</td>
<td>3</td>
<td>3, 5, 8, 18</td>
<td>319</td>
</tr>
<tr>
<td>33</td>
<td>4</td>
<td>7, 8</td>
<td>298</td>
</tr>
<tr>
<td>33</td>
<td>10</td>
<td>16 (new)</td>
<td>297</td>
</tr>
<tr>
<td>33</td>
<td>14 (new)</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>1</td>
<td>11</td>
<td>403</td>
</tr>
<tr>
<td>37</td>
<td>2-b (new)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>14 (new)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>6</td>
<td>6, 7, 8 (new)</td>
<td>337</td>
</tr>
<tr>
<td>44</td>
<td>9</td>
<td>1-a (new)</td>
<td>7</td>
</tr>
<tr>
<td>44</td>
<td>15</td>
<td>1, 8, 12</td>
<td>595</td>
</tr>
<tr>
<td>47</td>
<td>1</td>
<td>24</td>
<td>278</td>
</tr>
<tr>
<td>48</td>
<td>2</td>
<td>26</td>
<td>225</td>
</tr>
<tr>
<td>49</td>
<td>1, 2, 3</td>
<td></td>
<td>145</td>
</tr>
<tr>
<td>51</td>
<td>1</td>
<td>4-a (new)</td>
<td>221</td>
</tr>
</tbody>
</table>
## INDEX TO ACTS

### CODE AMENDED (Continued):

<table>
<thead>
<tr>
<th>Ch.</th>
<th>Art.</th>
<th>Sec.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>51</td>
<td>1</td>
<td>15, 16, 17, 18 (new)</td>
<td>Administrative office of the supreme court of appeals</td>
<td>215</td>
</tr>
<tr>
<td>51</td>
<td>6</td>
<td>6</td>
<td>Bonds of general court receivers</td>
<td>214</td>
</tr>
<tr>
<td>51</td>
<td>8</td>
<td>2</td>
<td>West Virginia law librarian</td>
<td>220</td>
</tr>
<tr>
<td>52</td>
<td>1</td>
<td>2</td>
<td>Exemptions and disqualifications from jury service</td>
<td>333</td>
</tr>
<tr>
<td>52</td>
<td>1</td>
<td>4</td>
<td>Preparation of jury list</td>
<td>334</td>
</tr>
<tr>
<td>52</td>
<td>1</td>
<td>11</td>
<td>Summoning jurors, etc.</td>
<td>335</td>
</tr>
<tr>
<td>52</td>
<td>1</td>
<td>21</td>
<td>Compensation of petit jurors</td>
<td>331</td>
</tr>
<tr>
<td>55</td>
<td>2</td>
<td>1-a (new)</td>
<td>Severance of title to minerals from title to surface</td>
<td>403</td>
</tr>
<tr>
<td>55</td>
<td>4</td>
<td>31 (new)</td>
<td>Boundary lines between coterminous landowners</td>
<td>1</td>
</tr>
<tr>
<td>55</td>
<td>7</td>
<td>8</td>
<td>Abatement of action for injury; survival of action against personal representative of wrongdoer</td>
<td>3</td>
</tr>
<tr>
<td>57</td>
<td>5</td>
<td>9</td>
<td>Administering oaths and taking affidavits</td>
<td>9</td>
</tr>
<tr>
<td>58</td>
<td>5</td>
<td>14</td>
<td>Appeal bonds</td>
<td>578</td>
</tr>
<tr>
<td>60</td>
<td>1</td>
<td>5</td>
<td>Definitions under liquor control law, and fixing alcoholic content of beer</td>
<td>110</td>
</tr>
<tr>
<td>60</td>
<td>3</td>
<td>19</td>
<td>Operating and reserve funds of liquor control commission</td>
<td>21</td>
</tr>
<tr>
<td>60</td>
<td>6</td>
<td>9</td>
<td>Arrests by sheriff for violations of liquor law</td>
<td>19</td>
</tr>
<tr>
<td>61</td>
<td>3</td>
<td>38</td>
<td>Publication of false advertisements</td>
<td>224</td>
</tr>
<tr>
<td>61</td>
<td>10</td>
<td>22 (new)</td>
<td>Bribery of participants in games, sports and horse racing</td>
<td>223</td>
</tr>
<tr>
<td>62</td>
<td>10</td>
<td>9</td>
<td>Power of sheriffs and deputies to make arrests</td>
<td>190</td>
</tr>
</tbody>
</table>

### CODE REPEALED:

<table>
<thead>
<tr>
<th>Ch.</th>
<th>Art.</th>
<th>Sec.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>2</td>
<td>25</td>
<td>Preference rating of veterans on nonpartisan merit examinations</td>
<td>594</td>
</tr>
<tr>
<td>6</td>
<td>11</td>
<td></td>
<td>State veterans' service officer</td>
<td>580</td>
</tr>
<tr>
<td>9</td>
<td>8</td>
<td></td>
<td>Physical rehabilitation of adults</td>
<td>255</td>
</tr>
<tr>
<td>18</td>
<td>10</td>
<td>6, 7</td>
<td>Vocational rehabilitation</td>
<td>255</td>
</tr>
<tr>
<td>19</td>
<td>12</td>
<td>32</td>
<td>Tags attached to nursery stock</td>
<td>367</td>
</tr>
<tr>
<td>20</td>
<td>1</td>
<td>4-a, 16</td>
<td>Appointment and powers of conservation commission</td>
<td>287</td>
</tr>
<tr>
<td>23</td>
<td>6</td>
<td></td>
<td>Compensation for silicosis</td>
<td>476</td>
</tr>
<tr>
<td>33</td>
<td>2</td>
<td>38, 39</td>
<td>Returns and tax on insurance premiums</td>
<td>308</td>
</tr>
<tr>
<td>INDEX TO ACTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>----</td>
<td>----</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sec.</td>
<td>Page</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMERCIAL FEEDING STUFFS:</td>
<td>1</td>
<td>150</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definition of</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMERCIAL FERTILIZER:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Agriculture”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMISSIONER IN CHANCERY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reference to, of divorce suits, etc., see “Divorce”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMISSIONER OF AGRICULTURE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Agriculture”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMISSIONER OF BANKING:</td>
<td>11</td>
<td>587</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Member advisory council to department of veterans' affairs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Banking Institutions”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMISSIONER OF HEALTH:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Health”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMISSIONER OF LABOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Labor”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMITTEES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointment of, and disbursements by, in veterans' cases. See “Veterans' Affairs”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMON TRUST FUNDS:</td>
<td>7</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounting</td>
<td>8</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>application</td>
<td>8</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>how cited</td>
<td>8</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>provisions severable</td>
<td>8</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>purpose</td>
<td>8</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establishment of</td>
<td>6</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>by bank or trust company qualified to act as fiduciary</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>purpose</td>
<td>6</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investment of</td>
<td>6</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>consent of co-fiduciaries</td>
<td>6</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>limitations on</td>
<td>6</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONSERVATION COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Game, Fish and Forestry”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authorized to lease camp site on Tomlinson’s run state park to Boy Scouts of America</td>
<td>1</td>
<td>280</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conveyance of land to, in settlement of state's claim for damages to roads caused by construction of Tygart river reservoir</td>
<td>1</td>
<td>453</td>
<td></td>
<td></td>
</tr>
<tr>
<td>sale of portions of such lands</td>
<td>1</td>
<td>453</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CONSERVATION COMMISSION (Continued):

<table>
<thead>
<tr>
<th>Director</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>appointment of heads of divisions and employment of assistants and employees</td>
<td>6</td>
<td>291</td>
</tr>
<tr>
<td>appointment, term of office</td>
<td>1</td>
<td>290</td>
</tr>
<tr>
<td>annual report</td>
<td>14</td>
<td>290</td>
</tr>
<tr>
<td>cooperation with federal government in wildlife projects</td>
<td>11</td>
<td>294</td>
</tr>
<tr>
<td>legal services by attorney general</td>
<td>9</td>
<td>294</td>
</tr>
<tr>
<td>prosecuting attorneys</td>
<td>9</td>
<td>294</td>
</tr>
<tr>
<td>member industrial and publicity commission</td>
<td>1</td>
<td>442</td>
</tr>
<tr>
<td>member of commission</td>
<td>3</td>
<td>288</td>
</tr>
<tr>
<td>oath and bond</td>
<td>3</td>
<td>290</td>
</tr>
<tr>
<td>powers and duties</td>
<td>7, 10</td>
<td>291, 294</td>
</tr>
<tr>
<td>exercised by appointees or employees</td>
<td>8</td>
<td>294</td>
</tr>
<tr>
<td>presiding officer of commission</td>
<td>7</td>
<td>289</td>
</tr>
<tr>
<td>salary and traveling expenses</td>
<td>5</td>
<td>290</td>
</tr>
<tr>
<td>submitting matters for advice</td>
<td>12</td>
<td>289</td>
</tr>
</tbody>
</table>

Forests

<table>
<thead>
<tr>
<th>Expenditures for</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>financial assistance from owners of forest lands</td>
<td>10</td>
<td>282</td>
</tr>
<tr>
<td>Members</td>
<td>3</td>
<td>288</td>
</tr>
<tr>
<td>appointment</td>
<td>3</td>
<td>288</td>
</tr>
<tr>
<td>political activity to vacate office</td>
<td>5</td>
<td>288</td>
</tr>
<tr>
<td>qualifications</td>
<td>5</td>
<td>288</td>
</tr>
<tr>
<td>term of office</td>
<td>4</td>
<td>288</td>
</tr>
<tr>
<td>traveling expenses</td>
<td>8</td>
<td>289</td>
</tr>
<tr>
<td>Powers and duties</td>
<td>11</td>
<td>289</td>
</tr>
<tr>
<td>Quorum</td>
<td>7</td>
<td>289</td>
</tr>
<tr>
<td>Regular and special meetings</td>
<td>10</td>
<td>289</td>
</tr>
</tbody>
</table>

CONSTITUTION, STATE:

<table>
<thead>
<tr>
<th>Proposed forestry amendment</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ballot</td>
<td>1</td>
<td>154</td>
</tr>
<tr>
<td>election</td>
<td>3</td>
<td>154</td>
</tr>
<tr>
<td>certificate of canvassers</td>
<td>4</td>
<td>155</td>
</tr>
<tr>
<td>governor to declare result</td>
<td>5</td>
<td>156</td>
</tr>
<tr>
<td>joint resolution proposing</td>
<td>2</td>
<td>154</td>
</tr>
<tr>
<td>name</td>
<td>6</td>
<td>157</td>
</tr>
<tr>
<td>publication</td>
<td>1</td>
<td>153</td>
</tr>
<tr>
<td>submitted to voters</td>
<td>2</td>
<td>154</td>
</tr>
</tbody>
</table>

CONVICTS:

<table>
<thead>
<tr>
<th>Sale, lease or mortgage of lands of, by summary proceedings</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>petition, notice of hearing on</td>
<td>11</td>
<td>403</td>
</tr>
</tbody>
</table>

COOPERATIVE ASSOCIATIONS:

<table>
<thead>
<tr>
<th>Quorum of stockholders or members, what constitutes</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>179</td>
<td></td>
</tr>
<tr>
<td>Corporations:</td>
<td>Sec.</td>
<td>Page</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>See “Banking Institutions”</td>
<td></td>
<td>171</td>
</tr>
<tr>
<td>See “Building and Loan Associations”</td>
<td></td>
<td>157</td>
</tr>
<tr>
<td>See “Hospital Service Corporations”</td>
<td></td>
<td>169</td>
</tr>
<tr>
<td>See “Nominee Registration of Fiduciary Securities”</td>
<td></td>
<td>174</td>
</tr>
<tr>
<td>Attorney in fact for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auditor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>attorney in fact for</td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>service of process on, or acceptance by</td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>duties upon</td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>time before return day for</td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>Cooperative association</td>
<td></td>
<td></td>
</tr>
<tr>
<td>quorum of stockholders or members, what constitutes</td>
<td></td>
<td>21</td>
</tr>
<tr>
<td>License taxes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>limitation on suits to set aside sales in former</td>
<td></td>
<td></td>
</tr>
<tr>
<td>suits</td>
<td></td>
<td>86-a</td>
</tr>
<tr>
<td>suits to enforce payment of</td>
<td></td>
<td>86</td>
</tr>
<tr>
<td>Meetings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>directors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>action without meeting through written agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>may be held in or out of state</td>
<td></td>
<td></td>
</tr>
<tr>
<td>notice of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>waiver of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>regular, time and place of holding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>special, by whom called</td>
<td></td>
<td></td>
</tr>
<tr>
<td>notices of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>stockholders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>action without meeting through written agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>may be held in or out of state</td>
<td></td>
<td></td>
</tr>
<tr>
<td>notice of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>waiver of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>quorum, what constitutes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>regular</td>
<td></td>
<td></td>
</tr>
<tr>
<td>notice of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>time and place for holding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>special</td>
<td></td>
<td></td>
</tr>
<tr>
<td>by whom called</td>
<td></td>
<td></td>
</tr>
<tr>
<td>notice of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secretary of state</td>
<td></td>
<td></td>
</tr>
<tr>
<td>attorney in fact for, in suits to collect license</td>
<td></td>
<td></td>
</tr>
<tr>
<td>taxes, etc</td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>service of process on, or acceptance by</td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>duties upon</td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>time before return day for</td>
<td></td>
<td>71</td>
</tr>
</tbody>
</table>
## INDEX TO ACTS

### COUNTIES:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airports and landing fields</td>
<td></td>
<td></td>
</tr>
<tr>
<td>cooperation with federal government in development of</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>establishment and operation of</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>federal aid for</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>jurisdiction of county court over property for leasing, or portions thereof</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>use of proceeds from</td>
<td>5-b</td>
<td>17</td>
</tr>
<tr>
<td>engineering and technical service available for</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Bonds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>amount of indebtedness for which, may be issued</td>
<td>3</td>
<td>141</td>
</tr>
<tr>
<td>purpose for which, may be issued</td>
<td>2</td>
<td>139</td>
</tr>
<tr>
<td>Officers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>report of expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to county court</td>
<td>14</td>
<td>182</td>
</tr>
<tr>
<td>to tax commissioner</td>
<td>14</td>
<td>182</td>
</tr>
<tr>
<td>COUNTY COURT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airports, See &quot;Airports and Avigation&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>jurisdiction over property of county</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>Commissioners of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>duties</td>
<td>5</td>
<td>185</td>
</tr>
<tr>
<td>salaries</td>
<td>5-(1)-5-(54)</td>
<td>187-190</td>
</tr>
<tr>
<td>County officers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>annual budget estimate for deputies, assistants and employees</td>
<td>7</td>
<td>183</td>
</tr>
<tr>
<td>action on</td>
<td>7</td>
<td>183</td>
</tr>
<tr>
<td>reports of expenditures for deputies, assistants and employees to</td>
<td>14</td>
<td>182</td>
</tr>
<tr>
<td>Establishment of memorials to soldiers and sailors</td>
<td>2</td>
<td>591</td>
</tr>
<tr>
<td>Libraries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>establishment and maintenance</td>
<td>1, 2</td>
<td>394</td>
</tr>
<tr>
<td>Recreation and playgrounds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>authorized to establish and conduct</td>
<td>1, 2</td>
<td>400</td>
</tr>
<tr>
<td>Rewards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>approval of, for apprehension of persons accused of crime</td>
<td>2</td>
<td>192</td>
</tr>
<tr>
<td>for destruction of noxious animals, birds of prey, or weeds</td>
<td>2</td>
<td>192</td>
</tr>
<tr>
<td>Sale of bonds</td>
<td>3</td>
<td>141</td>
</tr>
<tr>
<td>Sheriff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>expenses of, allowances for</td>
<td>12</td>
<td>179</td>
</tr>
<tr>
<td>report of expenditures to</td>
<td>14</td>
<td>182</td>
</tr>
</tbody>
</table>

### COUNTY SUPERINTENDENT OF SCHOOLS:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation of</td>
<td>4</td>
<td>247</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

#### COURT OF CLAIMS:
- Appropriation for additional compensation of members of ........................................ 1 109
  See "Claims"

#### COURTS:
- Appointment of special prosecutors ........................................ 6 195
- Approval of rewards ......................................................... 2 192
- Circuit courts, See “Circuit Courts”
- Court of Claims, See “Claims”
- Determination of boundary lines to real estate .......... 31 2
- Receivers
  - bond of general .......................................................... 6 214
- Revocation or suspension of nonintoxicating beer license ............................................... 15, 15-b 122, 125
- Supreme court of appeals, See “Supreme Court of Appeals”

#### CRIMES AND OFFENSES:
- County officers
  - failure to file annual report of expenditures .......... 14 182
  - failure to file estimate of expenditures for deputies and assistants .......................... 7 183
- Crimes against property
  - false advertisement, publication of .......................... 38 225
  - penalty ....................................................................... 38 225
- Crimes against public policy
  - bribery of participants in professional or amateur games and horse racing ................. 22 223
  - penalty ....................................................................... 22 224
- Defacement or injury to library property ................. 10 397
- Dumping trash on or along highways ......................... 13-b 409
- False certification as to presence of person taking depositions in divorce suits .............. 26 227
- Hunting and killing deer .................................................. 3, 3-b 285, 287
- Illegal possession of alcoholic liquor ......................... 9 20
- Intoxication or drinking in public places ..................... 9 20
- Licensing nurses, and practicing nursing ..................... 12 378
- Misuse of vocational rehabilitation records and lists ....................................................... 10 260
- Operation of steam boilers without permit .................. 7 425
- Operation of strip mine without permit ....................... 8 350
- Power of sheriff or deputy to make arrests for .......... 9 191
- Rewards for apprehension of persons charged with....... 2 192
- Registration of voters, withholding information .......... 47 272
- Sale of nursery stock without certificate of registration .................................................. 25 369
- Unemployment compensation
  - misuse of information furnished department, by employer ........................................ 11 475
- Unlawful acts of nonintoxicating beer licensee .......... 13 119
CRIMES AND OFFENSES (Continued):

<table>
<thead>
<tr>
<th>Violations of</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>flour and bread enrichment law</td>
<td>5</td>
<td>277</td>
</tr>
<tr>
<td>law on serologic tests for pregnant women</td>
<td>5</td>
<td>390</td>
</tr>
<tr>
<td>nominee registration of fiduciary securities act</td>
<td>3</td>
<td>176</td>
</tr>
<tr>
<td>rules of board of control as to design of uniforms for guards, employees and attendants at state institutions</td>
<td>5</td>
<td>422</td>
</tr>
<tr>
<td>rules of public health council</td>
<td>3</td>
<td>386</td>
</tr>
</tbody>
</table>

Workmen’s compensation

| failure to perform duty required by commissioner; false testimony | 16 | 479 |

DEATH:

| Persons in military service | 1-a | 596 |
| presumptive findings of | | |

DEPARTMENT OF PUBLIC ASSISTANCE:

| Director | | |
| member advisory council, department of veterans’ affairs | 11 | 587 |
| member state licensing board for child welfare agencies | 4-a | 147 |

See “Child Welfare”

DEPARTMENT OF PUBLIC SAFETY:

Death, disability and retirement fund

| administered by retirement board | 27 | 428 |
| investment | 27 | 430 |
| payments from to dependents | 28 | 430 |
| refunds | 28(m) | 439 |
| retirement board awards | 27 | 429 |
| retirement, based on service and age | 28 | 431 |
| retirement, physical or mental disability | 28(e)(f) | 433, 435 |
| to dependents of members | 28 | 436-440 |
| valuation of future | 27 | 429 |
| chairman, election of | 27 | 429 |
| composition of | 27 | 428 |
| election of departmental members | 27 | 428 |
| rules and regulations | 27 | 428 |
| term | 27 | 429 |
| establishment of accounting system | 27 | 430 |
| expenses | 27 | 428 |
| rules and regulations | 27 | 429 |
| secretary, election of | 27 | 429 |
| separate fund in treasury | 27 | 428 |
| sources | 27 | 427 |
### DEPARTMENT OF PUBLIC SAFETY (Continued):

<table>
<thead>
<tr>
<th>Members</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>appointment and qualifications</td>
<td>5</td>
<td>427</td>
</tr>
<tr>
<td>authorized expenditures for disabled</td>
<td>28</td>
<td>434</td>
</tr>
<tr>
<td>initial grade and promotions</td>
<td>5</td>
<td>427</td>
</tr>
<tr>
<td>reenlistment</td>
<td>5</td>
<td>427</td>
</tr>
<tr>
<td>retirement credit for services in armed forces of U. S.</td>
<td>28(d)</td>
<td>432</td>
</tr>
<tr>
<td>retired group life insurance for</td>
<td>28</td>
<td>436</td>
</tr>
<tr>
<td>physical examination of</td>
<td>28</td>
<td>435</td>
</tr>
<tr>
<td>recall to active duty</td>
<td>28</td>
<td>436</td>
</tr>
<tr>
<td>uniform</td>
<td>28</td>
<td>435</td>
</tr>
<tr>
<td>retirement</td>
<td>28</td>
<td>430</td>
</tr>
<tr>
<td>awards and benefits</td>
<td>28</td>
<td>430</td>
</tr>
</tbody>
</table>

### DEPARTMENT OF PURCHASES:

**Director**

purchase of commodities or equipment from federal government | 11 | 441 |

Public printing and stationery; state publications
reports of supreme court of appeals, publication of | 5 | 218 |
advance sheets | 5 | 219 |
publication of | 5 | 219 |

### DEPARTMENT OF VETERANS’ AFFAIRS:

See “Veterans’ Affairs”

### DIRECTOR OF AERONAUTICS:

See “Board of Aeronautics” | 9 |

### DIRECTOR OF CONSERVATION:

See “Conservation”

### DIVORCE:

**Commissioner in chancery**

compensation | 26 | 227 |

duties in investigation of suits | 26 | 226 |
reference of causes to | 26 | 226 |

costs | 26 | 227 |
report | 26 | 226 |
taking of testimony | 26 | 227 |
out of county | 26 | 227 |
out of state | 26 | 227 |
Hearing before court
oral testimony | 26 | 227 |
### DODDRIDGE COUNTY:

<table>
<thead>
<tr>
<th>Position</th>
<th>Section(s)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(9)</td>
<td>206</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(9)</td>
<td>202</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(9)</td>
<td>187</td>
</tr>
<tr>
<td>County court authorized to expend funds for construction and maintenance of Four-H camp and recreational center</td>
<td>1</td>
<td>607</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>assistant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(9)</td>
<td>199</td>
</tr>
</tbody>
</table>

### DOMESTIC RELATIONS:

- Divorce. See "Divorce"
- Marriage
  - remarriage of spouse of person in military service presumed to be dead | 1-a | 596 |

### EDUCATION:

- See "Boards of Education"
- See "Schools"
- See "State Teachers Retirement System"
- See "Teachers, Public School"

### EDUCATIONAL INSTITUTIONS:

- Disposition of funds realized from federal army, navy and civil aeronautics trainee programs by... | 1 | 525 |

### ELECTIONS:

- Double election boards
  - general election, when authorized | 9 | 262 |
  - primary election, when authorized | 15 | 264 |
- General elections
  - canvass of returns
    - adjournment of canvassing board | 33 | 267 |
    - by county court as board of canvassers | 33 | 267 |
    - certificates of result | 33 | 268 |
    - counting of ballots | 33 | 267 |
    - may require attendance of election officials | 33 | 267 |
    - preservation of ballots after | 33 | 268 |
    - recordation of results | 33 | 267 |
    - recount of ballots, cost and expense of | 33 | 268 |
    - recount of ballots, on demand of candidate | 33 | 268 |
    - bond to guarantee payment of cost and expenses | 3 | 268 |
    - time for making | 33 | 267 |
- clerks for
  - appointment on request of committee | 9 | 262 |
  - counting, when appointment authorized | 9 | 262 |
ELECTIONS (Continued):

<table>
<thead>
<tr>
<th>Clerk for General (Cont'd)</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>failure to appear, selection of others</td>
<td>9</td>
<td>263</td>
</tr>
<tr>
<td>number of</td>
<td>9</td>
<td>262</td>
</tr>
<tr>
<td>when appointed</td>
<td>9</td>
<td>262</td>
</tr>
</tbody>
</table>

Commissioners for

<table>
<thead>
<tr>
<th>Appointment by County Court</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>appointment by county court</td>
<td>9</td>
<td>262</td>
</tr>
<tr>
<td>appointment on request of party committee</td>
<td>9</td>
<td>262</td>
</tr>
<tr>
<td>authorized to administer oaths</td>
<td>9</td>
<td>263</td>
</tr>
<tr>
<td>counting board, when appointment authorized</td>
<td>9</td>
<td>262</td>
</tr>
<tr>
<td>failure to appear, selection of others</td>
<td>9</td>
<td>263</td>
</tr>
<tr>
<td>number of</td>
<td>9</td>
<td>262</td>
</tr>
<tr>
<td>political parties from which selected</td>
<td>9</td>
<td>262</td>
</tr>
<tr>
<td>when appointed</td>
<td>9</td>
<td>262</td>
</tr>
</tbody>
</table>

Primary Elections

<table>
<thead>
<tr>
<th>Clerks</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>appointment of by county court</td>
<td>15</td>
<td>264</td>
</tr>
<tr>
<td>appointments, as requested by party committees</td>
<td>15</td>
<td>265</td>
</tr>
<tr>
<td>counting clerk, when appointed</td>
<td>15</td>
<td>264</td>
</tr>
<tr>
<td>failure to appear, selection of others</td>
<td>15</td>
<td>265</td>
</tr>
<tr>
<td>number of</td>
<td>15</td>
<td>264</td>
</tr>
<tr>
<td>persons disqualified from serving as</td>
<td>15</td>
<td>265</td>
</tr>
<tr>
<td>political parties from which selected</td>
<td>15</td>
<td>264</td>
</tr>
<tr>
<td>publication of list of qualifications</td>
<td>15</td>
<td>264</td>
</tr>
</tbody>
</table>

Commissioners for

<table>
<thead>
<tr>
<th>Appointment by County Court</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>appointment by county court</td>
<td>15</td>
<td>264</td>
</tr>
<tr>
<td>appointments, requests for, by party committees</td>
<td>15</td>
<td>265</td>
</tr>
<tr>
<td>counting board, when authorized</td>
<td>15</td>
<td>264</td>
</tr>
<tr>
<td>failure to appear, selection of others</td>
<td>15</td>
<td>265</td>
</tr>
<tr>
<td>number of</td>
<td>15</td>
<td>264</td>
</tr>
<tr>
<td>persons disqualified from serving</td>
<td>15</td>
<td>265</td>
</tr>
<tr>
<td>political parties from which selected</td>
<td>15</td>
<td>264</td>
</tr>
<tr>
<td>publication of list of qualifications</td>
<td>15</td>
<td>266</td>
</tr>
</tbody>
</table>

Registration of Voters

<table>
<thead>
<tr>
<th>County Court</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>hearing, time for</td>
<td>38</td>
<td>272</td>
</tr>
</tbody>
</table>

Registrars

<table>
<thead>
<tr>
<th>Appointment of from lists submitted by party committees</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>compensation</td>
<td>16</td>
<td>269</td>
</tr>
<tr>
<td>filling vacancies</td>
<td>16</td>
<td>271</td>
</tr>
<tr>
<td>instruction for</td>
<td>16</td>
<td>270</td>
</tr>
<tr>
<td>oath of</td>
<td>16</td>
<td>270</td>
</tr>
</tbody>
</table>
## INDEX TO ACTS

### ELECTIONS (Continued):

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>registrars (Cont’d)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>persons ineligible for appointment</td>
<td>16</td>
<td>269</td>
</tr>
<tr>
<td>political parties from which selected</td>
<td>16</td>
<td>270</td>
</tr>
<tr>
<td>sittings of</td>
<td>16</td>
<td>270</td>
</tr>
<tr>
<td>time and place fixed by county court</td>
<td>16</td>
<td>270</td>
</tr>
<tr>
<td>transfers</td>
<td>33</td>
<td>271</td>
</tr>
<tr>
<td>withholding information, penalty</td>
<td>47</td>
<td>272</td>
</tr>
</tbody>
</table>

### EXECUTOR:

Action for injury to person against, to survive death of wrongdoer

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>FACTORS' LIENS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts receivable subject to</td>
<td>6</td>
<td>340</td>
</tr>
<tr>
<td>not invalidated by returned merchandise and allowances</td>
<td>6</td>
<td>340</td>
</tr>
<tr>
<td>Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>construction of</td>
<td>8</td>
<td>341</td>
</tr>
<tr>
<td>limitations on</td>
<td>8</td>
<td>341</td>
</tr>
<tr>
<td>substantial compliance sufficient for validity of lien</td>
<td>8</td>
<td>341</td>
</tr>
<tr>
<td>transactions also covered by another statute</td>
<td>8</td>
<td>341</td>
</tr>
<tr>
<td>factor may elect with which to comply</td>
<td>8</td>
<td>341</td>
</tr>
<tr>
<td>Attachment of, to proceeds of sale by borrower</td>
<td>4</td>
<td>340</td>
</tr>
<tr>
<td>Created by written agreement</td>
<td>2</td>
<td>337</td>
</tr>
<tr>
<td>Definitions</td>
<td>1</td>
<td>337</td>
</tr>
<tr>
<td>Discharge of</td>
<td>5</td>
<td>340</td>
</tr>
<tr>
<td>certificate of factor</td>
<td>5</td>
<td>340</td>
</tr>
<tr>
<td>filing</td>
<td>5</td>
<td>340</td>
</tr>
<tr>
<td>Not to affect or limit common law liens, or common law or statutory rights</td>
<td>8</td>
<td>341</td>
</tr>
<tr>
<td>Notice of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>amendments to</td>
<td>2</td>
<td>339</td>
</tr>
<tr>
<td>filing</td>
<td>3</td>
<td>339</td>
</tr>
<tr>
<td>effect of</td>
<td>4</td>
<td>339</td>
</tr>
<tr>
<td>receipt</td>
<td>3</td>
<td>339</td>
</tr>
<tr>
<td>recording</td>
<td>3</td>
<td>339</td>
</tr>
<tr>
<td>when common law lien without</td>
<td>7</td>
<td>341</td>
</tr>
<tr>
<td>verification</td>
<td>3</td>
<td>339</td>
</tr>
<tr>
<td>what to show</td>
<td>2</td>
<td>338</td>
</tr>
<tr>
<td>Priority of other liens</td>
<td>4</td>
<td>340</td>
</tr>
<tr>
<td>Termination of, on merchandise sold in ordinary course of business</td>
<td>4</td>
<td>340</td>
</tr>
<tr>
<td>attachment to proceeds of such sale</td>
<td>4</td>
<td>340</td>
</tr>
<tr>
<td>What may be included in</td>
<td>2</td>
<td>338</td>
</tr>
<tr>
<td>When valid</td>
<td>2</td>
<td>338</td>
</tr>
<tr>
<td>posting of name and designation of factor</td>
<td>2</td>
<td>338</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

<table>
<thead>
<tr>
<th>FAYETTE COUNTY:</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(10)</td>
<td>206</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(10)</td>
<td>202</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(10)</td>
<td>187</td>
</tr>
<tr>
<td>Prosecuting attorney assistants compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(10)</td>
<td>199</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FIDUCIARIES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>See “Common Trust Funds”</td>
</tr>
<tr>
<td>See “Nominee Registration of Fiduciary Securities”</td>
</tr>
<tr>
<td>See “Veterans' Guardianship”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FIREMEN’S PENSIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credit for military service on service record for Fund</td>
</tr>
<tr>
<td>maintenance</td>
</tr>
<tr>
<td>assessment on members</td>
</tr>
<tr>
<td>when refund may be made</td>
</tr>
<tr>
<td>gift</td>
</tr>
<tr>
<td>tax levy</td>
</tr>
<tr>
<td>when laying of, discretionary</td>
</tr>
<tr>
<td>payments from for permanent disability</td>
</tr>
<tr>
<td>retirement at age sixty-five</td>
</tr>
<tr>
<td>retirement without disability</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FLOUR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enrichment law definitions</td>
</tr>
<tr>
<td>enforcement of, by commissioner of agriculture</td>
</tr>
<tr>
<td>analysis</td>
</tr>
<tr>
<td>inspections and investigations</td>
</tr>
<tr>
<td>powers and duties, generally</td>
</tr>
<tr>
<td>rules and regulations</td>
</tr>
<tr>
<td>penalty for violation of</td>
</tr>
<tr>
<td>violation of, penalty</td>
</tr>
<tr>
<td>vitamins and minerals required</td>
</tr>
<tr>
<td>when not required</td>
</tr>
<tr>
<td>Standard weights for sale of flours, etc., in packages</td>
</tr>
<tr>
<td>labeling package with quantity</td>
</tr>
<tr>
<td>package defined</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FORESTRY AMENDMENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>State constitution resolution proposing</td>
</tr>
<tr>
<td>submitted to voters</td>
</tr>
<tr>
<td>Section</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>3-a</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3-b</td>
</tr>
<tr>
<td>3-b</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>22</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>22</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>3</td>
</tr>
</tbody>
</table>

**FOREST:***
- Disposition of funds received from federal government on account of national conservation, Expenditures by conservation commission for

**FORFEITED AND DELINQUENT LANDS:***
- Sale of, for the school fund. See "Taxes and Taxation"

**GAME, FISH AND FORESTRY:***
- See "Conservation Commission"
- Deer dogs chasing, hunting and killing, illegal, penalty, permit to kill, causing damage to cultivated crops, fruit trees or nurseries, violations, penalty.

**Fishing**
- license not required of members of armed forces on leave or furlough.

**Forests**
- expenditures by conservation commission for financial assistance from owners of forest lands.

**Hunting**
- license not required of members of armed forces on leave or furlough.

**GAMES:**
- Bribery of participants in; penalty.

**GASOLINE TAX:**
- Distributor report to tax commissioner on discontinuance of business.
- Excise tax accrual amount reduction, when effective, by whom paid lien of when valid and enforceable against purchaser of real or personal property measure of on distributors, importers or retailers used for road purposes when due.
- Importer report to tax commissioner on discontinuance of business.
INDEX TO ACTS

GASOLINE TAX (Continued):

<table>
<thead>
<tr>
<th>Refiners and producers</th>
<th>when gallonage used included in measure of tax</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail dealer</td>
<td>report to tax commissioner on discontinuance of business</td>
<td>3</td>
<td>564</td>
</tr>
</tbody>
</table>

GILMER COUNTY:

| Circuit clerk, salary of | 3-(11) | 206 |
| County clerk, salary of | 2-(11) | 202 |
| County commissioners, salary of | 5-(11) | 188 |

Prosecuting attorney

| assistant compensation stenographer for | 6 | 193 |
| compensation | 6 | 194 |
| stenographer for | 6 | 196 |

Sheriff, salary of

| 1-(11) | 199 |

GOVERNOR:

Appointments by advisory committee to legislative interim committee on education

| advisory committee to legislative interim committee on health problems | 630 |
| board of control members | 1 | 418 |
| board of examiners for nurses | 6 | 374 |
| commissioner of health | 2 | 383 |
| commissioner of labor | 2 | 423 |
| conservation commission | 3, 4 | 288 |
| director of conservation | 1 | 290 |
| director of department of veteran's affairs | 4 | 583 |
| industrial and publicity commission, two members | 1 | 442 |
| nonintoxicating beer commissioner | 18 | 129 |
| public health council | 3 | 384 |
| state licensing board for child welfare agencies, three members | 4-a | 147 |
| state water commission, three members | 2 | 391 |
| superintendent of certain state institutions | 11 | 419 |
| superintendent of home for aged and infirm white men and women | 1 | 522 |
| tax commissioner | 1 | 528 |
| warden of penitentiary | 11 | 420 |
| workmen's compensation appeal board | 2 | 514 |
| workmen's compensation commissioner | 1 | 477 |
| veterans' council | 3 | 582 |

Approval of amount of liquor control commission's operating fund

| 19 | 22 |

Approval of appointment of coal miners' examining board

| 2 | 342 |
GOVERNOR (Continued):

<table>
<thead>
<tr>
<th>Constitutional amendment</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>proclamation declaring result of vote on</td>
<td>5</td>
<td>156</td>
</tr>
<tr>
<td>publication of</td>
<td>6</td>
<td>157</td>
</tr>
</tbody>
</table>

Interstate oil compact commission

| authorized to make state party to | 638 |
| official representative of state on | 638 |

Road bonds

| issuance by | 1 | 132 |
| requested to defer sale of seven million dollars of, until federal matching funds are available | 634 |
| sale of, by | 8 | 138 |

Proclamation declaring corporations delinquent in payment of license tax | 86 | 575 |

GRANT COUNTY:

| County commissioners, salary of | 5-(12) | 188 |
| Establishment of special courthouse fund authorized | 1 | 608 |
| Joint clerk of county and circuit courts, salary of | 4 | 209 |
| Prosecuting attorney assistant | 6 | 193 |
| compensation | 6 | 194 |
| stenographer or clerk for | 6 | 196 |
| Sheriff, salary of | 1-(12) | 199 |

GREENBRIER COUNTY:

| Circuit clerk, salary of | 3-(12) | 206 |
| County clerk, salary of | 2-(12) | 202 |
| County commissioners, salary of | 5-(13) | 188 |
| County court authorized to create special jail building fund | 1 | 609 |
| Prosecuting attorney assistant | 6 | 193 |
| compensation | 6 | 194 |
| stenographer for | 6 | 195 |
| Sheriff, salary of | 1-(13) | 199 |

GUARDIAN:

| Veterans' guardianship and commitment committees for mentally incompetent and minor wards | 1 | 5 |
| notice to federal government in proceedings for appointment or removal | 1 | 5 |
| when appointment required | 1 | 5 |
| funds of wards disbursements | 12 | 6 |
GUARDIAN (Continued):

Veterans' guardianship and commitment (Cont'd) | Sec. | Page
--- | --- | ---
guardians | | |
notice to federal government in proceedings for appointment or removal of | 1 | 5
settlement of accounts of | 8 | 5
before whom to be made | 8 | 6
time for making | 8 | 6
when appointment required | 1 | 5

HAMPDEN COUNTY:

Circuit clerk, salary of | 3-(11) | 206
County clerk, salary of | 2-(13) | 203
County commissioners, salary of | 5-(14) | 188
Prosecuting attorney assistant | 6 | 193
compensation | 6 | 194
salary | 5-(14) | 209
stenographer for | 6 | 195
Sheriff, salary of | 1-(14) | 199

HANCOCK COUNTY:

Circuit clerk, salary of | 3-(14) | 206
Conservation commission authorized to lease camp site to Boy Scouts of America in Tomlinson's run state park in | 1 | 280
County clerk, salary of | 2-(14) | 203
County commissioners, salary of | 5-(15) | 188
Prosecuting attorney assistant | 6 | 193
compensation | 6 | 194
stenographer for | 6 | 195
Sheriff, salary of | 1-(15) | 199
Validating use of justices' fines by county court | 1 | 610

HARTFORD COUNTY:

County commissioners, salary of | 5-(16) | 188
Joint clerk of county and circuit courts, salary of | 4 | 209
Prosecuting attorney assistant | 6 | 193
compensation | 6 | 194
stenographer or clerk for | 6 | 196
Sheriff, salary of | 1-(16) | 199

HARRISON COUNTY:

Circuit clerk, salary of | 3-(15) | 206
County clerk, salary of | 2-(15) | 203
County commissioners, salary of | 5-(17) | 188
Criminal court judge, salary of | 4 | 612
**HARRISON COUNTY (Continued):**

<table>
<thead>
<tr>
<th>Act</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>County court authorized to create special jail fund</td>
<td>610</td>
</tr>
<tr>
<td>Prosecuting attorney assistant compensation</td>
<td>193</td>
</tr>
<tr>
<td>stenographers for compensation</td>
<td>194</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>199</td>
</tr>
</tbody>
</table>

**HARTIGAN, DR. J. W.:**

<table>
<thead>
<tr>
<th>Act</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment of claim of, authorized</td>
<td>525</td>
</tr>
</tbody>
</table>

**HEALTH:**

<table>
<thead>
<tr>
<th>Act</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local officers taking of blood specimen for serologic test for syphilis</td>
<td>389</td>
</tr>
<tr>
<td>without charge</td>
<td>389</td>
</tr>
<tr>
<td>Serologic test of pregnant women for syphilis</td>
<td>390</td>
</tr>
<tr>
<td>blood specimen for attending physician to take</td>
<td>389</td>
</tr>
<tr>
<td>county or district health officer to take, on request</td>
<td>389</td>
</tr>
<tr>
<td>without charge</td>
<td>389</td>
</tr>
<tr>
<td>identification of</td>
<td>389</td>
</tr>
<tr>
<td>when state health department to obtain</td>
<td>389</td>
</tr>
<tr>
<td>compulsory</td>
<td>388</td>
</tr>
<tr>
<td>laboratories for performing approved by department of health</td>
<td>388</td>
</tr>
<tr>
<td>reports by, on result of test confidential</td>
<td>389</td>
</tr>
<tr>
<td>state hygienic laboratory</td>
<td>388</td>
</tr>
<tr>
<td>without charge</td>
<td>389, 390</td>
</tr>
<tr>
<td>physician duties of, attending pregnant woman</td>
<td>389</td>
</tr>
<tr>
<td>blood specimen for test</td>
<td>389</td>
</tr>
<tr>
<td>identification of</td>
<td>389</td>
</tr>
<tr>
<td>report by laboratory on</td>
<td>389</td>
</tr>
<tr>
<td>reports of birth and stillbirths by what to show</td>
<td>390</td>
</tr>
<tr>
<td>standard test for</td>
<td>388</td>
</tr>
<tr>
<td>approval of, by commissioner of health</td>
<td>389</td>
</tr>
<tr>
<td>violation of law, penalty</td>
<td>390</td>
</tr>
<tr>
<td>State department of blood specimens for serologic tests for syphilis, when obtained by</td>
<td>389</td>
</tr>
<tr>
<td>commissioner administrative head of department</td>
<td>383</td>
</tr>
<tr>
<td>annual report to governor</td>
<td>384</td>
</tr>
<tr>
<td>appointment and term of office</td>
<td>383</td>
</tr>
</tbody>
</table>
HEALTH (Continued):

<table>
<thead>
<tr>
<th>Index</th>
<th>Act</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>commissioner (Cont’d)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>appointment of directors of divisions</td>
<td>2</td>
<td>383</td>
</tr>
<tr>
<td>appointment of employees</td>
<td>2</td>
<td>383</td>
</tr>
<tr>
<td>approval of state’s participation in federal hospital construction</td>
<td>14</td>
<td>387</td>
</tr>
<tr>
<td>assist local health officers</td>
<td>2</td>
<td>383</td>
</tr>
<tr>
<td>authority of, in promotion of mental health</td>
<td>8</td>
<td>382</td>
</tr>
<tr>
<td>general powers and duties</td>
<td>2</td>
<td>383</td>
</tr>
<tr>
<td>member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>advisory council to department of veterans’ affairs</td>
<td>11</td>
<td>587</td>
</tr>
<tr>
<td>state licensing board for child welfare agencies</td>
<td>4-a</td>
<td>147</td>
</tr>
<tr>
<td>state water commission</td>
<td>2</td>
<td>391</td>
</tr>
<tr>
<td>promulgate public health information</td>
<td>2</td>
<td>384</td>
</tr>
<tr>
<td>qualifications</td>
<td>2</td>
<td>383</td>
</tr>
<tr>
<td>salary</td>
<td>2</td>
<td>383</td>
</tr>
<tr>
<td>serologic tests for syphilis, approval</td>
<td>1</td>
<td>389</td>
</tr>
<tr>
<td>cooperation with federal government in hospital construction</td>
<td>14</td>
<td>387</td>
</tr>
</tbody>
</table>

Fairmont emergency hospital
advisory medical supervision of | 8 | 382 |

federal hospital construction program
cooperation with | 14 | 387 |

advisory council for | 14 | 388 |

compliance with requirements for federal aid | 14 | 387 |

laboratory
serologic tests for syphilis | 1 | 388 |

reports on, confidential | 3 | 390 |

without charge | 2, 3 | 389, 390 |

mental and tuberculosis hospitals
advisory medical supervision of | 8 | 381 |

public health council
approval of state’s participation in federal hospital construction | 14 | 387 |

commissioner of health secretary of | 3 | 385 |

general powers and duties | 3 | 386 |

members of
appointment and terms | 3 | 385 |

commissioner of health a member | 3 | 384 |

compensation and expenses | 3 | 385 |

qualifications | 3 | 384 |

meetings | 3 | 385 |

organization and quorum | 3 | 385 |

rules and regulations
establishment | 3 | 386 |
HEALTH (Continued)

public health council, rules and regulations
(Cont'd)

promulgation ___________________________________________ 3 386
violation of; penalty____________________________________ 3 386
tuberculosis and mental hospitals
advisory medical supervision of____________________________ 8 381
Welch emergency hospital
advisory medical supervision of____________________________ 8 382

State water commission
aid of officers
college of engineering of university________________________ 2 392
director of division of sanitary engineering of
state department of health________________________________ 2 392
attorney general
to prosecute action for penalties for non-compliance with orders of___________________________ 14 393
compliance with final order
extension of time________________________________________ 14 392
penalty for failure_______________________________________ 14 393
when commission may stay_________________________________ 14 392

members of
chairman game and fish commission________________________ 2 391
commissioner of health____________________________________ 2 391
three others to be appointed by governor____________________ 2 391
term ___________________________________________________ 2 391
reimbursement for expenses_______________________________ 2 391

HOME FOR AGED AND INFIRM COLORED MEN AND WOMEN:
To pay claim of Dr. J. W. Hartigan__________________________ 1 525

HOME FOR AGED AND INFIRM WHITE MEN AND WOMEN:
Admission of inmates____________________________________ 2 522
Board of control
management and control by_______________________________ 1 522
transfer of inmates to
from industrial school for boys____________________________ 4 523
from state hospitals______________________________________ 3 523
Establishment ___________________________________________ 1 522
Expenses of inmates, other than those transferred,
paid by county department of public assistance__________ 5 524
Inmates
admission of___________________________________________ 2 522
transferred from industrial school for boys______________ 4 523
transferred from state hospitals__________________________ 3 523
who entitled to admission________________________________ 2 522
Location _______________________________________________ 1 522
Name ___________________________________________________ 1 522
### INDEX TO ACTS

#### HOME FOR AGED AND INFIRM WHITE MEN AND WOMEN (Continued):

<table>
<thead>
<tr>
<th>Act Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent appointment</td>
<td>1</td>
<td>522</td>
</tr>
<tr>
<td>executive officer</td>
<td>1</td>
<td>522</td>
</tr>
<tr>
<td>Transfer of inmates of industrial school for boys rules and regulations for</td>
<td>4</td>
<td>523</td>
</tr>
<tr>
<td>Transfer of inmates of state hospitals to</td>
<td>3</td>
<td>523</td>
</tr>
</tbody>
</table>

#### HORSE RACING:

- Bribery of participants in; penalty                                           | 22   | 223  |

#### HOSPITAL SERVICE CORPORATIONS:

- Bonds of officers and employees                                               | 3    | 170  |
- Contracts with hospitals                                                       | 6    | 170  |
- Exempt from taxation                                                           | 5    | 170  |
- Expiration of article                                                          | 7    | 171  |
- Insurance laws not applicable to                                               | 4    | 170  |
- Non-profit, non-stock organization                                             | 1    | 169  |
- Profit making inhibited                                                        | 2    | 170  |
  - Purpose
    - hospital service, defined in contract                                      | 1    | 169  |
    - medical service, defined in contract                                        | 1    | 169  |

#### HUNTINGTON, CITY OF:

- Authorized to join with Cabell county court in construction and operation of a general hospital | 1–13 | 600–607 |
- County court authorized to assist in maintenance of public library             | 1    | 600  |

#### HUNTINGTON STATE HOSPITAL:

- Transfer of Barboursville unit of Weston state hospital to                     | 7    | 527  |

#### INDUSTRIAL AND PUBLICITY COMMISSION:

- Cooperation of state agencies and departments with corporate status            | 4    | 445  |
  - Executive director
    - duties employed by commission                                              | 2    | 443  |
    - payment of expenses                                                        | 2    | 443  |
    - salary technical and clerical assistants                                   | 2    | 443  |
  - General powers and duties                                                    | 3    | 443  |
  - Members of ex officio
    - attorney general                                                           | 1    | 442  |
    - commissioner of agriculture                                                | 1    | 442  |
    - commissioner of labor                                                       | 1    | 442  |
    - conservation commissioner                                                   | 1    | 442  |
    - governor, chairman                                                          | 1    | 442  |
### INDEX TO ACTS

#### INDUSTRIAL AND PUBLICITY COMMISSION (Continued):

<table>
<thead>
<tr>
<th>Members of (Cont'd)</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>expenses</td>
<td>1</td>
<td>442</td>
</tr>
<tr>
<td>serve without compensation</td>
<td>1</td>
<td>442</td>
</tr>
<tr>
<td>two appointed by governor</td>
<td>1</td>
<td>442</td>
</tr>
<tr>
<td>how chosen</td>
<td>1</td>
<td>442</td>
</tr>
<tr>
<td>Meetings of</td>
<td>1</td>
<td>442</td>
</tr>
<tr>
<td>Offices</td>
<td>1</td>
<td>442</td>
</tr>
</tbody>
</table>

#### INFANTS:

- Sale, lease or mortgage of lands of, by summary proceedings
  - Page: 11, 403
- petition, notice of hearing on
  - Page: 11, 404

#### INHERITANCE AND TRANSFER TAXES:

- Exemptions
  - Page: 4, 565

#### INJURIES:

- Actions for
  - injury to person
    - Page: 8, 3
  - revival on death of person injured
    - Page: 8, 3
  - right of, to survive death of wrongdoer
    - Page: 8, 4

#### INSANE PERSONS:

- Sale, lease or mortgage of lands of
  - by summary proceedings
    - Page: 11, 403
  - petition, notice of hearing on
    - Page: 11, 404

#### INSURANCE:

- Automobile insurance
  - policies to cover injury to guest or invitee
    - Page: 4, 310

- Automobile mutual, companies
  - deposit of securities with state treasurer
    - Page: 16, 297
  - certificate of insurance commissioner describing
    - Page: 16, 297
  - for protection of policyholders generally
    - Page: 16, 297
  - interest or dividends on
    - Page: 16, 298
  - substitution or withdrawal of
    - Page: 16, 298

- Commissioner
  - examination of companies
    - access to books and papers for
      - Page: 8, 306
    - payment of premium tax to
      - Page: 37, 309
    - prescribing riders for fire policies
      - Page: 8, 307
    - reduction of excessive fire insurance rates
      - Page: 8, 308
    - reports to, by foreign life companies
      - Page: 8, 325
    - valuation of life policies
      - Page: 3, 320

- Fire and marine companies
  - examination of, by commissioner
    - Page: 8, 306
## INDEX TO ACTS

**INSURANCE (Continued):**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fire and marine companies (Cont'd)</strong></td>
<td></td>
</tr>
<tr>
<td>law, application to farmers' mutual companies</td>
<td>8</td>
</tr>
<tr>
<td>policies of, standard</td>
<td></td>
</tr>
<tr>
<td>form for fire</td>
<td>7 (f)</td>
</tr>
<tr>
<td>additional matter permitted</td>
<td>8</td>
</tr>
<tr>
<td>not applicable to farmers' mutual companies</td>
<td>8</td>
</tr>
<tr>
<td>riders and endorsements</td>
<td>8</td>
</tr>
<tr>
<td>supplemental contracts and endorsements</td>
<td>7</td>
</tr>
</tbody>
</table>

Forfeitures

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>standard nonforfeiture law</td>
<td>18-a</td>
</tr>
</tbody>
</table>

Life companies

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>dividends, when may be paid</td>
<td>5</td>
</tr>
<tr>
<td>foreign</td>
<td></td>
</tr>
<tr>
<td>reports to commissioner</td>
<td>8</td>
</tr>
<tr>
<td>valuation of policies</td>
<td>8</td>
</tr>
<tr>
<td>life policies, valuation of</td>
<td>3</td>
</tr>
<tr>
<td>policies, foreign companies</td>
<td></td>
</tr>
<tr>
<td>valuation of</td>
<td>8</td>
</tr>
</tbody>
</table>

Premiums

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>default in payment</td>
<td>18, 18-a</td>
</tr>
<tr>
<td>valuation of, by commissioner</td>
<td>3</td>
</tr>
<tr>
<td>reports to commissioner by foreign companies</td>
<td>8</td>
</tr>
</tbody>
</table>

Mortality tables

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>321</td>
</tr>
</tbody>
</table>

Motor vehicle liability insurance

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>law</td>
<td></td>
</tr>
<tr>
<td>not to authorize right of action not now existent</td>
<td>3</td>
</tr>
<tr>
<td>policy</td>
<td></td>
</tr>
<tr>
<td>agreed provision permitting action against with or without joining driver as party defendant</td>
<td>2</td>
</tr>
<tr>
<td>injury to guest or invitee</td>
<td>46</td>
</tr>
<tr>
<td>state and local governments authorized to carry against negligence of motor vehicle drivers</td>
<td>1</td>
</tr>
<tr>
<td>may require contractors to provide</td>
<td>1</td>
</tr>
</tbody>
</table>

Nonforfeiture law, standard | 18-a | 326 |

Policies

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>automobile insurance</td>
<td></td>
</tr>
<tr>
<td>injury to guest or invitee</td>
<td>46</td>
</tr>
<tr>
<td>standard form for fire</td>
<td>7 (f)</td>
</tr>
<tr>
<td>valuation of life policies</td>
<td>3</td>
</tr>
</tbody>
</table>

Premiums

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>life policies, default in, rights on</td>
<td>18, 18-a</td>
</tr>
<tr>
<td>payment of tax on</td>
<td>37</td>
</tr>
<tr>
<td>report as to amount collected</td>
<td>37</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

#### INSURANCE (Continued):

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reciprocal or inter-insurance contracts</td>
<td></td>
</tr>
<tr>
<td>annual or other reports by attorney in fact</td>
<td>7 315</td>
</tr>
<tr>
<td>certificate of authority</td>
<td>10 317</td>
</tr>
<tr>
<td>compliance with provisions of article</td>
<td>9 316</td>
</tr>
<tr>
<td>copy of form of policy contract to be filed</td>
<td>9 316</td>
</tr>
<tr>
<td>corporations empowered to exchange insurance contracts</td>
<td>8 316</td>
</tr>
<tr>
<td>declaration to be filed with insurance commissioner</td>
<td>3 312</td>
</tr>
<tr>
<td>examination by insurance commissioner</td>
<td>7 315</td>
</tr>
<tr>
<td>exchange of insurance contracts authorized</td>
<td>1 311</td>
</tr>
<tr>
<td>execution of contract by attorney in fact</td>
<td>2 311</td>
</tr>
<tr>
<td>extension of license period</td>
<td>7 315</td>
</tr>
<tr>
<td>filing copy of form of policy contract, power of attorney and statement of plan of organization</td>
<td>9 316</td>
</tr>
<tr>
<td>filing instruments relating to venue and service of process</td>
<td>4 313</td>
</tr>
<tr>
<td>funds to be maintained</td>
<td>6 314</td>
</tr>
<tr>
<td>laws governing</td>
<td>1 311</td>
</tr>
<tr>
<td>license fees and taxes</td>
<td>11 319</td>
</tr>
<tr>
<td>location of office of attorney in fact</td>
<td>2 311</td>
</tr>
<tr>
<td>power of attorney to be filed</td>
<td>9 316</td>
</tr>
<tr>
<td>renewal of certificate of authority</td>
<td>10 317</td>
</tr>
<tr>
<td>revocation of license or certificate of authority</td>
<td>10 317</td>
</tr>
<tr>
<td>service of process</td>
<td>4 313</td>
</tr>
<tr>
<td>statement as to amount of risks</td>
<td>5 314</td>
</tr>
<tr>
<td>statement of plan of organization to be filed</td>
<td>9 316</td>
</tr>
<tr>
<td>venue</td>
<td>4 313</td>
</tr>
</tbody>
</table>

#### Securities

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>deposit of, with state treasurer, by automobile mutual companies</td>
<td>16 297</td>
</tr>
<tr>
<td>Standard nonforfeiture law</td>
<td>18-a 326</td>
</tr>
<tr>
<td>Taxation, premium tax</td>
<td>37 308</td>
</tr>
</tbody>
</table>

#### INTOXICATING LIQUORS:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrests by sheriff and deputies</td>
<td></td>
</tr>
<tr>
<td>for intoxication or drinking in public places</td>
<td>9 21</td>
</tr>
<tr>
<td>for possession of alcoholic liquor unlawfully acquired</td>
<td>9 21</td>
</tr>
<tr>
<td>Definitions</td>
<td>5 110</td>
</tr>
<tr>
<td>Municipalities</td>
<td></td>
</tr>
<tr>
<td>aid to municipalities from liquor funds</td>
<td>19 22</td>
</tr>
<tr>
<td>Offenses</td>
<td></td>
</tr>
<tr>
<td>buying or possession of alcoholic liquors unlawfully acquired</td>
<td>9 20</td>
</tr>
<tr>
<td>intoxication or drinking in public places</td>
<td>9 20</td>
</tr>
</tbody>
</table>
### INTOXICATING LIQUORS (Continued):

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalties</td>
<td>Intoxication in public places</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Possession of alcoholic liquor unlawfully acquired</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>Public places</td>
<td>Drinking in public places</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Intoxication in public places</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>Sales by commission</td>
<td>Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amount of operating and reserve funds</td>
<td>19</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Excess transferred to state treasury</td>
<td>19</td>
<td>21</td>
</tr>
</tbody>
</table>

### JACKSON COUNTY:

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk</td>
<td>Salary</td>
<td>3-(16)</td>
<td>206</td>
</tr>
<tr>
<td>County clerk</td>
<td>Salary</td>
<td>2-(16)</td>
<td>203</td>
</tr>
<tr>
<td>County commissioners</td>
<td>Salary</td>
<td>5-(18)</td>
<td>188</td>
</tr>
<tr>
<td>County court</td>
<td>Authorized to create special fund for war memorial or secondary road purposes</td>
<td>1</td>
<td>613</td>
</tr>
<tr>
<td>Prosecuting attorney assistant</td>
<td>Compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>Stenographer for</td>
<td>6</td>
<td>196</td>
</tr>
<tr>
<td>Sheriff</td>
<td>Salary</td>
<td>1-(18)</td>
<td>199</td>
</tr>
</tbody>
</table>

### JEFFERSON COUNTY:

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk</td>
<td>Salary</td>
<td>3-(17)</td>
<td>206</td>
</tr>
<tr>
<td>County clerk</td>
<td>Salary</td>
<td>2-(17)</td>
<td>203</td>
</tr>
<tr>
<td>County commissioners</td>
<td>Salary</td>
<td>5-(19)</td>
<td>188</td>
</tr>
<tr>
<td>Prosecuting attorney assistant</td>
<td>Compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>Stenographer for</td>
<td>6</td>
<td>196</td>
</tr>
<tr>
<td>Sheriff</td>
<td>Salary</td>
<td>1-(19)</td>
<td>199</td>
</tr>
</tbody>
</table>

### JURIES:

<table>
<thead>
<tr>
<th>Commissioners</th>
<th>Description</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation of lists of petit jurors</td>
<td>By special appointment when authorized</td>
<td>4</td>
<td>334</td>
</tr>
<tr>
<td>Persons exempt and disqualified from service on petit juries</td>
<td>Allowance</td>
<td>2</td>
<td>333</td>
</tr>
<tr>
<td></td>
<td>Amount, fixing of</td>
<td>21</td>
<td>332</td>
</tr>
<tr>
<td></td>
<td>Felony cases</td>
<td>21</td>
<td>332</td>
</tr>
<tr>
<td></td>
<td>Meals and lodging while in custody of sheriff</td>
<td>21</td>
<td>332</td>
</tr>
</tbody>
</table>
JURIES (Continued):

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>petit jury; compensation, mileage and expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Cont'd)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>payment of</td>
<td>21</td>
<td>332</td>
</tr>
<tr>
<td>taxation of jury costs</td>
<td>21</td>
<td>332</td>
</tr>
<tr>
<td>exemptions and disqualifications for service as</td>
<td>2</td>
<td>333</td>
</tr>
<tr>
<td>list of, preparation by jury commissioners</td>
<td>4</td>
<td>334</td>
</tr>
<tr>
<td>time for making</td>
<td>4</td>
<td>334</td>
</tr>
<tr>
<td>preparation of list of</td>
<td>4</td>
<td>334</td>
</tr>
<tr>
<td>qualifications of</td>
<td>4</td>
<td>335</td>
</tr>
<tr>
<td>citizens not exempt or disqualified</td>
<td>4</td>
<td>335</td>
</tr>
<tr>
<td>judgment and character</td>
<td>4</td>
<td>335</td>
</tr>
<tr>
<td>prior service</td>
<td>4</td>
<td>335</td>
</tr>
<tr>
<td>Service on</td>
<td></td>
<td></td>
</tr>
<tr>
<td>persons disqualified from</td>
<td>2</td>
<td>334</td>
</tr>
<tr>
<td>persons exempt from</td>
<td>2</td>
<td>333</td>
</tr>
<tr>
<td>Summoning of jurors</td>
<td>11</td>
<td>336</td>
</tr>
<tr>
<td>by registered mail</td>
<td>11</td>
<td>336</td>
</tr>
<tr>
<td>time for</td>
<td>11</td>
<td>336</td>
</tr>
<tr>
<td>KANAWHA COUNTY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(18)</td>
<td>206</td>
</tr>
<tr>
<td>Circuit court, law assistant for judge of</td>
<td>1</td>
<td>616</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(18)</td>
<td>203</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(20)</td>
<td>188</td>
</tr>
<tr>
<td>County court authorized to expend surplus funds</td>
<td>1</td>
<td>613</td>
</tr>
<tr>
<td>Court of common pleas, salary of judge</td>
<td>9</td>
<td>615</td>
</tr>
<tr>
<td>Intermediate court, terms of</td>
<td>11</td>
<td>614</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistants</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(20)</td>
<td>199</td>
</tr>
<tr>
<td>LABOR:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>appointment and term of office</td>
<td>2</td>
<td>423</td>
</tr>
<tr>
<td>member industrial and publicity commission</td>
<td>1</td>
<td>442</td>
</tr>
<tr>
<td>qualifications</td>
<td>2</td>
<td>423</td>
</tr>
<tr>
<td>salary</td>
<td>2</td>
<td>423</td>
</tr>
<tr>
<td>Offenses under law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>operation of steam boiler without permit</td>
<td>7</td>
<td>425</td>
</tr>
<tr>
<td>Safety and welfare of employees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>steam boilers, safety requirements</td>
<td>7</td>
<td>425</td>
</tr>
<tr>
<td>inspection of</td>
<td>7</td>
<td>424</td>
</tr>
<tr>
<td>permits to operate</td>
<td>7</td>
<td>425</td>
</tr>
<tr>
<td>LEWIS COUNTY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(19)</td>
<td>206</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(19)</td>
<td>203</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

#### LEWIS COUNTY (Continued):

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>County commissioners, salary of</td>
<td>5-(21)</td>
<td>188</td>
</tr>
<tr>
<td>Prosecuting attorney assistant compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>stenographer for Sheriff</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(21)</td>
<td>199</td>
</tr>
</tbody>
</table>

#### LIBRARIES:

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public act, construction and application</td>
<td>11-a</td>
<td>398</td>
</tr>
<tr>
<td>authority of governing body to establish</td>
<td>2</td>
<td>394</td>
</tr>
<tr>
<td>board of directors a body corporate</td>
<td>9</td>
<td>397</td>
</tr>
<tr>
<td>appointment and term of office</td>
<td>5</td>
<td>395</td>
</tr>
<tr>
<td>appointment of librarian and assistants by</td>
<td>6</td>
<td>396</td>
</tr>
<tr>
<td>powers and duties</td>
<td>6</td>
<td>396</td>
</tr>
<tr>
<td>reports of</td>
<td>8</td>
<td>397</td>
</tr>
<tr>
<td>rules and regulations governing use of library serve without compensation</td>
<td>5</td>
<td>396</td>
</tr>
<tr>
<td>vested with title to property donated</td>
<td>9</td>
<td>397</td>
</tr>
<tr>
<td>books and property defacement or injury, penalty</td>
<td>10</td>
<td>397</td>
</tr>
<tr>
<td>retention, damage for</td>
<td>11</td>
<td>398</td>
</tr>
<tr>
<td>definition of</td>
<td>1</td>
<td>394</td>
</tr>
<tr>
<td>financing appropriation by governing authority</td>
<td>2</td>
<td>394</td>
</tr>
<tr>
<td>levy</td>
<td>2</td>
<td>395</td>
</tr>
<tr>
<td>governing authority authority to establish and maintain libraries</td>
<td>2</td>
<td>394</td>
</tr>
<tr>
<td>contracts with existing library</td>
<td>4</td>
<td>395</td>
</tr>
<tr>
<td>defined</td>
<td>1</td>
<td>394</td>
</tr>
<tr>
<td>regional, by two or more counties</td>
<td>3</td>
<td>395</td>
</tr>
<tr>
<td>use of by public</td>
<td>7</td>
<td>397</td>
</tr>
</tbody>
</table>

#### State law library librarian

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>appointment and term</td>
<td>2</td>
<td>220</td>
</tr>
<tr>
<td>assistants, appointment compensation fixed by court</td>
<td>2</td>
<td>220</td>
</tr>
<tr>
<td>bond, conditions and penalty</td>
<td>2</td>
<td>220</td>
</tr>
<tr>
<td>officer of court</td>
<td>2</td>
<td>220</td>
</tr>
<tr>
<td>salary and payment</td>
<td>2</td>
<td>220</td>
</tr>
</tbody>
</table>

#### LICENSES AND LICENSE TAXES:

**Beer.** See “Beer, nonintoxicating”

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporations limitation on suits to set aside sales in prior suits</td>
<td>86-a</td>
<td>577</td>
</tr>
<tr>
<td>suits to enforce payment of license taxes</td>
<td>86</td>
<td>575</td>
</tr>
<tr>
<td>attorney in fact for</td>
<td>71</td>
<td>166</td>
</tr>
</tbody>
</table>
LIENS:
See “Factors’ Liens” ..................................................... 337

LINCOLN COUNTY:
  Circuit clerk, salary of ............................................. 3-(20) 206
  County clerk, salary of ............................................. 2-(20) 203
  County commissioners, salary of .................................. 5-(22) 188
  Prosecuting attorney
    assistant ............................................................ 6  193
    compensation ..................................................... 6  195
    stenographer for ................................................ 6  195
  Sheriff, salary of .................................................. 1-(23) 200

LOGAN COUNTY:
  Circuit clerk, salary of ............................................. 3-(21) 206
  County clerk, salary of ............................................. 2-(21) 203
  County commissioners, salary of .................................. 5-(23) 188
  County court authorized to create special county
    building fund ...................................................... 1  617
  Prosecuting attorney
    assistant ............................................................ 6  193
    compensation ..................................................... 6  194
    salary ............................................................. 5-(23) 209
    stenographer for ................................................ 6  195
  Sheriff, salary of .................................................. 1-(23) 199

MARION COUNTY:
  Circuit clerk, salary of ............................................. 3-(22) 207
  County clerk, salary of ............................................. 2-(22) 203
  County commissioners, salary of .................................. 5-(24) 188
  Prosecuting attorney
    assistant ............................................................ 6  193
    compensation ..................................................... 6  194
    stenographer for ................................................ 6  195
  Sheriff, salary of .................................................. 1-(24) 200

MARRIAGES:
  Remarriage of spouse of person in military service
    presumed to be dead .............................................. 1-a  596

MARSHALL COUNTY:
  Circuit clerk, salary of ............................................. 3-(23) 207
  County clerk, salary of ............................................. 2-(23) 203
  County commissioners, salary of .................................. 5-(25) 188
  Prosecuting attorney
    assistant ............................................................ 6  193
    compensation ..................................................... 6  195
    stenographer for ................................................ 6  195
  Sheriff, salary of .................................................. 1-(25) 200
<table>
<thead>
<tr>
<th>County</th>
<th>Office/Position</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>MASON COUNTY</td>
<td>Circuit clerk, salary of</td>
<td>3-(24)</td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>County clerk, salary of</td>
<td>2-(24)</td>
<td>203</td>
</tr>
<tr>
<td></td>
<td>County commissioners, salary of</td>
<td>5-(26)</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>Prosecuting attorney assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td></td>
<td>stenographer for</td>
<td>6</td>
<td>197</td>
</tr>
<tr>
<td></td>
<td>Sheriff, salary of</td>
<td>1-(26)</td>
<td>200</td>
</tr>
<tr>
<td>McDOWELL COUNTY</td>
<td>Circuit clerk, salary of</td>
<td>3-(25)</td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>County clerk, salary of</td>
<td>2-(25)</td>
<td>203</td>
</tr>
<tr>
<td></td>
<td>County commissioners, salary of</td>
<td>5-(27)</td>
<td>189</td>
</tr>
<tr>
<td></td>
<td>Criminal court, salary of judge of</td>
<td>9</td>
<td>618</td>
</tr>
<tr>
<td></td>
<td>Prosecuting attorney assistants</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td></td>
<td>salary</td>
<td>5-(27)</td>
<td>209</td>
</tr>
<tr>
<td></td>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td></td>
<td>Sheriff, salary of</td>
<td>1-(32)</td>
<td>200</td>
</tr>
<tr>
<td>MENTAL HOSPITALS</td>
<td>Advisory medical supervision of, by state department of health</td>
<td>8</td>
<td>381</td>
</tr>
<tr>
<td>Barboursville unit of Weston, transferred to Huntington</td>
<td>7</td>
<td>527</td>
<td></td>
</tr>
<tr>
<td>MERCER COUNTY</td>
<td>Circuit clerk, salary of</td>
<td>3-(26)</td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>County clerk, salary of</td>
<td>2-(26)</td>
<td>203</td>
</tr>
<tr>
<td></td>
<td>County commissioners, salary of</td>
<td>5-(28)</td>
<td>189</td>
</tr>
<tr>
<td></td>
<td>Criminal court, salary of judge of</td>
<td>4</td>
<td>619</td>
</tr>
<tr>
<td></td>
<td>Prosecuting attorney assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td></td>
<td>salary</td>
<td>5-(28)</td>
<td>209</td>
</tr>
<tr>
<td></td>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td></td>
<td>Sheriff, salary of</td>
<td>1-(27)</td>
<td>200</td>
</tr>
<tr>
<td>MERIT SYSTEM</td>
<td>director of conservation authorized to establish for selection of personnel</td>
<td>7(21)</td>
<td>293</td>
</tr>
<tr>
<td></td>
<td>preference rating of veterans on written examinations for positions in state departments</td>
<td>1</td>
<td>594</td>
</tr>
<tr>
<td>MINERAL COUNTY</td>
<td>Circuit clerk, salary of</td>
<td>3-(27)</td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>County clerk, salary of</td>
<td>2-(27)</td>
<td>203</td>
</tr>
<tr>
<td></td>
<td>County commissioners, salary of</td>
<td>5-(29)</td>
<td>189</td>
</tr>
<tr>
<td>MINERAL COUNTY (Continued):</td>
<td>Sec.</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>----------------------------</td>
<td>------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistant</td>
<td>6</td>
<td>193</td>
<td></td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>195</td>
<td></td>
</tr>
<tr>
<td>stenographer</td>
<td>6</td>
<td>195</td>
<td></td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-28</td>
<td>200</td>
<td></td>
</tr>
</tbody>
</table>

| MINERALS:                   |      |      |
| Severance of surface of lands from, not adverse to rights of owner of minerals | 1-a  | 402  |

| MINES AND MINERALS:         |      |      |
| Coal miners' examining board|      |      |
| appointment of              | 2    | 342  |
| examinations by             |      |      |
| fee for                     | 4    | 343  |
| meetings for                | 3    | 343  |
| records of                  | 3    | 343  |
| inspection of               | 3    | 343  |
| members                     | 2    | 342  |
| compensation                | 2    | 342  |
| qualifications              | 2    | 342  |
| term                        | 2    | 342  |
| organization                | 2    | 343  |
| records                     | 2    | 343  |
| seal                        | 2    | 343  |
| transfer of funds for       | 4-a  | 343  |

| Department of mines         |      |      |
| appointment of miners' examining board | 2    | 342  |
| duties as to strip mining    |      | 346-350 |

| Mine inspectors             |      |      |
| bonds and oath              | 8    | 344  |
| qualifications and disqualifications | 8    | 344  |
| removal of                  | 8    | 345  |
| salaries and traveling expenses | 8    | 345  |

| Strip mining                |      |      |
| act                         |      |      |
| declaration of legislative purpose | 1    | 346  |
| provisions severable        | 9    | 350  |

| operator                    |      |      |
| bond                        | 3    | 347  |
| forfeiture                  | 4    | 348  |
| collection and use of       | 5    | 348  |
| release from                | 7    | 350  |
| validity of existing        | 6    | 349  |
| duties of                   | 4    | 347  |
| revocation of permit and forfeiture of bond for failure to perform | 4    | 348  |
### MINES AND MINERALS (Continued):

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>350</td>
</tr>
<tr>
<td>2</td>
<td>346</td>
</tr>
<tr>
<td>2</td>
<td>346</td>
</tr>
<tr>
<td>2</td>
<td>347</td>
</tr>
<tr>
<td>8</td>
<td>350</td>
</tr>
<tr>
<td>4</td>
<td>348</td>
</tr>
<tr>
<td>6</td>
<td>349</td>
</tr>
</tbody>
</table>

#### MINGO COUNTY:

- Circuit clerk, salary of: 3- (28) 207
- County clerk, salary of: 2- (28) 203
- County commissioners, salary of: 5- (30) 189

- Prosecuting attorney
  - assistant: 6 193
  - compensation: 6 194
  - stenographer for: 6 196

- Sheriff, salary of: 1- (29) 200

#### MONONGALIA COUNTY:

- Circuit clerk, salary of: 3- (29) 207
- County clerk, salary of: 2- (29) 204
- County commissioners, salary of: 5- (33) 189

- County court authorized to transfer funds to be used for maintenance of a dog catcher: 1 619

- Prosecuting attorney
  - assistant: 6 193
  - compensation: 6 194
  - stenographer for: 6 195

- Sheriff, salary of: 1- (30) 200

#### MONROE COUNTY:

- Circuit clerk, salary of: 3- (30) 207
- County clerk, salary of: 2- (30) 204
- County commissioners, salary of: 5- (32) 189

- Prosecuting attorney
  - assistant: 6 193
  - compensation: 6 194
  - stenographer for: 6 195

- Sheriff, salary of: 1- (31) 200

#### MORGAN COUNTY:

- Circuit clerk, salary of: 3- (31) 207
- County clerk, salary of: 2- (31) 204
- County commissioners, salary of: 5- (31) 189

- Prosecuting attorney
  - assistant: 6 193
  - compensation: 6 194
  - stenographer for: 6 195

- Sheriff, salary of: 1- (33) 200
MOTOR VEHICLES:

Certificate of title

- application for ........................................ 1 355
- form ...................................................... 1 355
- numbering ............................................... 1 356
- verification ............................................ 1 355

- life of .................................................. 1 356
- tax on .................................................... 1 355
- amount .................................................... 1 355
- disposition and use of ................................ 1 356
- exemptions from payment of .......................... 1 356
- re-title .................................................. 1 356

Common carriers by motor vehicle

- certificate of convenience and necessity ........ 5(a) 448
  - application for ....................................... 5(a) 448
  - assignment or transfer ............................... 5(c) 449
  - burden of proof ...................................... 5(b) 448
  - granting ............................................... 5(a) 448
  
  - hearing on application .............................. 5(a) 448
    - by employees of commission ........................ 5(b) 448
    - not a franchise or irrevocable .................... 5(c) 449
    - operation under, by personal representative .... 5(c) 449
    - revocation, suspension or amendment ......... 5(d) 449
      - notice .............................................. 5(d) 449

Contract carriers by motor vehicle

- permit
  
  - abandonment or cessation, notice ............... 3(e) 450
    - application for .................................... 3(a) 449
    - assignment or transfer ............................ 3(c) 450
    - hearing on application ............................ 3(c) 450
      - by employees of commission ........................ 3(b) 450
      - not a franchise or irrevocable .................. 3(c) 450
      - operation under, by personal representative .... 3(c) 450
      - revocation, suspension or amendment .......... 3(d) 450
        - notice ............................................ 3(d) 450

License or certificate of registration

- fee for
  
  - class B ................................................ 11 351
    - exemption of trucks used for agricultural or horticultural spraying purposes 11 352

License to operate, See “Chauffeurs' and Operators’ License”

MUNICIPALITIES:

Aid to from liquor profits ................................ 19 22

Airports and landing fields

- cooperation with federal government in develop- 5-a 15
### MUNICIPALITIES (Continued):

<table>
<thead>
<tr>
<th>Topic</th>
<th>SEC.</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airports and landing fields (Cont'd)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>engineering and technical service available for</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>establishment and operation of</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>federal aid for</td>
<td>5-a</td>
<td>15</td>
</tr>
<tr>
<td>leasing, or portions thereof</td>
<td>5-b</td>
<td>17</td>
</tr>
<tr>
<td>use of proceeds from</td>
<td>5-b</td>
<td>18</td>
</tr>
<tr>
<td>Board of park commissioners</td>
<td>4</td>
<td>359</td>
</tr>
<tr>
<td>members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>councilman as</td>
<td>4</td>
<td>359</td>
</tr>
<tr>
<td>disqualifications</td>
<td>4</td>
<td>360</td>
</tr>
<tr>
<td>election or appointment</td>
<td>4</td>
<td>359</td>
</tr>
<tr>
<td>qualifications</td>
<td>4</td>
<td>359</td>
</tr>
<tr>
<td>term</td>
<td>4</td>
<td>360</td>
</tr>
<tr>
<td>Bridges within as part of state road system</td>
<td>26</td>
<td>408</td>
</tr>
<tr>
<td>maintenance by state</td>
<td>26</td>
<td>408</td>
</tr>
<tr>
<td>Firemen's pension or relief funds</td>
<td>14, 20</td>
<td>362-366</td>
</tr>
<tr>
<td>Gross sales tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>inspection of returns to state by agents of, having</td>
<td>1</td>
<td>357</td>
</tr>
<tr>
<td>League of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>authority to become members</td>
<td>3</td>
<td>367</td>
</tr>
<tr>
<td>payment of expenses</td>
<td>3</td>
<td>367</td>
</tr>
<tr>
<td>Libraries, establishment and maintenance</td>
<td>1, 2</td>
<td>394</td>
</tr>
<tr>
<td>Municipal public works, defined</td>
<td>1</td>
<td>358</td>
</tr>
<tr>
<td>Officers and employees</td>
<td>2</td>
<td>361</td>
</tr>
<tr>
<td>compensation</td>
<td>2</td>
<td>361</td>
</tr>
<tr>
<td>sergeant's fees</td>
<td>2</td>
<td>361</td>
</tr>
<tr>
<td>Policemen's pension or relief funds</td>
<td>14, 20</td>
<td>362-366</td>
</tr>
<tr>
<td>Recreation and playgrounds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>authority to establish and operate</td>
<td>1, 2</td>
<td>400</td>
</tr>
<tr>
<td>State roads within</td>
<td></td>
<td></td>
</tr>
<tr>
<td>approval by state road commissioner of traffic signs and signals, and curb and pavement markings on</td>
<td>27</td>
<td>406</td>
</tr>
<tr>
<td>control of state road commissioner over connecting links of state road system</td>
<td>27</td>
<td>406</td>
</tr>
</tbody>
</table>

### MUNICIPAL PUBLIC WORKS:

| Topic                                                                 |      |      |
| Definitions                                                           | 1    | 358  |

### NICHOLAS COUNTY:

<table>
<thead>
<tr>
<th>Topic</th>
<th>SEC.</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(32)</td>
<td>207</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(32)</td>
<td>204</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(34)</td>
<td>189</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>stenographer</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(34)</td>
<td>200</td>
</tr>
</tbody>
</table>
### NONINTOXICATING BEER:
*See "Beer, Nonintoxicating"

<table>
<thead>
<tr>
<th>Nonintoxicating Beer:</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of inspection attached to stock</td>
<td>24</td>
<td>368</td>
</tr>
<tr>
<td>Sale of registration of nurseriesmen</td>
<td>25</td>
<td>369</td>
</tr>
<tr>
<td>Without certificate of registration, penalty</td>
<td>25</td>
<td>369</td>
</tr>
<tr>
<td>Shipments into state acceptance of certificates of other states</td>
<td>24</td>
<td>368</td>
</tr>
<tr>
<td>Carriers may be required to notify commissioner</td>
<td>24</td>
<td>368</td>
</tr>
</tbody>
</table>

### NURSERY STOCK:

Certificate of inspection attached to stock | 24 | 368 |

### NURSES:

<table>
<thead>
<tr>
<th>Nurses:</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accredited schools for</td>
<td>8</td>
<td>376</td>
</tr>
<tr>
<td>Advisory council to board of examiners for</td>
<td>7</td>
<td>375</td>
</tr>
<tr>
<td>Board of examiners for advisory council</td>
<td>7</td>
<td>375</td>
</tr>
<tr>
<td>Assistants and employees</td>
<td>6</td>
<td>375</td>
</tr>
<tr>
<td>Duties</td>
<td>6</td>
<td>375</td>
</tr>
<tr>
<td>Licenses issuance of</td>
<td>6</td>
<td>375</td>
</tr>
<tr>
<td>Refusal to grant, grounds for</td>
<td>11</td>
<td>378</td>
</tr>
<tr>
<td>Revocation or suspension</td>
<td>11</td>
<td>378</td>
</tr>
<tr>
<td>Meetings</td>
<td>6</td>
<td>375</td>
</tr>
<tr>
<td>Members appointment and term</td>
<td>6</td>
<td>374</td>
</tr>
<tr>
<td>Compensation and expenses</td>
<td>6</td>
<td>375</td>
</tr>
<tr>
<td>Number of</td>
<td>6</td>
<td>374</td>
</tr>
<tr>
<td>Qualifications</td>
<td>6</td>
<td>374</td>
</tr>
<tr>
<td>Rules and regulations</td>
<td>6</td>
<td>375</td>
</tr>
<tr>
<td>Secretary appointment and qualifications</td>
<td>6</td>
<td>374</td>
</tr>
<tr>
<td>Construction of law regulating practice of nursing</td>
<td>10</td>
<td>377</td>
</tr>
</tbody>
</table>

### Licensing

<table>
<thead>
<tr>
<th>Licensing</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alien graduate nurses</td>
<td>3</td>
<td>371</td>
</tr>
<tr>
<td>Denial of license, grounds for</td>
<td>11</td>
<td>378</td>
</tr>
<tr>
<td>Examination for license</td>
<td>4</td>
<td>372</td>
</tr>
<tr>
<td>Failure to renew license</td>
<td>5</td>
<td>373</td>
</tr>
<tr>
<td>Reinstatement, fee</td>
<td>5</td>
<td>373</td>
</tr>
<tr>
<td>Registered nurses from other states</td>
<td>4</td>
<td>372</td>
</tr>
<tr>
<td>Renewal of license</td>
<td>5</td>
<td>373</td>
</tr>
<tr>
<td>Application and fee</td>
<td>5</td>
<td>373</td>
</tr>
<tr>
<td>Requirements for</td>
<td>4</td>
<td>372</td>
</tr>
<tr>
<td>Revocation or suspension of license, grounds for</td>
<td>11</td>
<td>378</td>
</tr>
<tr>
<td>When nursing may be done without</td>
<td>10</td>
<td>377</td>
</tr>
<tr>
<td>Offenses under law, penalty</td>
<td>12</td>
<td>378</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

#### NURSES (Continued):

<table>
<thead>
<tr>
<th>Practice of registered nursing</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>administration of anaesthetics</td>
<td>9</td>
<td>376</td>
</tr>
<tr>
<td>construction of law regulating</td>
<td>10</td>
<td>377</td>
</tr>
<tr>
<td>defined</td>
<td>1</td>
<td>370</td>
</tr>
<tr>
<td>licensing and registration required for</td>
<td>2</td>
<td>371</td>
</tr>
<tr>
<td>retirement from</td>
<td>5</td>
<td>373</td>
</tr>
<tr>
<td>notice to board</td>
<td>5</td>
<td>373</td>
</tr>
</tbody>
</table>

“Registered nurses”

- who entitled to use title or abbreviation... | 3    | 371  |

Registration of alien graduate nurses... | 3    | 371  |

Schools of nursing

- how accredited... | 8    | 376  |
- surveys and reports on... | 8    | 376  |

#### OATHS:

- Authority to administer
  - clerks of courts... | 9    | 578  |
  - commissioner appointed by governor... | 9    | 578  |
  - county court commissioners... | 9    | 578  |
  - judges... | 9    | 578  |
  - notary public... | 9    | 578  |
  - surveyor as to surveys... | 9    | 578  |

- Required of persons in military service
  - certificate of officer before whom taken, form... | 9    | 579  |
  - may be administered by a commissioned officer... | 9    | 579  |
  - validation of, heretofore taken... | 9    | 580  |

#### OHIO COUNTY:

- Board of commissioners authorized to lay levy and use proceeds for construction and maintenance of airport and county building... | 1    | 620  |

- Circuit clerk, salary of: | 3-(33) | 207  |
- County clerk, salary of: | 2-(33) | 204  |
- Prosecuting attorney
  - assistants... | 6    | 193  |
  - compensation... | 6    | 194  |
  - stenographer for... | 6    | 195  |
- Sheriff, salary of: | 1-(35) | 200  |

#### PEACE OFFICERS:

- Duties in enforcement of nonintoxicating beer law... | 15-b | 127  |

#### PENDLETON COUNTY:

- County commissioners, salary of... | 5-(35) | 189  |
- Joint clerk of county and circuit courts... | 4    | 209  |
- Prosecuting attorney
  - assistant... | 6    | 193  |
  - compensation... | 6    | 194  |
  - stenographer for... | 6    | 195  |
- Sheriff, salary of: | 1-(36) | 200  |
PERSONAL REPRESENTATIVE:
Action against, for injuries to persons to survive death of wrongdoer .................................................. 2 4

PETIT JURIES:
See "Juries"

PHARMACISTS AND ASSISTANT PHARMACISTS:
Assistant pharmacists
annual renewal of registration ........................................ 8 380
notification of .......................................................... 8 381
time for making application for .................................... 8 380
Board of pharmacy
examination and registration of pharmacists .................... 4 380
renewal of registrations and permits .............................. 4 380
Pharmacists
registration
annual renewal of ....................................................... 8 380
notification of .......................................................... 8 381
time for making application for .................................... 8 380
examination for ........................................................ 4 380
issuance of certificates of .......................................... 4 380
qualifications of applicant ........................................... 4 380

PLAYGROUNDS:
See "Public Recreation and Playgrounds"

PLEASANTS COUNTY:
Circuit clerk, salary of .............................................. 3-(34) 207
County clerk, salary of .............................................. 2-(34) 204
County commissioners, salary of .................................. 5-(36) 189
Prosecuting attorney
assistant ................................................................. 6 193
compensation ............................................................ 6 194
stenographer for ....................................................... 6 195
Sheriff, salary of ....................................................... 1-(37) 200

POCAHONTAS COUNTY:
Circuit clerk, salary of .............................................. 3-(35) 207
County clerk, salary of .............................................. 2-(35) 204
County commissioners, salary of .................................. 5-(37) 189
Prosecuting attorney
assistant ................................................................. 6 193
compensation ............................................................ 6 194
stenographer for ....................................................... 6 195
Sheriff, salary of ....................................................... 1-(38) 200

POLICEMEN'S PENSIONS:
Credit for military service on service record for .............. 20 365
Fund
maintenance ............................................................. 14 362
POLICEMEN'S PENSIONS: (Continued):

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund, maintenance (Cont'd)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>assessment on members</td>
<td>14</td>
<td>363</td>
</tr>
<tr>
<td>when refund may be made</td>
<td>14</td>
<td>363</td>
</tr>
<tr>
<td>gift</td>
<td>14</td>
<td>363</td>
</tr>
<tr>
<td>tax levy</td>
<td>14</td>
<td>362</td>
</tr>
<tr>
<td>when laying of, discretionary</td>
<td>14</td>
<td>362</td>
</tr>
<tr>
<td>payments from</td>
<td></td>
<td></td>
</tr>
<tr>
<td>for permanent disability</td>
<td>20</td>
<td>365</td>
</tr>
<tr>
<td>retirement at age sixty-five</td>
<td>20</td>
<td>364</td>
</tr>
<tr>
<td>retirement without disability</td>
<td>20</td>
<td>363</td>
</tr>
</tbody>
</table>

PREGNANT WOMEN:
Compulsory serologic test of, for syphilis. See "Health"

PRESTON COUNTY:

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(36)</td>
<td>207</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(36)</td>
<td>204</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(38)</td>
<td>189</td>
</tr>
<tr>
<td>County court authorized to use county funds for acquiring and maintaining an airport or landing field</td>
<td>1</td>
<td>624</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>196</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(39)</td>
<td>201</td>
</tr>
</tbody>
</table>

PROSECUTING ATTORNEY:
Assistant

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>appointment and removal</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>194, 195</td>
</tr>
</tbody>
</table>

Duties

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>enforcement of nonintoxicating beer law</td>
<td>5, 15-b</td>
<td>117, 125</td>
</tr>
<tr>
<td>legal services to director of conservation</td>
<td>9</td>
<td>294</td>
</tr>
</tbody>
</table>

Special prosecutors

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6</td>
<td>195</td>
</tr>
</tbody>
</table>

Stenographers or clerks for

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>compensation</td>
<td>6</td>
<td>195-197</td>
</tr>
</tbody>
</table>

Rewards, authority to offer

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>192</td>
</tr>
</tbody>
</table>

Salary

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boone county</td>
<td>5(3)</td>
<td>209</td>
</tr>
<tr>
<td>Hampshire county</td>
<td>5(14)</td>
<td>209</td>
</tr>
<tr>
<td>Logan county</td>
<td>5(23)</td>
<td>209</td>
</tr>
<tr>
<td>McDowell county</td>
<td>5(27)</td>
<td>209</td>
</tr>
<tr>
<td>Mercer county</td>
<td>5(28)</td>
<td>209</td>
</tr>
<tr>
<td>Putnam county</td>
<td>5(40)</td>
<td>209</td>
</tr>
</tbody>
</table>

PUBLIC HEALTH COUNCIL:

See "Health"
### INDEX TO ACTS

**PUBLICITY COMMISSION:**

See “Industrial and Publicity Commission” .................................. 442

**PUBLIC LIBRARIES:**

See “Libraries”

**PUBLIC MONEYS:**

Payment from state treasury
- dues to voluntary organizations ........................................ 11 446
- expenses, traveling within the state .................................. 11 446
- itemization and verification of ........................................ 11 446
- expenses, traveling without the state .................................. 11 446
  - approved by state auditing board .................................. 11 446
  - authorized by state auditing board .................................. 11 446
- itemization and verification of ........................................ 11 446

**PUBLIC OFFICES:**

Inspection of reports of examination and audits of .......................... 9 399

**PUBLIC RECREATION AND PLAYGROUNDS:**

Authority of governing body to establish and conduct .................. 2 400
- Delegation of administration ............................................ 4 401
  - board ............................................................................ 4 401
  - appointment ..................................................................... 4 401
  - defined ............................................................................ 1 400
- delegation of administration to ........................................... 4 401
- members, number and term ................................................. 4 401
- serve without compensation .............................................. 4 401
- Director of recreation
  - assistants ........................................................................... 2 400
  - employment of ................................................................... 2 400
- Financing ............................................................................. 2 400
  - levy ................................................................................... 2 400
  - special or additional levy .................................................. 2 400
- General law not to affect special acts .................................... 5 402
- Governing body
  - authority to establish and conduct public recreation and playgrounds ........................................ 2 400
  - defined ............................................................................. 1 400
- Joint, establishment of ....................................................... 3 400
- Tax levies for ....................................................................... 2 400

**PUBLIC SERVICE COMMISSION:**

Common carriers by motor vehicle
- certificate of convenience and necessity
  - application, and hearing on .............................................. 5 448
  - assignment or transfer ..................................................... 5 449
  - granting ............................................................................. 5 448
## INDEX TO ACTS

### PUBLIC SERVICE COMMISSION (Continued):

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>certificate of convenience and necessity (Cont'd)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>not a franchise or irrevocable</td>
<td>5</td>
<td>449</td>
</tr>
<tr>
<td>operation under, by personal representative</td>
<td>5</td>
<td>449</td>
</tr>
<tr>
<td>revocation, suspension or amendment</td>
<td>5</td>
<td>449</td>
</tr>
<tr>
<td>Contract carrier by motor vehicle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>abandonment or cessation, notice</td>
<td>3</td>
<td>450</td>
</tr>
<tr>
<td>application, and hearing on</td>
<td>3</td>
<td>449</td>
</tr>
<tr>
<td>assignment or transfer</td>
<td>3</td>
<td>450</td>
</tr>
<tr>
<td>granting</td>
<td>3</td>
<td>449</td>
</tr>
<tr>
<td>not a franchise or irrevocable</td>
<td>3</td>
<td>450</td>
</tr>
<tr>
<td>operation under, by personal representative</td>
<td>3</td>
<td>450</td>
</tr>
<tr>
<td>revocation, suspension or amendment</td>
<td>3</td>
<td>450</td>
</tr>
<tr>
<td>Utilities subject to jurisdiction of</td>
<td>1</td>
<td>451</td>
</tr>
</tbody>
</table>

### PUTNAM COUNTY:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(37)</td>
<td>207</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(37)</td>
<td>204</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(39)</td>
<td>184</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>salary</td>
<td>5-(40)</td>
<td>209</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(40)</td>
<td>201</td>
</tr>
</tbody>
</table>

### RALEIGH COUNTY:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(38)</td>
<td>208</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(38)</td>
<td>204</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(40)</td>
<td>189</td>
</tr>
<tr>
<td>County court authorized to approve disbursements made for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>improvement of county recreational park</td>
<td>14</td>
<td>622</td>
</tr>
<tr>
<td>County court authorized to use county funds for acquiring and</td>
<td>1</td>
<td>624</td>
</tr>
<tr>
<td>maintaining airport or landing field</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal court, salary of judge of</td>
<td>9</td>
<td>623</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistants</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(41)</td>
<td>201</td>
</tr>
</tbody>
</table>

### RANDOLPH COUNTY:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(39)</td>
<td>208</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(39)</td>
<td>204</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(41)</td>
<td>190</td>
</tr>
<tr>
<td>REAL PROPERTY:</td>
<td>Sec.</td>
<td>Page</td>
</tr>
<tr>
<td>---------------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Convicts; sale, lease or mortgage of property of...</td>
<td>11</td>
<td>403</td>
</tr>
<tr>
<td>Coterminal landowners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ascertainment and designation of boundary lines between</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Held for religious, charitable or educational purposes improperly exempted from taxation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>auditor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>compromise of state's claim for taxes</td>
<td>1</td>
<td>569</td>
</tr>
<tr>
<td>power of to provide for redemption and compromise of state's claim for taxes</td>
<td>9</td>
<td>574</td>
</tr>
<tr>
<td>back-taxing</td>
<td>3</td>
<td>570</td>
</tr>
<tr>
<td>clarification of title</td>
<td></td>
<td></td>
</tr>
<tr>
<td>jurisdiction of courts</td>
<td>8</td>
<td>573</td>
</tr>
<tr>
<td>suits for</td>
<td>8</td>
<td>573</td>
</tr>
<tr>
<td>compromise of state's claim for taxes</td>
<td>1</td>
<td>569</td>
</tr>
<tr>
<td>constitutional transferees, protection of</td>
<td>7</td>
<td>573</td>
</tr>
<tr>
<td>entry of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>acquired after 1942</td>
<td>4</td>
<td>571</td>
</tr>
<tr>
<td>after redemption</td>
<td>3</td>
<td>570</td>
</tr>
<tr>
<td>purchaser</td>
<td></td>
<td></td>
</tr>
<tr>
<td>holding five years or more</td>
<td>6</td>
<td>572</td>
</tr>
<tr>
<td>right to redemption</td>
<td>6</td>
<td>572</td>
</tr>
<tr>
<td>purpose of law</td>
<td>8</td>
<td>573</td>
</tr>
<tr>
<td>redemption</td>
<td></td>
<td></td>
</tr>
<tr>
<td>auditor's receipt for</td>
<td>2</td>
<td>570</td>
</tr>
<tr>
<td>recordation</td>
<td>2</td>
<td>570</td>
</tr>
<tr>
<td>release and discharge</td>
<td>2</td>
<td>570</td>
</tr>
<tr>
<td>constitutional transferees</td>
<td>7</td>
<td>573</td>
</tr>
<tr>
<td>purchaser holding five years or more</td>
<td>6</td>
<td>572</td>
</tr>
<tr>
<td>reports to auditor by assessor, on</td>
<td>5</td>
<td>571</td>
</tr>
<tr>
<td>when assessor to reenter</td>
<td>5</td>
<td>571</td>
</tr>
<tr>
<td>Infants; sale, lease or mortgage of property of...</td>
<td>11</td>
<td>403</td>
</tr>
<tr>
<td>Insane persons; sale, lease or mortgage of property of...</td>
<td>11</td>
<td>403</td>
</tr>
<tr>
<td>Minerals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ownership or possession of surface of lands not adverse to ownership of</td>
<td>1-a</td>
<td>402</td>
</tr>
<tr>
<td>Sale, lease or mortgage of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>lands of insane persons, infants or convicts</td>
<td>11</td>
<td>403</td>
</tr>
<tr>
<td>Sale of lands for the school fund. See “Taxes and Taxation”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INDEX TO ACTS

RECEIVERS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>bond of general</td>
<td>6</td>
<td>214</td>
</tr>
<tr>
<td>when new or additional required</td>
<td>6</td>
<td>215</td>
</tr>
</tbody>
</table>

REGISTRATION OF VOTERS:
See "Elections"

RESOLUTIONS:

<table>
<thead>
<tr>
<th>House</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adopting rules for the House of Delegates</td>
<td>641</td>
</tr>
<tr>
<td>2. Raising committee to notify Senate that House was organized</td>
<td>641</td>
</tr>
<tr>
<td>3. Raising committee to inform Governor that Legislature was organized</td>
<td>641</td>
</tr>
<tr>
<td>4. Authorizing publication of Legislative Manual</td>
<td>642</td>
</tr>
<tr>
<td>5. Relating to State Government Mileage Administration</td>
<td>642</td>
</tr>
<tr>
<td>6. Appointment of assistant janitors</td>
<td>643</td>
</tr>
<tr>
<td>8. Providing for mailing list for House Journals</td>
<td>644</td>
</tr>
<tr>
<td>9. Authorizing appointment of attaches</td>
<td>645</td>
</tr>
<tr>
<td>10. Fixing per diem of House Chaplain</td>
<td>648</td>
</tr>
<tr>
<td>11. Relating to service and care of patients at Weston State Hospital and other state institutions</td>
<td>649</td>
</tr>
<tr>
<td>12. Creating standing committee on Veterans' Affairs</td>
<td>649</td>
</tr>
<tr>
<td>13. Amending House rules to provide for a committee on Veterans' Affairs</td>
<td>650</td>
</tr>
<tr>
<td>14. Thanking Inwood Fruit Growers for apples</td>
<td>650</td>
</tr>
<tr>
<td>16. Extending birthday congratulations to Delegate Nell W. Walker</td>
<td>651</td>
</tr>
<tr>
<td>18. Concerning the death of John Guy Prichard</td>
<td>651</td>
</tr>
<tr>
<td>19. Amending House Rule No. 42, relating to taking the yeas and nays</td>
<td>652</td>
</tr>
<tr>
<td>20. Payment of expenses of House Committee on the Penitentiary</td>
<td>653</td>
</tr>
<tr>
<td>21. Authorizing the Committee on Rules to arrange a special calendar</td>
<td>654</td>
</tr>
<tr>
<td>22. Expressing appreciation to registered nurses of West Virginia for patriotic services with uniformed forces of the United States</td>
<td>655</td>
</tr>
<tr>
<td>23. Payment of expenses of Committee on Humane Institutions and Public Buildings</td>
<td>656</td>
</tr>
<tr>
<td>25. Expressing appreciation and thanks to Latelle M. LaFollette, Jr., for services during session</td>
<td>656</td>
</tr>
<tr>
<td>26. Authorizing printing and distribution of Acts, Journals and Bills; and extending per diem of persons to complete work of session</td>
<td>657</td>
</tr>
<tr>
<td>27. Notifying Senate that House was ready to adjourn sine die</td>
<td>660</td>
</tr>
<tr>
<td>28. Raising a committee to notify Governor that Legislature was ready to adjourn sine die</td>
<td>661</td>
</tr>
</tbody>
</table>
RESOLUTIONS (Continued):

House Concurrent

1. Raising a joint assembly to open and publish election returns ........................................ 627
2. Providing for a joint assembly to hear the biennial message of the Governor ............................. 627
3. Providing for a recess of the Legislature .................................................................................. 628
4. Creating an interim legislative committee to study and report to the Legislature on public health problems; institutional and civilian medical care, hospital service and medical education ......................................................... 628
5. Providing for a joint assembly to hear an address by the Governor ........................................... 631
6. Concerning the death of Delegate Harry L. Van Sickler ............................................................. 632
7. Requesting the Governor to defer sale of seven million dollars of road bonds until federal matching funds are available ........................................................................................................ 634
8. Creating a committee to recommend a suitable marker for the birthplace of the founder of Mother's Day, and the location of an appropriate memorial ......................................................................................... 634
9. Concerning the death of Delegate John W. Johnson ................................................................. 636
10. Providing for a joint assembly to hear an address by the Governor ............................................. 637
11. Authorizing the Governor to make West Virginia a party to the Interstate Oil Compact Commission ................................................................................................................................. 638
12. Thanking Dr. Clyde L. Colson for assistance to the Legislature ................................................... 639
13. Authorizing payment of expenses of the Legislature after close of session ............................... 639

House Joint

1. Proposing "Forestry Amendment" to state constitution .................................................................... 640

Senate

1. Raising committee to notify House that Senate was organized ...................................................... 668
2. Raising committee to inform Governor that the Legislature was organized .................................... 668
3. Authorizing Clerk to mail Journals and Bills .................................................................................. 669
4. Adopting rules of the Senate .......................................................................................................... 669
5. Authorizing the appointment of attaches ......................................................................................... 670
6. Creating a standing committee on Veterans' Affairs ........................................................................ 672
7. Concerning the death of the Honorable William Woodyard ......................................................... 672
8. Granting indefinite leave of absence to Senator Don J. Eddy ......................................................... 673
9. Fixing per diem of Superintendent of Capitol Building and Grounds .......................................... 674
10. Payment for services preliminary to opening of session ................................................................ 674
### RESOLUTIONS (Continued):

#### Senate (Cont'd)

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Authorizing the Committee on Rules to arrange a special calendar</td>
<td>675</td>
</tr>
<tr>
<td>13. Per diem of Superintendent of Capitol Building and Grounds</td>
<td>675</td>
</tr>
<tr>
<td>14. Payment of expenses of Senate Committee on the Penitentiary</td>
<td>675</td>
</tr>
<tr>
<td>15. Commending members of the press</td>
<td>676</td>
</tr>
<tr>
<td>16. Extending per diem of officers and attaches to complete work of session</td>
<td>677</td>
</tr>
<tr>
<td>17. Raising a committee to notify House that Senate was ready to adjourn sine die</td>
<td>678</td>
</tr>
<tr>
<td>18. Raising a committee to notify Governor that Legislature was ready to adjourn sine die</td>
<td>678</td>
</tr>
</tbody>
</table>

#### Senate Concurrent

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adopting joint rules of the Senate and House of Delegates</td>
<td>661</td>
</tr>
<tr>
<td>2. Authorizing payment of legislative expenses in advance of appropriations</td>
<td>662</td>
</tr>
<tr>
<td>4. Commending the Congress on its action in affirming the world-wide right of interchange of news</td>
<td>662</td>
</tr>
<tr>
<td>6. Creating a legislative interim committee to study the educational system of the state and make recommendations thereon</td>
<td>663</td>
</tr>
<tr>
<td>9. Granting permission to introduce a bill, relating to the construction of a county-city hospital at Huntington</td>
<td>665</td>
</tr>
<tr>
<td>10. Granting permission to introduce a bill, providing for the submission to the voters of a “Special Levy Amendment” to the state constitution</td>
<td>666</td>
</tr>
<tr>
<td>11. Concerning the Dumbarton Oaks and San Francisco Conferences</td>
<td>666</td>
</tr>
<tr>
<td>12. Granting permission to introduce a bill, relating to expenditures by state department of health and its authority to accept federal funds</td>
<td>667</td>
</tr>
</tbody>
</table>

### RITCHIE COUNTY:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk</td>
<td>$3-(40) 208</td>
<td></td>
</tr>
<tr>
<td>County clerk</td>
<td>$2-(40) 204</td>
<td></td>
</tr>
<tr>
<td>County commissioners</td>
<td>$5-(42) 190</td>
<td></td>
</tr>
<tr>
<td>County court authorized to use county funds for acquiring and maintaining an airport or landing field</td>
<td>1 624</td>
<td></td>
</tr>
<tr>
<td>Prosecuting attorney assistant</td>
<td>$6 193</td>
<td></td>
</tr>
<tr>
<td>Compensation</td>
<td>$6 194</td>
<td></td>
</tr>
<tr>
<td>Stenographer for</td>
<td>$6 195</td>
<td></td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>$1-(43) 201</td>
<td></td>
</tr>
</tbody>
</table>
## INDEX TO ACTS

### ROADS AND HIGHWAYS:

#### Bridges
- Forming connecting link between two counties or two state routes as part of system of...
  - Section: 26
  - Page: 408
- Inclusion of intrastate toll, in state road system...
  - Section: 1
  - Page: 407
- Expenditure of funds for acquisition of...
  - Section: 1
  - Page: 407
- Municipal, part of state road system...
  - Section: 26
  - Page: 408

#### Funds
- Allocation of funds for secondary roads...
  - Section: 6-a
  - Page: 405

#### Municipalities
- Bridges within as part of state road system...
  - Section: 26
  - Page: 408
- Maintenance by state...
  - Section: 26
  - Page: 408
- Control by road commissioner over connecting links of state road system in...
  - Section: 27
  - Page: 406
- Approval by, of traffic signs and signals, and curb and pavement markings on...
  - Section: 27
  - Page: 406

#### Release of state’s claim for damages to, caused by construction of Tygart river reservoir...
- Section: 1
  - Page: 453

#### Secondary roads
- Allocation of funds for...
  - Section: 6-a
  - Page: 405

#### State road system
- Bridges within municipalities as part of...
  - Section: 26
  - Page: 408
- Control of commissioner over connecting links in municipalities...
  - Section: 27
  - Page: 406
- Approval by, of traffic signs and signals, and curb and pavement markings on...
  - Section: 27
  - Page: 406
- Free bridges, linking two counties or two state routes as part of...
  - Section: 26
  - Page: 408
- Inclusion of existing intrastate toll bridges in...
  - Section: 1
  - Page: 407
- Expenditure of funds for, authorized...
  - Section: 1
  - Page: 407

#### Trash
- Dumping on right-of-way or along highway, penalty...
  - Section: 13-b
  - Page: 409

### ROAD BONDS, STATE:

#### Amounts
- Section: 1
  - Page: 132

#### Exchanged, cancellation and preservation
- Section: 2
  - Page: 133

#### Expenses, payment
- Section: 13
  - Page: 139

#### Form
- Section: 3
  - Page: 134

#### Interest
- Coupon, form...
  - Section: 4
  - Page: 135
- Cancellation...
  - Section: 8
  - Page: 138
- Signature on...
  - Section: 4
  - Page: 136
- Rate, maximum...
  - Section: 2
  - Page: 133

#### Interim certificates
- Section: 12
  - Page: 138

#### Issuance
- By governor...
  - Section: 1
  - Page: 132
- Restriction on...
  - Section: 1
  - Page: 133
## INDEX TO ACTS

### ROAD BONDS, STATE (Continued):

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listing by auditor</td>
<td>5</td>
<td>136</td>
</tr>
<tr>
<td>Plates property of the state</td>
<td>10</td>
<td>138</td>
</tr>
<tr>
<td>Proceeds paid into state road fund</td>
<td>9</td>
<td>138</td>
</tr>
<tr>
<td>Purpose</td>
<td>1</td>
<td>132</td>
</tr>
<tr>
<td>Sale by governor</td>
<td>8</td>
<td>138</td>
</tr>
<tr>
<td>Minimum price</td>
<td>8</td>
<td>138</td>
</tr>
<tr>
<td>State road sinking fund investment</td>
<td>6</td>
<td>137</td>
</tr>
<tr>
<td>Payment of principal and interest of bonds from separate account</td>
<td>6</td>
<td>136</td>
</tr>
<tr>
<td>Sources</td>
<td>6</td>
<td>136</td>
</tr>
<tr>
<td>Tax exempt</td>
<td>2</td>
<td>134</td>
</tr>
<tr>
<td>Tax levy to pay, when</td>
<td>7</td>
<td>137</td>
</tr>
<tr>
<td>Term</td>
<td>1</td>
<td>132</td>
</tr>
<tr>
<td>Transfer, when registered</td>
<td>2</td>
<td>133</td>
</tr>
<tr>
<td>Fee</td>
<td>2</td>
<td>133</td>
</tr>
<tr>
<td>Unsold auditor to be custodian</td>
<td>11</td>
<td>138</td>
</tr>
</tbody>
</table>

### ROANE COUNTY:

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(41)</td>
<td>208</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(41)</td>
<td>204</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(43)</td>
<td>190</td>
</tr>
<tr>
<td>Prosecuting attorney assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>Compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>Stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(44)</td>
<td>201</td>
</tr>
</tbody>
</table>

### ROBISON, ACHILLES T.:

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation to pay, for damages inflicted by an escaped convict</td>
<td>2</td>
<td>108</td>
</tr>
<tr>
<td>Payment authorized</td>
<td>1</td>
<td>108</td>
</tr>
</tbody>
</table>

### SALVAGE:

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>See “Capitol Salvage Committee”</td>
<td></td>
<td>451</td>
</tr>
</tbody>
</table>

### SCHOOL FUND:

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale of lands for</td>
<td></td>
<td>529</td>
</tr>
</tbody>
</table>

### SCHOOLS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult education establishment of special classes</td>
<td>19-b</td>
<td>249</td>
</tr>
<tr>
<td>Supervision</td>
<td>19-c</td>
<td>249</td>
</tr>
<tr>
<td>Colored schools state supervisor of</td>
<td>9</td>
<td>250</td>
</tr>
<tr>
<td>Consolidation of, authority of district board</td>
<td>13</td>
<td>232</td>
</tr>
<tr>
<td>County superintendent compensation</td>
<td>4</td>
<td>247</td>
</tr>
<tr>
<td>SCHOOLS (Continued):</td>
<td>Sec.</td>
<td>Page</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Elementary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>closing of, for non-attendance</td>
<td>13</td>
<td>232</td>
</tr>
<tr>
<td>High school, authority of board to establish</td>
<td>13</td>
<td>232</td>
</tr>
<tr>
<td>Pupils, transportation of</td>
<td>13</td>
<td>232</td>
</tr>
<tr>
<td>participating in athletic, literary and band activities</td>
<td>13</td>
<td>232</td>
</tr>
<tr>
<td>Retirement system, See &quot;State Teachers' Retirement System&quot;</td>
<td></td>
<td>237</td>
</tr>
<tr>
<td>State aid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>allocation of, to counties</td>
<td>11</td>
<td>228</td>
</tr>
<tr>
<td>amount remaining</td>
<td>11(4)</td>
<td>230</td>
</tr>
<tr>
<td>computation</td>
<td>11</td>
<td>230</td>
</tr>
<tr>
<td>foundation program</td>
<td>11(1)</td>
<td>228</td>
</tr>
<tr>
<td>computation</td>
<td>11</td>
<td>228</td>
</tr>
<tr>
<td>increase in teachers' salaries</td>
<td>11</td>
<td>228-230</td>
</tr>
<tr>
<td>computation</td>
<td>11</td>
<td>229</td>
</tr>
<tr>
<td>State board of school finance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>allocation of state aid</td>
<td>11</td>
<td>228</td>
</tr>
<tr>
<td>State superintendent of schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>establishment of division of veteran and adult education</td>
<td>19-c</td>
<td>249</td>
</tr>
<tr>
<td>member advisory council to department of veterans' affairs</td>
<td>11</td>
<td>587</td>
</tr>
<tr>
<td>state department of schools, authority to maintain</td>
<td>9</td>
<td>250</td>
</tr>
<tr>
<td>Teachers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>salaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>advanced</td>
<td>2</td>
<td>235</td>
</tr>
<tr>
<td>allocation of state aid for</td>
<td>11</td>
<td>228</td>
</tr>
<tr>
<td>basic</td>
<td>2</td>
<td>234</td>
</tr>
<tr>
<td>sick leave fund</td>
<td>2-a</td>
<td>251</td>
</tr>
<tr>
<td>payment of substitute teachers</td>
<td>2-a</td>
<td>251</td>
</tr>
<tr>
<td>regular teachers, limitation on payments from</td>
<td>2-a</td>
<td>251</td>
</tr>
<tr>
<td>Veteran education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>special classes in elementary and high schools</td>
<td>19-a</td>
<td>248</td>
</tr>
<tr>
<td>supervision of</td>
<td>19-c</td>
<td>249</td>
</tr>
<tr>
<td>Vocational rehabilitation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>administration</td>
<td>4</td>
<td>258</td>
</tr>
<tr>
<td>limitation on political activity of officers and employees</td>
<td>11</td>
<td>261</td>
</tr>
<tr>
<td>definitions</td>
<td>1</td>
<td>256</td>
</tr>
<tr>
<td>funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>receipt and disbursement of</td>
<td>6</td>
<td>259</td>
</tr>
<tr>
<td>state treasurer custodian of</td>
<td>6</td>
<td>259</td>
</tr>
<tr>
<td>gifts, acceptance of</td>
<td>7</td>
<td>259</td>
</tr>
<tr>
<td>how used</td>
<td>7</td>
<td>259</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

#### SCHOOLS (Continued):

<table>
<thead>
<tr>
<th>Vocational rehabilitation (Cont'd)</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Records and lists</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Misuse of, penalty</td>
<td>10</td>
<td>260</td>
</tr>
<tr>
<td>Services furnished at public cost</td>
<td>8</td>
<td>260</td>
</tr>
<tr>
<td>State board of vocational education</td>
<td>2</td>
<td>257</td>
</tr>
<tr>
<td>Division of vocational rehabilitation established</td>
<td>2</td>
<td>257</td>
</tr>
<tr>
<td>Cooperation with federal government</td>
<td>5</td>
<td>259</td>
</tr>
<tr>
<td>Director</td>
<td>3</td>
<td>257</td>
</tr>
<tr>
<td>Duties</td>
<td>3</td>
<td>257</td>
</tr>
<tr>
<td>Services to eligible individuals</td>
<td>4</td>
<td>258</td>
</tr>
<tr>
<td>Hearing on complaint of aggrieved applicant</td>
<td>9</td>
<td>260</td>
</tr>
<tr>
<td>Duties</td>
<td>2</td>
<td>257</td>
</tr>
<tr>
<td>Who eligible for</td>
<td>8</td>
<td>260</td>
</tr>
<tr>
<td>When property of, exempt from taxation</td>
<td>9</td>
<td>567</td>
</tr>
</tbody>
</table>

#### SECRETARY OF STATE:

| Attorney in fact for corporations | 71   | 166  |
| Member, auditing board of traveling expenses | 11 | 446  |

#### SECURITIES:

| Speculative, and fraudulent sales |      |      |
| Securities not subject to law regulating | 3 | .410 |
| Transactions not subject to law regulating | 4 | .413 |

#### SHERIFF:

| Arrests |      |      |
| for violations of liquor laws | 9 | 21 |
| Power and authority to make | 9 | 191 |

| Deputies, assistants and employees |      |      |
| Annual budget estimate for | 7 | 183 |
| County court to fix aggregate amount | 7 | 183 |
| Appointment and removal | 7 | 184 |
| Arrests by deputies for violation of liquor laws | 9 | 21 |
| Power and authority of deputies to make arrests | 9 | 191 |

| Expenses |      |      |
| Allowance by county court |      |      |
| Arrests and transportation of accused | 12 | 180 |
| Conveying persons to institutions | 12 | 181 |
| Keeping and feeding prisoners | 12 | 179 |
| Limitations upon | 12 | 180 |
| Serving process | 12 | 181 |

| Report of expenditures to county court | 14 | 182 |

| Salary | 1-(1)-1-(55) | 198-202 |

<p>| Sale of lands for the school fund |      |      |
| Attendance by sheriff or deputy to receive proceeds | 31 | 547 |</p>
<table>
<thead>
<tr>
<th>SHERRY (Continued):</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale of lands for the school fund (Cont'd)</td>
<td>Sec.</td>
<td>Page</td>
</tr>
<tr>
<td>receipt by, for purchase money</td>
<td>31</td>
<td>547</td>
</tr>
<tr>
<td>proceeds of to be kept in separate accounts</td>
<td>54</td>
<td>558</td>
</tr>
<tr>
<td>disposition of</td>
<td>54</td>
<td>558</td>
</tr>
<tr>
<td>School orders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>endorsement of</td>
<td>4</td>
<td>254</td>
</tr>
<tr>
<td>failure to pay, penalty</td>
<td>4</td>
<td>254</td>
</tr>
<tr>
<td>SOLDIERS, SAILORS AND MARINES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Memorials to</td>
<td>2</td>
<td>591</td>
</tr>
<tr>
<td>SPECULATIVE SECURITIES AND FRAUDULENT SALES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exceptions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>securities not included</td>
<td>3</td>
<td>410</td>
</tr>
<tr>
<td>transactions not included</td>
<td>4</td>
<td>413</td>
</tr>
<tr>
<td>SPORTS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bribery of participants in; penalty</td>
<td>22</td>
<td>223</td>
</tr>
<tr>
<td>STATE BOARD OF CONTROL:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Board of Control”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STATE COUNCIL OF DEFENSE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Powers and duties</td>
<td>3</td>
<td>589</td>
</tr>
<tr>
<td>publication of bulletin explaining rights, benefits and opportunities available to veterans, war workers, etc.</td>
<td>3-(d)</td>
<td>589</td>
</tr>
<tr>
<td>STATE DEPARTMENT OF HEALTH:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Health”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STATE FUNDS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charging off balances in closed banks</td>
<td>1</td>
<td>519</td>
</tr>
<tr>
<td>Disposition of dividends from receivers of closed banks</td>
<td>2</td>
<td>519</td>
</tr>
<tr>
<td>Funds due Peoples bank of West Virginia, received from an estate</td>
<td>1</td>
<td>521</td>
</tr>
<tr>
<td>transfer of, to state fund</td>
<td>2</td>
<td>521</td>
</tr>
<tr>
<td>Transfer of balances of special funds to state fund</td>
<td>1</td>
<td>520</td>
</tr>
<tr>
<td>STATE OFFICE BUILDING COMMISSION:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants and gifts to</td>
<td>7</td>
<td>143</td>
</tr>
<tr>
<td>Issuance of revenue bonds</td>
<td>7</td>
<td>142</td>
</tr>
<tr>
<td>STATE POLICE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See “Department of Public Safety”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STATE ROAD COMMISSIONER:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Member advisory council to department of veterans’ affairs</td>
<td>11</td>
<td>587</td>
</tr>
<tr>
<td>See “Roads and Highways”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## INDEX TO ACTS

### STATE TAX COMMISSIONER:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointment and term</td>
<td>1</td>
</tr>
<tr>
<td>Assistant attorney general to perform duties required by</td>
<td>1</td>
</tr>
<tr>
<td>Bond and oath</td>
<td>1</td>
</tr>
<tr>
<td>Examination of audits of public offices in office of</td>
<td>9</td>
</tr>
<tr>
<td>Salary</td>
<td>1</td>
</tr>
</tbody>
</table>

See "Taxes and Taxation"

### STATE TEACHERS' RETIREMENT SYSTEM:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement and computation of teachers' services</td>
<td>17</td>
</tr>
<tr>
<td>Definitions</td>
<td>3</td>
</tr>
<tr>
<td>Eligibility for allowance</td>
<td>25</td>
</tr>
<tr>
<td>Employer contributions, how paid</td>
<td>16</td>
</tr>
<tr>
<td>Funds created</td>
<td>18</td>
</tr>
<tr>
<td>uses and purposes</td>
<td>18</td>
</tr>
<tr>
<td>Loans to members</td>
<td>34</td>
</tr>
<tr>
<td>Membership in system</td>
<td>13</td>
</tr>
<tr>
<td>collection of member contributions</td>
<td>15</td>
</tr>
<tr>
<td>Retirement allowance upon</td>
<td>26</td>
</tr>
<tr>
<td>Transfer of appropriation</td>
<td>16</td>
</tr>
</tbody>
</table>

### STATE TREASURER:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member retirement board, department of public safety</td>
<td>27</td>
</tr>
<tr>
<td>State funds</td>
<td>1</td>
</tr>
<tr>
<td>authorized to charge off balances in closed bank</td>
<td>1</td>
</tr>
<tr>
<td>disposition of dividends from receivers of closed banks</td>
<td>2</td>
</tr>
<tr>
<td>funds due Peoples bank of W. Va., received from an estate</td>
<td>1</td>
</tr>
<tr>
<td>transfer of, to state fund</td>
<td>2</td>
</tr>
<tr>
<td>transfer of balances of special funds to state fund</td>
<td>1</td>
</tr>
</tbody>
</table>

### STATE WATER COMMISSION:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aid of officers</td>
<td>2</td>
</tr>
<tr>
<td>college of engineering of university</td>
<td>2</td>
</tr>
<tr>
<td>director of division of sanitary engineering of state department of health</td>
<td>2</td>
</tr>
<tr>
<td>Attorney general</td>
<td>14</td>
</tr>
<tr>
<td>to prosecute action for penalties for noncompliance with orders of</td>
<td>14</td>
</tr>
<tr>
<td>Compliance with final order</td>
<td>14</td>
</tr>
<tr>
<td>extension of time</td>
<td>14</td>
</tr>
<tr>
<td>penalty for failure</td>
<td>14</td>
</tr>
<tr>
<td>when commission may stay</td>
<td>14</td>
</tr>
</tbody>
</table>
## INDEX TO ACTS

### STATE WATER COMMISSION (Continued):

<table>
<thead>
<tr>
<th>Members of</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>chairman game and fish commission</td>
<td>2</td>
<td>391</td>
</tr>
<tr>
<td>commissioner of health</td>
<td>2</td>
<td>391</td>
</tr>
<tr>
<td>three others to be appointed by governor</td>
<td>2</td>
<td>391</td>
</tr>
<tr>
<td>term</td>
<td>2</td>
<td>391</td>
</tr>
<tr>
<td>reimbursement for expenses</td>
<td>2</td>
<td>391</td>
</tr>
</tbody>
</table>

### STEAM BOILERS:

- Inspection of, by department of labor: 7 425
- Permits to operate: 7 424
- Safety requirements for: 7 425

### STRIP MINING:

See "Mines and Minerals"

### SUMMERS COUNTY:

<table>
<thead>
<tr>
<th>Officers</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(42)</td>
<td>208</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(42)</td>
<td>204</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(44)</td>
<td>190</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(45)</td>
<td>201</td>
</tr>
</tbody>
</table>

### SUPREME COURT OF APPEALS:

#### Administrative office

- established: 15 216

#### employees

- appointment and compensation: 16 216
- practice of law prohibited: 16 216

#### director

- annual report: 18 217
- appointment and removal: 15 216
- duties: 17 217
- practice of law prohibited: 16 216
- salary: 15 216

#### seal

- 15 216

#### Law library

- librarian: 2 220
- appointment: 2 220
- assistants: 2 220
- bond: 2 220
- salary: 2 220

#### Reports

- publication of: 5 218
- advance sheets: 5 219
- charge for: 5 219
- publication of: 5 219
### INDEX TO ACTS

**SUPREME COURT OF APPEALS (Continued):**

<table>
<thead>
<tr>
<th>Rules</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>authority to adopt, promulgate and enforce</td>
<td>4-a</td>
<td>221</td>
</tr>
<tr>
<td>defining practice of law</td>
<td>4-a</td>
<td>222</td>
</tr>
<tr>
<td>fixing fees to be paid by attorneys at law</td>
<td>4-a</td>
<td>222</td>
</tr>
<tr>
<td>organizing and governing West Virginia state bar</td>
<td>4-a</td>
<td>222</td>
</tr>
<tr>
<td>prescribing code of ethics governing professional conduct of attorneys at law and practice of law</td>
<td>4-a</td>
<td>222</td>
</tr>
<tr>
<td>prescribing code of judicial ethics</td>
<td>4-a</td>
<td>222</td>
</tr>
<tr>
<td>prescribing procedure for disciplining, suspending and disbaring attorneys at law</td>
<td>4-a</td>
<td>222</td>
</tr>
</tbody>
</table>

**West Virginia, state bar**

| adoption of rules for organization and government                      | 4-a  | 222  |
| all practicing attorneys members                                       | 4-a  | 222  |
| created                                                               | 4-a  | 222  |
| constitution and by-laws                                              | 4-a  | 222  |
| approval                                                               | 4-a  | 222  |
| submission to attorneys at law                                         | 4-a  | 222  |
| fees of members                                                        | 4-a  | 222  |
| use of                                                                 | 4-a  | 222  |
| part of judicial department                                            | 4-a  | 222  |
| purpose                                                                | 4-a  | 222  |
| when to become operative                                               | 4-a  | 222  |

**SYMPHILIS:**

Serologic test of pregnant women for. See, "Health"

**TAXES AND TAXATION:**

**Gasoline**

<table>
<thead>
<tr>
<th>excise tax, See &quot;Gasoline Tax&quot;</th>
</tr>
</thead>
</table>

**Gross sales tax**

when agents of municipalities may inspect state returns of

| 1 | 357 |

**Inheritance and transfer taxes**

| exemptions | 4 | 565 |

**Licenses and license taxes**

| corporations | 
| suits to enforce payment of corporation license taxes | 86 | 575 |
| attorney in fact for | 71 | 166 |
| Property exempt from taxation | 9 | 567 |
| entry upon assessor's books | 9 | 568 |
| religious, charitable and educational organizations, when property exempt | 9 | 568 |
### TAXES AND TAXATION (Continued):

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>571</td>
</tr>
<tr>
<td>5</td>
<td>572</td>
</tr>
<tr>
<td>1</td>
<td>569</td>
</tr>
<tr>
<td>1</td>
<td>569</td>
</tr>
<tr>
<td>9</td>
<td>574</td>
</tr>
<tr>
<td>5</td>
<td>571</td>
</tr>
<tr>
<td>3</td>
<td>570</td>
</tr>
<tr>
<td>9</td>
<td>574</td>
</tr>
<tr>
<td>8</td>
<td>573</td>
</tr>
<tr>
<td>8</td>
<td>573</td>
</tr>
<tr>
<td>8</td>
<td>574</td>
</tr>
<tr>
<td>8</td>
<td>573</td>
</tr>
<tr>
<td>7</td>
<td>573</td>
</tr>
<tr>
<td>7</td>
<td>573</td>
</tr>
<tr>
<td>4</td>
<td>571</td>
</tr>
<tr>
<td>4</td>
<td>571</td>
</tr>
<tr>
<td>4</td>
<td>571</td>
</tr>
<tr>
<td>3</td>
<td>570</td>
</tr>
<tr>
<td>8</td>
<td>573</td>
</tr>
<tr>
<td>6</td>
<td>572</td>
</tr>
<tr>
<td>6</td>
<td>572</td>
</tr>
<tr>
<td>9</td>
<td>573</td>
</tr>
<tr>
<td>2</td>
<td>570</td>
</tr>
<tr>
<td>2</td>
<td>570</td>
</tr>
<tr>
<td>2</td>
<td>570</td>
</tr>
<tr>
<td>7</td>
<td>573</td>
</tr>
<tr>
<td>3</td>
<td>570</td>
</tr>
<tr>
<td>9</td>
<td>574</td>
</tr>
<tr>
<td>6</td>
<td>572</td>
</tr>
<tr>
<td>1</td>
<td>569</td>
</tr>
</tbody>
</table>

Real property held for religious, charitable or educational purposes

- assessor
  - report to auditor on property exempted from taxes
  - when to reenter

- auditor
  - compromise of state's claim for taxes
  - establishment of administrative procedure for
  - power of, to provide for redemption and compromise of state's claim for taxes
  - reports to, on property exempted from taxation

- back-taxing

- power of auditor to provide for..

- clarification of titles
  - jurisdiction of courts
  - suits for decision on, not stare decisis
  - state as party to
  - constitutional transferees
  - priority of redemption

- entry of
  - acquired after 1942
  - payment of taxes on
  - effect
  - valuation and extension of taxes
  - after redemption

- law, purpose of

- purchaser
  - holding five years or more
  - right of redemption

- reassessment
  - power of auditor to provide for

- redemption
  - auditor's receipt for
  - recordation
  - release and discharge
  - constitutional transferees
  - entry and back-taxing after
  - power of auditor to provide for
  - purchasers, holding five years or more

- taxes
  - compromise of state's claim for
<table>
<thead>
<tr>
<th>Index to Acts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TAXES AND TAXATION (Continued):</strong></td>
</tr>
<tr>
<td><strong>Sale of lands for the school fund</strong></td>
</tr>
<tr>
<td>accounts kept by sheriff</td>
</tr>
<tr>
<td>disposition</td>
</tr>
<tr>
<td>separate</td>
</tr>
<tr>
<td>amount necessary for redemption</td>
</tr>
<tr>
<td>application for reduction</td>
</tr>
<tr>
<td>order when applicant's claim upheld</td>
</tr>
<tr>
<td>procedure on</td>
</tr>
<tr>
<td><strong>auditor</strong></td>
</tr>
<tr>
<td>county officers to report lands subject to sale to</td>
</tr>
<tr>
<td>land department, operating fund</td>
</tr>
<tr>
<td>disbursements</td>
</tr>
<tr>
<td>sources</td>
</tr>
<tr>
<td>surplus</td>
</tr>
<tr>
<td>record of delinquent lands</td>
</tr>
<tr>
<td>form</td>
</tr>
<tr>
<td>prima facie evidence</td>
</tr>
<tr>
<td>state commissioner of forfeited lands</td>
</tr>
<tr>
<td>costs, court</td>
</tr>
<tr>
<td>court order book, separate</td>
</tr>
<tr>
<td>deed to purchaser by deputy commissioner</td>
</tr>
<tr>
<td>conclusive evidence of title</td>
</tr>
<tr>
<td>costs paid</td>
</tr>
<tr>
<td>delivery of</td>
</tr>
<tr>
<td>fee</td>
</tr>
<tr>
<td>form</td>
</tr>
<tr>
<td>recordation</td>
</tr>
<tr>
<td>examination before</td>
</tr>
<tr>
<td>setting aside by suit</td>
</tr>
<tr>
<td>decree</td>
</tr>
<tr>
<td>extent</td>
</tr>
<tr>
<td>grounds</td>
</tr>
<tr>
<td>making or tendering payments required</td>
</tr>
<tr>
<td>parties</td>
</tr>
<tr>
<td>revesting title</td>
</tr>
<tr>
<td>time limitation</td>
</tr>
<tr>
<td><strong>deputy commissioner</strong></td>
</tr>
<tr>
<td>annual report to auditor</td>
</tr>
<tr>
<td>copies, disposition of</td>
</tr>
<tr>
<td>failure to make, penalty</td>
</tr>
<tr>
<td>appointment by auditor</td>
</tr>
<tr>
<td>bonds, amount and payment</td>
</tr>
<tr>
<td>compensation</td>
</tr>
<tr>
<td>fees</td>
</tr>
<tr>
<td>local agent for auditor</td>
</tr>
<tr>
<td>purchase by, forbidden</td>
</tr>
</tbody>
</table>
TAXES AND TAXATION (Continued):

Sale of lands for the school fund, deputy commissioner (Cont'd)

<table>
<thead>
<tr>
<th>Subject</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>qualifications</td>
<td>5</td>
<td>533</td>
</tr>
<tr>
<td>sale by</td>
<td>31</td>
<td>547</td>
</tr>
<tr>
<td>tenure of office</td>
<td>5</td>
<td>532</td>
</tr>
<tr>
<td>duties of officers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>failure to perform, penalty</td>
<td>56</td>
<td>560</td>
</tr>
<tr>
<td>escheated lands, surplus proceeds to creditor of former owner</td>
<td>36</td>
<td>549</td>
</tr>
<tr>
<td>forfeiture for nonentry</td>
<td>2</td>
<td>531</td>
</tr>
<tr>
<td>former sales confirmed</td>
<td>55</td>
<td>560</td>
</tr>
<tr>
<td>lands subject to</td>
<td>3</td>
<td>531</td>
</tr>
<tr>
<td>county officers to report to auditor</td>
<td>8</td>
<td>534</td>
</tr>
<tr>
<td>lists certified to circuit court by auditor</td>
<td>9</td>
<td>534</td>
</tr>
<tr>
<td>form</td>
<td>9</td>
<td>535</td>
</tr>
<tr>
<td>original and copies, disposition of</td>
<td>9</td>
<td>535</td>
</tr>
<tr>
<td>legislative purpose</td>
<td>1</td>
<td>531</td>
</tr>
<tr>
<td>nonentry, forfeiture of lands for</td>
<td>2</td>
<td>531</td>
</tr>
<tr>
<td>operating fund for land department</td>
<td>7</td>
<td>533</td>
</tr>
<tr>
<td>pending suits dismissed</td>
<td>55</td>
<td>560</td>
</tr>
<tr>
<td>record of delinquent lands</td>
<td>6</td>
<td>533</td>
</tr>
<tr>
<td>redemption</td>
<td></td>
<td></td>
</tr>
<tr>
<td>after sale</td>
<td></td>
<td></td>
</tr>
<tr>
<td>payment to purchaser, amount</td>
<td>37</td>
<td>549</td>
</tr>
<tr>
<td>receipt for</td>
<td>37</td>
<td>550</td>
</tr>
<tr>
<td>disposition of</td>
<td>37</td>
<td>550</td>
</tr>
<tr>
<td>failure to give, penalty</td>
<td>37</td>
<td>550</td>
</tr>
<tr>
<td>before sale</td>
<td></td>
<td></td>
</tr>
<tr>
<td>application to deputy commissioner</td>
<td>11</td>
<td>536</td>
</tr>
<tr>
<td>certificate of redemption and copies</td>
<td>12</td>
<td>538</td>
</tr>
<tr>
<td>disposition of</td>
<td>12</td>
<td>538</td>
</tr>
<tr>
<td>computation of amount required for</td>
<td>11</td>
<td>536</td>
</tr>
<tr>
<td>payment to sheriff</td>
<td>11</td>
<td>537</td>
</tr>
<tr>
<td>partial not allowed</td>
<td>11</td>
<td>537</td>
</tr>
<tr>
<td>revaluation and reclassification</td>
<td>14</td>
<td>538</td>
</tr>
<tr>
<td>by payment to clerk of circuit court</td>
<td>39</td>
<td>551</td>
</tr>
<tr>
<td>contest of right to redeem</td>
<td>40</td>
<td>551</td>
</tr>
<tr>
<td>cancellation of redemption</td>
<td>40</td>
<td>551</td>
</tr>
<tr>
<td>return of payment</td>
<td>40</td>
<td>551</td>
</tr>
<tr>
<td>confirmation of</td>
<td>40</td>
<td>551</td>
</tr>
<tr>
<td>payment to purchaser</td>
<td>40</td>
<td>551</td>
</tr>
<tr>
<td>notice of, service</td>
<td>40</td>
<td>551</td>
</tr>
<tr>
<td>insufficient amount</td>
<td>41</td>
<td>552</td>
</tr>
<tr>
<td>determination by court</td>
<td>41</td>
<td>552</td>
</tr>
<tr>
<td>interest of another, lien and preservation</td>
<td>13,38</td>
<td>538,550</td>
</tr>
<tr>
<td>members of armed forces</td>
<td>52</td>
<td>558</td>
</tr>
<tr>
<td>amount of payments</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

**TAXES AND TAXATION (Continued):**

**Sale of land for the school fund, redemption (Cont'd):**

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>payment of taxes</td>
<td>52</td>
<td>558</td>
</tr>
<tr>
<td>time limitation</td>
<td>52</td>
<td>557</td>
</tr>
<tr>
<td>notice to redeem</td>
<td>10</td>
<td>535</td>
</tr>
<tr>
<td>person under disability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>amount of payment</td>
<td>51</td>
<td>557</td>
</tr>
<tr>
<td>payment of taxes, when required</td>
<td>51</td>
<td>557</td>
</tr>
<tr>
<td>time limitation</td>
<td>51</td>
<td>557</td>
</tr>
<tr>
<td>confirmation</td>
<td>43</td>
<td>553</td>
</tr>
<tr>
<td>application for</td>
<td>43</td>
<td>553</td>
</tr>
<tr>
<td>of former sales</td>
<td>55</td>
<td>560</td>
</tr>
<tr>
<td>procedure</td>
<td>43</td>
<td>553</td>
</tr>
<tr>
<td>refusal</td>
<td>43</td>
<td>553</td>
</tr>
<tr>
<td>terminates right to redeem</td>
<td>43</td>
<td>553</td>
</tr>
<tr>
<td>continued</td>
<td>31</td>
<td>547</td>
</tr>
<tr>
<td>date for fixed by court</td>
<td>31</td>
<td>547</td>
</tr>
<tr>
<td>decree of</td>
<td>29</td>
<td>546</td>
</tr>
<tr>
<td>list of lands to be sold</td>
<td>9</td>
<td>534</td>
</tr>
<tr>
<td>manner of</td>
<td>31</td>
<td>547</td>
</tr>
<tr>
<td>nonexistent land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>return of purchase money</td>
<td>32</td>
<td>548</td>
</tr>
<tr>
<td>notice of, publication and costs</td>
<td>30</td>
<td>546</td>
</tr>
<tr>
<td>proceeds of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>disposition</td>
<td>54</td>
<td>560</td>
</tr>
<tr>
<td>separate accounts</td>
<td>54</td>
<td>558</td>
</tr>
<tr>
<td>surplus</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to former owner</td>
<td>35</td>
<td>549</td>
</tr>
<tr>
<td>to creditors</td>
<td>36</td>
<td>549</td>
</tr>
<tr>
<td>to general receiver</td>
<td>35</td>
<td>549</td>
</tr>
<tr>
<td>purchase</td>
<td></td>
<td></td>
</tr>
<tr>
<td>by co-owner</td>
<td>33</td>
<td>548</td>
</tr>
<tr>
<td>by former owner and officers, prohibited</td>
<td>34</td>
<td>548</td>
</tr>
<tr>
<td>penalty</td>
<td>34</td>
<td>549</td>
</tr>
<tr>
<td>by individual</td>
<td>31</td>
<td>547</td>
</tr>
<tr>
<td>receipt</td>
<td>31</td>
<td>547</td>
</tr>
<tr>
<td>report of, to court</td>
<td>31</td>
<td>547</td>
</tr>
<tr>
<td>filing with circuit clerk</td>
<td>31</td>
<td>547</td>
</tr>
<tr>
<td>setting aside</td>
<td></td>
<td></td>
</tr>
<tr>
<td>proceedings</td>
<td>42</td>
<td>552</td>
</tr>
<tr>
<td>notice of</td>
<td>42</td>
<td>552</td>
</tr>
<tr>
<td>sheriff to attend</td>
<td>31</td>
<td>541</td>
</tr>
<tr>
<td>suits for</td>
<td>16</td>
<td>540</td>
</tr>
<tr>
<td>application for dismissal of suit</td>
<td>25</td>
<td>544</td>
</tr>
<tr>
<td>order when applicant's claim upheld</td>
<td>28</td>
<td>546</td>
</tr>
<tr>
<td>procedure on, when made by deputy commissioner</td>
<td>26</td>
<td>545</td>
</tr>
</tbody>
</table>
TAXES AND TAXATION (Continued):

Sale of lands for the school fund, suits for (Cont’d)
when referred to commissioner in chancery
hearing and report
application for reduction of amount
order when applicant’s claim upheld
procedure on, when made by deputy commissioner
when referred to commissioner in chancery
hearing and report
auditor’s certified list made part of bill
averments and prayer of bill
costs
notice of orders or decrees
decree by default
extent to which defendant bound by
separate book to be kept by clerk for
pending, dismissed
parties defendant
persons entitled to intervene
procedure
summons
service
when purchase money may be returned
taxes, interests and charges prior to 1936, released
release of state’s title
title acquired by purchaser
irregularity, effect on
State tax commissioner
appointment and term
assistant attorney general to perform duties required by
bond and oath
examination of audits of public officers in office of salary
TAYLOR COUNTY:
Circuit clerk, salary of
County clerk, salary of
County commissioners, salary of
Prosecuting attorney
assistant
compensation
stenographer for
Sheriff, salary of

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>545</td>
</tr>
<tr>
<td>27</td>
<td>545</td>
</tr>
<tr>
<td>24</td>
<td>544</td>
</tr>
<tr>
<td>28</td>
<td>546</td>
</tr>
<tr>
<td>26</td>
<td>545</td>
</tr>
<tr>
<td>27</td>
<td>545</td>
</tr>
<tr>
<td>21</td>
<td>543</td>
</tr>
<tr>
<td>19</td>
<td>542</td>
</tr>
<tr>
<td>22</td>
<td>544</td>
</tr>
<tr>
<td>15</td>
<td>538</td>
</tr>
<tr>
<td>23</td>
<td>544</td>
</tr>
<tr>
<td>20</td>
<td>543</td>
</tr>
<tr>
<td>22</td>
<td>544</td>
</tr>
<tr>
<td>55</td>
<td>560</td>
</tr>
<tr>
<td>17</td>
<td>540</td>
</tr>
<tr>
<td>17</td>
<td>541</td>
</tr>
<tr>
<td>20</td>
<td>543</td>
</tr>
<tr>
<td>18</td>
<td>541</td>
</tr>
<tr>
<td>18</td>
<td>542</td>
</tr>
<tr>
<td>32</td>
<td>548</td>
</tr>
<tr>
<td>57</td>
<td>561</td>
</tr>
<tr>
<td>57</td>
<td>561</td>
</tr>
<tr>
<td>45</td>
<td>555</td>
</tr>
<tr>
<td>46</td>
<td>555</td>
</tr>
<tr>
<td>1</td>
<td>528</td>
</tr>
<tr>
<td>1</td>
<td>529</td>
</tr>
<tr>
<td>1</td>
<td>528</td>
</tr>
<tr>
<td>9</td>
<td>399</td>
</tr>
<tr>
<td>1</td>
<td>528</td>
</tr>
<tr>
<td>3-(43)</td>
<td>208</td>
</tr>
<tr>
<td>2-(43)</td>
<td>204</td>
</tr>
<tr>
<td>5-(45)</td>
<td>190</td>
</tr>
<tr>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>1-(46)</td>
<td>201</td>
</tr>
</tbody>
</table>
# Index to Acts

## Teachers, Public School:

See “Schools”

## Traveling Expenses, State:

Audit of, by state auditing board... 11 446

## Trust Companies:

Civil liability for loss or damage of property in nominee registration... 3 176

Common trust funds:

- accounting... 7 8
- act
  - application... 8 8
  - how cited... 8 8
  - provisions severable... 8 8
  - purpose... 8 8
- establishment of, by trust company acting as fiduciary... 6 7
  - purpose... 6 7
- investment of... 6 7
  - consent of co-fiduciaries... 6 7
  - limitations on... 6 7
- Duties of, making use of nominee registration... 2 175

Fiduciary securities held by:

- registration in name of nominee... 1 175
- civil liability for loss or damage... 3 176
- consent of individual fiduciary... 1 175
  - effect of... 1 175
  - illegal, penalty... 3 176
  - records... 2 175
  - to evade taxes, prohibited... 5 177
  - transferring or changing... 4 176
    - when no liability to attach... 4 176

## Tuberculosis:

Authority of state health department as to... 8 382

Hospitals:

- advisory medical supervision by state health department... 8 381

## Tucker County:

Circuit clerk, salary of... 3-(44) 208

County clerk, salary of... 2-(44) 204

County commissioners, salary of... 5-(46) 190

Prosecuting attorney

- assistant... 6 193
- compensation... 6 194
- stenographer for... 6 195

Sheriff, salary of... 1-(47) 201
### TYGART RIVER RESERVOIR:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Release of state's claim for damage to roads caused by construction of</td>
<td>1</td>
<td>453</td>
</tr>
</tbody>
</table>

### TYLER COUNTY:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(45)</td>
<td>208</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(45)</td>
<td>205</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(47)</td>
<td>190</td>
</tr>
<tr>
<td>Prosecuting attorney assistant compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(48)</td>
<td>201</td>
</tr>
</tbody>
</table>

### UNEMPLOYMENT COMPENSATION:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of definitions</td>
<td>3</td>
<td>454-460</td>
</tr>
<tr>
<td>Director of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>authorized to apply for advance to fund</td>
<td>17</td>
<td>461</td>
</tr>
<tr>
<td>federal-state cooperation</td>
<td>17</td>
<td>460</td>
</tr>
<tr>
<td>acceptance and compliance with federal legislation</td>
<td>17</td>
<td>461</td>
</tr>
<tr>
<td>may require employer reports</td>
<td>11</td>
<td>475</td>
</tr>
<tr>
<td>Claim procedure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>benefits pending appeal</td>
<td>17</td>
<td>473</td>
</tr>
<tr>
<td>Employee eligibility; benefits benefits amount</td>
<td>10</td>
<td>471</td>
</tr>
<tr>
<td>partial unemployment</td>
<td>11</td>
<td>472</td>
</tr>
<tr>
<td>total unemployment</td>
<td>10</td>
<td>471</td>
</tr>
<tr>
<td>disqualifications for</td>
<td>1-a</td>
<td>468</td>
</tr>
<tr>
<td>payment, pending appeal</td>
<td>17</td>
<td>473</td>
</tr>
<tr>
<td>person in military service</td>
<td>21</td>
<td>472</td>
</tr>
<tr>
<td>eligibility qualifications</td>
<td>1</td>
<td>468</td>
</tr>
<tr>
<td>seasonal employment</td>
<td>1-a</td>
<td>468</td>
</tr>
<tr>
<td>Employer coverage and responsibility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>classification to fix rates</td>
<td>7(3)</td>
<td>462</td>
</tr>
<tr>
<td>experience ratings</td>
<td>10</td>
<td>462</td>
</tr>
<tr>
<td>decreased rates</td>
<td>10</td>
<td>462</td>
</tr>
<tr>
<td>suspension of</td>
<td>10-a</td>
<td>464</td>
</tr>
<tr>
<td>payments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>collection of payments</td>
<td>16</td>
<td>465</td>
</tr>
<tr>
<td>interest on past-due payments</td>
<td>17</td>
<td>467</td>
</tr>
<tr>
<td>priorities</td>
<td>18</td>
<td>467</td>
</tr>
<tr>
<td>refunds</td>
<td>19</td>
<td>467</td>
</tr>
<tr>
<td>separate accounts</td>
<td>7(1)</td>
<td>461</td>
</tr>
<tr>
<td>benefits charged to base period employers</td>
<td>7(2)</td>
<td>462</td>
</tr>
<tr>
<td>transfer of business</td>
<td>10-b</td>
<td>464</td>
</tr>
</tbody>
</table>
## UNEMPLOYMENT COMPENSATION (Continued):

<table>
<thead>
<tr>
<th>Information</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>furnished in connection with administration of law not basis for slander</td>
<td>11</td>
<td>475</td>
</tr>
<tr>
<td>or libel action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>may be required of employing unit</td>
<td>11</td>
<td>475</td>
</tr>
<tr>
<td>permitted use of</td>
<td>11</td>
<td>475</td>
</tr>
<tr>
<td>violation, penalty</td>
<td>11</td>
<td>475</td>
</tr>
<tr>
<td>Military service</td>
<td>21</td>
<td>472</td>
</tr>
<tr>
<td>Unemployment compensation administration fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>special administration fund</td>
<td>5-a</td>
<td>474</td>
</tr>
<tr>
<td>establishment</td>
<td>5-a</td>
<td>474</td>
</tr>
<tr>
<td>limitations on expenditures</td>
<td>5-a</td>
<td>475</td>
</tr>
<tr>
<td>sources</td>
<td>5-a</td>
<td>474</td>
</tr>
<tr>
<td>use</td>
<td>5-a</td>
<td>474</td>
</tr>
<tr>
<td>Unemployment compensation fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>clearing account</td>
<td>5</td>
<td>473</td>
</tr>
<tr>
<td>payment of refunds from</td>
<td>5</td>
<td>474</td>
</tr>
<tr>
<td>deposit with federal government</td>
<td>7</td>
<td>474</td>
</tr>
<tr>
<td>establishment</td>
<td>1</td>
<td>473</td>
</tr>
<tr>
<td>sources</td>
<td>1</td>
<td>473</td>
</tr>
</tbody>
</table>

## UPSHUR COUNTY:

| Circuit clerk, salary of                                                  | 3-(46)| 208  |
| County clerk, salary of                                                   | 2-(46)| 205  |
| County commissioners, salary of                                           | 5-(48)| 190  |
| Prosecuting attorney                                                      |      |      |
| assistant                                                                 | 6    | 193  |
| compensation                                                               | 6    | 195  |
| stenographer for                                                           | 6    | 195  |
| Sheriff, salary of                                                         | 1-(49)| 201  |

## VETERANS' AFFAIRS:

| Department of                                                             |      |      |
| act establishing, provisions severable                                    | 14   | 588  |
| administration of                                                         | 2    | 582  |
| advisory council                                                          |      |      |
| assistance to director by                                                 | 11   | 587  |
| duties                                                                    | 11   | 587  |
| meetings                                                                  | 11   | 587  |
| members                                                                   | 11   | 587  |
| definitions                                                                | 7    | 584  |
| director                                                                  |      |      |
| appointment and term of office                                           | 4    | 583  |
| compensation                                                              | 5    | 583  |
| deputies, assistants and employees                                       | 2    | 582  |
| oath of deputy directors                                                  | 6    | 584  |
| salaries fixed by council                                                 | 5    | 583  |
| legal assistance                                                          | 12   | 588  |
| oath                                                                      | 6    | 584  |
### VETERANS' AFFAIRS (Continued):

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>584</td>
</tr>
<tr>
<td>10</td>
<td>585</td>
</tr>
<tr>
<td>4</td>
<td>583</td>
</tr>
<tr>
<td>4</td>
<td>583</td>
</tr>
<tr>
<td>4</td>
<td>583</td>
</tr>
<tr>
<td>11(d)</td>
<td>589</td>
</tr>
<tr>
<td>9</td>
<td>585</td>
</tr>
<tr>
<td>1</td>
<td>181</td>
</tr>
<tr>
<td>13</td>
<td>588</td>
</tr>
<tr>
<td>15</td>
<td>588</td>
</tr>
<tr>
<td>2</td>
<td>582</td>
</tr>
<tr>
<td>4</td>
<td>583</td>
</tr>
<tr>
<td>3</td>
<td>582</td>
</tr>
<tr>
<td>4</td>
<td>582</td>
</tr>
<tr>
<td>5</td>
<td>584</td>
</tr>
<tr>
<td>6</td>
<td>584</td>
</tr>
<tr>
<td>8</td>
<td>585</td>
</tr>
<tr>
<td>2</td>
<td>582</td>
</tr>
<tr>
<td>3</td>
<td>582</td>
</tr>
<tr>
<td>1-a</td>
<td>596</td>
</tr>
<tr>
<td>1-a</td>
<td>596</td>
</tr>
<tr>
<td>1-a</td>
<td>596</td>
</tr>
<tr>
<td>1-a</td>
<td>596</td>
</tr>
<tr>
<td>1-a</td>
<td>596</td>
</tr>
<tr>
<td>1-a</td>
<td>596</td>
</tr>
<tr>
<td>1-a</td>
<td>596</td>
</tr>
</tbody>
</table>

**Hunting and fishing**

- Members of armed forces may hunt or fish without license when on leave or furlough

- **Military service**
  - Affidavits required of persons in certificate of officer before whom made, form
  - Oaths required of persons in certificate of officer before whom taken, form
  - Presumptive findings of death of person in administration of estate

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>579</td>
</tr>
<tr>
<td>9</td>
<td>579</td>
</tr>
<tr>
<td>9-a</td>
<td>596</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

#### VETERANS' AFFAIRS (Continued):

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soldiers, sailors and marines:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>memorials to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>board of directors for</td>
<td>2</td>
<td>591</td>
</tr>
<tr>
<td>free for use of public</td>
<td>2</td>
<td>593</td>
</tr>
<tr>
<td>location</td>
<td>2</td>
<td>591</td>
</tr>
<tr>
<td>petition to county court to establish</td>
<td>2</td>
<td>591</td>
</tr>
<tr>
<td>tax levy for</td>
<td>2</td>
<td>591</td>
</tr>
<tr>
<td>Veterans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>establishment of special classes for, by county boards of education</td>
<td></td>
<td>19-a</td>
</tr>
<tr>
<td>preference rating of, on written examinations for positions in state departments filled on non-partisan merit basis</td>
<td>1</td>
<td>594</td>
</tr>
<tr>
<td>Veterans' guardianship and commitment committees for mentally incompetent and minor wards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>notice to federal government in proceedings for appointment or removal</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>when appointment required</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>funds of wards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>disbursements</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td>guardians</td>
<td></td>
<td></td>
</tr>
<tr>
<td>notice to federal government in proceedings for appointment or removal</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>settlement of accounts of before whom to be made</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>time for making</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>when appointment required</td>
<td>1</td>
<td>5</td>
</tr>
</tbody>
</table>

#### VOCATIONAL REHABILITATION:

See "Schools"

#### VOLUNTARY ORGANIZATIONS:

Payment of dues of state officers and departments in                           | 11   | 446  |

#### WAYNE COUNTY:

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(47)</td>
<td>208</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(47)</td>
<td>205</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(49)</td>
<td>190</td>
</tr>
<tr>
<td>County court authorized to construct and operate war memorials</td>
<td>1</td>
<td>625</td>
</tr>
<tr>
<td>transfer of funds for</td>
<td>2</td>
<td>625</td>
</tr>
<tr>
<td>Investigator of crime for—appointment and salary</td>
<td>2</td>
<td>192</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(50)</td>
<td>201</td>
</tr>
<tr>
<td>County</td>
<td>Act</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>WEBSTER COUNTY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(48)</td>
<td>208</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(48)</td>
<td>205</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(50)</td>
<td>190</td>
</tr>
<tr>
<td>Prosecuting attorney assistant compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(51)</td>
<td>201</td>
</tr>
<tr>
<td>WEIGHTS AND MEASURES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flour, meals, hominy and hominy grits defining package</td>
<td>24</td>
<td>279</td>
</tr>
<tr>
<td>labeling package as to quantity</td>
<td>24</td>
<td>279</td>
</tr>
<tr>
<td>standard weights for sale of, in containers</td>
<td>24</td>
<td>278</td>
</tr>
<tr>
<td>WESTON STATE HOSPITAL:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer of Barbourville unit of, to Huntington state hospital</td>
<td>7</td>
<td>527</td>
</tr>
<tr>
<td>WEST VIRGINIA INDUSTRIAL AND PUBLICITY COMMISSION:</td>
<td>See “Industrial and Publicity Commission”</td>
<td></td>
</tr>
<tr>
<td>WEST VIRGINIA LAW LIBRARY:</td>
<td>See “Libraries”</td>
<td></td>
</tr>
<tr>
<td>WEST VIRGINIA REPORTS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publication of</td>
<td>5</td>
<td>218</td>
</tr>
<tr>
<td>WEST VIRGINIA UNIVERSITY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board of governors expenditure of funds derived from army, navy and aeronautics trainee programs by</td>
<td>1</td>
<td>525</td>
</tr>
<tr>
<td>president, member of advisory council to department of veterans’ affairs</td>
<td>11</td>
<td>587</td>
</tr>
<tr>
<td>WETZEL COUNTY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(49)</td>
<td>308</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(49)</td>
<td>205</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(51)</td>
<td>190</td>
</tr>
<tr>
<td>County court authorized to reimburse Marne Post No. 28, American Legion, for moneys expended for repair of war memorial building</td>
<td>1</td>
<td>626</td>
</tr>
<tr>
<td>Prosecuting attorney assistant compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>clerk or stenographer for</td>
<td>6</td>
<td>196</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(52)</td>
<td>201</td>
</tr>
</tbody>
</table>
### INDEX TO ACTS

#### WHEELING, CITY OF:

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorized to join with Ohio county in construction and maintenance of airport and county building</td>
<td>1</td>
<td>620</td>
</tr>
</tbody>
</table>

#### WIRT COUNTY:

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(50)</td>
<td>308</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(50)</td>
<td>205</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(52)</td>
<td>190</td>
</tr>
<tr>
<td>Prosecuting attorney assistant compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(53)</td>
<td>201</td>
</tr>
</tbody>
</table>

#### WOOD COUNTY:

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(51)</td>
<td>208</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(51)</td>
<td>205</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(53)</td>
<td>190</td>
</tr>
<tr>
<td>Prosecuting attorney assistant compensation</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(54)</td>
<td>201</td>
</tr>
</tbody>
</table>

#### WORKMEN'S COMPENSATION:

<table>
<thead>
<tr>
<th>Description</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative expense</td>
<td>1</td>
<td>478</td>
</tr>
<tr>
<td>bond of commissioner</td>
<td>2</td>
<td>479</td>
</tr>
<tr>
<td>dues in organizations</td>
<td>2</td>
<td>479</td>
</tr>
<tr>
<td>furniture and equipment</td>
<td>9</td>
<td>487</td>
</tr>
<tr>
<td>part payment by employers providing own system</td>
<td>2</td>
<td>479</td>
</tr>
<tr>
<td>salaries of officers and employees</td>
<td>2</td>
<td>479</td>
</tr>
<tr>
<td>traveling expenses</td>
<td>15</td>
<td>511</td>
</tr>
<tr>
<td>Aliens benefits to nonresident alien beneficiaries</td>
<td>15-a</td>
<td>511</td>
</tr>
<tr>
<td>Assumption of risk</td>
<td>8</td>
<td>486</td>
</tr>
<tr>
<td>Attorney and client fees of attorney for claimant</td>
<td>5</td>
<td>518</td>
</tr>
<tr>
<td>Awards basis for</td>
<td>14</td>
<td>510</td>
</tr>
<tr>
<td>jurisdiction of commissioner over continuous making of, by commissioner</td>
<td>16</td>
<td>512</td>
</tr>
<tr>
<td>Benefits, death and disability aliens</td>
<td>6</td>
<td>497-501</td>
</tr>
<tr>
<td>application for, time for making</td>
<td>15-a</td>
<td>511</td>
</tr>
<tr>
<td>benefits to nonresident alien beneficiaries</td>
<td>15-a</td>
<td>511</td>
</tr>
<tr>
<td>death benefits amounts</td>
<td>10</td>
<td>507</td>
</tr>
<tr>
<td>classification of</td>
<td>10</td>
<td>507-509</td>
</tr>
<tr>
<td>dependent defined</td>
<td>10(f)</td>
<td>509</td>
</tr>
</tbody>
</table>
INDEX TO ACTS

WORKMEN'S COMPENSATION (Continued):

dead benefits (Cont'd) Sec. Page
post mortem examination 20 513
death within which death must occur 10 507
where death is caused from silicosis 6-a 502

dependents
children as, age limit 10 507
proof of dependency, time for filing 15 510
who are 10(f) 509
widow or invalid widower as 10(b) 507
cohabitation or prostitution as bar to 10(b) 508
living separate and apart from employee 13 509
remarriage, payments on 10(b) 508

disability benefits
artificial limbs 3 496
classification of 6 497, 501
physical examination of claimant 8 502
expenses 8 503
employees entitled to 1 493
acts disbaring 2 494

funeral expenses
maximum amount 4 497
medical, surgical, dental and hospital treatment 3 495
employer contracts with hospitals, etc., to furnish, forbidden 3 496
maximum amount 3 496
to whom payable 3 496

payment by employer direct 9 487
proof of claims 15 510

silicosis benefits
application for, what to show 1 494
apportionment of charges for, among employers 1 494
death 10 507
time within which death must occur 10 507
for each stage of silicosis 6-a 501
when applicant entitled to 1 494

Castastrophe
defined 1 491
payments defined 1 491

Compensation commissioner
appeal of final action of, procedure 3 515
appointment and term of office 1 477
attorney general to perform legal service 1 478
awards by
application and proof of claim 15 510
finality of acts 16 513
to nonresident alien beneficiaries 15-a 511
INDEX TO ACTS

WORKMEN'S COMPENSATION (Continued):

<table>
<thead>
<tr>
<th>Commissioner (Cont'd)</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>bond and oath</td>
<td>1</td>
<td>477</td>
</tr>
<tr>
<td>jurisdictional findings and decision appealable</td>
<td>4-b</td>
<td>518</td>
</tr>
<tr>
<td>jurisdiction over case continuous</td>
<td>16</td>
<td>512</td>
</tr>
<tr>
<td>modification of finding or order</td>
<td>16</td>
<td>513</td>
</tr>
<tr>
<td>non-medical questions determined by, on hearing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>silicosis claim</td>
<td>15-b</td>
<td>512</td>
</tr>
<tr>
<td>official seal</td>
<td>1</td>
<td>478</td>
</tr>
<tr>
<td>qualifications and disqualifications</td>
<td>1</td>
<td>477, 478</td>
</tr>
<tr>
<td>rules and regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>for employers providing own system</td>
<td>9</td>
<td>487</td>
</tr>
<tr>
<td>salary</td>
<td>1</td>
<td>478</td>
</tr>
</tbody>
</table>

Compensation fund

| accounts                                                                 | 4    | 484  |
| disbursements                                                           |      |      |
| accounts                                                                | 4    | 484  |
| how constituted                                                        | 1    | 490  |
| premiums                                                               |      |      |
| rates of                                                               | 4    | 484  |
| annual readjustment                                                    | 4    | 484  |
| basis for                                                              | 4    | 484  |
| notice of change of                                                     | 4    | 485  |
| receipts                                                               |      |      |
| accounts                                                                | 4    | 484  |
| transfer of silicosis fund to surplus                                   | 1-a  | 492  |
| creation and maintenance                                               | 1    | 491  |
| payments into                                                          | 1    | 491  |
| purpose and amount of                                                   | 1    | 491  |

Elections under law

| not to pay premiums, effect, liability                                     | 8    | 486  |

Employees

| compensation                                                            |      |      |
| amounts                                                                | 2    | 494  |
| employees not entitled to                                               | 9-b  | 506  |
| when employee had pre-existing physical impairment                      | 1    | 493  |
| who entitled to                                                         |      |      |
| subject to law                                                         | 1    | 480  |

Employers

| election to provide own system                                          | 9    | 487  |
| bond or security required                                               | 9    | 489  |
| catastrophe security or bond, when required                            | 9    | 487  |
| commissioner to make regulations for                                   |      |      |
| exemption from liability                                                | 9    | 488  |
| lump sum settlement                                                    | 9    | 490  |
| payments into surplus fund                                              | 9    | 488  |
### WORKMEN'S COMPENSATION (Continued):

#### Employers providing own system (Cont'd)

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>reports to commissioner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>earnings of employees</td>
<td>9</td>
<td>487</td>
</tr>
<tr>
<td>who entitled to make</td>
<td>9</td>
<td>487</td>
</tr>
<tr>
<td>liability for damages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>when not contributors to compensation fund</td>
<td>8</td>
<td>486</td>
</tr>
<tr>
<td>when providing own system of compensation</td>
<td>9</td>
<td>488</td>
</tr>
<tr>
<td>not subject to law</td>
<td>1</td>
<td>481</td>
</tr>
<tr>
<td>report blanks and other forms for use of</td>
<td>3</td>
<td>483</td>
</tr>
<tr>
<td>subject to law</td>
<td>1</td>
<td>480</td>
</tr>
</tbody>
</table>

#### Evidence

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>copies of proceedings as</td>
<td>2</td>
<td>479</td>
</tr>
<tr>
<td>transcript by stenographer</td>
<td>2</td>
<td>479</td>
</tr>
<tr>
<td>proof of claims</td>
<td>15</td>
<td>510</td>
</tr>
</tbody>
</table>

#### Fellow servants

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>when not contributors to compensation fund</td>
<td>8</td>
<td>486</td>
</tr>
</tbody>
</table>

#### Industries, classification of

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>when not contributors to compensation fund</td>
<td>8</td>
<td>483</td>
</tr>
</tbody>
</table>

#### Medical examination of claimant

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>when not contributors to compensation fund</td>
<td>8</td>
<td>502</td>
</tr>
</tbody>
</table>

#### Nonresidents

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>benefits to nonresident alien beneficiaries</td>
<td>15-a</td>
<td>510</td>
</tr>
</tbody>
</table>

#### Offenses under law

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>failure to perform duty required by commissioner, penalty</td>
<td>16</td>
<td>479</td>
</tr>
<tr>
<td>false report to commissioner, penalty</td>
<td>16</td>
<td>479</td>
</tr>
<tr>
<td>perjury</td>
<td>16</td>
<td>480</td>
</tr>
</tbody>
</table>

#### Post mortem examination

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>when not contributors to compensation fund</td>
<td>20</td>
<td>513</td>
</tr>
</tbody>
</table>

#### Premiums

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>rates of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>basis for</td>
<td>4</td>
<td>484</td>
</tr>
<tr>
<td>fixing and readjusting</td>
<td>4</td>
<td>484</td>
</tr>
<tr>
<td>notices of changes</td>
<td>4</td>
<td>485</td>
</tr>
</tbody>
</table>

#### Proof of claims

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>when not contributors to compensation fund</td>
<td>15-a</td>
<td>510</td>
</tr>
</tbody>
</table>

#### Review

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>appeal board</td>
<td>2</td>
<td>514</td>
</tr>
<tr>
<td>action on case appealed to</td>
<td>3</td>
<td>516</td>
</tr>
<tr>
<td>clerical expense</td>
<td>2</td>
<td>515</td>
</tr>
<tr>
<td>findings of fact of</td>
<td>4-a</td>
<td>518</td>
</tr>
<tr>
<td>meetings</td>
<td>2</td>
<td>514</td>
</tr>
<tr>
<td>members</td>
<td>2</td>
<td>514</td>
</tr>
<tr>
<td>appointment and term</td>
<td>2</td>
<td>514</td>
</tr>
<tr>
<td>qualifications</td>
<td>2</td>
<td>514</td>
</tr>
<tr>
<td>salary</td>
<td>2</td>
<td>514</td>
</tr>
<tr>
<td>rules of practice and procedure</td>
<td>2</td>
<td>515</td>
</tr>
<tr>
<td>appeals from decision of board to supreme court of appeals</td>
<td>4</td>
<td>517</td>
</tr>
<tr>
<td>jurisdictional findings and decisions of commissioner appealable</td>
<td>4-b</td>
<td>518</td>
</tr>
</tbody>
</table>
**INDEX TO ACTS**

**WORKMEN'S COMPENSATION (Continued):**

<table>
<thead>
<tr>
<th>Review (Cont'd)</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>procedure for appeal to board</td>
<td>3</td>
<td>515</td>
</tr>
<tr>
<td>protection of claimants' attorney in collection of fee</td>
<td>5</td>
<td>518</td>
</tr>
</tbody>
</table>

**Silicosis**

<table>
<thead>
<tr>
<th></th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>awards</td>
<td>14</td>
<td>510</td>
</tr>
<tr>
<td>basis for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>application for, time for making</td>
<td>15</td>
<td>510</td>
</tr>
<tr>
<td>benefit for each stage of silicosis</td>
<td>6-a</td>
<td>501</td>
</tr>
<tr>
<td>death</td>
<td>10</td>
<td>507</td>
</tr>
<tr>
<td>time within which death must occur</td>
<td>10</td>
<td>507</td>
</tr>
<tr>
<td>claims under former law</td>
<td>1-a</td>
<td>492</td>
</tr>
<tr>
<td>commissioner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>non-medical questions determined by commissioner on hearing</td>
<td>15-b</td>
<td>512</td>
</tr>
<tr>
<td>definitions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>silicosis</td>
<td>1</td>
<td>494</td>
</tr>
<tr>
<td>stages of silicosis defined</td>
<td>6-a</td>
<td>501</td>
</tr>
<tr>
<td>wilful self-exposure</td>
<td>1</td>
<td>495</td>
</tr>
<tr>
<td>fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>refunds to employers</td>
<td>1-a</td>
<td>492</td>
</tr>
<tr>
<td>transfer to workmen's compensation fund</td>
<td>1-a</td>
<td>492</td>
</tr>
<tr>
<td>medical board</td>
<td></td>
<td></td>
</tr>
<tr>
<td>appointment and term</td>
<td>8-a</td>
<td>503</td>
</tr>
<tr>
<td>autopsy, procedure for performing</td>
<td>8-b</td>
<td>504</td>
</tr>
<tr>
<td>findings</td>
<td>8-b</td>
<td>505</td>
</tr>
<tr>
<td>creation</td>
<td>8-a</td>
<td>503</td>
</tr>
<tr>
<td>function</td>
<td>8-a</td>
<td>504</td>
</tr>
<tr>
<td>hearing and examination of employee</td>
<td>8-b</td>
<td>504</td>
</tr>
<tr>
<td>members</td>
<td>8-a</td>
<td>503</td>
</tr>
<tr>
<td>per diem and expenses</td>
<td>8-a</td>
<td>504</td>
</tr>
<tr>
<td>qualifications</td>
<td>8-a</td>
<td>503</td>
</tr>
<tr>
<td>reports of findings</td>
<td>8-c</td>
<td>505</td>
</tr>
<tr>
<td>hearing on</td>
<td>8-c</td>
<td>506</td>
</tr>
<tr>
<td>objections to</td>
<td>8-c</td>
<td>505</td>
</tr>
</tbody>
</table>

**WYOMING COUNTY:**

<table>
<thead>
<tr>
<th></th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit clerk, salary of</td>
<td>3-(52)</td>
<td>208</td>
</tr>
<tr>
<td>County clerk, salary of</td>
<td>2-(52)</td>
<td>205</td>
</tr>
<tr>
<td>County commissioners, salary of</td>
<td>5-(54)</td>
<td>190</td>
</tr>
<tr>
<td>Investigator of crime for—appointment and salary</td>
<td>2</td>
<td>192</td>
</tr>
<tr>
<td>Prosecuting attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>assistant</td>
<td>6</td>
<td>193</td>
</tr>
<tr>
<td>compensation</td>
<td>6</td>
<td>194</td>
</tr>
<tr>
<td>stenographer for</td>
<td>6</td>
<td>195</td>
</tr>
<tr>
<td>Sheriff, salary of</td>
<td>1-(55)</td>
<td>202</td>
</tr>
</tbody>
</table>
ACTS
AND
RESOLUTIONS
OF THE
FORTY-SIXTH
LEGISLATURE

EXTRAORDINARY SESSION
January 3-7, 1944
# TABLE OF CONTENTS

## ACTS AND RESOLUTIONS

**Extraordinary Session, 1944**

### ACTS

#### ABSENTEE VOTING

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1</td>
</tr>
</tbody>
</table>

#### APPROPRIATIONS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>12</td>
</tr>
</tbody>
</table>

### RESOLUTIONS

#### HOUSE CONCURRENT RESOLUTIONS

<table>
<thead>
<tr>
<th>Number</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>15</td>
</tr>
<tr>
<td>2.</td>
<td>15</td>
</tr>
<tr>
<td>4.</td>
<td>16</td>
</tr>
<tr>
<td>5.</td>
<td>17</td>
</tr>
</tbody>
</table>

#### HOUSE RESOLUTIONS

<table>
<thead>
<tr>
<th>Number</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>17</td>
</tr>
<tr>
<td>2.</td>
<td>18</td>
</tr>
<tr>
<td>3.</td>
<td>18</td>
</tr>
<tr>
<td>4.</td>
<td>19</td>
</tr>
<tr>
<td>5.</td>
<td>19</td>
</tr>
</tbody>
</table>
### 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*

<table>
<thead>
<tr>
<th>County</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbour</td>
<td>William Jane (R)</td>
<td>Philippi</td>
</tr>
<tr>
<td>Berkeley</td>
<td>Charles R. Beard (R)</td>
<td>Martinsburg</td>
</tr>
<tr>
<td>Boone</td>
<td>M. L. Poetalwait (D)</td>
<td>Seth</td>
</tr>
<tr>
<td>Braxton</td>
<td>J. W. Johnson (D)</td>
<td>Sutton</td>
</tr>
<tr>
<td>Brooke</td>
<td>Francis Freshwater (D)</td>
<td>Follansbee</td>
</tr>
<tr>
<td>Cabell</td>
<td>Mike Casey (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td></td>
<td>John G. Hudson (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td></td>
<td>Clyde M. Slater (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td></td>
<td>Fred F. Rotroff (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td></td>
<td>Henry F. White (D)</td>
<td>Huntington</td>
</tr>
<tr>
<td>Calhoun</td>
<td>O. C. Hathaway (R)</td>
<td>Grantville</td>
</tr>
<tr>
<td>Clay</td>
<td>E. G. Piemon (R)</td>
<td>Clay</td>
</tr>
<tr>
<td>Doddridge</td>
<td>P. Douglass Farr (R)</td>
<td>West Union</td>
</tr>
<tr>
<td>Fayette</td>
<td>Lacy Neely (D)</td>
<td>Oak Hill</td>
</tr>
<tr>
<td></td>
<td>J. Alfred Taylor, Jr. (D)</td>
<td>Fayetteville</td>
</tr>
<tr>
<td></td>
<td>J. Alex Tinsley (D)</td>
<td>Montgomery</td>
</tr>
<tr>
<td></td>
<td>Neil W. Walker (D)</td>
<td>Winona</td>
</tr>
<tr>
<td>Gilmer</td>
<td>Arlan W. Berry (D)</td>
<td>Glenville</td>
</tr>
<tr>
<td>Grant</td>
<td>Owen S. Schaeffer (R)</td>
<td>Petersburg</td>
</tr>
<tr>
<td>Greenbrier</td>
<td>J. E. Bass (D)</td>
<td>Lewisburg</td>
</tr>
<tr>
<td></td>
<td>H. L. Van Sickler (D)</td>
<td>Lewisburg</td>
</tr>
<tr>
<td>Hampshire</td>
<td>William H. Ansel, Jr. (D)</td>
<td>Springfield</td>
</tr>
<tr>
<td>Hancock</td>
<td>Scott Brown (R)</td>
<td>New Cumberland</td>
</tr>
<tr>
<td>Hardy</td>
<td>George C. Trumbo (D)</td>
<td>Milam</td>
</tr>
<tr>
<td>Harrison</td>
<td><em>Harvey W. Harmer (R)</em></td>
<td>Clarksburg</td>
</tr>
<tr>
<td></td>
<td>Thomas Franklin Mills (D)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td></td>
<td>W. Frank Stout (R)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td></td>
<td>Leonard G. Williams (R)</td>
<td>Clarksburg</td>
</tr>
<tr>
<td>Jackson</td>
<td>Harlan Staats (R)</td>
<td>Ripley</td>
</tr>
<tr>
<td>Jefferson</td>
<td>M. S. R. Moler (D)</td>
<td>Shepherdstown</td>
</tr>
<tr>
<td>Kanawha</td>
<td>John E. Amos (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>L. J. Callinan (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>J. Horner Davis (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>Boyd C. Holley (R)</td>
<td>So. Charleston</td>
</tr>
<tr>
<td></td>
<td>Ray L. Hope (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>Frank A. Knight (D)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>Latelle M. LaFollette, Jr. (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td></td>
<td>Roy Stuart Samms, Jr. (R)</td>
<td>Charleston</td>
</tr>
<tr>
<td>Lewis</td>
<td>Rush D. Holt (D)</td>
<td>Weston</td>
</tr>
<tr>
<td>Lincoln</td>
<td>B. R. Osborne (R)</td>
<td>Griffithville</td>
</tr>
<tr>
<td>Logan</td>
<td>Wallace E. Ferrell (D)</td>
<td>Chapmanville</td>
</tr>
<tr>
<td></td>
<td>Glenn Jackson (D)</td>
<td>Logan</td>
</tr>
<tr>
<td></td>
<td>Hugh Paul (D)</td>
<td>Holden</td>
</tr>
<tr>
<td>Marion</td>
<td>Haymond A. Alltop (D)</td>
<td>Fairmont</td>
</tr>
<tr>
<td></td>
<td>K. C. Currey (D)</td>
<td>Fairmont</td>
</tr>
<tr>
<td></td>
<td>Fred L. Doringer (D)</td>
<td>Fairmont</td>
</tr>
</tbody>
</table>
## HOUSE OF DELEGATES

<table>
<thead>
<tr>
<th>County</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marshall</td>
<td>Everett F. Moore (R)</td>
<td>Moundsville</td>
</tr>
<tr>
<td>Marshall</td>
<td>Floyd R. Yoho (R)</td>
<td>Moundsville</td>
</tr>
<tr>
<td>Mason</td>
<td>George A. Rainden (R)</td>
<td>Leon</td>
</tr>
<tr>
<td>Mercer</td>
<td>J. C. Fanning (D)</td>
<td>Princeton</td>
</tr>
<tr>
<td>Mercer</td>
<td>Walter V. Ross (D)</td>
<td>Bluefield</td>
</tr>
<tr>
<td>Mercer</td>
<td>P. T. Saunders (D)</td>
<td>Bluefield</td>
</tr>
<tr>
<td>Mineral</td>
<td>John I. Rogers (R)</td>
<td>Keyser</td>
</tr>
<tr>
<td>Mingo</td>
<td>Toney E. Glee (D)</td>
<td>War Eagle</td>
</tr>
<tr>
<td>Mingo</td>
<td>Glenn Taylor (D)</td>
<td>Mathias</td>
</tr>
<tr>
<td>Monongalia</td>
<td>Franklin M. Brand (R)</td>
<td>Morgantown</td>
</tr>
<tr>
<td>Monongalia</td>
<td>J. W. Hartigan (R)</td>
<td>Morgantown</td>
</tr>
<tr>
<td>Monroe</td>
<td>Sherman Ballard (R)</td>
<td>Peterstown</td>
</tr>
<tr>
<td>Morgan</td>
<td>Harvey D. Beeler (R)</td>
<td>Berkeley Springs</td>
</tr>
<tr>
<td>McDowell</td>
<td>William T. Blankenship (D)</td>
<td>Eckman</td>
</tr>
<tr>
<td>McDowell</td>
<td>George Evans (D)</td>
<td>Welch</td>
</tr>
<tr>
<td>McDowell</td>
<td>J. C. Hansbarger (D)</td>
<td>Welch</td>
</tr>
<tr>
<td>McDowell</td>
<td>E. B. Shannon (D)</td>
<td>Welch</td>
</tr>
<tr>
<td>McDowell</td>
<td>Bernard H. Woodyard (D)</td>
<td>Welch</td>
</tr>
<tr>
<td>Nicholas</td>
<td>Wendell H. Holt (D)</td>
<td>Richwood</td>
</tr>
<tr>
<td>Ohio</td>
<td>William Callahan (R)</td>
<td>Wheeling</td>
</tr>
<tr>
<td>Ohio</td>
<td>Edward James Flaccus (R)</td>
<td>Wheeling</td>
</tr>
<tr>
<td>Ohio</td>
<td>Dan Herd (R)</td>
<td>Wheeling</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright Hugus (R)</td>
<td>Wheeling</td>
</tr>
<tr>
<td>Pendleton</td>
<td>William McCoy (D)</td>
<td>Franklin</td>
</tr>
<tr>
<td>Pleasants</td>
<td>J. C. Powell (R)</td>
<td>St. Marys</td>
</tr>
<tr>
<td>Pocahontas</td>
<td>June McElwee (D)</td>
<td>Marlinton</td>
</tr>
<tr>
<td>Preston</td>
<td>A. L. Reed (R)</td>
<td>Newburg</td>
</tr>
<tr>
<td>Putnam</td>
<td>James K. Arnett (R)</td>
<td>Winfield</td>
</tr>
<tr>
<td>Raleigh</td>
<td>O. C. Flint (D)</td>
<td>Beckley</td>
</tr>
<tr>
<td>Raleigh</td>
<td>Cecil L. Miller (R)</td>
<td>Beckley</td>
</tr>
<tr>
<td>Raleigh</td>
<td>John C. Ward (D)</td>
<td>Beckley</td>
</tr>
<tr>
<td>Randolph</td>
<td>N. T. Downs (D)</td>
<td>Mill Creek</td>
</tr>
<tr>
<td>Ritchie</td>
<td>Robert Morris (R)</td>
<td>Harrisville</td>
</tr>
<tr>
<td>Roane</td>
<td>R. L. McCulley (R)</td>
<td>Talcott</td>
</tr>
<tr>
<td>Summers</td>
<td>O. E. Garten (D)</td>
<td>Grafton</td>
</tr>
<tr>
<td>Taylor</td>
<td>Louise Goudy Potts (R)</td>
<td>Davis</td>
</tr>
<tr>
<td>Tucker</td>
<td>Cleon W. Raase (R)</td>
<td>Alma</td>
</tr>
<tr>
<td>Tyler</td>
<td>Cecil L. Nichols (R)</td>
<td>Buckhannon</td>
</tr>
<tr>
<td>Upshur</td>
<td>Perce J. Rose (R)</td>
<td></td>
</tr>
<tr>
<td>Wayne</td>
<td>Max F. Carey (D)</td>
<td>Kenova</td>
</tr>
<tr>
<td>Wayne</td>
<td>Emmett G. Staley (D)</td>
<td>Wayne</td>
</tr>
<tr>
<td>Webster</td>
<td>Boyd Dotson (R)</td>
<td>Webster Springs</td>
</tr>
<tr>
<td>Wetsel</td>
<td>Herbert Schupbach (D)</td>
<td>New Martinsville</td>
</tr>
<tr>
<td>Wirt</td>
<td>Roy I. Douglas (R)</td>
<td>Elizabeth, Rt. 4</td>
</tr>
<tr>
<td>Wood</td>
<td>Spencer K. Creel (R)</td>
<td>Parkersburg, Rt. 5</td>
</tr>
<tr>
<td>Wirt</td>
<td>Blaine M. Miller (R)</td>
<td>Parkersburg</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Robert Evans Stealey (R)</td>
<td>Parkersburg</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Wallace Morgan (D)</td>
<td>Hanover</td>
</tr>
</tbody>
</table>

(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. Skills

(†) Appointed January 18, 1943, to fill the vacancy caused by the death of her husband, the Honorable Herman Lee Potts
AN ACT to amend chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article to be numbered article six-a, relating to the establishment, until June thirtieth, one thousand nine hundred forty-seven, of a practicable system of absentee voting by West Virginia citizens who are members of the armed services of the United States.

[Passed January 7, 1944; in effect from passage. Approved by the Governor.]

Article 6-a. Absentee Voting by Service Men and Women.

Section

1. Declaration of legislative purpose.
2. Announcement of candidacy.
3. Certification and posting of candidacies.
4. Appointment of ballot commissioners.
5. Compensation of ballot commissioners.
6. Nominations by party conventions.
7. Preparation, printing and delivery of absent voters' ballots.
8. Persons entitled to vote under the provisions of this article.
9. Temporary registration.
10. Request for absent voters' ballot.
11. Mailing of absent voters' ballots.
13. Affidavit of absent voter; marking and return of ballot.
14. Filing of voted ballots.
15. Canvass of ballots.
16. Details not covered by this article.
17. Duration of article.
18. Temporary suspension of inconsistent provisions; revival.
Be it enacted by the Legislature of West Virginia:

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

Section 1. Declaration of Legislative Purpose.—In the enactment of this article, it is the purpose of the Legislature to make only such temporary changes or modifications in existing election laws as may be necessary to provide a practicable means whereby West Virginians in the armed services may be afforded an opportunity to vote during the period of time covered by this article.

Sec. 2. Announcement of Candidacy.—While this article is in effect, the fourteenth Saturday rather than the fifth Saturday preceding the day fixed for the primary election shall be the last day on which a person may file announcement of his candidacy for nomination to any office. In all other respects, an announcement of candidacy shall be governed by the provisions of sections five-a and six, article four, chapter three of the code.

Sec. 3. Certification and Posting of Candidacies.—The secretary of state shall, on the Monday following the fourteenth Saturday preceding the day fixed for the primary election, proceed with the certification and posting of candidacies. Such certification and posting shall in all other respects be governed by the provisions of section eight, article four, chapter three of the code.

Sec. 4. Appointment of Ballot Commissioners.—Between the fifteenth and thirty-first days of January in each year in which a general election is to be held, the clerk of each circuit court shall appoint two ballot commissioners for a term of two years beginning on the first day of February following. In all other respects, including the customary notice to the county executive committees of the two political parties and the appointment of the person duly designated by the respective chairmen of such committees, the appointment of ballot commissioners shall be governed by the provisions of section two, article five, chapter three of the code.
Sec. 5. Compensation of Ballot Commissioners.—The existing five-day limitation on the number of days for which each ballot commissioner may be paid for his services at any election shall, for the duration of this article, be raised to seven days. The compensation of ballot commissioners and other election officials shall, in all other respects, be governed by the provisions of section forty, article five, chapter three of the code.

Sec. 6. Nominations by Party Conventions.—The party conventions provided for in section twenty-seven, article four, chapter three of the code shall be held between the fifteenth and twenty-fifth days of July. All nominations which, since the enactment of section five, article four, chapter forty-eight, acts of the Legislature, regular session, one thousand nine hundred forty-three, are still made at such conventions shall be certified to the secretary of state or to the clerk of the circuit court, as the case may be, within twenty-four hours after they are made, and the secretary of state, within twenty-four hours after receipt of any such certification, shall certify the nominations to the clerks of the proper circuit courts. In all other respects, such nominations shall be governed by the provisions of section twenty-seven, article four, chapter three of the code.

Sec. 7. Preparation, Printing and Delivery of Absent Voters’ Ballots.—Upon receipt by the circuit clerk of the list of candidates certified by the secretary of state as provided in sections three and six of this article, the ballot commissioners shall immediately proceed with the preparation of a sample official ballot for each political party, shall estimate and determine the number of absent voters’ ballots of each kind which will be required, and shall print and deliver such ballots to the clerk of the circuit court as soon as possible, but not later than the twelfth Saturday preceding the day fixed for the primary election. Between the twenty-fifth day of July and the tenth day of August, both inclusive, for the general election to be held in the year one thousand nine hundred forty-four, and between the tenth and twenty-fifth days of August,
both inclusive, for the general election to be held in
the year one thousand nine hundred forty-six, the ballot
commissioners shall prepare, print and deliver to the
clerk of the circuit court such absent voters' ballots as
will, in their opinion, be required for such elections.
In order to lessen the burden of the armed forces in re-
spect to the transportation and distribution of absentee
ballots, such ballots may be printed on lightweight paper,
if it is available, to the end that the total weight of the
ballot and the two envelopes provided for in section
twelve of this article shall not exceed eight-tenths of an
ounce, if possible, and such ballots shall be valid without
regard to other provisions of law respecting weight and
quality of paper.
If, after the ballots are printed but before they are dis-
tributed as provided in the following sections, any change
in the names printed thereon should become necessary,
the ballot commissioners shall make the necessary
changes by the use of stickers or by the printing of addi-
tional ballots.
Except as otherwise specified in this section, prepara-
tion, printing and delivery of absent voters' ballots shall
be governed by the provisions of section nine, article four,
section three, article five, and section fifteen, article six,
of chapter three of the code.

Sec. 8. Persons Entitled to Vote Under the Provisions
of This Article.—Any person, man or woman, who is reg-
istered as a voter in any county of this state, who is a
member of any branch of the armed services of the
United States, and who in the performance of his
duties expects to be absent on election day from the
county in which he is registered, may vote by absent
voter's ballot as provided in this article, whether such
person at the time of voting is within or without the terri-
torial limits of the United States.
Any other person may vote by absent voter's ballot only
as provided in article six, chapter three of the code.

Sec. 9. Temporary Registration.—Any person who is
not registered as a voter, and who is entitled to be regis-
tered under the provisions of general law, but who is
otherwise entitled to vote under the provisions of this article, may apply to the clerk of the county court of the county in which such person resides for permanent registration as provided in other sections of the code or for temporary registration as provided in this section.

Application for temporary registration shall be made upon a simplified form to be furnished by the county court. Request for such a form may be made by mail or otherwise by the applicant himself or by any other person.

The form shall be substantially as follows:

**TEMPORARY REGISTRATION FORM**

<table>
<thead>
<tr>
<th>Name</th>
<th>(Last Name)</th>
<th>(First Name)</th>
<th>(Middle Name)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Home Address</th>
<th>(Give street number or as specific location as possible)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Political Party Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

I, ________________________, do solemnly swear (or affirm), to the best of my knowledge and belief, that though not registered I am legally qualified to vote; that I am in the armed service of the United States; that I am now at least twenty-one years of age, or will have reached that age by the date of the next general election; that I live at the above address in __________________________ County, West Virginia; and that on the basis of these statements I desire to be registered as a voter of the proper precinct in the county.

__________________________
(Signature of Applicant)

Subscribed and sworn to (or affirmed) before me this __________ day of __________, 19____.

__________________________
(Signature of Officer, Rank, Branch of Service and Identification Number)

Note: This application shall be certified by a commissioned officer, warrant officer, or noncommissioned officer no lower in rank than sergeant or the equivalent.
navy rating, of any branch of the armed services of the United States, or by some other person qualified to administer oaths. The certificate need not state the place where it is made and no seal shall be necessary.

* * * *

Please send an absent voter's ballot, for the next election, to me at the following address:

__________________________________________________________________________

The applicant shall make the necessary affidavit before a commissioned officer, warrant officer or noncommissioned officer no lower in rank than sergeant or the equivalent navy rating, of any branch of the armed services of the United States, or before some other person qualified to administer oaths, at any place either within or without the territorial limits of the United States. The certificate need not state the place where it is made and shall require no seal.

Upon receipt by the clerk of the county court of such an application, duly executed, it shall be his duty to register the applicant as a temporarily qualified voter of the proper precinct in the county. If the applicant has filled in that part of the form containing the request for an absent voter's ballot, the clerk of the county court shall transmit such request to the clerk of the circuit court.

The temporary registration form, signed by the voter, shall constitute his registration record and shall be delivered by the clerk of the county court to the proper election commissioners at the same time that he delivers to them the permanent registration records.

Temporary registration as provided in this section may be made at any time except during the ten days preceding an election. Such registration shall be valid only for the duration of this article.

Sec. 10. Request for Absent Voter's Ballot.—At any time except during the ten days preceding an election, a request that an absent voter's ballot be sent to any person, entitled to vote under the provisions of this article, may be made to the clerk of the circuit court of the county.
6 in which such person is registered, by such person him-
7 self or by any other person.
8 Such request need not be by certified application. If
9 the request is by the person himself, it may be made
10 informally, by mail or otherwise; if by anyone else, it
11 shall be made upon a printed form to be signed by the
12 person making the request. Such form shall be sub-
13 stantially as follows:

**REQUEST FOR ABSENT VOTER’S BALLOT**

Date

TO THE CIRCUIT CLERK OF ______________________ COUNTY:

Please send an absent voter’s ballot to ______________________,

who is on active duty in the armed services of the United States.

Address to which ballot shall be sent:


Absent voter’s home address:


The absent voter is registered as a qualified elector of precinct No.______, magisterial district of ________, county of ________,_______. His political party affiliation (to be stated only in the case of a primary election) is ______________________.

_______________________________
(Signature of person making request)

Upon receipt of a request for an absent voter’s ballot, the clerk of the circuit court shall send the request to the clerk of the county court, who shall then check such information as may be stated in the request with the information appearing on the registration records filed in his office. After inserting on the request necessary correc-
tions and such of the required information as may not
have been given, the clerk of the county court shall
return the request to the clerk of the circuit court.

The circuit clerk shall keep a separate list of such re-
quests similar in all respects to the list of other appli-
cations for absent voters' ballots which is provided for
in section four, article six, chapter three of the code.

Sec. 11. Mailing of Absent Voters' Ballots.—Upon de-
livery of the ballots to the clerk of the circuit court as
provided in section seven of this article, the clerk shall
proceed with the mailing of the ballots. In such mailing,
priority shall be given to ballots which are to be sent to
absent voters outside the territorial limits of the United
States. The ballots may be sent by air mail, postage pre-
paid. In no event shall more than one ballot be sent to
any absent voter.

Sec. 12. Ballot Envelopes.—The clerk of the circuit
court shall inclose the ballot in an unsealed envelope
to be furnished by him, which envelope shall have printed
on one side the name, official title and return address of
such clerk and on the other side an affidavit in sub-
stantially the following form:

IN THE ARMED SERVICE OF THE UNITED
STATES:

I, ..................................................., do solemnly
swear (or affirm), to the best of my knowledge and belief,
that I am registered as a voter in ..................................
County, West Virginia; that I shall in the performance
of my duties be absent from such county on election day;
and that I am duly qualified to vote the inclosed ballot,
which I have personally marked and sealed in this enve-
lope without exhibiting it to any other person, or which,
in the case of my physical incapacity, has been marked
for me and sealed in the envelope under my personal
direction.

............................................................

(Signature of Absent Voter)
Subscribed and sworn to (or affirmed) before me this ___ day of ___________, 19___.

(Signature of Officer, Rank, Branch of Service and Identification Number)

NOTE: This affidavit shall be certified by a commissioned officer, warrant officer or noncommissioned officer no lower in rank than sergeant or the equivalent navy rating, of any branch of the armed services of the United States, or by some other person qualified to administer oaths. The certificate need not state the place where it is made and no seal shall be necessary. If the voter, because of physical incapacity, is unable to sign the affidavit, his name may be signed for him by the officer who makes the certificate, who shall state on the affidavit that he did sign for the voter.

Only the ballot, the ballot envelope and such instruction sheet as may be prepared and furnished by the board of ballot commissioners, and nothing else, shall be enclosed in a sealed carrier envelope addressed to the absent voter. Both envelopes may be made of lightweight paper and the outer dimensions of the carrier envelope (number 10 size) may not exceed four and one-eighth inches by nine and one-half inches. Each envelope shall have printed on its face in large type the words, "OFFICIAL WEST VIRGINIA WAR BALLOT".

Sec. 13. Affidavit of Absent Voter; Marking and Return of Ballot.—The absent voter shall, upon receipt of a ballot, mark it in secret and seal it in the envelope furnished for that purpose. He shall then execute the affidavit appearing on the back of the envelope, after which the ballot shall be sent by any available mail service to the circuit clerk who issued it.

The absent voter shall make the necessary affidavit before a commissioned officer, warrant officer or noncommissioned officer no lower in rank than sergeant or the equivalent navy rating, of any branch of the armed services of the United States or before some other person.
13 qualified to administer oaths, at any place either within
14 or without the territorial limits of the United States.
15 The certificate need not state the place where it is made
16 and shall require no seal.
17 If the voter, because of his physical incapacity, is
18 unable to mark his ballot, it may be marked for him by
19 some other person acting under his personal direction.
20 In such case, the person making the certificate may sign
21 the affidavit for the voter, and if so, shall so state on the
22 affidavit.

Sec. 14. Filing of Voted Ballots.—Upon receipt of
an envelope on which the affidavit has been properly
executed and certified as provided in the preceding sec-
tion, the clerk of the circuit court shall indorse thereon the
following statement: “This envelope contains an absent
voter’s ballot to be voted at precinct No._______ in ______
district in __________________________ County, and must be
opened only at the polls on election day while such polls
are open.” The clerk shall insert the name of the district
and the number of the precinct in which the absent voter
is registered. He shall thereafter keep the sealed envelope
securely in his office until delivered by him to the election
commissioners of the proper precinct. The clerk shall
deliver such ballot at the same time as is required by
section nine, article six, chapter three of the code, for
the delivery of other absent voters’ ballots.

Sec. 15. Canvass of Ballots.—At any time between the
opening and closing of the polls on election day the elec-
tion commissioners to whom any such absent voters’
ballots have been delivered shall, in the presence of each
other, announce the absent voter’s name and compare the
signature upon the affidavit on the sealed envelope with
the signature on his registration record. If the election
commissioners find that the signatures correspond and
that the affidavit was properly executed and certified
as required by section thirteen of this article, they shall,
with the exception of those matters mentioned in the
following paragraph, then proceed in all other respects
as is provided in section ten, article six, chapter three of
the code.

No such absent voter’s ballot as is provided for in this
article shall be challenged because of the fact that the bal-
lot envelope has been opened and resealed if it clearly
appears on the ballot envelope that the opening and re-
sealing was done by the proper authorities for the pur-
pose of military censorship. In the event of a challenge
of any such absent voter’s ballot as is provided for in this
article, it shall not be necessary for the clerk of the county
court to send a notice of the challenge to those absent
voters who are outside the territorial limits of the United
States. Notwithstanding any other provision of the
code, the election officials shall not reject such an absent
voter’s ballot as is provided for in this article by reason
of the fact that the absent voter, because of physical
incapacity, was unable to sign the affidavit on the ballot
envelope, if the affidavit was signed for him by the per-
son making the certificate as provided in section thirteen
of this article.

Sec. 16. Details Not Covered by This Article.—The
provisions of article six, chapter three of the code, in so
far as they are not in conflict with the provisions of this
article, shall apply as well to voting by members of the
armed services as to voting by other absentees.

Sec. 17. Duration of Article.—Unless sooner amended
or repealed, this article shall expire on June thirtieth, one
thousand nine hundred forty-seven.

Sec. 18. Temporary Suspension of Inconsistent Pro-
visions; Revival.—All provisions of the code which are
inconsistent herewith shall be temporarily suspended for
the duration of this article. Upon the expiration of this
article, however, all such provisions shall again become
of full force and effect as if this article had never been
passed.

Sec. 19. Separability.—If any part of this article shall
be declared unconstitutional, such declaration shall not
affect any other part thereof.
AN ACT making appropriations of public moneys out of the treasury to pay the expenses of this extraordinary session of the Legislature.

[Passed January 7, 1944; in effect from passage. Approved by the Governor.]

Appropriations for Expenses of Session.

Section
1. Senate
2. House of Delegates
3. Joint expenses
4. Payment of bills after adjournment

Be it enacted by the Legislature of West Virginia:

That there be and hereby is appropriated out of the treasury for the fiscal year ending June thirtieth, one thousand nine hundred forty-four, the following sums of money for the following named purposes:

Section 1. Senate.—Compensation and per diem of officers and attaches ................................................. $ 1,500.00
2 Mileage of members .................................................................................................................................................. 685.50
4 Current expenses and contingent fund .................................................................................................................. 5,000.00

Sec. 2. House of Delegates.—Compensation and per diem of officers and attaches ................................................. $ 1,500.00
2 Mileage of members .................................................................................................................................................. 2,514.60
4 Current expenses and contingent fund .................................................................................................................. 5,000.00

Sec. 3. Joint Expenses.—Printing and stationery ....................................................................................................... $ 7,500.00

Sec. 4. Payment of Bills After Adjournment.—The Clerk of the Senate, with approval of the President of the Senate, and the Clerk of the House of Delegates, with the approval of the Speaker, are authorized to draw their warrants upon the Auditor, payable out of the contingent fund of the respective houses, for any bills for supplies
and services that may have been incurred by the Senate and House of Delegates and not included in the appropriation bill, and for bills and services incurred after adjournment, the requisition for same to be accompanied by a bill for same to be filed with the Auditor.
RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 1
(By Mr. Davis)
[ Adopted January 3, 1944. ]
Providing for a joint assembly.

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, this day, to hear an address by His Excellency, the Governor.

HOUSE CONCURRENT RESOLUTION NO. 2
(By Mr. Holt, of Lewis)
[ Adopted January 7, 1944. ]
Raising a joint committee to study the problem of economic and physical rehabilitation of West Virginians now in military service.

Resolved by the House of Delegates, the Senate concurring therein:

That a joint committee of six, consisting of three on the part of the House of Delegates, to be appointed by the Speaker thereof, and three on the part of the Senate, to be appointed by the President thereof, be named to study the problem of rehabilitation of the United States' veterans of the present war, most particularly the task of restoring those now in service to as good or better jobs than those they left upon donning the uniform of the United States government; and, be it

Further Resolved, That this committee shall have the power to request the assistance of representatives or committees from
the ranks of industry, labor and government, in the study of this problem, leading toward a concerted drive for physical and economic rehabilitation of West Virginians in the armed forces.

The committee shall select a chairman, and if deemed advisable, a co-chairman from its membership, and is authorized to employ such clerical assistance as may be determined to be necessary by a majority vote of the full membership of the committee.

The committee is granted authority to hold hearings at any place in the state of West Virginia, and is authorized to sit during the recess of the Legislature.

The Clerk of the House of Delegates and the Clerk of the Senate, upon the approval of the chairman of said committee, shall draw their requisitions upon the Auditor, payable out of the contingent fund of the two houses, respectively, for the actual expenses of said committee, which expenses shall not exceed one thousand dollars. 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, upon the presentation of the requisitions of the clerks of the Senate and House of Delegates, to draw his warrants upon the treasury in payment of same.

Said committee shall report its findings to the next extraordinary or regular session of the Legislature.

HOUSE CONCURRENT RESOLUTION NO. 4
(By Mr. Davis)
[Adopted January 7, 1944.]

Extending the appreciation of the Legislature to Mr. Clyde Colson, and the Attorney General’s office for their services in drafting of legislation providing for absentee voting for persons in military service.
Resolved by the House of Delegates, the Senate concurring therein:

That the appreciation of the Legislature is hereby extended to Mr. Clyde Colson and the office of the Attorney General, for their services to the Legislature in the drafting and preparation of legislation providing for absentee voting for persons in military service.

HOUSE CONCURRENT RESOLUTION NO. 5
(By Mr. Van Sickler)
[Adopted January 7, 1944.]

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 for which it was convened in extraordinary session, 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. Paul)

Adopting rules for the House of Delegates.
[Adopted January 3, 1944.]

Resolved by the House of Delegates:

That the rules of the House of Delegates for the regular session, one thousand nine hundred forty-three, are hereby adop-
ted as the rules to govern the proceedings of this extraordinary session, insofar as the same are applicable.

HOUSE RESOLUTION NO. 2
(By Mr. Hansbarger)
[Adopted January 3, 1944.]

Raising a committee to inform the Senate that the House of Delegates has assembled in extraordinary session.

Resolved by the House of Delegates:

That the Speaker appoint a committee of three to inform the Senate that the House of Delegates has assembled in its chamber in extraordinary session, pursuant to the proclamation of His Excellency, the Governor, issued on the 23rd day of December, one thousand nine hundred forty-three, with a quorum present, and is ready to proceed with the business for which this extraordinary session of the Legislature has been convened.

HOUSE RESOLUTION NO. 3
(By Mr. Van Sickler)
[Adopted January 3, 1944.]

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 His Excellency, the Governor, that the Legislature has assembled in extraordinary session, pursuant to his proclamation, issued on the 23rd day of December, one thousand nine hundred forty-three, with a quorum of each house present, and is ready to receive any communication or message that he may be pleased to present.
HOUSE RESOLUTION NO. 4
(By Mr. Van Sickler)
[Adopted January 3, 1944.]

Authorizing payment of mileage to members of the House of Delegates.

Resolved by the House of Delegates:

That the Clerk be, and he is hereby, authorized to draw his requisitions upon the Auditor in favor of each member of the House of Delegates attending this session and entitled to mileage at the rate of ten cents per mile for the number of miles as set forth in House Resolution No. 9, regular session, one thousand nine hundred forty-three; and, be it

Further Resolved, That the Clerk draw his requisition on the Auditor in favor of Mrs. Louise Goudy Potts, the Delegate from the County of Taylor, for mileage in the amount of $35.20 for 352 miles.

HOUSE RESOLUTION NO. 5
(By Mr. Van Sickler)
[Adopted January 3, 1944.]

Authorizing the appointment of attaches for the House of Delegates for this extraordinary session.

Resolved by the House of Delegates:

That the Speaker of the House of Delegates be, and he is hereby authorized to appoint not to exceed twenty attaches and other employees, for this extraordinary session of the Legislature, to receive per diems as set forth in House Resolution No. 5, regular session, one thousand nine hundred forty-three, for like or similar positions; and, be it

Further Resolved, That all 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 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 services 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 this extraordinary session; and, be it

Further Resolved, That the Sergeant-at-Arms and Doorkeeper shall receive the same per diem as paid during the regular session, one thousand nine hundred forty-three.

---

HOUSE RESOLUTION NO. 6
(By Mr. Janes)
[Adopted January 3, 1944.]

Concerning death of the Honorable Herman Lee Potts.

WHEREAS, Since the adjournment of the 1943 regular session of the Legislature, the Delegate from the County of Taylor has departed this life; and

WHEREAS, Delegate Potts was one of Taylor County's leading citizens; a prominent business man and a leader in civic and business affairs in his community; and

WHEREAS, He was a conscientious and hard-working mem-
ber of the Legislature and a devoted and trusted servant of the people; and

WHEREAS, In the passing of Delegate Potts this body and the county which he represented well and faithfully lost a capable and faithful legislator; therefor, be it

Resolved by the House of Delegates:

That this body deplores the loss of this distinguished member and extends to his family the heartfelt sympathy of the members of the House of Delegates; and, be it

Further Resolved, That the Clerk transmit a copy of this resolution to the widow of Delegate Potts.

---

HOUSE RESOLUTION NO. 7
(By Mr. Fanning)

[Adopted January 5, 1944.]

Authorizing payment of mileage to a member of the House of Delegates.

WHEREAS, Walter V. Ross, a member of the House of Delegates from Mercer County, 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>264</td>
<td>$26.40</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, in advance of the appropriation for the purpose.
HOUSE RESOLUTION NO. 8
(By Mr. Davis)
[Adopted January 6, 1944.]

Fixing per diem of legislative employees.

Resolved by the House of Delegates:

That two assistant clerks appointed under authority of section nine, article one, chapter four of the code, a secretary to the Speaker, and a secretary and stenographer to the Clerk, appointed as provided for by the rules of the House, shall be paid the same per diem during this extraordinary session as paid during the regular session, one thousand nine hundred forty-three. A chaplain shall be paid at the rate of five dollars per day.

The Clerk of the House of Delegates shall continue to receive compensation at the rate provided in Account No. 102, chapter one, Acts of the Legislature, regular session, one thousand nine hundred forty-three.

The persons appointed under authority of this resolution shall be paid as provided by House Resolution No. 5 of this session.

HOUSE RESOLUTION NO. 9
(By Mr. Harmer)
[Adopted January 6, 1944.]

Authorizing payment of mileage to Delegate Stout.

Resolved by the House of Delegates:

That the Clerk of the House of Delegates is hereby authorized to draw his requisition upon the Auditor in favor of W. Frank Stout, a Delegate from the County of Harrison, in the amount of thirty-two dollars and forty cents for three hundred twenty-four miles.
HOUSE RESOLUTION NO. 10

(By Mr. Davis)

[Adopted January 7, 1944.]

Authorizing the printing and distribution of the act providing for absentee voting for persons in military service, providing for printing of the Journal, and for the completion of the work of the session.

Resolved by the House of Delegates:

That the Clerk of the House of Delegates is hereby directed to have printed sufficient copies of the act to provide for absentee voting for persons in military service to supply ten copies to each clerk of the circuit court and each clerk of the county court, a copy to all judges and county officials, and to supply all persons requesting the same. Copies of the act shall be mailed to clerks of the circuit court and clerks of the county courts not later than January 10, 1944. The public printer shall hold the type for this act and other acts of this session, and the same shall be included with the bound volume of acts of the next regular session of the Legislature.

The Journal of this session shall be printed and held in signature form by the public printer to be bound with the House Journal of the next regular session of the Legislature.

For completing the work of the session the per diem of all attaches and employees heretofore appointed during this extraordinary session is extended for one day; and the per diem of the following is extended for seven days additional, beginning January 9, 1944: The two assistant Clerks, the Secretary to the Speaker, the Secretary to the Clerk and the Journal Clerk.

The Clerk of the House of Delegates shall mail to all persons on the members' mailing list for the regular session, one thousand nine hundred forty-three, a copy of the act providing for absentee voting for persons in military service and the daily Journals of the first and last day of this session.

All expenses authorized, except printing cost, by this resolution, shall be paid out of the contingent fund of the House
of Delegates upon proper requisition of the Clerk. The printing costs shall be paid from the legislative printing fund.

HOUSE RESOLUTION NO. 11
(By Mr. Paul)
[Adopted January 7, 1944.]
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 for which it was convened in extraordinary session, and is ready to adjourn sine die.

SENATE CONCURRENT RESOLUTION NO. 1
(By Mr. Young)
[Adopted January 4, 1944.]
Adopting joint rules for the Senate and House of Delegates.

Resolved by the Senate, the House of Delegates concurring therein:
That the joint rules of the Senate and House of Delegates for the regular session, one thousand nine hundred forty-three, are hereby adopted and shall govern the proceedings of this extraordinary session insofar as applicable.

SENATE CONCURRENT RESOLUTION NO. 2
(By Mr. Bowling)
[Adopted January 4, 1944.]
Authorizing the Auditor to pay mileage and contingent and other expenses of this extraordinary session of the Legislature.
Resolved by the Senate, the House of Delegates concurring therein:

That the Auditor, in advance of the appropriation for the purpose, is hereby authorized, upon proper requisitions of the Clerk of the Senate and the Clerk of the House of Delegates, to pay mileage of the members of the Senate and the House of Delegates; bills incurred for services furnished to the Legislature for this extraordinary session, including contingent expenses; the per diem of officers and attaches of the Senate and House of Delegates; and bills for legislative printing, as the accounts for same may become due.

SENATE CONCURRENT RESOLUTION NO. 4
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 7, 1944.]

Commending members of the press who have reported the proceedings of this extraordinary session of the Legislature.

WHEREAS, The West Virginia Legislature, in extraordinary session, has had before it business of great importance to the citizens of our State, and particularly the men and women of our Armed Services; and

WHEREAS, It is necessary that the citizenry receive accurate 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. Jimison)
[ Adopted January 3, 1944.]

Adopting rules for the Senate.

Resolved by the Senate:

That the rules of the Senate, regular session, one thousand nine hundred forty-three, be adopted as the rules of the Senate for this session.

SENATE RESOLUTION NO. 2
(By Mr. Johnston)
[ Adopted January 3, 1944.]

Raising a committee to inform the House of Delegates that the Senate has assembled in extraordinary session.

Resolved by the Senate:

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in extraordinary session pursuant to the proclamation of his Excellency, Governor Matthew M. Neely, with a quorum present, and is ready to proceed with the business of the extraordinary session.
SENATE RESOLUTION NO. 3
(By Mr. Pelter)
[Adopted January 3, 1944.]

Raising a committee to wait upon the Governor.

Resolved by the Senate:

That a committee of three be appointed by the President, on the part of the Senate, to join with a similar committee on the part of the House of Delegates, to notify His Excellency, the Governor, that the Legislature has assembled in extraordinary session, pursuant to his proclamation, issued on the twenty-third day of December, one thousand nine hundred forty-three, with a quorum of each house present, and is ready to receive any communication or message that he may be pleased to present.

SENATE RESOLUTION NO. 4
(By Mr. Fleming)
[Adopted January 3, 1944.]

Relating to mailing of Journals and Bills.

Resolved by the Senate:

That the Clerk of the Senate is authorized to have mailed from the Senate document room, copies of the bills and daily Journals of the Senate to addresses to be furnished to the Clerk by the members of the Senate, twenty of which such addresses may be submitted by each member of the Senate, and that the expense of such mailing, including postage, be paid out of the contingent fund of the Senate by the Auditor, in advance of the appropriation therefor, upon proper requisition drawn by the Clerk of the Senate.
SENATE RESOLUTION NO. 5
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 4, 1944.]

Relating to the payment of expenses for services preparatory to and at the beginning of this extraordinary 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 extraordinary session of the Senate:

Fred B. Watkins, Clerk, 10 days at $20.00 $200.00
One assistant janitor, 10 days at $6.00 60.00
Two assistant janitors, 14 days at $5.00, each 140.00

SENATE RESOLUTION NO. 6
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 4, 1944.]

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 six assistants for the janitor work of the Senate for this extraordinary 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 five 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. 7
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
[Adopted January 4, 1944.]

Authorizing the appointment of attaches for the Senate for the one thousand nine hundred and forty-four extraordinary 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 extraordinary session of the Legislature, viz:

One secretary to the Clerk, at $12.00 per day;
One printing clerk, at $12.00 per day;
One journal stenographer, at $12.00 per day;
One secretary to the minority, at $15.00 per day;
One clerk to the minority, at $10.00 per day;
One secretary to the President, at $12.00 per day.
One proofreader, at $8.00 per day;
One clerk to the Judiciary Committee, at $12.00 per day;
One secretary to the Judiciary Committee, at $8.00 per day;
Three journal room clerks, at $7.00 per day, each;
Five floor stenographers, at $7.00 per day, each;
One assistant Sergeant-at-Arms, at $7.00 per day;
One chaplain, at $5.00 per day; 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. 8

(By Mr. Hardesty)

[Adopted January 6, 1944.]

Concerning the absence of Senator George R. Jackson and Senator Don J. Eddy from this session.

Resolved by the Senate:

The Senate expresses its appreciation of the services Senator Jackson and Senator Eddy are rendering our Country in these hours of confusion, turmoil and war by their active participation as members of its armed forces, even though such service deprives the Senate of the benefit of their wise counsel in its present deliberation, and wishes for each of them a safe return to their homes and loved ones.

Further Resolved, That the Clerk of the Senate is directed to mail a copy of this resolution to the absent Senators.

SENATE RESOLUTION NO. 9

(By Mr. Johnston)

[Adopted January 6, 1944.]

Extending the thanks of the Senate to Mr. C. Howard Hardesty, Jr.
WHEREAS, Mr. C. Howard Hardesty, Jr., son of the Senator from Marion, is spending his last few days before induction as a member of the United States armed forces, here as the guest of his distinguished father, and has volunteered to, and is gratuitously serving the Senate as assistant clerk; therefore, be it

Resolved by the Senate:

That the Senate expresses its appreciation of the fine spirit of this young man, accepts his services in the spirit in which they were offered and wishes for him a tour of duty free from casualty or disease and, upon its completion, a safe and happy return to his family.

SENATE RESOLUTION NO. 10
(By Mr. Young)
[Adopted January 6, 1944.]
Concerning the absence of Senator Helmick.

Resolved by the Senate:

That the Senate has learned with regret that Senator Abraham Lincoln Helmick will not be able to attend this session, the first he will have missed in his long service as the Senator from Tucker continuously since his first election in one thousand nine hundred twenty, and wishes for him both a speedy and a complete recovery.

Further Resolved, That the Clerk of the Senate is directed to send to Senator Helmick a copy of this resolution.

SENATE RESOLUTION NO. 11
(By Mr. Perry)
[Adopted January 6, 1944.]
Relating to the illness of Senator George Williams.
Resolved by the Senate:

That the Senate extends to Senator Williams its sincere condolences upon his sudden illness while in attendance upon this session, necessitating his hospitalization, and wishes for him that it may be of short duration and his recovery complete.

SENATE RESOLUTION NO. 12
(By Mr. Johnston)
(Adopted January 6, 1944.)

Relating to Lt. (j.g.) A. Hale Watkins, former Clerk of the Senate.

Resolved by the Senate:

That the Senate sends its warmest greetings to Lt. (j.g.) A. Hale Watkins, Clerk of the Senate during the sessions of one thousand nine hundred forty-one and one thousand nine hundred forty-three, and applauds his patriotic action in resigning the clerkship and voluntarily entering the naval service of our country, knowing that he will bring into such service, the same energy, efficiency and diplomacy he showed while Clerk of the Senate.

Further Resolved, That the Senate wishes for him, after his services are no longer needed by our country, a safe return to his family and his many friends.

Further Resolved, That the Clerk of the Senate is directed to send a copy of this resolution to Lt. (j.g.) A. Hale Watkins.

SENATE RESOLUTION NO. 13
(By Mr. Paull, Mr. President)
(Originating in the Committee on Rules)
(Adopted January 7, 1944.)

Printing of the Journal and completing the work of the extraordinary session.
Resolved by the Senate:

That in order to complete the work of the extraordinary 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 in completing the work in the document and mailing rooms and in performing other services incident to the closing of this extraordinary session of the Legislature, the per diem of the Clerk at twenty dollars is hereby extended for thirty days.

The Clerk of the Senate is hereby authorized to employ the following assistants for the number of days and at the per diems hereinafter set forth:

One secretary to the Clerk at twelve dollars per diem for thirty days; one printing clerk at twelve dollars per diem for fifteen days; one journal stenographer at twelve dollars per diem for fifteen days; one secretary to the minority at fifteen dollars per diem for fifteen days; one clerk to the minority at ten dollars per diem for eight days; one secretary to the President at twelve dollars per diem for eight days; one proofreader at eight dollars per diem for fifteen days; one clerk to the Judiciary Committee at twelve dollars per diem for one day; one secretary to the Judiciary Committee at eight dollars per diem for one day; three journal room clerks at seven dollars per diem for one day each; one floor stenographer at seven dollars per diem for one day; one assistant Sergeant-at-Arms at seven dollars per diem for one day; one court reporter at twelve dollars per diem for four days; one Sergeant-at-Arms at ten dollars per diem for one day; one Doorkeeper at ten dollars per diem for one day; one assistant janitor at six dollars per diem for four days; and three assistant janitors at five dollars per diem for four days.
SENATE RESOLUTION NO. 14

(By Mr. Allen)

[Adopted January 7, 1944.]

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*. 
## INDEX

### ACTS

Extraordinary Session, 1944

### APPROPRIATIONS FOR EXPENSE OF SESSION:

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>House of Delegates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>contingent fund</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>mileage of members</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>per diem of officers and attaches</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>Joint legislative expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>printing and stationery</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>Payment of bills after adjournment of session</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>Senate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>contingent fund</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>mileage of members</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>per diem of officers and attaches</td>
<td>1</td>
<td>12</td>
</tr>
</tbody>
</table>

### ELECTIONS:

<table>
<thead>
<tr>
<th>Item</th>
<th>Sec.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absentee voting by service men and women act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>details not covered by</td>
<td>16</td>
<td>11</td>
</tr>
<tr>
<td>duration of</td>
<td>17</td>
<td>11</td>
</tr>
<tr>
<td>purpose</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>temporary suspension of inconsistent laws</td>
<td>18</td>
<td>11</td>
</tr>
<tr>
<td>revival of</td>
<td>18</td>
<td>11</td>
</tr>
<tr>
<td>announcement of candidacy</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>time for filing</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>ballot commissioners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>appointment of</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>compensation</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>ballots</td>
<td></td>
<td></td>
</tr>
<tr>
<td>canvass of voted</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>changes in names on, after printing</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>use of stickers</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>envelopes for mailing</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>affidavit on</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>filing of voted</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>mailing</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>preparation, printing and delivery</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>request for, who may make; form</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>weight of paper for</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>certification and posting of candidacies by</td>
<td></td>
<td></td>
</tr>
<tr>
<td>secretary of state</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>declaration of legislative purpose</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>
INDEX TO ACTS

ELECTIONS (Continued):
Absent voting by service men and women (Cont'd) SEC. PAGE
nominations by party conventions .......... 6 3
persons entitled to vote under act .......... 8 4
registration, temporary .................. 9 4
application for, form .................. 9 5
certification .......................... 9 5
request for absent voters ballot .......... 10 6
who may make, form .................. 10 7
voter
affidavit of ................................ 13 9
marking and return of ballot by .......... 13 9
who entitled to vote under act .......... 8 4

RESOLUTIONS:

House
1. Adopting rules for the House .......... 17
2. Notifying Senate that House was ready to proceed with business of session .......... 18
3. Committee to notify Governor that Legislature had assembled .......... 18
4. Payment of mileage of House members .......... 19
5. Appointment of attaches .......... 19
6. Concerning death of Delegate Herman Lee Potts .......... 20
7. Payment of mileage of Delegate Walter V. Ross .......... 21
8. Fixing per diem of certain legislative employees .......... 22
9. Payment of mileage of Delegate W. Frank Stout .......... 22
10. Printing and distribution of act providing for absentee voting for person in military service, printing of Journal and completion of work of session .......... 23
11. Notifying Senate that House was ready to adjourn sine die .......... 24

House Concurrent
1. Providing for joint assembly to hear address of Governor .......... 15
2. Joint committee to study and report to Legislature on problems of economic and physical rehabilitation of persons in military service .......... 15
4. Extending appreciation to Mr. Clyde Colson and Attorney General's office for assistance in drafting legislation .......... 16
5. Committee to notify Governor that Legislature was ready to adjourn sine die .......... 17

Senate
1. Adopting Senate rules .......... 26
2. Committee to notify House that Senate was ready to proceed with business of session .......... 26
### RESOLUTIONS (Continued):

#### Senate (Cont'd)

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Committee to notify Governor that Legislature had assembled</td>
<td>27</td>
</tr>
<tr>
<td>4. Mailing of Senate Journals and Bills</td>
<td>27</td>
</tr>
<tr>
<td>5. Payment for services preparatory to opening of session</td>
<td>28</td>
</tr>
<tr>
<td>6. Fixing per diem of assistant janitors</td>
<td>28</td>
</tr>
<tr>
<td>7. Appointment of Senate attaches</td>
<td>29</td>
</tr>
<tr>
<td>8. Absence of Senators Jackson and Eddy</td>
<td>30</td>
</tr>
<tr>
<td>9. Extending thanks to Mr. C. Howard Hardesty, Jr., for services</td>
<td>30</td>
</tr>
<tr>
<td>10. Absence of Senator Helmick</td>
<td>31</td>
</tr>
<tr>
<td>11. Illness of Senator George Williams</td>
<td>31</td>
</tr>
<tr>
<td>12. Greetings and good wishes to Lt. (j. g.) A. Hale Watkins</td>
<td>32</td>
</tr>
<tr>
<td>13. Printing of Senate Journal and completion of work of session</td>
<td>32</td>
</tr>
<tr>
<td>14. Notifying House that Senate was ready to adjourn sine die</td>
<td>34</td>
</tr>
</tbody>
</table>

#### Senate Concurrent

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adopting joint rules</td>
<td>24</td>
</tr>
<tr>
<td>2. Payment of legislative expenses in advance of appropriation</td>
<td>24</td>
</tr>
<tr>
<td>4. Commending members of the press</td>
<td>25</td>
</tr>
</tbody>
</table>