ACTS
OF THE
FIFTIETH
LEGISLATURE
OF
WEST VIRGINIA

REGULAR SESSION
1951
Included in this volume are the Acts of the 1951 Regular Session of the Fiftieth Legislature, and the Resolutions adopted by the Legislature and the two Houses thereof during this session.

This session convened on January 10 and adjourned sine die March 10, 1951. There was a total of 803 bills introduced—488 House Bills and 315 Senate Bills. The Legislature passed 102 House Bills and 117 Senate Bills.

Of the 219 enactments of the session, the Governor approved 215. Three bills (H. B. No. 357 and H. B. No. 358, feeding of prisoners in counties of 30,000 or less population; and S. B. No. 210, tax on business of selling dressed poultry and turkeys on a wholesale basis) became law without the approval of the Governor. The Budget Bill does not require executive action.

During this session there were 20 House Concurrent, 11 House Joint and 28 House Resolutions offered, of which 9 House Concurrent and 25 House Resolutions were adopted. Eleven Senate Concurrent, 5 Senate Joint and 13 Senate Resolutions were offered, of which 5 Senate Concurrent and 13 Senate Resolutions were adopted. No Joint Resolutions were adopted by the Legislature.

Eighty-nine House Bills, passed by the House, failed of passage by the Senate; and 10 Senate Bills, passed by the Senate, failed of passage by the House.

This volume may be purchased from the State Department of Purchases, State Capitol, Charleston 5, W. Va.

J. R. Aliff, Clerk,
House of Delegates.
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**Regular Session, 1951**

**GENERAL LAWS**

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**MEMBERS, OFFICERS AND STANDING COMMITTEES**

**REGULAR SESSION, 1951**

#### SENATE

**OFFICERS**

President—W. BROUGHTON JOHNSTON, Princeton.

President Pro Tempore—FRED C. ALLEN, Marlinton.

Clerk—J. HOWARD MYERS, Martinsburg.

Sergeant-at-Arms—VERNON Q. CALLOWAY, Welch.

Doorkeeper—GUY DOUGLAS, Lookout.

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(D) Democrats: 23
(R) Republicans: 9

Total: 32

(*') Hold-over Senators, elected in 1950, who will be members of the 1953 Legislature.
## HOUSE OF DELEGATES

**OFFICERS**

*Speaker—W. E. FLANNERY, Man.*  
*Clerk—J. R. ALIFF, Fayetteville.*  
*Sergeant-at-Arms—D. EARL BRAWLEY, Charleston.*  
*Doorkeeper—HERBERT SCHUPBACH, New Martinsville.*

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(D) Democrats: 67
(R) Republicans: 27

Total: 94
STANDING COMMITTEES OF THE SENATE

AERONAUTICS
Messrs. McKinley (Chairman), Amos, Winters, Reed (of Preston) and Stemple.

AGRICULTURE
Messrs. Bowling (Chairman), Allen, Boner, Hardesty, Martin, Wylie, Jones, Stemple and Swearingen.

BANKS AND CORPORATIONS
Messrs. Jackson (of Logan) (Chairman), Allen, Amos, Bowling, McKinley, Traubert, Bowers, Carrigan and Reed of Preston.

CLAIMS AND GRIEVANCES
Messrs. Love (Chairman), Boner, Martin, McKinley, Mitchell, Wylie, Moats, Reed (of Clay) and Swearingen.

COUNTIES AND MUNICIPAL CORPORATIONS
Messrs. Amos (Chairman), Eddy, Mitchell, Swiger, Taylor (of Mingo), Traubert, Carrigan, Hannig and Swearingen.

EDUCATION
Messrs. McKown (Chairman), Allen, Bowling, Byrd, Hardesty, Holden, Jackson (of Logan), Love, Martin, McKinley, Traubert, Bowers, Moats, Reed (of Preston), and Swearingen.

EXAMINE CLERK'S OFFICE
Messrs. Boner (Chairman), Swiger and Jones.

FEDERAL RELATIONS
Messrs. Amos (Chairman), Byrd, Holden, Jackson (of Lincoln), Taylor (of Fayette), Winters, Jones and Moats.

FINANCE
Messrs. Hardesty (Chairman), Allen, Amos, Bowling, Byrd, Holden, Jackson (of Logan), Martin, Mitchell, Swiger, Taylor (of Mingo), Winters, Wylie, Bowers, Hannig, Jones, Reed (of Preston) and Swearingen.

FORESTRY AND CONSERVATION
Messrs. Bowling (Chairman), Allen, Amos, Bean, Hardesty, Jackson (of Lincoln), Jackson (of Logan), McKinley, McKown, Taylor (of Fayette), Taylor (of Mingo), Traubert, Bowers, Reed (of Clay), and Swearingen.
SENATE COMMITTEES

FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS
Messrs. Eddy (Chairman), Amos, Bean, Jackson (of Logan), Swiger, Taylor (of Fayette), Carrigan, Jones and Moats.

INSURANCE
Messrs. Eddy (Chairman), Hardesty, Love, Martin, McKown, Swiger, Carrigan, Reed (of Preston) and Swearingen.

INTERSTATE COOPERATION
Messrs. Taylor (of Mingo) (Chairman), Bean, Jackson (of Logan), Bowers and Moats.

JUDICIARY
Messrs. Bean (Chairman), Allen, Bowling, Eddy, Jackson (of Lincoln), Love, Martin, McKinley, McKown, Mitchell, Taylor (of Fayette), Traubert, Wylie, Carrigan, Moats, Reed (of Clay), Reed (of Preston) and Stemple.

LABOR
Messrs. Eddy (Chairman), Boner, Bowling, Swiger, Traubert, Wylie, Hannig, Jones and Swearingen.

MEDICINE AND SANITATION
Messrs. Wylie (Chairman), Allen, Eddy, Love, Swiger, Traubert, Bowers, Jones and Stemple.

MILITIA
Messrs. Mitchell (Chairman), Boner, Byrd, Eddy, Holden, Jackson (of Lincoln), McKown, Hannig and Moats.

MINES AND MINING
Messrs. Jackson (of Lincoln) (Chairman), Hardesty, Jackson (of Logan), Love, Taylor (of Fayette), Taylor (of Mingo), Winters, Carrigan and Reed (of Preston).

PENITENTIARY
Messrs. Mitchell (Chairman), Holden, Love, McKinley, Traubert, Wylie, Carrigan, Jones and Moats.

PRIVILEGES AND ELECTIONS
Messrs. Taylor (of Fayette) (Chairman), Bean, Boner, Holden, Jackson (of Lincoln), McKown, Mitchell, Hannig and Reed (of Clay).

PUBLIC BUILDINGS AND HUMANE INSTITUTIONS
Messrs. Wylie (Chairman), Boner, Bowling, Byrd, Eddy, Hardesty, Holden, Jackson (of Lincoln), Jackson (of Logan), Martin, Taylor (of Fayette), Winters, Jones, Moats and Reed (of Clay).
PUBLIC LIBRARY
Messrs. Amos (Chairman), Boner, Byrd, McKown, Taylor (of Fayette), Taylor (of Mingo), Reed (of Clay) and Stemple.

PUBLIC PRINTING
Messrs. Taylor (of Fayette) (Chairman), Holden, Love, Martin, Taylor (of Mingo), Winters, Hannig and Reed (of Clay).

RAILROADS
Messrs. Love (Chairman), Bowling, Hardesty, Martin, McKinley, Taylor (of Mingo), Bowers, Reed (of Preston) and Swearingen.

REDISTRICTING
Messrs. Mitchell (Chairman), Allen, Amos, Bean, Byrd, McKown, Swiger, Carrigan and Reed (of Preston).

ROADS AND NAVIGATION
Messrs. Winters (Chairman), Allen, Amos, Bowling, Eddy, Holden, Jackson (of Logan), Martin, McKinley, Mitchell, Swiger, Taylor (of Mingo), Bowers, Hannig, Jones, Reed (of Clay) and Reed (of Preston).

RULES
Messrs. Johnston (President), Allen, Bean, Hardesty, McKown, Wylie, Bowers, Hannig and Stemple.

TEMPERANCE
Messrs. Traubert (Chairman), Boner, Jackson (of Lincoln), Love, Taylor (of Mingo), Winters, Carrigan, Hannig and Reed (of Clay).

VETERANS' AFFAIRS
Messrs. Allen (Chairman), Byrd, Bowling, Eddy, Jackson (of Lincoln), Mitchell, Carrigan, Reed (of Clay) and Swearingen.

JOINT COMMITTEE ON GOVERNMENT AND FINANCE ON THE PART OF THE SENATE
Messrs. Johnston (President), Bean, Hardesty, Reed (of Preston) and Stemple.

JOINT COMMITTEE ON JOINT RULES ON THE PART OF THE SENATE
Messrs. Johnston (President), Bean and Stemple.

JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE SENATE
Messrs. Byrd (Chairman), Jackson (of Logan), Winters, Hannig and Swearingen.
STANDING COMMITTEES OF THE HOUSE OF DELEGATES

AGRICULTURE
Messrs. McCormick (Chairman), Miley (Vice Chairman), Bowles, Hamilton (of Calhoun), Hamilton (of Marion), Johnston, Loop, Matney, Maxwell, McCoy, Miller, Perry, Phillips, Thompson, Watts, Wells, Wright, Ashcraft, Dawson, Hall, McCulty, Mouse, Parker, Rogers and Zinn.

BANKING
Messrs. McElwee (Chairman), White (of Boone) (Vice Chairman), Barron, Browning, Campbell, Carroll, Davis, Doringer, Earley, Fox, Kidd (of Gilmer), Maloney, Maxwell, Meadows, Miller, Pauley, Wells, Watts, White (of Cabell), Beneke, Hammond, May, McCulty, Thomas and Underwood.

CLAIMS
Messrs. Whitt (Chairman), Thompson (Vice Chairman), Andrews, Ballard, Barron, Blankenship, Campbell, Caplan, Cole, Hunt, Layne, Moreland, Pomroy, Tetrick, Tucker, Warden, Wells, Wysong, Creel, Gompers, Hubbard, Parker, Rairden and Ridenour.

COUNTIES, DISTRICTS AND MUNICIPALITIES
Messrs. Ballard (Chairman), Layne (Vice Chairman), Andrews, Browning, Caplan, Cole, Curtis, Davis, Fox, Maxwell, McElwee, Meadows, Miley, Shafer, Tucker, Mrs. Walker, Messrs. Warden, White (of Boone), Ashcraft, Creel, Dawson, Hubbard, Thomas and Whetsell.

DELIQUENT LANDS

EDUCATION
Messrs. Blankenship (Chairman), Mullins (Vice Chairman) Ambler, Curtis, Mrs. Drewry, Messrs. Hamilton (of Marion), Hunt, Johnston, Loop, McCormick, Scanes, Shafer, Thompson, Mrs. Walker, Messrs. Watts, White (of Cabell), Whitt, Dawson, Honecker, Hutton, Neal, Powell, Ridenour, Thomas and Zinn.
ELECTIONS
Messrs. Roberts (Chairman), Warden (Vice Chairman), Andrews, Blankenship, Chambers, Doringer, Earley, Johnston, Kidd (of Gilmer), Layne, Matney, Moreland, Mullins, Scanes, Thompson, Wysong, Beneke, Hammond, May, Morgan, Powell and Underwood.

FINANCE
Messrs. Perry (Chairman), McElwee (Vice Chairman), Ambler, Ballard, Bowles, Carroll, Fox, Hamilton (of Calhoun), Harmon, Maloney, Martin, Prather, Roberts, Scanes, Stidham, Watts, White (of Boone), Whitt, Honecker, McCulty, Neal, Powell, Rairden, Rogers and Underwood.

FORESTRY AND CONSERVATION
Messrs. McCoy (Chairman), Hunt (Vice Chairman), Ballard, Booth, Campbell, Casey, Chambers, Cole, Maroney, McElwee, Miley, Mullins, Pauley, Perry, Phillips, Pomroy, Prather, Roberts, Wright, Gompers, Hall and Zinn.

GAME AND FISH
Messrs. Booth (Chairman), Harmon (Vice Chairman), Andrews, Caplan, Cole, Doringer, Martin, Matney, McCoy, Miley, Mullins, Pomroy, Thompson, Tucker, White (of Boone), Whitt, Williams, Wright, Beneke, Hammond, Mouse, Mullennex, Parker and Powell.

HEALTH
Mrs. Walker (Chairman), Messrs. Moreland (Vice Chairman), Ambler, Mrs. Drewry, Messrs. Johnston, Knight, Matney, Maxwell, Mullins, Pauley, Thompson, Wells, White (of Cabell), Gompers, Hall, Humphreys, Hutton, McCulty, Neal, Rogers and Zinn.

HUMANE INSTITUTIONS
Messrs. Phillips (Chairman), Shafer (Vice Chairman), Ambler, Booth, Cole, Davis, Mrs. Drewry, Messrs. Johnston, Matney, Miller, Roberts, Tucker, Warden, Wells, Dawson, Honecker, Hubbard, Humphreys, Neal, Thomas and Whetsell

INSURANCE
Messrs Meadows (Chairman), Barron (Vice Chairman), Blankenship, Booth, Bowles, Carroll, Curtis, Fox, Kidd (of Braxton), Kidd (of Gilmer), Layne, Miller, White (of Cabell), Whitt, Humphreys, Hutton, May, Mullennex, Ridenour, Thomas and Underwood.
HOUSE COMMITTEES

INTERSTATE COOPERATION

Messrs. Pauley (Chairman), Chambers, Knight, Morgan and Underwood.

JUDICIARY


LABOR AND INDUSTRY

Messrs. Loop (Chairman), Scanes (Vice Chairman), Barron, Booth, Bowles, Chambers, Hunt, Maroney, Martin, Mills, Phillips, Prather, Stidham, Williams, Wright, Creel, May, Mullenex, Neal and Underwood.

MILITARY AFFAIRS

Messrs. Martin (Chairman), Chambers (Vice Chairman), Andrews, Ballard, Blankenship, Browning, Campbell, Carroll, Casey, Mrs. Drewry, Messrs. Earley, Hamilton (of Calhoun), Harmon, Maloney, McCormick, McElwee, Miley, Phillips, Ashcraft, Creel, Hammond, Hutton, Ridenour, Rogers and Sammons.

MINING

Messrs. Stidham (Chairman), Mills (Vice Chairman), Browning, Carroll, Casey, Mrs. Drewry, Messrs. Hamilton (of Marion), Harmon, Hunt, Maloney, Martin, McCoy, Meadows, Phillips, Prather, Scanes, Mrs. Walker, Messrs. Watts, Williams, Hall, Humphreys, May, Mullenex and Rairden.

PENAL AND CORRECTIONAL INSTITUTIONS

Messrs. Carroll (Chairman), Kidd (of Braxton) (Vice Chairman), Andrews, Barron, Blankenship, Browning, Campbell, Casey, Curtis, McCormick, Miley, Miller, Mills, Shafer, Thompson, Warden, Wells, Williams, Ashcraft, Hall, Honecker, Hutton, Mouse, Mullenex and Sammons.

RAILROADS

Messrs. Knight (Chairman), Wright (Vice Chairman), Casey, Curtis, Davis, Fox, Hamilton (of Marion), Kidd (of Gilmer), Martin, Matney, McCormick, McCoy, McElwee, Mullins, Pauley, Perry, Tetrick, Dawson, McCulty, Morgan, Ridenour, Rogers, Sammons, Underwood and Whetsell.
HOUSE COMMITTEES

REDISTRICTING
Messrs. Tucker (Chairman), Hamilton (of Calhoun) (Vice Chairman), Ambler, Blankenship, Bowles, Campbell, Chambers, Cole, Curtis, Doringer, Mrs. Drewry, Messrs. Harmon, Loop, Mills, Stidham, Wells, White (of Cabell), Gompers, Honecker, Humphreys, Morgan, Powell, Underwood and Whetsell.

ROADS
Messrs. Wysong (Chairman), White (of Cabell) (Vice Chairman), Ballard, Curtis, Kidd (of Braxton), Knight, Maloney, Matney, Maxwell, McCormick, Meadows, Mullins, Pomroy, Prather, Scanes, Tetrick, Watts, Whitt, Ashcraft, Hall, Hutton Mouse, Parker, Sammons and Zinn.

RULES
Messrs. Flannery (Chairman ex officio), Casey, Davis, Doringer, Kidd (of Gilmer), Perry, Mrs. Walker, Messrs. Morgan, Rairden and Underwood.

TEMPERANCE
Messrs. Maloney (Chairman), Earley (Vice Chairman), Barron, Booth, Browning, Hamilton (of Calhoun), Hamilton (of Marion), Harmon, Knight, Maroney, Martin, McCoy, Miller, Mills, Roberts, Stidham, Warden, White (of Boone), Williams, Beneke, Mouse, Powell, Rairden and Zinn.

VETERANS' AFFAIRS
Messrs. Mills (Chairman), Pomroy (Vice Chairman), Chambers, Hamilton (of Calhoun), Hamilton (of Marion), Harmon, Hunt, Kidd (of Braxton), Knight, Layne, Maroney, Moreland, Pauley, Perry, Roberts, Shafer, Whitt, Creel, Gompers, Hubbard, Parker, Ridenour, Rogers and Sammons.

JOINT COMMITTEE ON ENROLLED BILLS ON THE PART OF THE HOUSE
Messrs. Loop (Chairman), Ambler (Vice Chairman), Mrs. Walker, Messrs. Dawson and Rairden.

JOINT COMMITTEE ON GOVERNMENT AND FINANCE ON THE PART OF THE HOUSE
Messrs. Flannery (Speaker), Davis, Mrs. Walker, Messrs. McCulty and Powell.

JOINT COMMITTEE ON JOINT RULES ON THE PART OF THE HOUSE
Messrs. Flannery (Speaker) (Chairman ex officio), Davis and Underwood.
AN ACT to amend article two, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section nineteen-a, relating to a statute of limitations on collection of taxes, interest and penalties due the State of West Virginia or any subdivision thereof.

[Passed February 16, 1951; in effect ninety days from passage. Approved by Governor.]

Article 2. Limitations of Actions and Suits.

Section 19-a. Collection of taxes due the state or any subdivision thereof.

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, as amended, be amended by adding thereto a new section to be designated section nineteen-a to read as follows:

Section 19-a.—Collection of Taxes Due the State or Any 2 Subdivision Thereof.—Every action or process to collect 3 any tax (other than ad valorem tax on real or personal 4 property), interest and penalty due the state or any
subdivision thereof shall be brought or issued within five years next after the date on which the taxpayer is required by the statute or ordinance imposing the tax, interest and penalty to file a return and pay the tax due thereunder, unless a different limitation is specifically prescribed by such statute or ordinance. The limitation provided by this section shall likewise apply to enforcement of the lien, if any, securing the payment of such tax, interest and penalty, but shall not apply in event of fraud or in event the taxpayer wholly fails to file the return required by the statute or ordinance imposing the tax.

The official of the state or any subdivision thereof who is charged with the duty of collecting any tax, interest and penalty the collection of which is affected by the limitation hereinbefore provided may, before the running of the five-year period of such limitation has been completed, enter into a written agreement with the taxpayer consenting to an extension of such period for an additional period of not to exceed two years, and any action or process may be brought or issued to collect such tax, interest and penalty at any time prior to the expiration of the period so agreed upon. The period so agreed upon may be extended for additional periods not in excess of two years each by subsequent agreements in writing made before the expiration of the period previously agreed upon.

CHAPTER 2

(Com. Sub. for Senate Bill No. 53—Originating in the Senate Committee on the Judiciary)

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 a new section to be designated section two-a, relating to the investment of trust funds by boards of trustees or fiduciaries of any university, college, seminary or other institution of learning and
Article 6. Investments by Fiduciaries.

Section 2-a. Securities in which certain fiduciaries may invest trust funds.

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 a new section to be designated section two-a to read as follows:

Section 2-a. Securities in Which Certain Fiduciaries May Invest Trust Funds.—The board of trustees of or any fiduciary for any university, college, seminary or other institution of learning and of any hospital, church or other eleemosynary or charitable institution or association, in acquiring, investing, reinvesting, exchanging, retaining, selling and managing property, real or personal, now or hereafter coming into their custody, care or control, other than property of the classes enumerated in section two of this article, shall exercise the judgment and care under the circumstances then prevailing which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Within the limitations of the foregoing standard, fiduciaries mentioned in this section are authorized to acquire and retain without any order of any court every kind of property real, personal or mixed, and every kind of investment, specifically including but not by way of limitation, bonds, debentures and other corporate obligations, and stocks, preferred or common, which men of prudence, discretion and intelligence acquire or retain for their own account, and within the limitations of the foregoing standard, such fiduciaries may retain property properly acquired, without limita-
tion as to time and without regard to its suitability for
original purchase.

Nothing contained in this section shall be construed as
authorizing any departure from, or variation of, the
express terms or limitations set forth in any will, agree-
ment, court order or other instrument creating or de-
fining any such fiduciaries' duties and powers, but the
terms "legal investment" or "authorized investment" or
words of similar import, as used in any such instrument
with respect to such fiduciaries shall be taken to include
any investment which is permitted by the terms of the
preceding paragraph: Provided, however, That this para-
graph shall not be construed as restricting the power of a
court of proper jurisdiction to permit any such fiduciaries
to deviate from the terms of any will, agreement, or other
instrument relating to the acquisition, investment, rein-
vestment, exchange, retention, sale or management of
property, real or personal.

Nothing contained in this section shall be construed as
a declaration of legislative intent that the standards
herein prescribed for investments by such fiduciaries shall
be denied to or inapplicable with respect to investments
by other fiduciaries named in section two of this article.

CHAPTER 3
(Senate Bill No. 81—By Mr. Martin)

AN ACT to amend article eight, chapter forty-four of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, by adding thereto a new section to be design-
nated section seven-a, relating to the jurisdiction of the
court in suits to subject real estate of decedents to the
payment of their debts:

[Passed March 7, 1951; in effect ninety days from passage. Approved by the
Governor.]

Article 8. Real Estate of Decedents.
Section
7-a. Jurisdiction of court in suits to subject real estate of decedents to
the payment of their debts.
Be it enacted by the Legislature of West Virginia:

That article eight, chapter forty-four 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 seven-a to read as follows:

Section 7-a. Jurisdiction of Court in Suits to Subject Real Estate of Decedents to the Payment of Their Debts.—In every suit under the preceding section, whether brought by the personal representative or by any creditor, or whether a general creditors' suit is pending at the time of the death of the decedent, the court shall have general jurisdiction with all the powers of a court of equity, and shall have authority to construe any deed, will or other writing, or dispose of any other matter pertaining to the real estate, or any part thereof, of the said decedent, the same as though a separate suit had been brought for that purpose.

CHAPTER 4

(Senate Bill No. 149—By Mr. Taylor, of Mingo)

AN ACT to amend and reenact section nine, article two, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to salaries and traveling expenses of members of the West Virginia liquor control commission.

[Passed March 8, 1951: in effect July 1, 1951. Approved by the Governor.]

Article 2. Liquor Control Commission.

Section
9. Salaries and traveling expenses.

Be it enacted by the Legislature of West Virginia:

That section nine, article two, 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 9. Salaries and Traveling Expenses.—Each member of the commission shall receive a salary of seven thousand dollars per annum and his actual and necessary traveling expenses incurred in the performance of his duties.

CHAPTER 5
(Senate Bill No. 209—By Mr. McKinley)

AN ACT to amend and reenact section seven, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the compensation of agencies of the West Virginia liquor control commission.

[Passed March 9, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 3. Sales by Commission.

Section 7. Agencies classified; compensation and bond of agent.

Be it enacted by the Legislature of West Virginia:

That section seven, article three, 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 7. Agencies Classified; Compensation and Bond of Agent.—The commission shall classify state agencies into not more than five groups with respect to volume of business. An agent shall be compensated in a fixed sum, uniform within each group, and in an amount to be fixed by the commission, but not more than three thousand six hundred dollars in any one year.

Each agent shall give bond in an amount fixed by the commission conditioned upon the faithful observance of the provisions of this chapter, compliance with the rules and regulations of the commission, and the accounting for and paying over of all moneys coming into his custody by virtue of his agency. An agent shall not, at any
time, have on hand a stock of alcoholic liquors greater in value than the amount of his bond.

CHAPTER 6

(House Bill No. 56—By Mr. Speaker, Mr. Flannery)

AN ACT to amend and reenact sections nine and nineteen, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the prices at which alcoholic liquors may be sold by the liquor control commission and to the disposition of moneys received by the commission, and providing for an increase in such prices to raise additional revenue for the payment of veterans' bonus bonds.

[Passed February 5, 1951; in effect from passage. Approved by the Governor.]

Article 3. Sales by Commission.

Section 9. Uniform prices; posting and distribution of price lists; price increase for payment of veterans' bonus bonds.

Section 19. Amount of operating and reserve fund; payments into veterans' bonus sinking fund; disposition of excess.

Be it enacted by the Legislature of West Virginia:

That sections nine and nineteen, article three, 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 9. Uniform Prices; Posting and Distribution of Price Lists; Price Increase for Payment of Veterans' Bonus Bonds.—The commission shall, from time to time, fix uniform prices for each variety, class and brand of alcoholic liquors offered for sale in state stores. Alcoholic liquors shall be sold in state stores and agencies only at the uniform prices fixed by the commission.

The commission shall prepare price lists showing the price of each variety, class or brand. Price lists shall be posted prominently in each store and shall be available for distribution and inspection in every state store and agency.
For the purpose of providing revenue for the payment of bonds issued under and by virtue of the veterans' bonus amendment to the constitution, the commission in the exercise of its authority under this section is hereby directed to increase the price of alcoholic liquors on or before the last day of June, one thousand nine hundred fifty-one, in an amount sufficient to produce an additional annual revenue of one million six hundred thousand dollars on an annual volume of business equal to the average for the last three years. Whenever in any fiscal year the amount of money accumulated in the veterans' bonus sinking fund shall be sufficient to pay at maturity all outstanding bonus bonds, together with the interest due or payable thereon, the provision herein made for such price increase shall become ineffective at the end of such fiscal year.

Sec. 19. Amount of Operating and Reserve Fund; Payments into Veterans' Bonus Sinking Fund; Disposition of Excess.—All moneys collected by the commission shall be credited to the operating fund until that fund reaches an amount sufficient for the current and routine requirements of the department, 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.

On or after the first day of July, one thousand nine hundred fifty-one, from receipts in excess of the requirement of the operating and reserve fund, the sum of four hundred thousand dollars shall, upon requisition of the governor, be paid each quarter into the veterans' bonus sinking fund. If in any fiscal year the amount so paid shall be less than fifteen per cent of such excess, an additional amount sufficient to make the total payments equal to fifteen per cent of such excess shall at the end of the fiscal year be paid into the sinking fund, upon requisition of the governor. Whenever in any fiscal year the amount of money accumulated in the veterans' bonus sinking fund
25 shall be sufficient to pay at maturity all outstanding bonus
26 bonds, together with the interest due or payable thereon,
27 no further transfers to such sinking fund shall be made
28 after the end of such fiscal year.
29 All receipts of the commission, not otherwise disposed
30 of by this section, shall, upon requisition of the governor,
31 be paid monthly into the state general revenue fund.

CHAPTER 7

(House Bill No. 72—By Mr. Davis)

AN ACT to amend and reenact section seventeen, article five,
chapter fifty-eight of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, relating to
printing record by clerk; distribution; deposit; felony cases.

[Passed February 6, 1951; in effect from passage. Approved by the Governor.]

Article 5. Appellate Relief in the Supreme Court of Appeals.

Section 17. Printing record by clerk; distribution; deposit; costs; felony cases.

Be it enacted by the Legislature of West Virginia:

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

Section 17. Printing Record by Clerk; Distribution; De-
posit; Costs; Felony Cases.—Eighteen copies of the rec-
ord shall be printed containing the petition, so much of
the record as the counsel for any party interested or the
court may direct, and the table of contents, in octavo
form, on book paper of good quality, ten point type, the
title on the cover to be in the center, preserving on the
margin of the printed record the paging of the record
from the court below. The printed matter on the pages of
such record shall be four inches by seven and one-fourth
inches in size, and each page shall contain thirty-eight
lines of such type exclusive of folio number. Such pages
shall not be more than single leaded, and not more than a twelve point slug shall be used around heads. In measuring such printing and estimating the number of pages, no unnecessary space at the top, bottom or elsewhere on a page shall be reckoned or counted, and only the actual printing done by measuring on the face of the type shall be charged, except that the blank portions of pages at the end of the petition, record and index may be counted as full pages. No entirely blank pages shall be counted, and only two pages shall be counted for cover. The rate which may be charged for such printing shall not be more than one dollar and sixty cents per page, which includes page insertion of tabular work, maps, blueprints, photostats and other exhibits. And the cost of printing, photostating and blueprinting, if any, shall be included at the end of the printed record together with the date the record was printed.

The clerk shall have the record printed when the party obtaining the appeal, writ of error or supersedeas shall deposit with him a sufficient sum to pay for such printing. The clerk shall deliver one copy of the printed record to the judge and clerk of the trial court, two copies to counsel on each side, and retain the remaining copies in his office. He shall cause all copies of the printed record remaining in his office to be compared with the typewritten transcript certified to the supreme court of appeals and correct all errors that may appear therein. The cost of such printing, unless otherwise ordered by the court, shall be taxed against the unsuccessful party, if the judgment, decree or order appealed from be reversed. And should the appellant or plaintiff in error fail for three months after his case has been docketed in the court of appeals to deposit with the clerk of the said court, the sum estimated by said clerk, to pay for the printing of the record, he shall be deemed to have abandoned his appeal or writ of error and the same shall be dismissed; but it may be renewed at any time within eight months from the date of the judgment, order or decree appealed from, according to the provisions of section four of this article. In every felony case, the clerk shall have the usual number of records printed at a cost not exceeding
the amount fixed by this section, and dispose of the same as in other cases; and upon the certificate of the president of the supreme court of appeals stating that such record has been printed, and the amount said clerk is entitled to, the cost of printing the same shall be paid to said clerk out of the treasury of the state, and the auditor shall draw his warrant on the treasury for the payment thereof out of the fund for criminal charges.

The increased rate for printing records as provided herein shall apply to all cases now docketed in the Supreme Court of Appeals, pending printing of the record. Such latter cases, however, shall not be subject to dismissal because of said increased rate, where statement for estimated costs has been rendered and paid as provided in this section, but they shall not be placed upon the argument docket until the increased cost of printing provided for herein shall have been paid in full.

CHAPTER 8

Title 1. General Provisions.

Title 2. Appropriations.

Title 3. Administration.

Section 1. General policy.

Section 2. Definitions.

Section 3. Classification of appropriations.

Section 4. Method of expenditure.

Section 5. Limitations on expenditures.

Section 6. Maximum expenditures.
Be it enacted by the Legislature of West Virginia:

Section 1. General Policy.—The purpose of this act is to appropriate money necessary for economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal years one thousand nine hundred fifty-two and one thousand nine hundred fifty-three. 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, to the end that same may as nearly as practicable conform to the budget document: Provided, however, That notwithstanding any provision of this section or any other statute to the contrary, expenditures of departments and educational institutions under the West Virginia University board of governors and under the West Virginia board of education shall be determined and regulated by such boards, except that no salary shall be increased in an amount which would exceed ten per cent of the amount approved by the board of public works in the budget document, without prior approval of the board of public works.

Sec. 2. Definitions.—For the purpose of this act:

“Board” shall mean the board of public works;

“Spending Unit” shall mean the department, agency, or institution to which an appropriation is made;

The “fiscal year one thousand nine hundred fifty-two” shall mean the period from July first, one thousand nine hundred fifty-one through June thirtieth, one thousand nine hundred fifty-two, and the “fiscal year one thousand nine hundred fifty-three” shall mean the period from July first, one thousand nine hundred fifty-two through June thirtieth, one thousand nine hundred fifty-three.

“From collections” shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collection. If the amount collected exceeds the amount designated “from collections” the excess shall be set aside in a special surplus fund and
20 may be expended for the purpose of the spending unit as
21 provided by chapter thirty-nine, acts of the Legislature,
22 regular session, one thousand nine hundred thirty-nine.

Sec. 3. Classification of Appropriations.—An appropriation for:
3 “Personal services” shall be expended only for the payment of salaries, wages, fees, and other compensation for skill, work, or employment;
6 “Current expenses” shall be expended only for operating costs other than personal services or capital outlay;
8 “Repairs and alterations” shall include all expenditures for materials, supplies and labor used in repairing and altering buildings, grounds and equipment;
11 “Equipment” shall be expended only for things which have an appreciable and calculable period of usefulness in excess of one year;
14 “Buildings” shall include construction and alteration of structures and the improvement of lands, sewer and water improvements, and shall include shelter, support, storage, protection, or the improvement of a natural condition;
18 “Lands” shall be expended only for the purchase of land or interest in lands.
20 Building and/or lands and equipment appropriations are not transferable to other items of appropriation.
22 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 one thousand nine hundred thirty-one, or according to any law detailing a procedure specifically limiting that article.

Sec. 5. Limitations on Expenditures.—The expenditure of money appropriated by this act shall be limited to the specific amount appropriated to each item. There shall be no transfer of amounts between items of the appropriation
5 of the spending unit without prior authorization by the board of public works, as provided by chapter five, article five, code of West Virginia.

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. Appropriations from general revenue.

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West Virginia institute of technology—Acct. No. 327
West Virginia library commission—Acct. No. 350
West Virginia school for the colored deaf and blind—Acct. No. 334
West Virginia schools for the deaf and blind—Acct. No. 333
West Virginia state college—Acct. No. 329
West Virginia state college (4-H camp for colored boys and girls)—Acct. No. 330
West Virginia university—Acct. No. 300
West Virginia university (agricultural, etc.)—Acct. No. 302
West Virginia university (agricultural experiment station)—Acct. No. 310
West Virginia university (cooperation with Oglebay Institute)—Acct. No. 304
West Virginia university (engineering experiment station)—Acct. No. 306
West Virginia university (experiment farm—Kearneysville)—Acct. No. 311
West Virginia university (experiment farm—Reedsville)—Acct. No. 314
West Virginia university (extension division)—Acct. No. 305
West Virginia university (gas and petroleum research)—Acct. No. 309
West Virginia university (Jackson's Mill)—Acct. No. 303
West Virginia university (mining, etc.)—Acct. No. 301
West Virginia university (Ohio valley sub-station)—Acct. No. 313
West Virginia university (Potomac state school)—Acct. No. 315
West Virginia university (Reymann memorial farm)—Acct. No. 312

EXECUTIVE

Governor's office—Acct. No. 120
Parole and probation investigation and supervision—Acct. No. 123

FISCAL

Auditor's office—Acct. No. 150
Auditor's office—(Social Security)—Acct. No. 598
Board of control—Acct. No. 190
Director of the budget—Acct. No. 210
Director of the budget (inventory control)—Acct. No. 211
Insurance department—Acct. No. 151
Sinking fund commission—Acct. No. 170
Tax commissioner—Acct. No. 180
Treasurer's office—Acct. No. 160

HEALTH AND WELFARE

Barbourville state hospital—Acct. No. 424
Berkeley Springs sanitarium—Acct. No. 436
Bureau of Negro welfare and statistics—Acct. No. 403
Denmar sanitarium—Acct. No. 432
Department of public assistance—Acct. No. 405
Fayette emergency hospital—Acct. No. 425
Health department—Acct. No. 400
Hopemont sanitarium—Acct. No. 430

LEGAL

Attorney general—Acct. No. 240
Commission on uniform state laws—Acct. No. 245
State court of claims—Acct. No. 243

INCORPORATING AND RECORDING

Secretary of state—Acct. No. 250

RECESSIONS
## Appropriations

### HEALTH AND WELFARE (Cont’d)

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huntington state hospital</td>
<td>422</td>
</tr>
<tr>
<td>Lakin state hospital</td>
<td>423</td>
</tr>
<tr>
<td>Marmit Memorial hospital</td>
<td>437</td>
</tr>
<tr>
<td>Morris Memorial hospital</td>
<td>437</td>
</tr>
<tr>
<td>Pinecrest sanitarium</td>
<td>431</td>
</tr>
<tr>
<td>Spencer state hospital</td>
<td>421</td>
</tr>
<tr>
<td>Water commission</td>
<td>401</td>
</tr>
<tr>
<td>Welch emergency hospital</td>
<td>426</td>
</tr>
<tr>
<td>West Virginia department of veterans' affairs</td>
<td>404</td>
</tr>
<tr>
<td>Weston state hospital</td>
<td>420</td>
</tr>
</tbody>
</table>

### JUDICIAL

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit courts</td>
<td>111</td>
</tr>
<tr>
<td>Criminal charges</td>
<td>119</td>
</tr>
<tr>
<td>Judges’ retirement system</td>
<td>112</td>
</tr>
<tr>
<td>Judicial council</td>
<td>118</td>
</tr>
<tr>
<td>State law library</td>
<td>114</td>
</tr>
<tr>
<td>Supreme court of appeals</td>
<td>110</td>
</tr>
</tbody>
</table>

### LEGISLATURE

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>House of Delegates</td>
<td>102</td>
</tr>
<tr>
<td>Joint expenses</td>
<td>103</td>
</tr>
<tr>
<td>Senate</td>
<td>101</td>
</tr>
</tbody>
</table>

### MISCELLANEOUS BOARDS

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletic commission</td>
<td>587</td>
</tr>
<tr>
<td>Board of dental examiners</td>
<td>589</td>
</tr>
<tr>
<td>Board of embalmers and funeral directors</td>
<td>593</td>
</tr>
<tr>
<td>Board of examiners for architects</td>
<td>595</td>
</tr>
<tr>
<td>Board of examiners for veterinarians</td>
<td>596</td>
</tr>
<tr>
<td>Board of examiners of accountants</td>
<td>586</td>
</tr>
<tr>
<td>Board of examiners of registered nurses</td>
<td>588</td>
</tr>
<tr>
<td>Board of law examiners</td>
<td>597</td>
</tr>
<tr>
<td>Board of optometry</td>
<td>592</td>
</tr>
<tr>
<td>Board of osteopathy</td>
<td>591</td>
</tr>
<tr>
<td>Board of pharmacy</td>
<td>590</td>
</tr>
<tr>
<td>Board of registration for professionals</td>
<td>594</td>
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</tbody>
</table>

### PROTECTION

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjutant general (state militia)</td>
<td>580</td>
</tr>
<tr>
<td>Civilian defense</td>
<td>581</td>
</tr>
<tr>
<td>Department of public safety</td>
<td>570</td>
</tr>
<tr>
<td>Fire insurance</td>
<td>584, 585</td>
</tr>
<tr>
<td>State armory board</td>
<td>582</td>
</tr>
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</table>

### 2. Appropriations from other funds.

#### PAYABLE FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation commission (general administration)</td>
<td>663</td>
</tr>
<tr>
<td>Department of agriculture</td>
<td>654, 655</td>
</tr>
<tr>
<td>Insurance commissioner (fire marshal)</td>
<td>660</td>
</tr>
<tr>
<td>Public service commission</td>
<td>661</td>
</tr>
<tr>
<td>Public service commission (motor carrier division)</td>
<td>662</td>
</tr>
<tr>
<td>State committee of barbers and beauticians</td>
<td>664</td>
</tr>
<tr>
<td>West Virginia liquor control commission</td>
<td>667</td>
</tr>
</tbody>
</table>

#### PAYABLE FROM STATE ROAD FUND

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>State road commission (general administration and engineering)</td>
<td>670</td>
</tr>
<tr>
<td>Department of motor vehicles</td>
<td>671</td>
</tr>
</tbody>
</table>

#### PAYABLE FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditor’s office (land department)</td>
<td>709</td>
</tr>
<tr>
<td>Department of education</td>
<td>703</td>
</tr>
<tr>
<td>Department of education (hot lunches)</td>
<td>705</td>
</tr>
<tr>
<td>Lakin state hospital</td>
<td>703</td>
</tr>
<tr>
<td>State board of education</td>
<td>700</td>
</tr>
<tr>
<td>State board of education (rehabilitation division)</td>
<td>702</td>
</tr>
<tr>
<td>State board of education (vocational division)</td>
<td>701</td>
</tr>
<tr>
<td>State board of school finance</td>
<td>704</td>
</tr>
</tbody>
</table>

#### PAYABLE FROM WORKMEN’S COMPENSATION FUND

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workmen’s compensation commission</td>
<td>900</td>
</tr>
</tbody>
</table>
Section 3. Supplemental appropriations.
4. Awards for claims against the state.
5. Appropriations from surplus revenues.
6. Reappropriations.
7. Special revenue appropriations.
8. Appropriations revived and extended.
9. Specific statutory appropriations.
10. Specific funds and collection accounts.
11. Appropriations for refunding erroneous payments.
14. Appropriations from taxes and licenses fees.
15. Appropriations to pay premiums on bonds of county clerks.
16. Appropriations to pay costs of publication of delinquent corporations.
17. Appropriations for local governments.
18. Printing costs.
19. Total appropriation.
20. General school fund.

Section 1. Appropriation from General Revenue.—From the state fund, general revenue, there is hereby appropriated conditionally upon the fulfillment of the provisions set forth in chapter thirty-nine, acts of Legislature, regular session, one thousand nine hundred thirty-nine, the following amounts, as itemized, for expenditures during the fiscal years one thousand nine hundred fifty-two and one thousand nine hundred fifty-three.

<table>
<thead>
<tr>
<th>Fiscal Years</th>
<th>1951-52</th>
<th>1952-53</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Members</td>
<td>$16,000.00</td>
<td>$16,000.00</td>
</tr>
</tbody>
</table>
| 2 To pay Clerk of the Senate for compiling and publishing the West Virginia Blue Book, the distribution of which shall be made by the Clerk of the Senate and shall include seventy-five copies for each member of the Legislature and two copies to each classified and approved high
and junior high school and one to each elementary school within the state, including all expenses incurred in the employment of contributors, preparation of matter, clerical hire, stenographic services and proofreading $10,000.00 $8,000.00

To pay cost of printing 1951 and 1952 editions of Blue Book...$41,500.00 $41,500.00

Mileage of Members.............. $829.20
Compensation and per diem of officers and attaches............. $70,000.00
Current Expenses and Contingent Fund ....................... $75,000.00
Joint Committee on Government and Finance and other committees $25,000.00

The above appropriations for the fiscal year 1950-51 are to remain in full force and effect until the convening of the regular session of the Legislature, 1953.

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, and for the necessary operation of his offices, the requisition for same to be accompanied by

<table>
<thead>
<tr>
<th>Fiscal Year 1950-51</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$829.20</td>
<td></td>
</tr>
<tr>
<td>$70,000.00</td>
<td></td>
</tr>
<tr>
<td>$75,000.00</td>
<td></td>
</tr>
<tr>
<td>$25,000.00</td>
<td></td>
</tr>
</tbody>
</table>
53 bills to be filed with the
54 Auditor.

2—House of Delegates

Acct. No. 102

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Fiscal Year 1950-1951</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Members</td>
<td>47,054.95</td>
<td>$47,000.00</td>
</tr>
<tr>
<td>2 Mileage of Members</td>
<td></td>
<td>$2,513.30</td>
</tr>
<tr>
<td>3 Compensation and per diem of attaches and officers</td>
<td></td>
<td>$88,740.00</td>
</tr>
<tr>
<td>4 Contingent Fund</td>
<td></td>
<td>$85,000.00</td>
</tr>
<tr>
<td>5 Legislati ve Drafting Office</td>
<td></td>
<td>$5,000.00</td>
</tr>
<tr>
<td>6 Joint Committee on Government and Finance and other authorized Legislative Committees</td>
<td></td>
<td>$25,000.00</td>
</tr>
<tr>
<td>7 House Resolution No. 20</td>
<td></td>
<td>$10,000.00</td>
</tr>
<tr>
<td>8 House Resolution No. 21</td>
<td></td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>

15 The above appropriations for the fiscal year 1950-51 are to remain in full force and effect until the convening of the regular session of the Legislature, 1953.
21 With the approval of the Speaker, an amount, not to exceed three thousand dollars per year, is hereby authorized to be expended from the contingent fund of the House of Delegates for janitor service, etc.
28 An amount, not to exceed five thousand dollars, is hereby authorized to be expended from the contingent fund of the House of Delegates by the House Committee on Rules for the purpose of establishing a House Legislative Drafting Office, employing, if
deemed advisable by the Committee, in connection therewith, technical and clerical assistants, who shall be available to the Members and Committees of the House of Delegates, at such times as may be determined by the Committee on Rules, for the purpose of assisting in the preparation and editing of bills and resolutions, and in such other legislative drafting and editing as the Committee on Rules may deem proper.

The Clerk of the House is authorized to draw his warrants upon the Auditor, payable out of the contingent fund of the House for any bills for supplies and services that may have been incurred by the House 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.

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 $675.00 per month, payable from the contingent fund of the House of Delegates, and
the Clerk may employ a secretary at a salary of not to exceed $275.00 per month, payable monthly from the same fund.

3—Joint Expenses

Acct. No. 103

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

13 Commission on Interstate Cooperation $ 97,500.00

14 $ 16,500.00

JUDICIAL

4—Supreme Court of Appeals

Acct. No. 110

1 Salaries of Judges $ 62,500.00 $ 62,500.00

2 Other Personal Services $ 66,820.00 $ 66,820.00

3 Current Expenses 20,000.00 20,000.00

4 Equipment 2,000.00 2,000.00

5 Total $ 151,320.00 $ 151,320.00

5—Circuit Courts

Acct. No. 111

1 Salaries of Judges of the Circuit Courts $ 226,500.00 $ 226,500.00

3 Current Expenses 54,000.00 54,000.00

4 Total $ 280,500.00 $ 280,500.00
### Appropriations: Judges’ Retirement System (Ch. 8)

**Acct. No. 112**

1. To be transferred to the Judges’ Retirement Fund, in accordance with the law relating thereto, upon requisition of the State Auditor: $25,000.00

### State Law Library (Ch. 8)

**Acct. No. 114**

1. Personal Services, including Salaries of Librarian and Assistants: $8,580.00
2. Current Expenses: $1,000.00
3. Equipment: $6,000.00

**Total:** $15,580.00

### The Judicial Council (Ch. 8)

**Acct. No. 118**

1. Personal Services: $8,060.00
2. Current Expenses: $3,300.00
3. Equipment: $250.00

**Total:** $11,610.00

### Auditor’s Office—Criminal Charges (Ch. 8)

**Acct. No. 119**

1. Criminal Charges: $125,000.00

### Executive (Ch. 8)

**Governor’s Office (Ch. 8)**

**Acct. No. 120**

1. Salary of Governor: $10,000.00
2. Other Personal Services, including Salaries of Secretaries, Stenographers and Assistants: $30,780.00

**Total:** $40,780.00
Ch. 8]

**APPROPRIATIONS**

6 Current Expenses _______________ 10,375.00 10,375.00

7 One hundred dollars annual
8 dues to the Governor’s Con-
9 ference shall be included in
10 this item.

11 Equipment ______________________ 2,200.00 2,200.00

12 Civil Contingent Fund___________ 150,000.00 150,000.00

13 Of this appropriation there may
14 be expended an amount not
15 to exceed $5,000.00 in each
16 year to provide instruction,
17 care and maintenance for per-
18 sons who are deaf and blind,
19 and for whom the state pro-
20 vides no facilities.

21 Out of this appropriation there
22 may be expended, at the dis-
23 cretion of the Governor, an
24 amount not to exceed $1,-
25 000.00 in each year of the bi-
26 ennium as West Virginia’s
27 contribution to the Interstate
28 Oil Compact Commission.

29 Any unexpended balance re-
30 maining in the Civil Contin-
31 gent Fund at the close of the
32 fiscal year 1951-52 is hereby
33 reappropriated for expendi-
34 ture during the fiscal year
35 1952-53.

36 Custodial ______________________ $ 31,350.00 $ 31,350.00

37 To be used for current general
38 expenses, including compen-
39 sation of servants and em-
40 ployees, household mainte-
41 nance, cost of official func-
42 tions, and any additional
43 household expenses o c c a-
44 sioned by such official func-
45 tions. In the event Napoleon
46 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 excess of $50.00 per month may be expended out of this appropriation by the Governor at his discretion, for the use and benefit of the said Napoleon Gardner.

59 Total ..................................$ 234,705.00 $ 234,705.00

11—Parole and Probation Investigation and Supervision

Acct. No. 123

1 Personal Services, including
2 Salary of Director.........................$ 68,840.00 $ 69,440.00
3 Current Expenses.............................26,200.00 26,200.00
4 Equipment ..................................1,000.00 500.00

5 Total ..................................$ 96,040.00 $ 96,140.00

FISCAL

12—Auditor’s Office—General Administration

Acct. No. 150

1 Salary of State Auditor.................$ 6,000.00 $ 6,000.00
2 Other Personal Services.................99,200.00 99,200.00
3 Current Expenses.........................9,900.00 9,900.00
4 Equipment ................................ 4,900.00 4,900.00

5 Total ..................................$ 120,000.00 $ 120,000.00

13—Insurance Commissioner

Acct. No. 151

1 Personal Services.........................$ 51,800.00 $ 51,800.00
2 Current Expenses.........................11,800.00 11,800.00
3 Equipment ................................ 1,100.00 600.00

4 Total ..................................$ 64,700.00 $ 64,200.00
### Appropriations

#### 14—Treasurer’s Office

**Acct. No. 160**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of State Treasurer</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$53,660.00</td>
<td>$54,260.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$8,500.00</td>
<td>$11,600.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$7,500.00</td>
<td>$7,500.00</td>
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</tbody>
</table>

**Total**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$75,660.00</td>
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</table>

#### 15—Sinking Fund Commission

**Acct. No. 170**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$11,780.00</td>
<td>$11,780.00</td>
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<tr>
<td>Current Expenses</td>
<td>$600.00</td>
<td>$600.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$3,000.00</td>
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</table>

**Total**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$15,380.00</td>
</tr>
</tbody>
</table>

#### 16—State Tax Commissioner

**Acct. No. 180**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Tax Commissioner</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$525,960.00</td>
<td>$525,960.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$200,130.00</td>
<td>$165,130.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$20,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Legal and Technical Services</td>
<td>$17,900.00</td>
<td>$17,900.00</td>
</tr>
</tbody>
</table>

**Total**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$771,990.00</td>
</tr>
</tbody>
</table>

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

#### 17—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>Salaries of the three members</td>
<td>$21,000.00</td>
<td>$21,000.00</td>
</tr>
<tr>
<td>of the Board of Control</td>
<td>$38,640.00</td>
<td>$38,640.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$11,800.00</td>
<td>$11,800.00</td>
</tr>
</tbody>
</table>
### Appropriations

**5 Equipment** ........................................ 700.00  

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Total</td>
<td>$ 72,140.00</td>
</tr>
</tbody>
</table>

**18—Director of the Budget**

Acct. No. 210

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including Salary of the Director of the Budget</td>
<td>$ 64,020.00</td>
</tr>
<tr>
<td>4</td>
<td>Current Expenses</td>
<td>6,930.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>2,500.00</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Total</td>
<td>$ 73,450.00</td>
</tr>
</tbody>
</table>

**19—Director of the Budget—Inventory Control**

Acct. No. 211

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$ 18,320.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>4,500.00</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Total</td>
<td>$ 22,820.00</td>
</tr>
<tr>
<td>4</td>
<td>To be expended in cooperation with the Director of Purchases to establish an inventory control of all physical property of the state.</td>
<td></td>
</tr>
</tbody>
</table>

**LEGAL**

**20—Attorney General**

Acct. No. 240

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Attorney General</td>
<td>$ 7,500.00</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>52,550.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>7,590.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>4,250.00</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>To protect the resources or tax structure of the State in controversies or legal proceedings affecting same. Any unexpended balance remaining in this fund at the close of the fiscal year 1951-52 is hereby</td>
<td></td>
</tr>
</tbody>
</table>
12 reappropriated for expendi-
13 ture during the fiscal year
14 1952-53 .................................. 8,000.00

15 Total .................................. $ 79,890.00 $ 71,390.00

21—State Court of Claims
Acct. No. 243
1 Personal Services .................. $ 16,950.00 $ 16,950.00
2 Current Expenses .................. 3,800.00  5,800.00
3 Equipment .......................... 200.00

4 Total .................................. $ 20,950.00 $ 22,750.00

22—Commission on Uniform State Laws
Acct. No. 245
1 Total .................................. $ 500.00 $ 500.00

INCORPORATING AND RECORDING
23—Secretary of State
Acct. No. 250
1 Salary of Secretary of State ...... $ 6,000.00 $ 6,000.00
2 Other Personal Services ........... 27,840.00 27,840.00
3 Current Expenses ................. 4,350.00  5,850.00
4 Equipment .......................... 1,000.00

5 Total .................................. $ 39,190.00 $ 40,690.00

CUSTODIAL AND SERVICE
24—Capitol Building and Grounds
Acct. No. 270
1 Personal Services ............... $ 139,200.00 $ 139,200.00
2 Current Expenses ................. 63,500.00  63,500.00
3 Repairs and alterations ........... 35,000.00  35,000.00
4 Equipment .......................... 4,000.00

5 Total .................................. $ 241,700.00 $ 241,700.00
6 The above appropriation for
7 repairs and alterations shall
be expended at the discretion of the Board of Control and shall include all painting and decorating for the capitol buildings and the apartments therein.

25—Central Mailing Office
Acct. No. 280

<table>
<thead>
<tr>
<th></th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$11,820.00</td>
<td>$11,820.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$58,740.00</td>
<td>$58,740.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$2,500.00</td>
<td>$200.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$73,060.00</strong></td>
<td><strong>$70,760.00</strong></td>
</tr>
</tbody>
</table>

The Workmen’s Compensation Commission, Department of Public Assistance, West Virginia Public Service Commission, Conservation Commission, Department of Motor Vehicles, State Road Commission and State Health Department 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
32 each spending unit shall re-
33 fund to the Current Expense
34 appropriation of the Central
35 Mailing Office any amounts
36 required for that Department
37 for postage in excess of this
38 appropriation.

26—Department of Purchases

Acct. No. 290

1 Salary of Director of Pur-
2 chases $ 7,000.00 $ 7,000.00
3 Other Personal Services 65,280.00 66,960.00
4 Current Expenses 13,180.00 12,510.00
5 Equipment 6,500.00 500.00
6 Total 91,960.00 86,970.00

EDUCATIONAL

27—Department of Education—State Aid to Schools

Acct. No. 295

1 State aid to supplement the
2 General School Fund $42,000,000.00 $42,500,000.00
3 To be transferred to the gen-
4 eral school fund upon the
5 requisition of the Governor.
6 To be distributed according
7 to law except an amount not
8 to exceed $60,000.00 for each
9 year of the biennium, which
10 sum shall be available to the
11 State Board of School Fi-
12 nance to aid counties in pro-
13 viding instruction for home-
14 bound physically and men-
15 tally handicapped children
16 under such rules and regula-
17 tions for instruction of home-
18 bound physically and men-
19 tally handicapped children
20 as may be adopted by the
State Board of Education as provided by chapter 18, article 2, section 5, of the West Virginia code, one thousand nine hundred thirty-one, as amended.

In making distribution of state aid to counties as provided by law, 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 $100,000.00 in any year.

**28—Department of Education—Textbook Aid**

Acct. No. 297

1 Textbooks for School $100,000.00 $200,000.00
2 To be distributed according to chapter 51, Acts of Legislature, regular session, 1939.

**29—Teachers Retirement Board**

Acct. No. 298

1 Benefit Fund — Payments to Retired Teachers $1,047,700.00 $1,115,900.00
2 Expense Fund 42,100.00 40,300.00
3 Employer's Accumulation Fund —To match contribution of members 2,360,000.00 2,360,000.00

7 Total $3,449,800.00 $3,516,200.00
### 30—West Virginia University

**Acct. No. 300**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>$3,211,010.00</td>
<td>$3,210,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>513,000.00</td>
<td>569,600.00</td>
</tr>
<tr>
<td>4 Repairs and alterations</td>
<td>237,500.00</td>
<td>237,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>237,000.00</td>
<td>227,000.00</td>
</tr>
<tr>
<td>6 State aid to medical students</td>
<td>56,450.00</td>
<td>62,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$4,254,960.00</td>
<td>$4,316,210.00</td>
</tr>
</tbody>
</table>

Out of the above appropriation for Personal Services there shall be available a sum not to exceed $30,000.00 each year of the biennium for additional retirement benefits as provided by Acts of the Legislature, 1951.

### 31—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>$44,620.00</td>
<td>$44,620.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>18,750.00</td>
<td>18,750.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>1,500.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$65,370.00</td>
<td>$64,870.00</td>
</tr>
</tbody>
</table>

### 32—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>$78,550.00</td>
<td>$78,550.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>11,910.00</td>
<td>11,910.00</td>
</tr>
<tr>
<td>3 Repairs and alterations</td>
<td>1,600.00</td>
<td>1,600.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>700.00</td>
<td>2,100.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$92,760.00</td>
<td>$94,160.00</td>
</tr>
</tbody>
</table>
### 33—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>$23,160.00</td>
<td>$23,160.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$14,400.00</td>
<td>$14,400.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$12,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$4,500.00</td>
<td>$3,400.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$54,560.00</strong></td>
<td><strong>$53,460.00</strong></td>
</tr>
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</table>

### 34—West Virginia University—Cooperation with Oglebay Institute

**Acct. No. 304**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Unclassified—Total</td>
<td>$3,700.00</td>
<td>$3,700.00</td>
</tr>
</tbody>
</table>

### 35—West Virginia University—Extension Division

**Acct. No. 305**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay Salaries and Traveling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Expenses of County Agricultural Agents</td>
<td>$117,660.00</td>
<td>$117,660.00</td>
</tr>
<tr>
<td>4 To Pay Salaries and Expenses of County Home Dem. Agts.</td>
<td>$72,000.00</td>
<td>$72,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$189,660.00</strong></td>
<td><strong>$189,660.00</strong></td>
</tr>
</tbody>
</table>

### 36—West Virginia University—Engineering Experiment Station

**Acct. No. 306**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$19,390.00</td>
<td>$19,390.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$26,390.00</strong></td>
<td><strong>$26,390.00</strong></td>
</tr>
</tbody>
</table>

### 37—West Virginia University—Gas and Petroleum Research

**Acct. No. 309**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$12,200.00</td>
<td>$12,200.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$3,200.00</td>
<td>$3,200.00</td>
</tr>
</tbody>
</table>
### 38—West Virginia University—Agricultural Experiment Station

**Acct. No. 310**

<table>
<thead>
<tr>
<th>Item</th>
<th>1951-52</th>
<th>1952-53</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$114,520.00</td>
<td>$114,520.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$14,610.00</td>
<td>$14,610.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$5,500.00</td>
<td>$5,500.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$10,100.00</td>
<td>$10,100.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$144,730.00</td>
<td>$144,730.00</td>
</tr>
</tbody>
</table>

Provided that $6,000.00 is appropriated in the year 1951-52 and $6,000.00 is appropriated in the year 1952-53 out of the Personal Services item—Line 1—for the employment of a spray specialist who shall be stationed only at the West Virginia University Experiment Farm at Kearneysville.

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

**Acct. No. 311**

<table>
<thead>
<tr>
<th>Item</th>
<th>1951-52</th>
<th>1952-53</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Current Expense</td>
<td>$12,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>2 Repairs and Alterations</td>
<td>$3,200.00</td>
<td>$3,200.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$9,000.00</td>
<td>$2,800.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$24,200.00</td>
<td>$18,000.00</td>
</tr>
</tbody>
</table>

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

**Acct. No. 312**

<table>
<thead>
<tr>
<th>Item</th>
<th>1951-52</th>
<th>1952-53</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Current Expenses</td>
<td>$10,200.00</td>
<td>$10,200.00</td>
</tr>
<tr>
<td>2 Repairs and Alterations</td>
<td>$3,400.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$3,200.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$16,800.00</td>
<td>$13,600.00</td>
</tr>
</tbody>
</table>
### Appropriations

#### [Ch. 8](#)

<table>
<thead>
<tr>
<th>Account Description</th>
<th>West Virginia University—Ohio Valley Sub-Station</th>
<th>West Virginia University Experiment Farm—Reedsville</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acct. No. 313</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Current Expenses</td>
<td>$4,800.00</td>
<td>$4,800.00</td>
</tr>
<tr>
<td>2 Repairs and Alterations</td>
<td>1,500.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>5,700.00</td>
<td>2,200.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$12,000.00</td>
<td>$8,000.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Potomac State School of West Virginia University</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acct. No. 315</strong></td>
<td></td>
</tr>
<tr>
<td>1 Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>$198,900.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>34,900.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>20,400.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>12,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$266,700.00</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Marshall College</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acct. No. 320</strong></td>
<td></td>
</tr>
<tr>
<td>1 Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>$1,141,120.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>97,760.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>51,400.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>63,500.00</td>
</tr>
<tr>
<td>6 Flood Wall Assessment</td>
<td>4,200.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,357,980.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Fairmont State College</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acct. No. 321</strong></td>
<td></td>
</tr>
<tr>
<td>1 Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2 Salary of President</td>
<td>$389,520.00</td>
</tr>
</tbody>
</table>

---
### Appropriations

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>45,980.00</td>
<td>44,780.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>20,100.00</td>
<td>17,300.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>20,550.00</td>
<td>19,750.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$ 476,150.00</td>
<td>$ 471,550.00</td>
</tr>
</tbody>
</table>

#### 46—Glenville State College

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of President</td>
<td>$ 235,490.00</td>
<td>$ 235,760.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>33,880.00</td>
<td>33,500.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>13,900.00</td>
<td>13,500.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>18,350.00</td>
<td>18,350.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$ 301,620.00</td>
<td>$ 301,110.00</td>
</tr>
</tbody>
</table>

#### 47—West Liberty State College

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of President</td>
<td>$ 204,930.00</td>
<td>$ 204,930.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>28,690.00</td>
<td>28,690.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>12,800.00</td>
<td>12,800.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>13,600.00</td>
<td>13,600.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$ 260,020.00</td>
<td>$ 260,020.00</td>
</tr>
</tbody>
</table>

#### 48—Shepherd College

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of President</td>
<td>$ 182,890.00</td>
<td>$ 182,890.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>33,580.00</td>
<td>32,080.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>15,800.00</td>
<td>15,800.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>12,300.00</td>
<td>12,300.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$ 244,570.00</td>
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#### 49—Concord College

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of President</td>
<td>$ 352,560.00</td>
<td>$ 352,560.00</td>
</tr>
</tbody>
</table>
### Appropriations

**3 Current Expenses**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$42,800.00</td>
<td>$42,300.00</td>
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<tr>
<td>2</td>
<td>$20,500.00</td>
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<tr>
<td>3</td>
<td>$22,000.00</td>
<td>$22,000.00</td>
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</table>

**4 Repairs and Alterations**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>4</td>
<td>$42,800.00</td>
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<td>5</td>
<td>$20,500.00</td>
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<tr>
<td>6</td>
<td>$22,000.00</td>
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**5 Equipment**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>7</td>
<td>$437,860.00</td>
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**50—West Virginia Institute of Technology**

**Acct. No. 327**

1 Personal Services, including

2 Salary of President

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>8</td>
<td>$287,460.00</td>
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3 Current Expenses

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>$49,600.00</td>
<td>$49,600.00</td>
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</tbody>
</table>

4 Repairs and Alterations

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
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5 Equipment

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>11</td>
<td>$30,000.00</td>
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<thead>
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<th></th>
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<tbody>
<tr>
<td>12</td>
<td>$387,060.00</td>
<td>$387,060.00</td>
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</table>

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**51—West Virginia State College**

**Acct. No. 328**

1 Personal Services, including

2 Salary of President

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>13</td>
<td>$595,710.00</td>
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3 Current Expenses

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<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>14</td>
<td>$87,150.00</td>
<td>$87,150.00</td>
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</tbody>
</table>

4 Repairs and Alterations

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>$40,600.00</td>
<td>$40,600.00</td>
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5 Equipment

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>16</td>
<td>$52,000.00</td>
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<table>
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<tbody>
<tr>
<td>17</td>
<td>$775,460.00</td>
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</table>

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**52—Bluefield State College**

**Acct. No. 329**

1 Personal Services, including

2 Salary of President

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>$238,380.00</td>
<td>$238,380.00</td>
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3 Current Expenses

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>19</td>
<td>$40,900.00</td>
<td>$43,900.00</td>
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4 Repairs and Alterations

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>$24,500.00</td>
<td>$24,500.00</td>
</tr>
</tbody>
</table>

5 Equipment

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>$23,000.00</td>
<td>$23,000.00</td>
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</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>$326,780.00</td>
<td>$329,780.00</td>
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</tbody>
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**53—West Virginia State College—4-H Camp for Colored Boys and Girls**

**Acct. No. 330**

1 Personal Services

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>$11,510.00</td>
<td>$11,510.00</td>
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</tbody>
</table>

2 Current Expenses

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>$4,500.00</td>
<td>$4,500.00</td>
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</table>
### Appropriations

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Repairs and Alterations</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,200.00</td>
<td>$3,200.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$22,210.00</strong></td>
<td><strong>$22,210.00</strong></td>
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</table>

**54—West Virginia Schools for the Deaf and Blind**

Acct. No. 333

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$221,820.00</td>
<td>$226,070.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$106,490.00</td>
<td>$106,190.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$14,900.00</td>
<td>$14,900.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$16,400.00</td>
<td>$11,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$359,610.00</strong></td>
<td><strong>$358,160.00</strong></td>
</tr>
</tbody>
</table>

**55—West Virginia School for the Colored Deaf and Blind**

Acct. No. 334

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$34,480.00</td>
<td>$34,570.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$20,250.00</td>
<td>$20,250.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$4,500.00</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$63,230.00</strong></td>
<td><strong>$63,320.00</strong></td>
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**56—State Board of Education—Storer College**

Acct. No. 338

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay Storer College for use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 of Plant and Facilities for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 West Virginia Students</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>4 To be expended by the State</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Board of Education on a per</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 capita cost basis for West Virginian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7ia students only.</td>
<td></td>
<td></td>
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</table>

**57—Department of Archives and History**

Acct. No. 340

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of State Archivist and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Historian</td>
<td>$17,380.00</td>
<td>$17,500.00</td>
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### APPROPRIATIONS

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Current Expenses</td>
<td>4,430.00</td>
<td>4,430.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 27,810.00</strong></td>
<td><strong>$ 27,930.00</strong></td>
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**58—West Virginia Library Commission**

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>39,980.00</td>
<td>39,980.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>9,430.00</td>
<td>9,430.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>10,500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>4 Books and Periodicals</td>
<td>30,000.00</td>
<td>30,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 89,910.00</strong></td>
<td><strong>$ 79,910.00</strong></td>
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### CHARITIES AND CORRECTION

**59—West Virginia Industrial School for Boys**

<table>
<thead>
<tr>
<th></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>$132,420.00</td>
<td>$133,380.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>78,000.00</td>
<td>78,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>8,900.00</td>
<td>8,900.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>8,400.00</td>
<td>8,400.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 227,720.00</strong></td>
<td><strong>$ 228,680.00</strong></td>
</tr>
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</table>

**60—West Virginia Industrial School for Colored Boys**

<table>
<thead>
<tr>
<th></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>$28,150.00</td>
<td>$28,150.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>27,790.00</td>
<td>27,790.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>3,500.00</td>
<td>3,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>5,100.00</td>
<td>5,100.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 64,540.00</strong></td>
<td><strong>$ 64,540.00</strong></td>
</tr>
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</table>

**61—West Virginia Industrial Home for Girls**

<table>
<thead>
<tr>
<th></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>$65,020.00</td>
<td>$65,240.00</td>
</tr>
</tbody>
</table>
### Appropriations

<table>
<thead>
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<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>50,430.00</td>
<td>50,430.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>6,000.00</td>
<td>6,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>6,100.00</td>
<td>6,100.00</td>
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<td>6</td>
<td>Total</td>
<td>$ 127,550.00</td>
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#### 62—West Virginia Industrial Home for Colored Girls

Acct. No. 373

<table>
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<tr>
<th>Account</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</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 Superintendent</td>
<td>8,050.00</td>
<td>8,050.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>9,050.00</td>
<td>9,050.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>2,200.00</td>
<td>2,200.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>1,050.00</td>
<td>1,050.00</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$ 20,350.00</td>
<td>$ 20,350.00</td>
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#### 63—West Virginia State Prison for Women

Acct. No. 374

<table>
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<tr>
<th>Account</th>
<th>Description</th>
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<th>Amount 2</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 Superintendent</td>
<td>27,100.00</td>
<td>27,100.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>29,500.00</td>
<td>29,500.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>4,000.00</td>
<td>3,500.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>4,000.00</td>
<td>2,300.00</td>
</tr>
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<td>6</td>
<td>Total</td>
<td>$ 64,600.00</td>
<td>$ 62,400.00</td>
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#### 64—West Virginia Penitentiary

Acct. No. 375

<table>
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<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
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</tr>
<tr>
<td>2</td>
<td>Salary of Warden</td>
<td>291,780.00</td>
<td>291,840.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>331,200.00</td>
<td>331,200.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>20,000.00</td>
<td>20,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>20,100.00</td>
<td>15,000.00</td>
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<td>Total</td>
<td>$ 663,080.00</td>
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#### 65—Medium Security Prison

Acct. No. 376

<table>
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<tbody>
<tr>
<td>1</td>
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<td>123,680.00</td>
<td>123,680.00</td>
</tr>
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<td>2</td>
<td>Current Expenses</td>
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## Appropriations

<table>
<thead>
<tr>
<th>Description</th>
<th>66—West Virginia Children's Home</th>
<th>67—West Virginia Colored Children's Home</th>
<th>68—West Virginia Home for Aged and Infirm Colored Men and Women</th>
<th>69—West Virginia Training School</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Repairs and Alterations</td>
<td>9,500.00</td>
<td>9,500.00</td>
<td>19,640.00</td>
<td>70,860.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>12,000.00</td>
<td>12,000.00</td>
<td>35,600.00</td>
<td>66,090.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$293,380.00</td>
<td>$293,380.00</td>
<td>$66,090.00</td>
<td>$66,090.00</td>
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<tr>
<td>1 Personal Services, including</td>
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<td></td>
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</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$23,040.00</td>
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<td>$19,640.00</td>
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<tr>
<td>3 Current Expenses</td>
<td>18,720.00</td>
<td>18,720.00</td>
<td>35,600.00</td>
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</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>4,300.00</td>
<td>2,800.00</td>
<td>6,700.00</td>
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</tr>
<tr>
<td>5 Equipment</td>
<td>4,050.00</td>
<td>1,350.00</td>
<td>4,150.00</td>
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<tr>
<td>6 Total</td>
<td>$50,110.00</td>
<td>$45,910.00</td>
<td>$30,420.00</td>
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</tr>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$11,620.00</td>
<td>$11,620.00</td>
<td>$19,640.00</td>
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</tr>
<tr>
<td>3 Current Expenses</td>
<td>14,000.00</td>
<td>14,000.00</td>
<td>35,600.00</td>
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</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>4,500.00</td>
<td>2,500.00</td>
<td>6,700.00</td>
<td></td>
</tr>
<tr>
<td>5 Equipment</td>
<td>4,450.00</td>
<td>2,300.00</td>
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</tr>
<tr>
<td>6 Total</td>
<td>$34,570.00</td>
<td>$30,420.00</td>
<td>$30,420.00</td>
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</tr>
<tr>
<td>66—West Virginia Children's Home</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>67—West Virginia Colored Children's Home</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>68—West Virginia Home for Aged and Infirm Colored Men and Women</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>69—West Virginia Training School</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Ch. 8\] APPROPRIATIONS

<table>
<thead>
<tr>
<th></th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Current Expenses</td>
<td>52,600.00</td>
<td>52,600.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>6,500.00</td>
<td>6,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>6,600.00</td>
<td>6,600.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 136,560.00</strong></td>
<td><strong>$ 136,560.00</strong></td>
</tr>
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</table>

#### 70—Andrew S. Rowan Memorial Home
Acct. No. 384

<table>
<thead>
<tr>
<th></th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$112,980.00</td>
<td>$113,160.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>130,700.00</td>
<td>130,700.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>6,500.00</td>
<td>6,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>6,500.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 256,680.00</strong></td>
<td><strong>$ 255,360.00</strong></td>
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#### HEALTH AND WELFARE

#### 71—State Health Department
Acct. No. 400

<table>
<thead>
<tr>
<th></th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of State Director</td>
<td>$564,980.00</td>
<td>$579,950.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>133,380.00</td>
<td>129,880.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
<tr>
<td>5 Cancer Control and treatment</td>
<td>90,000.00</td>
<td>90,000.00</td>
</tr>
<tr>
<td>6 Tuberculosis Field Clinic and Nursing Service—To be expended in cooperation with West Virginia Tuberculosis and Health Association</td>
<td>10,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>11 Out-Patient Pneumothorax—Treatment</td>
<td>25,000.00</td>
<td>25,000.00</td>
</tr>
<tr>
<td>13 Hospitalization of Needy Tubercular Children</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 853,360.00</strong></td>
<td><strong>$ 864,830.00</strong></td>
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</table>

#### 72—State Water Commission
Acct. No. 401

<table>
<thead>
<tr>
<th></th>
<th>Amount 1</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$21,530.00</td>
<td>$21,590.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>12,980.00</td>
<td>12,980.00</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Appropriation</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>---------------</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>1,000.00</td>
</tr>
<tr>
<td>4</td>
<td>For cooperation with the U. S. Geological Survey for a program of stream gauging</td>
<td>4,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>$39,510.00</td>
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</table>

**42—Bureau of Negro Welfare and Statistics**

<table>
<thead>
<tr>
<th>Acct. No. 403</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Director</td>
<td>$4,800.00</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>9,260.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>3,950.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>250.00</td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td>$18,260.00</td>
</tr>
</tbody>
</table>

**43—West Virginia Department of Veterans Affairs**

<table>
<thead>
<tr>
<th>Acct. No. 404</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including Salary of Director</td>
<td>$131,170.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>46,970.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>1,500.00</td>
</tr>
<tr>
<td>5</td>
<td>To provide Educational Opportunities for Children of War</td>
<td>10,000.00</td>
</tr>
<tr>
<td>10</td>
<td>Total</td>
<td>$189,640.00</td>
</tr>
</tbody>
</table>

**44—Department of Public Assistance**

<table>
<thead>
<tr>
<th>Acct. No. 405</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$850,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>243,320.00</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>25,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Public Assistance Grants (Classified Aid)</td>
<td>7,400,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Aid to Crippled Children</td>
<td>325,000.00</td>
</tr>
<tr>
<td>7</td>
<td>General Medical and Hospitalization</td>
<td>600,000.00</td>
</tr>
<tr>
<td>9</td>
<td>Conservation of Vision and Prevention of Blindness</td>
<td>25,000.00</td>
</tr>
</tbody>
</table>
### Appropriations

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 Child Welfare Services</td>
<td>$75,000.00</td>
<td>$75,000.00</td>
</tr>
<tr>
<td>12 General Relief</td>
<td>$700,000.00</td>
<td>$700,000.00</td>
</tr>
<tr>
<td>13 Boarding Care</td>
<td>$400,000.00</td>
<td>$400,000.00</td>
</tr>
<tr>
<td>14 Commodity Distribution</td>
<td>$29,660.00</td>
<td>$30,260.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$10,672,980.00</strong></td>
<td><strong>$10,657,480.00</strong></td>
</tr>
</tbody>
</table>

15 Any unexpended balances remaining in the appropriations for this department as of June 30, 1951, are hereby re-appropriated for expenditure in the fiscal years 1951-52 and 1952-53. *Provided, however,* that no part of any amounts so reappropriated shall be used for personal services, current expenses, or equipment.

#### 77—Weston State Hospital

**Acct. No. 420**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$710,120.00</td>
<td>$728,820.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,255,120.00</strong></td>
<td><strong>$1,273,820.00</strong></td>
</tr>
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</table>

#### 78—Spencer State Hospital

**Acct. No. 421**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Salary of Superintendent</td>
<td>$251,480.00</td>
<td>$256,280.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$227,920.00</td>
<td>$227,920.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$12,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$501,900.00</strong></td>
<td><strong>$506,700.00</strong></td>
</tr>
</tbody>
</table>

7 All revenue collected by the above spending unit in excess...
of the amount required to pay
the principal and interest on
outstanding Clinic Bonds
shall be deposited to the State
Fund—General Revenue.

### 79—Huntington State Hospital

**Acct. No. 422**

<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>$365,420.00</td>
<td>$373,160.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$347,100.00</td>
<td>$347,100.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$18,000.00</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$12,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$743,020.00</td>
<td>$750,760.00</td>
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</tbody>
</table>

All revenue collected by the above spending unit in excess of the amount required to pay the principal and interest on outstanding Clinic Bonds shall be deposited to the State Fund—General Revenue.

### 80—Lakin State Hospital

**Acct. No. 423**

<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>$160,900.00</td>
<td>$161,380.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$118,650.00</td>
<td>$118,650.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$10,500.00</td>
<td>$10,500.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$9,000.00</td>
<td>$9,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$299,050.00</td>
<td>$299,530.00</td>
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</table>

### 81—Barboursville State Hospital

**Acct. No. 424**

<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>$134,600.00</td>
<td>$137,140.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$118,050.00</td>
<td>$118,050.00</td>
</tr>
</tbody>
</table>
### Appointments

<table>
<thead>
<tr>
<th></th>
<th>82—Fairmont Emergency Hospital</th>
<th>83—Welch Emergency Hospital</th>
<th>84—Hopemont Sanitarium</th>
<th>85—Pinecrest Sanitarium</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4 Repairs and Alterations</strong></td>
<td>6,000.00</td>
<td>6,000.00</td>
<td>310,540.00</td>
<td>476,660.00</td>
</tr>
<tr>
<td><strong>5 Equipment</strong></td>
<td>6,200.00</td>
<td>6,200.00</td>
<td>250,900.00</td>
<td>476,660.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 264,850.00</strong></td>
<td><strong>$ 267,390.00</strong></td>
<td><strong>$ 590,940.00</strong></td>
<td><strong>$ 591,120.00</strong></td>
</tr>
</tbody>
</table>

**82—Fairmont Emergency Hospital**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Personal Services, including</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2 Salary of Superintendent</strong></td>
<td>$ 89,660.00</td>
<td>$ 89,660.00</td>
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<td></td>
</tr>
<tr>
<td><strong>3 Current Expenses</strong></td>
<td>63,500.00</td>
<td>63,500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4 Repairs and Alterations</strong></td>
<td>7,500.00</td>
<td>7,500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5 Equipment</strong></td>
<td>5,900.00</td>
<td>5,900.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<td><strong>$ 166,560.00</strong></td>
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</table>

**83—Welch Emergency Hospital**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Personal Services, including</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2 Salary of Superintendent</strong></td>
<td>$ 89,020.00</td>
<td>$ 89,020.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3 Current Expenses</strong></td>
<td>115,330.00</td>
<td>115,330.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4 Repairs and Alterations</strong></td>
<td>5,000.00</td>
<td>5,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5 Equipment</strong></td>
<td>4,300.00</td>
<td>4,300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 213,650.00</strong></td>
<td><strong>$ 213,650.00</strong></td>
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</tr>
</tbody>
</table>

**84—Hopemont Sanitarium**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Personal Services, including</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2 Salary of Superintendent</strong></td>
<td>$ 310,540.00</td>
<td>$ 310,720.00</td>
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</tr>
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<td><strong>3 Current Expenses</strong></td>
<td>250,900.00</td>
<td>250,900.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4 Repairs and Alterations</strong></td>
<td>18,500.00</td>
<td>18,500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5 Equipment</strong></td>
<td>11,000.00</td>
<td>11,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 590,940.00</strong></td>
<td><strong>$ 591,120.00</strong></td>
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</tr>
</tbody>
</table>

**85—Pinecrest Sanitarium**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Personal Services, including</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2 Salary of Superintendent</strong></td>
<td>$ 476,660.00</td>
<td>$ 476,660.00</td>
<td></td>
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</tbody>
</table>
### 3 Current Expenses
- 439,950.00
- 439,950.00

### 4 Repairs and Alterations
- 25,000.00
- 25,000.00

### 5 Equipment
- 15,100.00
- 15,100.00

### Total
- **$ 956,710.00**
- **$ 956,710.00**

#### 86—Denmar Sanitarium
- Acct. No. 432

1. **Personal Services, including**
2. **Salary of Superintendent**
   - **$ 126,680.00**
   - **$ 126,680.00**
3. **Current Expenses**
   - **124,000.00**
   - **124,000.00**
4. **Repairs and Alterations**
   - **8,000.00**
   - **8,000.00**
5. **Equipment**
   - **8,000.00**
   - **6,000.00**

### Total
- **$ 266,680.00**
- **$ 264,680.00**

#### 87—Berkeley Springs Sanitarium
- Acct. No. 436

1. **Personal Services, including**
2. **Salary of Superintendent**
   - **$ 25,570.00**
   - **$ 25,570.00**
3. **Current Expenses**
   - **6,240.00**
   - **6,240.00**
4. **Repairs and Alterations**
   - **2,500.00**
   - **2,500.00**
5. **Equipment**
   - **1,500.00**
   - **1,500.00**

### Total
- **$ 35,810.00**
- **$ 35,810.00**

#### 88—Non-State Institutions
- Acct. No. 437

1. **Morris Memorial Hospital**
   - **$ 10,000.00**
   - **$ 10,000.00**
2. **Marmet Hospital, Inc.**
   - **7,500.00**
   - **7,500.00**

### Total
- **$ 17,500.00**
- **$ 17,500.00**

4 To be expended by the Department of Public Assistance to meet actual per capita costs for hospitalization of needy West Virginia patients at these institutions.
BUSINESS AND INDUSTRIAL RELATIONS

89—Bureau of Labor and Department of Weights and Measures

Acct. No. 450

1 Salary of Commissioner ... $ 7,000.00 $ 7,000.00
2 Personal Services ........ 166,780.00 171,580.00
3 Current Expenses ........ 73,780.00 73,780.00
4 Equipment ................. 4,000.00 4,000.00

5 Total .......................... $ 251,560.00 $ 256,360.00

90—Department of Mines

Acct. No. 460

1 Salary of Chief ............ $ 7,000.00 $ 7,000.00
2 Other Personal Services ... 517,720.00 507,280.00
3 Current Expenses .......... 159,800.00 156,500.00
4 Equipment .................. 22,200.00 22,200.00

5 Total .......................... $ 706,720.00 $ 692,980.00

92—Commission on Interstate Cooperation

Acct. No. 472

1 Total .......................... $ 8,500.00 $ 8,500.00

2 Out of the above appropriation
3 the sum of $6,000.00 may be
4 made available for West Virginia's membership in the
5 Council of State Governments.

93—Interstate Commission on Potomac River Basin

Acct. No. 473

1 West Virginia's contribution to
2 Potomac River Basin Inter-
3 state Commission .......... $ 3,600.00 $ 3,600.00

94—Ohio River Valley Water Sanitation
Commission

Acct. No. 474

1 West Virginia's contribution to
### Appropriations

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>the Ohio River Valley Water</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Sanitation Commission</td>
<td>$12,250.00</td>
<td>$12,250.00</td>
</tr>
</tbody>
</table>

#### 95—Department of Banking

**Acct. No. 480**

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Commissioner</td>
<td>$6,800.00</td>
<td>$6,800.00</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>$42,000.00</td>
<td>$42,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$21,710.00</td>
<td>$21,710.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>$870.00</td>
<td>$870.00</td>
</tr>
</tbody>
</table>

5 Total: $71,380.00

#### 96—West Virginia State Aeronautics Commission

**Acct. No. 485**

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$10,880.00</td>
<td>$10,880.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$8,300.00</td>
<td>$8,300.00</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

4 Total: $19,680.00

#### 97—West Virginia Industrial and Publicity Commission

**Acct. No. 486**

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$24,020.00</td>
<td>$24,020.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$50,500.00</td>
<td>$50,500.00</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

4 Total: $75,520.00

#### 98—West Virginia Non-Intoxicating Beer Commission

**Acct. No. 490**

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$111,020.00</td>
<td>$111,020.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$69,500.00</td>
<td>$69,500.00</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

4 Total: $181,520.00

#### 99—West Virginia Racing Commission

**Acct. No. 495**

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To pay per diem of members</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
</tr>
</tbody>
</table>
AGRICULTURE

100—Department of Agriculture

Acct. No. 510

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Commissioner</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$121,600.00</td>
<td>$121,600.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$71,220.00</td>
<td>$71,220.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$9,950.00</td>
<td>$9,950.00</td>
</tr>
<tr>
<td>5 For the Eradication and Prevention of Livestock Diseases</td>
<td>$115,000.00</td>
<td>$115,000.00</td>
</tr>
<tr>
<td>6 Aid to Dairy Development Program</td>
<td>$55,000.00</td>
<td>$55,000.00</td>
</tr>
<tr>
<td>7 Eradication and Control of Japanese beetle and other plant pests</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$398,770.00</strong></td>
<td><strong>$398,770.00</strong></td>
</tr>
</tbody>
</table>

101—Department of Agriculture—Soil Conservation Committee

Acct. No. 512

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay per diem and travel expenses of District Supervisors and Other General Expenses of the Soil Conservation Committee</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
</tr>
</tbody>
</table>

102—Department of Agriculture—Marketing and Research

Acct. No. 513

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 For cooperation with the Federal Government in a program of marketing and research</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>5 Any part or all of this appropriation may be transferred to Special Revenue Fund for</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
the purpose of matching federal funds for the above named purpose.

103—Department of Agriculture—Agricultural Awards

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Incorporated County and District Fairs, 4-H Fairs and Exhibits and Vocational Agricultural Fairs and Exhibits</td>
<td>$12,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>2 State Agricultural Fairs and Agricultural and Industrial Exhibits</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>3 West Virginia State Fair</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>4 Mountain State Forest Festival</td>
<td>$7,500.00</td>
<td>$7,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$70,000.00</strong></td>
<td><strong>$70,000.00</strong></td>
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</table>

To be expended at the discretion of the Commissioner of Agriculture and in accordance with law.

CONSERVATION AND DEVELOPMENT

104—West Virginia Geological Survey

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services, including Salary of State Geologist</td>
<td>$66,420.00</td>
<td>$66,420.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$20,400.00</td>
<td>$20,400.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$2,950.00</td>
<td>$2,950.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$89,770.00</strong></td>
<td><strong>$89,770.00</strong></td>
</tr>
</tbody>
</table>

Of the above appropriation for Current Expenses not more than $5,000.00 may be used each year of the biennium to cooperate with the United States Geological Survey in Ground Waters Resources Study.
### 105—Conservation Commission—Division of Game, Fish and Forestry

**Acct. No. 521**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$187,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>3</td>
<td>White Pine Blister Rust Control</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>4</td>
<td>To Match Pittman-Robertson Appropriation</td>
<td>$187,000.00</td>
</tr>
<tr>
<td>5</td>
<td>To match Dingell-Johnson Appropriation</td>
<td>$187,000.00</td>
</tr>
</tbody>
</table>

**Total** | $346,667.00 |

### 106—Conservation Commission—Division of State Parks

**Acct. No. 522**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$49,160.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>$7,000.00</td>
</tr>
</tbody>
</table>

**Total** | $121,160.00 |

### 107—Conservation Commission—Clarke-McNary

**Acct. No. 523**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>For cooperation with the United States Department of Agriculture in Fire Prevention and Control</td>
<td>$75,000.00</td>
</tr>
</tbody>
</table>

### 108—Point Pleasant Battle Monument Commission

**Acct. No. 561**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>For Maintenance of Historical Monument</td>
<td>$3,200.00</td>
</tr>
</tbody>
</table>

### 109—Rumseyan Society

**Acct. No. 562**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>For Maintenance of Historical Monument</td>
<td>$300.00</td>
</tr>
</tbody>
</table>
### Appropriations

**110—Morgan Morgan Memorial**

Acct. No. 563

1 For Maintenance of Historical Monument $25.00

**111—Grafton G. A. R. Post**

Acct. No. 564

1 In aid of Memorial Day Patriotic Exercises $1,000.00
3 To be expended subject to the approval of the Board of Public Works upon presentation of satisfactory plans by the Grafton G. A. R. Post, American Legion, Veterans of Foreign Wars and Sons of Veterans.

### Protection

**112—Department of Public Safety**

Acct. No. 570

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Superintendent</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$779,560.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$501,250.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$44,400.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,348,210.00</strong></td>
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</table>

**113—Adjutant General—State Militia**

Acct. No. 580

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Salary of Adjutant General</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$45,600.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$145,660.00</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>6 Compensation of Commanding</td>
<td>$6,000.00</td>
</tr>
</tbody>
</table>
7 Officers, Clerical Services and
8 Care of Property 65,000.00 65,000.00
9 Total 268,660.00 260,160.00

114—Division of Civilian Defense

Acct. No. 581

1 Personal Services 19,600.00 19,600.00
2 Current Expenses 9,870.00 7,470.00
3 Equipment 3,350.00 2,200.00
4 Total 32,820.00 29,270.00

115—State Armory Board

Acct. No. 582

1 For Insurance, maintenance and repair of state owned
2 Armories 20,000.00 20,000.00

116—State Board of Education—Insurance

Acct. No. 584

1 Fire Insurance Premiums 60,000.00
2 To pay insurance premiums on buildings and contents there-
3 of at state colleges.
4 The above appropriation for premiums is for a three-year
5 period.

117—West Virginia Board of Control—Insurance

Acct. No. 585

1 Fire Insurance Premiums 125,000.00
2 To pay insurance premiums on buildings and contents there-
3 of at state institutions. The above appropriation for pre-
4 miums is for a three-year period.
### Appropriations

**118—State Board of Examiners of Accountants**  
Acct. No. 586

<table>
<thead>
<tr>
<th></th>
<th>To pay the per diem of members and other general expenses</th>
<th>From Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
</tr>
</tbody>
</table>

**119—State Athletic Commission**  
Acct. No. 587

<table>
<thead>
<tr>
<th></th>
<th>To pay per diem of members and other general expenses</th>
<th>From Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
</tbody>
</table>

**120—State Board of Examiners of Registered Nurses**  
Acct. No. 588

<table>
<thead>
<tr>
<th></th>
<th>To pay the per diem of members and other general expenses</th>
<th>From Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$16,450.00</td>
<td>$16,450.00</td>
</tr>
</tbody>
</table>

**121—State Board of Dental Examiners**  
Acct. No. 589

<table>
<thead>
<tr>
<th></th>
<th>To pay the per diem of members and other general expenses</th>
<th>From Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

**122—State Board of Pharmacy**  
Acct. No. 590

<table>
<thead>
<tr>
<th></th>
<th>To pay the per diem of members and other general expenses</th>
<th>From Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

**123—State Board of Osteopathy**  
Acct. No. 591

<table>
<thead>
<tr>
<th></th>
<th>To pay the per diem of members and other general expenses</th>
<th>From Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>
124—State Board of Optometry
Acct. No. 592
1 To pay the per diem of mem-
bers and other general ex-
penses ........................................ $ 2,000.00 $ 2,000.00
4 From Collections ......................... $ 2,000.00 $ 2,000.00

125—State Board of Embalmers and Funeral Directors
Acct. No. 593
1 To pay the per diem of mem-
bers and other general ex-
penses ........................................ $ 9,000.00 $ 9,000.00
4 From Collections ......................... $ 9,000.00 $ 9,000.00

126—State Board of Registration for Professional Engineers
Acct. No. 594
1 To pay the per diem of mem-
bers and other general ex-
penses ........................................ $ 9,890.00 $ 11,000.00
4 From Collections ......................... $ 9,890.00 $ 11,000.00

127—State Board of Examiners for Architects
Acct. No. 595
1 To pay the per diem of mem-
bers and other general ex-
penses ........................................ $ 2,000.00 $ 2,000.00
4 From Collections ......................... $ 2,000.00 $ 2,000.00

128—State Board of Examiners for Veterinarians
Acct. No. 596
1 To pay the per diem of mem-
bers and other general ex-
penses ........................................ $ 500.00 $ 500.00
4 From Collections ......................... $ 500.00 $ 500.00

129—State Board of Law Examiners
Acct. No. 597
1 To pay the per diem of mem-
APPROPRIATIONS

2bers and other general expenses $ 2,400.00 $ 2,400.00

130—Auditor’s Office—Social Security

Acct. No. 598

1 To match contributions of state employees for social security tax $150,000.00 $150,000.00

4 The above appropriation is intended to cover the state’s share of social security costs for those departments operating from General Revenue Fund and General School Fund appropriations. The State Road Commission, Department of Motor Vehicles, Workmen’s Compensation Commission, Public Service Commission, and other departments operating from Special Revenue Funds and/or Federal Funds shall pay their proportionate share of the social security cost for their respective divisions. Such payments may be made from the balances in the various Special Revenue Funds in excess of specific appropriations.

131—Treasurer’s Office—Bonded Obligations

Acct. No. 599

1 To pay the principal and interest requirements of refunding 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... $ 270,000.00 $ 260,000.00

Sec. 2. Appropriations from Other Funds.—From the
2 funds designated there is hereby appropriated condition-
ally upon the fulfillment of the provisions set forth in
4 chapter 39, acts of the Legislature, regular session, one
5 thousand nine hundred thirty-nine, the following amounts,
6 as itemized, for expenditure during the fiscal years one
7 thousand nine hundred fifty-two and one thousand nine
8 hundred fifty-three.

132—Department of Agriculture

Acct. Nos. 654 and 655

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th></th>
<th>1952</th>
<th>1953</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$105,360.00</td>
<td>$107,560.00</td>
</tr>
<tr>
<td>2 Current Expenses and Equipment</td>
<td>$65,000.00</td>
<td>$65,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$170,360.00</strong></td>
<td><strong>$172,560.00</strong></td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from
Special Revenue Fund out of collections made by the De-
partment of Agriculture as provided by law. It is the
intention that special funds in excess of the amounts
hereby appropriated shall be made available by budget
amendment upon request of the Commissioner of Agricul-
ture.

133—Insurance Commissioner—Fire Marshal

Acct. No. 660

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th></th>
<th>1952</th>
<th>1953</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$58,740.00</td>
<td>$60,700.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$27,970.00</td>
<td>$26,470.00</td>
</tr>
</tbody>
</table>
3 Equipment ........................................ 6,300.00 5,300.00
4 Buildings .......................................... 40,000.00

5 Total ...................................... $ 133,010.00 $ 92,470.00

6 The total amount of this appropriation shall be paid from
7 Special Revenue Fund out of
8 collections of the special tax
9 of one-half of one per cent of
10 premium receipts of fire in-
11 surance companies as pro-
12 vided by law.

134—Public Service Commission
Acct. No. 661

TO BE PAID FROM SPECIAL REVENUE FUND

1 Salaries of Commissioners ........... $ 18,000.00 $ 18,000.00
2 Other Personal Services .............. 178,300.00 178,300.00
3 Current Expenses ......................... 28,700.00 28,700.00
4 Equipment ...................................... 5,000.00 5,000.00

5 Total ...................................... $ 230,000.00 $ 230,000.00

6 The total amount of this appropriation shall be paid from
7 Special Revenue Fund out of
8 collections for special license
9 fees from public service cor-
10 porations as provided by law.
11 Out of the above appropriation
12 $5,000.00 may be transferred
13 annually to the State Water
14 Commission for use in coop-
15 eration with the U. S. Geo-
16 logical Survey in a program
17 of stream gauging.

135—Public Service Commission—Motor Carrier Division
Acct. No. 662

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services ......................... $ 166,170.00 $ 166,170.00
2 Current Expenses ......................... 42,800.00 42,800.00
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3 Equipment ........................................ $ 3,500.00 $ 3,500.00

4 Total .............................................. $ 212,470.00 $ 212,470.00

5 The total amount of this appropriation shall be paid from Special Revenue Fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as authorized by law.

136—Conservation Commission—General Administration

Acct. No. 663

TO BE PAID FROM SPECIAL REVENUE FUND

1 Salary of Director ......................... $ 7,000.00 $ 7,000.00
2 Other Personal Services ..................... 36,120.00 36,120.00
3 Current Expenses ....................... 41,000.00 41,000.00
4 Equipment ...................................... 3,000.00 3,000.00

5 Total .............................................. $ 87,120.00 $ 87,120.00

6 The total amount of this appropriation shall be paid from special revenue fees collected by the conservation commission.

7 All items are for administration purposes only and shall not be construed as a limit upon the expenditures from the Special Revenue collections of said department, except for administration. In addition to the above appropriation the sum of $5,000.00 may be transferred annually from the special revenue collections of said department to the state water commis-
24 appropriation for use in cooperation
25 with the U. S. Geological
26 Survey in a program of
27 stream gauging.

136a—State Committee of Barbers and Beauticians

Acct. No. 664

TO BE PAID FROM SPECIAL REVENUE FUND

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services, including</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Salary of Director</td>
<td>20,500.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>33,500.00</td>
</tr>
</tbody>
</table>

5 The total amount of this appropriation shall be paid from
6 Special Revenue Fund out of
7 collections made by the State
8 Committee of Barbers and
9 Beauticians as provided by
10 law.

137—West Virginia Liquor Control Commission

Acct. No. 667

TO BE PAID FROM SPECIAL REVENUE FUND

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salaries of three members of</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>the Commission</td>
<td>21,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Other Personal Services</td>
<td>2,897,430.00</td>
</tr>
<tr>
<td>4</td>
<td>Current Expenses</td>
<td>935,200.00</td>
</tr>
<tr>
<td>5</td>
<td>Repairs and Alterations</td>
<td>18,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Equipment</td>
<td>100,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Contingent Fund—Liquor Rationing</td>
<td>150,000.00</td>
</tr>
<tr>
<td>9</td>
<td>Total</td>
<td>4,121,630.00</td>
</tr>
</tbody>
</table>

10 The total amount of this appropriation shall be paid from
11 the Special Revenue Fund
12 * out of liquor revenues.
13 The above appropriation in-
cludes the salaries of store
personnel, store inspectors,
store operating expenses and
equipment, and equipment
for administration offices.
There is hereby appropriated
from liquor revenues, in ad-
dition to the above appropri-
ation, the necessary amount
for purchase of liquor.

138—State Road Commission—General Administration
and Engineering

Acct. No. 670

TO BE PAID FROM STATE ROAD FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Commissioner</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>393,160.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>86,200.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>50,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$537,360.00</td>
</tr>
</tbody>
</table>

In addition to the foregoing ap-
propriations or claims, as au-
thorized by this act or by law
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 pay-
ment of interest on and prin-
cipal of outstanding road
bonds, and thereafter for
maintenance, construction
and reconstruction of state
roads, in accordance with the
provisions of chapter seven-
ten, code of West Virginia,
1931, as amended.
### 139—Department of Motor Vehicles

**Acct. No. 671**

**TO BE PAID FROM STATE ROAD FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Commissioner</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$399,840.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$167,465.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$32,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$606,305.00</strong></td>
</tr>
</tbody>
</table>

### 140—State Board of Education

**Acct. No. 700**

**TO BE PAID FROM GENERAL SCHOOL FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$22,220.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$12,700.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$500.00</td>
</tr>
<tr>
<td>4 Out-of-State aid to Negroes</td>
<td>$12,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$47,920.00</strong></td>
</tr>
</tbody>
</table>

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

**Acct. No. 701**

**TO BE PAID FROM GENERAL SCHOOL FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$23,310.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>4 Vocational Aid</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>5 Equipment for FFA-FHA Camp and Conference Center</td>
<td>$6,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$238,310.00</strong></td>
</tr>
</tbody>
</table>

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

**Acct. No. 702**

**TO BE PAID FROM GENERAL SCHOOL FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Vocational Rehabilitation Case</td>
<td>$243,000.00</td>
</tr>
<tr>
<td>2 Services</td>
<td>$243,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$243,000.00</strong></td>
</tr>
</tbody>
</table>
3 To Provide Management and Supervisory Services for Vending Stand Program for the Blind ................................... 7,000.00 7,000.00

7 Total .................................. $ 250,000.00 $ 250,000.00

143—Department of Education

TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of State Superintendent</td>
<td>$ 6,000.00</td>
<td>$ 6,000.00</td>
</tr>
<tr>
<td>3 Other Personal Services</td>
<td>113,950.00</td>
<td>113,950.00</td>
</tr>
<tr>
<td>4 Current Expenses</td>
<td>59,320.00</td>
<td>59,320.00</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>4,500.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>6 Salaries of County Superintendents</td>
<td>61,500.00</td>
<td>62,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 245,270.00</strong></td>
<td><strong>$ 243,270.00</strong></td>
</tr>
</tbody>
</table>

144—State Board of School Finance

TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 12,780.00</td>
<td>$ 12,780.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>5,000.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 17,780.00</strong></td>
<td><strong>$ 17,780.00</strong></td>
</tr>
</tbody>
</table>

145—Department of Education—Hot Lunches

TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 37,320.00</td>
<td>$ 37,320.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>10,630.00</td>
<td>10,630.00</td>
</tr>
<tr>
<td>3 Aid to Counties—Includes hot lunches and canning for hot lunches</td>
<td>125,000.00</td>
<td>125,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 172,950.00</strong></td>
<td><strong>$ 172,950.00</strong></td>
</tr>
</tbody>
</table>
146—Auditor's Office—Land Department
Acct. No. 709

TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Previous Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$61,200.00</td>
<td>$61,200.00</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>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$63,700.00</strong></td>
<td><strong>$63,700.00</strong></td>
</tr>
</tbody>
</table>

147—Workmen's Compensation Commission
Acct. No. 900

TO BE PAID FROM WORKMEN'S COMPENSATION FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Previous Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Commissioner</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$496,410.00</td>
<td>$496,410.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$199,875.00</td>
<td>$264,175.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$22,000.00</td>
<td>$22,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$725,285.00</strong></td>
<td><strong>$789,585.00</strong></td>
</tr>
</tbody>
</table>

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

Sec. 3. Supplemental Appropriations.—From the State Fund, General Revenue, except as otherwise provided, there is hereby appropriated the following amounts, as itemized, for expenditure during the fiscal year one thousand nine hundred and fifty-one to supplement the 1950-51 appropriations, and to be available for expenditure upon date of passage.

148—Teachers Retirement Board
Acct. No. 298

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Employer's Accumulation Fund—To Match Contribution of Members</td>
<td>$677,470.00</td>
</tr>
</tbody>
</table>
### 149—West Virginia State Prison for Women

Acct. No. 374

1 Current Expenses $ 6,250.00

### 150—West Virginia Penitentiary

Acct. No. 375

1 Current Expenses $ 90,000.00

### 151—Medium Security Prison

Acct. No. 376

1 Current Expenses $ 30,000.00

### 152—Department of Public Assistance

*Acct. No. 405

1 Public Assistance Grants

| 2 (Classified Aid) | $1,410,000.00 |

### 154—West Virginia Racing Commission

Acct. No. 495

1 Totals $ 13,000.00

### 155—Auditor’s Office—Social Security

Acct. No. 598

1 To match contributions of
2 State employees for social
3 security tax to June 30, 1951 $ 40,000.00

### 156—Department of Agriculture

Acct. Nos. 654 and 655

'TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>1 Personal Services</th>
<th>$ 25,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Current Expenses and Equipment</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$45,000.00</td>
</tr>
</tbody>
</table>
Sec. 4. Awards for Claims Against the State.—Appropriations to pay awards for claims against the State as approved and certified by the State Court of Claims are for the remainder of the fiscal year 1950-51, and to remain in effect until June 30, 1953.

Claims Versus State Board of Control
TO BE PAID FROM GENERAL REVENUE FUND
1 Fisher, B. E. $ 2,759.43
2 Goldsboro, Luther 880.45

Claims Versus State Adjutant General
TO BE PAID FROM GENERAL REVENUE FUND
1 Epperly, Robert E. $ 37.84
2 Kipp, John 78.39
3 Pelfrey, H. A. 65.85
4 Radford, C. E. 500.60
5 Garten, Billie G. 215.94
6 Nuckolls, George R. 250.00
7 Salpini, Benny 50.00

Claims Versus State Auditor—Criminal Charges
TO BE PAID FROM GENERAL REVENUE FUND
1 Chambers, Thurman, Sheriff of Mingo County $ 14.60

Claims Versus State Board of Education
TO BE PAID FROM GENERAL REVENUE FUND
1 Town of Romney $ 872.38

Claims Versus State Department of Public Safety
TO BE PAID FROM GENERAL REVENUE FUND
1 Hannas, Clearsins $ 700.00
### Claims Versus State Tax Commissioner

**TO BE PAID FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hylton, D. K.</td>
<td>$508.41</td>
</tr>
<tr>
<td>Continental Foundry and Machine Company</td>
<td>$14,836.80</td>
</tr>
<tr>
<td>Caplan, Ben, dba National Towel Supply</td>
<td>$944.27</td>
</tr>
<tr>
<td>Raleigh County Bank</td>
<td>$472.83</td>
</tr>
<tr>
<td>Davis, I. S., dba Fairmont Linen Supply Company</td>
<td>$685.96</td>
</tr>
<tr>
<td><strong>Total Claims from General Revenue Fund</strong></td>
<td><strong>$23,873.75</strong></td>
</tr>
</tbody>
</table>

### Claims Versus State Conservation Commission

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackson, R. C.</td>
<td>$390.00</td>
</tr>
<tr>
<td>Kilmer, Pearl Marie and Kline, Phyllis</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

### Claims Versus State Road Commission

**TO BE PAID FROM STATE ROAD FUND**

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proctor &amp; Gamble Distributing Company</td>
<td>$13.84</td>
</tr>
<tr>
<td>Weirton Cigar &amp; Candy Co.</td>
<td>$75.38</td>
</tr>
<tr>
<td>Spradling, Dalton</td>
<td>$96.33</td>
</tr>
<tr>
<td>Freeman, Rosa Webb</td>
<td>$100.00</td>
</tr>
<tr>
<td>Reynolds Transportation Co.</td>
<td>$160.88</td>
</tr>
<tr>
<td>Charleston National Bank, Committee for Carl A. Urban, incompetent</td>
<td>$200.00</td>
</tr>
<tr>
<td>Green Hill Church, by Orr Minnear, Trustee</td>
<td>$36.22</td>
</tr>
<tr>
<td>Caplinger, W. T.</td>
<td>$4.08</td>
</tr>
<tr>
<td>Webb, Arnold P. and Emmco Insurance Co.</td>
<td>$295.90</td>
</tr>
<tr>
<td>Cox, J. A., et al.</td>
<td>$21,080.71</td>
</tr>
<tr>
<td>Brown, Albert and Odessie</td>
<td>$2,134.20</td>
</tr>
<tr>
<td>Huffman, J. E.</td>
<td>$12.95</td>
</tr>
<tr>
<td>Taylor &amp; Mann Lumber Co.</td>
<td>$22.50</td>
</tr>
</tbody>
</table>
19 Sabol, Russell D. and Travelers Fire Insurance Co. ................................. 25.50
20 Kennan, Kenneth ......................................................... 100.00
21 Byard, Carter O ............................................................. 197.27
22 Clark, C. H ................................................................. 42.08
23 Cramer, H. E ................................................................. 36.11
24 Daniels, Claire .............................................................. 57.34
25 Gant, A. L ................................................................. 25.00
26 Garrison, Charles ......................................................... 35.60
27 Linkinogger, H. H ......................................................... 56.80
28 McBride, M. L .............................................................. 109.14
29 Resides, John B ......................................................... 60.46
30 Roberts, Orban, father of Gary Roberts ........................................... 200.00
31 Smith, Kenneth G. and Calvert Fire Insurance Co. ...................... 164.63
32 Tabor, Woodrow ............................................................. 150.00
33 Taylor, L. C ................................................................. 60.69
34 Utterback, A. W. and Mrs. A. W. and Cremeans, Frances ........ 2,800.00
35 Pratt, Effie Savage ......................................................... 480.00
36 Bowling, J. Otis ............................................................ 1,500.00
37 Gribble, L. G ................................................................. 250.00
38 Marks, Jimmie ................................................................. 400.00
39 Total Claims from State Road Fund ........................................ $ 30,983.61

Claims Versus Department of Public Assistance

TO BE PAID FROM PUBLIC ASSISTANCE FUND
1 Brannon, Dorsey, M. D .................................................. $ 256.00
2 Maxwell, Ralph, M. D .................................................... 165.00
3 Total Claims from Public Assistance Fund ............................... $ 421.00

Sec. 5. Appropriations from Surplus Revenues.—
2 The following items are appropriated from the general revenue fund, subject to the following terms and conditions:
3 (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, 1951, or at the time
release or encumbrance of any such items is made, sub-
ject to the conditions and limitations hereinafter expressed.
Before making funds available or encumbering such sur-
plus for expenditure hereunder, except as otherwise pro-
vided, the board of public works shall review the revenues
of the state from the first day of July, 1951, to the date that
appropriations hereunder are expected to be made avail-
able or encumbered for expenditure hereunder, and de-
termine whether, in its opinion, revenues then in prospect
or on hand will be sufficient to meet all appropriations un-
der this section, and make a finding with respect thereto.
(b) The order in which the items of this section are
named does not indicate a preference as to priority of ex-
penditure. The board of public works may authorize the
expenditure of any one or more of said items without re-
gard to the order in which they are listed.
(c) The amounts of the several items 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 re-
leased do not exceed the total amount made available
under this section, and corresponding decreases or elimina-
tions are made to offset increases.
(d) 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 unit or
project.
(e) Any of the items under this section may be released
or encumbrances made therefor at any time after the first
day of July, 1951, as the board may deem proper, subject
to the limitations of subsection (a) herein.
Subject to the foregoing conditions, the following ap-
appropriations are made for the purposes named in this section.

50 Item 1: State Tax Commissioner, for purchase of equipment. A part or all of this appropriation may be made available for expenditure from the date of passage of this act.

$200,000.00

54 Item 2: Potomac State School of West Virginia University, for equipment for new science building; a part or all of this appropriation may be made available for expenditure from the date of passage of this act.

$150,000.00

58 Item 3: West Virginia Penitentiary, for new mine shaft.

60,000.00

59 Item 4: West Virginia Penitentiary, for new roofs on north and south halls.

$10,400.00

63 Item 5: Medium Security Prison, for waterproofing main building.

25,000.00

67 Item 6: West Virginia Training School, for superintendent's residence.

25,000.00

71 Item 7: West Virginia State Aeronautics Commission for airway beacons (3).

$10,000.00

75 Item 8: State Health Department, for laboratory building. Release of funds for construction of said building shall be contingent upon approval of plans and specifications by the board of public works.

200,000.00

79 Item 9: Conservation Commission, for the acquisition for the State of lands in Jefferson County necessary for the estab-
89 Establishment and development of
90 the Harpers Ferry National
91 Monument ........................................... 350,000.00
92 Item 10: State Board of Edu-
93 cation—Vocational Division, for
94 dam and reservoir, water sys-
95 tem, sewerage system, electrical
96 system, roadways and land-
97 scaping, fencing, engineering
98 and architectural fees for State
99 FFA-FHA Camp................................. 225,000.00
100 Item 11: The Board of Pub-
101 lic Works, Contingent Fund...... 300,000.00
102 The foregoing appropriation of $300,000.00 may be re-
103 leased by the board of public works only for the following
104 purpose: The amount of $300,000.00 may be released by
105 the board of public works to supplement the appropriation
106 to the Department of Public Assistance should it become
107 necessary to reduce the percentage of grants below the
108 amount upon which the regular appropriation is pred-
109 icated. A part or all of this appropriation may be made
110 available from the date of passage of this act.

Sec. 6. Reappropriations.—The date for expiring
2 unexpended balances, if any, in the appropriations made
3 by and under authority of Section 5 of the 1949 budget act
4 is hereby extended to June 30, 1953, and such items except
5 item 55, are hereby reappropriated from their respective
6 dates of expiration to June 30, 1953: Provided, That, (1)
7 the sum of $75,000.00 from Item No. 24 as herein reappro-
8 priated may be expended for repairs to the administration
9 building of Bluefield State College; (2) any unexpended
10 balance in Item No. 2 of Sec. 5 of the 1949 budget act as
11 herein reappropriated may be expended by the State Of-
12 fice Building Commission for the purchase of additional
13 land and for the acquisition or construction of additional
14 parking facilities near the capitol buildings; (3) any unex-
15 pended balance in Item No. 17, Sec. 5 of the 1949 budget
16 act as herein reappropriated may be expended for major
17 repairs and alterations to buildings and grounds; (4) any
18 unexpended balances in Items Nos. 49, 50 and 51 of Sec.
of the 1949 budget act as herein reappropriated shall be
expended as follows:

(a) For development of picnic and recreation areas, Kanawha State Forest $ 75,000.00
(b) For development of picnic and recreation areas, Camp Creek State Forest 100,000.00
(c) For development and improvement of state parks 365,246.35
(d) For development and improvement of state forests 204,000.00
(e) For purchase of forest lands and development and improvement of state parks and state forests 125,500.00
(f) For construction and improvement of road leading from State Route No. 51 to Coonskin Park in Kanawha County; expenditure to be made by the State Road Commission in consultation with the Kanawha County Court 40,000.00

Sec. 7. Special Revenue Appropriations.—There is hereby appropriated for expenditure during the fiscal years one thousand nine hundred fifty-two and one thousand nine hundred fifty-three 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 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:
17  (a) An estimate of the amount and sources of all reve-
18 nues accruing to such fund;
19  (b) A detailed expenditure schedule showing for what
20 purposes the fund is to be expended.

Sec. 8. Appropriations Revived and Extended.—A part
2 of an appropriation to a spending unit that remains unex-
3 pended at the end of the fiscal year one thousand nine hun-
4 dred fifty-two may, by order of the board of public works,
5 be revived and extended only to meet unforeseen contin-
6 gencies arising during the fiscal year one thousand nine
7 hundred fifty-three.

Sec. 9. Specific Statutory Appropriations.—Whenever
2 the specific payment of a definite sum of money is required
3 by general law such sum shall be paid from the proper
4 item appropriated by this act.

Sec. 10. Specific Funds and Collection Accounts.—A fund
2 or collection account, which by law is dedicated to a spe-
3 cific use is hereby appropriated in sufficient amount to
4 meet all lawful demands upon the fund or collection ac-
5 count, and shall be expended according to the provisions
6 of article three, chapter twelve of the code of West Vir-
7 ginia, one thousand nine hundred thirty-one.

Sec. 11. Appropriations for Refunding Erroneous Pay-
2 ments.—Money that has been erroneously paid into the
3 state treasury is hereby appropriated out of the fund into
4 which it was paid for refund to the proper person.
5 When the officer authorized by law to collect money for
6 the state finds that a sum has been erroneously paid he
7 shall issue his requisition upon the auditor for the refund-
8 ing of the proper amount. The auditor shall issue his war-
9 rant to the treasurer and the treasurer shall pay the war-
10 rant out of the fund into which the amount was originally
11 paid.

Sec. 12. Contingent Fund.—A contingent fund may be ex-
2 pended as appropriated, with the approval of the board of
3 public works, when the expenditure will improve the gov-
4 ernmental service and care for unexpected contingencies.
5 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. 13. 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. 14. 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. There is hereby appropriated from the cigarette tax for administration and enforcement of the law relating to said tax a sum not to exceed one and one-half per cent of the tax collected or stamps sold. There is hereby appropriated from the soft drink tax revenues for administration and enforcement of the law relating to said tax, a sum not to exceed two and one-half per cent of the total revenues collected. 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. 15. Appropriations to Pay Premiums on Bonds of County Clerks.—There is hereby appropriated out of the
3 general school fund, to be paid upon the requisition of 4 the auditor, a sum sufficient to pay premiums on bonds 5 of county clerks to protect funds belonging to the said 6 general school fund, and out of the special revenue fund 7 of the conservation commission, to be paid upon the requi- 8 sition of the commissioner, a sum sufficient to pay pre- 9 miums on bonds of county clerks to protect funds belong- 10 ing to the said conservation commission.

Sec. 16. Appropriations to Pay Costs of Publication of Delinquent Corporations.—There is hereby appropriated out 2 of the state fund, general revenue, out of funds not other- 3 wise appropriated to be paid upon requisition of the audi- 4 tor and/or the governor, as the case may be, a sum suffi- 5 cient to pay the cost of publication of delinquent corpora- 6 tions as provided by sections seventy-five and seventy- 7 seven of article twelve, chapter eleven, code of West 9 Virginia.

Sec. 17. Appropriations for Local Governments.—There 2 is hereby appropriated for payment to counties, districts, 3 and municipal corporations such amounts as will be neces- 4 sary to pay taxes due county, district, and municipal cor- 5 porations and which have been paid into the treasury: 6 1. For the redemption of lands; 7 2. By public service corporations; 8 3. For tax forfeitures.

Sec. 18. Printing Costs.—The cost of printing, binding 2 and stationery for each spending unit shall be paid from 3 the current expense appropriation for the spending unit.

Sec. 19. Total Appropriation.—Where only a total sum is 2 appropriated to a spending unit that total sum shall in- 3 clude personal services, current expenses, and capital out- 4 lay, except as otherwise provided in Title I, Section 3.

Sec. 20. General School Fund.—The balance of the pro- 2 ceeds of the general school fund remaining after the pay- 3 ment of the appropriations made by this act is appropri- 4 ated for expenditure in accordance with section six, article 5 nine, chapter eighteen of the code of West Virginia, one 6 thousand nine hundred thirty-one, as amended.
Title 3. Administration.

Section
1. Appropriations conditional.
2. Suspension of certain acts.
3. Limitation on spending.
4. Limitation on publicity.
5. Limitation on expenditures for insurance.
6. 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. 3. 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
20 under the new name and succeeding to the possession of
21 the physical plant of the former institution, and any officer
22 or person who shall expend or shall participate in the
23 expenditure of any part of any appropriation made by this
24 act in violation of any of the provisions hereof shall be
25 personally liable therefor.

Sec. 4. 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 as
6 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. 5. Limitation on Expenditures for Insurance.—Not
2 more than ten per cent of the total amount which may be
3 expended from all appropriations of this act for the pay-
4 ment of premiums on fire, casualty or fidelity insurance
5 shall be paid to insurance agents or agencies in any one
6 county, and of such total amount not more than five per
7 cent shall be paid to any one insurance agent or agency.

Sec. 6. Constitutionality.—If any part of this act is de-
2 clared 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.
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, relating to assistant attorneys general.

[Passed February 27, 1951; 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, 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 six thousand three hundred dollars per annum, and three of them shall each receive a salary not in excess of six thousand 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 five hundred dollars per month.

CHAPTER 10

(Senate Bill No. 216—By Mr. Love)

AN ACT to amend article ten, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one,
by adding thereto two new sections to be designated sections two and three, relating to the recordation of orders and decrees in bankruptcy, and for the recordation of orders approving trustees in bankruptcy, and providing for fees therefor.

[Passed March 5, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 10. Federal Tax Liens.

Section 2. Recordation of orders and decrees in bankruptcy; fee.
Section 3. Recordation of orders approving trustees in bankruptcy; fee.

Be it enacted by the Legislature of West Virginia:

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

Sec. 2. Recordation of Orders and Decrees in Bankruptcy; Fee.—Certified copies of orders or decrees of adjudication of bankruptcy, made pursuant to the acts of congress relating to bankruptcy, shall be filed in the office of the clerk of the county court of any county wherein any real estate owned by the bankrupt is situated. Such decrees shall be recorded in the deed books and indexed in the name of the bankrupt. For each such recordation the clerk shall be paid a fee of fifty cents.

Sec. 3. Recordation of Orders Approving Trustees in Bankruptcy; Fee.—Certified copies of orders approving the bonds of trustees in bankruptcy, made by referees in bankruptcy or United States courts pursuant to the acts of congress relating to bankruptcy, shall be filed in the office of the clerk of the county court of any county wherein any property of the bankrupt (the bond of the trustee of whose estate in bankruptcy is approved by such order) is situated or located. Such orders shall be recorded in the deed books and indexed in the names of the trustees in bankruptcy and the bankrupt. For each such recordation the clerk shall be paid a fee of fifty cents.
CHAPTER 11
(Senate Bill No. 131—By Mr. Bean)

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 amended, relating to state board of control, appointment of members, term of office, salary, secretary and assistants, oath and bond of members.

(Passed March 8, 1951: in effect July 1, 1951. 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; salary; 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 amended, be amended and reenacted to read as follows:

Section 1. State Board of Control; Appointment of Members; Term of Office; Salary; 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, nineteen hundred and 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 seven thousand
dollars 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 give bond in the penalty of ten thousand dollars, conditioned as required by law. The board may require the surety in any of such bonds to be a surety or bonding company authorized to do business in this state, and may pay the premiums thereon out of its current or contingent expense fund. All such bonds shall be approved by the attorney general as to form, and by the governor as to sufficiency, and, when so approved, shall be filed and recorded in the office of the secretary of state. In the absence of the president or the treasurer from the state capitol, or in case of the disability of either, the duties of his office may be performed by another member of the board.

CHAPTER 12

(House Bill No. 157—By Mr. Davis)

AN ACT to amend and reenact section ten-a, article one, chapter twenty-five of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to care, control and custody of capitol buildings and grounds.

[Passed February 14, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 1. Organization; General Powers of Duties; Supervision of State Institutions.

Section 10-a. Care, control and custody of capitol buildings and grounds.

Be it enacted by the Legislature of West Virginia:

That section ten-a, 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 10-a. Care, Control and Custody of Capitol Buildings and Grounds.—The state board of control shall be charged with full responsibility for the care, control and custody of the capitol buildings and grounds, and in this connection the board shall:

1. Furnish guards and janitors for the capitol buildings and grounds, together with all the apartments therein, or connected therewith, regardless of the budget or budgets, departmental or otherwise, from which such guards and janitors are paid, and shall furnish janitorial supplies, light, heat and ventilation for all the rooms and corridors of the building. Under the direction of the president of the senate and speaker of the house of delegates, the board of control shall have charge of the halls and committee rooms of the two houses and keep the same properly cleaned, warmed and in good order, and shall do and perform such other duties in relation thereto as either house may require;

2. Furnish part-time messenger service to the various state departments. Department heads shall be consulted with reference to the amount of messenger service required for their departments and an agreed amount for such service shall be paid by the department directly to the board of control. Janitor-messengers, or part-time messengers, shall receive from the board of control compensation for total services in the same manner as other
employees are paid. Any state department shall, however, have authority to furnish its own messenger service without using employees of the board of control;

(3) Have immediate control and direction of the switchboard telephone service for the various departments of the state capitol. Changes in telephone instruments or equipment in the various departments of the state capitol shall be referred to the board of control and payment for any such changes will not be honored by the state auditor unless such changes have been approved by the board of control. A simple accounting system shall be installed and maintained by the board of control for all telephone service to the state departments;

(4) Landscape and take care of lawns and gardens;

(5) Direct the making of all minor repairs to and alterations of the capitol buildings and grounds. Major repairs and alterations shall be made under the supervision of the board of control, subject to the direction of the board of public works.

The board of control shall appoint such assistants and employees as may be necessary for the performance of the duties imposed upon it by this section, subject to the provisions of law and regulations pertaining to the classification and uniform compensation of personnel.

The offices of such employees shall be located where designated by the board of public works, except that they shall not be located in any of the legislative chambers, offices, rooms or halls. Office hours shall be so arranged that emergency or telephone service shall be available at all times. The hours of employment shall be so arranged that janitorial service shall not interfere with other employment during regular office hours.

CHAPTER 13

(House Bill No. 152—By Mr. Davis)

AN ACT to amend and reenact section sixteen, article one, chapter twenty-five of the code of West Virginia, one thou-
sand nine hundred thirty-one, relating to the transfer of inmates of state institutions.

[Passed February 14, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 1. Organization; General Powers and Duties; Supervision of State Institutions.

Section 16. Transfer of inmates of state institutions.

Be it enacted by the Legislature of West Virginia:

That section sixteen, 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 16. Transfer of Inmates of State Institutions.—
2 The state board of control shall have authority to cause the transfer of any patient, or inmate, from any state institution, except the penitentiary, to any other state institution which is better fitted for the care or treatment of such patient or inmate, or for other good cause or reason.
8 In case of convicts in state prisons becoming mentally diseased the wardens shall proceed in accordance with section thirty-one, article five, chapter twenty-eight of the code of West Virginia, as amended by chapter thirty-seven, acts of the Legislature, regular session, one thousand nine hundred fifty-one.
14 In case of convicts in state prisons needing medical attention, other than mental care, not available at said prisons, the wardens or superintendents of said prisons shall immediately notify the board of control, which after proper investigation, shall cause the transfer of said convicts to a hospital within the state of West Virginia properly equipped to render the medical attention necessary. Such convicts while receiving treatment in said hospital shall be under guard at all times and shall forthwith be returned to prison upon their recovery.
CHAPTER 14

(AN ACT to amend and reenact section one, article one-a, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the collection and refund of enrollment and other fees at state educational institutions.

[Passed February 20, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 1-a. Fees and Other Money Collected at State Institutions.

Section 1. Enrollment and other fees at educational institutions; refund of fees.

Be it enacted by the Legislature of West Virginia:

That section one, article one-a, 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 1. Enrollment and Other Fees at Educational Institutions; Refund of Fees.—The governing boards of state educational institutions shall fix enrollment, tuition, registration, and other fees for each semester or school term for the different classes or categories of students enrolling at the state educational institutions, and may include among such fees any one or more of the following: (1) Health service fees; (2) infirmary fees, and (3) student activities, recreational, athletic and extracurricular fees. All other fees collected under (1), (2) and (3), shall be paid into special funds and shall be used only for the purposes for which the fees are collected: Provided, That the maximum fees to be collected under this section for resident students shall not exceed one hundred fifty dollars per semester, and for non-resident students, three hundred fifty dollars per semester. The schedule of fees, and any changes therein, shall be entered in the minutes of the meetings of the governing board, and the governing board shall file with the
20 state auditor and state budget director a certified copy of
21 such schedule and changes.
22 Refund, as an erroneous payment, may be made of any
23 such fees, upon the voluntary or involuntary withdrawal
24 from classes of any student, until eight weeks of the
25 school semester or term have expired, but no refund may
26 be made thereafter.

CHAPTER 15
(Senate Bill No. 50—By Mr. Johnston, Mr. President)

AN ACT to amend and reenact section three, article five, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the compensation of the director of the bureau of negro welfare and statistics.

[Passed March 8, 1951: in effect July 1, 1951. Approved by the Governor.]


Be it enacted by the Legislature of West Virginia:

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

Section 3. Salary.—The salary of the director shall be
2 four thousand eight hundred dollars per year and actual
3 necessary traveling expenses, to be paid in the same man-
4 ner as other state officers are paid.

CHAPTER 16
(Senate Bill No. 185—By Mr. Love)

AN ACT finding and declaring certain claims against the State of West Virginia to be moral obligations of the state, and
directing the auditor to issue warrants for the payment thereof.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.]

Section
1. Finding and declaring certain claims against the state tax commissioner to be moral obligations of the state, and directing payment thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. Finding and Declaring Certain Claims Against the State Tax Commissioner to be Moral Obligations of the State, and Directing Payment Thereof.—The legislature has considered the findings of fact and recommendations reported to it by the court of claims concerning the two following claims against the state tax commissioner, and in respect to each of the following claims the legislature adopts those findings of fact as its own, and hereby declares it to be the moral obligation of the state to pay each such claim in the amount specified below, and directs the auditor to issue warrants for the payment thereof out of any fund appropriated and available for the purpose.

1. Continental Foundry and Machine Company $14,836.80
2. Ben Caplan, dba National Towel Supply 944.27

CHAPTER 17

(House Bill No. 346—By Mr. Daringer)

AN ACT to make an appropriation out of the treasury, state fund general revenue, for the purpose of reimbursing I. S. Davis, doing business as Fairmont Linen Supply Company, for business and occupation taxes overpaid by him.

[Passed March 8, 1951; in effect July 1, 1951. Approved by the Governor.]

Section
1. Appropriation for I. S. Davis, doing business as Fairmont Linen Supply Company.
2. Finding of moral obligation.
Be it enacted by the Legislature of West Virginia:

Section 1. Appropriation for I. S. Davis, Doing Business as Fairmont Linen Supply Company.—There is hereby appropriated from the state fund general revenue, the sum of six hundred eighty-five and ninety-six one hundredths dollars to I. S. Davis, doing business as Fairmont Linen Supply Company, to repay him for overpaid business and occupational taxes as described in the above recitals.

Sec. 2. Finding of Moral Obligation.—It is hereby declared to be the finding of the Legislature that this reimbursement is necessary to discharge a moral obligation of the state of West Virginia.

CHAPTER 18

(Senate Bill No. 167—By Mr. Stemple)

AN ACT finding and declaring the claim of L. G. Gribble against the state of West Virginia and its agency, the state road commission, to be a moral obligation of the state and directing the auditor to issue a warrant for the payment thereof.

[Passed March 10, 1951: in effect ninety days from passage. Approved by the Governor.]

Section

1. Finding and declaring the payment of the claim of L. G. Gribble against the state road commission to be the moral obligation of the state, and directing payment thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. Finding and Declaring the Payment of the Claim of L. G. Gribble Against the State Road Commission to Be the Moral Obligation of the State, and Directing Payment Thereof.—The Legislature has considered the findings of fact and the recommendations reported by the court of claims concerning the claim of L. G. Gribble against the state road commission, such findings of fact and recommendations being contained in the opinion of
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the said state court of claims in Case No. 560, said claim being for trees and rose bushes belonging to the said L. G. Gribble, negligently cut down by employees of the state road commission of West Virginia, and in respect to the said claim the Legislature adopts those findings of fact as its own and hereby declares it to be the moral obligation of the state to pay the said claim of L. G. Gribble in the amount of two hundred fifty dollars, hereby appropriates from the treasury, state fund general revenue, the sum of two hundred fifty dollars in order to pay such claim, and hereby directs the auditor to issue a warrant for the payment thereof.

CHAPTER 19
(Senate Bill No. 186—By Mr. Love)

AN ACT finding and declaring the claim of D. K. Hylton against the state of West Virginia to be a moral obligation of the state and directing the auditor to issue a warrant for the payment thereof.

[Passed March 10, 1951: in effect ninety days from passage. Approved by the Governor.]

Section 1. Finding and declaring the payment of the claim of D. K. Hylton against the state road commission to be the moral obligation of the state, and directing payment thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. Finding and Declaring the Payment of the Claim of D. K. Hylton Against the State Tax Commissioner to Be the Moral Obligation of the State, and Directing Payment Thereof.—The Legislature has considered the claim of D. K. Hylton against the state tax commissioner, said claim being for over-payment of business and occupation tax for the last three quarters of one thousand nine hundred forty-four and for the years one thousand nine hundred forty-five and one thousand nine hundred forty-six, and in respect to the said claim the
Legislature declares it to be the moral obligation of the state to pay the said claim of D. K. Hylton in the amount of five hundred eight and forty-one one hundredths dollars, and hereby appropriates from the treasury, state fund general revenue, the sum of five hundred eight and forty-one one hundredths dollars in order to pay such claim, and hereby directs the auditor to issue a warrant for the payment thereof.

CHAPTER 20

(Revised by Mr. Kidd, of Braxton)

AN ACT to make an appropriation out of the treasury, state fund general revenue, for the purpose of reimbursing Jimmie Marks for injuries suffered by him while crossing over a defective bridge on a state-controlled highway.

[Passed March 10, 1951: in effect July 1, 1951. Approved by the Governor.]

Section

1. Appropriation for Jimmie Marks.
2. Finding of moral obligation.

WHEREAS, Jimmie Marks suffered a broken arm while crossing over a defective bridge on a state-controlled highway; and

WHEREAS, The state court of claims awarded Jimmie Marks four hundred dollars in its decision of Case No. 545; and

WHEREAS, The Legislature, in chapter twenty-four, acts of the Legislature, regular session, one thousand nine hundred forty-seven, made an appropriation of four hundred dollars to reimburse Jimmie Marks; and

WHEREAS, The appropriation was never paid, and a new appropriation is necessary to discharge this moral obligation of the state; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. Appropriation for Jimmie Marks.—It appearing from a statement of the revenues and appropriations for the fiscal year one thousand nine hundred fifty-one, that there remains in
the treasury, state fund general revenue, revenue in excess of the amount hereby appropriated, there is hereby appropriated from the state road fund, the sum of four hundred dollars to Jimmie Marks, to reimburse him for injuries suffered as described in the above recitals.

Sec. 3. Finding of Moral Obligation.—It is hereby declared to be the finding of the Legislature that this reimbursement is necessary to discharge a moral obligation of the state of West Virginia.

CHAPTER 21
(Senate Bill No. 280—By Mr. Love)

AN ACT finding and declaring a certain claim against the state to be a moral obligation of the state and making an appropriation for the payment thereof.

[Passed March 10, 1951; in effect July 1, 1951. Approved by the Governor.]

Section
1. Appropriation for George R. Nuckolls.
2. Finding that a moral obligation exists.

WHEREAS, On the sixth of August, one thousand nine hundred forty-nine, George R. Nuckolls, a member of the national guard of the state of West Virginia, on active duty at an authorized encampment of the national guard, was in the performance of his official duties in the service of the state, operating a vehicle which collided with a vehicle owned and driven by a resident of the state of Kentucky on U. S. Route No. 460, three miles east of West Liberty, in the state of Kentucky; and

WHEREAS, Witnesses to the accident from the state of West Virginia made affidavit and were prepared to testify that the said George R. Nuckolls was in no sense negligent but that there was negligence by the other party, although this was contradicted by witnesses from the state of Kentucky; and

WHEREAS, In a settlement of the suit against the said George R. Nuckolls brought in the state of Kentucky by the other party for damages to his vehicle and injuries to other persons
riding in his vehicle at the time of the accident, it became necessary for the said George R. Nuckolls to expend from his personal funds the sum of two hundred fifty dollars, five hundred dollars being paid by the National Guard Bureau to which amount it was limited by law, said settlement amounting to a total of seven hundred fifty dollars and being for the property damage claim; and

WHEREAS, The said George R. Nuckolls was acting for and on behalf of the state as one of the state's agents at the time of the accident; and

WHEREAS, The said George R. Nuckolls paid the above mentioned amount which would have been the liability and obligation of the state of West Virginia but for its constitutional immunity from suit; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. Appropriation for George R. Nuckolls.—It appearing from a statement of the revenues and appropriations for the fiscal year one thousand nine hundred forty-nine—one thousand nine hundred fifty, that there remains in the treasury, current expenses fund, adjutant general, revenue in excess of the amount hereby appropriated, there is hereby appropriated from the treasury, current expenses fund, adjutant general, the sum of two hundred fifty dollars to George R. Nuckolls to reimburse him for the aforesaid expenditure.

Sec. 2. Finding that a Moral Obligation Exists.—It is hereby declared to be the finding of the Legislature, based upon its conclusion of facts, that this appropriation is for the payment of a moral obligation of the state of West Virginia.

CHAPTER 22

(House Bill No. 337—By Mr. White, of Cabell, by request)

AN ACT to compensate Effie Savage Pratt by the state of an award recommended by the state court of claims and included in chapter twenty-five, acts of the Legislature, reg-
ular session, one thousand nine hundred forty-seven, and setting forth a legislative finding that the payment of said claim is a moral obligation of the state.

[Passed March 8, 1951; in effect July 1, 1951. Approved by the Governor.]

Section
1. Payment of claim of Effie Savage Pratt.
2. Claim a moral obligation of the state.

WHEREAS, The court of claims recommended to the Legislature that the sum of two hundred forty dollars be paid to Effie Savage Pratt for the use and benefit of her two infant children; and,

WHEREAS, As result of such recommendation the Legislature embraced within chapter twenty-five various claims against the state road commission, including the claim of Effie Savage Pratt in the sum of two hundred forty dollars (to be paid in monthly installments of ten dollars each from 1-1-'47 to 12-31-'48; and,

WHEREAS, The Honorable Edgar B. Sims, auditor of the state of West Virginia, refused to honor a requisition addressed to him by the state road commission based on said appropriation; therefore,

Be it enacted by the Legislature of West Virginia,

Section 1. Payment of Claim of Effie Savage Pratt.—The Legislature reaffirms and approves the recommendation of the court of claims of the state of West Virginia that there should be paid the following claim, and makes the following award, as a proper claim against the state road commission;

To Effie Savage Pratt, for the use and benefit of her two infant children, Charles Laymon Savage and Elaine Savage, the sum of four hundred eighty dollars.

Sec. 2. Claim a Moral Obligation of the State.—The Legislature declares hereby as a finding of fact that the foregoing award, and the payment thereof, is necessary, under the circumstances involved in the claim and the finding of the court of claims of West Virginia, to satisfy a moral obligation of the state of West Virginia.
CHAPTER 23

(Senate Bill No. 289—By Mr. Love)

AN ACT finding and declaring the claim of Raleigh County Bank against the state of West Virginia to be a moral obligation of the state and directing the auditor to issue a warrant for the payment thereof.

[Passed March 9, 1951; in effect July 1, 1951. Approved by the Governor.]

Section 1. Declaring it to be the moral obligation of the state to pay the claim of the Raleigh County Bank against the state tax commissioner, and directing the payment thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. Declaring It to Be the Moral Obligation of the State to Pay the Claim of the Raleigh County Bank Against the State Tax Commissioner, and Directing the Payment Thereof.—The Legislature has considered the claim of Raleigh County Bank against the state tax commissioner, said claim being for overpayment of gross sales tax, and in respect to the said claim the Legislature declares it to be the moral obligation of the state to pay the said claim of Raleigh County Bank in the amount of four hundred seventy-two and eighty-three one hundredths dollars, and hereby appropriates from the treasury, state fund general revenue, the sum of four hundred seventy-two and eighty-three one hundredths dollars in order to pay such claim, and hereby directs the auditor to issue a warrant for the payment thereof.

CHAPTER 24

(Senate Bill No. 176—By Mr. Mitchell)

AN ACT finding and declaring the claim of Benny Salpini against the state of West Virginia and its agency, the adjutant general's department, to be a moral obligation of the state and directing the auditor to issue a warrant for the payment thereof.
Section

1. Declaring the payment of the claim of Benny Salpini against the adjutant general's department to be the moral obligation of the state and directing the payment thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. Declaring the Payment of the Claim of Benny Salpini Against the Adjutant General’s Department to Be the Moral Obligation of the State and Directing the Payment Thereof.—The Legislature has considered the claim of Benny Salpini against the adjutant general’s department, said claim being for damages to an automobile belonging to the said Benny Salpini, caused by the negligent driving of one William Crouse, a member of the West Virginia national guard, who drove into the parked car of said Benny Salpini, and in respect to the said claim the Legislature declares it to be the moral obligation of the state to pay the said claim of Benny Salpini in the amount of fifty dollars, and hereby appropriates from the treasury, state fund general revenue, the sum of fifty dollars in order to pay such claim, and hereby directs the auditor to issue a warrant for the payments thereof.

CHAPTER 25

(House Bill No. 17—By Mr. Bowles, by request)

AN ACT to provide compensation to A. W. Utterback, Mrs. A. W. Utterback and Frances Cremeans for damages sustained by them by reason of a collision with a motor vehicle owned by the state road commission and operated by one of its employees.

[Passed March 9, 1951; in effect July 1, 1951. Approved by the Governor.]

Section

1. Appropriation for A. W. Utterback, for Mrs. A. W. Utterback and for Frances Cremeans.
2. Finding of moral obligation.
Be it enacted by the Legislature of West Virginia:

Section 1. Appropriation for A. W. Utterback, for Mrs. A. W. Utterback and for Frances Cremeans.—There is hereby appropriated, it appearing from the budget that there is sufficient revenue available for the purpose, the sum of five hundred dollars to A. W. Utterback, the sum of two thousand dollars to Mrs. A. W. Utterback and the sum of three hundred dollars to Frances Cremeans, to compensate them for damages sustained while traveling in an automobile owned by the said A. W. Utterback, on the twentieth day of March, one thousand nine hundred forty-four, in the city of Huntington, West Virginia, which damages were caused by failure of an employee of the state road commission while engaged in the work of, and while driving an automobile owned by, the said state road commission, to observe the traffic rules of the said city of Huntington in failing to stop said motor vehicle so driven by him in obedience to a proper stop sign.

Sec. 2. Finding of Moral Obligation.—It is hereby declared to be the finding of the Legislature, based upon its conclusion of fact, that the appropriation made in section one hereof is for a public purpose and for the payment of a moral obligation of the state of West Virginia.

CHAPTER 26

(Senate Bill No. 258—By Mr. McKown)

AN ACT to compensate J. Kerr Whitfield for services rendered as business manager of the athletic department of Marshall College of Huntington, West Virginia, during the period from July one, one thousand nine hundred forty-one, to June thirty, one thousand nine hundred forty-two.

[Passed March 5, 1951; in effect from passage. Approved by the Governor.]

Section

1. Marshall college authorized to pay certain money to J. Kerr Whitfield, former business manager of the athletic department of said college.
WHEREAS, On July one, one thousand nine hundred forty-one, J. Kerr Whitfield of Huntington was employed by Marshall College of Huntington, West Virginia, as business manager of the athletic department of said college, at an annual salary of two thousand six hundred dollars; and

WHEREAS, Said J. Kerr Whitfield served as such business manager of the athletic department of said college during the period from July one, one thousand nine hundred forty-one, to June thirty, one thousand nine hundred forty-two, and was compensated and paid for his services the sum of five hundred ninety dollars and ninety cents, and there is now due and owing to said J. Kerr Whitfield, for his services rendered as aforesaid, a balance in the sum of two thousand nine dollars and ten cents; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. Marshall College Authorized to Pay Certain Money to J. Kerr Whitfield, Former Business Manager of the Athletic Department of Said College.—Marshall College, of Huntington, West Virginia, is hereby authorized to pay to J. Kerr Whitfield, former business manager of the athletic department of said college, out of its unused personal service fund, special fund, or any other proper available fund, the sum of two thousand nine dollars and ten cents if the authorities of said college shall be of opinion that such sum is due and unpaid on his services rendered as such business manager of the athletic department of said college during the period from July one, one thousand nine hundred forty-one to June thirty, one thousand nine hundred forty-two.

CHAPTER 27

(Senate Bill No. 184—By Mr. Love)

AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state, and directing the auditor to issue warrants for the payment thereof.
Section 1. Finding and declaring certain claims against the state road commission, the state board of education, the state auditor, the state department of employment security and the state department of public safety to be moral obligations of the state, and directing payment thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. Finding and Declaring Certain Claims Against the State Road Commission, the State Board of Education, the State Auditor, the State Department of Employment Security and the State Department of Public Safety to be Moral Obligations of the State, and Directing Payment Thereof.—The Legislature has considered the findings of fact and recommendations reported to it by the court of claims concerning various claims against the state and the agencies thereof, and in respect to each of the following claims the Legislature adopts those findings of fact as its own, and hereby declares it to be the moral obligation of the state to pay each such claim in the amount specified below, and directs the auditor to issue warrants for the payment thereof out of any fund appropriated and available for the purpose.

(a) Claims versus State Road Commission.

<table>
<thead>
<tr>
<th>Claimant</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carter O. Byard</td>
<td>$197.27</td>
</tr>
<tr>
<td>C. H. Clark</td>
<td>42.08</td>
</tr>
<tr>
<td>H. E. Cramer</td>
<td>36.11</td>
</tr>
<tr>
<td>Claire Daniels</td>
<td>57.34</td>
</tr>
<tr>
<td>A. L. Gant</td>
<td>25.00</td>
</tr>
<tr>
<td>Charles Garrison</td>
<td>35.60</td>
</tr>
<tr>
<td>H. H. Linkinogger</td>
<td>56.80</td>
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<tr>
<td>M. L. McBride</td>
<td>109.14</td>
</tr>
<tr>
<td>John B. Resides</td>
<td>60.46</td>
</tr>
<tr>
<td>Orban Roberts, father of Gary Roberts</td>
<td>200.00</td>
</tr>
<tr>
<td>Kenneth G. Smith and Calvert Fire Insurance Co</td>
<td>164.63</td>
</tr>
<tr>
<td>Woodrow Tabor</td>
<td>150.00</td>
</tr>
<tr>
<td>L. C. Taylor</td>
<td>60.69</td>
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(b) Claims versus State Board of Education.

<table>
<thead>
<tr>
<th>Claimant</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Romney</td>
<td>872.38</td>
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</tbody>
</table>
CHAPTER 28
(Senate Bill No. 82—By Mr. Love)

AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state, and directing the auditor to issue warrants for the payment thereof.

(Passed March 10, 1951: in effect July 1, 1951. Approved by the Governor.)

Section 1. Finding and declaring certain claims against the state road commission, the adjutant general's department, the state board of control, the state department of public assistance and the state conservation commission to be moral obligations of the state, and directing payment thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. Finding and Declaring Certain Claims Against the State Road Commission, the Adjutant General's Department, the State Board of Control, the State Department of Public Assistance and the State Conservation Commission to Be Moral Obligations of the State, and Directing Payment Thereof.—The Legislature has considered the findings of fact and recommendations reported to it by the court of claims concerning various claims against the state and the agencies thereof, and in respect to each of the following claims the Legislature adopts those findings of fact as its own, and hereby declares it to be the moral obligation of the state to pay each such claim in the amount specified below, and di-
rects the auditor to issue warrants for the payment thereof out of any fund appropriated and available for the purpose.

(a) Claims versus State Road Commission.

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albert and Odesie Brown</td>
<td>$2,134.20</td>
</tr>
<tr>
<td>W. T. Caplinger</td>
<td>$4.08</td>
</tr>
<tr>
<td>Charleston National Bank, committee for Carl A. Urban, incompetent</td>
<td>$200.00</td>
</tr>
<tr>
<td>Rosa Webb Freeman</td>
<td>$100.00</td>
</tr>
<tr>
<td>Green Hill Church, by Orr Minear, Trustee</td>
<td>$36.22</td>
</tr>
<tr>
<td>J. E. Huffman</td>
<td>$12.95</td>
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<tr>
<td>Kenneth Kennan</td>
<td>$100.00</td>
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<tr>
<td>Proctor &amp; Gamble Distributing Co.</td>
<td>$13.84</td>
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<tr>
<td>Reynolds Transportation Co.</td>
<td>$160.88</td>
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<tr>
<td>Russell D. Sabol and Travelers Fire Insurance Co.</td>
<td>$25.50</td>
</tr>
<tr>
<td>Dalton Spradling</td>
<td>$96.33</td>
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<tr>
<td>Taylor &amp; Maun Lumber Company</td>
<td>$22.50</td>
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<tr>
<td>Arnold P. Webb and Emmco Insurance Co.</td>
<td>$295.90</td>
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<tr>
<td>Weirton Cigar and Candy Co.</td>
<td>$75.38</td>
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(b) Claims versus State Department of Public Assistance.

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<tr>
<td>Dorsey Brannan, M. D.</td>
<td>$256.00</td>
</tr>
<tr>
<td>Ralph Maxwell, M. D.</td>
<td>$165.00</td>
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</table>

(c) Claims versus Adjutant General’s Department.

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Robert E. Epperly</td>
<td>$37.84</td>
</tr>
<tr>
<td>John Kipp</td>
<td>$78.39</td>
</tr>
<tr>
<td>H. A. Pelfrey</td>
<td>$65.85</td>
</tr>
<tr>
<td>C. E. Radford</td>
<td>$500.60</td>
</tr>
<tr>
<td>Billie G. Garten</td>
<td>$215.94</td>
</tr>
</tbody>
</table>

(d) Claims versus State Conservation Commission.

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>R. C. Jackson</td>
<td>$390.00</td>
</tr>
</tbody>
</table>

(e) Claims versus State Board of Control.

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. E. Fisher</td>
<td>$2,759.43</td>
</tr>
<tr>
<td>Luther Goldsboro</td>
<td>$880.45</td>
</tr>
</tbody>
</table>
CHAPTER 29

(Senate Bill No. 199—By Mr. Love)

AN ACT to amend and reenact section seventy-nine, article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the conditions for doing business in this state by foreign corporations.

[Passed March 3, 1951; in effect from passage. Approved by the Governor.]


Section 79. Foreign corporations; conditions for doing business in this state.

Be it enacted by the Legislature of West Virginia:

That section seventy-nine, 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 79. Foreign Corporations; Conditions for Doing Business in this State.—Any corporation duly incorporated by the laws of any other state or territory of the United States, the District of Columbia, or of any foreign country, may, unless it be otherwise expressly provided, hold property and transact business in this state, upon complying with the provisions of this section and not otherwise. Such corporations so complying shall have the rights, powers and privileges, and be subject to the same regulations, restrictions and liabilities conferred and imposed on corporations chartered under the laws of this state. Every such corporation shall file with the secretary of state a copy of its articles of association or certificate of incorporation, with all amendments thereto, certified either by the secretary of state of the state of incorporation or the president or vice president of the corporation. The secretary of state shall thereupon issue to such corporation a certificate of the fact of its having done so, which certificate, together with a copy of its articles of association or certificate of incorporation and all prior and subsequent amendments shall be recorded in the
office of the clerk of the county court of the county, or one
of the counties, in which its business is to be conducted.
A copy of every other amendment, certified as herein-
above provided, made to such articles of agreement or
certificate of incorporation and becoming effective subse-
quent to the filing of such articles of association or cer-
tificate of incorporation in the office of the secretary of
state of this state shall also be filed with the secretary
of state of this state who shall issue to such corporation
a certificate showing the filing of such amendment and
collect a fee of five dollars for such certificate.
Every railroad corporation now or hereafter engaged
in business in this state under the provisions of this
section, or under a charter granted by laws passed by the
state of Virginia before the formation of this state, or of
this state, is hereby declared to be, as to its works, prop-
erty, operations, acts and business in this state, a domestic
corporation, and shall be so held and treated in all suits
and legal proceedings which may be commenced or car-
rried on by or against any such railroad corporation, as
well as in all other matters relating to corporations, ex-
cept as to the right to sue in, or remove actions into, the
courts of the United States, but such corporation shall
not be required to file a copy of its charter or any writ-
ing with the secretary of state as provided in this sec-
tion.
No corporation chartered under the laws of any other
state or jurisdiction shall hold any property or transact
any business or bring or maintain any action, suit or
proceeding in this state without having complied with
the requirements hereinbefore stated, and, in addition
thereto, having filed in the office of the secretary of state
a writing duly executed under its corporate seal, ac-
cepting the provisions of this section and agreeing to be
governed thereby and by the laws of this state with
respect to corporations chartered under the laws of this
state for similar purposes; and its failure so to do may
be pleaded in abatement of any action, suit or proceed-
ing instituted by it; but nothing herein contained shall
be construed to lessen the liability of any corporation
which may not have complied with the requirements
of this section upon any contract or for any wrong. No
such corporation shall hold any property or transact
any business, or bring or maintain any action, suit or
proceeding in this state, where the cause of action arises
out of the holding of property or doing business therein,
without first complying with the provisions hereof.
Every corporation which shall hold property or do busi-
ness in this state without having complied with the pro-
visions of this section shall be guilty of a misdemeanor,
and, upon conviction thereof, shall be fined not less than
five hundred nor more than one thousand dollars for
each month its failure so to comply shall continue, and
prosecutions hereunder shall be in the county in which
the seat of government is.

CHAPTER 30
(Senate Bill No. 283—By Mr. Eddy)

AN ACT to amend and reenact sections one, two, six, seven,
eight, nine, ten and fourteen, article seven, chapter thirty-
one of the code of West Virginia, one thousand nine hun-
dred thirty-one, as amended, and to further amend said
article seven, chapter thirty-one, by adding thereto a new
section to be designated section nine-a, all relating to in-
dustrial loan companies.

[Passed March 9, 1951; in effect ninety days from passage. Approved by the
Governor.]

Article 7. Industrial Loan Companies.

Section
1. Definition.
2. Incorporators; name; capital stock.
7. Limitations.
8. Cash reserve.
9. Annual and special meeting of stockholders; voting; proxy; fiscal
year.
9-a. Directors.
10. Chief executive officer to be bonded.
Be it enacted by the Legislature of West Virginia:

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

Section 1. Definition.—The term "industrial loan company," as used in this chapter, shall mean any corporation formed under the provisions of this article with the approval of the commissioner of banking of this state.

Sec. 2. Incorporators; Name; Capital Stock.—Any number of persons, not fewer than thirteen, citizens of this state, may become an industrial loan company on the terms and conditions and subject to the liabilities prescribed by this article. The name of any corporation formed under this article may contain the words "industrial loan company," but such name shall not be that of any other existing corporation of this state. The capital stock of any such corporation shall not be less than twenty-five thousand dollars, and shall consist of shares of common stock. The voting power and control of the corporation during its life shall be vested in the common stock only if more than one class of stock is to be issued. Such common stock, with which it will commence business, shall be paid in before such corporation shall be authorized to engage in business, except such business as is incidental and necessarily preliminary to its organization.

Sec. 6. Powers.—In addition to the general powers conferred upon corporations by the laws of this state, each industrial loan company shall have power to exercise by its board of directors or duly authorized officers or agents, subject to law, all such powers as shall be necessary to:

(a) Lend money to any person, firm or corporation, secured by the obligation of such person, firm or corporation, or otherwise; and, in addition, to receive and require uniform periodical installments for the repayment of the loan;
(b) Sell or offer for sale its secured or unsecured evidences or certificates of indebtedness;
(c) Buy and sell bonds or choses in action of any person, firm or corporation;
(d) Impose a charge of five cents for each default in the payment of one dollar, or fraction thereof, at the time at which any periodical installment for the repayment of a loan becomes due;
(e) Demand and receive for loans or for notes, bills of evidences of debt discounted or purchased, such rate of interest as may be agreed upon by the parties, not exceeding the lawful rate of interest, and it shall be lawful to receive such interest in advance;
(f) Charge for a loan made pursuant to this section, one dollar for each fifty dollars, or fraction thereof, loaned, for expenses including any examination or investigation of the character and circumstances of the borrower, co-maker or surety, and the drawing and taking the acknowledgment of necessary papers, or other expenses, incurred in making the loan. No additional charge shall be made except to reimburse the corporation for money actually expended for additional service actually rendered the borrower. No charge shall be collected unless a loan shall have been made as the result of such examination or investigation;
(g) Purchase, hold and convey real estate as follows:
(1) Such as shall be necessary for the convenient transaction of its business, including with its office other apartments or offices to rent as a source of income, which investment shall not exceed twenty-five per cent of its paid in capital stock and surplus;
(2) Such as is mortgaged to it in good faith by way of security for loans made by or money due to such industrial loan company;
(3) Such as is conveyed to it in satisfaction of debts previously contracted in the course of its dealings;
(4) Such as it acquired by sale on execution or judgment or decree of any court in its favor.
Industrial loan companies shall not purchase, hold or convey any real estate in any other case or for any other purpose whatever. Real estate shall be conveyed only by
authority of the board of directors of such industrial loan company. No real estate acquired in the cases contemplated in the second, third and fourth paragraphs of subdivision (g) shall be held for a longer time than five years, unless such period shall be extended by the commissioner of banking.

Sec. 7. Limitations.—A corporation under the provisions of this article shall not:

(a) Make any loan under the provisions of this article for a longer period than two years from the date thereof, except upon express authorization of the board of directors of such company;

(b) Hold at any one time the primary obligation or obligations of any one person, firm or corporation, for more than ten per cent of the amount of the paid up capital and surplus of such industrial loan company;

(c) Hold at any one time the obligation or obligations of persons, firms or corporations purchased from any person, firm or corporation in excess of twenty per cent of the aggregate paid up capital and surplus of such industrial loan company;

(d) Hold at any one time the obligation or obligations of persons, firms or corporations secured by real estate aggregating more than one-third of the aggregate paid up capital and surplus of such industrial loan company;

(e) Make any loan or discount on the security of its own capital stock (controlling and voting stock, if there be more than one class), unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within ninety days from the time of its purchase or acquisition;

(f) Have outstanding at any time its evidences or certificates of indebtedness, in an aggregate sum in excess of ten times the aggregate amount of its paid up capital (voting and controlling stock) and surplus;

(g) Deposit any of its funds with any other moneyed corporation unless such corporation has been designated
as such depository by a vote of the majority of the board of directors;
(h) Pledge or hypothecate any of its securities to any creditor, except that such companies shall have the power to rediscount or to borrow money from any source in addition to selling its evidences or certificates of indebtedness, but the aggregate amount of such rediscounting and borrowing shall at no time exceed the sum total of the capital, surplus and reserve funds of such company, and the security so pledged therefor shall not exceed two times the amount borrowed and rediscounted;
(i) Pay any fees, bonuses, commissions, rewards, or other consideration to any person, firm or corporation for the privilege of using any plan of operation, scheme or device for the organization or carrying on of business under this article, or the use of any name, trade-mark or copyright to be so used; nor shall any corporation under this article enter into any contract for such purpose or purposes, or for the purpose of giving to or vesting in any other corporation any power or authority over the organization or management of corporations under this article.

Sec. 8. *Cash Reserve.*—Every industrial loan company, under the provisions of this article, shall at all times maintain a cash reserve equal to five per cent of its issued and outstanding evidences or certificates of indebtedness.

Sec. 9. *Annual and Special Meeting of Stockholders; Voting; Proxy; Fiscal Year.*—The stockholders of each industrial loan company shall meet annually in the month of January, a majority of the outstanding voting stock to constitute a quorum; and it shall be the duty of the secretary to prepare and submit to the stockholders a clear and concise statement of the financial condition of the corporation as of the close of business on the first day of the month next preceding. At such meeting the stockholders shall elect a board of directors of not less than five, a majority of which shall be bona fide residents of the state of West Virginia. Special meetings may be called by order of the board of directors or by request in writing of ten per centum of the stockholders.

In all elections of directors of the corporation each
16 stockholder shall have the right to cast one vote for each
17 share of stock owned by him and entitled to vote, and
18 he may cast the same in person or by proxy, for as many
19 persons as there are directors to be elected, or he may
20 cumulate such votes and give one candidate as many
21 votes as the number of directors to be elected multiplied
22 by the number of his shares of stock shall equal; or he
23 may distribute them on the same principle among as
24 many candidates and in such manner as he may desire,
25 and the directors shall not be elected in any other man-
26 ner, and on any other question to be determined by a vote
27 of shares at any meeting of stockholders each stockholder
28 shall be entitled to one vote for each share of stock owned
29 by him and entitled to vote, and he may exercise this
30 right in person or by proxy, but if by proxy, in no in-
31 stance can it be voted in any meeting other than which it
32 was first intended.

Sec. 9-a. Directors.—The affairs of every industrial
2 loan company shall be managed by a board of not less
3 than five directors who shall meet at least once each
4 month, a majority of whom shall at all times be bona
5 fide residents of this state, and shall own and hold in his
6 own name at least five hundred dollars par value in un-
7 pledged shares of the capital stock or voting stock of such
8 company.
9 Immediately upon the adjournment of the stockhold-
10 ers' meeting or as soon thereafter as convenient, they
11 shall meet and every director elected shall take an oath
12 that he will, so far as duty devolves on him, diligently
13 and honestly administer the affairs of such company,
14 and will not knowingly and willingly violate, or permit
15 to be violated, any of the provisions of this article, and
16 that he is the owner in good faith, and in his own right,
17 of at least five hundred dollars par value in shares of the
18 capital stock of the company, as required by this section,
19 subscribed by him or standing in his name on the books
20 of said company, and that the same are not hypothecated
21 or in any way pledged as security for any loan or debt.
22 Such oath, when subscribed by the director making it,
23 and certified by the officer before whom it was taken,
24 shall immediately be transmitted to the commissioner of
banking, and shall be filed and preserved in his office. Should a director fail to subscribe to the oath herein pro-
vided for within sixty days after notice of his election or at any time after qualifying as such, sell or dispose of,
or in any manner hypothecate or pledge as security for a debt or obligation, such qualifying shares, or any num-
ber thereof, necessary for his qualification, or due to death, resignation or inability to serve of any elected
director, thereupon the remaining directors shall elect another director in his stead.

It shall be the duty of the board at their organization meeting or as soon thereafter as convenient to elect a president who shall be a director, one or more vice presi-
dents, a secretary or manager, treasurer and such other officers necessary for the conduct of business as may be designated in the by-laws.

Sec. 10. Chief Executive Officer to be Bonded.—The directors of every industrial loan company shall require the manager or other chief executive officer appointed by them in lieu of a manager, before he performs or enters upon any duties as such manager or chief executive officer, to give a bond or bonds, with a surety company authorized to transact business in this state as surety thereon, the amount to be fixed by them, but in no case shall the penalty be less than five thousand dollars. Other officers and personnel to be bonded in amounts com-
mensurate with their duties and responsibilities, to be fixed by the board of directors, and all bonds to be ap-
proved by the commissioner of banking and a copy filed with his department; and it shall be the duty of the directors of such industrial loan company, as often as once in every year, to pass upon the sufficiency of such bond or bonds, and if insufficient, to require without delay new and additional bonds and securities to be given. If the directors of such industrial loan company shall fail to perform any or all of the requirements of this section, they shall be jointly and severally liable to the industrial loan company to the extent of any defalcation of or def-
ciency in the funds of such company created or caused by such manager, not in excess of the penalty of his bond,
Sec. 14. Amendments to By-Laws.—The stockholders at any regular, or special meeting called for that purpose, may amend the by-laws of any industrial loan company organized under the provisions of this article, but before they become operative must be approved by the commissioner of banking.

CHAPTER 31
(House Bill No. 51—By Mr. Davis)

AN ACT to amend and reenact section two, article eight, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the term, compensation, oath and bond of the commissioner of banking, the deputy commissioner of banking, bank examiners and assistant bank examiners.

[Passed March 8, 1951; in effect from passage. Approved by the Governor.]

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

Section 2. Terms; compensation, oath; bond.

Be it enacted by the Legislature of West Virginia:

That section two, article eight, 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 2. Terms; Compensation; Oath; Bond.—The commissioner of banking shall be appointed for a term of four years and until his successor is appointed and qualifies. The commissioner of banking shall receive a salary of six thousand eight hundred dollars a year. The commissioner shall appoint or employ a deputy commissioner,
bank examiners, assistant bank examiners and such employees as may be necessary for the efficient operation of his department. The commissioner shall fix the compensation of persons whom he appoints or employs subject to provisions of law and regulations pertaining to the classification and uniform compensation of personnel. Appointees and employees of the commissioner shall serve during his will and pleasure.

The commissioner and deputy commissioner of banking and each bank examiner and assistant bank examiner, before entering upon the discharge of his duties, shall take and subscribe the oath prescribed by section five, article four of the constitution.

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

CHAPTER 32

(House Bill No. 361—By Mr. White, of Boone)

AN ACT to amend and reenact section three, chapter one hundred thirteen, acts of the Legislature, regular session, one thousand nine hundred thirty-five, relating to the application of other laws to loans and investments eligible for federal housing insurance under the national housing act.

[Passed March 10, 1951: in effect ninety days from passage. Approved by the Governor.]

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

Section 3. Application of other laws to such loans or investments.
Be it enacted by the Legislature of West Virginia:

That section three, chapter one hundred thirteen, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:

Section 3. Application of Other Laws to Such Loans or Investments.—No law of this state requiring security upon which loans or investments may be made or prescribing the nature, amount or form of such security or prescribing or limiting interest rates upon loans or investments or prescribing or limiting the period for which loans or investments may be made shall be deemed to apply to loans or investments made pursuant to sections one and two of this chapter, as amended by chapter four, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, or to similar loans and investments made by federal savings and loan associations; and all such loans and investments may bear such rate of interest or be discounted at such rate as is permitted under the national housing act and the regulations promulgated from time to time by the federal housing administrator.

CHAPTER 33

(House Bill No. 229—By Mr. Meadows)

AN ACT to amend and reenact section five, article thirteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to supervision of hospital and medical service corporations, providing that the expenses of examination by the insurance commissioner shall be borne by the nonprofit hospital or medical service corporation being examined.

[Passed March 5, 1951; in effect from passage. Approved by the Governor.]

Article 13. Hospital Service Corporations and Medical Service Corporations.

Section 5. Supervision by insurance commissioner; annual reports.
Be it enacted by the Legislature of West Virginia:

That section five, article thirteen, 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 5. Supervision by Insurance Commissioner; Annual Reports.—The insurance commissioner shall, to the extent specified in this article, have general supervisory control over every such corporation, and it shall be his duty to see that the provisions hereof are properly executed and administered.

No such corporation shall, without the prior approval of the commissioner, make any change in the terms of its contract with subscribers or in the form of its applications, renewals, riders or endorsements; nor, after the first year of its operation, shall any such corporation use for administrative expenses more than twenty per cent of its gross collections without first having obtained the approval of the commissioner. No such corporation shall include in its name the words “insurance”, “casualty”, “surety”, “health and accident”, “mutual”, or any other words descriptive of the insurance or surety business; nor shall such name be so similar to that of any insurance or surety company, which was doing business in the state when such corporation was formed, as to tend, in the opinion of the insurance commissioner, to confuse the public.

The insurance commissioner, or his accredited examiners shall, at least once in every four years, visit every such corporation, and thoroughly examine its financial condition and shall have free access to all books, papers and documents relating to the business of the corporation, and may administer oaths and compel the attendance of witnesses, including any officer, agent or employee of the corporation, in connection with any inquiry by him concerning the affairs or condition of the corporation. All the expenses of such examination shall be borne by the corporation examined.

The insurance commissioner shall pass upon the actuarial soundness of the schedule of rates to be charged subscribers and fees to be paid hospitals and physicians by every such corporation. If in his opinion the schedule
of rates and fees is not actuarially sound, the schedule shall be returned to the corporation, together with a statement setting forth the reasons for the disapproval. If the corporation fails to submit an approved revised schedule within sixty days after the schedule is returned to it, the insurance commissioner shall fix such rates or fees as will in his opinion render the service plan actuarially sound. On or before the first day of March of each year, every such corporation shall file with the insurance commissioner an annual report for the preceding calendar year, in such form as may be prescribed by him. Such report shall show the financial condition of the corporation on the last day of the preceding year, and shall be verified by at least two of the principal officers of the corporation.

CHAPTER 34

(House Bill No. 233—By Mr. Meadows)

AN ACT to amend and reenact section seven, article thirteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to required provisions in contracts made by nonprofit hospital and nonprofit medical service corporations with hospitals and physicians, providing for the proration of available funds and the determination of the amounts to be prorated based upon the third month next preceding the month of accounting.

[Passed March 9, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 13. Hospital Service Corporations and Medical Service Corporations.

Section 7. Required provisions in contracts made by the corporation with hospitals and physicians.

Be it enacted by the Legislature of West Virginia:

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

Section 7. Required Provisions in Contracts Made by the Corporation with Hospitals and Physicians.—Each contract made by the corporation with participating hospitals and physicians shall contain the following provisions:

1. That the hospital or physician will render to any subscriber such service as he may be entitled to under the terms and conditions of the contract issued to the subscriber by the corporation.

2. That in submitting bills to the corporation for services rendered to subscribers under the terms of their contract, the hospital or physicians will make only such charges as are set forth in an agreed schedule of fees to be paid by the corporation.

3. That, in case of a deficit in available funds of the corporation, each participating hospital or physician will, on the basis stated in this section, accept a pro rata share of available funds in full settlement of any bill submitted.

On or before the twentieth day of each month, every corporation shall make an accounting with all participating hospitals and physicians, at which time all bills incurred during the third month next preceding the month of accounting to be paid in full or prorated and paid to the extent of available funds. On or before the first day of each April, every corporation shall make a special accounting, at which time the prorated settlements for any bills incurred during the preceding calendar year shall be adjusted, and any deficits thereon shall be made up to the extent of available funds. At such annual accounting, settlements with all participating hospitals or physicians shall be equalized for the entire preceding year. Any surplus remaining after an annual accounting may be used by a corporation, upon an affirmative vote of a majority of its board of directors, for the following purposes, in the order of priority stated below:

1. To liquidate on a pro rata basis any losses incurred
by hospitals or physicians upon the settlement of bills in previous years.

(2) To return the original contributions for working capital, or any part thereof on a pro rata basis.

(3) To reduce rates charged subscribers, or to expand services rendered them.

CHAPTER 35
(House Bill No. 162—By Mr. Davis)

AN ACT to amend and reenact section three-a, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by section eleven, chapter eighty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, relating to the salary of the warden of the West Virginia penitentiary.

[Passed March 10, 1951; in effect from passage. Approved by the Governor.]

Article 5. The Penitentiary.

Section

3-a. Salary of warden.

Be it enacted by the Legislature of West Virginia:

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

Section 3-a. Salary of Warden.—The salary of the warden of the West Virginia penitentiary shall be fixed by the board of control, not to exceed five thousand five hundred dollars per annum.
CHAPTER 36

(House Bill No. 155—By Mr. Davis)

AN ACT to amend and reenact section twenty-seven-a, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to extra good time allowance for certain convicts in the West Virginia penitentiary.

[Passed February 15, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 5. The Penitentiary.
Section 27-a. Extra good time allowance for certain convicts.

Be it enacted by the Legislature of West Virginia:

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

Section 27-a. Extra Good Time Allowance for Certain Convicts.—The warden may, with the approval of the governor, allow, in addition to that now permitted by law, such good time to convicts, except life prisoners, working either outside or inside the walls of the penitentiary, as he may deem proper: Provided, however, That the same shall not exclude those who are physically or mentally incapacitated from working, from receiving such good time allowances.

CHAPTER 37

(House Bill No. 153—By Mr. Davis)

AN ACT to amend and reenact section thirty-one, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to mentally diseased convicts.
Article 5. The Penitentiary.

Section

31. Mentally diseased convicts.

Be it enacted by the Legislature of West Virginia:

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

Section 31. Mentally Diseased Convicts.—When any convict in any of the state's prisons becomes mentally ill before his or her term of sentence expires, it shall be the duty of the warden or superintendent of such prison to notify the board of control which in turn shall cause said convict to be transferred to the department for the criminal mentally ill at the Weston state hospital. It shall then be the duty of the examining board of the Weston state hospital to observe said convict for a period of thirty days. If it be determined that said convict is not mentally diseased he or she shall forthwith be returned to prison. If it be determined that such convict is mentally diseased then the examining board shall proceed in accordance with section three, article four, chapter twenty-seven of the code of West Virginia.

When it is determined that such mentally diseased convict has recovered he or she shall be returned forthwith to prison. Any time spent in the Weston state hospital shall be computed as part of the term for which he or she was sentenced. If the sentence of such convict expire while said convict is at the Weston state hospital then upon his or her recovery he or she shall be discharged from said hospital in accordance with section seven, article four, chapter twenty-seven of the code of West Virginia.
AN ACT to amend and reenact section three-a, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers of county courts with respect to improvements outside of municipalities including construction of waterworks, the laying of sanitary sewer lines and assessment of the cost thereof, the improvements of streets, alleys and sidewalks and assessment of the cost thereof.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.]


Section 3-a. Powers with respect to construction of waterworks, sewers, sewage disposal plants, improvement of streets, alleys and sidewalks and the assessment of the cost of sanitary sewers and improved streets.

Be it enacted by the Legislature of West Virginia:

That section three-a, article one, 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 3-a. Powers With Respect to Construction of Waterworks, Sewers, Sewage Disposal Plants, Improvement of Streets, Alley and Sidewalks and the Assessment of the Cost of Sanitary Sewers and Improved Streets.—In addition to all other powers and duties now conferred by law upon county courts, such courts are hereby authorized and empowered to install, construct, repair, maintain and operate water works, water mains, sewer lines and sewage disposal plants in connection therewith within their respective counties: Provided, That the county court of Webster is authorized to expend county funds in the opening of, and upkeep of, a sulphur well now situate on county property: Provided, That such authority and power as herein conferred upon county courts shall
not extend into the territory within any municipal corpo-
ration: Provided, however, That any county court is here-
by authorized to enter into contracts or agreements with
any municipality within the county, or with a municipality
in an adjoining county, with reference to the exercise of
the powers vested in such court by this section.

In addition to the foregoing, the county court shall have
the power to improve streets, sidewalks and alleys and lay
sewers as follows: upon petition in writing duly verified,
of the persons, firms or corporations owning not less than
sixty per cent of the frontage of the lots abutting on both
sides of any street or alley, between any two cross-streets,
or between a cross-street and an alley in any unincorpo-
rated community, requesting the county court so to do ac-
cording to plans and specifications submitted with such pe-
tition and offering to have their property so abutting as-
signed not only with their portion of the cost of such im-
provement abutting upon their respective properties, but
also offering to have their said properties proportionately
assessed with the total cost of paving, grading and curbing
the intersections of such streets and alleys, the county
court may cause any such street or alley to be improved or
paved or repaved substantially with the materials and ac-
cording to such plans and specifications as hereinafter
provided.

The total cost including labor and materials, engineer-
ing, and legal service of grading and paving, curbing, im-
proving any such street or alley (including the cost of the
intersections) and assessing the cost thereof shall be borne
by the owners of the land abutting upon such street or al-
ley when the work is completed and accepted according to
the following plan, that is to say, payment is to be made by
all landowners on either side of such street or alley so
paved or improved, in such proportion of the total cost as
the frontage in feet of each owner’s land so abutting bears
to the total frontage of all the land so abutting on such
street or alley, so paved or improved as aforesaid, which
computation shall be made by the county engineer or sur-
veyor and certified by him to the clerk of said court.

Upon petition in writing, duly verified, of the persons,
firms or corporations owning not less than sixty per cent of
the frontage of the lots abutting on one side of any street
between any two cross-streets or between a cross-street
and an alley in any unincorporated community requesting
the county court so to do according to plans and specifica-
tions submitted with such petition and offering to have
their property so abutting assessed with the total cost
thereof, the county court may cause any sidewalk to be im-
proved, or paved, or repaved, substantially with such ma-
terials according to such plans and specifications and the
total cost including labor, materials, engineering and legal
service of improving, grading, paving, or repaving such
sidewalk and assessing the cost thereof shall, when the
work is completed and accepted, be assessed against the
owners of the lots or fractional part of lots abutting on
such sidewalk, in such portion of the total cost as the front-
age in feet of each owner’s land so abutting bears to the to-
tal frontage of all lots so abutting on such sidewalk so
paved or improved, as aforesaid, which computation shall
be made by the county engineer or surveyor and certified
by him to the clerk of said court.

Upon petition in writing, duly verified, of the persons,
firms or corporations owning not less than sixty per cent of
the frontage of the lots abutting on both sides of any street
or alley, in any unincorporated community requesting the
county court so to do according to plans and specifications
submitted with such petition and offering to have their
property so abutting assessed with the cost, as hereinafter
provided, the county court may lay and construct sanitary
sewers in any street or alley with such materials and sub-
stantially according to such plans and specifications and
when such sewer is completed and accepted, the county
engineer or surveyor shall report to the county court, in
writing, the total cost of such sewer and a description of
the lots and lands, as to the location, frontage, depth and
ownership liable for such sewer assessment, so far as the
same may be ascertained, together with the amount charge-
able against each lot and owner, calculated in the follow-
ing manner: The total cost of constructing and laying the
sewer including labor, materials, legal and engineering
services shall be borne by the owners of the land abutting
upon the streets and alleys, in which the sewer is laid ac-
According to the following plan: payment is to be made by each landowner on either side of such portion of a street or alley in which such sewer is laid, in such proportions as the frontage of his land upon said street or alley bears to the total frontage of all lots so abutting on such street or alley. In case of a corner lot frontage is to be measured along the longest dimension thereof abutting on such street or alley in which such sewer is laid. Any lot having a depth of two hundred feet or more, and fronting on two streets, or alleys, one in the front and one in the rear of said lot, shall be assessed on both of said streets or alleys if a sewer is laid in both such streets and alleys. Where a corner lot has been assessed on the end it shall not be assessed on the side for the same sewer, and where it has been assessed on the side it shall not be assessed on the end for the same sewer.

If the petitioners request the improvement of any such street, alley, or sidewalk in a manner which does not require the permanent paving, or repaving, thereof, the county court shall likewise have authority to improve such street, alley or sidewalk, substantially as requested in such petition, and the total cost thereof including labor, materials, engineering and legal service shall be assessed against the abutting owners in the proportion which the frontage of their lots abutting upon such street, alley, or sidewalk bears to the total frontage of all lots abutting upon such street, alley or sidewalk, so improved.

Upon the filing of such petition and before work is begun, or let to contract, the county court shall fix a time and place for hearing protests and shall require the petitioners to post notice of such hearing in at least two conspicuous places on the street, alley or sidewalk affected, and to give notice thereof by publication in a newspaper of general circulation in the county in which the improvement is to be made at least once before said hearing, which hearing shall be held not less than ten nor more than thirty days after the filing of such petition.

At the time and place set for hearing protests the county court may examine witnesses and consider other evidence to show that said petition was filed in good faith; that the signatures thereto are genuine; and that the proposed improvement, paving, repaving, or sewering, will result in
special benefits to all owners of property abutting on said
street, alley or sidewalk in an amount at least equal in
value to the cost thereof. The court shall within ten days
thereafter enter a formal order stating its decision and if
the petition be granted shall proceed after due advertise-
ment, reserving the right to reject any or all bids, let a con-
tract for such work and materials to the lowest respon-
sible bidder.

Any owner of property abutting upon said street, alley
or sidewalk aggrieved by such order shall have the right
to review the same on the record made before the county
court by filing within ten days after the entry of such
order, a petition with the clerk of the circuit court as-
signing errors and giving bond in a penalty to be fixed
by the circuit court to pay any costs or expenses incurred
upon such appeal should the order of the county court be
affirmed. The circuit court shall proceed to review the
matter as in other cases of appeal from the county court:

All assessments made under this section shall be certi-
fied to the county clerk and recorded in a proper trust deed
book and indexed in the name of the owner of any lot or
fractional part of a lot so assessed. The assessment so made
shall be a lien on the property liable therefor, and shall
have priority over all other liens except those for taxes,
and may be enforced by suit in equity in the name of the
contractor performing the work in the same manner as
provided for other liens for permanent improvements.
Such assessment shall be paid in not more than ten equal
annual installments, bearing interest at the rate of six per
cent per annum as follows: the first installment, together
with interest on the whole assessment, shall be paid not
later than one year from the date of such assessment, and
a like installment with interest on the whole amount
remaining unpaid each year thereafter until the principal
and all interest shall have been paid in full.

The county court may issue coupon-bearing certificates
payable in not more than ten equal annual installments
for the amount of such assessment and the interest there-
on, to be paid by the owner of any lot or fractional part
thereof, fronting on such street, alley, or sidewalk which
has been improved, paved, or repaved or in which a
sewer has been laid, as aforesaid, and the holder of said certificate shall have a lien having priority over all other liens except those for taxes upon the lot or part of lot fronting on such street, alley, or sidewalk, and such certificate shall likewise draw interest from the date of assessment at the rate of six per cent per annum, and payment thereof may be enforced in the name of the holder of said certificate by proper suit in equity in any court having jurisdiction to enforce such lien.

Certificates authorized under this section may be issued, sold or negotiated to the contractor doing the work, or to his assignee, or to any person, firm, or corporation, provided that the county court in issuing such certificates shall not be held as a guarantor, or in any way liable for the payment thereof. Certificates so issued shall contain a provision to the effect that in the event of default in the payment of any one or more of said installments, when due, said default continuing for a period of sixty days, all unpaid installments shall thereupon become due and payable, and the owner of said certificates may proceed to collect the unpaid balance thereof in the manner hereinbefore provided.

In all cases where petitioners request paving or repaving, or the laying of sewers under the provisions of this section, the county court shall let the work of grading, paving, curbing or sewering to contract to the lowest responsible bidder. In each such case the county court shall require a bond in the penalty of the contract price guaranteeing the faithful performance of the work and each such contract shall require the contractor to repair any defects due to defective workmanship or materials discovered within one year after the completion of the work.

Upon presentation to the clerk of the county court of the certificates evidencing the lien, duly cancelled and marked paid by the holder thereof, or evidence of payment of the assessment if no certificates have been issued, said clerk shall execute and acknowledge a release of the lien which release may be recorded, as other releases in the office of the clerk of the county court.

The owner of any lot or fractional part of a lot abutting
upon such street, alley or sidewalk so improved, paved, repaved or sewered shall have the right to anticipate the payment of any such assessment or certificate by paying the principal amount due, with interest accrued thereon to date of payment, and also to pay the entire amount, without interest at any time, within thirty days following the date of the assessment.

Nothing in this section contained shall be construed to authorize the county courts of the various counties to acquire any road construction, ditching, or paving equipment. The county courts are hereby authorized to rent from the state road commissioner or any other person, firm or corporation such equipment as may be necessary from time to time, to improve any street or sidewalk which petitioners do not desire to have paved in a permanent manner, and for such purpose to employ such labor as may be necessary but no expense connected therewith shall be charged to any county funds.

No county court shall be under any duty after the paving, repaving or improvement of any street, alley or sidewalk or the laying of any sanitary sewer under the provisions of this section, to maintain or repair the same, but any such court shall have authority upon petition duly verified signed by at least sixty per cent of the owners of property abutting upon any improvement made under this section to maintain or repair such improvement or sewer and to assess the cost thereof against the owners of such abutting property in the same manner as the cost of the original improvement.

CHAPTER 39

(Senate Bill No. 225—By Mr. Mitchell)

AN ACT to amend article one, chapter 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 three-b, relating to the power of the county court to purchase radio mobile communication equipment and appliances for use by county sheriffs and their deputies.

Section 3-b. Powers with respect to the purchase, installation and maintenance of radio mobile communication equipment and appliances for use by county sheriffs and their deputies.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven 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 three-b to read as follows:

Section 3-b. Powers with Respect to the Purchase, Installation and Maintenance of Radio Mobile Communication Equipment and Appliances for Use by County Sheriffs and Their Deputies.—In addition to all other powers and duties now conferred by law upon county courts, such courts are hereby authorized and empowered to purchase, install and maintain radio mobile communication equipment and appliances for the use of the sheriff and his deputies in their respective counties and to pay therefor and for the maintenance thereof out of the county treasury.

CHAPTER 40

(Senate Bill No. 226—By Mr. Mitchell)

AN ACT to amend article one, chapter 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 three-c, relating to the power of the county court to purchase equipment, appliances and supplies for copying photographically any deed or other writing, plats or maps.

(Passed March 5, 1951: in effect ninety days from passage. Approved by the Governor.)
Section
3-c. Powers with respect to the purchase, installation and maintenance of photo copying equipment, appliances and supplies.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven 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 three-c to read as follows:

Section 3-c. Powers With Respect to the Purchase, Installation and Maintenance of Photo Copying Equipment, Appliances and Supplies.—In addition to all other powers and duties now conferred by law upon county courts, such courts are hereby authorized and empowered to purchase, install and maintain photo copying equipment, designed for copying photographically any deed or other writing, or plats or maps, for use by the clerks of the several county courts and to pay therefor and for the maintenances thereof out of the county treasury. The actions of the county courts in heretofore purchasing and maintaining such equipment is now ratified.

CHAPTER 41
(Com. Sub. for Senate Bill No. 33—Originating in the Senate Committee on the Judiciary)

AN ACT to amend article one, chapter 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 three-d, relating to establishment, maintenance and levy therefor by any county court of fire prevention units for prevention of fires in the county, and providing for financial aid and levy therefor by county courts to public fire protection facilities operated in the county for general benefit of public in prevention of fires.

Section 3-d. Powers of county court with respect to levy, establishment and operation of fire prevention units, and contributions therefor, and levy therefor.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven 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 three-d to read as follows:

Section 3-d.—Powers of County Court with Respect to Levy, Establishment and Operation of Fire Prevention Units, and Contributions Therefor, and Levy Therefor.—The county court in any county is authorized to levy for and may erect, maintain and operate fire stations and fire prevention units and equipment therefor in the county: Provided, however, That should a county court establish a separate fire protection unit in any city in West Virginia which is now operating under the provisions of the State Civil Service Act for paid fire departments then such new unit shall be operated in accordance with the provisions of said Civil Service Act. Any county court may render financial aid to any one or more public fire protection facilities in operation in the county for the general benefit of the public in the prevention of fires.

CHAPTER 42

(House Bill No. 85—By Mr. Hutton)

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 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, and as further amended by chapter thirty-three, acts of the Legislature, regular session, one thousand nine hundred forty-five, and as further amended by chapter forty-five, acts of the Legislature, regular session, one thousand nine hundred forty-seven, and as last amended and reenacted by chapter twenty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-nine, relating to compensation of county commissioners for services other than services in court.

[Passed March 9, 1951: in effect ninety days from passage. Approved by the Governor.]


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, and as further amended by chapter thirty-three, acts of the Legislature, regular session, one thousand nine hundred forty-five, and as further amended by chapter forty-five, acts of the Legislature, regular session, one thousand nine hundred forty-seven, and as last amended and reenacted by chapter twenty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-nine, be amended and reenacted to read as follows:

Section 5. Duties of County Commissioners and Pay-
ment 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 arrange for the feeding and care of the prisoners therein, 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 maintenance and operation of airport or airports owned and/or operated by the county court; and to supervise and control the purchase, erection and maintenance of airport facilities; 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 assessors; 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 personal, 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 management 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 visiting of the poor, inspection of jails, bridges and bridge approaches, 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, for supervising and controlling the maintenance and operation of airport or airports owned and/or operated by the county court; and supervising and controlling the purchase, erection and maintenance of air port facilities; 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 equalization; for reviewing and equalizing the assessments made by the assessors; 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 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; and for duties of the county commissioners in cooperating with the county public assistance council, and for supervising the general management of the fiscal affairs and business of each county, within their counties, and other business by such commissioners, in addition to compensation for services in court, the sums of money hereinafter provided in the following sections, five-(one) to five-(fifty-four), inclusive.

Sec. 5-(1). Barbour County.—For the county of Barbour, seventy-five dollars per month.
Sec. 5- (2). Berkeley County.—For the county of Berkeley, 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, the president of the court eighty-five dollars and the other members of the court seventy-five dollars per month.

Sec. 5- (4). Braxton County.—For the county of Braxton, sixty dollars per month.

Sec. 5- (5). Brooke County.—For the county of Brooke, seventy-five 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 Calhoun, thirty-five dollars per month.

Sec. 5- (8). Clay County.—For the county of Clay, forty-five dollars per month.

Sec. 5- (9). Doddridge County.—For the county of Doddridge, thirty-five dollars per month.

Sec. 5- (10). Fayette County.—For the county of Fayette, two hundred fifty dollars per month.

Sec. 5- (11). Gilmer County.—For the county of Gilmer, fifty dollars per month.

Sec. 5- (12). Grant County.—For the county of Grant, thirty dollars per month.

Sec. 5- (13). Greenbrier County.—For the county of Greenbrier, seventy-five dollars per month.

Sec. 5- (14). Hampshire County.—For the county of Hampshire, fifty dollars per month.

Sec. 5- (15). Hancock County.—For the county of Hancock, one hundred dollars per month.

Sec. 5- (16). Hardy County.—For the county of Hardy, fifty dollars per month.

Sec. 5- (17). Harrison County.—For the county of Harrison, two hundred twenty-five dollars per month.
Sec. 5-(18). Jackson County.—For the county of Jackson, seventy-five dollars per month.

Sec. 5-(19). Jefferson County.—For the county of Jefferson, the president of the court seventy-five dollars and the other members of the court fifty dollars per month.

Sec. 5-(20). Kanawha County.—For the county of Kanawha, three hundred fifty dollars per month.

Sec. 5-(21). Lewis County.—For the county of Lewis, one hundred dollars per month.

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

Sec. 5-(23). Logan County.—For the county of Logan, two hundred twenty-five dollars per month.

Sec. 5-(24). Marion County.—For the county of Marion, the president of the county court two hundred fifty dollars and the other members of the court two hundred twenty-five dollars per month.

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

Sec. 5-(26). Mason County.—For the county of Mason, seventy-five dollars per month.

Sec. 5-(27). McDowell County.—For the county of McDowell, two hundred dollars per month.

Sec. 5-(28). Mercer County.—For the county of Mercer, the president of the court two hundred dollars and the other members of the court one hundred seventy-five dollars per month.

Sec. 5-(29). Mineral County.—For the county of Mineral, fifty dollars per month.

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

Sec. 5-(31). Morgan County.—For the county of Morgan, fifty dollars per month.

Sec. 5-(32). Monroe County.—For the county of Monroe, twenty-five dollars per month.
Sec. 5-(33). Monongalia County.—For the county of Monongalia, two hundred dollars per month.

Sec. 5-(34). Nicholas County.—For the county of Nicholas, fifty dollars per month.

Sec. 5-(35). Pendleton County.—For the county of Pendleton, thirty dollars per month.

Sec. 5-(36). Pleasants County.—For the county of Pleasants, thirty-five dollars per month.

Sec. 5-(37). Pocahontas County.—For the county of Pocahontas, twenty-five dollars per month.

Sec. 5-(38). Preston County.—For the county of Preston, the president of the county court fifty-five dollars, and other members of the court forty dollars per month.

Sec. 5-(39). Putnam County.—For the county of Putnam, fifty dollars per month.

Sec. 5-(40). Raleigh County.—For the county of Raleigh, the president of the county court two hundred dollars per month and other members of the court one hundred ninety dollars per month.

Sec. 5-(41). Randolph County.—For the county of Randolph, seventy-five 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, 2 fifty dollars per month.

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

Sec. 5-(50). Webster County.—For the county of Web- 2 ster, fifty dollars per month.

Sec. 5-(51). Wetzel County.—For the county of Wetzel, 2 sixty-five dollars per month.

Sec. 5-(52). Wirt County.—For the county of Wirt, 2 thirty dollars per month.

Sec. 5-(53). Wood County.—For the county of Wood, 2 two hundred dollars per month.

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

CHAPTER 43

(House Bill No. 211—By Mr. Wysong)

- AN ACT to amend article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding four sections, to be designated sections fourteen, fifteen, sixteen and seventeen, authorizing counties to procure and operate county public hospital facilities on a self-sustaining basis, and to issue revenue bonds in connection therewith payable exclusively from revenues from such operation.

[Passed February 16, 1951: in effect from passage. Approved by the Governor.]

Article 3. County Property.

Section

14. Authority to acquire and operate hospitals; financing.
15. Board of hospital trustees.
17. Construction.
Be it enacted by the Legislature of West Virginia:

That article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding four sections, to be designated sections fourteen, fifteen, sixteen and seventeen, to read as follows:

Section 14. Authority to Acquire and Operate Hospitals; Financing.—The county court of any county is hereby authorized and empowered to acquire by purchase or construction and to thereafter own, equip, furnish, operate, improve and extend a county public hospital with all appurtenances, including the necessary real estate as a site therefor. Any such county public hospital may include a nurses home and nurses training school. For the purpose of paying all or any part of the cost not otherwise provided of acquiring, completing, equipping, furnishing, improving or extending such hospital, such county court is hereby authorized and empowered by order duly entered of record to issue and sell the negotiable revenue bonds of such county, which shall be payable solely and only from all or such part of the net revenues from the operation of such county public hospital as may be provided by said order; and each such revenue bond so issued shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by the revenues pledged therefor, and that such bond does not constitute an indebtedness of such county or the county court thereof within the meaning of any constitutional or statutory limitation or provision. Such revenue bonds may bear such date or dates, may mature at such time or times not exceeding thirty-four years from their respective dates, may bear interest at such rate or rates not exceeding five per cent per annum, may be of such denomination or denominations, may be in such form, may carry such registration privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this act as may be provided in such order. Such revenue bonds shall be exempt from taxation by the state of West Virginia and the other taxing bodies of the state. In deter-
mining the amount of revenue bonds to be issued, there may be included any expenses in connection with and incidental to the issuance and sale of bonds and for the preparation of plans, specifications, surveys and estimates, interest during the estimated construction period and for six months thereafter, and a reasonable amount for working capital and prepaid insurance. Such bonds may be sold in such manner, at such times and upon such terms as may be determined by the county court to be for the best interests of the county: Provided, That no bonds may be sold upon terms which will result in a net interest cost of more than six per cent per annum computed to maturity of the bonds according to standard tables of bond values. There may be included in any such order authorizing the issuance of revenue bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the expenditure of the bond proceeds, the operation and maintenance of the county public hospital and the custody and application of the revenues from such operation. The holder of any bond or bonds may, by mandamus or other appropriate proceedings, require and compel performance of any duties imposed by law in connection with the hospital or any covenant, stipulation or condition that may have been expressed in such bond order.

Sec. 15. Board of Hospital Trustees.—The administration and management of any county public hospital acquired, equipped, furnished, improved or extended under section fourteen of this article shall be vested in a board of hospital trustees, consisting of not less than five members appointed by the county court. Prior to the issuance of any bonds under the provisions of section fourteen of this article, the county court shall appoint two of such trustees for a term of two years, two trustees for a term of four years, and one trustee for a term of six years from the first day of the month during which appointed. Upon the expiration of such initial appointments, the term of each new appointee shall be six years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was ap-
pointed shall be appointed only for the remainder of such term. Any trustee shall be eligible for reappointment upon the expiration of his term. The trustees shall receive no compensation for their services, but shall be reimbursed for any expenses incurred in the performance of their duties. Any trustee may be removed by the county court for incompetency, neglect of duty or malfeasance in office after an opportunity to be heard at a public hearing before the county court. At the first meeting of the board of trustees, and annually thereafter, it shall organize by designating one of its members as chairman and by appointing a secretary who may, but need not, be a trustee. The sheriff of the county shall be ex officio treasurer of the board.

Such board of trustees shall provide for the employment and shall fix the compensation and remove at pleasure all professional, technical and other employees, skilled or unskilled, as it may deem necessary for the operation and maintenance of the hospital; and disbursement of funds in such operation and maintenance shall be made only upon order and approval of such board. The board of trustees shall make all rules and regulations governing its meetings and the operation of the hospital.

Sec. 16. Operation with Bonds Outstanding.—So long as any revenue bonds remain outstanding under the provisions of section fourteen of this article, the hospital and all appurtenances shall be operated and maintained on a revenue producing and self-sustaining basis; and the board of trustees shall charge, collect and account for revenues therefrom which will be sufficient to pay the interest on such bonds as the same becomes due, to create and maintain a sinking fund to pay and retire the principal at or before maturity, and to pay the costs of operating and maintaining the hospital. The order authorizing such bonds shall definitely fix and determine the amount of the revenues which shall be necessary and set apart in a special fund to pay such interest and to pay and retire such principal; and all or such portion of the balance of such revenues as may be necessary shall be set apart in a special fund to pay the costs of operation and maintenance of the hospital.
Sec. 17. Construction.—The provisions of sections fourteen, fifteen, and sixteen of this article shall be construed as conferring separate and additional powers as herein set forth and shall be deemed full authority for the acquisition, improvement, extension, maintenance and operation of the hospital, and for the issuance and sale of the bonds by this act authorized: Provided, That all pertinent functions, powers and duties of the state department of health shall remain in effect.

CHAPTER 44

(House Bill No. 373—By Mr. Blankenship)

AN ACT to amend and reenact sections one through one-(fifty-five), article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to salaries of sheriffs.

[Passed March 10, 1951: 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 of the various counties of the state.

Be it enacted by the Legislature of West Virginia:

That sections one through one-(fifty-five), 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 1. Salaries of Sheriffs.—The annual compensation of the sheriff of each county shall on and after January first, one thousand nine hundred fifty-three, 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, three thousand three hundred dollars.
Sec. 1- (2). Berkeley County.—For the county of Berkeley, four thousand dollars.

Sec. 1- (3). Boone County.—For the county of Boone, four thousand dollars.

Sec. 1- (4). Braxton County.—For the county of Braxton, four thousand dollars.

Sec. 1- (5). Brooke County.—For the county of Brooke, three thousand six hundred dollars.

Sec. 1- (6). Cabell County.—For the county of Cabell, seven thousand five hundred dollars.

Sec. 1- (7). Calhoun County.—For the county of Calhoun, two thousand dollars.

Sec. 1- (8). Clay County.—For the county of Clay, two thousand dollars.

Sec. 1- (9). Doddridge County.—For the county of Doddridge, two thousand five hundred dollars.

Sec. 1- (10). Fayette County.—For the county of Fayette, seven thousand five hundred dollars.

Sec. 1- (11). Gilmer County.—For the county of Gilmer, two thousand four hundred dollars.

Sec. 1- (12). Grant County.—For the county of Grant, two thousand dollars.

Sec. 1- (13). Greenbrier County.—For the county of Greenbrier, three thousand six hundred dollars.

Sec. 1- (14). Hampshire County.—For the county of Hampshire, three thousand dollars.

Sec. 1- (15). Hancock County.—For the county of Hancock, three thousand eight hundred dollars.

Sec. 1- (16). Hardy County.—For the county of Hardy, two thousand dollars.

Sec. 1- (17). Harrison County.—For the county of Harrison, six thousand dollars.
Sec. 1-(18). **Jackson County.**—For the county of Jackson, two thousand four hundred dollars.

Sec. 1-(19). **Jefferson County.**—For the county of Jefferson, three thousand two hundred dollars.

Sec. 1-(20). **Kanawha County.**—For the county of Kanawha, seven thousand five hundred dollars.

Sec. 1-(21). **Lewis County.**—For the county of Lewis, three thousand three hundred dollars.

Sec. 1-(22). **Logan County.**—For the county of Logan, seven thousand five hundred dollars.

Sec. 1-(23). **Lincoln County.**—For the county of Lincoln, four thousand two hundred dollars.

Sec. 1-(24). **Marion County.**—For the county of Marion, six thousand five 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, three thousand dollars.

Sec. 1-(27). **Mercer County.**—For the county of Mercer, six thousand dollars.

Sec. 1-(28). **Mineral County.**—For the county of Mineral, three thousand six hundred dollars.

Sec. 1-(29). **Mingo County.**—For the county of Mingo, six thousand dollars.

Sec. 1-(30). **Monongalia County.**—For the county of Monongalia, five thousand 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, seven thousand dollars.

Sec. 1-(33). **Morgan County.**—For the county of Morgan, not less than one thousand five hundred dollars nor more than two thousand dollars, to be fixed by the county court.
Sec. 1-(34). Nicholas County.—For the county of Nicholas, three thousand six hundred dollars.

Sec. 1-(35). Ohio County.—For the county of Ohio, five thousand 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, two thousand four hundred dollars.

Sec. 1-(38). Pocahontas County.—For the county of Pocahontas, two thousand five hundred dollars.

Sec. 1-(39). Preston County.—For the county of Preston, three thousand five hundred 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, seven thousand dollars.

Sec. 1-(42). Randolph County.—For the county of Randolph, three thousand six hundred dollars.

Sec. 1-(43). Ritchie County.—For the county of Ritchie, three thousand dollars.

Sec. 1-(44). Roane County.—For the county of Roane, two thousand eight hundred dollars.

Sec. 1-(45). Summers County.—For the county of Summers, three thousand four hundred dollars.

Sec. 1-(46.) Taylor County.—For the county of Taylor, three thousand dollars.

Sec. 1-(47). Tucker County.—For the county of Tucker, two thousand seven hundred dollars.

Sec. 1-(48). Tyler County.—For the county of Tyler, three thousand dollars.

Sec. 1-(49). Upshur County.—For the county of Upshur, three thousand dollars.
Sec. 1-(50). Wayne County.—For the county of Wayne, 2 four thousand eight hundred dollars.

Sec. 1-(51). Webster County.—For the county of Webster, three thousand dollars.

Sec. 1-(52). Wetzel County.—For the county of Wetzel, three thousand six hundred dollars.

Sec. 1-(53). Wirt County.—For the county of Wirt, two thousand five hundred dollars.

Sec. 1-(54). Wood County.—For the county of Wood, five thousand four hundred dollars.

Sec. 1-(55). Wyoming County.—For the county of Wyoming, six thousand dollars.

CHAPTER 45
(Senate Bill No. 265—By Mr. Bean)

AN ACT to amend and reenact section four, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the salaries of joint clerks of county and circuit courts.

[Passed March 10, 1951; in effect July 1, 1951. Approved by the Governor.]

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

Section 4. Salaries of joint clerks of county and circuit courts.

Be it enacted by the Legislature of West Virginia:

That section four, 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 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 the clerk of the circuit
court are held by the same person shall be as follows:
Hardy county, two thousand six hundred dollars; Grant
county, two thousand five hundred dollars; Pendleton
county, two thousand five hundred dollars.
By reason of additional duties imposed upon the clerks
of the courts by virtue of legislation passed during the
one thousand nine hundred fifty-one regular session of
the Legislature, the county court of each of the above
mentioned counties may pay to the clerk of each county
additional compensation not to exceed four hundred dol-
lars per year as compensation for such additional services.

CHAPTER 46

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

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

Section
5. Salaries of prosecuting attorneys.
5-(1) to 5-(55). Salaries of prosecuting attorneys of the various
counties of the state.

Be it enacted by the Legislature of West Virginia:
That section five and sections five-(one) to five-(fifty-five),
inclusive, 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 5. Salaries of Prosecuting Attorneys.—The an-
2 nual compensation of the prosecuting attorney in each
3 county, including the compensation provided by law for
his services as attorney for boards of education and other administrative boards and officers in the county, shall, on and after July one, one thousand nine hundred forty-nine, be in the amounts set forth in sections five-(one) to five-(fifty-five), inclusive, of this article.

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

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

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

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

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

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

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

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

Sec. 5-(9). Doddridge County.—For the county of Doddridge, one thousand five hundred dollars.

Sec. 5-(10). Fayette County.—For the county of Fayette, not less than four thousand two hundred dollars nor more than four thousand eight hundred dollars, to be fixed by the county court.

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

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

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

Sec. 5-(14). Hampshire County.—For the county of Hampshire, two thousand dollars.
Sec. 5-(15). Hancock County.—For the county of Hancock, three thousand six hundred dollars.

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

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

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

Sec. 5-(19). Jefferson County.—For the county of Jefferson, three thousand six hundred dollars.

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

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

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

Sec. 5-(23). Logan County.—For the county of Logan, four thousand eight hundred dollars.

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

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

Sec. 5-(26). Mason County.—For the county of Mason, two thousand four hundred dollars.

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

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

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

Sec. 5-(30). Mingo County.—For the county of Mingo, four thousand eight hundred dollars.

Sec. 5-(31). Monongalia County.—For the county of Monongalia, five thousand five hundred dollars.
Sec. 5-(32). **Monroe County.**—For the county of Monroe, one thousand two hundred dollars.

Sec. 5-(33). **Morgan County.**—For the county of Morgan, not less than one thousand two hundred dollars nor more than one thousand four hundred dollars.

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

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

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

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

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

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

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

Sec. 5-(41). **Raleigh County.**—For the county of Raleigh, not less than three thousand nor more than five thousand dollars.

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

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

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

Sec. 5-(45). **Summers County.**—For the county of Summers, two thousand four hundred dollars.

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

Sec. 5-(47). **Tucker County.**—For the county of Tucker, two thousand two hundred dollars.
Sec. 5-(48). **Tyler County.**—For the county of Tyler, 2 one thousand seven hundred dollars.

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

Sec. 5-(50). **Wayne County.**—For the county of Wayne, 2 three thousand six hundred dollars.

Sec. 5-(51). **Webster County.**—For the county of Webster, two thousand four hundred dollars.

Sec. 5-(52). **Wetzel County.**—For the county of Wetzel, 2 two thousand two hundred dollars.

Sec. 5-(53). **Wirt County.**—For the county of Wirt, 2 one thousand two hundred dollars.

Sec. 5-(54). **Wood County.**—For the county of Wood, 2 four thousand dollars.

Sec. 5-(55). **Wyoming County.**—For the county of Wyoming, not less than three thousand, nor more than 3 five thousand four hundred dollars.

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**CHAPTER 47**

*(Senate Bill No. 272—By Mr. Stemple)*

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 amended, relating to assistants, stenographers and clerks for prosecuting attorney.

[Passed March 9, 1951: in effect July 1, 1951. Approved by the Governor.]

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

**Section**

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

Be it enacted by the Legislature of West Virginia:

That section six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 county, three and 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 removed. The compensation of such assistant shall be paid by the principal, except in the counties of Barbour, Berkeley, Boone, Brooke, Cabell, Calhoun, Clay, Fayette, Harrison, Hancock, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Nicholas, Ohio, Putnam, Raleigh, Randolph, Summers, Taylor, Upshur, Wayne, Webster, Wetzel, Wood and Wyoming, and in the 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, except that in Hancock county the salary of such assistant shall not be less than one thousand two hundred dollars nor more than one thousand eight hundred dollars; in Ohio county for the first assistant, three thousand six hundred dollars, for the second assistant three thousand dollars and for the third assistant two thousand dollars; in Kanawha county for the first assistant, not less than five thousand nor more than six thousand dollars, and for the second assistant not less than five thousand nor more than six thousand dollars; in Cabell county for the first assistant four thousand dollars, and for the second assistant three thousand dollars; in McDowell county, not less than three thousand dollars nor more than four thousand two hundred dollars for each assistant; in Marion county,
not less than four thousand two hundred nor more than four thousand eight hundred dollars; in Raleigh county, four thousand two hundred dollars; in Mingo county, not to exceed four thousand dollars; in Harrison county, not less than one thousand five hundred nor more than four thousand five hundred dollars; in Mercer county, four thousand two 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 three thousand six hundred nor more than four thousand two hundred dollars, and for the second assistant not to exceed two thousand eight hundred dollars; in Boone county, not less than two thousand dollars nor more than three thousand dollars; in Wyoming county, not less than one thousand five hundred nor more than two thousand seven hundred dollars; in Barbour county, one thousand dollars; in Monongalia county, three thousand dollars; in Wayne county, two thousand five hundred dollars; in Lincoln county, not to exceed one thousand eight hundred dollars; in Berkeley county, not to exceed two thousand dollars; in Lewis, Marshall, Mineral, Nicholas and Upshur counties, not to exceed twelve hundred dollars, and in Randolph county, not to exceed two thousand seven hundred dollars; in Webster and Wetzel counties, not less than six hundred nor more than nine hundred dollars; in Taylor county, not to exceed six hundred dollars; in Putnam county, one thousand two hundred dollars; and Calhoun county, 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 cases; 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, when al-
lowed 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,
Cabell, Wayne and Fayette and including Greenbrier,
Hampshire, Pocahontas, Putnam, Ritchie 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 Greenbrier county shall not exceed two
thousand three hundred and forty dollars; except, the
annual salary of such stenographer in Pocahontas county
shall not exceed one thousand two hundred dollars; in
Calhoun, Putnam and Upshur counties, shall not exceed
nine hundred dollars; in Hampshire and Ritchie counties
shall not be less than one thousand dollars nor more than
twelve hundred dollars; in Lewis county, shall not be
less than six hundred dollars, nor exceed one thousand
five hundred dollars; in Berkeley county, shall be not less
than eighteen hundred dollars nor more than two thou-
sand dollars in the discretion of the county court; in
Monongalia county, shall be two thousand one hundred
dollars; in Boone county, shall be two thousand four
hundred dollars; and in Braxton county, shall be four-
teen hundred dollars; in Taylor county, shall not be less
than one thousand two hundred dollars nor more than
one thousand eight hundred dollars; in Webster county,
shall be nine hundred dollars; in Gilmer county, shall
not exceed nine hundred dollars: Provided, That in each
of the last two 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 Jefferson the prosecuting attorney
may employ a stenographer for his office at a salary of
not more than one thousand dollars per annum, payable
out of the county treasury to be fixed by the said prose-
cuting attorney of said county of Jefferson.

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 two thousand dollars per annum, payable out
of the county treasury.

In the county of Cabell the prosecuting attorney may
employ two stenographers for his office, one at a salary
of two thousand four hundred dollars per year and one
at a salary of one thousand eight hundred dollars per
year, payable out of the county treasury.

In the county of Clay, the prosecuting attorney may
employ a clerk or stenographer for his office at a salary
of one thousand two hundred dollars per annum, pay-
able out of the county treasury; except, that in lieu of the
appointment of such clerk or stenographer, the prosecut-
ing 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 dol-
lars 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 three thousand six hundred dol-
lars per annum for the county of Mingo and one thou-
sand eight 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 not to exceed nine hundred dollars per annum, pay-
able out of the county treasury.

In the county of Mercer, the prosecuting attorney may
employ one stenographer or clerk for his office at a salary
of not to exceed the sum of two thousand four
hundred dollars per annum, payable out of the county
treasury.

In the counties of Hardy, Pendleton and Grant, the
prosecuting attorney may employ one stenographer or
clerk for his office at a salary not to exceed eight hundred
forty dollars per annum, payable out of the county treas-
164 ury as salaries of county officials are paid. In the county
165 of Pendelton, the prosecuting attorney may employ one
166 stenographer or clerk for his office at a salary not to ex-
167 ceed seven hundred eighty dollars per annum, payable
168 out of the county treasury as salaries of county officials
169 are paid.
170 In the county of Wyoming, the prosecuting attorney
171 may employ one stenographer at a salary to be fixed
172 by the county court and payable out of the treasury
173 of said county, and in the counties of Mason and Roane
174 the prosecuting attorney may employ one stenographer
175 at a salary of not less than eleven hundred dollars nor
176 more than fifteen hundred dollars per annum, payable
177 out of the treasury of said county.
178 In the county of Kanawha, the prosecuting attorney
179 may employ two stenographers, one at a salary not to
180 exceed three thousand dollars per annum, and one at a
181 salary not to exceed two thousand seven hundred dol-
182 lars per annum, to be fixed by the county court and pay-
183 able out of the treasury of said county.
184 In the county of Hancock, the prosecuting attorney
185 may employ one stenographer at a salary of not more
186 than two thousand four hundred dollars per annum,
187 payable out of the treasury of said county.
188 In the county of Wayne, the prosecuting attorney may
189 employ one stenographer at a salary of not less than
190 twenty-four hundred dollars nor more than twenty-
191 seven hundred dollars per annum, to be fixed by the
192 county court and payable out of the treasury of the
193 county.
194 In the county of Randolph, the prosecuting attorney
195 may employ one stenographer at a salary of not less
196 than one thousand five hundred dollars per annum and
197 not more than two thousand four hundred dollars per
198 annum to be fixed by the county court and payable out of
199 the treasury of said county.
200 In the county of Fayette, the prosecuting attorney may
201 employ one stenographer at a salary of not to exceed
202 twenty-seven hundred dollars per year to be fixed by the
203 county court and payable out of the treasury of said
204 county.
In the county of McDowell, the prosecuting attorney may employ one stenographer at a salary of not less than one thousand five hundred dollars nor more than three thousand dollars per year to be fixed by the county court and payable out of the treasury of such county.

The prosecuting attorney may employ a clerk or a stenographer for his office in the counties of Tyler, Wetzel and Marshall at an annual salary not to exceed the following: In the county of Tyler, nine hundred dollars; in the county of Wetzel, eighteen hundred dollars; in the county of Marshall, not less than two thousand dollars nor more than twenty-four hundred dollars, payable out of the treasury of the respective counties.

In the county of Lincoln, the prosecuting attorney may employ one stenographer or clerk for his office at a salary of not to exceed the sum of two thousand two hundred dollars per annum, payable out of the county treasury.

In the county of Logan, the prosecuting attorney may employ one stenographer for his office at a salary of not to exceed the sum of two thousand seven hundred dollars per annum, payable out of the county treasury.

In the county of Marion, the prosecuting attorney may employ one stenographer at a salary not to exceed two thousand eight hundred dollars per annum, payable out of the county treasury.

In the county of Raleigh, the prosecuting attorney may employ one stenographer at a salary not to exceed three thousand dollars per annum, payable out of the county treasury.

In the county of Ohio, the prosecuting attorney may employ one stenographer for his office at a salary of not to exceed two thousand four hundred dollars per annum, payable out of the county treasury.

In the county of Barbour, the prosecuting attorney may employ a stenographer for his office at a salary of not less than one thousand two hundred nor more than one thousand eight hundred dollars per annum, to be fixed by the county court of said county, payable out of the county treasury.
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 allowance for expense of sheriff.

[Passed March 10, 1951; 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 having thirty thousand or less population which, as provided in section two-a, article eight of this chapter, has directed the sheriff as jailer to feed prisoners 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, in counties having a population of thirty thousand or less, eighty-four cents per day.

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 of every county shall allow the actual and necessary expenses incurred or expended by the sheriff in arresting, pursuing, or transporting persons accused or convicted of crimes and offenses, including the cost of law enforcement and safety equipment, and in conveying or transferring any person to or from any state institution to which he may be committed from his county, where by law the sheriff is authorized to convey or transfer such person, and shall allow the actual and necessary expenses incurred or expended in serving summonses, notices, or other official papers in connection with the sheriff's office, including an allowance of seven cents per mile for each mile a sheriff or deputy sheriff is required to drive his personally owned car in the performance of his duties hereunder. Every sheriff shall file monthly, under oath, a full and accurate account of all his actual and necessary expenses mentioned in this section, supported by verified accounts for his deputies for amounts expended or incurred by each, before payment thereof shall be allowed by the county court.

CHAPTER 49

(House Bill No. 429—By Mr. Warden)

AN ACT to amend and reenact section one, article eight, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to jails and compensation by county for use of city jail.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.]
Article 8. Jail and Jailer.

Section

1. Jail; temporary jail; compensation by county for use of city jail.

Be it enacted by the Legislature of West Virginia:

That section one, article eight, 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 1. Jail; Temporary Jail; Compensation by County for Use of City Jail.—The jail of the county shall be the jail provided by the county court as required by law. When a county is without a sufficient jail, or its jail is to be removed, rebuilt or repaired, the circuit court, or the judge thereof in vacation, may adopt the jail of another county as its jail until a sufficient jail is obtained by building or repairing. And persons committed, or to be committed, to the jail of the first mentioned county, at or after such adoption, and before a sufficient jail is so obtained, shall be conveyed to the jail so adopted. The jail of any county in which the supreme court of appeals may sit may be used as a jail for said court.

The county court of each county, or tribunal created in lieu thereof, shall have authority to provide for and pay to any city, town or village in this state in which no county jail or other place of imprisonment is owned by the county, not more than one dollar fifty cents for the first day and not more than one dollar for each subsequent day that any person charged with a criminal offense may be temporarily held in the jail or lockup belonging to such city, town or village: Provided, That the provisions of this paragraph shall not apply to any person imprisoned for a violation of the ordinances of any city, town or village: Provided, further, That in no case shall such payment be made for a period of more than five days for the detention of any one person held under any charge or charges at any one time. No such payment shall be made unless the amount of such charge is certified by the justice or other authority under whose jurisdiction such person is detained in the same manner as
other costs in criminal cases are now required by law to
be certified. The payment provided for in this section
shall be made, in cases of persons charged with felonies
or misdemeanors, in the manner and from the proper
fund, according to the character of the offense charged,
as provided by law for the payment of other costs pay-
able by the county courts in criminal cases.

CHAPTER 50

(House Bill No. 357—By Mr. Kidd, of Gilmer, and Mr. Morgan)

AN ACT to amend and reenact section two-a, article eight, chap-
ter seven of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to feeding and
care of prisoners.

[Passed March 10, 1951: in effect ninety days from passage. Became a law with­
out the approval of the Governor.]

Article 8. Jail and Jailer.

Section
2-a. Feeding and care of prisoners; purchase of food and supplies; rec­
ords; payment of costs.

Be it enacted by the Legislature of West Virginia:

That section two-a, article eight, 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 2-a. Feeding and Care of Prisoners; Purchase
of Food and Supplies; Records; Payment of Costs.—On
and after the first day of January, one thousand nine
hundred forty-nine, the county court of each county shall
provide wholesome and sufficient food and clean and
sufficient bedding for all prisoners confined in the county
jail, and shall furnish the soaps, disinfectants and other
supplies needed by the jailer in the performance of his
duties. The county court may require the jailer to act
as its agent for the purpose of purchasing, preparing and
serving food for prisoners. If, however, the jailer is not
named as such agent, he shall make available to the county
court, for use in the preparation and serving of food for
prisoners, the services of prisoners, to the number re-
quested by the county court. The county court may em-
ploy a cook and such other employees as may be neces-
sary in the performance of duties required of it by this
section.

All purchases of food, bedding, and other supplies shall
whenever practicable be made at wholesale. Invoices or
itemized statements of account from each vendor of food,
bedding, and other supplies shall be obtained, and pay-
ment of such statements or invoices shall not be author-
ized by the county court unless and until the county court
has ascertained that the merchandise has been received
and that the terms of the purchase have been complied
with on the part of the vendor. The county court shall
not provide for the feeding of prisoners on a contract or
fee basis.

The county court shall keep or cause to be kept a daily
record showing the total number of prisoners confined in
the jail of the county, the number of prisoners admitted,
the number released, and the time of each such admit-
tance and of each such release. Such record shall show
such information separately as to the prisoners of the
county, of each municipality, and of the United States.
The county court shall also keep or cause to be kept such
other accounts and records as will enable it to show the
per capita daily cost of the feeding and care of prisoners
in each calendar month.

The county court shall require to be kept a daily record
of food served prisoners and in all counties having a
county health officer, said health officer shall, at least once
a month, inspect such lists and make such recommenda-
tions and suggestions as he may deem proper regarding
daily diets and foods.

All actual costs incurred by the county court for salaries
and for the purchase of food, bedding and other supplies
shall be paid out of the same funds as payments to sheriffs
of fees for the feeding and care of prisoners were made immediately prior to the effective date of this act: Provided, That in counties having thirty thousand population or less, the sheriff, or the jailer duly appointed as provided in section two, article eight, chapter seven of this code, shall, if so directed by the county court, furnish each prisoner with wholesome and sufficient food.

CHAPTER 51

(House Bill No. 393—By Mr. Warden)

AN ACT to amend article eight, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be numbered section eleven, relating to deduction from sentence for good conduct of prisoners sentenced and confined to the county jail.

[Passed March 9, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 8. Jail and Jailer.

Section 11. Deduction from sentence for good conduct.

Be it enacted by the Legislature of West Virginia:

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

Section 11. Deduction from Sentence for Good Conduct.

2 —Every prisoner sentenced to the county jail for a term exceeding six months who, in the judgment of the sheriff, shall faithfully comply with all rules and regulations of said county jail during his term of confinement shall be entitled to a deduction of five days from each month of his sentence.
CHAPTER 52

(HOUSE BILL NO. 446—BY MR. KNIGHT)

AN ACT to amend chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article, designated article eleven, relating to creation of a board of park commissioners by county courts in counties having a population in excess of two hundred thousand persons, to establish, maintain, develop and operate a recreation park, providing its name, defining its powers, providing for the appointment and qualification of its members; the term of office of the members and their qualifications; and the powers and authority of such board of commissioners.

[Passed March 10, 1951: in effect from passage. Approved by the Governor.]

Article 11. Board of Park Commissioners.

Section 1. County courts authorized to create board of park commissioners.

2 Board, a body corporate; perpetual existence; name; powers.

3 Members; qualifications; appointment; terms; disqualifications.

4 Oath of members; organization of board; secretary.

5 General powers of the board.

Be it enacted by the Legislature of West Virginia:

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

Section 1. County Courts Authorized to Create Board of Park Commissioners.—The county court of any county in the state of West Virginia having a population in excess of two hundred thousand persons is hereby authorized and empowered, by order entered of record, to create a board of park commissioners for the purpose of establishing, improving, developing, operating and maintaining a county public park system.

Sec. 2. Board, a Body Corporate; Perpetual Existence; Name; Powers.—The board of park commissioners created by the county court, enacted pursuant to the author-
ity of this article, shall be a public corporate board, with
perpetual existence and a corporate seal. It shall be known
as the board of park commissioners of such county. It
shall have the power to receive any gift, grant, donation
and bequest or devise; sue and be sued; contract and be
contracted with and to do any and all things which may
be necessary or convenient to carry out and effectuate the
purposes and provisions of this article.

Sec. 3. Members; Qualifications; Appointment; Term;
Disqualifications.—The board shall consist of five mem-
ers, a majority of whom shall constitute a quorum for
the transaction of business. Each member of said board
shall be a bona fide resident of the county and shall own
real estate within such county. The term of the board
membership shall be for six years and until their suc-
cessors have been appointed and qualified: Provided, how-
ever, That the county court in appointing the members of
the first board, shall appoint one member for a term of
one year, one member for a term of two years, one mem-
er for a term of three years, one member for a term of
four years and one member for a term of five years. The
order of the county court shall fix the date on which the
term of such board members shall begin. Any member of
the board, who shall cease to be a bona fide resident of
the county or a free holder thereof, shall thereby be dis-
qualified as a member of said board and his office shall
become vacant. When a vacancy occurs on said board by
reason of death, resignation, change of residence from the
county or expiration of term, the county court shall ap-
point a successor or successors who shall fill out the un-
expired term of such member of the board whose term has
been vacated.

Sec. 4. Oath of Members; Organization of Board; Sec-
retary.—After appointment, the members of the board
shall qualify by taking and filing with the clerk of the
county court the oath prescribed by law of public officials;
one of the members of said board shall be elected as presi-
dent, another as vice president, and a secretary shall be
elected who need not be a member of the board. Said
board of park commissioners shall maintain an office at
any place they may designate in the county and have control of the management and operations of all properties which shall be operated in connection with the public park system of such county and shall have power to employ such persons as, in its opinion, may be necessary for the construction, operation, and maintenance of the property under its control, subject, however, to the appropriation of money for such purpose by the county court of such county and its written approval thereof.

Sec. 5. General Powers of the Board.—The board of park commissioners of any county shall have the necessary powers and authority to manage and control all public parks, and recreation facilities owned by the county and used as a part of such public park system, including the right to make rules and regulations concerning the management and control of such parks and to enforce any such rules and regulations so promulgated.

CHAPTER 53
(Senate Bill No. 125—By Mr. Bean and Mr. Love)

AN ACT to amend and reenact section eleven, article one, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to clerk, deputy and assistant clerks, compensation, crier and messenger of the supreme court of appeals.

[Passed March 8, 1951; in effect from passage. Approved by the Governor.]

Article 1. Supreme Court of Appeals.

Section 11. Clerk; deputy; associate; assistant proofreader; other clerical assistants; compensation.

Be it enacted by the Legislature of West Virginia:

That section eleven, article one, 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 11. Clerk; Deputy; Associate; Assistant; Proofreader; Other Clerical Assistants; Compensation.—The supreme court of appeals, or judges thereof in vacation, may appoint a clerk, who shall give bond as required by article two, chapter six of this code. The annual compensation of the clerk shall be fixed by the court, and shall be not less than seven thousand dollars, payable in equal monthly installments out of the state treasury, and shall be in lieu of all other fees, costs, allowances, compensation, perquisites and income of whatever kind by virtue of his office. The supreme court of appeals, or judges thereof in vacation, may appoint one deputy clerk, one associate clerk, one assistant clerk, one proofreader and such other full-time and part-time clerical assistants as are deemed necessary to perform properly the functions and duties of the office of the clerk. And the said court or judges thereof in vacation, shall fix their compensation which shall be payable out of the biennium appropriations made by the Legislature of West Virginia, personal service account, for the spending unit of the supreme court of appeals, by requisitions drawn against the auditor of the state of West Virginia according to law. All of such officers shall be removable at the pleasure of the court or judges. Vacancies in the office of the clerk occurring during vacation may be filled by appointment, in writing, made by the judges of the court or a majority thereof.

CHAPTER 54

(House Bill No. 311—By Mr. Fox)

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 last amended by chapter forty-two, acts of the Legislature, regular session, one thousand nine hundred forty-five, relating to publication of the reports of the supreme court of appeals.
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 last amended by chapter forty-two, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 5. Publication of Reports of Supreme Court of Appeals.—Notwithstanding any of the provisions of this chapter, the official reporter of the supreme court of appeals 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 within the state of West Virginia, if any West Virginia printer bids on same, in the same manner that the director of purchases contracts under article two of this chapter. Such contract shall provide for the publication of fifteen hundred copies or such additional number as the reporter and supreme court of appeals may jointly direct on such paper and to be bound in accordance with directions and specifications as may be specified by the reporter by and with the concurrence of the court. The size of type and page shall be prescribed by the reporter with the concurrence of the court. 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 con-
tain approximately one thousand pages unless otherwise
ordered by the court, 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 re-
quired by law, the reporter shall not approve the volume
and 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 pam-
phlet 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.

CHAPTER 55
(Com. Sub. for Senate Bill Nos. 2, 10, 28 and 40—Originating in the Senate
Committee on the Judiciary)

AN ACT to amend and reenact sections one, one-f, one-i, one-j,
one-o and one-t, article two, chapter fifty-one of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, and to further amend said article two, chap­
ter fifty-one, by adding thereto three new sections to be
designated sections one-y, one-z and one-aa, relating to
judicial circuits and terms of court.

[Passed March 5, 1931; in effect ninety days from passage. Approved by the
Governor.]
Article 2. Circuit Courts; Circuits; Criminal and Intermediate Judges.

Section 1. Judicial circuits; judges; terms of court.

1. Judicial circuits; judges; terms of court.
1-f. Sixth circuit.
1-i. Ninth circuit.
1-j. Tenth circuit.
1-o. Fifteenth circuit.
1-t. Twentieth circuit.
1-y. Twenty-fifth circuit.
1-z. Twenty-sixth circuit.
1-aa. Twenty-seventh circuit.

Be it enacted by the Legislature of West Virginia:

That sections one, one-f, one-i, one-j, one-o, and one-t, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that said article two, chapter fifty-one, be further amended by adding thereto three new sections to be designated sections one-y, one-z and one-aa, all to read as follows:

Section 1. Judicial Circuits; Judges; Terms of Court.—

2. The state shall be divided into judicial circuits as follows:
3. The counties of Brooke, Hancock and Ohio shall constitute the first circuit; the counties of Marshall, Tyler and Wetzel shall constitute the second circuit; the counties of Doddridge, Pleasants and Ritchie shall constitute the third circuit; the counties of Wood and Wirt shall constitute the fourth circuit; the counties of Calhoun, Jackson, Mason and Roane shall constitute the fifth circuit; the counties of Cabell and Putnam shall constitute the sixth circuit; the county of Logan shall constitute the seventh circuit; the county of McDowell shall constitute the eighth circuit; the county of Mercer shall constitute the ninth circuit; the county of Raleigh shall constitute the tenth circuit; the counties of Greenbrier, Monroe, Pocahontas and Summers shall constitute the eleventh circuit; the counties of Fayette and Nicholas shall constitute the twelfth circuit; the county of Kanawha shall constitute the thirteenth circuit; the counties of Braxton, Clay, Gilmer and Webster shall constitute the fourteenth circuit; the county of Harrison shall constitute the fifteenth circuit; the county of Marion shall constitute the sixteenth circuit; the county of Monongalia shall consti-
tute the seventeenth circuit; the county of Preston shall constitute the eighteenth circuit; the counties of Barbour and Taylor shall constitute the nineteenth circuit; the county of Randolph shall constitute the twentieth circuit; the counties of Grant, Mineral and Tucker shall constitute the twenty-first circuit; the counties of Hampshire, Hardy and Pendleton shall constitute the twenty-second circuit; the counties of Berkeley, Jefferson and Morgan shall constitute the twenty-third circuit; the counties of Mingo and Wayne shall constitute the twenty-fourth circuit; the counties of Lincoln and Boone shall constitute the twenty-fifth circuit; the counties of Lewis and Upshur shall constitute the twenty-sixth circuit; the county of Wyoming shall constitute the twenty-seventh circuit.

There shall be elected on the Tuesday next after the first Monday in November, one thousand nine hundred fifty-two, and every eighth year thereafter, one judge in each of the circuits herein constituted, except for the first circuit there shall be two judges elected.

The terms of the several circuit judges of the counties aforesaid shall commence and be held each year as hereinafter provided.

Sec. 1-f. Sixth Circuit.—For the county of Cabell, on the first Monday of January and May; and the second Monday in September. For the county of Putnam, on the first Monday in March, the fourth Monday in June and the fourth Monday in October.

Sec. 1-i. Ninth Circuit.—For the county of Mercer, on the second Monday in March, May and August; and the fourth Monday in November.

Sec. 1-j. Tenth Circuit.—For the county of Raleigh, on the third Monday in February; on the third Monday in May; on the fourth Monday in August; and on the second Monday in November.

Sec. 1-o. Fifteenth Circuit.—For the county of Harrison, on the first Monday in January, May and September.

Sec. 1-t. Twentieth Circuit.—For the county of Ran-
2 dolph, on the third Tuesday in February and May; and
3 the second Tuesday in October.

Sec. 1-y. Twenty-fifth Circuit.—For the county of Lin-
2 coln, on the third Monday in March; the fourth Monday
3 in July and the third Monday in November. For the
4 county of Boone, the fourth Monday in January, the
5 second Monday in April, the first Monday in July and
6 the first Monday in October.

Sec. 1-z. Twenty-sixth Circuit.—For the county of
2 Lewis, on the first Monday in March; the third Monday
3 in June and the first Monday in November. For the
4 county of Upshur, on the second Monday in January,
5 April and September.

Sec. 1-aa. Twenty-seventh Circuit.—For the county of
2 Wyoming, on the second Monday in February, April,
3 July and October.

CHAPTER 56
(Senate Bill No. 29—By Mr. Martin)

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

[Passed February 12, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 7. Compensation and Allowances.

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

Be it enacted by the Legislature of West Virginia:

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

Section 4. Salaries of Judges of Circuit Courts; Ad-
ditional Compensation from Counties.—The salaries of
the judges of the circuit courts shall be paid out of the
state treasury and shall, unless otherwise provided by
law, be in the following annual amounts:
(1) In circuits having more than one hundred thousand
population, ten thousand dollars;
(2) In circuits having more than eighty thousand and
less than one hundred thousand population, nine thou-
sand dollars;
(3) In circuits having more than sixty thousand and
less than eighty thousand population, eight thousand five
hundred dollars;
(4) In circuits having less than sixty thousand popu-
lation, seven thousand five hundred dollars.
Any county court or the board of county commissioners
of Ohio county may pay the judge of the circuit court
additional compensation, but the salary and additional
compensation or combined contribution of the several
county courts and board of commissioners shall not ex-
ceed fifteen thousand dollars.
The population shall be according to the United States
census, or the estimate of the United States bureau of
census, as certified to the state auditor by the United
States director of the census.

CHAPTER 57
(House Bill No. 19—By Mr. Gompers)

AN ACT to amend and reenact section twelve, article two,
chapter fifty-one of the code of West Virginia, one thou-
sand nine hundred thirty-one, relating to compensation
of special judges.

(Passed February 6, 1951; in effect from passage. Approved by the Governor.)

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

Section
12. Compensation of special judge.
Be it enacted by the Legislature of West Virginia:

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

Section 12. Compensation of Special Judge. — The judge so elected or agreed upon shall receive for his services, while sitting as such judge, twenty-five dollars per day, to be certified by the court and paid out of the state treasury as to circuit courts and out of the county treasury as to criminal courts and other courts of record of limited jurisdiction within the county. This and the two next preceding sections shall apply as well to criminal as to civil causes.

CHAPTER 58

(House Bill No. 444—By Mr. Davis)

AN ACT to amend and reenact section four, article three, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the records of the courts and their officers.

(Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.)

Article 3. Courts in General.

Section 4. Records.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Records.—The law proceedings of every court shall be entered in a book and in the discretion of the court may be caused to be read, and after being corrected, where it is necessary, shall be signed by the judge or
presiding officer on the following day, except those of
the last day of the term and of the day on which the
court may adjourn to a future day as prescribed in ar-
ticle two of this chapter, which shall be drawn up and
corrected, where it is necessary, and signed by the judge
or officer on the same day. The chancery proceedings of
each day shall be drawn up at large and signed by the
judge, after being corrected, where it is necessary.

CHAPTER 59
(Senate Bill No. 295—By Mr. Jones)

AN ACT to amend and reenact section eighteen, article eight,
chapter sixty-one, of the code of West Virginia, one thou-
sand nine hundred thirty-one, relating to exceptions of
labor or employment on Sabbath day.

[Passed March 10, 1951; in effect from passage. Approved by the Governor.]

Article 8. Crimes Against Chastity, Morality and Decency.
Section
18. Limitation of preceding section; contract made on Sabbath day
valid.

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

Section 18. Limitation of Preceding Section; Contract
Made on Sabbath Day Valid.—No forfeiture shall be in-
curred or conviction had under the preceding section for
the transportation on the Sabbath day of the mail, or of
passengers and their baggage carried by any mode of
public conveyance, or for running any railroad train,
traction car or system, automobile or other motor car
carrying passengers for pleasure or hire, steamboat or
other boat used in carrying passengers or freight, manu-
facturing establishments or any of their employees where
the processes of said manufacture require continuous
operation and where said employees are on rotating
shift schedules, on the Sabbath day, or for carrying fire-
arms or shooting on that day, by any person having the
right so to do under the laws of the United States or of
this state; and no forfeiture shall be incurred or conviction
had under the preceding section by or of any person who
conscientiously believes that the seventh day of the week
ought to be observed as a Sabbath and actually refrains
from all secular business and labor on that day, provided
he does not compel any apprentice or servant not of his
belief to do secular work or business on Sunday, and
does not on that day disturb any other person in his ob-
servance of the same. No contract shall be deemed void
because it is made on the Sabbath day.

CHAPTER 60

( House Bill No. 5—By Mr. May)

AN ACT to amend and reenact section one, article three, chap-
ter sixty-two of the code of West Virginia, one thousand
nine hundred thirty-one, relating to certain particulars of
trials of criminal cases, including counsel for the accused
and remuneration of counsel.

[Passed February 7, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 3. Trial of Criminal Cases.

Section
1. Time for trial; deposition of witnesses for accused; counsel, copy
of indictment, and lists of jurors for accused; remuneration of
appointed counsel.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Time for Trial; Deposition of Witnesses for
Accused; Counsel, Copy of Indictment, and Lists of
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3  **Jurors for Accused; Remuneration of Appointed Counsel.**—When an indictment is found in a court having jurisdiction, in any county, against a person for a felony, the accused, if in custody, or if he appear in discharge of his recognizance, or voluntarily, shall, unless good cause be shown for a continuance, be tried at the same term. If any witness for the accused be a nonresident of the state, or absent therefrom in any service or employment, so that service of a subpoena cannot be had upon him in this state, or is aged or infirm so that he can not attend upon the court at the trial, the accused may present to the court in which the case is pending, or to the judge thereof in vacation, an affidavit showing such facts, and stating therein what he expects to prove by any such witness, his name, residence, or place of service or employment; and if such court or judge be of the opinion that the evidence of any such witness, as stated in such affidavit, is necessary and material to the defense of the accused on his trial, an order may be made by such court or judge for the taking of the deposition of any such witness upon such notice to the prosecuting attorney, of the time and place of taking the same, as the court or judge may prescribe; and in such order the court or judge may authorize the employment of counsel, practicing at or near the place where the deposition is to be taken, to cross-examine the witness on behalf of the state, the reasonable expense whereof shall be paid out of the treasury of the state, upon certificate of the court wherein the case is pending. Every deposition so taken may, on motion of the defendant, so far as the evidence therein contained is competent and proper, be read to the jury on the trial of the case as evidence therein. The accused shall be allowed counsel in a felony case, and if he desire it in a misdemeanor case to assist him in his defense, and a copy of the indictment and of the list of the jurors selected or summoned for his trial, as provided in the third section of this article, shall be furnished him, upon his request, at any time before the jury is impaneled; and, in every case where the court appoints counsel for the accused and the accused presents an affidavit showing that he can not pay therefor, the court, may, in its dis-
creation, by order entered of record allow an attorney so
appointed a fee of not to exceed twenty-five dollars in
any misdemeanor case, and a fee of not to exceed fifty
dollars in any felony case. In misdemeanor cases, the fee
so allowed shall be paid out of the general county fund,
and in felony cases shall be paid by the state auditor as
other fees in felony cases are paid. The amount so paid, in
the event the accused shall not prevail, shall be and con-
stitute a judgement of said court against the accused to be
recovered as any other judgement for costs.

CHAPTER 61
(House Bill No. 156—By Mr. Davis)

AN ACT to amend and reenact section three, article seven,
chapter sixty-two of the code of West Virginia, one thou-
ousand nine hundred thirty-one, as amended by chapter
thirty-seven, acts of the Legislature, regular session, one
thousand nine hundred forty-nine, relating to execution
of death sentence.

[Passed February 14, 1951: in effect from passage. Approved by the Governor.]

Article 7. Execution of Sentences; Stays.
Section
3. Execution of death sentence.

Be it enacted by the Legislature of West Virginia:

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

Section 3. Execution of Death Sentence.—Sentence of
death, except for insurrection or rebellion, shall not be
executed sooner than thirty days after the sentence is
pronounced. The sentence of death shall, in every case,
be executed by electrocution of the convict until he is
Criminal Procedure

Chapter 62

(Senate Bill No. 26—By Mr. Love)

AN ACT to amend and reenact section four, article seven, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to execution of death sentence.

[Passed February 9, 1951; in effect from passage. Approved by the Governor.]

Article 7. Execution of Sentences; Stays.

Section 4. Certificate of death sentence and indictment to be sent to warden; transfer of convict to penitentiary; persons present at electrocution.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Certificate of Death Sentence and Indictment to Be Sent to Warden; Transfer of Convict to Penitentiary; Persons Present at Electrocution.—The clerk of the court which pronounces the sentence of death shall, as soon as may be, after sentence, deliver a certified
copy thereof to the proper officer of such court, who shall
retain the custody of the person so sentenced to death un-
til delivered to a properly authorized guard sent by the
warden for the removal of such person to the penitentiary.
And the clerk of such court shall also forthwith transmit,
to the warden of the penitentiary, a copy of the indict-
ment, conviction and sentence; and if the clerk fail to so
transmit such certified copies as here provided, he shall
forfeit one hundred dollars. And the warden shall, upon
receipt of such copies, as soon as it may be, send a guard,
or two guards at the most, to the place where such person
is confined, to remove such person so sentenced to the
penitentiary and there deliver him. And the said warden,
or deputy warden, shall proceed, unless a suspension of
execution be ordered, at the time and place named in such
sentence, to cause the convict under sentence of death
to be electrocuted as provided in the next preceding sec-
tion of this article. At the execution there may be present,
besides the officers of the court imposing such sentence,
such other officers and such guards and assistants as the
warden or deputy warden shall see fit. He shall re-
quest the presence of the prosecuting attorney in such
court, the clerk thereof, and twelve respectable citizens,
including a physician and surgeon, and such representa-
tives of the press as he may desire, and he shall permit
the presence of the counsel of the convict, and such min-
isters of gospel as he shall desire, and such of the convict's
relations as he shall deem prudent.

CHAPTER 63
(House Bill No. 384—By Mr. Davis)

AN ACT to amend and reenact section ten, article seven, chap-
ter sixty-two of the code of West Virginia, one thousand
nine hundred thirty-one, relating to transmission of com-
mitment paper to warden or superintendent of penal insti-
tutions.

[Passed March 9, 1951: in effect July 1, 1951. Approved by the Governor.]
Article 7. Execution of Sentences; Stays.

Section 10. Transmission of commitment paper to warden or superintendent of penal institutions.

Be it enacted by the Legislature of West Virginia:

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

Section 10. Transmission of Commitment Paper to Warden or Superintendent of Penal Institutions.—The clerk of a court in which a person is sentenced to any penal institution in the state of West Virginia shall transmit to the warden or superintendent of said institution a certified commitment paper. Said paper shall be in the following form:

------------------------------- COURT OF ----------------------------------
COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
v. No.

On this day of , 19 came the attorney for the State and the defendant appearing in person and
IT IS ADJUDGED that the defendant has been convicted (found guilty by a jury)
(upon plea of guilty) of the offense of
as charged
and the Court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,
IT IS ADJUDGED that the defendant is guilty as charged and convicted.
IT IS ADJUDGED that the defendant is hereby committed to the custody of the Warden of the West Virginia Penitentiary or Superintendent of the West Virginia State Prison for Women or his authorized representative for imprisonment for a period of
AN ACT to amend and reenact section four, article eight, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended and reenacted by chapter twenty-three, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to the further confinement of convicts for second and third offenses.

[Passed March 5, 1951; in effect ninety days from passage. Approved by the Governor.]


Section 4. Procedure in sentencing convicts to further confinement for second and third offenses.
Be it enacted by the Legislature of West Virginia:

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

Section 4. Procedure in Sentencing Convicts to Further Confinement for Second and Third Offenses.—When a prisoner convicted of an offense and sentenced to confinement therefor in the penitentiary, is received therein, if he was before convicted in the United States of a crime punishable by imprisonment in a penitentiary and the record of his conviction does not show that he has been sentenced under sections eighteen or nineteen, article eleven, chapter sixty-one of this code, the warden of the penitentiary may give information thereof, to the circuit court of the county of Marshall, whether it be alleged or not in the indictment on which he was convicted that he had before been previously so convicted.

If such information is given, the court shall cause the convict to be brought before it, and upon an information filed, setting forth the several records of conviction, and alleging the identity of the prisoner with the person named in each, shall require the convict named to say whether he is the same person or not. If he say he is not, or remain silent, his plea, or the fact of his silence, shall be entered of record, and a jury shall be impaneled to inquire whether the convict is the same person mentioned in the several records. If the jury find that he is not the same person, he shall be remanded to the penitentiary; but if they find that he is the same person, or if he acknowledge in open court, after being duly cautioned, that he is the same person, the court shall sentence him to such further confinement as is prescribed by article eleven, chapter sixty-one of this code, on a second or third conviction, as the case may be.
AN ACT to amend and reenact sections twelve and fourteen, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to probation and parole.

[Passed March 8, 1951: in effect July 1, 1951. Approved by the Governor.]


Section 12. Director of probation and parole.

Section 14. Officers and staff.

Be it enacted by the Legislature of West Virginia:

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

Section 12. Director of Probation and Parole.—The governor, by and with the advice and consent of the senate, shall appoint a director of probation and parole, whose term of office shall be four years. In the event of the inability of the director to act, the governor may appoint some person to act temporarily in his stead. The director shall not engage in any other business or profession, nor hold any other public office, nor shall he hold an office in any political party. He shall receive an annual salary, to be fixed by the governor, not to exceed seven thousand dollars and necessary expenses incurred in the discharge of his official duties.

Sec. 14. Officers and Staff.—The director of probation and parole shall have authority to appoint such state probation and parole officers and such other clerical assistants as may be necessary to the proper administration of this article, and to fix their salaries. He shall determine the qualifications of probation and parole officers and may from time to time conduct competitive examinations as a basis for their selection.

All persons appointed or employed by the director shall be paid all necessary expenses incurred in the discharge of their duties.
CHAPTER 66
(Senate Bill No. 64—By Mr. Hardesty)

AN ACT to amend and reenact section eight, article one, chapter twenty-five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the salary of the director of the state department of purchases.

[Passed March 8, 1951; in effect July 1, 1951. Approved by the Governor.]

Section 8. Salary and traveling expenses of director.

Be it enacted by the Legislature of West Virginia:

That section eight, article one, 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 8. Salary and Traveling Expenses of Director.—
2 The director shall receive an annual salary of seven thousand dollars. He shall also receive necessary traveling expenses incident to the performance of his duties.
3 Requisitions 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.

CHAPTER 67
(Senate Bill No. 49—By Mr. Johnston, Mr. President)

AN ACT to amend and reenact section eight, article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the compensation of the director of the budget.

[Passed March 8, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 5. State Budget Office.
Section 8. Director; compensation.
Be it enacted by the Legislature of West Virginia:

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

    Section 8. Director; Compensation.—The director shall receive an annual compensation to be fixed by the governor, but not in excess of seven thousand dollars. He shall receive, in addition, the necessary traveling expenses incident to the performance of his duties. Requisitions for traveling expenses shall be filed with the auditor and shall be preserved as a public record.

CHAPTER 68
(Senate Bill No. 126—By Mr. Taylor of Mingo)

AN ACT to amend article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended by adding thereto a new section, to be designated section forty-eight, relating to the approval of the director of the budget of requests and budgets of state agencies in respect to applications for federal aid.

[Passed February 23, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 5. State Budget Office.

Section 48. Approval by director of requests for federal aid.

Be it enacted by the Legislature of West Virginia:

That article five, chapter five, 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 forty-eight, to read as follows:

    Section 48.—Approval by Director of Requests for Federal Aid.—Every agency of the state government when making requests or preparing budgets to be submitted to the federal government for funds, equipment, material
or services, the grant or allocation of which is conditioned
upon the use of state matching funds, shall have such
request or budget approved in writing by the director of
the budget before submitting it to the proper federal
authority. When such federal authority has approved
the request or budget, the agency of the state govern-
ment shall resubmit it to the director of the budget for
recording before any allotment or encumbrance of the
federal funds can be made. Whenever any agency of
the state government shall receive from an agency of
the federal government a grant or allocation of funds
which do not require state matching, the state agency
shall report to the director of the budget for his informa-
tion the amount of the federal funds so granted or allo-
cated.

CHAPTER 69
(Com. Sub. for House Bill No. 187—Originating in the House Committee on
Agriculture)

AN ACT to repeal and reenact article twenty, chapter ninet
teen of the code of West Virginia, one thousand nine hun-
dred thirty-one, as amended, relating to the registration
and taxation of dogs and dog kennels, and the control of
dogs.

[Passed March 10, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 20. Dogs.

Section
1. Dogs subject to taxation; personal property.
2. Collection of head tax on dogs; duties of assessor and sheriff; regis-
   tration of dogs; disposition of head tax; taxes on dogs not col-
   lected by assessor.
3. Registration of dog kennels; fee.
4. Forms for registration; records; license tags.
5. Wearing of registration tag by dog.
6. Appointment of county dog warden; bond; powers and duties.
7. Dog pounds.
8. Impounding and disposition of dogs; costs and fees.
9. Failure to register dog or kennel; alteration or forging of registra-
   tion certificate or tag; penalties.
10. Dog and kennel fund; disposition of same.
11. Assessment of dogs as personal property.
12. Dogs protected by law; unlawful killing of same; aggrieved owner's remedy.
14. Dog killing or worrying livestock; recovery of damages from owner of dog or county court.
15. Same; assessment of damages; appraisers.
16. Same; when lawful to kill dog.
17. Same; unlawful to harbor dog; penalty.
18. Same; duty of owner to kill dog; proceeding before justice on failure of owner to kill.
19. Offenses; penalties.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Dogs Subject to Taxation; Personal Property.—Any dog above the age of six months shall be subject to taxation and shall be and is hereby declared to be personal property within the meaning and construction of the laws of this state.

Sec. 2. Collection of Head Tax on Dogs; Duties of Assessor and Sheriff; Registration of Dogs; Disposition of Head Tax; Taxes on Dogs Not Collected by Assessor.—It shall be the duty of the county assessor and his deputies of each county within this state, at the time they are making assessment of the personal property within such county, to assess and collect a head tax of one dollar on each male or spayed female dog and of two dollars on each unspayed female dog; and in addition to the above, the assessor and his deputies shall have the further duty of collecting any such head tax on dogs as may be levied by the ordinances of each and every municipality within the county. In the event that the owner, keeper, or person having in his possession or allowing to remain on any premises under his control any dog above the age of six months, shall refuse or fail to pay such tax, when the same is assessed or within fifteen days thereafter, to the assessor or deputy assessor, then such assessor or deputy assessor shall certify such tax to the county dog warden; if there be no county dog warden he shall certify such tax to the county sheriff, who shall take charge of the dog for which the tax is delinquent and impound the same for a period of fifteen
days, for which service he shall be allowed a fee of one
dollar and fifty cents to be charged against such delin-
quent taxpayer in addition to the taxes herein provided
for. In case the tax and impounding charge herein pro-
vided for shall not have been paid within the period of
fifteen days, then the sheriff may sell the impounded dog
and deduct the impounding charge and the delinquent
tax from the amount received therefor, and return the
balance, if any, to the delinquent taxpayer. Should the
sheriff fail to sell the dog so impounded within the time
specified herein, he shall kill such dog and dispose of its
body.

At the same time as the head tax is assessed, the assess-
ror and his deputies shall, on the forms prescribed under
section four of this article, take down the age, sex, color,
character of hair (long or short) and breed (if known),
and the name and address of the owner, keeper or harborer
thereof. When the head tax, and extra charges, if any,
are paid, the officer to whom payment is made shall issue
a certificate of registration and a registration tag for
such dog.

In addition to the assessment and registration above
provided for, whenever a dog either is acquired or be-
comes six months of age after the assessment of the per-
sonal property of the owner, keeper or harborer thereof,
the said owner, keeper or harborer of said dog shall, with-
in ten days after the acquisition or maturation, regis-
ter the said dog with the assessor, and pay the head tax
thereon unless the prior owner, keeper or harborer paid
the head tax.

All certificates of registration and registration tags
issued pursuant to the provisions of this section shall
be issued for the calendar year and shall be valid from
the date on which issued until the thirty-first day of De-
cember of the same year, or until reissued by the assessor
or his deputy in the regular performance of his duties, but
in no case shall previous registration tags be valid after
March thirty-first, of the following year.

The assessor collecting the head tax on dogs shall be
allowed a commission of ten per cent upon all such taxes
collected by him, and shall turn in to the county treasury
ninety per cent of such taxes so collected, as are levied by this section; and the assessor shall turn over to the treasurer or other proper officer of each and every municipality within the county ninety per cent of such taxes levied by the ordinances of such municipality. All such dog taxes, except those belonging to municipalities, shall be accredited to the dog and kennel fund provided for in section ten of this article. Such dog taxes as are collected for and turned over to municipalities shall be deposited by the proper officer of such municipality to such fund and shall be expended in such manner as the law of such municipality may provide. All taxes on dogs not collected by the assessor shall be collected by the regular tax collecting officer of the county and placed to the credit of the dog and kennel fund.

Sec. 3. Registration of Dog Kennels; Fee.—Every owner or operator of a kennel, wherein dogs are bred, kept, boarded or sold as a commercial venture for profit shall annually, between the first day of January and the thirty-first day of March of each year, file with the assessor of the county in which such kennel is located, kept or maintained, an application for the registration of such kennel for the calendar year. Such application shall state the location of the kennel, the name and address of the person actually in charge of and supervising it, and the name and address of the owner of the kennel. Upon the filing of such application, together with the payment to the assessor of a fee of ten dollars the assessor shall issue a certificate of registration for such kennel. The registration of a kennel, as herein provided, shall entitle the registrant to register and receive certificates and tags for not more than five dogs without the payment of a separate head tax on such dogs. The head tax provided for in section two of this article shall, on such five or less dogs, be included in and charged against the kennel registration fee herein provided.

Every person upon becoming the owner or operator of a kennel of dogs as herein described, after the thirty-first day of March of any year shall, within three days after becoming such owner or operator, register such kennel for the remainder of the current year in the manner, and
upon the payment of the registration fee, herein provided.

All certificates of registration issued pursuant to the
provisions of this section shall be issued for the calendar
year, and shall be valid from the date on which issued
until the thirty-first day of December of that year.

Sec. 4. Forms for Registration; Records; License Tags.—
The commissioner of agriculture shall prescribe the form
of all applications, certificates of registration, and registra-
tion tags required by this article. Certificates of regis-
tration and registration tags shall bear identifying num-
bers.

A public record of all certificates of registration and
registration tags issued under the provisions of this article
shall be kept by the assessor of each county. Such record
shall be kept intact and available for inspection for a
period of not less than two years following the end of
the registration year.

Registration tags shall be made of metal or some other
suitable substance of a permanent nature. The design of
such tags shall be changed from year to year so that
identification of the year of issue of any tag may be made
without close visual examination. If any registration tag
be lost, a duplicate shall be furnished by such assessor
upon proper proof of loss and the payment to him of a
fee of twenty-five cents.

Sec. 5. Wearing of Registration Tag by Dog.—Every
registered dog shall at all times wear a valid registration
tag issued as provided in this article. The failure to have
displayed or worn on any dog, at any time, of such valid
tag shall be prima facie evidence that such dog is not
registered and such dog shall be subject to be, and shall
be, impounded, sold, or destroyed as hereinbefore or here-
after provided.

Sec. 6. Appointment of County Dog Warden; Bond;
Powers and Duties.—The county court of each county
may appoint and employ a county dog warden, and such
number of deputies, for such time, and at such compens-
sation, as such county court shall deem reasonable and
necessary to enforce the provisions of this code with re-
spect to the control and registration of dogs, the im-
pounding, care and destruction of unlicensed dogs. Such county dog warden may be appointed a deputy assessor for the purpose of collecting the dog tax and registration fees, taking the dog registration and providing the tags authorized by this article. The county dog warden and/or any deputies may, in the discretion of the county court, be regularly employed officers or agents of any humane society or society for the prevention of cruelty to animals, organized and operating under the laws of this state and owning, controlling and operating a suitable place within the county for impounding and destroying dogs. In addition to the compensation provided for above, a bounty of fifty cents per dog shall be paid to the county dog warden or deputy who captures an unregistered dog. Such county dog warden and deputy wardens shall each give bond in a sum of not less than one thousand dollars and not more than two thousand dollars conditioned on the faithful performance of their duties. Such bonds shall be filed with the county court by which such persons are appointed.

The county dog warden and his deputies shall patrol the county in which they are appointed and shall seize on sight and impound any dog more than six months of age found not wearing a valid registration tag, except dogs kept constantly confined in a registered dog kennel. They shall be responsible for the proper care and final disposition of all impounded dogs. The county dog warden shall make a monthly report, in writing, to the county court of his county. When any dog shall have been seized and impounded, the county dog warden shall forthwith give notice to the owner of such dog, if such owner be known to the warden, that such dog has been impounded and that it will be sold or destroyed if not redeemed within five days. If the owner of such dog be not known to the dog warden, he shall post a notice in the county court house describing the dog and the place where seized and advising the unknown owner that such dog will be sold or destroyed if not redeemed within five days.

Sec. 7. Dog Pounds.—The county court of each county,
if the court appoints a county dog warden, shall provide
the dog warden with nets and other suitable devices for
taking dogs in a humane manner, and with facilities
for transporting any dog seized to the dog pound, a
suitable place for impounding dogs with proper provisions
for their feeding and care, and humane equipment, de-
vices and methods for destroying dogs: Provided, That in
any county in which there is a society for the prevention
of cruelty to animals or a humane society, incorporated
and organized under the laws of this state, and having
one or more duly appointed agents, and maintaining an
animal home or shelter suitable for impounding dogs and
possessing devices for humanely destroying dogs, the
county court shall not be required to provide a dog pound,
but it may designate such animal home or shelter as the
county dog pound, and the county dog warden shall in
such case deliver all dogs seized by him and his deputies
to such animal home or shelter for impounding and dis-
position in the manner provided by this article. The
county court shall provide for the payment of reason-
able compensation, not to exceed the fees and costs pro-
vided for in this article, to such society for the use of its
facilities and services in impounding and disposing of
dogs. Such compensation to such society shall be paid
from the fund provided for in this article.

Sec. 8. Impounding and Disposition of Dogs; Costs and
Fees.—All dogs seized and impounded as provided in this
article, except dogs taken into custody under section two
of this article, shall be kept housed and fed in the county
dog pound for five days after notice of seizure and im-
pounding shall have been given or posted as required by
this article, at the expiration of which time all dogs which
have not previously been redeemed by their owners as
herein provided, shall be sold or humanely destroyed.
No dog sold as herein provided shall be discharged from
the pound until such dog shall have been registered and
provided with a valid registration tag.
The owner, keeper or harborer of any dog seized and
impounded under the provisions of this article may, at
any time prior to the expiration of five days from the
time that notice of the seizure and impounding of the
dog shall have been given or posted as required by this
article, redeem the same by paying to the dog warden
or his authorized agent or deputy all of the costs asses-
sed against such dog, and by providing a valid certificate
or registration and registration tag for such dog.

Costs and fees shall be assessed against every dog seized
and impounded under the provisions of this article, ex-
cept dogs taken into custody under section two of this
article, as follows:

Seizing dog and delivering to pound: $2.00
Serving or posting notice to owner: .50
Housing and feeding dog, per day: .50

Such cost shall be a valid claim in favor of the county
against the owner, keeper or harborer of any dog seized
and impounded under the provisions of this article and
not redeemed or sold as herein provided, and such costs
shall be recovered by the sheriff in a civil action against
such owner, keeper, or harborer.

A record of all dogs impounded, the disposition of such
dogs, and a statement of costs assessed against each dog
shall be kept by the dog warden and a transcript thereof
shall be furnished to the sheriff quarterly.

Sec. 9. Failure to Register Dog or Kennel; Alteration or
Forging of Registration Certificate or Tag; Penalties.—
Any person who owns, keeps, or harbors a dog, or who
owns or operates a kennel, subject to registration under
the provisions of this article, and who fails, refuses, or
neglects to register such dog or kennel, shall be guilty of
a misdemeanor and upon conviction thereof, shall be
fined not less than twenty-five nor more than one hun-
dred dollars.

Any person who shall alter, or forge any certificate or
tag, provided for in this article, or display, present, or
utter such certificate as valid with knowledge that it has
been altered or forged, or who knowingly causes or per-
mits any dog owned, kept or harbored by him to wear
any fictitious, altered, or invalid registration tag in place
of a valid tag as required under the provisions of this
article, shall be guilty of a misdemeanor, and upon con-
vicition thereof, shall be punished by imprisonment in the county jail for not more than thirty days or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

Sec. 10. Dog and Kennel Fund; Disposition of Same.—All registration fees, head taxes, and fees and costs for impounding and disposing of dogs, as provided in this article, and collected thereunder, shall be paid into the county treasury where they shall constitute and be set aside as a special fund to be designated the “dog and kennel fund”.

The county court shall expend such fund, and issue drafts payable therefrom, for the following purposes, and no others: To pay the actual expenses incurred by the county court, the county assessor, and the sheriff in carrying out the provisions of this article; to pay for the services of the dog warden, his deputies, pound keepers, and such other persons as may be employed, if any, or may render services, in actually carrying out the provisions of this article; to pay for the purchase, procurement, rental, construction, operation, maintenance and repair of any property, devices or facilities reasonably necessary and required to carry out the provisions of this article; to compensate any department of the state government or any local board of health for any necessary service rendered in connection with this article; to pay the costs of any rabies control project or program authorized by law; to compensate any persons who have suffered loss or damage on account of the destruction, loss, or injury by dogs of any sheep, lamb, goat, kid or poultry, when such claims have been proved and allowed as provided in this article.

In the event that the dog and kennel fund shall in any year be insufficient to pay the several items set forth in this section, then the county court, may be, and it is hereby authorized and empowered to pay such items out of the county general fund. Any surplus of the dog and kennel fund remaining unexpended in the county treasury, and, in the opinion of the county court, not needed
for the payment and satisfaction of claims and expenses
as herein provided, shall annually be paid into and cred-
ited to the county school fund, but the funds thus used
shall be in an amount deemed proper and safe in the
judgment and discretion of the county court.

Sec. 11. Assessment of Dogs as Personal Property.—
In addition to the head tax on dogs provided for in this
article, the owner of any dog above the age of six months
shall be permitted to place a value on such dog and have
such dog assessed as personal property in the same man-
ner and at the same rate as other personal property.

Sec. 12. Dogs Protected by Law; Unlawful Killing of
Same; Aggrieved Owner's Remedy.—Any
dog which is
registered, kept, and controlled as provided in this article
shall be protected by law; and any person who shall un-
lawfully kill or injure, administer poison to or knowingly
expose the same so that it shall be taken by any such
dog, or shall, in any other manner, intentionally and un-
lawfully cause the death or injury of any such dog shall
be guilty of a misdemeanor, and, if such dog be of the
assessed value of more than twenty dollars, shall, upon
conviction, be imprisoned in the county jail at hard labor,
for a period not in excess of twelve months, or fined not
in excess of two hundred dollars, or both, in the discre-
tion of the court; and if such dog be of twenty dollars or
less in assessed value, such person shall be imprisoned
in the county jail at hard labor for a period not in ex-
cess of six months, or fined not in excess of fifty dollars,
or both, in the discretion of the court. Any person whose
dog shall be killed or injured wrongfully or unlawfully
by any other person shall have a right of action against
the person who shall so kill or injure such dog, but in no
case can recovery be had in excess of the assessed value
of such dog. In no case can any action under the provi-
sions of this section be maintained if the dog concerned
shall not have been duly registered pursuant to the pro-
visions of this article at the time the cause of action shall
have arisen.

It shall be the duty of all members of the department
of public safety, sheriffs, constables, and police officers
to aid in the enforcement of the provisions of this article, and for services rendered in the enforcement thereof such persons shall be entitled to fees in the amounts set forth in section eight. Such fees shall be paid by the county court from the dog and kennel fund.

Sec. 13. Dog Running at Large Liability of Owner.—Any owner or keeper of any dog who permits such dog to run at large shall be liable for any damages inflicted upon the person or property of another by such dog while so running at large.

Sec. 14. Dog Killing or Worrying Livestock; Recovery of Damages from Owner of Dog or County Court.—If any dog shall have killed or assisted in killing, wounding or worrying any sheep, lambs, goats, kids, or poultry out of the inclosure of the owner of such dog, the owner or keeper of such dog shall be liable to the amount of such sheep, lambs, goats, kids or poultry in the amount of the damages sustained, to be recovered in an action before any court or justice having jurisdiction of such action; and it shall not be necessary to sustain such action to prove that the owner of such dog knew such dog was accustomed to do such worrying, killing or wounding; but a recovery under this section shall bar and preclude the owner of such sheep, lambs, goats, kids or poultry from obtaining compensation from the county court under the provisions of this article. If such person suffering such loss or damage cannot ascertain the owner or keeper of such dog, or if such owner or keeper is not financially responsible, then the person suffering such loss or damage may file his claim with, and prove the same before, the county court of the county in which such loss or damage is sustained, in the manner provided in this article, and the court shall pay such loss or damage out of the fund provided for such purposes and according to the provisions of this article. When compensation is so obtained from the county court, said county court is authorized to sue under this section and recover as the owner of the sheep, lambs, goats, kids or poultry might have done, and the amount so recovered shall be paid into
the county treasury; but no suit shall be commenced unless authorized by the county court.

Sec. 15. Same; Assessment of Damages; Appraisers.—Authority is hereby given to justices of the peace and notaries public within this state, and within their respective jurisdictions, to summon three substantial, upright and worthy bona fide residents, citizens and taxpayers of his county to assess the damages suffered by any person on account of the destruction, loss or injury of any sheep, lambs, goats, kids or poultry by dogs within the county. Such appraisers shall be appointed upon the request of any person suffering damages on account of such destruction, loss or injury, and shall go upon the ground and investigate fully the extent of such destruction, loss or injury, taking all the evidence deemed necessary to arrive at the facts to be passed upon in arriving at the amount of damage, if any, suffered by the party making the complaint. Before such appraisers may be summoned by such justice or notary public, such complainant shall be required to make a sworn complaint before such justice or notary public, setting out in plain, easily comprehended terms the facts concerning his damage to the best of his knowledge. And after making a full investigation of the facts involved, such appraisers, with the assistance of such justice or notary public, shall make a sworn statement and report the facts ascertained and the damages suffered, which report and statement shall be filed with the county court or the clerk thereof in vacation. The fees and mileage for services allowed in such cases shall be the same as are allowed justices, witnesses and arbitrators in justices' courts in this state for similar services. In the event that such appraisers find that the complainant has suffered no damage, then the complainant shall be responsible for and pay all the costs and expenses of such proceeding; and in the event that such complainant has suffered damages on account of the destruction, loss or injury of any such domestic animals, according to the finding of such appraisers, then in such event the owner, keeper or person permitting the dog, or dogs, causing such damage to remain upon premises
under his control shall be liable for all damage sustained
by the complainant, including all costs and necessary
expenses, all of which shall be collectible by an action
at law before any court or justice having jurisdiction of
the matter. All papers in connection with any such claim
shall be filed and preserved in the office of the clerk of
the county court.

Sec. 16. Same; When Lawful to Kill Dog.—Any person
can kill any dog that he may see chasing, worrying,
wounding or killing any sheep, lambs, goats, kids or
poultry outside of the inclosure of the owner of such
dog, unless the same be done by the direction of the owner
of such sheep, lambs, goats, kids or poultry.

Sec. 17. Same; Unlawful to Harbor Dog; Penalty.—Any
person who shall harbor or secrete or aid in secreting
any dog which he knows or has reasons to believe has
worried, chased or killed any sheep, lambs, goats, kids
or poultry not the property of the owner of such dog,
out of his inclosure, or knowingly permits the same to
be done on any premises under his control, shall be
guilty of a misdemeanor, and, upon conviction thereof
before any court or justice having jurisdiction thereof
in the county in which the offense is committed, shall be
fined not less than ten nor more than fifty dollars, and,
at the discretion of the court or justice, imprisoned in the
county jail not more than thirty days; and each day that
such dog is harbored, kept or secreted shall constitute
a separate offense.

Sec. 18. Same; Duty of Owner to Kill Dog; Proceeding
before Justice on Failure of Owner to Kill.—The owner
or keeper of any dog that has been worrying, wounding,
chasing or killing any sheep, lambs, goats, kids or poultry
not the property of such owner or keeper, out of his in-
closure, shall, within forty-eight hours after having re-
ceived notice thereof in writing from a reliable and trust-
worthy source, under oath, cause such dog to be killed.
If the owner or keeper refuses to kill said dog as herein-
before provided, any justice of the peace, upon infor-
mation, shall summon the owner or keeper of such dog,
and, after receiving satisfactory proof that his dog did the
mischief, shall issue a warrant on application being made by the owner of the sheep, lambs, goats, kids or poultry killed; and give it into the hands of the constable, special constable or sheriff, who shall kill the dog forthwith. The cost of such proceedings shall be paid by the owner or keeper of the dog so killed, including a fee of fifty cents to the officer killing the dog. The owner or keeper of the dog so killed shall, in addition to the costs, be liable to the owner of the sheep, lambs, goats, kids or poultry or to the county court, for the value of the sheep, lambs, goats, kids or poultry so killed or injured.

Sec. 19. Offenses; Penalties.—Any person who shall violate any of the provisions of this article for which no specific penalty is prescribed shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars, and, in the discretion of the court or justice trying the case, may be confined in the county jail not to exceed thirty days. Justices of the peace shall have concurrent jurisdiction with the circuit, criminal and intermediate courts to enforce the penalties prescribed by this article.

CHAPTER 70

(Senate Bill No. 170—Originating in the Senate Committee on Finance)

AN ACT to amend and reenact section fifteen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to report to the governor by state board of education.

[Passed February 22, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 2. State Board of Education.

Section 15. Report to the governor by state board.

Be it enacted by the Legislature of West Virginia:

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

Section 15. Report to the Governor by State Board.—On or before the first day of November preceding each regular session of the Legislature, the state board, through the state superintendent, shall make to the governor and to the Legislature a full report concerning the public schools and the educational institutions under its control and management, together with its recommendations in respect to needed legislation.

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CHAPTER 71
(House Bill No. 127—By Mr. Blankenship)

AN ACT to amend and reenact section four, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter eight, acts of the Legislature, extraordinary session, one thousand nine hundred thirty-three, relating to meetings, quorum and compensation of members of district boards of education.

[Passed February 20, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 5. District Board of Education.

Section 4. Meetings; quorum; compensation of members.

Be it enacted by the Legislature of West Virginia:

That section four, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter eight, acts of the Legislature, extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 4. Meetings; Quorum; Compensation of Members.—The board shall meet on the first Monday of July and on the first and third Tuesdays in August and at such other times as the board may fix upon its records.
The board shall meet at its office on the first Monday in May in each year and shall appoint the teachers for their district. At which time, it shall be the duty of the superintendent of schools to furnish each member of the board an approved list of all qualified teachers for the schools of said district for the ensuing year.

Special meetings may be called by the president or any three members, but no business shall be transacted other than that designated in the call.

A majority of the members shall constitute the quorum necessary for the transaction of official business.

Board members shall receive compensation at the rate of ten dollars per meeting. But they shall not receive pay for more than eighteen meetings in any one year.

Members shall also be paid, upon the presentation of an itemized sworn statement, for all necessary traveling expenses incurred on official business, at the order of the board.

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CHAPTER 72
(House Bill No. 239—By Mr. Whitt)

AN ACT to amend and reenact section twelve, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to bonds of contractors in contracts for construction or repair of school buildings.

[Passed March 3, 1951: in effect from passage. Approved by the Governor.]

Article 5. District Board of Education.
Section 12. Bond of contractors.

Be it enacted by the Legislature of West Virginia:

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

Section 12. Bond of Contractors.—Boards shall require
all persons contracting for the building or repairing of
school property, where the contract exceeds one hundred
dollars, to execute a bond, with approved security, in the
amount of the contract price.

CHAPTER 73
(House Bill No. 8—By Mr. Mills)

AN ACT to amend and reenact section thirteen, article five,
chapter eighteen of the code of West Virginia, one thousand
nine hundred thirty-one, as last amended by chapter forty-nine,
acts of the Legislature, regular session, one thousand
nine hundred thirty-nine, relating to general control of
schools by the district board of education.

[Passed March 5, 1951: 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 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;
2 Transportation of Pupils.—The boards, subject to the pro-
3 visions of this chapter and the rules and regulations of
4 the state board, shall have authority:
5 (1) To control and manage all of the schools and school
6 interests of the county, including the authority to require
7 that records be kept of all receipts and disbursements of
8 all funds collected or received by any principal, teacher,
9 student or other person in connection with any program,
10 activity or other endeavor of any nature operated or car-
11 ried on by or in the name of the school, or any organiza-
tion or body directly connected with the school, and the
authority to audit such records;
(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 compens-
sation 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 avail-
able 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 par-
ticipating in athletic, literary and band activities: Pro-
vided, 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 trans-
portation of pupils be let out to contract, then the contract
therefor shall provide that the contractor shall carry in-
surance against negligence in such an amount as the board
shall specify.
The board of any district shall expend under such regu-
lations 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 for by gen-
eral law shall be made as a result of the passage of this
CHAPTER 74

(Senate Bill No. 255—By Mr. McKown)

AN ACT to amend article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section thirty-five, empowering county boards of education to make deductions from salaries of its employees for premiums on policies under group insurance plans.

[Passed March 6, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 5. District Board of Education.

Section 35. Group insurance.

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 amended, be amended by adding thereto a new section to be designated thirty-five to read as follows:

Section 35. Group Insurance.—Whenever a majority of all the employees of any county board of education shall indicate in writing to such board that it has subscribed to a life, health and accident, hospitalization or surgery insurance on a group plan, and such majority has selected a licensed insurance company, or companies, to write any one or more of such group insurance coverages, the board shall have the authority to make proper periodic premium deductions from the regular salary of any such employee as specified in a written assignment furnished it by each such employee sub-
CHAPTER 75

(Senate Bill No. 298—By Mr. Holden and Mr. Moats)

AN ACT authorizing county boards of education to qualify during the next biennium for state aid for repair and construction of public schools.

[Passed March 9, 1951: in effect ninety days from passage. Approved by the Governor.]

Section 1. County boards of education authorized to qualify for school building funds during next biennium.

Be it enacted by the Legislature of West Virginia:

Section 1. County Boards of Education Authorized to Qualify for School Building Funds During Next Biennium.—Any county board of education that failed to qualify for a full share of state aid for the repair and construction of public school buildings, allocated to it from the funds appropriated by Item 53, section 5, Title II of the one thousand nine hundred and forty-nine budget act, may qualify at any time during the next biennium for all or any part of such allocation that may be reappropriated by the fiftieth Legislature. Eligibility therefor may be established by any of the methods prescribed in section two, article nine-c, chapter eighteen of the code, or by proof that the total assessed valuations in the county have been increased as much as fifty per cent between the years one thousand nine hundred forty and one thousand nine hundred fifty-three.
CHAPTER 76

(Com. Sub. for Senate Bill No. 106—Originating in the Senate Committee on Finance)

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 amended, relating to basic salaries for public school teachers and advanced salaries for experience.

[Passed March 10, 1951; in effect July 1, 1951. 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 amended, be amended and reenacted, to read as follows:

Section 2. Salaries for Teachers; Basic Salaries; Advanced Salaries.—For the purpose of this section assistant superintendents, directors and supervisors of instruction, and elementary and secondary principals shall be defined as teachers.

County 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 sixty-five dollars a month.
2. For teachers holding short course certificates, not less than one hundred seventy-five 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 two hundred 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 two hundred ten 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 two hundred sixty dollars a month.

(6) For teachers who have received a master's degree
in an institution qualified and approved to do graduate
work, or have completed the requirements therefor, holding
the collegiate elementary, first-class high school, or
other certificate of equal rank, two hundred eighty-five
dollars a month.

(7) For teachers who have received a doctor's degree
from an institution of university rank qualified and ap-
proved to confer the doctor's degree, holding the collegi-
ate elementary, first-class high school, or other certificate
of equal rank, at least two hundred ninety 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 certifi-
cate of lower grade, the rate of salary shall be the basic
salary plus at least six dollars a month for the second
term, and the basic salary plus an additional annual
increase of at least six 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 six dollars a month for the second term; and the basic salary plus an additional annual increase of at least six 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 six dollars a month for the second term; and the basic salary plus an additional annual increase of at least six 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 six dollars a month for the second term; and the basic salary plus an additional annual increase of at least six 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 six dollars a month for the second term; and the basic salary plus an additional annual increase of at least six 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 increments 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.

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

CHAPTER 77
(House Bill No. 140—By Mrs. Drewry)

AN ACT to amend and reenact section forty, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to educational conventions and professional meetings of a teacher.

[Passed February 21, 1951; in effect from passage. Approved by the Governor.]

Article 7. Teachers.

Section
40. Educational conventions; professional meetings of teachers.

Be it enacted by the Legislature of West Virginia:

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

Section 40. Educational Conventions; Professional Meetings of Teachers.—A county board of education may approve the attendance of any or all teachers at educational conventions, conferences, or other professional meetings of teachers on school days when in the judgment of the superintendent it is necessary or desirable. Attendance at
such meetings may be substituted for an equal amount of teaching. Teachers so attending shall not suffer loss of pay.

CHAPTER 78

(House Bill No. 139—By Mr. Blankenship)

AN ACT to amend article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, numbered forty-three, relating to substitute teacher.

(Passed February 27, 1951; in effect from passage. Approved by the Governor.)

Article 7. Teachers.

Section 43. The substitute teacher.

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 amended, be amended by adding a new section to read as follows:

Section 43. The Substitute Teacher.—The substitute teacher shall be a duly certified teacher and shall receive pay, which shall be based upon the certificate held by and the experience of said substitute teacher, for said service in accordance with the salary schedule of the regularly employed teachers in said county. The county superintendent, subject to the approval of the county board of education, shall have the authority to assign said substitute teacher to any of the following duties: (a) To fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension or dismissal; (b) to fill a teaching position of a regular teacher on leave of absence, and (c) to perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, providing such absence is approved by the board of education in accordance with the law.
AN ACT to amend article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section two-a, relating to the authority of governing boards of state educational institutions to pay supplemental retirement benefits to retired employees of the institutions under their control to supplement benefits received by such employees under the state teachers' retirement system.

[Passed February 16, 1951: in effect from passage. Approved by the Governor.]

Article 7-a. State Teachers' Retirement System.

Section 2-a. Governing boards of educational institutions authorized to pay supplemental retirement benefits.

Be it enacted by the Legislature of West Virginia:

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

Section 2-a. Governing Boards of Educational Institutions Authorized to Pay Supplemental Retirement Benefits.—The governing boards of state educational institutions shall have authority to provide retirement benefits for teachers and other employees who have served at the institutions under their control, to supplement benefits received by such employees under the state teachers' retirement system. Payment therefor shall be made from funds appropriated for personal services at the institution from which the teacher or employee was retired, and the amount thereof shall be determined in accordance with rules promulgated by the governing board of the institution.
CHAPTER 80
(House Bill No. 331—By Mr. White, of Cabell)

AN ACT to amend and reenact article eight, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to compulsory school attendance.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 8. Compulsory School Attendance.

Section 1. Compulsory school attendance; exceptions.

2. Compulsory school attendance shall begin with the seventh birthday and continue to the sixteenth birthday.

3. Exemption from the foregoing requirements of compulsory public school attendance shall be made on behalf of any child for the following causes or conditions, each such cause or condition being subject to confirmation by

4. the attendance authority of the county:

5. Exemption A—Instruction in a Private, Parochial or Other Approved School. Such instruction shall be in a school approved by the county board of education and for a time equal to the school term of the county for the
In all such schools it shall be the duty of the principal or other person in control, upon the request of the county superintendent of schools, to furnish to the county board of education such information and records as may be required with respect to attendance, instruction, and progress of pupils enrolled between the ages of seven and sixteen years;

Exemption B—Instruction in Home or Other Approved Place. Such instruction shall be in the home of such child or children or at some other place approved by the county board of education and for a time equal to the school term of the county. The instruction in such cases shall be conducted by a person or persons who, in the judgment of the county superintendent and county board of education, are qualified to give instruction in subjects required to be taught in the free elementary schools of the state. It shall be the duty of the person or persons giving the instruction, upon request of the county superintendent, to furnish to the county board of education, such information and records as may be required from time to time with respect to attendance, instruction, and progress of pupils enrolled between the ages of seven and sixteen years receiving such instruction;

Exemption C—Physical or Mental Incapacity. Physical or mental incapacity shall consist of incapacity for school attendance and the performance of school work. In all cases of prolonged absence from school due to incapacity of the child to attend, the written statement of a licensed physician or authorized school nurse shall be required under the provisions of this article;

Exemption D—Residence More Than Two Miles from School or School Bus Route. The distance of residence from a school, or school bus route providing free transportation, shall be reckoned by the shortest practicable road or path, which contemplates travel through fields by right of permission from the landholders or their agents. It shall be the duty of the county board of education, subject to written consent of landholders, or their agents, to provide and maintain safe footbridges across streams off the public highways where such are required for the safety and welfare of pupils, whose mode of travel from
home to school or to school bus route, must necessarily
be other than along the public highway in order for said
road or path to be not over two miles from home to school
or to school bus providing free transportation;
Exemption E—Hazardous Conditions. Conditions ren-
dering school attendance impossible or hazardous to the
life, health, or safety of the child;
Exemption F—High School Graduation. Such exemp-
tion shall consist of regular graduation from a standard
senior high school;
Exemption G—Granting Work Permits. The county
superintendent may, after due investigation, grant work
permits to youths under sixteen years of age, subject to
state and federal labor laws and regulations: Provided,
That a work permit may not be granted on behalf of any
youth of normal intelligence who has not completed the
eighth grade of school;
Exemption H—Serious Illness or Death in the Imme-
diate Family of the Pupil. It is expected that the county
attendance director will ascertain the facts in all cases
of such absences about which information is inadequate
and report same to the county superintendent of schools;
Exemption I—Destitution in the Home. Exemption
based on a condition of extreme destitution in the home
may be granted only upon the written recommendation
of the county attendance director to the county superin-
tendent following careful investigation of the case. A copy
of the report confirming such condition and school exemp-
tion shall be placed with the county director of public
assistance. This enactment contemplates every reasonable
effort that may properly be taken on the part of both
school and public assistance authorities for the relief of
home conditions officially recognized as being so destitute
as to deprive children of the privilege of school attend-
ance. Exemption for this cause shall not be allowed when
such destitution is relieved through public or private
means;
Exemption J—Church Ordinances; Observances of Reg-
ular Church Ordinances. The county board of education
may approve exemption for religious instruction upon
written request of the person having legal or actual charge
of a child or children: **Provided, however,** That such ex-
emption shall be subject to the rules and regulations pre-
scribed by the county superintendent and approved by the
county board of education.

The completion of the eighth grade shall not exempt any
child under sixteen years of age from the compulsory at-
tendance provision of this article: **Provided,** That there
is a public high school or other public school of advanced
grades or a school bus providing free transportation to any
such school the route of which is within two miles of the
child’s home by the shortest practical route or path as
hereinbefore specified under exemption D of this section.

**Sec. 2. Offenses; Penalties.**—Any person who, after due
notice has been served upon him as hereinafter provided,
shall fail to cause a child or children in his legal or actual
charge to attend school as hereinbefore provided, shall be
guilty of a misdemeanor, and shall, upon conviction there-
of, be fined not less than three nor more than twenty
dollars together with the costs of prosecution, or confined
in jail not less than five nor more than twenty days. Every
day a child is out of school contrary to the provisions of
this article shall constitute a separate offense. Justices
of the peace shall have jurisdiction of offenses under this
section.

Whenever a person accused of violating any of the pro-
visions of this article has been tried and acquitted, the
cost of prosecution shall be paid by the county board of
education out of the maintenance fund of the county.

**Sec. 3. County Director of School Attendance; Appoint-
ment; Assistants; Qualification; Removal; Powers; Salary
and Traveling Expenses.**—The county board of education
of every county shall, not later than August first of each
year, appoint a county director of school attendance and
such assistant attendance directors, as deemed necessary.
Such persons shall have the written recommendation of
the county superintendent.

The county board of education may set up such special
and professional qualifications for attendance directors
and assistants as are deemed expedient and proper and
are consistent with regulations of the state board of educa-
tion relating thereto: Provided, That those persons who
served as attendance directors or assistant directors dur-
ing the school year (one thousand nine hundred fifty and
fifty-one) or who had previously served at least one year
as such shall be eligible for employment.

The attendance director or assistant director shall be
paid a monthly salary as fixed by the county board. Before
receiving his monthly salary the attendance director or
assistant director shall file with the county superintendent
a certified statement showing the activities of his office
in school attendance service for the month and the number
of days actually spent in the performance of such duties.

The county board of education shall have the authority
to reimburse such employees for their necessary traveling
expenses upon presentation of a monthly, itemized, sworn
statement approved by the county superintendent.

The power of removal of the county attendance director
or an assistant attendance director shall rest with the
county board of education: Provided, however, That rea-
sions for contemplated dismissal shall be reduced to writ-
ing, a copy of which shall be furnished the director in
question with opportunity to be heard in his own behalf
by the county board of education. The decision of the
county board of education shall be final.

Sec. 4. Duties of Attendance Director; Assistant Direc-
tors of Attendance.—The county attendance director and
his assistants shall diligently promote regular school at-
tendance. They shall ascertain reasons for inexcusable
absences from school of pupils of compulsory school age
as defined under this act, and shall take such steps as
are, in their discretion, best calculated to correct attitudes
of parents and pupils which result in absences from school
even though not clearly in violation of law.

If it is found that absence from school is in violation of
law, the attendance director or assistant, in the case of
first offense that school year, shall serve written notice
to the parent, guardian, or custodian of such child that
the attendance of such child at school is required; and if
the parent, guardian, or custodian does not comply with
the provisions of this article, then the attendance director
shall make complaint against such parent, guardian or
custodian before a justice of the peace of the county:
Provided, That for a subsequent offense in any school
year no such notice shall be required.

When any doubt exists as to the age of a child absent
from school, the attendance director shall have authority
to require a properly attested birth certificate or an affi-
davit from the parent, guardian or custodian of such child,
stating age of such child. The county attendance direc-
tor or assistant, shall in the performance of his duties,
have authority to take without warrant any child absent
from school in violation of the provisions of this article
and to place such child in the school in which such child
is or should be enrolled.

The county attendance director shall devote full time
to his duties as a school official and shall be responsible
under direction of the county superintendent for the effi-
cient administration of school attendance in his county.
In addition to those duties directly relating to the ad-
ministration of attendance, the county attendance director
and assistant directors shall also perform the following
duties:

(a) Assist in directing the taking of the school census
to see that it is taken at the time and in the manner pro-
vided by law;

(b) Advise with principals and teachers on the com-
parison of school census and enrollment for the detection
of possible non-enrollees;

(c) Cooperate with existing state and federal agencies
charged with enforcement of child labor laws;

(d) Prepare a report for submission by the county
superintendent to the state superintendent of schools on
school attendance, at such times and in such detail as may
be required; also, file with the county superintendent and
county board of education at the close of each month a
report showing activities of the school attendance office
and the status of attendance in the county at the time:

(e) Promote attendance in the county by the compila-
tion of data for schools and by furnishing suggestions and
recommendations for publication through school bulletins.
and the press, or for such purposes as the county superin-
tendant may direct;
(f) Participate in school functions such as parent-
teacher associations, civic meetings, club meetings, and
teachers’ conferences;
(g) Assist in such other ways as the county superin-
tendant may direct for improving school attendance.

Sec. 5. Duties of Principals and Teachers.—It shall be
the duty of all teachers of one-room schools and all prin-
cipals of two or more rooms to make prompt reports to
the county attendance director, or proper assistant, of all
cases of unexcused absences arising within the community
served by the school, which in the judgment of the school
requires the services of an attendance worker. Said teach-
ers and principals shall report on the form prescribed for
such purpose, or by telephone, or in person, giving essen-
tial information about the child and the name and resi-
dence of any parent, guardian or custodian of a child.
It shall also be the duty of each said teacher and each
said principal to ascertain and report promptly the name
of any parent, guardian or custodian of any child of com-
pulsory school age, as herein defined, who belongs to the
school reporting and has not enrolled in any school that
year. By way of ascertaining the status of school attend-
iceach said teacher and principal shall compare the
school census with the school enrollment at the opening
of the school term, and each month thereafter, or as
directed by the county superintendent of schools, and re-
port the same to the county attendance director: Provided,
That any child belonging to a particular school subdistrict,
but who is at the time enrolled in another public school or
other school outside the same shall be considered as be-
longing to the school in which enrolled and will, therefore,
be included only in the report of attendance from the
school in which he is enrolled at the time.

Sec. 6. Failure by County Attendance Director and Other
Persons to Perform Duties; Penalty.—Any county attend-
ance director or other person upon whom a duty is imposed
under provisions of this article, who refuses or neglects
to perform any duty or duties so imposed upon him, shall
be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than fifty dollars, and may be imprisoned not to exceed thirty days. In addition thereto, said director or person having been convicted of refusal or negligence in the performance of duty as imposed by this article shall be subject to removal from office or position at the discretion of the county board of education.

Sec. 7. Aiding or Abetting Violations of Compulsory Attendance; Penalty.—Any person who induces or attempts to induce any child unlawfully to absent himself from school, or who harbors or employs any child of compulsory school age while the school to which he belongs and which he is required to attend is in session, or who employs such child within the term of such school on any day such school is in session without the written permission of the county superintendent of schools, or for a longer period than such work permit may specify shall be guilty of a misdemeanor; and, upon conviction thereof, shall be fined not less than twenty-five nor more than fifty dollars and may be confined in jail not less than ten nor more than thirty days.

Sec. 8. Child Suspended from School for Failure to Comply with Requirements and Regulations Treated as Unlawfully Absent.—If a child be suspended from school because of improper conduct or refusal of such child to comply with the requirements of the school, the school shall immediately notify the county superintendent of such suspension, and specify the time or conditions of such suspension. Further admission of the child to school may be refused until such requirements and regulations be complied with. Any such child shall be treated by the school as being unlawfully absent from the school during the time he refuses to comply with such requirements and regulations, and any person having legal or actual control of such child shall be liable to prosecution under the provisions of this article for the absence of such child from school: Provided, That the county board of education does not exclude or expel the suspended child from school.

Sec. 9. Report and Disposition of Fines Collected.—All
fines collected under provisions of this article shall be paid on or before the last day of each calendar month by the justice, or other proper official having jurisdiction in the case, to the sheriff and by him credited to the county school fund; and the justice shall file with the county superintendent on the last day of each month an itemized statement of all fines paid over to the sheriff.

Sec. 10. Compulsory Education of Deaf and Blind; Offenses; Penalties; Enumeration of Deaf and Blind.—Every parent, guardian or other person having control of any mentally normal minor over six years of age, who is defective in sight or hearing to the extent that he cannot be benefitted by instruction in the public schools, shall be required to send such minor to the West Virginia schools for the deaf and the blind at Romney. Such minor shall continue to attend such schools for a term of at least thirty-six weeks each year until he has completed the course of instruction prescribed for such schools by the state board of education, or has been discharged by the superintendent of said school: Provided, however, That minors of the Negro race who come under the requirements of this section shall be placed in the West Virginia school for the colored deaf and blind.

Any such deaf or blind minor shall be exempt from attendance at said schools for any of the following reasons: (a) Instruction by a private tutor or in another school approved by the state board of education for a time equal to that required by the first paragraph of this section; (b) physical incapacity for school work; (c) any other reason deemed good and sufficient by the superintendent of such schools, with the approval of the state board of education.

Any parent, guardian or other persons in charge of such minor or minors who fails or refuses to comply with the requirements of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than thirty dollars for each offense. Failure for the period of one week within the school year to send such minor to school shall constitute an offense: Provided, That the time necessary for such minor to
travel from his home to the school shall not be counted as time absent from school.

Any person who induces or attempts to induce such blind or deaf minor to absent himself from school, or who employs or harbors such minor unlawfully, while said school is in session, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty nor more than fifty dollars for each offense.

It shall be the duty of school attendance directors and assistants, prosecuting attorneys, and any special attendance directors appointed by said school for the deaf and the blind to enforce the provisions of this section.

It shall be the duty of the public school teachers of each county to furnish to the county superintendent of schools of their county the names of deaf or blind persons in their subdistricts between the ages of six and twenty-five years, together with information as to the age, sex and race of such deaf and blind person. The county superintendent of schools shall certify the names of all such white persons, with the names and addresses of their parents and guardians, to the superintendent of the West Virginia schools for the deaf and the blind; and the names of all such persons of the Negro race, with the names and addresses of their parents or guardians, to the superintendent of the West Virginia school for the colored deaf and blind.

It shall be the duty of the state superintendent of schools to provide suitable blanks for the enumeration of such deaf and blind persons to each county superintendent for distribution among teachers and others responsible for taking the school enumerations. The enumeration of such deaf and blind persons shall be taken at the time the regular school enumeration is taken, and shall be reported to the superintendents of the schools for the deaf and the blind at the time that the regular school enumeration is reported to the state superintendent of schools.
CHAPTER 81
(Com. Sub. for Senate Bill No. 247—Originating in the Senate Committee on Finance)

AN ACT to amend and reenact sections six, seven and eight, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the allocation of state aid for schools.

[Passed March 10, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 9-a. State Aid for Schools.

Section 6. Computation of local share of revenue.
7. Total of foundation program.

Be it enacted by the Legislature of West Virginia:

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

Section 6. Computation of Local Share of Revenue.—
2 For the fiscal years one thousand nine hundred fifty-one—
3 one thousand nine hundred fifty-two and one thousand
4 nine hundred fifty-two—one thousand nine hundred fifty-
5 three, the state board shall compute the taxes, by using
6 the levies for general current expense purposes, in all
7 counties for the preceding year, and total the same. Ninety-
8 five per cent of the total amount of aforesaid levies for
9 the entire state, shall be multiplied by the “index” for
10 each respective county. The result of such multiplication
11 shall as to the respective counties, constitute their “local
12 share of revenue” for the fiscal year.
13 The tax commissioner shall, at least once every four
14 years, redetermine the true and actual value of property
15 in each county of the state. For the fiscal year one thou-
16 sand nine hundred fifty-one—one thousand nine hundred
17 fifty-two, and thereafter, the commissioner for this pur-
pose shall be allowed annually not to exceed fifty thou-
sand dollars in any fiscal year from moneys appropriated
and available for state aid during the fiscal year.

The state board shall for each county compute, by the
application of the “levies for general current expense
purposes”, the amount of revenue which such levies
would produce, if levied upon one hundred per cent of the
true and actual value of each of the several classes of
property contained in the latest report or revised report
of such value, made to it by the tax commissioner. It
shall deduct from such estimated revenue five per cent as
an allowance for the usual losses in collection, due to dis-
counts, exonerations, delinquencies, and the like. One-
half of the remainder shall constitute the “local share of
revenue”. The local share of revenue thus computed from
the true and actual value shall apply to all fiscal years
after the thirtieth day of June, one thousand nine hundred
fifty-three: Provided, however, That if it is determined by
the state board that the application of this formula for
determining the local share of revenue for each county
will constitute a serious curtailment to the current school
program, then the state board shall have authority to
change the equalization factor of one-half or forego alto-
gether the change from the present formula for distribu-
tion until such time as the matter has been acted upon
by the Legislature.

Sec. 7. Total of Foundation Program.—The state board
shall commence and cause to be determined, as soon after
the first day of July in each fiscal year as is possible,
the foundation program for each county for such year
as follows:

Step A—The average teacher's salary for the preceding
fiscal year for each county shall be divided by thirty-
three and one-third and the quotient obtained: Provided,
however, That in computing the average teacher's salary
for the preceding fiscal year, there shall be excluded
from the computation any basic salary increases pro-
vided for teachers by the Fiftieth Legislature.

Step B—The quotient resolved from step A shall be
multiplied by the “high school factor” mentioned in sec-
tion two of this article and the product obtained.
Step C—The product resulting from step B shall be multiplied by a number composed of the whole number one plus the “sparsity factor” mentioned in section two of this article and the product obtained.

Step D—The product resulting from step C shall be divided by seventy-one hundredths and the quotient obtained. This quotient, for the purposes of this article, shall be the total per pupil cost of the foundation program for such county.

Step E—The quotient resulting from step D shall be multiplied by the “net enrollment” for the preceding year, as the same is defined in section two of this article. The product so obtained shall be the foundation program for such county.

Sec. 8. Allocation of State Aid.—Following computation of the foundation program for each county the state board shall compute and allocate state aid for each county as follows:

The amount of state aid for each county shall be the foundation program of such county minus the local share of revenue: Provided, however, That for the fiscal years one thousand nine hundred fifty-one—one thousand nine hundred fifty-two and one thousand nine hundred fifty-two—one thousand nine hundred fifty-three, if the amount of state aid computed above is less than the product of twenty-two hundred multiplied by the number of teachers approved for such county by the state board on July tenth, one thousand nine hundred forty-six, the amount of state aid shall be recomputed and shall be as hereinafter computed, to-wit:

The product of twenty-two hundred multiplied by the number of teachers approved for such county by the state board, July tenth, one thousand nine hundred forty-six, shall be added to the local share of revenue and the sum so obtained shall then be the adjusted foundation program for such county: Provided further, That for the fiscal years one thousand nine hundred fifty-one—one thousand nine hundred fifty-two and one thousand nine hundred fifty-two—one thousand nine hundred fifty-three, the state aid for any county shall in no case be
less than sixty-five per cent for such adjusted foundation program except where further reduced as a result of deficiencies in revenue under the provisions of section thirteen hereof and chapter thirty-nine, acts of the legislature, one thousand nine hundred thirty-nine: And provided further, That at this point in the computation, the state aid, if less than one hundred dollars per pupil in its foundation program, shall be computed to give an amount sufficient to raise the foundation program for any county to one hundred dollars per pupil: And provided further, That any county at this point in the calculation, which has less than one hundred ten dollars per pupil in the foundation program as computed as aforesaid shall receive an additional amount of two dollars and forty cents per pupil in net enrollment in its adjusted foundation program: And provided further, That additional state aid for the purpose of paying basic salary increases for teachers, provided by the Fiftieth Legislature, shall be allocated to each county in an amount sufficient to pay such increases for the number of teachers actually employed within the county during the preceding school year: And provided further, That this formula is to be used as near as practical for the operation of nine months of school as finances permit.

CHAPTER 82

(Senate Bill No. 121—By Mr. McKown)

AN ACT 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 designated article ten-b, relating to the establishment, operation and maintenance of centers for the vocational rehabilitation of handicapped or disabled persons, and of workshops for blind and severely disabled persons.

[Passed February 7, 1951: in effect from passage. Approved by the Governor.]
Article 10-b. Vocational Rehabilitation Centers and Workshops.

Section
1. Definitions.
2. Establishment of state vocational rehabilitation centers and workshops.
3. Establishment of local workshops.
4. Rules and regulations.
5. State board to cooperate with federal government in vocational rehabilitation center and workshop program.
7. Personnel.
8. Advisory committee.

Be it enacted by the Legislature of West Virginia:

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-b to read as follows:

Section 1. Definitions.—As used in this article:
1 (1) “Rehabilitation center” means a facility operated for the primary purpose of assisting in the rehabilitation of disabled persons eligible under article ten-a.
2 (a) which provides one or more of the following types of services:
3 (A) testing, fitting, or training in the use of prothetic devices;
4 (B) prevocational or conditioning therapy;
5 (C) physical, corrective, or occupational therapy;
6 (D) adjustment training; or
7 (E) evaluation or control of special disabilities; or
8 (b) in which a coordinated approach is made to the physical, mental, and vocational evaluation of disabled persons and an integrated program of physical restoration and prevocational or vocational training is provided under competent professional supervision and direction.
9 (2) “Workshop” means a place where any manufacture or handiwork is carried on and which is operated by a public agency or by a private corporation or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, or by a cooperative, for the primary purpose of providing remunerative employment to blind and se-
verely disabled persons who cannot be absorbed in the competitive labor market.

(3) "Cooperative" means an association, or membership corporation, whose membership is limited to disabled individuals and which is organized and operated on a cooperative basis for the exclusive benefit of its members and, by its charter or by-laws, is required to divide any profits, realized from the operation of workshops operated by it and not reinvested in such workshops, among its blind and severely disabled members actually working therein.

(4) "Non-profit institution" means a corporation or association no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(5) "State board," "Division," and "Director" shall have the same meaning as in article ten-a.

Sec. 2. Establishment of State Vocational Rehabilitation Centers and Workshops.—The state board, through the division, is authorized and empowered to establish, operate, and maintain vocational rehabilitation centers and workshops: Provided, That to establish vocational rehabilitation centers and workshops includes the acquisition by purchase, lease, gift, or otherwise of necessary lands, and the construction, expansion, remodeling, or alteration and equipment of necessary buildings; or, for any particular center or workshop, the making of contracts and agreements with any state, county, or municipal agency, or non-profit institution providing for the equipment, operation or maintenance by the state board, through the division, of any facility of such agency or institution in accordance with, and for the purpose of this article: Provided further, That notwithstanding any other provisions of law, the state board, through the division, shall, itself, properly operate, maintain, repair, and manage and control the fiscal affairs of vocational rehabilitation centers and workshops established pursuant to this section: Provided further, That the state board, through the division, is authorized and empowered to make and enter into all contracts and agreements necessary and incidental to the performance of its powers.
and duties under this section, in connection with which it is also authorized and empowered to cooperate with other agencies of the state.

Sec. 3. Establishment of Local Workshops.—Counties, cities, and towns in accordance with rules, regulations and standards made and adopted by the director, individually or jointly with any one or more such counties, cities, or towns are authorized and empowered to establish, operate, and maintain necessary workshops for blind and severely disabled persons: Provided, That to establish workshops includes the acquisition by purchase, lease, gift, or otherwise, of necessary lands, and the construction, expansion, remodeling, or alteration and equipment of necessary buildings.

Sec. 4. Rules and Regulations.—The director shall make and adopt rules, regulations, and standards for the establishment, operation and maintenance, government and control of rehabilitation centers and workshops established pursuant to this article, including such rules, regulations and standards as may be necessary for cooperation under and compliance with any existing or future federal statutes pertaining to grants-in-aid for rehabilitation centers.

Sec. 5. State Board to Cooperate with Federal Government in Vocational Rehabilitation Center and Workshop Program.—The state board, through the division, is hereby designated the sole state agency to cooperate with the federal government in any federal program relating to the establishment, operation and maintenance of vocational rehabilitation centers, and workshops; and is hereby authorized and empowered to adopt and supervise the administration of such a state-wide plan, or such state-wide plans, for the establishment of vocational rehabilitation center or workshop programs as may be necessary to comply with the requirements and conditions of federal law with respect to federal grants-in-aid for such purposes.

Sec. 6. Cooperation with State Department of Health.—The state board, through the division, and the state de-
department of health shall cooperate to assure coordination
of the rehabilitation center program under this article
with the hospital construction program provided for un-
der chapter sixteen, article one, section fourteen, of the
code of West Virginia, one thousand nine hundred thirty-
one, as amended.

Sec. 7. Personnel.—The director shall appoint in ac-
cordance with chapter eighteen, article ten-a, section five,
of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, all personnel he deems necessary
for the efficient and economical operation and mainten-
ance of rehabilitation centers and workshops established,
operated and maintained pursuant to section two of this
article.

Sec. 8. Advisory Committee.—There shall be an ad-
visory committee of five members to serve as advisors and
consultants to the director of the division. The com-
mittee shall meet at least twice each year and at the call
of the director of the division. The members of the
committee shall annually elect one of its members to
serve as chairman.

The advisory committee shall be appointed by the di-
rector, by and with the advice and consent of the state
board, and shall include among its members represent-
atives of state and non-governmental agencies concerned
with the establishment, operation, or utilization of voca-
tional rehabilitation services and facilities, and at least
one of the members shall be a person well-versed in
problems related to employment of the severely dis-
abled.

The members shall be appointed for five year terms
except that in the original appointments one person shall
be appointed for one year, one person for two years, one
person for three years, one person for four years, and one
person for five years. Thereafter each member shall be
appointed for five years or until his successor is appointed.
In the case of a vacancy the appointee shall serve the
remainder of the unexpired term.

Members of the advisory committee shall be eligible
to succeed themselves. Members of the advisory com-
mittee shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of their office.

CHAPTER 83
(House Bill No. 477—By Mr. Speaker, Mr. Flannery)

AN ACT to amend and reenact section four, article eleven chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the colleges, schools, departments and divisions of West Virginia university.

(Passed March 9, 1951: in effect from passage. Approved by the Governor.)

Article 11. West Virginia University.

Section 4. Colleges, schools, departments and divisions of the university.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Colleges, Schools, Departments and Divisions of the University.—In consultation with the president of the university, the board of governors shall have authority to establish and maintain in the university such colleges, schools, departments and divisions as from time to time may be expedient, and shall provide for the organization and management of the same. The board of governors is hereby authorized and, as soon as funds shall be available for the purpose, is directed to establish and maintain in the university a four-year school of medicine, dentistry and nursing, to be located at such place within the state as may be designated by the governor. The governor shall designate the location of the school on or before the first day of July, one thousand nine hundred fifty-one.
AN ACT to amend article eleven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section twenty-three, relating to the establishment of a revolving fund for the purpose of financing the conduct of scientific and other research at West Virginia university under contracts with agencies of the federal government.

[Passed February 20, 1951: in effect from passage. Approved by the Governor.]

Article 11. West Virginia University.

Section
23. Contractual research revolving fund.

Be it enacted by the Legislature of West Virginia:

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

Section 23. Contractual Research Revolving Fund.—For the purpose of enabling the board of governors of West Virginia university to make and perform contracts with agencies of the federal government for scientific and other research, there is hereby created in the state treasury a revolving fund to be administered by the board of governors of West Virginia university. The amount of the fund shall be one hundred thousand dollars, to be accumulated and administered as follows:

(1) The board of public works is hereby authorized to transfer the sum of one hundred thousand dollars from the unexpended balance of excess collections reappropriated to West Virginia university by the one thousand nine hundred forty-nine budget act, to a special revolving fund to be designated "West Virginia University Research Fund";
Whenever the board of governors of West Virginia university has entered into a research contract with any agency of the federal government, the board of governors of West Virginia university may authorize expenditure from the revolving fund of such sums as may be needed for performance of the contract;

From moneys received from the federal government as payments under the terms of any such research contracts, there shall be deposited in the revolving fund, upon final settlement with the federal agency, an amount sufficient to reimburse the fund for all advances made on any contract;

Any money in the revolving fund may be invested by the board of governors of West Virginia university during such time as the money is not needed for advances under existing or anticipated research contracts.

CHAPTER 85
(Com. Sub. for House Bill No. 77—Originating in the House Committee on the Judiciary)

AN ACT to amend and reenact section five, article two; section fifteen, article four; and section nine, article five, all of chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the registration of voters, appointment of commissioners and clerks for primary and general elections.

[Passed March 9, 1951: in effect from passage. Approved by the Governor.]

Article
2. Registration of Voters.
5. Conducting Election; Ascertaining and Certifying the Result.

Be it enacted by the Legislature of West Virginia:

That section five, article two; section fifteen, article four; and section nine, article five, all of chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Article 2. Registration of Voters.

Section 5. Permanent and Uniform Registration.—A permanent registration system shall hereby be established which shall be uniform throughout the state and all of its subdivisions. No voter so registered shall be required to register again for any election while he continues to reside at the same address, or, having moved from such address, is properly transferred according to the provisions of section thirty-three of this article, unless his registration is cancelled as provided in this article. If a voter fails to vote at least once during a period covering two primary and general elections, his registration shall be cancelled and he shall, by letter, be given proper notice thereof by the clerk of the county court, to the effect that in order to vote he must register again or execute and file, not later than thirty days before the next primary or general election, with the clerk, an affidavit, the form of which shall be prescribed by the secretary of state, stating that he desires to be reinstated as a qualified voter at the same address and the clerk shall replace the registration card of the voter in the registration records. A blank form of such affidavit shall be included with and accompany the aforesaid notice to the voter.


Section 15. Commissioners and clerks for primary.—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.

The county court shall by mail notify all commissioners
and poll clerks of their appointment, and include with
such notice an appropriate form for each person so ap-
pointed to return indicating whether or not he will serve
as such commissioner or poll clerk. It shall be the duty
of all persons so appointed to immediately return said
form to the county court. In the event any of the persons
so appointed refuse to serve as such commissioners or poll
clerks, the county court shall immediately notify the
chairman of the county executive committee of the politi-
cal party from which such commissioners and poll clerks
are to be selected. If the chairman of the political com-
mittee so notified promptly recommends persons to be
appointed to replace those declining to serve, it shall be
the duty of the county court to appoint the persons so
recommended. When no such recommendations are made
the county court shall proceed to fill the vacancies.

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 re-
mainder 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
qualifications to act under the provisions of this section,
for commissioner or poll clerk, or both if necessary, such
nominee or nominees shall be appointed. If none of the
commissioners 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

7 [Enr. Com. Sub. for H. B. No. 77

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 85

ELECTIONS

94 chapter for the counting board to attend at the polls. A
95 list of all commissioners and poll clerks appointed by the
96 county court, as herein provided, shall be published in
97 two newspapers of general circulation in the county, of
98 opposite politics, if such there be, for at least two weeks
99 prior to such primary election.

Article 5. Conducting Election; Ascertaining and Certifying
the Result.

Section


Section 9. Appointment of Commissioners and Clerks.—
2 The county court of each county shall hold a regular or
3 special session at the court house of the county on the
4 first Tuesday of the month next preceding the date on
5 which any election is to be held and appoint three com-
6 missioners and two clerks to hold the election in each pre-
7 cinct in the county, to be selected from the two political
8 parties which at the last preceding election cast the
9 highest and second highest number of votes in this state:
10 Provided, however, That for every precinct in which
11 there are three hundred, but not more than four hun-
12 dred, registered voters, there may be two boards of elec-
13 tion officers, and for all precincts in which there are more
14 than four hundred registered voters, there shall be two
15 boards of election officers, and where two boards are
16 used, each board shall consist of three election commis-
17 sioners and two poll clerks, one of which boards shall be
18 designated the "receiving board" and the other the
19 "counting board", and not more than two commissioners
20 and one poll clerk of each board shall be appointed from
21 the same political party. If, at any time before or during
22 the session of the county court, the county executive
23 committee of either or both of the political parties, from
24 which commissioners and clerks of election are to be
25 selected, shall file with or present to the county court
26 a writing signed by them, or by the chairman or secre-
27 tary of such committee on their behalf, requesting the
28 appointment of a member and of one clerk of each board
29 of the political party for which such committee, chairman
or secretary is acting, and designating 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.

The county court shall by mail notify all commissioners
and poll clerks of their appointment, and include with
such notice an appropriate form for each person so ap-
pointed to return indicating whether or not he will serve
as such commissioner or poll clerk. It shall be the duty
of all persons so appointed to immediately return said
form to the county court. In the event any of the persons
so appointed refuse to serve as such commissioners or
poll clerks, the county court shall immediately notify
the chairman of the county executive committee of the
political party from which such commissioners and poll
clerks are to be selected. If the chairman of the political
committee so notified promptly recommends persons to
be appointed to replace those declining to serve, it shall
be the duty of the county court to appoint the persons so
recommended. When no such recommendations are made
the county court shall proceed to fill the vacancies.

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 commis-
missioner 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 po-
itical party. But if the qualified voters of his party pres-
ent at the polls shall nominate a voter of his party quali-
fied to act under the provisions of this section, such nomi-
ee shall be appointed. If none of the receiving commis-
sioners 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 num-
ber, 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 com-
misssioner 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 86

(Senate Bill No. 246—By Mr. McKown)

AN ACT to repeal sections twenty-two-a and twenty-three-a, article four, and section four-a, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact sections five, five-a, six-a, twelve and twenty-five, article four, chapter three thereof, and to further amend said article four by adding thereto a new section to be designated section five-b, all relating to elections and providing for election of school board members.

[Passed March 9, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 4. Nomination or Election of Candidates at Primaries.

Section
5. Nomination of candidates for offices.
5-a. Announcement of candidacy for membership of board of education.
5-b. Election of county board of education.
6-a. Filing fees and their disposition.
12. Form and contents of ballots.
25. Contests; review by the courts.

Be it enacted by the Legislature of West Virginia:

That sections twenty-two-a and twenty-three-a, article four, and section four-a, article five, chapter three of the code of West
Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that sections five, five-a, six-a, twelve and twenty-five, article four, chapter three thereof, be amended and reenacted, and that said article four be further amended by adding thereto a new section to be designated section five-b, all to read as follows:

Section 5. Nomination of Candidates for Offices.—At each primary election, the candidate or candidates of each political party for all offices to be filled at the ensuing general election by the voters of the entire state, of each congressional district, of each state senatorial district, of each judicial circuit except the first judicial circuit of West Virginia, of each county except candidates for the office of judge of an inferior court in any county in the first judicial circuit, and of each magisterial district, in the state, shall be nominated by the voters of the different political parties, except that no presidential elector shall be nominated at a primary election. Candidates for the offices of judge of the circuit and inferior courts of the first judicial circuit shall continue to be nominated at party conventions as provided in section twenty-seven of this article, but such section is hereby repealed and superceded by this enactment in so far as it relates to the nomination of candidates for the office of judge of courts of record of West Virginia, other than in the first judicial circuit.

In any primary election, the person receiving the highest number of votes of each political party in all cases wherein one person only is to be elected, and the persons receiving the highest number of votes, to the number to be elected, in all cases in which two or more persons are to be elected to the same office, in and throughout the political division in which the person is a candidate, and voted for as such, shall be nominated as the party candidate, or candidates, for the office, or offices, for which they are voted for at the primary election: Provided, however, That with respect to nominations of commissioners of county courts no two of such commissioners shall be nominated as the party candidates from the same magisterial district where more than one such
commissioner is to be so nominated at any primary election, and if two or more persons residing in the same district shall in any case receive the greater number of votes cast at such primary election, then only the one of such persons receiving the highest number shall be declared nominated as the candidate of his party, and the person living in another district who shall receive the next highest number of votes shall be declared nominated as the candidate of his party, and so on to the next highest in another district; and in no event shall any such candidate be nominated from the same magisterial district wherein an already elected or otherwise qualified member of such county court resides and who will continue to hold office after the beginning of the term for which such nomination is made.

Sec. 5-a. Announcement of Candidacy for Membership of Board of Education.—Any person who is eligible to hold office as a member of a county board of education may, at least thirty days prior to the day fixed for the primary election, file a certificate with the clerk of the circuit court of the county, declaring himself a candidate for election to such office. Such certificate shall be substantially in the following form:

I ........................................................................ hereby certify that I am a candidate for nonpartisan election to membership on the County Board of Education, and desire my name printed on the ballot to be voted at the primary election to be held on the day of ........., 19 .........; that I am a legally qualified voter of the county of ...........................................; State of West Virginia; that the address of my residence in ..........; County is ..........; that I am eligible to hold the office; and that I am a candidate therefor in good faith.

.................................................................

Candidate

Signed and acknowledged before me this day of 19 .........

.................................................................

Signature and official title of Certifying Officer
Such announcement shall be signed and acknowledged by the candidate before some officer qualified to administer oaths, who shall certify the same.

Sec. 5-b. Election of County Board of Education.—An election for the purpose of electing members of the county board of education shall be held on the same date as the primary elections as now provided by law, but upon a non-partisan ballot printed for the purpose. In such non-partisan election the person receiving the highest number of votes, shall be elected for a long term, and if more than one is to be elected for a long term, the one receiving the next highest shall be elected; and if more than two are to be elected the candidate or candidates receiving the next highest votes shall be declared elected for any short term or terms, as the case may be, to fill vacancies; but no more than two such members shall be elected from the same magisterial district, and then only when such magisterial district does not have a hold-over member of said board, and if such magisterial district has one hold-over member on said board only one member shall be elected as aforesaid; and if more persons from a magisterial district receive the highest number of votes in said election, then of such persons only the person or persons having the highest vote who do not make the aggregate number of elected members and hold-over members more than two from such magisterial district shall be declared elected, and the remaining members shall be declared from the highest from other magisterial districts; and in no event shall any member be declared elected from the same magisterial district wherein resides two already elected or otherwise qualified members of such board who will continue to hold office after the beginning of the term for which such election was held.

It is declared to be the intent of this statute that any person declared to be elected under the preceding provisions of the section shall take office as a duly elected member or members, even though he, she or they may not have received a majority or plurality of all votes cast at such election.

Sec. 6-a. Filing Fees and Their Disposition.—Every
person who becomes a candidate for nomination for or
election to office in any primary election, shall, at the
time of filing the certificate of announcement as required
in section five-a or section six of this article, pay a filing
fee as follows:
(a) A candidate for president of the United States, for
vice president of the United States, for United States
Senator, for member of the United States house of repre-
sentatives, for governor and for all other state elective
offices shall pay a fee equivalent to one per cent of the
annual salary of the office for which the candidate an-
nounces.
(b) A candidate for the office of judge of a circuit
court and judge of any court of record of limited juris-
diction shall pay a fee equivalent to one per cent of the
annual salary of the office for which the candidate an-
nounces.
(c) A candidate for member of the house of delegates
shall pay a fee of ten dollars, and a candidate for state
senator shall pay a fee of twenty dollars.
(d) A candidate for sheriff, prosecuting attorney, cir-
cuit clerk, county clerk, assessor, member of the county
court and member of the county board of education shall
pay a fee equivalent to one per cent of the annual salary
of the office for which the candidate announces: Provided,
however, That the fee in no case shall be less than five
dollars. A candidate for any other county office shall pay
a fee of five dollars.
(e) A candidate for justice of the peace in districts
having a population of five thousand or less shall pay a
fee of ten dollars; in districts having a population of more
than five thousand and not more than twenty-five thou-
sand, fifteen dollars; and in districts having more than
twenty-five thousand population each candidate shall
pay a fee of twenty-five dollars.
(f) A candidate for constable in districts having a pop-
ulation of five thousand or less shall pay a fee of five dol-
lars; in districts having a population of more than five
thousand and not more than twenty-five thousand, ten
dollars; and in all other districts fifteen dollars.
(g) Delegates and alternate delegates to the national convention of any political party shall pay the following filing fees:

A candidate for delegate-at-large shall pay a fee of twenty dollars; a candidate for alternate delegate-at-large shall pay a fee of ten dollars; a candidate for delegate from a congressional district shall pay a fee of ten dollars; and a candidate for alternate delegate from a congressional district shall pay a fee of five dollars.

(h) Candidates for members of political executive committees and other political committees shall pay the following filing fees:

A candidate for member of a state executive committee of any political party shall pay a fee of ten dollars; a candidate for member of a county executive committee of any political party shall pay a fee of one dollar; and a candidate for member of a congressional, senatorial or judicial committee of any political party shall pay a fee of one dollar.

Candidates filing for an office to be filled by the voters of one county shall pay the filing fee to the clerk of the circuit court, and candidates filing for an office to be filled by the voters of more than one county shall pay the filing fee to the secretary of state at the time of filing their certificates of announcement, and no certificate of announcement shall be received until the filing fee is paid.

All moneys received by the circuit clerk from such fees shall be credited to the general county fund. Moneys received by the secretary of state from fees paid by candidates for offices to be filled by all the voters of the state shall be deposited in a special fund for that purpose and shall be apportioned and paid by him to the several counties on the basis of population, and that received from candidates from a district or judicial circuit of more than one county shall be apportioned to the counties comprising the district or judicial circuit in like manner. When such moneys are received by sheriffs, it shall be credited to the general county fund.

Sec. 12. Form and Contents of Ballots.—The official primary ballot shall contain at the left of each column of
names of candidates, a perpendicular column, and shall
be so printed as to leave a square at the left of each name
on the ballot.

On such primary ballot, the names of candidates for
president of the United States, for United States senator,
for representative in congress, and for delegates and al-
ternate delegates to the national convention of the party,
shall be placed in the first column of candidates; the
names of candidates for all state offices, and all other
offices to be filled by the voters of a political division
greater than a county, including the state executive com-
mittee but excluding candidates for offices of judge of the
first judicial circuit, in the second column; the names of
all candidates for county offices, including members of
the house of delegates, and congressional, judicial and
senatorial executive committees but excluding candidates
for the office of judge of any inferior court of record in
any county of the first judicial circuit, shall be placed
in the third column, and the names of all candidates for
office in the magisterial districts shall be placed in the
fourth column.

The face of every primary election ballot shall con-
form as nearly as practicable to that used at the general
election.

The secretary of state, or the circuit court clerk, as the
case may be, shall arrange the names of the candidates to
be printed on the ballot in alphabetical order, according
to the surname, under the title of the respective offices
upon the ballot.

A separate ballot, in connection with primary election,
for election of members of county board of education,
shall be printed in bold type, under the caption, "Non-
partisan Ballot for Election of Members of the ___________________
County Board of Education." The names of the candidates
for election to the county board of education, and the
number of candidates for which each voter is entitled to
vote shall be printed beneath the caption, without refer-
ce to political party affiliation, and without designation
as to a particular term of office.

In printing each set of ballots the position of the names
of the candidates shall be changed in each office division
as many times as there are candidates in that office division. As nearly as possible an equal number of ballots shall be printed after each change. In making the change of position, the printer shall take the line of type containing the first name in the office division concerned and place it at the bottom of the list of names in that division and move up the column so that the name that before was second shall be first after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change in position, and shall then be gathered by taking one from each pile. Sample ballots shall be in the same form as the official ballot, but the order of the names thereon need not be alternated.

All ballots used in primary elections shall be printed on paper conforming as nearly as practicable in weight, texture, and color to the samples furnished by the secretary of state, and the paper shall be sufficiently thick so that the printing cannot be discernible from the back. On the back of the ballot shall be printed in black ink, and in plain, legible, black face pica type, the name of the political party as contained in the heading or "Nonpartisan Board of Education", as the case may be, followed by the word "ballot". Under this designation shall be printed two blank lines followed by the words "poll clerks".

Sec. 25. Contests; Review by the Courts.—Any candidate for nomination for, or election to, an office to be filled by the voters of a county, school district or of a magisterial district, or any candidate for membership on any county political executive committee, may contest the primary election before the county court of the county. The procedure in such case shall be the same as that governing the contest of a general election by candidates for county offices or offices in school districts or magisterial districts. The decision of the county court upon such contest may be reviewed by the circuit court of the county and by the supreme court of appeals of the state.

Any action of a political party executive committee in the discharge of any of the duties imposed upon such committee by this article, or of any board of election
officials in conducting and ascertaining the result of the primary election, or of any board of canvassers in canvassing and certifying the result of the primary election for the county, may be reviewed by the circuit court of the county, upon the petition of any candidate, political committeeman or delegate voted for at such primary and affected adversely by the action of such committee, board of election officials, or board of canvassers. From the judgment of the circuit court in any such proceeding, an appeal shall lie to the supreme court of appeals of the state.

Any such contest, or petition for review, of a candidate for a nomination not finally determined within ten days next preceding the date of the next election after the primary, or of a candidate for delegate to any convention within ten days next preceding the date fixed for holding the convention, shall stand dismissed, and the person shown by the face of the returns of the primary election to be nominated for any office shall be entitled to have his name printed upon the regular ballot to be voted at the election, and the person shown upon the face of the returns to have been elected as a delegate to any convention shall be entitled to sit in such convention as a delegate.

CHAPTER 87
(House Bill No. 9—By Mr. Mills)

AN ACT to amend and reenact section twenty-three, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, relating to filing fees with respect to vacancies in nominations.

[Passed February 8, 1951: in effect ninety days from passage. Approved by the Governor.]

Section 23. Vacancies in nominations; filing fees.
Be it enacted by the Legislature of West Virginia:

That section twenty-three, 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 23. Vacancies in Nominations; Filing Fees.—
2 If any vacancy shall occur in the party nomination of candidates for office, caused by death, withdrawal, failure to make a nomination for the office at the primary election, or otherwise, it may be filled and the name of the candidate certified by the executive committee, of the political party for the political division in which the vacancy occurs. If such vacancy be not filled by the executive committee, if it be for an office to be filled by the voters of the entire state, within thirty days next preceding the date of election, or if it be for any other office, within twenty days next preceding the date of election, if such committee fail or refuse to meet, it shall be lawful for the chairman of the political party executive committee for the political division to fill such vacancy and make a certificate thereof and file the same with the officer with whom the original certificate of nomination was, should or might have been, regularly filed. And it shall be the duty of the officer with whom such certificate is filed to receive and proceed with the same in all respect as an original nomination: Provided, That where the vacancy exists because of a failure to make a nomination for the office at the primary election, no nomination under this section shall be deemed filed until a filing fee shall have been paid in an equal amount and to the same office that a candidate for the nomination to the position being filled under this section is required to pay under section six-a of this article.

CHAPTER 88

(House Bill No. 43—By Mr. Andrews)

AN ACT to amend and reenact section forty, article five, chapter three of the code of West Virginia, one thousand nine
hundred thirty-one, relating to compensation of election officials.

[Passed February 6, 1951: in effect from passage. Approved by the Governor.]

Article 5. Conducting Election; Ascertaining and Certifying the Result.

Section 40. Compensation of election officers; expenses.

Be it enacted by the Legislature of West Virginia:

That section forty, 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 40. Compensation of Election Officers; Expenses.—Each commissioner of election, poll clerk, and ballot commissioner, shall be allowed a sum to be fixed by the county court, not exceeding ten dollars for each day he shall serve as such, including the time necessary to procure from and return to the clerk of the county and circuit courts the ballots, ballot boxes, poll books, tally sheets and other supplies: Provided, That the ballot commissioners shall not receive allowance for more than five days each for services at any primary, general or special election. The compensation of election officers, cost of printing ballots, and all other expenses incurred in providing for holding and making the return of elections shall be audited by the county court and paid out of the county treasury.

CHAPTER 89

(Senate Bill No. 108—By Mr. McKown and Mr. Winters)

AN ACT to amend and reenact sections nine, ten, thirteen, eighteen, twenty-five, twenty-six and twenty-seven, article five-a, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said article five-a by adding thereto three
new sections to be designated sections fourteen-a, fourteen-b and thirty-three-a, all relating to the use of voting machines.

[Passed February 16, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 5-a. Voting Machines.

Section
9. Printing of ballot labels; instruction cards; challenge and absentee ballots.
13. Appointment of election boards; instructions.
14-a. Sample ballots; mailing by ballot commissioners.
14-b. Legal advertisement to be facsimile of face of voting machines.
18. Duties of election officers; primary elections; adjustment of machine.
25. How long machines to remain locked after election; court orders for examination of machines; no re-examination of machine totals on recount.
26. Procedure when voting machines do not accurately record and tabulate the votes cast.
27. Number of voters in precinct; changing voting place from precinct.

Be it enacted by the Legislature of West Virginia:

That sections nine, ten, thirteen, eighteen, twenty-five, twenty-six and twenty-seven, article five-a, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that said article five-a be further amended by adding thereto three new sections to be designated sections fourteen-a, fourteen-b and thirty-three-a, all to read as follows:

Section 9. Printing of Ballot Labels; Instruction Cards; Challenge and Absentee Ballots.—The ballot commissioners of any county in which voting machines are to be used in any election shall cause to be printed and ready for use at such election two sets of ballot labels for each voting machine to be used in each precinct. Each such set shall contain the name of each candidate and each question to be voted upon. All ballot labels shall be clearly printed or typed in black ink on clear white material of such size as will fit the ballot frames. One set of ballot labels shall be inserted in the machine prior to the delivery of the machine to the polling place.
One set of such ballot labels for each machine shall be retained by the clerk of the county court for use in the event the set so inserted in a machine becomes lost, mutilated or damaged.

The ballot commissioners shall also cause to be printed a supply of instruction cards, challenge and absentee ballots, sample ballots and facsimile diagrams to be used as is hereinafter provided.

Sec. 10. Preparation of Machines.—Upon receiving the printed ballot labels, the county clerk shall place them in the ballot frames of the voting machines in such manner as will most nearly conform to the arrangement prescribed for paper ballots, and as will clearly indicate the party designation or emblem of each candidate. Each column or row containing the names of the office and candidates for such office shall be so arranged as to clearly indicate the office for which the candidate is running. The names of the candidates for each office indicated shall be placed on the ballot in alphabetical order.

The county clerk shall then see that the counters referred to in subsection eleven of section six of this article are set at zero (000) and shall lock the operating device and mechanism and devices protecting the counters and ballot labels. The clerk shall then enter in an appropriate book, opposite the number of each precinct, the identifying or distinguishing number of the specific voting machine or machines to be used in that precinct.

Sec. 13. Appointment of Election Boards; Instructions.—The provisions of section nine, article five, and section fifteen, article four of this chapter, with respect to the number of election officers in each precinct, shall not apply to precincts in counties in which voting machines have been adopted, and the county court of such county shall appoint, subject to all other provisions of section nine, article five and section fifteen, article four of this chapter, a uniform election board, to consist of three election commissioners and two poll clerks, to serve in each precinct: Provided, however, That where more than two voting machines are used in a precinct the county court may appoint two additional election commission-
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The county court shall call the necessary meeting or meetings for the instruction of all election officials in the use of the voting machines. Such meeting or meetings shall be held and the proper instructions given not less than seven (7) days prior to any election in which voting machines are to be used. No election officer, upon being so notified to appear for instruction, shall fail without just cause to do so. If any officer does so fail to appear, the county court may appoint some other qualified person, and such person, after instruction, shall act in the place of the defaulting officer: Provided, however, that if such defaulting officer was appointed by the county court upon the written recommendation of a county executive committee as provided in section fifteen, article four and in section nine, article five of this chapter, the county court shall give written notice of such default to such county executive committee and appoint a person to take the place of such defaulting person upon the recommendation of such county executive committee. The election officers shall receive the per diem mileage rate prescribed by law for attending such instruction meetings.

Sec. 14-a. Sample Ballots; Mailing by Ballot Commissioners.—The ballot commissioners may, with the consent of the county court, or the county court may prepare and mail to each qualified voter at his address as shown on the registration books a facsimile sample of the ballot for his precinct.

Sec. 14-b. Legal Advertisement to be Facsimile of Face of Voting Machines.—In counties where voting machines have been adopted, the legal advertisements required by section nine, article four of this chapter and section eight, article five of this chapter, shall consist of a facsimile of the face of the voting machine with the names of the candidates and the offices for which they are running shown in their proper positions.

Sec. 18. Duties of Election Officers; Primary Elections; Adjustment of Machine.—(1) The election officers shall
constantly and diligently maintain a watch in order to see that no person votes more than once and to prevent any voter from occupying the voting machine for more than three minutes.

(2) In primary elections before a voter is permitted to use the voting machine, the election officer representing the party to which the voter belongs shall adjust the machine so that the voter will be able to vote only for the candidates who are seeking nomination on the ticket of the party with which the voter is affiliated.

(3) If the machine is so constructed as to require adjustment after one person has voted before another person can vote, the election officers shall so adjust it after each person has voted.

(4) The election officers shall issue to each voter when he signs the poll book a card or ticket numbered to correspond to the number on the poll book of such voter, and in the case of a primary election, indicating the party affiliation of such voter, which numbered card or ticket shall be presented to the election officer in charge of the voting machine.

Sec. 25. How Long Machines to Remain Locked After Election; Court Orders for Examination of Machines; No Reexamination of Machine Totals on Recount.—(1) The voting machines shall remain locked against voting during the canvass of the returns of the election and for a period of seven days after the canvass is finally concluded, during which time any candidate or the chairman of any county executive committee of any political party or their appointed representatives, shall be permitted to examine the voting machines under the supervision of the county court for the purpose of determining the number of votes cast for any candidate or for and against any question. After the expiration of the seven-day period as herein provided, the voting machines may be unlocked by the clerk of the county court and the registering counters reset at zero (000) unless the board of canvassers or a court of competent jurisdiction by appropriate court order directs otherwise.

(2) During the period when such machine is required to be kept locked, the keys thereto shall remain in the
possession of the county court. After such period, it shall
be the duty of the county court to return such keys to the
clerk of the county court.

(3) In canvassing the returns of the election, the
board of canvassers shall examine all of the voting ma-
chines used in such election and shall determine the
number of votes cast for each candidate and for and
against each question and by such examination shall
procure the correct returns and ascertain the true re-
sults of the election. Any candidate or his party repre-}

tenative may be present at such examination.

(4) If any candidate shall demand a recount of the
votes cast at an election, the voting machines shall not
be reexamined during such recount for the purpose of
re-ascertaining the total number of votes registered on
the voting machines for any candidate.

Sec. 26. Procedure When Voting Machines do not Acc-
curately Record and Tabulate the Votes Cast.—(1) When
during a canvass or a recount of votes cast in an election
it appears to the board of canvassers or if it is so alleged
in a petition for a recount, that a voting machine used in
any precinct has by reason of mechanical failure or im-
proper or fraudulent preparation or tampering incorrectly
recorded and tabulated the actual votes cast on such ma-
chine, the board of canvassers shall proceed to determine
the error, if any, in the vote registered on such voting
machine. If an error is found, the board of canvassers
shall correct the election returns from such precinct so
as to accurately reflect the votes cast in such precinct at
such election if it is possible to accurately correct such
error. If the board of canvassers are unable to accurately
correct such errors made by said voting machine and
therefore cannot correct the returns from such precinct
to accurately reflect the actual votes cast at such election,
the total votes registered on such voting machine, despite
the fact that such vote may be erroneous, shall be ac-
cepted in the canvass and in the recount as the votes cast
in such precinct.

(2) If it is necessary for the board of canvassers to
test any voting machine for its mechanical accuracy in
recording and tabulating the votes cast at such election,
such test shall be conducted by the clerk of the county court in the presence of the board of canvassers and of any candidate or his party representative. The registering counter shall be reset at zero (000) before it is tested and then the machine shall be operated at least 100 times. After the completion of such test the county clerk will then and there prepare and file a statement in writing giving in detail the result of the examination and test.

Sec. 27. Number of Voters in Precinct; Changing Voting Place From Precinct.—The provisions of section ten, article one of this chapter, with respect to the number of voters to be contained in each precinct, shall not apply to precincts in counties in which voting machines have been adopted and the county courts of such county, subject to other provisions of this chapter with respect to the altering or changing of the boundaries of voting precincts, may change the boundaries of precincts or consolidate precincts, as practicable, to achieve the maximum advantage from the use of voting machines.

The county court may in the urban centers of any county adopting voting machines designate a voting place without the limits of a precinct, provided such voting place is in a public building, and in an adjoining precinct. In such event more than one precinct may vote in any such public building.

Sec. 33-a. Compensation of Ballot Commissioners.—In counties which have adopted voting machines the ballot commissioners shall each be paid as compensation for his services a sum to be fixed by the county court not exceeding ten dollars for each day he shall serve: Provided, That such ballot commissioners shall not receive compensation for more than ten days for services rendered for any primary, general or special election.

CHAPTER 90

(House Bill No. 141—By Mr. Beneke)

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 of a practicable system of absentee voting by West Virginia citizens who are members of the armed services of the United States.

[Passed February 27, 1951; in effect ninety days from passage. Approved by the Governor.]

**Article 6-a. Absentee Voting by Members of Armed Services.**

**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 voter's 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. Temporary suspension of inconsistent provisions; revival.
18. Separability.

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 thirty-first 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 fifty-two 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 fifty-four, 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 respect 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 distributed 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 additional ballots.
Except as otherwise specified in this section, preparation, 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 registered 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 territorial 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 registered 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

Name ____________________________ (Last Name) (First Name) (Middle Name)

Home Address ________________________ (Give street number or as specific location as possible)

______________________________________

Political Party Affiliation __________________________

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 commis-
misioned officer, warrant officer, or noncommissioned
officer no lower in rank than sergeant or the equivalent
navy rating, of any branch of the armed service of the
United States, or by some other person qualified to ad-
minister 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 elec-
tion, to me at the following address:

The applicant shall make the necessary affidavit before
a commissioned officer, warrant officer or noncommis-
sioned officer no lower in rank than sergeant or the
equivalent navy rating, of any branch of the armed ser-
dices 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 de­
ivered 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 per­
son, entitled to vote under the provisions of this article,
may be made to the clerk of the circuit court of the
county in which such person is registered, by such person
himself or by any other person.

Such request need not be by certified application. If
the request is by the person himself, it may be made in­
formally, by mail or otherwise; if by anyone else, it shall
be made upon a printed form to be signed by the person
making the request. Such form shall be substantially as
follows:

REQUEST FOR ABSENT VOTER’S BALLOT

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 this office. After inserting on the request necessary corrections 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 requests similar in all respects to the list of other applications 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 delivery 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 prepaid. 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 enclose 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 substantially the following forms:

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 enclosed ballot, which I have personally marked and sealed in this envelope 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 ARMED SERVICE 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 non-commissioned 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.

If the voter, because of his physical incapacity, is unable to mark his ballot, it may be marked for him by some other person acting under his personal direction. In such case, the person making the certificate may sign the affidavit for the voter, and if so, shall so state on the 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 section, the clerk of the circuit court shall endorse 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 election commissioners to whom any such absent voters’ bal-
lots 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 ballot envelope has been opened and resealed if it clearly appears on the ballot envelope that the opening and resealing was done by the proper authorities for the purpose 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 person 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. Temporary Suspension of Inconsistent Provisions; 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. 18. Separability.—If any part of this article shall be declared unconstitutional, such declaration shall not affect any other part thereof.

CHAPTER 91

(Senate Bill No. 48—By Mr. Johnston, Mr. President)

AN ACT to amend and reenact section two, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the compensation of certain state officials.

[Passed March 2, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 7. Compensation and Allowances.

Section 2. Salaries of certain state officers.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Salaries of Certain State Officers.—The salary of the governor shall be twelve thousand five hundred dollars per year.

Effective from and after the first Monday after the second Wednesday in January, one thousand nine hundred fifty-three, the salary of the attorney general shall be seven thousand five hundred dollars per year; the salary of the auditor, the secretary of state, the treasurer, the commissioner of agriculture, and the superintendent of free schools, shall be each seven thousand two hundred fifty dollars per year.

The salary of each of the judges of the supreme court of appeals shall be twelve thousand five hundred dollars per year.
CHAPTER 92
(House Bill No. 136—By Mr. Davis)

AN ACT to amend and reenact article one, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section twenty-three, relative to exemption of certain employee trusts from the rule against perpetuities or restraints on powers of alienation.

[Passed February 8, 1951; in effect from passage. Approved by the Governor.]


Section 23. Exemption of certain employee trusts from the rule against perpetuities or restraints on powers of alienation.

Be it enacted by the Legislature of West Virginia:

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

Section 23. Exemption of Certain Employee Trusts from the Rule Against Perpetuities or Restraints on Powers of Alienation.—That pension, profit sharing, stock bonus, annuity or other employee trusts heretofore or hereafter established by employers for the purpose of distributing the income and principal thereof to some or all of their employees, or the beneficiaries of such employees, shall not be invalid as violating any laws or rules against perpetuities or restraints on the power of alienation of title to property; but such trusts may continue for such period of time as may be required by the provisions thereof to accomplish the purposes for which they are established.
CHAPTER 93
(House Bill No. 66—By Mr. Andrews)

AN ACT to amend and reenact section seven-a, article one, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter ninety-four, acts of the Legislature, regular session, one thousand nine hundred forty-seven, relating to photographing, microphotographing or reproducing on film, records, papers or documents.

[Passed February 2, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 1. Legislative Acts and Resolutions; Public Records.

Section 7-a. Photographing, microphotographing or reproducing on film, records, papers or documents.

Be it enacted by the Legislature of West Virginia:

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

Section 7-a. Photographing, Microphotographing or Reproducing on Film, Records, Papers or Documents—

Any public officer of the state, with the approval of the board of public works and/or any public officer of any county in the state, with the approval of its county court, may cause any or all records, papers or documents kept by him to be photographed, microphotographed or reproduced on film. Such photographic film shall be of durable material, and the device used to reproduce such records on such film shall be one which accurately reproduces the original thereof in all details.

Such photographs, microphotographs or photographic film shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy thereof shall, for all purposes recited here-
in, be deemed to be a transcript, exemplification, or certified copy of the original. Whenever photographs, microphotographs or reproductions on film have been made and put in conveniently accessible files, and provision has been made for preserving, examining and using the same, the respective heads of the departments, divisions, institutions and agencies of the state and/or counties may, with the approval of the aforesaid governing bodies, cause the records and papers so photographed, microphotographed or reproduced on film, or any part thereof, to be destroyed; but before any such records, papers or documents are authorized to be destroyed, the aforesaid governing bodies shall obtain the advice and counsel of the state historian and archivist, or his designated representative, as to the desirability of placing the said records, papers and documents in the archives of that department, whereupon the aforesaid governing bodies may cause such records, papers and documents to be so transferred.

CHAPTER 94
( Senate Bill No. 34—By Mr. Bean)

AN ACT to amend article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section one-a, relating to establishment by state fire marshal of demonstration buildings and equipment for educational purposes in public and private schools and state educational institutions for fire prevention and protection and payment of expenditures therefor.

[Passed March 5, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 3. State Fire Marshal; Protection Against Fire.

Section 1-a. Establishment of demonstration buildings and equipment for educational instruction in fire prevention and protection; payment therefor.
Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty-nine 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 one-a to read as follows:

Section 1-a. Establishment of Demonstration Buildings and Equipment for Educational Instruction in Fire Prevention and Protection; Payment Therefor.—The state fire marshal is authorized to establish for educational purposes in public and private schools and state educational institutions demonstration buildings and equipment for fire prevention and protection, and such expenditures therefor shall be made from the special fund for maintenance of office of state fire marshal as an incidental expense of the office.

CHAPTER 95
(Senate Bill No. 35—By Mr. Bean)

AN ACT to amend and reenact article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section twenty-two, relating to crimes and penalties by persons violating regulations of state fire marshal for fire prevention and protection and vesting concurrent jurisdiction in justices of peace for violations relating thereto.

[Passed February 6, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 3. State Fire Marshal; Protection Against Fire.

Section 22. Failure to comply with fire regulations of fire marshal; penalties, jurisdiction of justices of peace relating thereto.

Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty-nine 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 twenty-two to read as follows:

Section 22. Failure to Comply with Fire Regulations of Fire Marshal; Penalties, Jurisdiction of Justices of Peace Relating Thereto.—Any person violating any of the regulations promulgated by the state fire marshal relating to the fire prevention and protection as provided and as authorized by section four-a of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished with a fine of not less than ten nor more than fifty dollars for each day's neglect. For the purposes of prosecution hereunder, justices of the peace shall have concurrent jurisdiction with the circuit courts for violations of the regulations of the state fire marshal.

CHAPTER 96
(Senate Bill No. 168—By Mr. Wylie)

AN ACT to amend and reenact section five, article one-a, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to salary and traveling expenses of the director of the conservation commission of West Virginia.

[Passed March 8, 1951: in effect July 1, 1951. Approved by the Governor.]

Article 1-a. Director of Conservation.

Section 5. Salary and traveling expenses.

Be it enacted by the Legislature of West Virginia:

That section five, article one-a, 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 5. Salary and Traveling Expenses.—The director shall receive a salary of seven thousand dollars per annum and the necessary traveling expenses incident to the performance 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.

CHAPTER 97
(Senate Bill No. 188—By Mr. Bowling)

AN ACT to amend article one-a, chapter twenty 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, providing for cooperation with the federal government in fish restoration and management.

[Passed March 5, 1951: in effect from passage. Approved by the Governor.]

Article 1-a. Director of Conservation.

Section 13. Cooperation with federal government in fish restoration and management.

Be it enacted by the Legislature of West Virginia:

That article one-a, chapter twenty 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 thirteen to read as follows:

Section 13. Cooperation with Federal Government in Fish Restoration and Management.—The state of West Virginia hereby assents to the provisions of the act of Congress entitled, “An Act to provide that the United States shall aid the states in fish restoration and management projects and for other purposes,” (Public law number six hundred eighty-one, eighty-first congress), and the director is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of fish restoration and management projects as defined in said act of Congress, in compliance with said act and with rules and regulations promulgated by the secretary of the interior thereunder.
14 Funds accruing to the state from license fees paid by
15 fisherman shall not be diverted for any purpose other
16 than the activities of this chapter.

CHAPTER 98
(Senate Bill No. 146—By Mr. Traubert)

AN ACT to amend article three, chapter twenty of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, by adding thereto a new section to be desig­
nated section two-a, relating to training of dogs on certain
game animals and game birds, and firearms in possession
during training period.

[Passed February 15, 1951; in effect from passage. Approved by the Governor.]

Article 3. General Provisions Respecting Game, Birds, Fish
and Frogs.

Section 2-a. Training of dogs on certain game animals and game birds; fire­
arms in possession during training period.

Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty of the code of West Vir­
ginia, one thousand nine hundred thirty-one, as amended, be
amended by adding thereto a new section to be designated
section two-a to read as follows:

Section 2-a. Training of Dogs on Certain Game Animals
2 and Game Birds; Firearms in Possession During Train­
ing Period.—It shall be unlawful for the owner of any
dog or a dog under his control to permit such dog to
chase, pursue or follow upon the track of any game
animal or game bird, either day or night, between the
first day of May and the fifteenth day of August next
following.

Dogs may be trained on game animals and game birds,
except deer and wild turkey, during the closed season
on such game animals and game birds (the period from
May first to August fifteenth excepted), provided the
person or persons training said dogs do not have firearms
or other implements in their possession whereby game
animals or game birds could be taken or killed.

CHAPTER 99
(Com. Sub. for Senate Bill No. 243—Originating in the Senate Committee on
Forestry and Conservation)

AN ACT to amend and reenact section three, article four, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to hunting deer, report to director, tagging and penalties.

[Passed March 7, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 4. Game and Fur-Bearing Animals.
Section
3. Hunting deer; report to director; tagging; penalties.

Be it enacted by the Legislature of West Virginia:

That section three, article four, 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 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 or kill deer of any type, antlerless or otherwise, during the open season fixed by the conservation commission of West Virginia for the counties or parts thereof. Antlerless deer seasons may be established by the conservation commission when deemed advisable due to over-population of deer, extreme crop damage, unbalanced sex ratios, or other unusual conditions in various 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 to prevent escape therefrom, as provided by article three, section twelve-a of this chapter.

No person shall:
(1) Kill more than one deer in any one calendar year;
(2) Have in his possession the fresh skin or any other part of an illegally killed doe, fawn or buck deer;
(3) Chase or hunt deer with dogs, or kill or attempt to kill a deer that is being chased by, or is fleeing from dogs;
(4) Attempt to catch or kill, or catch or kill any deer by means of poison baits, salt lick, (natural or artificial) trap or snare, or devices of any kind;
(5) Hunt, pursue, catch or kill a deer between sunset on one day and sunrise of the next day;
(6) Kill, attempt to kill or wound a deer while the deer is in a stream, lake or pond;
(7) Participate further in the hunt after having killed the legal limit of deer if he or she has firearms of any description in his or her possession;
(8) Hunt deer with any gun other than a shot gun 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 striking it with an automobile, or has knowledge that a deer is in distress for any reason whatever, shall promptly notify a conservation officer or other proper officer of the fact.

Any person who kills a legal deer during the open season shall deliver same for inspection and tagging to a conservation officer or an official checking station set up for that purpose by the commission during the open deer season. The deer shall not be dressed (other than hog-dressed) before it is presented to a conservation officer or official checking station for inspection; nor shall such deer be tagged unless the head is attached in a natural way to the carcass of said deer, except as is otherwise provided in this section. The checking station attendant or conservation officer upon inspecting the deer shall supply the hunter with an official tag which shall be securely attached to the head of the deer before the deer is removed from said station. The official tag shall bear the name and address of the hunter and such other information as the director may designate and shall be counter-
signed by the checking station attendant or other duly authorized agent of the director. The official tag shall remain attached to the head of the deer until the animal is dressed, and thereafter with the head or skin until the close of the deer hunting season.

An exception to the above outlined tagging procedure is made in that one deer per hunting camp may be completely dressed at camp for camp use, provided a deer camp use permit is affixed to the head as outlined above in this section before starting to skin the deer. The skin and head to which the deer camp use permit is attached shall be presented to either a conservation officer or to an official checking station to be tagged and inspected before the close of the open deer season in which the kill was made.

The deer camp use permit shall bear the name and address of the hunter who killed the deer and such other information as the director may designate. Such permits may be obtained on application to the director or his authorized agent. The application for such permits shall give a roster showing the names and addresses of all licensed hunters who are to occupy the camp, the name and specific location of the camp, and the name of the county in which the camp is to be located.

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: Provided, however, that any person who kills a deer illegally during the open season thereafter, and voluntarily reports same to a conservation officer or other officer, shall be fined not less than fifty dollars nor more than one hundred dollars.

CHAPTER 100
(Senate Bill No. 242—By Mr. Jackson, of Logan, by request)

AN ACT to amend and reenact section six-a, article four, and section two-d, article seven, chapter twenty of the code of
West Virginia, one thousand nine hundred thirty-one, as amended, relating to trapping beavers and Class D Ohio River hunting and fishing license.

[Passed March 8, 1951: in effect ninety days from passage. Approved by the Governor.]

Be it enacted by the Legislature of West Virginia:

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

Article 4. Game and Fur-Bearing Animals.

Section 6-a. Trapping beaver.

Section 6-a. Trapping Beaver.—No person shall at any time:

1. Set or maintain more than the number of beaver traps, or groups of beaver traps, established as the season limit in any one year by the director;
2. Set any trap for beavers within fifteen feet of the water line on the structure of any beaver house;
3. Have in his possession an unsealed beaver hide, or part thereof, within the period beginning thirty days after the end of the open season and ending with the first day of the next succeeding open season for beavers;
4. Destroy, disturb, or in any manner interfere with dams, houses or burrows of beavers while trapping for, or attempting to trap for beavers.

If any person shall unintentionally trap and kill more beavers than fixed by regulation as the season bag limit, he shall, within twenty-four hours, deliver said beaver or beavers to a representative of the conservation commission.


Section 2-d. Class D-1 and Class D-2; Ohio River Hunt-
CHAPTER 101
(Senate Bill No. 147—By Mr. Traubert)

AN ACT to amend and reenact section two, article five, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to migratory birds.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 5. Birds and Fowls.
Section 2. Migratory birds.

Be it enacted by the Legislature of West Virginia:

That section two, article five, 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 2. Migratory Birds.—No person shall hunt, pursue, catch, capture, kill, possess, transport, or attempt to hunt, pursue, catch, capture, kill, possess or transport, or use in this state, any migratory game or non-game birds included in the terms of conventions between the United States and Great Britain and between the United States and United Mexican States for the protection of migratory birds and game mammals concluded, respectively, August sixteen, one thousand nine hundred sixteen, and February seven, one thousand nine hundred six...
twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to unlawful fishing and permitting the snaring through the ice of suckers, carp, fallfish and creek chubs.

[Passed February 28, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 6. Fish and Other Aquatic Life.

Section 5. Unlawful fishing.

Be it enacted by the Legislature of West Virginia:

That section five, article six, 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 5. Unlawful Fishing.—No person shall kill, catch, or attempt to kill or catch any fish at any time by:

1. The use of seines, nets, or traps, or devices of like nature without the written consent of the director. A person may use a seine not more than six feet in length, nor more than four feet in depth for securing minnows for angling, other than game fish or protected non-game fish; except any person may use a minnow trap, for the purpose of securing bait, provided the opening is not larger than one inch in diameter. A dip net so used shall not exceed thirty-six square feet in over-all area, and its mesh shall not be smaller than one-quarter inch;

2. Draining water out of any pool, pond, or stream
with intent to take or injure fish, except from privately
owned farm ponds.
(3) The use of dynamite, or any like explosive or ex-
plosive mixture;
(4) The use of a poisonous drug or substance;
(5) The use of electricity or lime;
(6) The use of firearms;
(7) Gigging, spearing, gaffing, snaring or grappling,
except the director may permit gigging of non-game
fish in a stream under the supervision of a representative
of the director, other than during the months of April,
May and June; however, the snaring of any species of
suckers, carp, fallfish and creek chubs through the ice
shall at all times be lawful;
(8) Any other means other than by rod, line and
hooks, with natural or artificial lures;
A person shall not sell or purchase a seine more than
six feet in length without the prior written permission
of the director.
The provisions of this section shall not prevent the
director from using such methods of catching fish as he
shall find necessary and proper for the purpose of
propagation, protection, or scientific investigation.

CHAPTER 103
(House Bill No. 395—By Mr. Curtis)

AN ACT to amend and reenact section six, article six, chapter
twenty of the code of West Virginia, one thousand nine
hundred thirty-one, relating to the pollution of streams
with matter deleterious to propagation of fish.

[Passed March 10, 1951: in effect ninety days from passage. Approved by the
Governor.]

Article 6. Fish and Other Aquatic Life.
Section
6. Pollution of streams with matter deleterious to propagation of fish;
penalty.
Be it enacted by the Legislature of West Virginia:

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

Section 6. Pollution of Streams with Matter Deleterious to Propagation of Fish; Penalty.—It shall be unlawful for any person, firm or corporation to throw, discharge or cause to enter into any stream, watercourse or water in this state, sawdust or other matter deleterious to the propagation of fish. Except in the counties of Brooke and Hancock, it shall be lawful for the owner or operator of any mine or coal washery in this state to drain or cause to be drained therefrom the water that naturally collects in such mine, and the water from such coal washery, and to discharge the same into any stream, watercourse or water in the state, in the manner provided in section seventy-nine, article two, chapter twenty-two of this code: Provided, however, That any mine owner or operator having one suitable, convenient and sufficient outlet for the water from his or its own mine into one stream shall not cause the same to be drained into any other stream. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars, and such person violating this section, and the officer or agent of any corporation who directs or participates in the violation of this section, may be imprisoned in jail not less than ten nor more than one hundred days, or both such fine and imprisonment may be imposed for such violation.

CHAPTER 104

(Senate Bill No. 159—By Mr. Bowling)

AN ACT to amend article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, to be
designated sections two-j and two-k, and to amend and reenact sections three and eleven, article seven, and section ten, article nine of said chapter twenty, all relating to licenses to hunt and fish on national forest lands in West Virginia.

[Passed March 5, 1951; in effect ninety days from passage. Approved by the Governor.]

Article


Be it enacted by the Legislature of West Virginia:

That article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections to be designated sections two-j and two-k, and that sections three and eleven, article seven, and section ten, article nine of said chapter twenty be amended and reenacted, all to read as follows:


Section

2-j. Class I; national forest hunting and trapping license.
2-k. Class J; national forest fishing license.
3. Where license applications made; alien permits.
11. Funds allocated for forests and refuges.

Section 2-j. Class I; National Forest Hunting and Trapping License.—A class I license shall be a national forest hunting and trapping license and shall entitle the licensee to hunt all game animals and game birds and trap all fur bearing animals in season excepting beaver, on all national forest land in West Virginia. It shall be issued only to a non-resident holding a class E license or to a resident holding a class A or AB license. The fee therefore shall be one dollar. The revenue derived from the sale of this license shall be used for management and propagation of game and fish on national forest land and for no other purpose. The conservation commission of West Virginia shall enter into a cooperative agreement with the United States forest service, such agreement to define the means and methods to be taken to improve the wildlife and fish resources and to pro-
gram the expenditure of all funds derived from this license.

Sec. 2-k. **Class J; National Forest Fishing License.**—
A Class J license shall be a national forest fishing license and shall entitle the licensee to fish in waters within national forest land in West Virginia. It shall be issued only to a non-resident holding a Class E or Class F license, or to a resident holding a Class B or Class AB license. The fee therefor shall be one dollar. The revenue derived from the sale of this license shall be used only for management and propagation of game and fish on national forest land and for no other purpose. The conservation commission of West Virginia shall enter into a cooperative agreement with the United States Forest Service, and such agreement to define the means and methods to be taken to improve the wildlife and fish resources and to program the expenditure of all funds derived from this license.

Sec. 3. **Where License Applications Made; Alien Permits.**—Persons eligible for any class license shall make application therefor, either in person or by agent, in writing or orally, as follows:
(i) For Class A, B, E, F, H, I, J and K license, to any county clerk.
(ii) For Class D license, to the county clerk of any county bordering the Ohio River.
(iii) For Class C license, to the commission; and for Class G license, to the commission, or its administrative employees at state parks or state forests.
Aliens desiring to procure licenses shall first apply to the director for a permit to secure such license. If the director satisfies himself that the applicant is legally entitled to such license, and will observe the laws of this state, and particularly the provisions of this chapter, he may issue the permit. Permits, once issued, shall remain in force until revoked. No issuing officer shall be required to issue or deliver any license unless the applicant informs him that the licensee is duly qualified and eligible to receive the class of license applied for, and payment of the required fee is made to such officer.
Sec. 11. Funds Allocated for Forests and Refuges.—
The director shall, each year, allocate ten per cent of
the total revenue obtained from all classes of hunting
and fishing license, excepting classes I and J, for the
purchase of lands and the maintenance of state forests,
and game and fish refuges. Not more than fifty per cent
of the amount so allocated may be expended for patrol­
ing such lands, protecting wild game and fish thereon,
the improvement of wildlife habitat, and other necessary
maintenance and operation.

Article 9. Forests.

Section 10. Financial assistance from owners of forest lands; expenditures by commission.

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, however, 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 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, excepting classes I and J.

CHAPTER 105

(Senate Bill No. 119—By Mr. Bowling)

AN ACT to amend and reenact section three-b, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend
said article seven by adding thereto a new section to be designated section two-i, relating to hunting and fishing licenses and tags.

(Passed March 1, 1951: In effect June 1, 1951. Approved by the Governor.)

Section
3-b. Size and form of licenses and tags; contents; information by licensee; and impounding license where not filled in.
2-i. Class I; nonresident six-day state-wide fishing license.

Be it enacted by the Legislature of West Virginia:

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

Section 3-b. Size and Form of Licenses and Tags; Contents; Information by Licensee; and Impounding License Where Not Filled In.—The size, content and form of licenses and tags shall be prescribed by the commission:
Provided, however, That in no case shall the tags exceed two and one-half inches square in size, and, if such tags are issued, suitable holders shall be issued therefor, such holders to conform in size to the tags. The license shall contain spaces for information disclosing the age, citizenship and residence of the licensee, and his weight, height, color of hair, eyes, and complexion or skin, and any unusual physical characteristics, if any. The information required by this section shall be placed upon the license by the licensee promptly after delivery of the license to him; and in any event, prior to the time he shall hunt or fish in the fields, forests and streams of the state. Any conservation officer who finds a licensee whose license is either not filled in, or is improperly filled in, may require the licensee to properly fill it in at that time and place; and, in event of the licensee's refusal so to do, the officer is hereby authorized to impound such license and the tags, if any, issued with it, and forward same to the com-
mission, with a statement of the facts. The commission
in such case may cancel the license, or return it to the
licensee as it sees fit. Nothing in this article contained
shall subject such licensee to the criminal penalties which
are otherwise provided for violations of this article, so long
as the license in possession of the licensee was of the
proper class, but the licensee may be punished by loss of
this license for his failure or refusal to fill it in properly;
and, the provisions of section one of this article shall ap-
ply to him, after his license has been impounded, until
such time as he shall have procured a new license, or the
license so impounded has been returned to him.

This section, as hereby amended, shall become effective
January one, one thousand nine hundred fifty-two.

Sec. 2-i. Class K; Nonresident Six-Day State-wide Fishing License.—A class K license shall be a nonresident fish-
ing license and shall entitle the licensee to fish in all
counties of the state for a period not to exceed six days.
It shall be issued only to citizens of the United States,
and to unnaturalized persons possessing the permit re-
quired by section three of this article, who are not resi-
dents of this state. The fee therefor shall be three dollars.
Be it enacted by the Legislature of West Virginia:

Section 1. Director of Conservation Authorized to Convey Lands for Harpers Ferry National Monument.—If the director of conservation, in the exercise of powers conferred upon him by section seven, article one-a, chapter twenty of the code of West Virginia, shall acquire for the state lands necessary for the establishment and development of a Harpers Ferry National Monument, he shall have the authority, with the approval of the governor, to convey to the United States, or to an agency thereof, any lands so acquired, upon the agreement of the grantee to develop and maintain such lands as a national monument.

CHAPTER 107
(Senate Bill No. 102—By Mr. Eddy)

AN ACT to amend and reenact section two, article one, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increase of compensation of insurance commissioner.

[Passed March 8, 1951: in effect July 1, 1951. Approved by the Governor.]

Article 1. Insurance Commissioner.
Section 2. Compensation of commissioner; expenses.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Compensation of Commissioner; Expenses.—The insurance commissioner shall receive an annual salary of seven thousand dollars and actual expenses incurred in the performance of official business which compensation shall be in full for all services. The office of the commissioner shall be established and main-
The commissioner may establish such rules and regulations as may be necessary or convenient for the discharge of his duties, and may employ such persons and incur such expenses as may be necessary in the discharge of his duties as imposed by law, and shall fix the compensation of such employees, but such compensation shall not exceed the appropriation therefor. All compensation for salaries of the commissioner, for salaries and wages of employees of the commissioner and for expenses of the commissioner as herein authorized shall be paid monthly out of the state treasury by requisition upon the auditor, properly certified by the insurance commissioner.

CHAPTER 108

(Requires no citation—By Mr. Meadows)

AN ACT to amend and reenact section five, article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to licenses issued by the insurance commissioner, and providing for multiple line underwriting.

[Passed March 5, 1951; in effect from passage. Approved by the Governor.]

Article 2. General Provisions.

Section 5. Issuance of license by insurance commissioner.

Be it enacted by the Legislature of West Virginia:

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

Section 5. Issuance of License by Insurance Commissioner.—(a) Upon receiving such certified copy and statement, the insurance commissioner may examine such company or association, and if he finds that it has complied
with the terms of its charter or articles of association and
the laws of this state, and with all the provisions in other
sections of this chapter prescribing conditions precedent
to the issuance of a license, or certificate of authority, and
is satisfied that it is solvent (or if chartered or organized
under the laws of any foreign country, is solvent in the
United States), he may issue to it a license, or certificate
of authority, stating such facts and authorizing it to issue
policies, make contracts of insurance, and transact busi-
ness in this state.

(b) Such license or certificate of authority, except for
life companies, may be issued so as to permit an insurance
company to engage in more than one or any combination
of the kinds of insurance business mentioned in article
five, chapter thirty-one, articles four, six, ten, eleven and
thirteen of this chapter: Provided, That such company
or association can fully meet all the financial and other
requirements of each article to be included in its license
or certificate of authority.

CHAPTER 109
(House Bill No. 226—By Mr. Meadows)

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 eleven-a, prohibiting advertising for or on behalf
of companies transacting the business of insurance in West
Virginia, unless such advertising indicates whether such
insurer is licensed to do business in this state.

[Passed March 6, 1951; in effect ninety days from passage. Approved by the
Governor.]

Article 2. General Provisions.

Section
11-a. Advertising prohibited.

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 eleven-a, to read as follows:

Section 11-a. Advertising Prohibited.—No publication published in this state, or radio, or television broadcaster, or any other agency or means for the dissemination of information operated or located in this state, shall publish, broadcast, or otherwise disseminate within this state advertising for or on behalf of any insurance company, association, society, exchange or person unless the insurance company, association, society, exchange or person so advertising is licensed to do business in this state as provided by this chapter, or chapter thirty-one.

Any publisher, or operator of a radio, or television broadcasting station, or any other agency or means for the dissemination of information operating or located in this state, who disseminates within this state advertising for or on behalf of any insurance company, in violation of this section, shall be guilty of a misdemeanor and for each violation shall be fined not less than five hundred dollars nor more than one thousand dollars.

This section shall not apply to publications published in this state principally for circulation in other states, wherein advertising by or on behalf of such insurers is not expressly directed toward residents or subjects of insurance in this state.

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CHAPTER 110

(House Bill No. 225—By Mr. Meadows)

AN ACT to amend and reenact section thirteen, article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, providing for suspension of an insurance company's certificate of authority to do business in West Virginia, if condition imperils the interest of policyholders or creditors.
Article 2. General Provisions.

Section 13. Refusal to issue, suspension or revocation of license.

Be it enacted by the Legislature of West Virginia:

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

Section 13. Refusal to Issue, Suspension or Revocation of License.—The insurance commissioner may refuse to issue a certificate of authority to any domestic or foreign company 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 company acting under his supervision and holding a license, or certificate of authority, from him, is in such a condition that its further transaction of business in this state would be hazardous to policyholders and creditors in this state and to the public, he may proceed to suspend such license or certificate of authority for a period not to exceed twelve months. When the insurance commissioner upon investigation is satisfied that any company 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, or is conducting business fraudulently, or is not carrying out its contracts in good faith, he shall proceed to revoke such license, or certificate of authority. When the insurance commissioner, on application, shall refuse to issue any license, or certificate of authority, if upon the hearing the commissioner finds that the reasons stated for refusing, suspending or revoking the license are true, he may refuse to issue, may suspend or may revoke, the license or certificate of authority. Such statement and notice, when the company has been admitted to do business in this state, may be served in the manner provided for the service of process in section forty-three of this article. If the company has not been admitted
to do business in this state, such statement and notice may be served as a notice is served under section one, article two, chapter fifty-six of this code, upon any person in this state who shall be designated by the company for such purpose upon the application for such license, or certificate of authority, or by mailing the same addressed to the company at such place as shall be designated by the company on such application, the posting 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 company 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, suspension or revocation, as he may deem advisable. When the insurance commissioner, on application, shall refuse to issue any license or certificate of authority, whether for any of the reasons aforesaid or in pursuance of any other provision of this chapter and article five of chapter thirty-one, the company shall be furnished a statement of the reasons for such failure to issue 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. When the insurance commissioner upon investigation is satisfied that the license or certificate of authority of any company should be revoked or suspended, whether for any of the reasons aforesaid or in pursuance of any other provision of this chapter and article five of chapter thirty-one, the company shall be furnished a statement for the reasons assigned by the commissioner for such action and shall be ordered to show cause why such suspension or revocation should not be ordered, upon at least 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 suspended or revoked, as the case may be.

Any company, the application of which for a license has been refused, or the license of which has been suspended or 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
government 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 the receipt of such
copy, the insurance commissioner shall forthwith trans-
mit to the clerk of such court the record of the proceed-
ings 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 commis-
sioner. 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
company from continuing in good faith all contracts made
in this state during the time such company was legally
authorized to transact business therein.

CHAPTER 111

(House Bill No. 228—By Mr. Meadows)

AN ACT to amend and reenact section fifteen, article two, chap-
ter thirty-three of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, relating to
examination of insurance companies, to provide for the
expenses of such examination to be borne by the company
examined.

[Passed March 5, 1951: in effect from passage. Approved by the Governor.]
Article 2. General Provisions.

Section 15. Insurance companies subject to examination by insurance commissioner.

Be it enacted by the Legislature of West Virginia:

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

Section 15. Insurance Companies Subject to Examination by Insurance Commissioner.—Any insurance company now licensed or which may hereafter be licensed by the insurance commissioner to do business in this state, shall, so long as it retains any West Virginia business on its books, be subject to examination by the insurance commissioner. For such purposes, the commissioner, his deputies and agents shall have free access to all books and papers of any insurance company doing business in this state, whether such books or papers be at the home office of the company, or elsewhere, and to all books and papers of its agents, and may examine under oath its officers or agents relative to its condition; and if any company, whether incorporated under the laws of this state or of some other state or country, or its officers or agents, shall refuse to submit to such examination, or to comply with any of the provisions of this chapter, the authority of such company to do business in this state shall be revoked. All the expenses of such examination shall be borne by the company examined.

CHAPTER 112

(House Bill No. 222—By Mr. Meadows)

AN ACT to amend and reenact section twenty-one, article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to changes necessary to conform with proposed sections forty-
nine, fifty, fifty-one, fifty-two and fifty-three, article three, chapter thirty-three, group life bill, if enacted by the Legislature.

[Passed March 9, 1951: in effect from passage. Approved by the Governor.]

Article 2. General Provisions.

Section
21. Exemptions from three preceding sections.

Be it enacted by the Legislature of West Virginia:

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

Section 21. Exemptions from Three Preceding Sections.

—Nothing in the three preceding sections shall be so construed as to prohibit any company issuing non-participating insurance from paying bonuses to policyholders or otherwise abating their premium in whole or in part out of surplus accumulated from non-participating insurance; nor to prohibit any company transacting industrial insurance on the weekly or monthly payment plan from returning to policyholders who have made premium payments for a period of at least one year directly to the company at its home or district office, a percentage of the premium which the company would have paid for the weekly or monthly collection of such premium; nor to prohibit any life insurance company doing business in this state from issuing group policies of life or endowment insurance with or without annuities at rates less than the usual rates of premiums for individual policies; nor to prohibit any insurance company doing business in this state from issuing group policies of accident and health insurance at rates less than the usual rates of premiums for individual policy-holders; nor to prohibit any person, partnership or corporation or stockholders thereof, from carrying their insurance, at the full premium rate, with and through an insurance agency in which they are interested.
CHAPTER 113

(House Bill No. 227—By Mr. Meadows)

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-nine, relating to insurers not authorized to transact business in this state; providing for actions in this state against and for the service of process upon such insurers; prescribing how a defense may be made by such insurers; and providing for the allowance of attorneys fees in actions against such insurers.

[Passed March 5, 1951; in effect from passage. Approved by the Governor.]

Article 2. General Provisions.

Section 49. Service of process on auditor of the state as attorney for unauthorized insurers.

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-nine, to read as follows:

Section 49. Service of Process on Auditor of the State as Attorney for Unauthorized Insurers.—(1) The purpose of this section is to subject certain insurers to the jurisdiction of the courts of this state in suits by or on behalf of insureds or beneficiaries under certain insurance contracts. The Legislature declares that it is a subject of concern that many residents of this state hold policies of insurance issued or delivered in this state by insurers while not authorized to do business in this state, thus presenting to such residents the often insuperable obstacle of resorting to distant forums for the purpose of asserting legal rights under such policies. In furtherance of such state interest, the Legislature herein provides a method of substituted service of process upon such insurers and declares that in so doing it exercises its power to protect
its residents and to define, for the purpose of this section, what constitutes doing business in this state, and also exercises powers and privileges available to the state by virtue of public law number fifteen, seventy-ninth Congress of the United States, chapter twenty, first session, senate number three hundred forty, as amended, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states.

2. (a) Any of the following acts in this state, effected by mail or otherwise, by an unauthorized foreign or alien insurer; (1) the issuance or delivery of contracts of insurance to residents of this state or to corporations authorized to do business therein, (2) the solicitation of applications for such contracts, (3) the collection of premiums, membership fees, assessments or other considerations for such contracts, or (4) any other transaction of business, is equivalent to and shall constitute an appointment by such insurer of the auditor of the state and his successor in office, to be its true and lawful attorney, upon whom may be served all lawful process in any action, suit, or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance, and any such act shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such insurer.

(b) Such service of process upon any such insurer in any such action or proceeding in any court of competent jurisdiction of this state, may be made by serving the auditor of the state or his chief clerk with two copies thereof and the payment to him of a fee of two dollars. The auditor shall forward a copy of such process by registered mail to the defendant at its last known principal place of business, and shall keep a record of all process so served upon him. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ten days thereafter by or on behalf of the plaintiff to the defendant at its last known principal place of business by registered mail with return receipt requested. The plaintiff shall file with the clerk of the court
in which the action is pending, or with the judge or justice of such court, in case there be no clerk, an affidavit of compliance herewith, a copy of the process, and either a return receipt purporting to be signed by the defendant or a person qualified to receive its registered mail in accordance with the rules and customs of the post office department; or, if acceptance was refused by the defendant or its agent, the original envelope bearing a notation by the postal authorities that receipt was refused. Service of process so made shall be deemed to have been made within the territorial jurisdiction of any court in this state.

(c) Service of process in any such action, suit or proceeding shall in addition to the manner provided in subsection (b) of this section be valid if served upon any person within this state who, in this state on behalf of such insurer, is

(1) soliciting insurance, or
(2) making, issuing or delivering any contract of insurance, or
(3) collecting or receiving any premium, membership fee, assessment or other consideration for insurance; provided notice of such service and a copy of such process are sent within ten days thereafter, by or on behalf of the plaintiff to the defendant at the last known principal place of business of the defendant, by registered mail with return receipt requested. The plaintiff shall file with the clerk of the court in which the action is pending, or with the judge or justice of such court in case there be no clerk, an affidavit of compliance herewith, a copy of the process, and either a return receipt purporting to be signed by the defendant or a person qualified to receive its registered mail in accordance with the rules and customs of the post office department; or, if acceptance was refused by the defendant or its agent the original envelope bearing a notation by the postal authorities that receipt was refused.

(d) The papers referred to in paragraphs (b) and (c) of this subsection shall be filed within thirty days after the return receipt or other official proof of delivery or the original envelope bearing a notation of refusal, as the
case may be, is received by the plaintiff. Service of process
shall be complete ten days after such process and the
accompanying papers are filed in accordance with this
section.
(e) Nothing in this section contained shall limit or
abridge the right to serve any process, notice or demand
upon any insurer in any other manner now or hereafter
permitted by law.
3. (a) Before any unauthorized foreign or alien insurer
shall file or cause to be filed any pleading in any action,
suit or proceeding instituted against it, such unauthorized
insurer shall either (1) deposit with the clerk of the
court in which such action, suit or proceeding is pending,
cash or securities or file with such clerk a bond with good
and sufficient sureties, to be approved by the court, in an
amount to be fixed by the court sufficient to secure the
payment of any final judgment which may be rendered
in such action: Provided, however, That the court may
in its discretion make an order dispensing with such
deposit or bond where the auditor of the state shall have
certified to such court that such insurer maintains within
this state funds or securities in trust or otherwise suffi-
cient and available to satisfy any final judgment which
may be entered in such action, suit or proceeding; or (2)
procure a license to do an insurance business in this
state.
(b) The court in any action, suit, or proceedings, in
which service is made in the manner provided in para-
graphs (b) or (c) of subsection two may, in its discretion,
order such postponement as may be necessary to afford
the defendant reasonable opportunity to comply with the
provisions of paragraph (a) of this subsection and to de-
fend such action.
(c) Nothing in paragraph (a) of this subsection is to
be construed to prevent an unauthorized foreign or alien
insurer from filing a motion to set aside service thereof
made in the manner provided in paragraphs (b) or (c)
of subsection two hereof on the ground either (1) that
such unauthorized insurer has not done any of the acts
enumerated in paragraph (a) of subsection two, or (2)
that the person on whom service was made pursuant to
139 paragraph (c) of subsection two was not doing any of the
140 acts therein enumerated.
141 4. In any action against an unauthorized foreign or alien
142 insurer upon a contract of insurance issued or delivered
143 in this state to a resident thereof or to a corporation au-
144 thorized to do business therein, if the insurer has failed
145 for thirty days after demand prior to the commencement
146 of the action to make payment in accordance with the
terms of the contract, and it appears to the court that
such refusal was vexatious and without reasonable cause,
the court may allow to the plaintiff a reasonable attorney’s
fee and include such fee in any judgment that may be
rendered in such action. Such fee shall not exceed twelve
and one-half per cent of the amount which the court finds
the plaintiff is entitled to recover against the insurer, but
in no event shall such fee be less than twenty-five dollars.
Failure of an insurer to defend any such action shall be
deemed prima facie evidence that its failure to make pay-
ment was vexatious and without reasonable cause.
158 5. The provisions of this section shall not apply to any
suit, action or proceeding against any unauthorized for-
160 eign or alien insurer arising out of any contract of insur-
161 ance effected in accordance with article seven-a of
162 this chapter where any such contract contains a provision
163 designating the auditor or his successor in office its true
164 and lawful attorney upon whom may be served all lawful
165 process in any action, suit or proceeding instituted by or
166 on behalf of an insured or beneficiary arising out of such
167 contract of insurance.

CHAPTER 114
(House Bill No. 235—By Mr. Meadows)

AN ACT to amend and reenact section eighteen-a, article three,
chapter thirty-three of the code of West Virginia, one
thousand nine hundred thirty-one, as amended by chapter
seventy-seven, acts of the Legislature, regular session, one
thousand nine hundred forty-five, relating to nonforfeiture
benefits provided in life insurance policies.
Article 3. Life Insurance.

Section

Be it enacted by the Legislature of West Virginia:

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

Section 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 seven, no policy of life insurance, except as stated in subsection six, 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 payment, the company will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified;

(b) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years, the company will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified;

(c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default;

(d) That, if the policy shall have become paid up by
completion of all premium payments or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary the company will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified;

(e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefits, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the company on the policy;

(f) A statement of the method to be used in calculating the cash surrender value and the paid-up nonforfeiture benefit available under the policy on any policy anniversary with an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the 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.

The company shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of 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 one, 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 sub-
section four, 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 under any policy paid
up by completion of all premium payments or any policy
continued under any paid-up nonforfeiture benefit,
whether or not required by subsection one, shall be an
amount not less than the present value, on such anni-
versary, of the future guaranteed benefits provided for by
the policy, including any existing paid-up additions de-
creased by any indebtedness to the company on the
policy.

(3) Any paid-up nonforfeiture benefit available under
the policy in the event of default in a premium payment
due on any policy anniversary shall be such that its pres-
ent 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 cal-
culated on an annual basis and shall be such uniform per-
centage 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 premiums shall
be equal to the sum of (i) the then present value of the
future guaranteed benefits provided for by the policy;
(ii) two per cent of the amount of insurance, if the insur-
ance be uniform in amount, or of the equivalent uniform
amount, as hereinafter defined, if the amount of insurance
varies with duration of the policy; (iii) forty per cent
of the adjusted premium for the first policy year; (iv)
twenty-five per cent of either the adjusted premium for
the first policy year or the adjusted premium for a whole
life policy of the same uniform or equivalent uniform
amount with uniform premiums for the whole of life
issued at the same age for the same amount of insurance,
whichever is less: Provided, however, That in applying
the percentages specified in (iii) and (iv) above, no ad-
justed premium shall be deemed to exceed four per cent of the amount of insurance or level amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent level amount thereof for the purpose of this subsection shall be deemed to be the level amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the inception of the insurance as the benefits under the policy.

All adjusted premiums and present values referred to in this section shall be calculated on the basis of the commissioners one thousand nine hundred forty-one standard ordinary mortality table for ordinary insurance and the one thousand nine hundred forty-one standard industrial mortality table for industrial insurance and the rate of interest, not exceeding three and one-half per cent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: Provided, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture 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 nonforfeiture 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 two, three
and four 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 two, 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 nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture 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 expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsection four, is less than the adjusted premium so calculated, on such fifteen year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this state through an agent or other representative of the company issuing the policy.

CHAPTER 115

(House Bill No. 232—By Mr. Meadows)

AN ACT to amend article three, 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 eighteen-b, requiring all forms relating to contracts of life insurance to be filed with the insurance commissioner.

[Passed March 5, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 3. Life Insurance.

Section 18-b. Forms of policies to be filed with insurance commissioner; objections; review by court.

Be it enacted by the Legislature of West Virginia:

That article three, 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 eighteen-b, to read as follows:

Section 18-b. Forms of Policies to be Filed with Insurance Commissioner; Objections; Review by Court.—No form of policy contract or certificate of life insurance or application, rider or endorsement used in connection therewith, shall be hereafter issued or delivered to any person in this state, until a copy of the forms of the same has been filed with the insurance commissioner, nor shall any of such forms be issued or delivered until the expiration of thirty days after date filed, unless the insurance commissioner shall sooner give his written approval thereto. If the insurance commissioner shall notify in writing the company, corporation, association, or other insurer which has filed such form that it does not comply with the requirements of law, specifying the reasons for his opinion, it shall be unlawful thereafter for any such insurer to issue any policy in such form. The action of the insurance commissioner in this regard shall be subject to review in the mode and manner prescribed by section thirteen, article two of this chapter.
AN ACT to amend and reenact section thirty-four, article three, chapter thirty-three of the code of West Virginia, one thousand nine hundred forty-nine, relating to the rights of creditors as to policies in favor of another person and policies assigned.

[Passed March 3, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 3. Life Insurance.

Section 34. Rights of creditors as to policies in favor of another person and policies assigned.

Be it enacted by the Legislature of West Virginia:

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

Section 34. Rights of Creditors as to Policies in favor of Another Person and Policies Assigned.—If a policy of insurance, whether heretofore or hereafter issued, is effected by any person on his own life or on another life, in favor of a person other than himself, or, except in cases of transfer with intent to defraud creditors, if a policy of life insurance is assigned or in any way made payable to any such person, the lawful beneficiary or assignee thereof, other than the insured or the person so effecting such insurance or executors or administrators of such insured or the person so effecting such insurance, shall be entitled to its proceeds and avails against the creditors and representatives of the insured and of the person effecting the same, whether or not the right to change the beneficiary is reserved or permitted, and whether or not the policy is made payable to the person whose life is insured if the beneficiary or assignee shall predecease such person: Provided, That, subject to the statute of limitation, the amount of any premiums for such insurance paid with intent to defraud creditors, with
interest thereon, shall enure to their benefit from the
proceeds of the policy; but the company issuing the
policy shall be discharged of all liability thereon by pay-
ment of its proceeds in accordance with its terms, unless
before such payment the company shall have written
notice, by or in behalf of a creditor, of a claim to recover
for transfer made or premiums paid with intent to de-
fraud creditors, with specifications of the amount claimed.

CHAPTER 117
(House Bill No. 240—By Mr. Meadows)

AN ACT to amend article three, chapter thirty-three of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, by adding thereto five new sections, designated
sections forty-nine, fifty, fifty-one, fifty-two and fifty-three,
prescribing the manner in which life insurance may be sold
on a group basis.

(Passed March 10, 1951; in effect from passage. Approved by the Governor.)

Article 3. Life Insurance.

Section
49. Group life insurance; eligible groups; premium payment require-
ments.
50. Group life insurance policies and certificates; standard provisions.
51. Notice of conversion rights.
52. Application of dividends; rate reductions.
53. Spouses and children of insured persons.

Be it enacted by the Legislature of West Virginia:

That article three, chapter thirty-three of the code of West
Virginia, one thousand nine hundred thirty-one, as amended,
be amended by adding thereto five new sections, designated sec-
tions forty-nine, fifty, fifty-one, fifty-two and fifty-three, to
read as follows:

Section 49. Group Life Insurance; Eligible Groups;
Premium Payment Requirements.—No policy of group
life insurance shall be delivered in this state unless it
conforms to one of the following descriptions:
(a) A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(1) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. A policy issued to trustees may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the employer's funds or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees except that the entire premium may be paid from funds contributed by the insured employees if the amount of in-
insurance does not exceed one thousand dollars on the life of any employee. A policy on which any part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least seventy-five per cent of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least twenty-five employees at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees. No policy may be issued which provides term insurance on any employee which together with any other term insurance under any group life insurance policy or policies issued to the employers or any of them or to the trustees of a fund established in whole or in part by the employers or any of them exceeds twenty thousand dollars.

(b) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.

(2) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both.
A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least seventy-five per cent of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy may be insured only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred persons yearly, or may reasonably be expected to receive at least one hundred new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five per cent of the new entrants become insured.

(4) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in installments to the creditor, or five thousand dollars whichever is less.

(5) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(c) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

(1) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance,
except that the entire premium may be paid from funds contributed by the insured members specifically for their insurance if the amount of insurance does not exceed one thousand dollars on the life of any member. A policy on which any part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five per cent of the eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least twenty-five members at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union. No policy may be issued which provides term insurance on any union member which together with any other term insurance under any group life insurance policies issued to the union exceeds twenty thousand dollars.

(d) A policy issued to the trustees of a fund established by two or more employers in the same industry or by one or more labor unions, or by one or more employers and one or more labor unions, which trustees shall be deemed the policyholders, to insure employees of the employers or members of the union for the benefit of persons other than the employers or the unions, subject to the following requirements:

(1) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term “employees” shall include retired employees, and the individual proprietor or partner if an employer is an individual proprietor or a partnership. No director
of a corporate employer shall be eligible for insurance
under the policy unless such person is otherwise eligible
as a bona fide employee of the corporation by performing
services other than the usual duties of a director. No
individual proprietor or partner shall be eligible for in-
surance under the policy unless he is actively engaged in
and devotes a substantial part of his time to the conduct
of the business of the proprietor or partnership. The
policy may provide that the term "employees" shall in-
clude the trustees or their employees, or both, if their
duties are principally connected with such trusteeship.

(2) The premium for the policy shall be paid by the
trustees wholly from funds contributed by the employer
or employers of the insured persons, or by the union or
unions, or by both. No policy may be issued on which
any part of the premium is to be derived from funds con-
tributed by the insured persons specifically for their
insurance. The policy must insure all eligible persons,
or all except any as to whom evidence of individual in-
surability is not satisfactory to the insurer.

(3) The policy must cover at date of issue at least one
hundred persons and not less than an average of five
persons per employer unit; and if the fund is established
by the members of an association of employers the policy
may be issued only if (a) either (1) the participating
employers constitute at date of issue at least sixty per
cent of those employer members whose employees are
not already covered for group life insurance or (2) the
total number of persons covered at date of issue exceeds
six hundred; and (b) the policy shall not require that, if
a participating employer discontinues membership in the
association, the insurance of his employees shall cease
solely by reason of such discontinuance.

(4) The amounts of insurance under the policy must
be based upon some plan precluding individual selection
either by the insured persons or by the policyholder, em-
ployers, or unions. No policy may be issued which pro-
vides term insurance on any person which together with
any other term insurance under any group life insurance
policy or policies issued to the employers, or any of them,
or to the trustees of a fund established in whole or in
part by the employers, or any of them, exceeds twenty thousand dollars.

(e) The provisions of this act shall not invalidate or otherwise affect any policy or contract of group life insurance legally in effect on the effective date of this act. All such policies may remain in full force and effect notwithstanding the fact that they do not comply with the provisions of this act.

Sec. 50. *Group Life Insurance Policies and Certificates; Standard Provisions.*—No policy of group life insurance shall be delivered in this state unless it contains in substance the following provisions, or provisions which in the opinion of the commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder: Provided, however, (a) That provisions (6) to (10), inclusive shall not apply to policies issued to a creditor to insure debtors of such creditor; (b) that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and (c) that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a non-forfeiture provision or provisions which in the opinion of the commissioner is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies:

(1) A provision that the policyholder is entitled to a grace period of thirty-one days for the payment of any premium due except the first, during which grace period the death benefit coverage shall continue in force, unless the policyholder shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder shall be liable to the insurer for the payment of a pro rate premium for the time the policy was in force during such grace period.

(2) A provision that the validity of the policy shall
not be contested, except for nonpayment of premiums, after it has been in force for two years from its date of issue; and that no statement made by any person insured under the policy relating to his insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two years during such person's lifetime nor unless it is contained in a written instrument signed by him.

(3) A provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued, that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person or to his beneficiary.

(4) A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of his coverage.

(5) A provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.

(6) A provision that any sum becoming due by reason of the death of the person insured shall be payable to the beneficiary designated by the person insured, subject to the provisions of the policy in the event there is no designated beneficiary as to all or any part of such sum owing at the death of the person insured, and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding two hundred fifty dollars to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the person insured.

(7) A provision that the insurer will issue to the policy-
holder for delivery to each person insured an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom the insurance benefits are payable, and the rights and conditions set forth in (8), (9) and (10) following.

(8) A provision that if the insurance, or any portion of it, on a person covered under the policy, other than the child of an employee insured pursuant to section fifty-three of this article, ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such person shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one days after such termination: Provided further, That

(a) the individual policy shall, at the option of such person, be on any one of the forms of insurance then customarily issued by the insurer, except term insurance, at the age and for the amount applied for, except that there shall be available to a person whose term insurance under the group policy ceases, as provided above, preliminary or interim term insurance for not more than one year from such termination;

(b) the individual policy shall be in an amount not in excess of the amount of life insurance which ceases because of such termination, provided that any amount of insurance which shall have matured on or before the date of such termination as an endowment payable to the person insured, whether in one sum or in installments or in the form of an annuity, shall not, for the purposes of this provision, be included in the amount which is considered to cease because of such termination; and

(c) the premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such person then belongs, and to his age attained on the effective date of the individual policy.

(9) A provision that if the group policy terminates or
is amended so as to terminate the insurance of any class
of insured persons, every person insured thereunder at
the date of such termination, other than a child of an
employee insured pursuant to section fifty-three of this
article, whose insurance terminates and who has been
so insured for at least three years under a group policy
issued five years or more prior to such termination date,
shall be entitled to have issued to him by the insurer
an individual policy of life insurance, subject to the same
conditions and limitations as are provided by (8) above,
except that term insurance shall not be available and,
except that the group policy may provide that the
amount of such individual policy shall not exceed the
smaller of (a) the amount of the person's life insurance
protection ceasing because of the termination or amend-
ment of the group policy, less the amount of any life
insurance for which he is or becomes eligible under any
group policy issued or reinstated by the same or another
insurer within thirty-one days after such termination,
and (b) two thousand dollars.

(10) A provision that if a person insured under the
group policy dies during the period within which he
would have been entitled to have an individual policy
issued to him in accordance with (8) or (9) above and
before such an individual policy shall have become ef-
fective, the amount of life insurance which he would have
been entitled to have issued to him under such individ-
ual policy shall be payable as a claim under the group
policy, whether or not application for the individual pol-
icy or the payment of the first premium therefor has
been made.

(11) In the case of a policy issued to a creditor to insure
debtors of such creditor, a provision that the insurer
will furnish to the policyholder for delivery to each
debtor insured under the policy a form which shall con-
tain a statement that the life of the debtor is insured un-
der the policy and that any death benefit paid there-
under by reason of his death shall be applied to reduce
or extinguish the indebtedness.

Sec. 51. Notice of Conversion Rights.—If any individual
insured under a group life insurance policy hereafter
delivered in this state becomes entitled under the terms of such policy to have an individual policy of life insurance issued to him without evidence of insurability, subject to making of application and payment of the first premium within the period specified in such policy, and if such individual is not given notice of the existence of such right at least fifteen days prior to the expiration date of such period, then, in such event the individual shall have an additional period within which to exercise such right, but nothing contained in this section shall be construed to continue any insurance beyond the period provided in such policy. Such additional period shall expire fifteen days next after the individual is given such notice but in no event shall such additional period extend beyond sixty days next after the expiration date of the period provided in such policy. Written notice presented to the individual or mailed by the policyholder to the last known address of the individual or mailed by the insurer to the last known address of the individual as furnished by the policyholder shall constitute notice for the purpose of this section.

Sec. 52. Application of Dividends; Rate Reductions.—Any policy dividends hereafter declared, or reduction in rate of premiums hereafter made or continued for the first or any subsequent year of insurance, under any policy of group life insurance heretofore or hereafter issued to any policyholder may be applied to reduce the policyholder's part of the cost of such insurance, except that if the aggregate dividends or refunds or credits under such group life policy and any other group policy or contract issued to the policyholder exceed the aggregate contributions of the policyholder toward the cost of the coverages, such excess shall be applied by the policyholder for the sole benefit of insured employees or members.

Sec. 53. Spouses and Children of Insured Persons.—Any policy issued pursuant to subsections (a), (c), (d) and (e) of section forty-nine of this article may be extended to insure the employees or members against loss due to the death of their spouses and minor children, or any class
or classes thereof, subject to the following requirements:

(a) The premium for the insurance shall be paid by the policyholder, either from the employer's or union's funds or funds contributed by the employer or union, or from funds contributed by the insured employees or members, or from both. If any part of the premium is to be derived from funds contributed by the insured employees or members, the insurance with respect to spouses and children may be placed in force only if at least seventy-five per cent of the then eligible employees or members, excluding any as to whose family members evidence of insurability is not satisfactory to the insurer, elect to make the required contribution. If no part of the premium is to be derived from funds contributed by the employees or members, all eligible employees or members, excluding any as to whose family members evidence of insurability is not satisfactory to the insurer, must be insured with respect to their spouses and children.

(b) The amounts of insurance must be based upon some plan precluding individual selection either by the employees or members or by the policyholder, employer or union, and shall not exceed, with respect to any spouse or child, the amount shown in the following schedule:

<table>
<thead>
<tr>
<th>Age of Family Member at Death</th>
<th>Maximum Amount of Insurance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 6 months</td>
<td>$100.00</td>
</tr>
<tr>
<td>6 months and under 2 years</td>
<td>200.00</td>
</tr>
<tr>
<td>2 years and under 3 years</td>
<td>400.00</td>
</tr>
<tr>
<td>3 years and under 4 years</td>
<td>600.00</td>
</tr>
<tr>
<td>4 years and under 5 years</td>
<td>800.00</td>
</tr>
<tr>
<td>5 years and over</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

(c) Upon termination of the insurance with respect to the members of the family of any employee or member by reason of the employee's or member's termination of employment, termination of membership in the class or classes eligible for coverage under the policy, or death, the spouse shall be entitled to have issued by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, providing application for the individual policy
shall be made, and the first premium paid to the insurer, within thirty-one days after such termination, subject to the requirements of subsections (a), (b) and (c) of provision (8) of section fifty of this article. If the group policy terminates or is amended so as to terminate the insurance of any class of employees or members and the employee or member is entitled to have issued an individual policy under provision (9) of section fifty of this article, the spouse shall also be entitled to have issued by the insurer an individual policy, subject to the conditions and limitations provided above. If the spouse dies within the period during which he would have been entitled to have an individual policy issued in accordance with this provision, the amount of life insurance which he would have been entitled to have issued under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made. Notwithstanding provision seven of section fifty of this article, only one certificate need be issued for delivery to an insured person if a statement concerning any dependents' coverage is included in such certificate.

CHAPTER 118

(House Bill No. 230—By Mr. Meadows)

AN ACT to amend and reenact section twenty-five, article five, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to examination of farmers' mutual fire insurance companies, providing for the expense of such examination to be borne by the insurance company being examined.

[Passed March 3, 1951; in effect from passage. Approved by the Governor.]

Article 5. Farmers' Mutual Fire Insurance Companies.

Section 25. Examination by insurance commissioner or qualified examiner.
Be it enacted by the Legislature of West Virginia:

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

Section 25. Examination by Insurance Commissioner or Qualified Examiner.—Every such company shall be examined by the insurance commissioner or his accredited examiners at least once in every four years and oftener if he deems it necessary. No person shall be considered a qualified examiner unless he is familiar with the underwriting and accounting methods of such companies. He shall have free access to the books, papers and records of the company and is authorized to examine members, officers, and employees of the company under oath touching any matters pertaining to the operation of the company. A written report of each examination, giving consideration to the underwriting methods and financial condition of the company, shall be made and placed on file in the office of the insurance commissioner, where it shall be available to the public, and a copy of such report shall be furnished to the examined company. All the expenses of such examination shall be borne by the company examined. If the insurance commissioner shall find that such company is not paying its losses or is not complying with the law, or is conducting its business in a manner detrimental to the interests of the members or the public he may order the levy of an assessment upon all members liable for assessment, order the company to cease issuing new policies, or take such other action as shall best protect the interests of those insured by the company.

CHAPTER 119

(Senate Bill No. 285—Originating in the Senate Committee on Finance)

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 salary of the commissioner of labor.

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, as amended, 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 seven thousand dollars per annum.

CHAPTER 120

(House Bill No. 174—By Mr. Caplan)

AN ACT to authorize the state auditor to expend from collections in the operating fund of the land department of the state auditor’s office, an amount not to exceed eight thousand dollars for the compiling, printing and sale of an official index to land grants.

[Passed February 20, 1951; in effect from passage. Approved by the Governor.]

Section
1. Expenditure for printing of index to land grants.
Be it enacted by the Legislature of West Virginia:

Section 1. Expenditure for Printing of Index to Land Grants.—The state auditor is hereby authorized to expend from the operating fund of the land department of the state auditor's office, established by section four, article seven, chapter eleven-a of the code of West Virginia, a sum not to exceed eight thousand dollars, for the compiling and printing of an official index to original land grants on file in his office. It shall be the duty of the auditor to provide copies of the index for use in the clerk's office of each county in addition to those for use in the land department. The remaining copies may be sold by his office at a price not to exceed fifteen dollars per copy, the proceeds of such sale to be deposited back into the said operating fund.

CHAPTER 121

(Com. Sub. for Senate Bill No. 31—Originating in the Senate Committee on the Judiciary)

AN ACT to amend article three, 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 six-a relating to the commitment of inebriates.

[Passed March 5, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 3. Determination of Mental Disease; Commitment.

Section 6-a. Commitment of inebriates; definition.

Be it enacted by the Legislature of West Virginia:

That article three, 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 to be designated section six-a to read as follows:
Section 6-a. Commitment of Inebriates; Definition.—
The word “inebriate”, whenever used in this chapter, shall be construed to mean any person over the age of eighteen years, who is incapable or unfit to properly conduct himself or herself, or his or her affairs, or is dangerous to himself or herself or others, by reason of periodical, frequent, or constant drunkenness, induced either by the use of alcoholic or other liquors, or of opium, morphine, or other narcotic or intoxicating or stupefying substance.

If any resident of a county reasonably suspects any person therein to be an inebriate, he may make complaint under oath to the clerk of the county court, giving such information and stating such facts therein as may be required, and he shall further furnish to said clerk the certificate of a reputable physician showing the condition of such suspected person. This complaint and certificate shall be delivered to the clerk of the county court whose duty it shall be to issue a warrant ordering the person suspected and named in such complaint and certificate to be brought before the county mental hygiene commission at a time and place named therein that his condition may be inquired into. All such warrants shall be signed by the clerk of the county court and have impressed thereon the seal thereof; and may be addressed to the sheriff of the county or to any constable of any district thereof, or to a special constable appointed for the purpose and named therein; but if any relative or friend of the person so suspected will serve such warrant and cause such suspected person to be brought before the commission, he may be allowed to do so. The officer or person to whom the warrant is addressed shall take the suspected person into custody and bring him or her before the commission at the time and place named therein.

Whenever a person apparently an inebriate is so violent as to endanger his or her own safety, or the safety of others, any law enforcement officer may, with or without a warrant, take such person into protective custody.

When such suspected person is brought before the county mental hygiene commission, this commission shall proceed to examine such person as outlined in sections
mentally diseased persons

43 four and five of this article. If such person is found to
44 be an inebriate by the commission after proper hearing,
45 he or she shall be committed to one of the state mental
46 hospitals or any other institution hereafter established
47 for inebriates. He or she shall be discharged therefrom
48 when, in the opinion of the superintendent of the insti-
49 tution, he or she has received the maximum benefit from
50 such hospitalization. In all such cases the law applicable
51 to mentally diseased persons shall be applicable to such
52 inebriate, except that such inebriate shall not forfeit
53 his or her civil rights as in the case of a mentally diseased
54 person.

CHAPTER 122

(House Bill No. 158—By Mr. Davis)

AN ACT to amend and reenact section one, article four, chapter
twenty-seven of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to admission
to hospital of committed persons.

[Passed February 16, 1951; in effect ninety days from passage. Approved by the
Governor.]

Article 4. Patients in Hospitals; Restoration to Sanity and
Discharge.

Section 1. Admission to hospital of committed persons.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Admission to Hospital of Committed Persons.

2 —The superintendent of the hospital to whom application
3 is made as hereinbefore provided, shall, on receipt of such
4 application, carefully consider the same, and— if he be of
5 the opinion that the person named is a proper one to be
6 admitted to his institution, and there is room for him
therein, he shall, without delay, notify the clerk of the county mental hygiene commission making such application, advising the day and time for the admittance of the patient, and the clerk of said commission upon receipt of such advice, shall notify and direct the sheriff of his county to cause the patient to be transported to the institution. If there be no room in the hospital to which application is made, the superintendent thereof shall immediately communicate the fact to the board of control, which he may do when deemed necessary, by telegraph or telephone, and transmit the commitment papers to the board of control, whose duty it shall be to ascertain whether there is room in any one of the other hospitals, and if there is, to cause such person to be admitted thereto as provided herein: Provided, That any reputable and trustworthy relative or friend of such person may be allowed by the county mental hygiene commission to deliver him to the hospital, if such relative or friend will do so without expense to the county or state.

CHAPTER 123

(House Bill No. 159—By Mr. Davis)

AN ACT to amend and reenact section ten, article four, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to return of escapees or parolees to state hospital.

[Passed February 14, 1951: in effect from passage. Approved by the Governor.]

Article 4. Patients in Hospitals; Restoration to Sanity and Discharge.

Section 10. Return of escapees or parolees to state hospital.

Be it enacted by the Legislature of West Virginia:

That section ten, article four, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:
Section 10. Return of Escapees or Parolees to State Hospital.—If any person confined in a state hospital escape therefrom, the superintendent thereof shall issue a notice, giving the name and description of the person escaping, and requesting his apprehension and return to the hospital, and may offer such reward for the return of such person as the board of control may authorize. The superintendent may issue a warrant directed to the sheriff of the county, commanding him to arrest and carry such escaped person back to the hospital, which warrant the sheriff may execute in any part of the state. If such person flee to another state, the superintendent shall notify the board of control, and the board shall take such action as it may deem proper in the premises for the return of such person to the hospital. The sheriff or other person making such arrest shall be paid such compensation as is provided for like services in other cases, and such additional compensation in any case as the board of control may think reasonable and just.

The foregoing provision shall likewise apply to any person released from a state hospital on trial visit or parole whose conduct becomes such as to warrant his return to the hospital.

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CHAPTER 124
(Proposed as House Bill No. 304—By Mr. Davis)

AN ACT to repeal section eleven, article four, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to examination and treatment of prisoners in penitentiary.

[Passed March 3, 1951; in effect from passage. Approved by the Governor.]

Article 4. Patients in Hospitals; Restoration to Sanity and Discharge.

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

Section 1. Repeal.—Section eleven, article four, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to examination and treatment of prisoners in penitentiary is hereby repealed.

CHAPTER 125
(House Bill No. 160—By Mr. Davis)

AN ACT to amend and reenact section two, article six, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to how the discharge of a mentally diseased person is obtained.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.]


Section 2. How discharge of a mentally diseased person is obtained.

Be it enacted by the Legislature of West Virginia:

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

Section 2. How Discharge of a Mentally Diseased Person is Obtained.—If any reputable person present to the clerk of the county court of a county wherein a person is confined in jail as a mentally diseased person and who is not charged with or convicted of crime, or wherein a person has been adjudicated a mentally diseased person but has not been committed to or confined in a state hospital, or duly licensed private hospital, or has not been committed to the veterans administration of the United States government as provided in section fourteen, article fifteen, chapter forty-four of the code of West Virginia, an application in writing for the discharge of such mentally diseased person on the ground that he has been restored to
sanity, the mental hygiene commission for the county shall consider the same and may proceed to make an inquest upon such mentally diseased person as is provided in article three of this chapter.

If the commission find that such person has been restored, they shall make an adjudication of such restoration which shall be entered of record, and they shall give a certificate of their finding to the person making the application.

CHAPTER 126
(Senate Bill No. 198—By Mr. Bean)

AN ACT to amend and reenact section three, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to chief of department of mines, qualifications and salary.

[Passed March 8, 1951: in effect July 1, 1951. Approved by the Governor.]

Article 1. Department of Mines.
Section 3. Same; qualifications; salary.

Be it enacted by the Legislature of West Virginia:

That section three, article one, chapter twenty-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. Same; Qualifications; Salary.—The chief of the department of mines shall be a male citizen of West Virginia and shall be a competent person, having had at least eight years' experience in the working, ventilation and drainage of coal mines, two years of which have been in this state, and having a practical and scientific knowledge of all noxious and dangerous gases found in such mines. A diploma from any accredited engineering school shall qualify as two years' working experience. He shall devote all of his time to the duties of his office,
and shall not be directly or indirectly interested in any financial way in any coal mines in this state. The salary of the chief of the department of mines shall be seven thousand dollars per annum, and traveling expenses, which shall be paid monthly out of the state treasury upon a requisition upon the state auditor, properly certified by the chief of the department of mines.

CHAPTER 127

(Senate Bill No. 105—By Mr. Love)

AN ACT to amend article two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section forty-six-a relating to fire bosses and their authority to perform other duties.

[Passed February 22, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 2. Coal Mines.

Section 46-a. Fire boss; authority to perform other duties.

Be it enacted by the Legislature of West Virginia:

That article two, chapter twenty-two 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 forty-six-a and to read as follows:

Section 46-a. Fire Boss; Authority to Perform Other Duties.—Notwithstanding any other provision in this article contained, any person who holds a certificate issued by the state department of mines certifying his competency to act as fire boss may perform the duties of a fire boss and any other duties, statutory or otherwise, for which he is qualified, in the same mine or section and on the same day or shift.
CHAPTER 128

(House Bill No. 45—By Mr. Harmon)

AN ACT to amend and reenact section two, article six, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to miner's examining boards.

[Passed March 5, 1951; in effect ninety days from passage. Approved by the Governor.]


Section 2. Miners’ examining boards.

Be it enacted by the Legislature of West Virginia:

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

Section 2. Miners’ Examining Boards.—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 operators’ representative; 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 forty-eight 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.

CHAPTER 129
(House Bill No. 189—By Mr. Davis)

[Passed March 10, 1951; in effect July 1, 1951. Approved by the Governor.]

AN ACT to repeal sections five, five-a, six, seven, eight, nine,
ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, sev-
enteen, twenty-five, twenty-nine and thirty, article one;
article five-a; sections one, two, four-a, four-b, four-c,
four-d, five, six, seven, eight, nine, ten, eleven, twelve,
thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,
nineteen, twenty, twenty-a, twenty-b, twenty-one, twenty-
two, twenty-three, twenty-four, twenty-five, twenty-six,
twenty-nine, thirty-one, thirty-two, thirty-three and thirty-
four, article six; article seven; article eight; sections four,
five, six, seven, nine, ten and thirteen-a, article nineteen;
and article twenty-one, chapter seventeen of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, and to amend said code by adding thereto
three new chapters to be designated chapters seventeen-a,
seventeen-b and seventeen-c, all relating to motor and
other vehicles, and including, among other things, motor
vehicle administration, registration, certificates of title and
antitheft provisions, licensing of motor vehicle operators
and chauffeurs, traffic regulations and laws of the road, and
prescribing penalties for the violation of the provisions
thereof.

Be it enacted by the Legislature of West Virginia:

That sections five, five-a, six, seven, eight, nine, ten, eleven,
twelve, thirteen, fourteen, fifteen, sixteen, seventeen, twenty-
five, twenty-nine and thirty, article one; article five-a; sections one, two, four-a, four-b, four-c, four-d, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-a, twenty-b, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-three and thirty-four, article six; article seven; article eight; sections four, five, six, seven, nine, ten and thirteen-a, article nineteen; and article twenty-one, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that said code be amended by adding thereto three new chapters to be designated chapters seventeen-a, seventeen-b and seventeen-c, all to read as follows:

CHAPTER 17-A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

Article
1. Words and Phrases Defined.
2. Department of Motor Vehicles.
3. Original and Renewal of Registration, Issuance of Certificates of Title.
4. Transfers of Title or Interest.
5. Permits to Nonresident Owners.
6. Issuance of Special Plates to Dealers.
7. Motor Car Dealers and Wreckers Must be Licensed.
8. Special Antitheft Laws.
9. Offenses Against Registration Laws and Suspension or Revocation of Registration.
10. Registration, License and Other Fees.
11. Penalties.
12. Effect of Chapter.


<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Definitions.</td>
</tr>
<tr>
<td>2</td>
<td>Vehicle.</td>
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<td>3</td>
<td>Motor vehicle.</td>
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<td>4</td>
<td>Motorcycle.</td>
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<td>5</td>
<td>School bus.</td>
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<td>6</td>
<td>Bus.</td>
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<td>7</td>
<td>Truck tractor.</td>
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<td>8</td>
<td>Farm tractor.</td>
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<td>9</td>
<td>Road tractor.</td>
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<td>10</td>
<td>Truck.</td>
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<td>11</td>
<td>Trailer.</td>
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<td>12</td>
<td>Semitrailer.</td>
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<td>13</td>
<td>Pole trailer.</td>
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<td>14</td>
<td>Specially constructed vehicle.</td>
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<td>15</td>
<td>Reconstructed vehicle.</td>
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<td>16</td>
<td>Essential parts.</td>
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<td>17</td>
<td>Foreign vehicle.</td>
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<td>18</td>
<td>Implement of husbandry.</td>
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<td>19</td>
<td>Special mobile equipment.</td>
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<td>20</td>
<td>Pneumatic tire.</td>
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<td>21</td>
<td>Solid tire.</td>
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<td>22</td>
<td>Metal tire.</td>
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<tr>
<td>23</td>
<td>Commissioner.</td>
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<td>24</td>
<td>Department.</td>
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<td>25</td>
<td>Person.</td>
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<td>26</td>
<td>Owner.</td>
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<td>27</td>
<td>Nonresident.</td>
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<tr>
<td>28</td>
<td>Dealer.</td>
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<td>29</td>
<td>Transporter.</td>
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<tr>
<td>30</td>
<td>Manufacturer.</td>
</tr>
<tr>
<td>31</td>
<td>Established place of business.</td>
</tr>
<tr>
<td>32</td>
<td>Street or highway.</td>
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</table>
Section 1. Definition of Words and Phrases.—The following words and phrases when used in this chapter shall, for the purpose of this chapter have the meanings respectively ascribed to them in this article.

Sec. 2. Vehicle.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3. Motor Vehicle.—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. 4. Motorcycle.—Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

Sec. 5. School Bus.—Every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

Sec. 6. Bus.—Every motor vehicle designed for carrying more than seven passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Sec. 7. Truck Tractor.—Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Sec. 8. Farm Tractor.—Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

Sec. 9. Road Tractor.—Every motor vehicle designed and used for drawing other vehicles and not so con-
structed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Sec. 10. Truck.—Every motor vehicle designed, used, or maintained primarily for the transportation of property.

Sec. 11. Trailer.—Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Sec. 12. Semitrailer.—Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sec. 13. Pole Trailer.—Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Sec. 14. Specially Constructed Vehicle.—Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

Sec. 15. Reconstructed Vehicle.—Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

Sec. 16. Essential Parts.—All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.
Sec. 17. Foreign Vehicle.—Every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

Sec. 18. Implement of Husbandry.—Every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations.

Sec. 19. Special Mobile Equipment.—Every vehicle not designed or used for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

Sec. 20. Pneumatic Tire.—Every tire in which compressed air is designed to support the load.

Sec. 21. Solid Tire.—Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Sec. 22. Metal Tire.—Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

Sec. 23. Commissioner.—The commissioner of motor vehicles of this state.

Sec. 24. Department.—The department of motor vehicles of this state acting directly or through its duly authorized officers and agents.

Sec. 25. Person.—Every natural person, firm, copartnership, association, or corporation.

Sec. 26. Owner.—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions
stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

Sec. 27. Nonresident.—Every person who is not a resident of this state.

Sec. 28. Dealer.—Every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered hereunder and who has an established place of business for such purpose in this state.

Sec. 29. Transporter.—Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

Sec. 30. Manufacturer.—Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this state.

Sec. 31. Established Place of Business.—The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

Sec. 32. Street or Highway.—The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Article 2. Department of Motor Vehicles.

Section
1. Department created.
2. Office of commissioner of motor vehicles created; appointment term.
3. Qualifications.
5. Oath and bond.
6. Salary and expenses.
7. Organization of department; assistants and employees.
8. Offices of department.
10. Reciprocal agreements with other states.
12. Commissioner to prescribe forms.
13. Authority to administer oaths and certify copies of records.
15. Authority to grant or refuse application.
17. Distribution of synopsis of motor vehicle laws.
18. Department may summon witnesses and take testimony.
20. Legal service rendered commissioner.
21. Revenue collected paid to state treasurer.
22. Administrative expense.

Section 1. Department Created.—The department of the government of this state, known as the department of motor vehicles, heretofore created, shall be continued.

Sec. 2. Office of Commissioner of Motor Vehicles Created; Appointment; Term.—The department of motor vehicles shall be directed by an executive officer to be designated as the commissioner of motor vehicles, who shall be appointed by the governor, with the advice and consent of the senate for a term of four years. The first appointment made hereunder shall be for a four year term to commence on the first day of July, one thousand nine hundred fifty-one. The commissioner shall devote his entire time to the duties of his office.

Sec. 3. Qualifications.—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.

Sec. 4. Filling Vacancies.—All vacancies in the office of the commissioner that occur while the Legislature is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days after the date on which the Legislature next convenes. Prior to the expiration of the thirty days the governor shall transmit to the Senate for its approval an appointment for the unexpired portion of the regular term. Vacancies occurring during a session of the Legis-
lature shall be filled as regular appointments before the end of the session and for the unexpired portion of the regular term.

Sec. 5. Oath and Bond.—The commissioner before entering upon the duties of his office shall take and subscribe to the oath prescribed by the constitution. He shall also execute a bond in the penalty of twenty-five thousand dollars, conditioned according to law, and approved by the governor. The cost of such bond shall be borne by the department as a part of the operating cost of the department. The bond and the oath shall be filed with the secretary of state.

Sec. 6. Salary and Expenses.—The commissioner shall receive a salary of seven thousand dollars and the necessary traveling expenses incident to the performance of his duties. Requisition for 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.

Sec. 7. Organization of Department; Assistants and Employees.—The commissioner shall organize the department in such manner as he may deem necessary to properly segregate and conduct the work of the department. The commissioner shall employ such assistants and employees as may be necessary for the efficient operation of his department, who shall possess all of the qualifications which may from time to time be prescribed for such positions by the commissioner. The duties and salaries of such assistants and employees shall be fixed by the commissioner, who shall have authority to remove any such assistant or employee at his will and pleasure. The total compensation paid to assistants and employees shall not exceed in any one year the appropriation made by the Legislature for that purpose.

The commissioner shall require every employee who collects fees or handles funds or who has custody of equipment and supplies belonging to the state to take the constitutional oath and give an official bond, with corporate surety, properly conditioned and in a sum to be fixed by the commissioner, which bond shall be approved
The cost of such bond shall be borne by the department as a part of the operating cost of the department.

Sec. 8. Offices of Department.—The commissioner shall maintain an office in one of the state capitol buildings and in such other places in the state as he may deem necessary properly to carry out the powers and duties vested in the department. The commissioner shall keep his offices open at all reasonable times for the transaction of public business.

Sec. 9. Powers and Duties of Commissioner.—(a) The commissioner is hereby vested with and is charged with the duty of observing, administering and enforcing the provisions of this chapter and of all laws the enforcement of which is now or hereafter vested in the department: Provided, however, That nothing in this chapter shall deprive the public service commission of West Virginia of any of the duties or powers now vested in it with regard to the regulation of motor vehicle carriers.

(b) The commissioner is hereby authorized to adopt and enforce such rules and regulations as may be necessary to carry out the provisions of this chapter and any other laws the enforcement and administration of which are vested in the department.

(c) The commissioner may adopt an official seal for the use of the department.

Sec. 10. Reciprocal Agreements with Other States.—The motor vehicle commissioner in cooperation with the state road commissioner, the public service commission and the department of public safety may enter into such reciprocal agreements as he may deem proper or expedient with the proper authorities of other states, regulating the use, on the roads and highways of this state, of trucks, automobiles and any other vehicles owned in such other states and duly licensed under the laws thereof. The commissioner may confer and advise with the proper officers and legislative bodies of this and other states and federal districts of the United States, to promote reciprocal agreements under which the registration of vehicles owned in this state, and the
MOTOR VEHICLES

Sec. 11. Delegation of Powers and Duties.—All powers and duties vested in the commissioner, except the power to sign contracts and make rules and regulations, may be exercised by the appointees or employees of the commissioner, under his direction; but the commissioner shall be responsible for their acts.

Sec. 12. Commissioner to Prescribe Forms.—The commissioner shall prescribe and provide suitable forms of applications, certificates of title, registration cards, operators' and chauffeurs' licenses, and all other forms requisite or deemed necessary to carry out the provisions of this chapter and any other laws, the enforcement and administration of which are vested in the department.

Sec. 13. Authority to Administer Oaths and Certify Copies of Records.—(a) Officers and employees of the department designated by the commissioner are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(b) The commissioner and such officers of the department as he may designate are hereby authorized to prepare under the seal of the department and deliver upon request a certified copy of any record of the department, charging a fee of one dollar for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

(c) The commissioner and such officers of the department as he may designate are hereby authorized to furnish to any person requesting same in writing information regarding the registration of any vehicle at a fee prescribed by the commissioner but not to exceed twenty-five cents for each such registration about which information is furnished.

Sec. 14. Records of Department.—(a) All records of the department, other than those declared by law to be
confidential for the use of the department, shall be open
to public inspection during office hours.
(b) The commissioner may destroy any records of the
department which have been maintained on file for three
years which he may deem obsolete and of no further
service in carrying out the powers and duties of the de-
partment.

Sec. 15. Authority to Grant or Refuse Application.—
The department shall examine and determine the genu-
ineness, regularity, and legality of every application for
registration of a vehicle, for a certificate of title there-
for, and for an operator's or chauffeur's license and of
any other application lawfully made to the department,
and may in all cases make such investigation as may be
deemed necessary or require additional information, and
shall reject any such application if not satisfied of the
genuineness, regularity, or legality thereof or the truth
of any statement contained therein, or for any other
reason, when authorized by law.

Sec. 16. Seizure of Documents and Plates.—The de-
partment is hereby authorized to take possession of any
certificate of title, registration card, permit, license, or
registration plate issued by it upon expiration, revoca-
tion, cancellation, or suspension thereof, or which is
fictitious, or which has been unlawfully or erroneously
issued.

Sec. 17. Distribution of Synopsis of Motor Vehicle
Laws.—The department shall prepare in pamphlet form
a synopsis or summary of the laws of this state regu-
landing the operation of vehicles and shall deliver a copy
thereof without charge with each original vehicle regis-
tration and with each original operator's or chauffeur's
license, and to any other citizen of the state upon ap-
plication.

Sec. 18. Department May Summon Witnesses and Take
Testimony.—(a) The commissioner and officers of the
department designated by him shall have authority to
summon witnesses to give testimony under oath or to
give written deposition upon any matter under the juris-
diction of the department. Such summons may require
the production of relevant books, papers, or records.

(b) Every such summons shall be served at least five
days before the return date, either by personal service
made by any person over eighteen years of age or by
registered mail, but return acknowledgement is re-
quired to prove such latter service. Failure to obey such
a summons so served shall constitute a misdemeanor.
The fees for the attendance and travel of witnesses shall
be the same as for witnesses before the circuit court.

(c) Any circuit court shall have jurisdiction, upon ap-
lication by the commissioner, to enforce all lawful
orders of the commissioner under this section.

Sec. 19. Giving of Notice.—Whenever the department
is authorized or required to give any notice under this
chapter or other law regulating the operation of vehicles,
unless a different method of giving such notice is other-
wise expressly prescribed, such notice shall be given
either by personal delivery thereof to the person to be
so notified or by deposit in the United States mail of such
notice in an envelope with postage prepaid, addressed to
such person at his address as shown by the records of the
department. The giving of notice by mail is complete
upon the expiration of four days after such deposit of
said notice. Proof of the giving of notice in either such
manner may be made by the certificate of any officer or
employee of the department or affidavit of any person
over eighteen years of age, naming the person to whom
such notice was given and specifying the time, place, and
manner of the giving thereof.

Sec. 20. Legal Service Rendered Commissioner.—It
shall be the duty of the attorney general of this state and
of his assistants and of the prosecuting attorneys of the
several counties, to render to the commissioner, without
additional compensation, such legal services as he shall
require of them in the discharge of his duties under the
provisions of this chapter.

Sec. 21. Revenue Collected Paid to State Treasurer.
—Taxes and fees imposed and collected under the provi-
sions of this chapter shall be paid to the state treasurer
in the manner provided by law, and credited to the state road fund.

Sec. 22. Administrative Expense.—The expense of the administration of the motor vehicle department shall be appropriated for that purpose from the state road funds.

Article 3. Original and Renewal of Registration, Issuance of Certificates of Title.

Section
1. Misdemeanor to violate provisions of article.
2. Vehicles subject to registration.
3. Application for registration.
4. Application for certificate of title; tax.
5. Application for specially constructed, reconstructed, foreign vehicles, or new vehicles purchased from dealers other than licensed dealers of this state.
6. Temporary permit pending registration.
7. Grounds for refusing registration or certificate of title.
8. Examination of registration records and index of stolen and recovered vehicles.
9. Registration indexes.
10. Department to issue registration card.
11. Registration of vehicles according to permissible gross weight.
12. Commissioner to issue certificate of title.
13. Registration card to be signed, carried, and exhibited on demand.
14. Registration plates to be furnished by the department.
15. Display of registration plates.
17. Application for and renewal of registration.
18. Notice of change of address or name.
19. Lost or damaged certificates, cards and plates.
20. Department may assign new identifying numbers.
21. Regulations governing change of motors.
22. Department to issue registration bulletins.

Section 1. Misdemeanor to Violate Provisions of Article.—It is a misdemeanor for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which a certificate of title has not been issued or applied for or for which the appropriate fee has not been paid when and as required hereunder, except as otherwise permitted by the provisions of this chapter: Provided, That in the event of the sale of a vehicle by a person other than a registered dealer, the person purchasing the same may, for a period of not more than ten days, operate such vehicle under the registration of its previous owner and display the registration thereof: Provided further, That he shall have and display on the demand of any proper
Sec. 2. Vehicles Subject to Registration; Exception.—

Every motor vehicle, trailer, semitrailer, and pole trailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of this chapter except:

1. Any such vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lien holders, or nonresidents or under a temporary registration permit issued by the department as hereinafter authorized;

2. Any implement of husbandry whether of a type otherwise subject to registration hereunder or not which is only incidentally operated or moved upon a highway;

3. Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;

4. No certificate of title need be obtained for any vehicle of a type subject to registration owned by the government of the United States.

Sec. 3. Application for Registration.—Every owner of a vehicle subject to registration hereunder shall make application to the department for the registration thereof upon the appropriate form or forms furnished by the department and every such application shall bear the signature of the owner written with pen and ink and said signature shall be acknowledged by the owner before a person authorized to administer oaths and said application shall contain:

1. The name, bona fide residence and mail address of the owner, the name of the county in which he resides, or business address of the owner if a firm, association, or corporation.

2. A description of the vehicle including, insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, model, type of body, the serial number of the vehicle, the engine or other number of the vehicle.
19  (3) In the event a motor vehicle is designed, con-
20 structed, converted, or rebuilt for the transportation of
21 property, the application shall include a statement of its
22 declared gross weight if such motor vehicle is to be used
23 alone, or if such motor vehicle is to be used in combination
24 with other vehicles the application for registration of
25 such motor vehicle shall include a statement of the com-
26 bined declared gross weight of such motor vehicle and
27 the vehicles to be drawn by such motor vehicle; declared
28 gross weight being the weight declared by the owner to
29 be the actual combined weight of the vehicle or combina-
30 tion of vehicles and load when carrying the maximum
31 load which the owner intends to place thereon; and the
32 application for registration of each such vehicle shall also
33 include a statement of the distance between the first and
34 last axles of that vehicle or combination of vehicles. The
35 declared gross weight stated in the application shall not
36 exceed the permissible gross weight for the axle spacing
37 listed therein as determined by the table of permissible
38 gross weights contained in chapter seventeen-c of this
39 code; and any vehicle registered for a declared gross
40 weight as stated in the application shall be subject to the
41 single-axle load limit set forth in chapter seventeen-c of
42 this code.
43  (4) Each such applicant shall state whether such ve-
44 hicle is or is not to be used in the public transportation of
45 passengers or property, or both, for compensation, and if
46 so used, or to be used, the applicants shall so certify, and
47 shall, as a condition precedent to the registration of such
48 vehicle, obtain a certificate of convenience, or permit from
49 the public service commission.
50  (5) Such further information as may reasonably be
51 required by the department to enable it to determine
52 whether the vehicle is lawfully entitled to registration.
53  (6) Each such application for registration shall be ac-
54 companied by the fees hereafter provided.

Sec. 4. Application for Certificate of Title; Tax.—
2 Certificates of registration of any vehicle or registration
3 plates therefor, whether original issues or duplicates,
4 shall not be issued or furnished by the department of
5 motor vehicles 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 vehicle. Such application shall be upon a blank form to be furnished by the department of motor vehicles and shall contain a full description of the 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 vehicles, the names and addresses of the holders of such liens and such other information as the department of motor vehicles 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 vehicle in the amount equal to two per cent of the value of said motor vehicle at the time of such certification. If the vehicle is new, the actual purchase price or consideration to the purchaser thereof shall be the value of said vehicle; if the vehicle is a used or second-hand vehicle, the present market value at time of transfer or purchase shall be deemed the value thereof for the purpose of this section: Provided, That so much of the purchase price or consideration as is represented by the exchange of other vehicles on which the tax herein imposed has been paid by the purchaser shall be deducted from the total actual price or consideration paid for said vehicle, whether the same be new or second-hand; if the vehicle be acquired through gift, or by any manner whatsoever, unless specifically exempted in this section, the present market value of the vehicle at the time of the gift or transfer shall be deemed the value thereof for purposes of this section. No certificate of title for any vehicle shall be issued to any applicant unless such applicant shall have paid to the department of motor vehicles the tax imposed by this section which shall be two per cent of the true and actual value of the said vehicle whether the vehicle be acquired through purchase, by gift, or by any other manner whatsoever except gifts between husband and wife or between parents and children; but the tax imposed by this section shall not apply to vehicles to be registered as
class H or class I vehicles, as defined in section one, article ten of this chapter, which are used or to be used in interstate commerce, nor shall the tax imposed by this section apply to titling of 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.

Notwithstanding the provisions of this section, the owners of trailers, semitrailers and other vehicles not subject to the certificate of title tax prior to enactment of this chapter shall not be required to pay the above mentioned tax upon making application for a certificate of title for such vehicle, but shall be required to pay a fee of one dollar for the issuance of each such certificate of title. Such certificate shall be good for the life of the vehicle, so long as the same is owned or held by the original holder of such certificate, and need not be renewed annually, or any other time, except as herein provided.

If, by will or direct inheritance, a person becomes the owner of a motor 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 motor vehicle, but he shall be required to pay a charge of one dollar for the certificate of retitle of that motor vehicle, except that such tax shall be paid by such person when the title to such vehicle has been transferred either in this or another state from such person to another person and transferred back to such person.

Sec. 5. Application for Specially Constructed, Reconstructed, Foreign Vehicles, or New Vehicles Purchased from Dealers Other Than Licensed Dealers of This State.

(a) In the event the vehicle to be registered is specially constructed, reconstructed, or foreign vehicle, such fact shall be stated in the application and with reference to every foreign vehicle which has been registered hereto-
fore outside of this state the owner shall surrender to the
department all registration plates, registration cards, and
certificates of title or other evidence of such foreign regis-
tration as may be in his possession or under his control
except as provided in subdivision (b) hereof.

(b) Where in the course of interstate operation of a
vehicle registered in another state it is desirable to retain
registration of said vehicle in such other state, such appli-
cant need not surrender but shall submit for inspection
said evidences of such foreign registration and the depart-
ment upon a proper showing shall register said vehicle in
this state but shall not issue a certificate of title for such
vehicle.

(c) In the event application for registration and cer-
tificate of title is made for a new vehicle purchased
from a dealer other than a licensed dealer of this state,
a certificate of title shall not be issued for such vehicle
nor shall such vehicle be registered by the department
unless and until such application shall be accompanied
by a certificate of title or other evidence of ownership
required by the state of purchase, or if the state of pur-
chase does not require a certificate of title such applica-
tion shall be accompanied by a properly authenticated
bill of sale bearing the verified signature of the dealer
from whom such vehicle was purchased, accompanied by
evidence that such seller is a bona fide dealer of the state
in which such vehicle was purchased.

Sec. 6. Temporary Permit Pending Registration.—
The department in its discretion may grant a temporary
permit to operate a vehicle for which application for
registration and certificate of title has been made where
such application is accompanied by the proper fee, pend-
ing action upon said application by the department.

Sec. 7. Grounds for Refusing Registration or Certifi-
cate of Title.—The department shall refuse registration or
issuance of a certificate of title or any transfer of regis-
tration upon any of the following grounds:

1. That the application contains any false or fraudu-
lent statement or that the applicant has failed to furnish
required information or reasonable additional informa-
tion requested by the department or that the applicant is
not entitled to the issuance of a certificate of title or regis-
tration of the vehicle under this chapter;
(2) That the vehicle is mechanically unfit or unsafe
to be operated or moved upon the highways;
(3) That the department has reasonable ground to
believe that the vehicle is a stolen or embezzled vehicle or
that the granting of registration or the issuance of certifi-
cate of title would constitute a fraud against the rightful
owner or other person having a valid lien upon such
vehicle;
(4) That the registration of the vehicle stands sus-
pended or revoked for any reason as provided in the motor
vehicle laws of this state;
(5) That the required fee has not been paid.

Sec. 8. Examination of Registration Records and In-
dex of Stolen and Recovered Vehicles.—The department
upon receiving application for original registration of a
vehicle or any certificate of title shall first check the
engine and serial number shown in the application against
the indexes of registered motor vehicles and against the
index of stolen and recovered motor vehicles required to
be maintained by this chapter.

Sec. 9. Registration Indexes.—The department shall
file each application received and when satisfied as to the
genuineness and regularity thereof, and that the appli-
cant is entitled to register such vehicle and to the issuance
of a certificate of title shall register the vehicle therein
described and keep a record thereof in suitable books or
on index cards as follows:
(1) Under a distinctive registration number assigned
to the vehicle;
(2) Alphabetically, under the name of the owner;
(3) Under the motor number if available, otherwise
any other identifying number of the vehicle; and
(4) In the discretion of the department, in any other
manner it may deem desirable.

Sec. 10. Department to Issue Registration Card.—The
department upon registering a vehicle shall issue a regis-
tration card to be delivered to the owner and containing
thereon the date issued, the name and address of the
owner, the registration number assigned to the vehicle
and such description of the vehicle as determined by the
commissioner.

Sec. 11. Registration of Vehicles According to Permissible Gross Weight.—The commissioner, upon registering
any truck, truck tractor, or road tractor, under the laws
of this state, may require such information and may make
such investigation or test as necessary to enable him to
determine whether such motor vehicle may safely be
operated upon the highways in compliance with all the
provisions of law relating to such vehicles. He shall reg-
ister every such vehicle for a permissible gross weight
under which the vehicle can, in his opinion, safely be
operated upon the highways, and, in any event, not ex-
ceeding the limitations set forth in chapter seventeen-c
of the code of West Virginia, one thousand nine hundred
dirty-one, as amended.

The commissioner shall insert in the registration card
issued for every such motor vehicle the gross weight for
which it is registered, and if it is a motor vehicle to be
used for propelling other vehicles he shall separately
insert the total permissible gross weight of such motor
vehicle and other vehicles to be propelled by it. The
owner of each such vehicle shall stencil or paint the gross
weight appearing on the registration card on the right
side of such vehicle using letters and numerals at least
four inches in height. The commissioner shall also cause
to be printed or stamped upon the registration card a
statement that the vehicle although registered for the
gross weight appearing on the registration card is subject
to an axle load limitation of eighteen thousand pounds per
axle.

Sec. 12. Commissioner to Issue Certificate of Title.—
The commissioner, if satisfied that the applicant for a
certificate of title is the owner of such motor vehicle, or
otherwise entitled to have the same registered in his
name, shall issue an appropriate certificate of title.
The certificate of title shall contain upon the face
thereof the date issued, the name and address of the
owner, such description of the vehicle as determined by
the commissioner, and a statement of the owner's title
and of all liens and encumbrances upon the vehicle there-
in described and whether possession is held by the owner
under a lease, contract of conditional sale, or other like
agreement, and shall bear thereon the seal of the depart-
ment.

The certificate of title shall contain upon the reverse
side a space for the signature of the owner and the owner
shall write his name with pen and ink in such space upon
receipt of the certificate. Such certificate shall also con-
tain upon the reverse side forms for assignment of title
or interest and warranty thereof by the owner with space
for notation of liens and encumbrances upon the vehicle
at the time of a transfer.

The certificate of title shall be delivered to the owner.

Sec. 13. Registration Card to be Signed, Carried, and
Exhibited on Demand.—Every owner upon receipt of a
registration card shall write his signature thereon with
pen and ink in the space provided. Every such registration
card shall at all times be carried in the vehicle to which
it refers or shall be carried by the person driving or in
control of such vehicle who shall display the same upon
demand of a police officer or any officer or employee of
the department.

Sec. 14. Registration Plates to be Furnished by the
Department.—The department upon registering a vehicle
shall issue to the owner one registration plate for a
motorcycle, trailer, or semitrailer and two registration
plates for every other motor vehicle.

Every registration plate shall have displayed upon
it the registration number assigned to the vehicle for
which it is issued, also the name of this state, which
may be abbreviated, and the year number for which it
is issued or the date of expiration thereof.

Such registration plate and the required letters and
numerals thereon, except the year number for which is-
issued or the date of expiration, shall be of sufficient size
to be plainly readable from a distance of one hundred
feet during daylight.
Notwithstanding the provisions of this section, or of any other provision of this chapter, the commissioner may, in his discretion, issue a type of registration plate suitable for permanent use on motor vehicles, trailers and semitrailers, together with appropriate devices to be attached thereto to indicate the year for which such vehicles have been properly registered or the date of expiration of such registration. The design of such plates shall be determined by the commissioner.

Sec. 15. Display of Registration Plates.—Registration plates issued for a motor vehicle other than a motorcycle shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof.

Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

Sec. 16. Expiration of Registration and Certificates of Title.—Every vehicle registration under this chapter and every registration card and registration plate issued hereunder shall expire at midnight on the thirtieth day of June of the fiscal year for which issued:

Provided, That the commissioner may extend the period during which said registration plates may be used for such time as in his judgment may seem best.

Certificates of title need not be renewed annually but shall remain valid until canceled by the department for cause or upon a transfer of any interest shown therein.

Notwithstanding the provisions of this section or of any provision of this chapter, the commissioner may, in his discretion, adopt, for the vehicles set forth below which are subject to registration hereunder, a staggered registration system whereby the registration of all such
vehicles shall be for a period of twelve consecutive calendar months, the expiration dates thereof to be staggered throughout the year. In the event the commissioner shall adopt such system the change to such new system shall be effective the first day of July, one thousand nine hundred fifty-three and shall be accomplished as follows:

1. On or after the first day of July, one thousand nine hundred fifty-three, all motor vehicles and vehicles, except trucks, truck tractors, road tractors, trailers, semi-trailers, motor busses, motorcycles, electric vehicles, armored cars, wreckers, tow cars, hearses and ambulances, and except vehicles otherwise provided for herein shall be registered for a period of twelve consecutive calendar months. There hereby are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last day of the twelfth month from date of beginning. The period ending January thirty-first shall be designated the first period; that ending February twenty-eighth (twenty-ninth) shall be designated the second; that ending March thirty-first shall be designated the third; that ending April thirtieth shall be designated the fourth; that ending May thirty-first shall be designated the fifth; that ending June thirtieth shall be designated the sixth; that ending July thirty-first shall be designated the seventh; that ending August thirty-first shall be designated the eighth; that ending September thirtieth shall be designated the ninth; that ending October thirty-first shall be designated the tenth; that ending November thirtieth shall be designated the eleventh; and that ending December thirty-first shall be designated the twelfth.

2. All motor vehicles, other than those exempted above, which are operated for the first time upon the public highways of this state to and including the fifteenth day of any given month shall be subject to registration and payment of fee for the twelve month period commencing the first day of the month of operation; motor vehicles operated for the first time upon the public highways of this state on and after the six-
teenth day of any given month shall be subject to regis-
tration and payment of fee for the twelve month period
commencing the first day of the month of the next
following calendar month.

(3) During the time necessary to accomplish the
change from the present system of annual registration
to the monthly series system, all motor vehicles, as de-
defined above, subject to registration on July first, one
thousand nine hundred fifty-three, shall be registered
for one of twelve registration periods, which shall vary
in length from a minimum of six consecutive calendar
months to a maximum of seventeen consecutive calendar
months as hereinafter provided. During this transitory
period the registration fees shall be computed on a basis
of one-twelfth of the annual fee per month. In the order
of the receipt of applications for registration of motor
vehicles by the owners thereof, the commissioner shall
allocate to each of the twelve registration periods such
number of motor vehicles as will, in his judgment, as
uniformly as practicable, distribute the clerical work of
registering such vehicles throughout the year. In de-
determining the number of registrations to be allocated
to any given period, he may take into consideration the
volume of registration of trucks and other vehicles not
under the monthly series registration system. The twelve
registration periods necessary to accomplish the change
from the present system of annual registration to the
monthly series system are established as follows: Each
period shall commence July first, one thousand nine hun-
dred fifty-three. The first period shall expire December
thirty-first, one thousand nine hundred fifty-three, the
second, January thirty-first, one thousand nine hundred
fifty-four; the third, February twenty-eighth, one thou-
sand nine hundred fifty-four; the fourth, March thirty-
first, one thousand nine hundred fifty-four; the fifth,
April thirtieth, one thousand nine hundred fifty-four;
the sixth, May thirty-first, one thousand nine hundred
fifty-four; the seventh, June thirtieth, one thousand nine
hundred fifty-four; the eighth, July thirty-first, one thou-
sand nine hundred fifty-four; the ninth, August thirty-
first, one thousand nine hundred fifty-four; the tenth,
September thirtieth, one thousand nine hundred fifty-
four; the eleventh, October thirty-first, one thousand nine hundred fifty-four; and the twelfth, November thirtieth, one thousand nine hundred fifty-four.

(4) Motor vehicles, other than those exempted above, not previously registered in this state and operated upon the highways of this state for the first time after the first day of July, one thousand nine hundred fifty-three, shall be registered for a full twelve month period without regard to the varying periods of registration provided for during the period of change to the staggered registration system: Provided, That the commissioner may initially register a motor vehicle for less than a twelve month period when in his opinion such fractional registration shall tend to fulfill the purpose of the monthly series registration system.

Sec. 17. Application for and Renewal of Registration.—Application for renewal of a vehicle registration shall be made by the owner by proper application and payment of the registration fee provided by law.

The department may receive applications for renewal of registration and issue new registration cards and plates at any time prior to expiration, but no person shall display upon a vehicle the new registration plates prior to the twentieth day of the month preceding the new registration period.

Sec. 18. Notice of Change of Address or Name.—Whenever any person after making application for or obtaining the registration of a vehicle or a certificate of title shall move from the address named in the application or shown upon a registration card or certificate of title such person shall within ten days thereafter notify the department in writing of his old and new addresses.

Whenever the name of any person who has made application for or obtained the registration of a vehicle or a certificate of title is thereafter changed by marriage or otherwise such person shall within ten days notify the department of such former and new name upon a form prescribed by the commissioner, such notification to be accompanied by application for retitle under such new name.
Sec. 19. Lost or Damaged Certificates, Cards, and Plates.

In the event any registration card or registration plate is lost, mutilated, or becomes illegible the owner or legal representative or successor in interest of the owner of the vehicle for which the same was issued as shown by the records of the department shall immediately make application for and may obtain a duplicate or a substitute or a new registration under a new registration number, as determined to be most advisable by the department, upon the applicant furnishing information satisfactory to the department.

In the event any certificate of title is lost, mutilated, or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which the same was issued, as shown by the records of the department, shall immediately make application for and may obtain a duplicate upon the applicant furnishing information satisfactory to the department. Upon issuance of any duplicate certificate of title the previous certificate last issued shall be void.

Sec. 20. Department May Assign New Identifying Numbers.—The department may assign a distinguishing number to a motor vehicle whenever the serial number thereon is destroyed or obliterated and issue to the owner a special plate bearing such distinguishing number which shall be affixed to the vehicle in a position to be determined by the commissioner. Such motor vehicle may then be registered under such distinguishing number in lieu of the former serial number.

Sec. 21. Regulations Governing Change of Motors.—The commissioner is authorized to adopt and enforce such registration rules and regulations as may be deemed necessary and compatible with the public interest with respect to the change or substitution of one engine in place of another in any motor vehicle.

Sec. 22. Department to Issue Registration Bulletins.—The commissioner shall annually, following a renewal of registration, compile and publish in books or bulletins a list of all registered vehicles and shall thereafter compile and publish monthly supplements thereto. The list of
registered vehicles shall be arranged serially according to
the registration numbers assigned to registered vehicles
and shall contain in addition the names and addresses of
registered owners and a brief description of each vehicle.
Officers of the state entrusted with the enforcement of
the laws may be furnished with copies of such lists, and
copies may also be furnished to such other interested
parties as may be authorized by the governor or by the
commissioner. The commissioner may also furnish copies
of such lists to similar officers in adjoining states. Copies
may be furnished to all other persons applying for same,
at a price to be fixed by the commissioner.

Article 4. Transfers of Title or Interest.

Section 1. Registration expires on transfer by owner; transfer, surrender
or retention of plates.—Whenever
the owner of a registered vehicle transfers or assigns his
title, or interest thereto, the registration of such vehicle
shall expire. Upon such transfer, it shall be the duty of
the original owner to retain the registration plates issued
therefor and to immediately notify the commissioner of
such transfer upon such form as may be provided there-
for and to deliver to him the certificate of registration,
whereupon the commissioner shall, upon the payment of
a fee of one dollar, issue a new certificate showing the
use to be made of such plates. Such plates may then be
used by such owner on another vehicle of the same class
as the vehicle for which they were originally issued if
such other vehicle does not require a greater license fee
than was required for such original vehicle. If such other
vehicle requires a greater license fee than such original
vehicle, then such plates may be used by paying such
difference to the commissioner. When such transfer of
ownership is made to a licensed dealer in motor vehicles
it shall be the duty of such dealer to immediately execute
notification of transfer, in triplicate, and to have this noti-
fication properly signed by the owner making the trans-
fer. The dealer shall immediately forward to the depart-
ment the original copy of the notification of transfer. One
copy of the notification of transfer shall be given to the
owner and one shall be retained by the dealer. The owner
shall immediately send to the department the transfer
fee of one dollar with any additional fee that may be re-
quired under the terms of this chapter. The owner's copy,
properly signed by the dealer, will be the owner's identi-
fication until he receives a new registration card from the
department.

The owner of a set of registration plates may surrender
them to the commissioner together with the registration
card and, upon the payment of one dollar as an exchange
fee and upon the payment of such additional fees as are
necessary to equalize the value of the plates surrendered
with the value of the registration plates desired, receive
in exchange a set of plates and registration card for a
vehicle of a different class.

Sec. 2. Endorsement of Certificate of Title upon Trans-
fer by Owner.—Whenever the owner of a registered ve-
hicle transfers or assigns his title, he shall endorse an
assignment and warranty of title upon the certificate of
title for such vehicle with a statement of all liens and
encumbrances thereon, which statement shall be verified
under oath by the owner, and he shall deliver the cer-
tificate of title to the purchaser or transferee at the time
of delivering the vehicle, except in the case of a vehicle
sold as scrap or to be dismantled.

Sec. 3. New Owner Must Secure Registration and Cer-
tificate of Title.—The transferee before operating or per-
mitting the operation of such vehicle upon a highway
shall apply for and obtain the registration thereof, as upon
an original registration, except as otherwise permitted in
sections four and five, article six, or by any other provi-
sions, of this chapter: Provided, however, That such trans-
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8 feree may operate such vehicle under the registration of its previous owner for a period of not more than ten days as provided in section one, article three of this chapter.

9 A transferee shall at the same time present the certifi- cate of title endorsed and assigned as hereinbefore pro- vided to the department and make application for and obtain a new certificate of title for such vehicle, except as otherwise permitted in sections four and five of this article.

Sec. 4. Transfers to Dealers and Others.—When the transferee of a vehicle is a dealer who holds the same for resale and lawfully operates the same under dealer's plates, such dealer shall not be required to obtain a new registration of said vehicle or be required to forward the certificate of title to the department, but such dealer upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

10 When the transferee of a vehicle does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain a new registration of said vehicle, but such transferee shall be required within ten days from the date of such transfer to forward the certificate of title to the department accompanied by an application for a new certificate of title in his name.

Sec. 5. Transfer by Operation of Law.—Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary trans- fer, the registration thereof shall expire and the vehicle shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof, except that such vehicle may be operated by the person entitled to its possession or his legal representative upon the high- ways for a distance not exceeding seventy-five miles upon displaying upon such vehicle the registration plates issued to the former owner, or in the event title has become vested in the person holding a lien or encumbrance upon said vehicle such person may apply to the department for and obtain special plates as may be issued under this
chapter to dealers and may operate any said repossessed
vehicle under such special plates only for purposes of
transporting the same to a garage or warehouse or for
purposes of demonstrating or selling the same: Provided,
That the commissioner is authorized to transfer the plates
of a deceased person to his legal heir or legatee upon pay-
ment of a transfer fee of one dollar.

Upon any transfer the new owner may secure a new
registration and certificate of title upon proper applica-
tion and upon presentation of the last certificate of title
if available, and such instruments or documents of au-
thority or certified copies thereof as may be sufficient or
required by law to evidence or effect a transfer of title
or interest in or to chattels in such case.

Sec. 6. When Department to Register Vehicle and Issue
New Certificate.—The department upon receipt of a prop-
erly endorsed certificate of title and proper application
for registration accompanied by the required fee and
when satisfied as to the genuineness and regularity of said
transfer and of the right of the transferee to a certificate
of title shall reregister the vehicle as upon a new registra-
tion in the name of the new owner and issue a new cer-
tificate of title as upon an original application.

The department shall retain and appropriately file
every surrendered certificate of title, such file to be so
maintained as to permit the tracing of title of the vehicles
designated therein.

Sec. 7. Release by Lien Holder to Owner.—A person
holding a lien or encumbrance as shown upon a certificate
of title upon a vehicle may release such lien or encum-
brance or assign his interest to the owner without affect-
ing the registration of said vehicle. The department, upon
receiving a certificate of title upon which a lien holder has
released or assigned his interest to the owner or upon
receipt of a certificate of title not so endorsed but accom-
panied by a legal release from a lien holder of his interest
in or to a vehicle, shall issue a new certificate of title as
upon an original application.

Sec. 8. Failure to Deliver Certificate a Misdemeanor.—
It is a misdemeanor for any person to fail or neglect to
properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled thereto.

Sec. 9. Owner after Transfer Not Liable for Negligent Operation.—The owner of a motor vehicle who has made a bona fide sale or transfer of his title or interest and who has delivered possession of such vehicle and the certificate of title thereto properly endorsed to the purchaser or transferee shall not be liable for any damages thereafter resulting from negligent operation of such vehicle by another.

Sec. 10. Owner Dismantling or Wrecking Vehicle to Return Evidences of Registration.—Any owner dismantling or wrecking any registered vehicle shall immediately forward to the department the certificate of title for such vehicle.

Sec. 11. Sale of Motor Vehicle to be Dismantled.—Any owner who sells a motor vehicle as scrap or to be dismantled or destroyed shall assign the certificate of title thereto to the purchaser and shall deliver such certificate so assigned to the department with an application for a permit to dismantle such vehicle. The department shall thereupon issue to the purchaser a permit to dismantle the same which shall authorize such person to possess or transport such motor vehicle or to transfer ownership thereto by endorsement upon such permit. A certificate of title shall not again be issued for such motor vehicle in the event it is scrapped, dismantled, or destroyed.

Article 5. Permits to Nonresident Owners.

Section 1. Nonresident owners exempt from registration.

Section 1. Nonresident Owners Exempt From Registration.—A nonresident owner, except as otherwise provided in this section, owning any foreign vehicle of a type otherwise subject to registration hereunder may operate or permit the operation of such vehicle within this state without registering such vehicle in, or paying any fees to, this state subject to the condition that such vehicle at all times when operated in this state is duly registered in, and displays upon it a valid registration
Every nonresident, including any foreign corporation, carrying on business within this state and owning and regularly operating in such business any motor vehicle, trailer, or semitrailer within this state, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state, except as otherwise provided by reciprocal agreements with other states accomplished pursuant to section ten, article two of this chapter.

Article 6. Issuance of Special Plates to Dealers.

Section 1. Operation of Vehicles under Special Plates and Permits.—A dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle upon condition that any such vehicle display thereon a special plate or plates issued to such dealer as provided in this article and in article ten, section six of this chapter.

The department shall have power to grant, in its discretion, special permits to a dealer for use on motor vehicles driven under their own power from the factory or distributing place of a manufacturer, or other dealer, to the place of business of such dealer. Each special permit shall be good only for one trip, and such permit shall not be used by such dealer in lieu of any registration card or plate required by this chapter.

The provisions of this article shall not apply to work or service vehicles owned by a dealer.

Sec. 2. Application for and Issuance of Special Plates.—Any dealer may make application to the department upon the appropriate form for one or more pairs of special plates or single special plates as appropriate to various types of vehicles subject to registration hereunder. The applicant shall also submit such proof of his status as a
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bona fide dealer as may reasonably be required by the department.

The department shall issue special plates as applied for.

Sec. 3. Expiration of Special Plates.—Every special plate issued hereunder shall expire at midnight on the thirtieth day of June of each year, and a new plate or plates for the ensuing year may be obtained by the person to whom any such expired plate or plates was issued upon application to the department and payment of the fee provided by law.

Sec. 4. Dealers to Maintain Records.—Every dealer shall keep a written record of the salesman, mechanic, officer, employee or agent to whom such special plate was assigned and the inclusive date thereof, which record shall be open to inspection by any police officer or any officer or employee of the department.

Sec. 5. Temporary Registration Plates or Markers.—The commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to dealers when the application therefor is accompanied by the fee prescribed in this chapter. Such application shall be made upon a form prescribed and furnished by the department. Dealers subject to the limitations and conditions hereinafter set forth, may issue such temporary registration plates or markers to owners of vehicles, provided that such owners shall comply with the pertinent provisions of this section.

Every dealer who has made application for temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to him, and shall also maintain in permanent form a record of all temporary registration plates or markers issued by him, and in addition thereto, shall maintain in permanent form a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers that the commissioner may require. Each record shall be kept for a period of at least three years from the date of entry of such record. Every dealer shall allow full and free access to such records during regular business hours, to duly authorized
representatives of the department and to peace officers.

Every person who issues temporary registration plates or markers shall, on the day that he issued such plates or markers, send to the department a copy of the temporary registration plates or marker application, properly executed by such dealer and the owner.

A person shall not issue, assign, transfer or deliver temporary registration plates or markers to any one other than the bona fide purchaser or owner of the vehicle to be registered; nor shall a person issue temporary registration plates or markers to anyone possessed of annual registration plates for a vehicle that has been sold or exchanged; nor shall a dealer lend to anyone or use on any vehicle that he may own, temporary registration plates or markers. It shall be unlawful for any person to issue any temporary registration plate or marker, or plates or markers, containing any misstatement of fact, or knowingly to insert any false information upon the face thereof.

Every person who issues temporary plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration, and the make and motor or serial number of the vehicle for which issued.

If the commissioner finds that the provisions of this section or the directions of the commissioner are not being complied with by the dealer, he may suspend, after notice and hearing, the right of a dealer to issue temporary registration plates or markers.

Every person who makes application for temporary registration plates or markers shall execute the temporary registration plate or marker application and shall return such application to the dealer from whom the vehicle to be registered has been or will be purchased.

Every person who makes application for temporary registration plates or markers shall execute and send an application for annual registration plates to the department, previous to or at the same time that the dealer sends to the department a copy of the executed temporary registration certificate, but in no event shall such application for annual registration plates be made later than
the day on which the temporary registration plates or markers are issued to such owner.

Every person to whom temporary registration plates or markers have been issued shall permanently destroy such temporary registration plates or markers immediately upon receiving the annual registration plates from the department: Provided, That if the annual registration plates are not received within twenty days of the issuance of the temporary registration plates or markers, the owner shall, notwithstanding immediately upon the expiration of such twenty day period, permanently destroy the temporary registration plates or markers.

Temporary registration plates or markers shall expire and become void upon the receipt of the annual registration plates from the department, or upon the rescission of a contract to purchase a motor vehicle, or upon the expiration of twenty days from the date of issuance, depending upon whichever event shall first occur. No refund or credit of fees paid by dealers to the department for temporary registration plates or markers shall be allowed, except in the event that the commissioner discontinues the issuance of temporary registration plates or markers, dealers returning temporary registration plates or markers to the department may petition for refund or a credit thereof.

The commissioner shall have the power to make such rules and regulations, not inconsistent herewith, as he shall deem necessary for the purpose of carrying out the provisions of this section.

Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Article 7. Motor Car Dealers and Wreckers Must be Licensed.

Section 1. Dealers and wreckers must be licensed.
2. Department to issue license certificates.
3. Records of purchases and sales and of cars wrecked.

Section 1. Dealers and Wreckers Must be Licensed.—
2 No person unless licensed so to do by the department, under the provisions of this chapter, shall carry on or conduct the business of:
(1) A dealer in motor vehicles, trailers, or semitrailers, of a type subject to registration;

(2) A dealer in used parts or used accessories of motor vehicles;

(3) Wrecking or dismantling any such vehicle for resale of the parts thereof.

Application for a dealer's or wrecker's license shall be made upon the form prescribed by the department and shall contain the name and address of the applicant; and when the applicant is a partnership, the name and address of each partner; or when the applicant is a corporation, the names of the principal officers of the corporation and the state in which incorporated, and the place or places where the business is to be conducted, and the nature of such business, and such other information as may be required by the department. Every such application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer thereof. Every such application shall be accompanied by the fee required by law.

Sec. 2. Department to Issue License Certificate.—The department, upon receiving application accompanied by the required fee, and when satisfied that the applicant is of good character, and so far as can be ascertained has complied with and will comply with the laws of this state with reference to the registration of vehicles and certificates of title and the provisions of this chapter, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer or wrecker, as the case may be, during the period for which the license is issued. Every such license shall expire on June thirtieth of each year, and may be renewed upon the application and payment of the fee required by law.

The department may refuse to issue a license or, after written notice to the licensee and a hearing, may cancel a license when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this chapter.
Any licensee, before removing any one or more of his places of business, or opening any additional place of business, shall apply to the department for and obtain a supplemental license, for which no fee shall be charged.

Sec. 3. Records of Purchases and Sales and of Cars Wrecked.—Every licensee shall maintain a record in form as prescribed by the department of:

1. Every vehicle of a type subject to registration hereunder which is bought, sold, or exchanged by the licensee or received or accepted by the licensee for sale or exchange;
2. Every used part or used accessory which is bought or otherwise acquired and every motor vehicle body, chassis, or motor vehicle engine which is sold or otherwise disposed of;
3. Every such vehicle which is bought or otherwise acquired and wrecked by the licensee.

Every said record shall state the name and address of the person from whom such vehicle or used part or accessory was purchased or acquired and the date thereof and the name and address of the person to whom any such vehicle or motor vehicle body, chassis, or motor vehicle engine was sold or otherwise disposed of and the date thereof and a sufficient description of every such vehicle, part, accessory, body, chassis, or motor vehicle engine by name and identifying numbers thereon to identify the same.

Every such record shall be open to inspection by any peace officer during reasonable business hours.

Article 8. Special Antitheft Laws.

Section 1. Report of stolen and recovered vehicles.
2. Reports by owners of stolen and recovered vehicles.
3. Action by department on report of stolen or embezzled vehicle.
4. Unlawful taking of a vehicle.
5. Receiving or transferring stolen vehicles.
6. Injuring or tampering with vehicle.
7. Vehicles without manufacturers’ numbers.
8. Altering or changing engine or other numbers.

Section 1. Report of Stolen and Recovered Vehicles.—Every sheriff, chief of police, or peace officer upon receiving reliable information that any vehicle registered hereunder has been stolen shall immediately report such theft
to the department unless prior thereto information has
been received of the recovery of such vehicle. Any said
officer upon receiving information that any vehicle, which
he has previously reported as stolen, has been recovered,
shall immediately report the fact of such recovery to the
local sheriff's office or police department and to the de-
partment.

Sec. 2. Reports by Owners of Stolen and Recovered
Vehicles.—The owner, or person having a lien or encum-
brance upon a registered vehicle which has been stolen
or embezzled, may notify the department of such theft or
embezzlement, but in the event of an embezzlement may
make such report only after having procured the issuance
of a warrant for the arrest of the person charged with
such embezzlement.

Every owner or other person who has given any such
notice must notify the department of a recovery of such
vehicle.

Sec. 3. Action by Department on Report of Stolen or
Embezzled Vehicle.—The department upon receiving a
report of a stolen or embezzled vehicle as hereinbefore
provided shall file and appropriately index the same and
shall immediately suspend the registration and certificate
of title of the vehicle so reported and shall not transfer
the registration of the same until such time as it is notified
in writing that such vehicle has been recovered. The de-
partment shall also file reports of stolen and recovered
vehicles reported to it by other states.

The department shall at least once each week compile
and maintain at its headquarters office a list of all vehicles
which have been stolen or embezzled or recovered as
reported to it during the preceding week and such lists
shall be open to inspection by any peace officer or other
person interested in any such vehicle. A copy of each
such weekly list shall be forwarded to the superintendent
of the department of public safety.

The department shall publish once a month a list of all
vehicles stolen or recovered during the previous month
and shall forward a copy of the same to every sheriff and
to all police departments in cities of this state with over
five thousand inhabitants. Such list shall also be for-
24 warded to the state police department or other proper
25 official in each state of the United States.

Sec. 4. Unlawful Taking of a Vehicle.—Any person who
2 drives a vehicle, not his own, without consent of the
3 owner thereof, and with intent temporarily to deprive
4 said owner of his possession of such vehicle, without in-
5 tent to steal the same, is guilty of a misdemeanor. The
6 consent of the owner of a vehicle to its taking or driving
7 shall not in any case be presumed or implied because of
8 such owner's consent on a previous occasion to the taking
9 or driving of such vehicle by the same or a different per-
10 son. Any person who assists in, or is a party or accessory
to or an accomplice in any such unauthorized taking or
driving, is guilty of a misdemeanor.

Sec. 5. Receiving or Transferring Stolen Vehicles.—
2 Any person who, with intent to procure or pass title to
3 a vehicle which he knows or has reason to believe has
4 been stolen or unlawfully taken, receives, or transfers
5 possession of the same from or to another, or who has in
6 his possession any vehicle which he knows or has reason
7 to believe has been stolen or unlawfully taken, and who
8 is not an officer of the law engaged at the time in the per-
9 formance of his duty as such officer, is guilty of a felony.

Sec. 6. Injuring or Tampering with Vehicle.—Any per-
2 son who either individually or in association with one or
3 more persons willfully injures or tampers with any ve-
4 hicle or breaks or removes any part or parts of or from
5 a vehicle without the consent of the owner is guilty of a
6 misdemeanor.
7 Any person who with intent to commit any malicious
8 mischief, injury, or other crime climbs into or upon a
9 vehicle whether it is in motion or at rest or with like in-
10 tent attempts to manipulate any of the levers, starting
11 mechanism, brakes, or other mechanism or device of a
12 vehicle while the same is at rest and unattended or with
13 like intent sets in motion any vehicle while the same is at
14 rest and unattended is guilty of a misdemeanor.

Sec. 7. Vehicles Without Manufacturers' Numbers.—
2 Any person who knowingly buys, receives, disposes of,
sells, offers for sale, or has in his possession any motor
vehicle, or engine removed from a motor vehicle, from
which the manufacturer's serial or engine number or
other distinguishing number or identification mark or
number placed thereon under assignment from the de-
partment has been removed, defaced, covered, altered, or
destroyed for the purpose of concealing or misrepresent-
ing the identity of said motor vehicle or engine is guilty
of a misdemeanor, and, upon a second or subsequent con-
viction under this section, the conviction shall be for a
felony.

Sec. 8. Altering or Changing Engine or other Numbers.
No person shall with fraudulent intent deface, destroy,
or alter the manufacturer's serial or engine number or
other distinguishing number or identification mark of a
motor vehicle nor shall any person place or stamp any
serial, engine, or other number or mark upon a motor
vehicle, except one assigned thereto by the department.
Any violation of this provision is a misdemeanor.
This section shall not prohibit the restoration by an
owner of an original serial, engine, or other number or
mark when such restoration is made under permit issued
by the department, nor prevent any manufacturer from
placing in the ordinary course of business numbers or
marks upon motor vehicles or parts thereof.

Article 9. Offenses Against Registration Laws and Suspension
or Revocation of Registration.

Section
1. Fraudulent applications.
2. Operation of vehicles without evidences of registration.
3. Improper use of evidences of registration.
4. False evidences of title and registration.
5. Authority of department to suspend or revoke a registration.
6. Suspending or revoking certificate or special plates of a dealer.
7. Owner to return evidences of registration upon cancellation, sus-
pension or revocation.

Section 1. Fraudulent Applications.—Any person who
fraudulently uses a false or fictitious name in any applica-
tion for the registration of a vehicle or a certificate of title,
or knowingly makes a false statement, or knowingly con-
ceals a material fact, or otherwise commits a fraud in any
such application shall be guilty of a misdemeanor and
upon conviction thereof shall be punished by a fine of not
more than one thousand dollars or by imprisonment for
not more than one year or both.

Sec. 2. Operation of Vehicles Without Evidences of
Registration.—No person shall operate, nor shall an owner
knowingly permit to be operated, upon any highway any
vehicle required to be registered hereunder unless there
shall be attached thereto and displayed thereon or shall
be in the possession of the operator when and as required
by this chapter a valid registration card and registration
plate or plates issued therefor by the department for the
current registration year except as otherwise expressly
permitted in this chapter. Any violation of this section
is a misdemeanor.

Sec. 3. Improper Use of Evidences of Registration.—
No person shall lend to another any certificate of title,
registration card, registration plate, special plate, or per-
mit issued to him if the person desiring to borrow the
same would not be entitled to the use thereof, nor shall
any person knowingly permit the use of any of the same
by one not entitled thereto, nor shall any person display
upon a vehicle any registration card, registration plates,
or permit not issued for such vehicle or not otherwise
lawfully used thereon under this chapter. Any violation
of this section is a misdemeanor.

Sec. 4. False Evidences of Title and Registration.—It is
a felony for any person to commit any of the following
acts:
(1) To alter with fraudulent intent any certificate of
title, registration card, registration plate, or permit issued
by the department;
(2) To forge or counterfeit any such document or plate
purporting to have been issued by the department;
(3) To alter or falsify with fraudulent intent or forge
any assignment upon a certificate of title;
(4) To hold or use any such document or plate knowing
the same to have been so altered, forged, or falsified.

Sec. 5. Authority of Department to Suspend or Revoke
a Registration.—The department is hereby authorized to
suspend or revoke the registration of a vehicle or a cer-
tificate of title, registration card, or registration plate, or
any nonresident or other permit in any of the following
events:
(1) When the department is satisfied that such regis-
tration or that such certificate, card, plate, or permit was
fraudulently or erroneously issued;
(2) When the department determines that a registered
vehicle is mechanically unfit or unsafe to be operated or
moved upon the highways;
(3) When a registered vehicle has been dismantled or
wrecked;
(4) When a registration card, registration plate, or per-
mit is knowingly displayed upon a vehicle other than the
one for which issued;
(5) When the department determines that the owner
has committed any offense under this article involving
the registration or the certificate, card, plate, or permit to
be suspended or revoked; or
(6) When the department is so authorized under any
other provision of law.

Sec. 6. Suspending or Revoking Certificate or Special
Plates of a Dealer.—The department is also authorized to
suspend or revoke a certificate or the special plates issued
to a dealer upon determining that any said person is not
lawfully entitled thereto or has made or knowingly per-
mitted any illegal use of such plates or has committed
fraud in the registration of vehicles or failed to give no-
tices of transfers when and as required by this chapter.

Sec. 7. Owner to Return Evidences of Registration
Upon Cancellation, Suspension or Revocation.—Whenever
the department as authorized hereunder cancels, sus-
PENDS, or revokes the registration of a vehicle or a cer-
tificate of title, registration card, or registration plate or
plates, or any nonresident or other permit or the license
of any dealer or wrecker, the owner or person in posses-
sion of the same shall immediately return the evidences
of registration, title, or license so canceled, suspended, or
revoked to the department. If any person shall willfully
fail to return to the department the evidences of regis-
tration, title, or license so canceled, suspended, or revoked,
13 the commissioner shall forthwith notify the superintend-
14 ent of the department of public safety who shall, as soon
15 as possible, secure possession thereof and return same to
16 the department. Said superintendent of the department
17 of public safety shall make a report in writing to the
18 commissioner, within two weeks after being so notified
19 by the commissioner, as to the result of his efforts to
20 secure the possession and return of such evidences of
21 registration, title or license.

**Article 10. Registration, License and Other Fees.**

Section 1. **Classification of Vehicles for Purpose of Registration.**—Vehicles subject to registration under the provisions of this chapter shall be placed in the following classes for purpose of registration:

- **Class A.** Motor vehicles of passenger type, other than those leased or operated for compensation;
- **Class B.** Motor vehicles designated as trucks, truck tractors, or road tractors other than those leased or operated for compensation;
- **Class C.** All trailers and semitrailers except those leased or operated for compensation other than over regular route or between fixed termini by common carriers, and except house trailers and trailers or semitrailers designed to be drawn by Class A motor vehicles and having a gross weight of less than two thousand pounds;
16 Class G. Motorcycles;
17 Class H. Motor vehicles operated regularly under a certificate of public convenience and necessity or a contract carrier permit for transportation of persons;
18 Class I. Motor vehicles designated as trucks, truck tractors, or road tractors operated over a regular route or between fixed termini under a certificate of convenience and necessity for transportation of property;
19 Class J. Motor vehicles operated for transportation of persons for compensation by common carriers, not running over a regular route or between fixed termini, except passenger motor vehicles rented without a driver;
20 Class K. Motor vehicles designated as trucks, truck tractors, or road tractors leased or operated for transportation of property for compensation, not over a regular route or between fixed termini, including such motor vehicles rented without drivers;
21 Class L. All trailers and semitrailers used for transportation of property other than over a regular route or between fixed termini by common carriers;
22 Class R. House trailers;
23 Class S. Special mobile equipment as defined in section nineteen, article one of this chapter;
24 Class T. Trailers or semitrailers of a type designed to be drawn by Class A vehicles and having a gross weight of less than two thousand pounds;
25 Class U. Passenger motor vehicles rented for compensation without a driver.

Sec. 2. Registration Fees of Motor Vehicles Used for Transportation of Property Determined by Declared Gross Weight.—The declared gross weight as stated in the application for registration shall be the basis for determination of fees to be paid for operation of trucks used separately and not in combination with other vehicles in transportation of property.

The basis for determination of fees to be paid for operation of trucks, truck tractors, and road tractors used in combination with other vehicles for the transportation of property shall be the combined declared gross weight of
the truck, truck tractor, or road tractor and the vehicle
to be drawn by such truck, truck tractor or road tractor;
the declared gross weight of the entire combination of
truck, truck tractor, or road tractor and the trailer or
semitrailer to be drawn by such motive vehicle to be con-
sidered as one unit for purpose of determining the fees to
be paid for such truck, truck tractor, or road tractor.

Sec. 3. Registration Fees for Vehicles Equipped with
Pneumatic Tires; Certificate Fees for Vehicles Operated
Under Certificates of Public Convenience and Necessity
and Other Fees.—The following registration fees for the
classes indicated shall be paid annually to the department
for the registration of vehicles subject to registration
hereunder when equipped with pneumatic tires:

Class A. The registration fee for all motor vehicles of
this class shall be eleven dollars for a motor vehicle of a
weight of two thousand pounds or less, and for all motor
vehicles having a weight of over two thousand pounds,
sixty cents additional for each one hundred pounds of
weight, or fraction thereof, in excess of two thousand
pounds, and for the purpose of determining the weight the
actual weight of the vehicle shall be taken: Provided,
That for vehicles owned by churches, or by trustees for
churches, which vehicles are regularly used for trans-
porting parishioners to and from church services, no li-
cense fee shall be charged, but notwithstanding such ex-
emption, the certificate of registration and license plates
shall be obtained the same as other cards and plates un-
der this article.

Class B, Class I and Class K. The registration fee for all
motor vehicles of these three classes shall be as follows:
(1) For declared gross weights of four thousand pounds
or less—seventeen dollars and fifty cents.
(2) For declared gross weights of four thousand and
one pounds to eight thousand pounds—twenty dollars.
(3) For declared gross weights of eight thousand and
one pounds to sixteen thousand pounds—twenty dollars
plus forty cents for each hundred pounds or fraction
thereof that the gross weight of such vehicle or combina-
tion of vehicles exceeds eight thousand pounds.
(4) For declared gross weights greater than sixteen thousand pounds—sixty-two dollars plus seventy-five cents for each one hundred pounds or fraction thereof that the gross weight of such vehicle or combination of vehicles exceeds sixteen thousand pounds.

If the declared gross weight of a Class B, Class I or Class K motor vehicle includes the gross weight of a Class C or Class L vehicle used in combination with such Class B, Class I or Class K motor vehicle and the registration fee prescribed hereunder for such Class C or Class L vehicle has been paid, there shall be deducted from the registration fee for such Class B, Class I or Class K motor vehicle the amount of fifteen dollars.

Class C and Class L. The registration fee for all vehicles of these two classes shall be fifteen dollars.

Class G. The registration fee for each motorcycle having two wheels shall be five dollars. The registration fee for each motorcycle having three wheels shall be seven dollars and fifty cents.

Class H. The registration fee for all motor vehicles of this class shall be eighty dollars for a motor vehicle of twenty-one passengers or less capacity and one hundred and twenty dollars for a motor vehicle of more than twenty-one passenger capacity: Provided, however, That the registration fees for vehicles used only as reserve or emergency equipment shall be five dollars for vehicles of twenty-one passengers or less capacity and seven and one-half dollars for vehicles of more than twenty-one passenger capacity.

In addition to the herein prescribed registration fee, the following certificate fees shall be paid for vehicles operating for transportation of persons for compensation under a Class H certificate of public convenience and necessity:

For transportation of passengers there shall be paid one-thirtieth of a cent for each passenger seat multiplied by the total number of miles that will be traveled over any public highway in this state, or over any streets or alleys within any municipality in this state, by such motor vehicles during the quarter year.

Such certificate fees under Class H shall be payable in
advance quarterly, and shall be computed on the schedule
on file and in effect on the first day of January, April,
July and October. If operation begins after the first day of
any of said months, the fees shall be computed for the
remainder of such current quarter year.
Class J. The registration fee for all motor vehicles of
this class shall be seventy-five dollars. Ambulances and
hearses used exclusively as such shall be exempted from
the above special fees.
Class R. The registration fee for all vehicles of this
class shall be nine dollars.
Class S. The registration fee for all vehicles of this
class shall be fifteen dollars.
Class T. The registration fee for all vehicles of this
class shall be five dollars.
Class U. The registration fee for all motor vehicles of
this class shall be fifty dollars.

Sec. 4. Registration Fees for Vehicles Equipped with
Other Than Pneumatic Tires.—Any vehicle subject to
registration hereunder which is equipped with tires of a
type other than pneumatic tires shall pay double the fee
set forth in section three for vehicles of its class.

Sec. 5. Public Service Commission Assessment Must
Be Paid Before Vehicle Registered; Commissioner to Fur-
nish Registration Information to Public Service Commis-
sion.—The commissioner shall not register any Class H,
I, J, K, L or U vehicle unless the assessment for such vehi-
icle provided for in section six, article six, chapter twenty-
four-a of this code shall have been paid and notice of such
payment shall have been received by the commissioner in
the manner provided in said section.
The commissioner upon registering a vehicle in any of
the above classes shall certify to the public service com-
mission a written statement including for each such vehi-
cle the following information when applicable:
(1) The registration number assigned to such vehicle;
(2) The date of issuance of such registration number;
(3) The model of such vehicle;
(4) The declared gross weight or seating capacity of
such vehicle;
(5) Body type, motor or serial number and name of manufacturer; and

(6) The person in whose name such vehicle was registered.

Sec. 6. *Fees to Be Paid by Dealers.*—Each dealer in trailers, semitrailers or motor vehicles, except motorcycles, shall pay a fee of seventy-five dollars, annually, in consideration of which he shall receive a dealer’s license certificate as provided in article seven of this chapter and four sets of Class D special plates as provided in article six of this chapter. Additional sets of such special plates shall be issued to any such dealer, upon application and payment of a fee of five dollars for each additional set. Such Class D plates may be used for any purpose on any vehicle owned by such dealer and which is being operated with his knowledge and consent: *And provided further,* that said Class D plates may not be used on any vehicle which has been sold to any customer by said dealer.

Each dealer in motorcycles shall pay an annual fee of ten dollars, in consideration of which he shall receive a dealer’s license certificate as provided in article seven of this chapter and two sets of Class F motorcycle dealer’s special plates as provided in article six of this chapter. For each additional set of such motorcycle dealer’s special plates the dealer shall pay a fee of five dollars.

Each dealer in motor vehicles, trailers, or semitrailers shall pay a fee of one dollar for each temporary registration plate or marker issued to such dealer under the provisions of section five, article six of this chapter.

Each dealer in used parts or used accessories of motor vehicles and each person engaged in the business of wrecking or dismantling any vehicle for resale of the parts thereof shall pay an annual fee of fifteen dollars in consideration of which he shall receive a license certificate as provided in article seven of this chapter.

Sec. 7. *Reduced Fees for Portion of Year.*—The registration fees herein prescribed shall be for the entire fiscal year: *Provided,* that where application for such registration is made between the first day of October and the thirty-first day of December, inclusive, in any
fiscal year, the charge therefor shall be three-quarters of such yearly fee, and when application for such registration is made between the first day of January and the thirty-first day of March, inclusive, in any fiscal year, the charges shall be one-half of such yearly fee, and where application for such registration is made between the first day of April and the thirtieth day of June, inclusive, in any fiscal year, the charges shall be one-quarter of such yearly fee.

Sec. 8. Exemption from Registration Fees.—The United States government, the state, or any political subdivision thereof, shall be exempted from the payment of any fee on account of registration of any vehicle owned or operated by the United States government, the state, or any political subdivision thereof, as the case may be: Provided, That the proper representative of the federal government, the state, or any such political subdivision thereof, shall make, or cause to be made, on the form provided for that purpose, an application for registration of such vehicle so owned and operated, and that the registration plate or plates issued for such vehicle shall be displayed or caused to be displayed as provided in this chapter: Provided further, That fire apparatus owned by the United States government, the state, or any political subdivision thereof, and by an incorporated volunteer fire department organized for protection of community property shall be exempt from all the provisions of this article except such provisions as relate to the qualification and licensing of drivers: Provided further, That any ambulance used exclusively for charitable purposes, for which use there is no charge, shall be exempt from the payment of all fees required by this article.

Sec. 9. Municipalities and Other Political Subdivisions Not to Levy or Charge License Tax on Motor Vehicles.—No license tax shall be levied or charged by any municipality or other political subdivision of the state with respect to motor vehicles and their operation except as provided in chapter eight-a, article five, section four, and also in chapter eight, article four, section twenty-seven, of the code of West Virginia, as amended, but this
prohibition shall not prevent municipalities or other political subdivisions of the state from assessing and collecting the regular property tax on such motor vehicle.

Sec. 10. Fees Upon Transfer of Registration and Issuance of Certificates of Title.—A fee of one dollar shall be paid for a transfer of registration by an owner from one vehicle to another vehicle of the same class or for surrender of registration of one vehicle in exchange for registration of a vehicle of a different class in addition to the payment of any difference in fees as provided in section one, article four of this chapter.

A fee of one dollar shall be paid for the transfer of registration from a deceased person to his legal heir or legatee as provided in section five, article four of this chapter.

A fee of one dollar shall be paid for the issuance of a certificate of title.

Sec. 11. Fees for Duplicate Registration Plates, Registration Cards, and Certificates of Title.—A fee of one dollar shall be paid for the issuance of duplicate or substitute registration plates, registration cards or certificates of title.

Sec. 12. When Fees Returnable.—Whenever any application to the department is accompanied by any fee as required by law and such application is refused or rejected said fee shall be returned to said applicant.

Whenever the department through error collects any fee not required to be paid hereunder the same shall be refunded to the person paying the same upon application therefor made within six months after the date of such payment.

Sec. 13. Payment of Fees and Passenger Seat Tax to Cities or Towns.—The holders of a certificate of convenience and necessity authorizing the transportation of property or person for hire wholly within any incorporated city or town and within its adjacent suburban area not exceeding three miles distant from the city boundary shall pay the fees and passenger seat tax provided for in this article, as to such operation wholly within such city or town to such city or town instead of to the department of
motor vehicles, provided that any such city or town may collect the fee or tax for the operation wholly within such city or town in lieu of but not greater than the fees and taxes provided in this article.

Article 11. Penalties.

Section
1. Penalty for misdemeanor.
2. Penalty for felony.
3. Jurisdiction of crimes by justices.

Section 1. Penalty for Misdemeanor.—It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony.

Unless another penalty is in this chapter or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provisions of this chapter shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Sec. 2. Penalty for Felony.—Any person who is convicted of a violation of any of the provisions of this chapter herein or by the laws of this state declared to constitute a felony shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

Sec. 3. Jurisdiction of Crimes by Justices.—Justices of the peace shall have concurrent jurisdiction with the circuit, criminal and intermediate courts to enforce the misdemeanor penalties prescribed by this chapter.


Section
1. Constitutionality.
2. Repeal.

Section 1. Constitutionality.—If any part or parts of this chapter shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this chapter. The Legislature hereby declares that it would have passed the remaining parts of
Sec. 2. Repeal.—The provisions of any act or parts of acts, or of the code of West Virginia, one thousand nine hundred thirty-one, as amended, which are inconsistent with the provisions of this chapter, are hereby repealed to the extent of such inconsistency.

CHAPTER 17-B. MOTOR VEHICLE OPERATORS’ AND CHAUFFEURS’ LICENSES.


Section 1. Definitions.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this article.

1. Definitions.
2. Vehicle.
3. Motor vehicle.
4. Farm tractor.
5. School bus.
6. Person.
7. Operator.
8. Chauffeur.
10. Nonresident.
11. Street or highway.
12. Commissioner.
13. Department.
14. Suspension.
15. Revocation.

Sec. 2. Vehicle.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3. Motor Vehicle.—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. 4. Farm Tractor.—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
Sec. 5. School Bus.—Every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

Sec. 6. Person.—Every natural person, firm, copartnership, association, or corporation.

Sec. 7. Operator.—Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Sec. 8. Chauffeur.—Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation.

Sec. 9. Owner.—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

Sec. 10. Nonresident.—Every person who is not a resident of this state.

Sec. 11. Street or Highway.—The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 12. Commissioner.—The commissioner of motor vehicles of this state.

Sec. 13. Department.—The department of motor vehicles of this state acting directly or through its duly authorized officers or agents.
Sec. 14. Suspension.—Suspension means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of such suspension.

Sec. 15. Revocation.—Revocation means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the department after the expiration of at least one year after the date of revocation, except as otherwise provided in section two, article five, chapter seventeen-c of this code.

Sec. 16. Cancellation.—Cancellation means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

Article 2. Issuance of License, Expiration and Renewal.

Section 1. Operators and chauffeurs must be licensed.
Section 2. What persons are exempt from license.
Section 3. What persons shall not be licensed.
Section 4. Classification of chauffeurs; special restrictions.
Section 5. Instruction permits.
Section 6. Application for license or instruction permit.
Section 7. Examination of applicants.
Section 8. Licenses issued to operators and chauffeurs; fee.
Section 9. License to be carried and exhibited on demand.
Section 10. Restricted licenses.
Section 11. Duplicate licenses.
Section 12. Expiration of licenses; renewal; fees.
Section 13. Notice of change of address or name.
Section 14. Records to be kept by the department.

Section 1. Operators and Chauffeurs Must Be Licensed.—No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator or chauffeur under the provisions of this chapter. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the department any operator's license issued to him or an affidavit that he does not possess an operator's license.
Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

Any person licensed as an operator or chauffeur hereunder may exercise the privilege thereby granted upon all streets and highways in this state and except as otherwise provided by law shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

Sec. 2. What Persons Are Exempt from License.—The following persons are exempt from license hereunder:

1. Any person while operating a motor vehicle in the service of the army, air force, navy, or marine corps of the United States;

2. A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator for a period not to exceed ninety days in any one calendar year;

3. A nonresident who is at least eighteen years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this state either as an operator or chauffeur subject to the age limits applicable to chauffeurs in this state except that any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this state or from a person or persons having a place of business in this state.

Sec. 3. What Persons Shall Not Be Licensed.—The department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of sixteen years;

2. To any person, as a chauffeur, who is under the age of eighteen;

3. To any person, as an operator or chauffeur, whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in section eight, article three, of this chapter;
(4) To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

(5) To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the mentally incompetent, upon the certificate of the superintendent of such institution that such person is competent and not then unless the commissioner is satisfied that such person is competent to operate a motor vehicle with safety to persons or property.

(6) To any person, as an operator or chauffeur, who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the provisions of the motor vehicle safety responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare.

Sec. 4. Classification of Chauffeurs; Special Restrictions.—No person who is under the age of twenty-one years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation nor in either event until he has been licensed as a chauffeur for either such purpose and the license so indicates. The department shall not issue a chauffeur’s license for either such purpose unless the applicant has had at least one year of driving experience prior thereto.

Notwithstanding the provisions of this section, a person who qualifies under all provisions of this chapter except this section, and who at the time of the enactment of this chapter possesses a valid chauffeur’s license issued under a prior act of the legislature, may be issued a chauffeur’s license as provided in section twelve of this article.
Sec. 5. *Instruction Permits.*—Any person who is at least sixteen years of age may apply to the department for an instruction permit. The department may in its discretion, after the applicant has appeared before the department of public safety and successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of sixty days when accompanied by a licensed operator or chauffeur who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period of sixty days. The fee for each such instruction permit shall be one dollar.

Sec. 6. *Application for License or Instruction Permit.*—Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of sixty days from the date of application, except that no applicant shall be examined twice within a period of one week.

Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and such other pertinent information as the commissioner may require.

Sec. 7. *Examination of Applicants.*—(a) The department of public safety shall examine every applicant for an operator's or chauffeur's license, except as otherwise provided in this section. Such examination shall include
a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and such further physical and mental examination as the department of motor vehicles deems necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

(b) The commissioner shall adopt and promulgate regulations concerning the examination of applicants for operator's and chauffeur's licenses and the qualifications required of such applicants, and the examination of such applicants by the department of public safety shall be in accordance with such regulations.

Sec. 8. Licenses Issued to Operators and Chauffeurs; Fee.—The department shall upon payment of the required fee 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, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

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.

Sec. 9. License to Be Carried and Exhibited on Demand. —Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of the peace, a peace officer, or a field deputy or inspector of the department. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.
Sec. 10. Restricted Licenses.—The department upon issuing an operator's or chauffeur's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Sec. 11. Duplicate Licenses.—In the event that an operator's or chauffeur's license issued under the provisions of this chapter is lost or destroyed, the person to whom such license was issued may upon making proper application and upon payment of a fee of one dollar, obtain a duplicate thereof upon furnishing proof satisfactory to the department that such license has been lost or destroyed.

Sec. 12. Expiration of Licenses; Renewal; Fees.—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 that the operator's license of any person in the armed forces shall be extended to the expiration of 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, in the discretion of the commissioner, without examination, 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, in the discretion of the commissioner, 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 a driving examination.

The commissioner shall, upon the 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 pursuant to such prior act or the provisions of this chapter shall expire by its own limitation one year from the date of its issuance, and shall be thereafter renewable for successive periods of one year upon application and upon payment of the required fee as hereinbefore provided in this section.

Sec. 13. Notice of Change of Address or Name.—Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within twenty days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

Sec. 14. Records to Be Kept by the Department.—The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

(1) All applications denied and on each a notation of the reasons for such denial;
(2) All applications granted; and
The name of every licensee whose license has been suspended or revoked by the department and after each such name a notation of the reasons for such action. The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order than an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.

Article 3. Cancellation, Suspension or Revocation of Licenses.

Section 1. Authority of department to cancel license.
2. Suspending privileges of nonresidents and reporting convictions.
3. Suspending resident's license upon conviction in another state.
4. Abstract of judgment of conviction for violation of motor vehicle laws to be sent to department.
5. Mandatory revocation of license by department.
6. Authority of department to suspend or revoke license.
7. Department may require reexamination.
8. Period of suspension or revocation.
9. Surrender and return of license.
10. No operation under foreign license during suspension or revocation in this state.

Section 1. Authority of Department to Cancel License.—The department is hereby authorized to cancel any operator's or chauffeur's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application.
Upon such cancellation, the licensee must surrender the license so canceled to the department.

Sec. 2. Suspending Privileges of Nonresidents and Reporting Convictions.—The privilege of driving a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as an operator's or chauffeur's license issued hereunder may be suspended or revoked.
The department shall, upon receiving a record of the
9 conviction in this state of a nonresident driver of a motor
10 vehicle of any offense under the motor vehicle laws of
11 this state, forward a certified copy of such record to the
12 motor vehicle administrator in the state wherein the
13 person so convicted is a resident.

Sec. 3. Suspending Resident's License Upon Conviction
2 in Another State.—The department is authorized to
3 suspend or revoke the license of any resident of this
4 state or the privilege of a nonresident to drive a motor
5 vehicle in this state upon receiving notice of the con-
6 viction of such person in another state of an offense
7 therein which, if committed in this state, would be a
8 ground for the suspension or revocation of the license
9 of an operator or chauffeur.

Sec. 4. Abstract of Judgment of Conviction for Viola-
2 tion of Motor Vehicle Laws to Be Sent to Department.—
3 Whenever a conviction is had in any court of record, or
4 in a justice's court, or in the police court or mayor's
5 court of any incorporated municipality, for the violation
6 of any law of this state governing or regulating the li-
7 censing or operation of any motor vehicle, or for the
8 violation of any provision of a charter, or by-law, or ordi-
9 nance of such incorporated municipality governing or
10 regulating the operation of motor vehicles, except regu-
11 lations governing standing or parking, the clerk of every
12 such court, or the justice, or the clerk or recorder of
13 such municipality, as the case may be, shall in each
14 case transmit to the department within seventy-two
15 hours after such conviction is had a certified abstract of
16 the judgment on such conviction.
17 Whenever any person is convicted of any offense for
18 which a provision of this chapter makes mandatory the
19 revocation or suspension of the operator's or chauffeur's
20 license of such person by the department, the court in
21 which such conviction is had shall require the surrender
22 to it of all operator's and chauffeur's licenses then held
23 by the person so convicted and the clerk of every said
24 court, or the justice, or the clerk or the recorder of a
25 municipality, as the case may be, shall thereupon for-
26 ward the same to the department with the abstract of the
27 judgment on such conviction.
For the purposes of this chapter a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

Wilful failure, refusal or neglect to comply with the provisions of this section shall subject the person who is guilty thereof to a fine of not less than ten dollars nor more than fifty dollars and may be the grounds for removal from office.

Sec. 5. *Mandatory Revocation of License by Department.*—The department shall forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;
2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug as provided in section two, article five, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended;
3. Any felony in the commission of which a motor vehicle is used;
4. Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another;
5. Perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of twelve months.

Sec. 6. *Authority of Department to Suspend or Revoke License.*—The department is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:
(1) Has committed an offense for which mandatory revocation of license is required upon conviction;
(2) Has by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in the death or personal injury of another or property damage;
(3) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;
(4) Is an habitually reckless or negligent driver of a motor vehicle;
(5) Is incompetent to drive a motor vehicle;
(6) Has permitted an unlawful or fraudulent use of such license; or
(7) Has committed an offense in another state which if committed in this state would be a ground for suspension or revocation.

Upon suspending the license of any person as hereinbefore in this section authorized, the department shall immediately notify the licensee in writing, sent by registered mail to the address given by the licensee in applying for license, and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

Sec. 7. Department May Require Reexamination.—The department, having good cause to believe that a licensed operator or chauffeur is incompetent or otherwise not qualified to be licensed, may upon written
notice of at least five days to the licensee require him
to submit to an examination. Upon the conclusion of
such examination the department shall take such action
as may be appropriate and may suspend or revoke the
license of such person or permit him to retain such license,
or may issue a license subject to restrictions as permit-
ted under section ten, article two of this chapter.
Refusal or neglect of the licensee to submit to such ex-
amination shall be ground for suspension or revocation
of his license.

Sec. 8. *Period of Suspension or Revocation.*—The de-
partment shall not suspend a driver's license or privilege
to drive a motor vehicle on the public highways for a
period of more than one year, except as permitted under
section three, article four of this chapter.
Except as otherwise provided in section two, article
five, chapter seventeen-c of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, any
person whose license or privilege to drive a motor ve-
hicle on the public highways has been revoked shall
not be entitled to have such license or privilege renewed
or restored unless the revocation was for a cause which
has been removed, except that after the expiration of
one year from the date on which the revoked license
was surrendered to and received by the department,
such person may make application for a new license as
provided by law, but the department shall not then
issue a new license unless and until it is satisfied after
investigation of the character, habits, and driving abil-
ity of such person that it will be safe to grant the privi-
lege of driving a motor vehicle on the public highways.

Sec. 9. *Surrender and Return of License.*—The depart-
ment upon suspending or revoking a license shall re-
quire that such license shall be surrendered to and be
retained by the department, except that at the end of
the period of suspension such license so surrendered
shall be returned to the licensee.

Sec. 10. *No Operation Under Foreign License During
Suspension or Revocation in This State.*—Any resident
or nonresident whose operator's or chauffeur's license or
right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this chapter shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter.


Section

1. Unlawful use of license.
2. Making false affidavit perjury.
3. Driving while license suspended or revoked.
4. Permitting unauthorized person to drive.
5. Employing unlicensed chauffeur.
6. Renting motor vehicle to another.

Section 1. Unlawful Use of License.—It is a misdemeanor for any person to commit any of the following acts:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;
2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license not issued to him;
4. To fail or refuse to surrender to the department upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked, or canceled;
5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or
7. To do any act forbidden or fail to perform any act required by this chapter.

Sec. 2. Making False Affidavit Perjury.—Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this chapter to be sworn to or affirmed, is guilty
Sec. 3. Driving While License Suspended or Revoked.—Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars.

The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

Sec. 4. Permitting Unauthorized Person to Drive.—No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.

Sec. 5. Employing Unlicensed Chauffeur.—No person shall employ as a chauffeur of a motor vehicle any person not then licensed as provided in this chapter.

Sec. 6. Renting Motor Vehicle to Another.—No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence.

No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.
Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the department.

Article 5. Penalties.

Section 1. Penalty for Misdemeanor.—It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony. Unless another penalty is in this chapter or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provisions of this chapter shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

Sec. 2. Jurisdiction of Crimes by Justices.—Justices of the peace shall have concurrent jurisdiction with the circuit, criminal and intermediate courts to enforce the misdemeanor penalties prescribed by this chapter.

Article 6. Effect of Chapter.

Section 1. Constitutionality.—If any part or parts of this chapter shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this chapter. The Legislature hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 2. Repeal.—The provisions of all acts or parts of acts, or of this code, which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.
CHAPTER 17-C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

Article
1. Words and Phrases Defined.
2. Obedience to and Effect of Traffic Laws.
3. Traffic Signs, Signals and Markings.
4. Accidents.
5. Negligent Homicide, Driving While Intoxicated and Reckless Driving.
6. Speed Restrictions.
8. Turning and Starting and Signals on Stopping and Turning.
12. Special Stops Required.
15. Equipment.
16. Inspection of Vehicles.
17. Size, Weight and Load.
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20. West Virginia Turnpike Commission.


Section
1. Definitions.
2. Vehicle.
3. Motor vehicle.
4. Motorcycle.
5. Motor-driven cycle.
6. Authorized emergency vehicle.
7. School bus.
8. Bicycle.
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38. Sidewalk.
39. Laned roadway.
40. Through highway.
41. Controlled-access highway.
42. Intersection.
43. Cross walk.
44. Safety zone.
45. Business district.
46. Residence district.
47. Official traffic-control devices.
49. Railroad sign or signal.
50. Traffic.
51. Right-of-way.
52. Stop.
53. Stop, stopping, or standing.
54. Park.

Section 1. Definition of Words and Phrases.—The following words and phrases when used in this chapter
shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this article.

Sec. 2. Vehicle.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3. Motor Vehicle.—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. 4. Motorcycle.—Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Sec. 5. Motor-driven Cycle.—Every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower, and every bicycle with motor attached.

Sec. 6. Authorized Emergency Vehicle.—Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the commissioner or the chief of police of an incorporated city, and such privately owned ambulances and emergency vehicles as are designated by the commissioner.

Sec. 7. School Bus.—Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

Sec. 8. Bicycle.—Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter.

Sec. 9. Truck Tractor.—Every motor vehicle designed and used primarily for drawing other vehicles and not
so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Sec. 10. *Farm Tractor.*—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Sec. 11. *Road Tractor.*—Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Sec. 12. *Truck.*—Every motor vehicle designed, used or maintained primarily for the transportation of property.

Sec. 13. *Bus.*—Every motor vehicle designed for carrying more than seven passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Sec. 14. *Trackless Trolley Coach.*—Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

Sec. 15. *Trailer.*—Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Sec. 16. *Semitrailer.*—Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sec. 17. *Pole Trailer.*—Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural...
7 members capable, generally, of sustaining themselves as
8 beams between the supporting connections.

Sec. 18. Pneumatic Tire.—Every tire in which com-
2 pressed air is designed to support the load.

Sec. 19. Solid Tire.—Every tire of rubber or other
2 resilient material which does not depend upon com-
3 pressed air for the support of the load.

Sec. 20. Metal Tire.—Every tire the surface of which
2 in contact with the highway is wholly or partly of metal
3 or other hard nonresilient material.

Sec. 21. Railroad.—A carrier of persons or property
2 upon cars, other than streetcars, operated upon stationary
3 rails.

Sec. 22. Railroad Train.—A steam engine, electric or
2 other motor, with or without cars coupled thereto, oper-
3 ated upon rails, except streetcars.

Sec. 23. Streetcar.—A car other than a railroad train
2 for transporting persons or property and operated upon
3 rails principally within a municipality.

Sec. 24. Explosives.—Any chemical compound or me-
2 chanical mixture that is commonly used or intended for
3 the purpose of producing an explosion and which contains
4 any oxidizing and combustive units or other ingredients
5 in such proportions, quantities, or packing that an ignition
6 by fire, by friction, by concussion, by percussion, or by
7 detonator of any part of the compound or mixture may
8 cause such a sudden generation of highly heated gases
9 that the resultant gaseous pressures are capable of pro-
10 ducing destructive effects on contiguous objects or of
11 destroying life or limb.

Sec. 25. Flammable Liquid.—Any liquid which has a
2 flash point of seventy degrees fahrenheit, or less, as de-
3 termined by a tagliabue or equivalent closed-cup test
4 device.

Sec. 26. Gross Weight.—The weight of a vehicle with-
2 out load plus the weight of any load thereon.

Sec. 27. Commissioner.—The commissioner of motor
2 vehicles of this state.
Sec. 28. Department.—The department of motor vehicles of this state acting directly or through its duly authorized officers and agents.

Sec. 29. Person.—Every natural person, firm, copartnership, association, or corporation.

Sec. 30. Pedestrian.—Any person afoot.

Sec. 31. Driver.—Every person who drives or is in actual physical control of a vehicle.

Sec. 32. Owner.—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

Sec. 33. Police Officer.—Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Sec. 34. Local Authorities.—Every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

Sec. 35. Street or Highway.—The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 36. Private Road or Driveway.—Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Sec. 37. Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term “road-
way” as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Sec. 38. Sidewalk.—That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Sec. 39. Laned Roadway.—A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Sec. 40. Through Highway.—Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

Sec. 41. Controlled-access Highway.—Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Sec. 42. Intersection.—(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Sec. 43. Cross Walk.—(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway
measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;
(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 44. Safety Zone.—The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sec. 45. Business District.—The territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

Sec. 46. Residence District.—The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

Sec. 47. Official Traffic-control Devices.—All signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Sec. 48. Traffic-control Signal.—Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Sec. 49. Railroad Sign or Signal.—Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Sec. 50. Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly
3 or together while using any highway for purposes of travel.

Sec. 51. Right-of-way.—The privilege of the immediate use of the highway.

Sec. 52. Stop.—When required means complete cessation from movement.

Sec. 53. Stop, Stopping, or Standing.—When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Sec. 54. Park.—When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Article 2. Obedience to and Effect of Traffic Laws.

Section 1. Provisions of Chapter Refer to Vehicles upon the Highways; Exceptions.

2. Required obedience to traffic laws.
3. Enforcement of highway laws; bond.
4. Public officers and employees to obey chapter; exceptions.
5. Authorized emergency vehicles.
6. Traffic laws apply to persons riding animals or driving animal-drawn vehicles.
8. Powers of local authorities.
9. This chapter not to interfere with rights of owners of real property with reference thereto.

Section 1. Provisions of Chapter Refer to Vehicles upon the Highways; Exceptions.—The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except;

(1) Where a different place is specifically referred to in a given section.

(2) The provisions of article four and five shall apply upon highways and elsewhere throughout the state.

Sec. 2. Required Obedience to Traffic Laws.—It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.
Sec. 3. Enforcement of Highway Laws; Bond.—(a) It shall be the duty of the department of public safety and its members to enforce the provisions of this chapter and other laws of this state governing the operation of vehicles upon the highways of this state; and it shall be the duty of sheriffs and their deputies and of the police of cities and towns to render to the department of public safety such assistance in the performance of said duties as the superintendent of the department of public safety may require of them.

(b) The state road commissioner is authorized to designate employees of the state road commission as special officers to enforce the provisions of this chapter and direct traffic upon bridges and the approaches to bridges which are a part of the state road system when any such bridge needs special traffic direction and the superintendent of the department of public safety has informed the state road commissioner that he is unable to furnish personnel for such traffic direction. The state road commission shall provide a blanket bond in the amount of five thousand dollars for any such employee so designated, and for all employees designated as members of official state road commission weighing crews.

(c) No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

Sec. 4. Public Officers and Employees to Obey Chapter; Exceptions.—(a) The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

(b) Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to
such persons and vehicles when traveling to or from such work.

Sec. 5. Authorized Emergency Vehicles.—(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this chapter;
(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
(3) Exceed the speed limits so long as he does not endanger life or property;
(4) Disregard regulations governing direction of movement of turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Sec. 6. Traffic Laws Apply to Persons Riding Animals or Driving Animal-drawn Vehicles.—Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be
subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

Sec. 7. Provisions of Chapter Uniform Throughout State.—The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this chapter unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter.

Sec. 8. Powers of Local Authorities.—(a) The provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control signals;
3. Regulating or prohibiting processions or assemblies on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks;
6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersections as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersection;
7. Restricting the use of highways as authorized in section twelve, article seventeen of this chapter;
8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
(10) Altering the speed limits as authorized herein;
(11) Adopting such other traffic regulations as are specifically authorized by this chapter.
(b) No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the state road commission.
(c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), or (10), of paragraph (a) of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

Sec. 9. This Chapter not to Interfere with Rights of Owners of Real Property with Reference Thereto.—Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.

Article 3. Traffic Signs, Signals and Markings.

Section
1. State road commission to adopt sign manual.
2. Traffic-control devices and signs on state highways.
3. Local traffic-control devices.
4. Obedience to and required traffic-control devices.
5. Traffic-control signal legend.
6. Pedestrian walk and wait signals.
7. Flashing signals.
8. Display of unauthorized signs, signals, or markings.
9. Interference with official traffic-control devices or railroad signs or signals.

Section 1. State Road Commission to Adopt Sign Manual.—The state road commission shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials.
Sec. 2. Traffic-control Devices and Signs on State Highways.—(a) The state road commission shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the state road commission except by the latter’s permission.

Sec. 3. Local Traffic-control Devices.—Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

Sec. 4. Obedience to and Required Traffic-control Devices.—(a) The driver of any vehicle and the motor-man of any streetcar shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Sec. 5. Traffic-control Signal Legend.—Whenever traffic is controlled by traffic-control signals exhibiting the words “Go,” “Caution,” or “Stop,” or exhibiting different colored lights successively one at a time, or with arrows,
the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green alone or “Go”.

(1) Vehicular traffic facing the signal, except when prohibited under section two, article twelve of this chapter may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited.

(2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked cross walk.

(b) Yellow alone or “Caution” when shown following the green or “Go” signal;

(1) Vehicular traffic facing the signal is thereby warned that the red or “Stop” signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or “Stop” signal is exhibited.

(2) Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(c) Red alone or “Stop”:

(1) Vehicular traffic facing the signal shall stop before entering the cross walk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or “Go” is shown alone.

(2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Red with green arrow:

(1) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a cross walk and to other traffic lawfully using the intersection.

(2) No pedestrian facing such signal shall enter the
roadway unless he can do so safely and without interfering with any vehicular traffic.

(e) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(f) The motorman of any streetcar shall obey the above signals as applicable to vehicles.

Sec. 6. Pedestrian Walk and Wait Signals.—Whenever special pedestrian-control signals exhibiting the words “Walk” or “Wait” are in place such signals shall indicate as follows:

(a) Walk.—Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(b) Wait.—No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

Sec. 7. Flashing Signals.—Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal).—When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest cross walk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal).—When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
Sec. 8. Display of Unauthorized Signs, Signals, or Markings.—(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Sec. 9. Interference with Official Traffic-control Devices or Railroad Signs or Signals.—No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

Article 4. Accidents.

Section

1. Accidents involving death or personal injuries.
2. Accidents involving damage to vehicle.
3. Duty to give information and render aid.
4. Duty upon striking unattended vehicle.
5. Duty upon striking fixtures upon a highway.
6. Immediate reports of accidents.
7. Written reports of accidents.
8. When driver unable to report.
9. Accident report forms.
10. Penalty for failure to report.
11. Coroners to report.
12. Garages to report.
13. Accident reports confidential.
14. Department to tabulate and analyze accident reports.
15. Any incorporated city may require accident reports.

Section 1. Accidents Involving Death or Personal In-
juries.—(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section three of this article. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with said requirements under such circumstances shall upon conviction be punished by imprisonment for not less than thirty days nor more than one year or by fine of not less than one hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

(c) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

Sec. 2. Accidents Involving Damage to Vehicle.—The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section three of this article. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

Sec. 3. Duty to Give Information and Render Aid.—The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator’s or chauffeur’s license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance,
including the carrying, or the making arrangements for
the carrying of such person to a physician, surgeon, or
hospital for medical or surgical treatment if it is apparent
that such treatment is necessary or if such carrying is
requested by the injured person.

Sec. 4. *Duty upon Striking Unattended Vehicle.*—The
driver of any vehicle which collides with any vehicle
which is unattended shall immediately stop and shall
then and there either locate and notify the operator or
owner of such vehicle of the name and address of the
driver and owner of the vehicle striking the unattended
vehicle or shall leave in a conspicuous place in the vehicle
struck a written notice giving the name and address of
the driver and of the owner of the vehicle doing the strik-
ing and a statement of the circumstances thereof.

Sec. 5. *Duty upon Striking Fixtures upon a Highway.*—
The driver of any vehicle involved in an accident result-
ing only in damage to fixtures or other property legally
upon or adjacent to a highway shall take reasonable steps
to locate and notify the owner or person in charge of such
property of such fact and of his name and address and of
the registration number of the vehicle he is driving and
shall upon request and if available exhibit his operator's
or chauffeur's license and shall make report of such acci-
dent when and as required in section seven of this article.

Sec. 6. *Immediate Reports of Accidents.*—The driver
of a vehicle involved in an accident resulting in injury to
or death of any person shall immediately by the quickest
means of communication, whether oral or written, give
notice of such accident to the local police department if
such accident occurs within a municipality, otherwise to
the office of the county sheriff or the nearest office of the
department of public safety.

Sec. 7. *Written Reports of Accidents.*—(a) The driver
or the attorney or agent of such driver, of a vehicle in-
volved in an accident occurring on the public highways
of this state resulting in bodily injury to or death of any
person or total property damage to an apparent extent
of one hundred dollars or more shall, within five days
after such accident, forward a written report of such accident to the department of motor vehicles.

(b) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

c) Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within twenty-four hours after completing such investigation, forward a written report of such accident to the department.

Sec. 8. When Driver Unable to Report.—(a) Whenever the driver of a vehicle is physically incapable of making an immediate report of an accident as required in section six of this article and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report not made by the driver.

(b) Whenever the driver is physically incapable of making a written report of an accident as required in section seven of this article and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after learning of the accident make such report not made by the driver.

Sec. 9. Accident Report Forms.—(a) The department shall prepare and upon request supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with ref-
erence to a traffic accident the cause, conditions then
existing, and the persons and vehicles involved.

(b) Every accident report required to be made in
writing shall be made on the appropriate form approved
by the department and shall contain all of the informa-
tion required therein unless not available.

(c) Every such report shall also contain information
sufficient to enable the commissioner to determine
whether the requirements for the deposit of security
under any of the laws of this state are inapplicable by
reason of the existence of insurance or other exceptions
specified therein.

Sec. 10. *Penalty for Failure to Report.*—The commis-
sioner shall suspend the license or permit to drive and any
nonresident operating privileges of any person failing to
report an accident as herein provided until such report
has been filed. Any person convicted of failing to make
a report as required herein shall be punished as provided
in section one, article eighteen of this chapter.

Sec. 11. *Coroners to Report.*—Every coroner or other
official performing like functions shall on or before the
tenth day of each month report in writing to the depart-
ment the death of any person within his jurisdiction dur-
ing the preceding calendar month as the result of a traffic
accident giving the time and place of the accident and the
circumstances relating thereto.

Sec. 12. *Garages to Report.*—The person in charge of
any garage or repair shop to which is brought any motor
vehicle which shows evidence of having been involved
in an accident of which report must be made as provided
in section seven of this article, or struck by any bullet,
shall report to the department within twenty-four hours
after such motor vehicle is received, giving the engine
number, registration number, and the name and address
of the owner or operator of such vehicle.

Sec. 13. *Accident Reports Confidential.*—All accident
reports made by persons involved in accidents or by
garages shall be without prejudice to the individual so
reporting and shall be for the confidential use of the
department or other state agencies having use for the
records for accident prevention purposes, or for the ad-
ministration of the laws of this state relating to the
deposit of security and proof of financial responsibility
by persons driving or the owners of motor vehicles, except
that the department may disclose the identity of a person
involved in an accident when such identity is not other-
wise known or when such person denies his presence at
such accident. No such report shall be used as evidence
in any trial, civil or criminal, arising out of an accident,
except that the department shall furnish upon demand of
any person who has, or claims to have, made such a report
or upon demand of any court, a certificate showing that a
specified accident report has or has not been made to the
department solely to prove a compliance or a failure to
comply with the requirement that such a report be made
to the department.

Sec. 14. Department to Tabulate and Analyze Accident
Reports.—The department shall tabulate and may analyze
all accident reports and shall publish annually, or at more
frequent intervals, statistical information based thereon
as to the number and circumstances of traffic accidents.

Sec. 15. Any Incorporated City May Require Accident
Reports.—Any incorporated city, town, village, or other
municipality may by ordinance require that the driver of
a vehicle involved in an accident shall also file with a
designated city department a report of such accident or
a copy of any report herein required to be filed with the
department. All such reports shall be for the confidential
use of the city department and subject to the provisions
of section thirteen of this article.

Article 5. Negligent Homicide, Driving While Intoxicated
and Reckless Driving.

Section
1. Negligent homicide.
2. Persons under the influence of intoxicating liquor or of drugs.
3. Reckless driving.

Section 1. Negligent Homicide.—(a) When the
death of any person ensues within one year as a proximate
result of injury received by the driving of any vehicle in
reckless disregard of the safety of others, the person so
operating such vehicle shall be guilty of negligent homi-
cide.

(b) Any person convicted of negligent homicide shall
be punished by imprisonment for not more than one year
or by fine of not less than one hundred dollars nor more
than one thousand dollars, or by both such fine and im-
prisonment.

(c) The commissioner shall revoke the license or per-
mit to drive and any nonresident operating privilege of
any person convicted of negligent homicide.

Sec. 2. Persons under the Influence of Intoxicating
Liquor or of Drugs.—(a) It is unlawful and punishable
as provided in paragraph (c) of this section for any per-
son who is under the influence of intoxicating liquor to
drive or be in actual physical control of any vehicle on any
highway of this state or for any owner of such vehicle
to knowingly permit the same to be so operated by one
under the influence of intoxicating liquor.

(b) It is unlawful and punishable as provided in para-
graph (c) of this section for any person who is an habitual
user of or under the influence of any narcotic drug or who
is under the influence of any other drug to a degree which
renders him incapable of safely driving a vehicle to drive
a vehicle within this state. The fact that any person
charged with a violation of this paragraph is or has been
entitled to use such drug under the laws of this state shall
not constitute a defense against any charge of violating
this paragraph.

(c) A person violating any provision of this section
shall for the first offense, be guilty of a misdemeanor, and
upon conviction thereof shall be punished by a fine of not
less than fifty nor more than one hundred dollars or by
imprisonment in the county jail for a period of not less
than five days nor more than six months, or by both such
fine and imprisonment, and his operator's or chauffeur's
license shall be revoked for a period of six months. A
person violating any provision of this section shall, for
the second offense, be guilty of a misdemeanor, and upon
conviction thereof shall be punished by imprisonment in
the county jail for a period of not less than six months
nor more than one year, which sentence shall not be sub-
ject to probation, and whenever the records of the depart-
ment disclose that a conviction is the second such con-
viction of such person for a violation of this section his
operator’s or chauffeur’s license shall be revoked by the
commissioner for a period of ten years, unless reissued by
the department of motor vehicles as hereinafter provided.
Whenever the commissioner of motor vehicles, after full
investigation, shall find that the character of any person
who was convicted of a second offense under this section
and the circumstances at the time indicate that he is not
likely again to repeat his offense, and that the public good
does not require that his license be longer revoked, the
commissioner may if it is deemed advisable reissue such
license at any time more than five years after the date on
which it was revoked. A person violating any provision of
this section shall, for the third or any subsequent offense,
be guilty of a felony, and upon conviction thereof shall
be punished by imprisonment in the penitentiary for not
less than one nor more than three years, and whenever
the records of the department disclose that a conviction
is the third such or any subsequent conviction of such
person for a violation of this section his operator’s or
chauffeur’s license shall be revoked by the commissioner
for a period of ten years and indefinitely thereafter unless
reissued as hereinafter provided. Whenever the commis-
sioner of motor vehicles, after full investigation, shall
find that the character of any person who was convicted
of a third or subsequent offense under this section and the
circumstances at the time indicate that he is not likely
again to repeat his offense, and the public good does not
require that his license be longer revoked, the commis-
sioner may if it is deemed advisable reissue such license
at any time more than ten years after the date on which it
was revoked. The discretionary power herein conferred
may be exercised by the commissioner and the depart-
ment of motor vehicles with respect to the reissuing of
licenses, revoked because of convictions prior to the
passage of this chapter.

Sec. 3. Reckless Driving.—(a) Any person who
drives any vehicle in willful or wanton disregard for the
safety of persons or property is guilty of reckless driving.
(b) Every person convicted of reckless driving may
be punished upon a first conviction by imprisonment for
a period of not less than five days nor more than ninety
days, or by fine of not less than twenty-five dollars nor
more than five hundred dollars, or by both such fine and
imprisonment, and on a second or subsequent conviction
may be punished by imprisonment for not less than ten
days nor more than six months, or by a fine of not less than
fifty dollars nor more than one thousand dollars, or by
both such fine and imprisonment.

Article 6. Speed Restrictions.

Section 1. Special Restrictions.—(a) No person shall
drive a vehicle on a highway at a speed greater than is
reasonable and prudent under the conditions and having
regard to the actual and potential hazards, then existing.
In every event speed shall be so controlled as may be
necessary to avoid colliding with any person, vehicle, or
other conveyance on or entering the highways in compli-
ance with legal requirements and the duty of all persons
to use due care.
(b) Where no special hazard exists that requires
lower speed for compliance with paragraph (a) of this
section the speed of any vehicle not in excess of the limits
specified in this section or established as hereinafter au-
thorized shall be lawful, but any speed in excess of the
limits specified in this section or established as hereinafter
authorized shall be unlawful.
(1) Fifteen miles per hour when passing a school
building or the grounds thereof during school recess or
while children are going to or leaving school during
opening or closing hours;
(2) Twenty-five miles per hour in any business or
residence district;
(3) Fifty-five miles per hour on open country highways, except as otherwise limited by this chapter.

The speeds set forth in this section may be altered as authorized in sections two and three of this article.

(c) The driver of every vehicle shall, consistent with the requirements of paragraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Sec. 2. Establishment of State Speed Zones.—Whenever the state road commission shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said commissioner may determine and declare a reasonable and safe speed limit thereat which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway, but no speed in excess of fifty-five miles per hour shall be indicated.

Sec. 3. When Local Authorities May Alter Speed Limits.—(a) At intersection.—Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the speed permitted under this chapter at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority subject to paragraph (d) of this section shall determine and declare a reasonable and safe speed limit thereat, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof
are erected at such intersection or upon the approaches thereto.

(b) Authority to increase twenty-five mile limit.—Local authorities in their respective jurisdictions may in their discretion, but subject to paragraph (d) of this section, authorize by ordinance higher speeds than those stated in section one of this article upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections, which higher speed shall be effective at all times or during hours of daylight or at such other times as may be determined when signs are erected giving notice of the authorized speed, but local authorities shall not have authority to modify or alter the basic rule set forth in paragraph (a) of section one of this article or in any event to authorize by ordinance a speed in excess of fifty-five miles per hour.

(c) Authority to decrease fifty-five mile limit.—Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the speed under this chapter upon open country highway outside a business or residence district is greater than is reasonable or safe under the conditions found to exist upon such street or highway, the local authority may determine and declare a reasonable and safe limit thereon but in no event less than thirty-five miles per hour and subject to paragraph (d) of this section, which reduced limit shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Alteration of limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the state road commission.

Sec. 4. Special Speed Limitations on Vehicles Not Designed for Carrying Passengers and Equipment with Pneumatic Tires.—Subject to all other speed restrictions of this chapter no person shall drive a vehicle not designed for carrying passengers and equipped with pneumatic tires at a speed in excess of:

(1) Twenty miles per hour in any business district;
Twenty-five miles per hour in any residence district;

Forty miles per hour on open country highway.

Trucks licensed at four thousand pounds gross vehicle weight or less shall be permitted the same speed as passenger cars.

Sec. 5. Special Speed Limitations.—(a) No person shall drive any vehicle equipped with other than pneumatic tires at a speed greater than a maximum of ten miles per hour.

(b) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(c) The state road commission upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissable under this chapter, the commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure.

(d) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said commission and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

Sec. 6. Charging Violations and Rule in Civil Actions.—(a) In every charge of violation of any speed regulations in this chapter the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within
the district or at the location and in the event charge
shall also be made of violation of any other provision of
this chapter, the complaint and the summons or notice
to appear shall also specify such other offense alleged to
have been committed.
(b) The provision of this chapter declaring speed limita-
tions shall not be construed to relieve the plaintiff in
any civil action from the burden of proving negligence
on the part of the defendant as the proximate cause of
an accident.

Article 7. Driving on Right Side of Roadway, Overtaking
and Passing, Etc.

Section
1. Drive on right side of roadway, exceptions.
2. Passing vehicles proceeding in opposite directions.
3. Overtaking a vehicle on the left.
4. When overtaking on the right is permitted.
5. Limitations on overtaking on the left.
6. Further limitations on driving to left of center of roadway.
7. No-passing zones.
8. One-way roadways and rotary traffic islands.
9. Driving on roadways laned for traffic.
10. Following too closely.
11. Driving on divided highways.
12. Restricted access.
13. Restrictions on use of controlled-access roadway.

Section 1. Drive on Right Side of Roadway, Excep-
tions.—(a) Upon all roadways of sufficient width a ve-
hicle shall be driven upon the right half of the road-
way, except as follows:
(1) When overtaking and passing another vehicle pro-
ceeding in the same direction under the rules governing
such movement;
(2) When the right half of a roadway is closed to
traffic while under construction or repair;
(3) Upon a roadway divided into three marked lanes
for traffic under the rules applicable thereon; or
(4) Upon a roadway designated and signposted for
one-way traffic.
(b) Upon all roadways any vehicle proceeding at less
than the normal speed of traffic at the time and place
and under the conditions then existing shall be driven
in the right-hand lane then available for traffic, or as
close as practicable to the right-hand curb or edge of
the roadway, except when overtaking and passing an-
other vehicle proceeding in the same direction or when
preparing for a left turn at an intersection or into a private road or driveway.

Sec. 2. Passing Vehicles Proceeding in Opposite Directions.—Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

Sec. 3. Overtaking a Vehicle on the Left.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions, and special rules hereinafter stated.

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Sec. 4. When Overtaking on the Right Is Permitted.—(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions.

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions
permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Sec. 5. Limitations on Overtaking on the Left.—No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction.

Sec. 6. Further Limitations on Driving to Left of Center of Roadway.—(a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(3) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway.

Sec. 7. No-passing Zones.—The state road commission is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.
Sec. 8. One-way Roadways and Rotary Traffic Islands.—(a) The state road commission may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.
(b) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.
(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Sec. 9. Driving on Roadways Laned for Traffic.—Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.
(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
(b) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
(c) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

Sec. 10. Following Too Closely.—(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
(b) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle draw-
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Sec. 11. Driving on Divided Highways.—Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a cross-over or intersection established by public authority.

Sec. 12. Restricted Access.—No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

Sec. 13. Restrictions on Use of Controlled-access Roadway.—The state road commission may by resolution or order entered in its minutes and local authorities may by ordinance with respect to any controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles, or other nonmotorized traffic or by any person operating a motor-driven cycle.

The state road commission or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so
erected no person shall disobey the restrictions stated on such signs.

Article 8. Turning and Starting and Signals on Stopping and Turning.

Section
1. Required position and method of turning at intersections.
2. Right turns.
3. Left turns on two-way roadways.
4. Left turns on other than two-way roadways.
5. Local authority may specify a different course for turns.
6. Turning on curve or crest of grade prohibited.
7. Starting parked vehicle.
8. Turning movements and required signals.
9. Signals by hand and arm or signal device.
10. Method of giving hand-and-arm signals.

Section 1. Required Position and Method of Turning at Intersections.—The driver of a vehicle intending to turn at an intersection shall do so as provided in this article.

Sec. 2. Right Turns.—Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

Sec. 3. Left Turns on Two-way Roadways.—At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

Sec. 4. Left Turns on Other Than Two-way Roadways.—At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the
intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

Sec. 5. *Local Authority May Specify a Different Course for Turns.*—Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this article be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

Sec. 6. *Turning on Curve or Crest of Grade Prohibited.*—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

Sec. 7. *Starting Parked Vehicle.*—No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Sec. 8. *Turning Movements and Required Signals.*—(a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section two, three, four or five of this article, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.
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17 (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Sec. 9. Signals by Hand and Arm or Signal Device.—
2 Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device, but when a vehicle is so constructed or loaded that hand- and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or lamps or signal device.

Sec. 10. Method of Giving Hand-and-Arm Signals.—
2 All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:
3 (1) Left turn.—Hand and arm extended horizontally.
4 (2) Right turn.—Hand and arm extended upward.
5 (3) Stop or decrease speed.—Hand and arm extended downward.

Article 9. Right-of-Way.

Section 1. Vehicle Approaching or Entering Intersection.—(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.
3 (b) When two vehicles enter an intersection from a different highway at approximately the same time the driver of the vehicle on the left shall yield the right-of- way to the vehicle on the right.
4 (c) The right-of-way rules declared in paragraphs (a) and (b) are modified at through highways and otherwise as hereinafter stated in this article.

Sec. 2. Vehicle Turning Left at Intersection.—The
driver of a vehicle within an intersection intending to
turn to the left shall yield the right-of-way to any vehicle
approaching from the opposite direction which is within
the intersection or so close thereto as to constitute an
immediate hazard, but said driver, having so yielded and
having given a signal when and as required by this chap­
ter, may make such left turn and the drivers of all other
vehicles approaching the intersection from said opposite
direction shall yield the right-of-way to the vehicles
making the left turn.

Sec. 3. Vehicle Entering Through Highway or Stop
Intersections.—(a) The driver of a vehicle shall stop as
required by section five, article twelve of this chapter
at the entrance to a through highway and shall yield the
right-of-way to other vehicles which have entered the
intersection from said through highways or which are
approaching so closely on said through highway as to
constitute an immediate hazard, but said driver having
so yielded may proceed.

(b) The driver of a vehicle shall likewise stop in
obedience to a stop sign as required herein at an inter­
section where a stop sign is erected at one or more
entrances thereto although not a part of a through high­
way and shall proceed cautiously, yielding to vehicles
not so obliged to stop which are within the intersection
or approaching so closely as to constitute an immediate
hazard, but may then proceed.

Sec. 4. Vehicle Entering Highway from Private Road
or Driveway.—The driver of a vehicle about to enter
or cross a highway from a private road or driveway shall
yield the right-of-way to all vehicles approaching on
said highway.

Sec. 5. Operation of Vehicles and Streetcars on Ap­
proach of Authorized Emergency Vehicles.—(a) Upon
the immediate approach of authorized emergency vehicle
equipped with at least one lighted lamp exhibiting red
light visible under normal atmospheric conditions from
a distance of five hundred feet to the front of such vehicle
other than a police vehicle when operated as an author­
ized emergency vehicle, and when the driver is giving
audible signal by siren, exhaust whistle, or bell:
(1) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every street-car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Article 10. Pedestrians' Rights and Duties.

Section
1. Pedestrians subject to traffic regulations.
2. Pedestrians' right-of-way in cross walks.
3. Crossing at other than cross walks.
4. Drivers to exercise due care.
5. Pedestrians to use right half of cross walks.
6. Pedestrians on roadways.
7. Protection of blind pedestrians on public streets and highways.

Section 1. Pedestrians Subject to Traffic Regulations.—

(a) Pedestrians shall be subject to traffic-control signals at intersections as provided in section five, article three of this chapter unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

(b) Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in across walk.

Sec. 2. Pedestrians' Right-of-way in Cross Walks.—

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-
of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a cross walk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in section three, paragraph (b) of this article.

(b) Whenever any vehicle is stopped at a marked cross walk or at any unmarked cross walk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Sec. 3. Crossing at Other Than Cross Walks.—(a) Every pedestrian crossing a roadway at any point other than within a marked cross walk or within an unmarked cross walk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked cross walk.

Sec. 4. Drivers to Exercise Due Care.—Notwithstanding the foregoing provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Sec. 5. Pedestrians to Use Right Half of Cross Walks.—Pedestrians shall move, whenever practicable, upon the right half of cross walks.

Sec. 6. Pedestrians on Roadways.—(a) Where side-
2 walks are provided it shall be unlawful for any pedes-
3 trian to walk along and upon an adjacent roadway.
4 (b) Where sidewalks are not provided any pedestrian
5 walking along and upon a highway shall when practicable
6 walk only on the left side of the roadway or its shoulder
7 facing traffic which may approach from the opposite
8 direction.
9 (c) No person shall stand in a roadway for the pur-
10 pose of soliciting a ride from the driver of any vehicle.

Sec. 7. Protection of Blind Pedestrians on Public Streets
and Highways.—Whenever a pedestrian is crossing or
attempting to cross a public street or highway, at or near
an intersection or crosswalk, guided by a guide dog, or
carrying in a raised or extended position a cane or walk-
ing stick which is metallic or white in color, or white
tipped with red, the driver of every vehicle approaching
such intersection or crosswalk shall take such precau-
tions as may be necessary to avoid injuring or endanger-
ing such pedestrian, and if injury or danger to such
pedestrian can be avoided only by bringing the vehicle to
a full stop, the driver shall do so. No person, who is not
totally or partially blind or otherwise incapacitated,
shall carry on any public street or highway in a raised or
extended position a cane or walking stick which is metallic
or white in color, or white tipped with red.

Nothing contained in this section shall be construed to
deprive any totally or partially blind or otherwise in-
capacitated person, not carrying such a cane or walking
stick or not being guided by a dog, of the rights and
privileges conferred by law upon pedestrians crossing
the streets or highways, nor shall the failure of such
totally or partially blind or otherwise incapacitated per-
son to carry a cane or walking stick, or to be guided by a
guide dog upon the streets, highways or sidewalks of this
state, be held to constitute or be evidence of contributory
negligence.

Any person who violates any provision of this section,
shall be guilty of a misdemeanor and, upon conviction
thereof, shall be punished by a fine of not more than
twenty-five dollars or by imprisonment for not more than
ten days, or by both such fine and imprisonment.

Section

1. Effect of regulations.
2. Traffic laws apply to persons riding bicycles.
3. Riding on bicycles.
5. Riding on roadways and bicycle paths.
6. Carrying articles.
7. Lamps and other equipment on bicycles.

Section 1. Effect of Regulations.—(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.
(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.
(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 2. Traffic Laws Apply to Persons Riding Bicycles.—Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application.

Sec. 3. Riding on Bicycles.—(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Sec. 4. Clinging to Vehicles.—No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any streetcar or vehicle upon a roadway.

Sec. 5. Riding on Roadways and Bicycle Paths.—(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
6  (b) Persons riding bicycles upon a roadway shall not
7  ride more than two abreast except on paths or parts of
8  roadways set aside for the exclusive use of bicycles.
9  (c) Whenever a usable path for bicycles has been pro-
10  vided adjacent to a roadway, bicycle riders shall use
11  such path and shall not use the roadway.

Sec. 6. Carrying Articles.—No person operating a bi-
2  cycle shall carry any package, bundle, or article which
3  prevents the driver from keeping at least one hand
4  upon the handle bars.

Sec. 7 Lamps and Other Equipment on Bicycles.—(a)
2  Every bicycle when in use at nighttime shall be equipped
3  with a lamp on the front which shall emit a white light
4  visible from a distance of at least five hundred feet to the
5  front and with a red reflector on the rear of a type ap­
6  proved by the department which shall be visible from
7  all distances from fifty feet to three hundred feet to the
8  rear when directly in front of lawful upper beams of
9  head lamps on a motor vehicle. A lamp emitting a red
10  light visible from a distance of five hundred feet to the
11  rear may be used in addition to the red reflector.
12  (b) No person shall operate a bicycle unless it is
13  equipped with a bell or other device capable of giving
14  a signal audible for a distance of at least one hundred
15  feet, except that a bicycle shall not be equipped with nor
16  shall any person use upon a bicycle any siren or whistle.
17  (c) Every bicycle shall be equipped with a brake
18  which will enable the operator to make the braked wheels
19  skid on dry, level, clean pavement.

Article 12. Special Stops Required.

Section

1. Obedience to signal indicating approach of train.
2. All vehicles must stop at certain railroad grade crossings.
3. Certain vehicles must stop at all railroad grade crossings.
4. Moving heavy equipment at railroad grade crossings.
5. Vehicles must stop at through highways.
6. Stop before emerging from alley or private driveway.
7. Overtaking and passing school bus.
8. Special lighting equipment on school busses.

Section 1. Obedience to Signal Indicating Approach of
2 Train.—(a) Whenever any person driving a vehicle ap-
3 proaches a railroad grade crossing under any of the cir-
cumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(3) A railroad train approaching within approximately one thousand five hundred feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(4) Any approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 2. All Vehicles Must Stop at Certain Railroad Grade Crossings.—The state road commission and local authorities with the approval of the state road commission are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Sec. 3. Certain Vehicles Must Stop at All Railroad Grade Crossings.—(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, or of any vehicle owned by an employer which, in carrying on such employer's business or in carrying employees to and from work, is carrying more than six employees of such employer, before crossing at
grade any track or tracks of a railroad, shall stop such
vehicle within fifty feet but not less than fifteen feet from
the nearest rail of such railroad and while so stopped
shall listen and look in both directions along such track
for any approaching train, and for signals indicating the
approach of a train, except as hereinafter provided, and
shall not proceed until he can do so safely. After stopping
as required herein and upon proceeding when it is safe
to do so the driver of any said vehicle shall cross only in
such gear of the vehicle that there will be no necessity
for changing gears while traversing such crossing and the
driver shall not shift gears while crossing the track or
tracks.
(b) No stop need be made at any such crossing where
a police officer or a traffic-control signal directs traffic
to proceed.
(c) This section shall not apply at street-railway grade
crossings within a business or residence district.

Sec. 4. Moving Heavy Equipment at Railroad Grade
Crossings.—(a) No person shall operate or move any
crawler-type tractor, steam shovel, derrick, roller, or any
equipment or structure having a normal operating speed
of ten or less miles per hour or a vertical body or load
clearance of less than one-half inch per foot of the dis-
tance between any two adjacent axles or in any event
of less than nine inches, measured above the level surface
of a roadway, upon or across any tracks at a railroad
grade crossing without first complying with this section.
(b) Notice of any such intended crossing shall be given
to a station agent of such railroad and a reasonable time
be given to such railroad to provide proper protection
at such crossing.
(c) Before making any such crossing the person op-erating or moving any such vehicle or equipment shall
first stop the same not less than fifteen feet nor more
than fifty feet from the nearest rail of such railroad and
while so stopped shall listen and look in both directions
along such track for any approaching train and for
signals indicating the approach of a train, and shall not
proceed until the crossing can be made safely.
(d) No such crossing shall be made when warning is
Sec. 5. Vehicles Must Stop at Through Highways.—
(a) The state road commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection.

(b) Every said sign shall bear the word “Stop” in letters not less than six inches in height and such sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign.

(c) Every stop sign shall be erected as near as practicable to the nearest line of the cross walk on the near side of the roadway.

(d) Every driver of a vehicle and every motorman of a streetcar approaching a stop sign shall stop before entering the cross walk on the near side of the intersection or in the event there is no cross walk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting highway where the driver has a view of approaching traffic on the intersecting highway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

Sec. 6. Stop Before Emerging from Alley or Private Driveway.—The driver of a vehicle within a business or residence district emerging from any alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or private driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.
Sec. 7. Overtaking and Passing School Bus.—(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by the driver to proceed.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words “school bus” in letters not less than six inches in height. When a contract school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating “school bus” shall be covered or concealed.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Sec. 8. Special Lighting Equipment on School Busses.—(a) The commissioner of motor vehicles is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school busses consistent with the provisions of this chapter, but supplemental thereto, and except that such standards and specifications may designate and permit the use of flashing warning signal lights on school busses for the purpose of indicating when children are boarding or alighting from any said bus. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the Society of Automotive Engineers.

(b) It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of
permitting school children to board or alight from said school bus.


Section 1. Stopping, standing, or parking outside of business or residence districts.

Sec. 1. Stopping, Standing, or Parking Outside of Business or Residence Districts.—(a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Sec. 2. Officers Authorized to Remove Illegally Stopped Vehicles.—(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

Sec. 3. Stopping, Standing, or Parking Prohibited in Specified Places.—(a) No person shall stop, stand, or
3 park a vehicle, except when necessary to avoid conflict
4 with other traffic or in compliance with law or the direc-
5 tions of a police officer or traffic-control device, in any of
6 the following places:
7 (1) On a sidewalk;
8 (2) In front of a public or private driveway;
9 (3) Within an intersection;
10 (4) Within fifteen feet of a fire hydrant;
11 (5) On a cross walk;
12 (6) Within twenty feet of a cross walk at an inter-
13 section;
14 (7) Within thirty feet upon the approach to any flash-
15 ing beacon, stop sign, or traffic-control signal located at
16 the side of a roadway;
17 (8) Between a safety zone and the adjacent curb or
18 within thirty feet of points on the curb immediately op-
19 pose the ends of a safety zone, unless a different length
20 is indicated by signs or markings;
21 (9) Within fifty feet of the nearest rail of a railroad
22 crossing;
23 (10) Within twenty feet of the driveway entrance to
24 any fire station and on the side of a street opposite the
25 entrance to any fire station within seventy-five feet of
26 said entrance (when properly signposted);
27 (11) Alongside or opposite any street excavation or
28 obstruction when stopping, standing, or parking would
29 obstruct traffic;
30 (12) On the roadway side of any vehicle stopped or
31 parked at the edge or curb of a street;
32 (13) Upon any bridge or other elevated structure upon
33 a highway or within a highway tunnel;
34 (14) At any place where official signs prohibit stop-
35 ping;
36 (15) Within twenty feet of any mail receptacle served
37 regularly by a carrier using a motor vehicle for daily
38 deliveries, if such parking interferes with or causes delay
39 in the carrier’s schedule.
40 (b) No person shall move a vehicle not lawfully under
41 his control into any such prohibited area or away from
42 a curb such distance as is unlawful.

Sec. 4. Additional Parking Regulations.—(a) Except
as otherwise provided in this section every vehicle
stopped or parked upon a roadway where there are
adjacent curbs shall be so stopped or parked with the
right-hand wheels of such vehicle parallel to and within
eighteen inches of the right-hand curb.
(b) Local authorities may by ordinance permit park-
ing of vehicles with the left-hand wheels adjacent to and
within eighteen inches of the left-hand curb of a one-
way roadway.
(c) Local authorities may by ordinance permit angle
parking on any roadway, except that angle parking shall
not be permitted on any federal-aid or state highway
unless the state road commission has determined by reso-
lution or order entered in its minutes that the roadway
is of sufficient width to permit angle parking without
interfering with the free movement of traffic.
(d) The state road commission with respect to high-
ways under its jurisdiction may place signs prohibiting
or restricting the stopping, standing, or parking of ve-
hicles on any highway where in its opinion, as evidenced
by resolution or order entered in its minutes, such stop-
ing, standing, or parking is dangerous to those using
the highway or where the stopping, standing, or parking
of vehicles would unduly interfere with the free move-
ment of traffic thereon. Such signs shall be official signs
and no person shall stop, stand, or park any vehicle in
violation of the restrictions stated on such signs.


Section
1. Unattended motor vehicle.
2. Limitations on backing.
3. Riding on motorcycles.
4. Obstruction to driver's view or driving mechanism.
5. Passengers in seat with operator.
6. Passengers on runningboard.
7. Driving on mountain highways.
8. Coasting prohibited.
9. Following fire apparatus prohibited.
10. Crossing fire hose.
11. Putting glass, etc., on highway prohibited.
12. Regulations relative to school busses.

Section 1. Unattended Motor Vehicle.—No person driv-
ing or in charge of a motor vehicle shall permit it to stand
unattended without first stopping the engine, locking the
ignition, removing the key, and effectively setting the
brake thereon and, when standing upon any grade, turn-
ing the front wheels to the curb or side of the highway.

Sec. 2. Limitations on Backing.—The driver of a vehicle
shall not back the same unless such movement can be
made with reasonable safety and without interfering with
other traffic.

Sec. 3. Riding on Motorcycles.—A person operating a
motorcycle shall ride only upon the permanent and regu-
lar seat attached thereto, and such operator shall not
carry any other person nor shall any other person ride
on a motorcycle unless such motorcycle is designed to
carry more than one person, in which event a passenger
may ride upon the permanent and regular seat if designed
for two persons, or upon another seat firmly attached to
the rear or side of the operator.

Sec. 4. Obstruction to Driver's View or Driving Mech-
anism.—(a) No person shall drive a vehicle when it is so
loaded as to obstruct the view of the driver to the front
or sides of the vehicle or as to interfere with the driver’s
control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or streetcar shall ride in
such position as to interfere with the driver’s or motor-
man’s view ahead or to the sides, or to interfere with his
control over the driving mechanism of the vehicle or
streetcar.

Sec. 5. Passengers in Seat with Operator.—No more
than three persons including the operator shall ride or be
permitted by such operator to ride in the seat with the
operator of any motor vehicle while said motor vehicle is
being operated on the streets or highways of this state.

Sec. 6. Passengers on Runningboard.—No passenger
shall ride nor shall the operator permit any passenger to
ride on the runningboards of any motor vehicle while
such vehicle is being operated on the streets or highways
of this state.

Sec. 7. Driving on Mountain Highways.—The driver of
a motor vehicle traveling through defiles or canyons or
on mountain highways shall hold such motor vehicle
under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

Sec. 8. Coasting Prohibited.—(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral. (b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

Sec. 9: Following Fire Apparatus Prohibited.—The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Sec. 10. Crossing Fire Hose.—No streetcar or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 11. Putting Glass, etc., on Highway Prohibited.—(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway. (b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed. (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Sec. 12. Regulations Relative to School Busses.—(a) The West Virginia board of education by and with the advice of the motor vehicle commissioner shall adopt and
enforce regulations not inconsistent with this chapter to
govern the design and operation of all school buses used
for the transportation of school children when owned and
operated by any county board of education or privately
owned and operated under contract with any county
board of education in this state and such regulations shall
by reference be made a part of any such contract with a
county board of education. Every county board of edu-
cation, its officers and employees, and every person em-
ployed under contract by a county board of education
shall be subject to said regulations.

(b) Any officer or employee of any county board of
education who violates any of said regulations or fails to
include obligation to comply with said regulations in any
contract executed by him on behalf of a county board of
education shall be guilty of misconduct and subject to
removal from office or employment. Any person operat-
ing a school bus under contract with a county board of
education who fails to comply with any said regulations
shall be guilty of breach of contract and such contract
shall be canceled after notice and hearing by the respon-
sible officers of such county board of education.

Article 15. Equipment.

Section
1. Scope and effect of regulations.
2. When lighted lamps are required.
3. Visibility distance and mounted height of lamps.
5. Tail lamps.
6. New motor vehicles to be equipped with reflectors.
7. Stop lamps required on new motor vehicles.
8. Application of succeeding sections.
9. Additional equipment required on certain vehicles.
11. Mounting of reflectors, clearance lamps, and side marker lamps.
12. Visibility of reflectors, clearance lamps, and marker lamps.
13. Obstructed lights not required.
14. Lamp or flag on projecting load.
15. Lamps on parked vehicles.
16. Lamps on other vehicles and equipment.
17. Spot lamps and auxiliary lamps.
19. Additional lighting equipment.
20. Multiple-beam road-lighting equipment.
21. Use of multiple-beam road-lighting equipment.
23. Lighting equipment on motor-driven cycles.
25. Number of driving lamps required or permitted.
MOTOR VEHICLES

26. Special restrictions on lamps.
27. Standards for lights on snow removal equipment.
28. Selling or using lamps or devices.
29. Authority of state road commissioner with reference to lighting devices.
30. Revocation of certificate of approval on lighting devices.
31. Brakes.
32. Brakes on motor-driven cycles.
33. Horns and warning devices.
34. Mufflers, prevention of noise.
35. Mirrors.
36. Windshields must be unobstructed and equipped with wipers.
37. Restrictions as to tire equipment.
38. Safety glass in motor vehicles.
39. Certain vehicles to carry flares or other warning devices.
40. Display of warning devices when vehicle disabled.
41. Vehicles transporting explosives.
42. Television receivers in view of driver prohibited.

Section 1. Scope and Effect of Regulations.—(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of this article, or for any person to do any act forbidden or fail to perform any act required under this article.

(b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.

(c) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable. Every farm tractor equipped with an electric lighting system shall at all times mentioned in section two of this article display a red tail lamp and either multiple-beam or single-beam head lamps meeting the requirements of sections two, twenty and twenty-two of this article, respectively.

Sec. 2. When Lighted Lamps Are Required.—Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sun-
rise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated.

Sec. 3. Visibility Distance and Mounted Height of Lamps.—(a) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible said provisions shall apply during the times stated in section two of this article in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

Sec. 4. Head Lamps on Motor Vehicles.—(a) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.

(b) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this article.

(c) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-eight inches to be measured as set forth in section three of this article.

Sec. 5. Tail Lamps.—(a) Every motor vehicle, trailer or semitrailer, and any other vehicle which is being
drawn at the end of a train of vehicles, shall be equipped
with at least one tail lamp mounted on the rear, which,
when lighted as hereinbefore required, shall emit a red
light plainly visible from a distance of five hundred feet
to the rear, provided that in the case of a train of vehicles
only the tail lamp on the rearmost vehicle need actually
be seen from the distance specified.

(b) Every tail lamp upon every vehicle shall be located
at a height of not more than sixty inches nor less
than twenty inches to be measured as set forth in section
three (b) of this article.

(c) Either a tail lamp or a separate lamp shall be so
constructed and placed as to illuminate with a white light
the rear registration plate and render it clearly legible
from a distance of fifty feet to the rear. Any tail lamp or
tail lamps, together with any separate lamp for illuminating
the rear registration plate, shall be so wired as to
be lighted whenever the headlamps or auxiliary driving
lamps are lighted.

Sec. 6. New Motor Vehicles to Be Equipped with Re-
flectors. — (a) Every new motor vehicle hereafter sold
and operated upon a highway, other than a truck tractor,
shall carry on the rear, either as a part of the tail lamps
or separately, two red reflectors, except that every motor-
cycle and every motor-driven cycle shall carry at least
one reflector, meeting the requirements of this section,
and except that vehicles of the type mentioned in section
nine of this article shall be equipped with reflectors as
required in those sections applicable thereto.

(b) Every such reflector shall be mounted on the ve-
hicle at a height not less than twenty inches nor more
than sixty inches measured as set forth in section three
(b), and shall be of such size and characteristics and so
mounted as to be visible at night from all distances within
three hundred feet to fifty feet from such vehicle when
directly in front of lawful upper beams of head lamps,
except that visibility from a greater distance is herein-
after required of reflectors on certain types of vehicles.

Sec. 7. Stop Lamps Required on New Motor Vehicles.—
From and after the first day of January, one thousand
three hundred fifty-two, it shall be unlawful for any person to sell any new motor vehicle, including any motor-cycle or motor-driven cycle, in this state or for any person to drive such vehicle on the highway unless it is equipped with a stop lamp meeting the requirements of section eighteen of this article.

Sec. 8. Application of Succeeding Sections.—Those sections of this chapter which follow immediately, including section nine, ten, eleven, twelve and thirteen of this article, and relating to clearance and marker lamps, reflectors, and stop lights shall apply as stated in said sections to vehicles of the type therein enumerated, namely passenger busses, trucks, truck tractors, and certain trailers, semitrailers, and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in section two of this article except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet.

Sec. 9. Additional Equipment Required on Certain Vehicles.—In addition to other equipment required in this chapter the following vehicles shall be equipped as herein stated under the conditions stated in section eight of this article.

(a) On every bus or truck, whatever its size, there shall be the following:
   On the rear, two reflectors, one at each side, and one stop light.

(b) On every bus or truck eighty inches or more in over-all width, in addition to the requirements in paragraph (a):
   On the front, two clearance lamps, one at each side.
   On the rear, two clearance lamps, one at each side.
   On each side, two side marker lamps, one at or near the front and one at or near the rear.

(c) On every truck tractor:
On the front, two clearance lamps, one at each side.
On the rear, one stop light.
(d) On every trailer or semitrailer having a gross weight in excess of three thousand pounds;
On the front, two clearance lamps, one at each side.
On each side, two side marker lamps, one at or near the front and one at or near the rear.
On each side, two reflectors, one at or near the front and one at or near the rear.
On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and one stop light.
(e) On every pole trailer in excess of three thousand pounds gross weight:
On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side, and rear.
On the rear of the pole trailer or load, two reflectors, one at each side.
(f) On every trailer, semitrailer, or pole trailer weighing three thousand pounds gross or less:
On the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

Sec. 10. Color of Clearance Lamps, Side Marker Lamps, and Reflectors.—(a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.
(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.
(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber, or yellow, and except that the light illuminating the license plate or the light emitted by a back-up light shall be white.

Sec. 11. Mounting of Reflectors, Clearance Lamps, and Side Marker Lamps.—(a) Reflectors when required by section nine of this article shall be mounted at a height.
4 not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(b) Clearance lamps shall be mounted on the permanent structure of the vehicle in such manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

Sec. 12. Visibility of Reflectors, Clearance Lamps, and Marker Lamps.—(a) Every reflector upon any vehicle referred to in section nine of this article shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within five hundred feet to fifty feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the side of the vehicle on which mounted.

Sec. 13. Obstructed Lights Not Required.—Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except
tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

Sec. 14. Lamp or Flag on Projecting Load.—Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section two of this article, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Sec. 15. Lamps on Parked Vehicles.—(a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear. The foregoing provisions shall not apply to a motor-driven cycle.
Sec. 16. Lamps on Other Vehicles and Equipment.—
All vehicles including animal-drawn vehicles and in-
cluding those referred to in section one (c) of this article
not hereinbefore specifically required to be equipped with
lamps, shall at the times specified in section two of this
article be equipped with at least one lighted lamp or
lantern exhibiting a white light visible from a distance of
five hundred feet to the front of such vehicle and with a
lamp or lantern exhibiting a red light visible from a dis-
tance of five hundred feet to the rear.

Sec. 17. Spot Lamps and Auxiliary Lamps.—(a) Spot
lamps.—Any motor vehicle may be equipped with not to
exceed one spot lamp and every lighted spot lamp shall
be so aimed and used upon approaching another vehicle
that no part of the high-intensity portion of the beam will
be directed to the left of the prolongation of the extreme
left side of the vehicle nor more than one hundred feet
ahead of the vehicle.

(b) Fog lamps. Any motor vehicle may be equipped
with not to exceed two fog lamps mounted on the front at
a height not less than twelve inches nor more than thirty
inches above the level surface upon which the vehicle
stands and so aimed that when the vehicle is not loaded
none of the high-intensity portion of the light to the left
of the center of the vehicle shall at a distance of twenty-
five feet ahead project higher than a level of four inches
below the level of the center of the lamp from which it
comes.

(c) Auxiliary passing lamp. Any motor vehicle may
be equipped with not to exceed one auxiliary passing
lamp mounted on the front at a height not less than
twenty-four inches nor more than forty-two inches above
the level surface upon which the vehicle stands and every
auxiliary passing lamp shall meet the requirements and
limitations set forth in this article.

(d) Auxiliary driving lamp. Any motor vehicle may
be equipped with not to exceed one auxiliary driving
lamp mounted on the front at a height not less than six-
teen inches nor more than forty-two inches above the level surface upon which the vehicle stands and every such auxiliary driving lamp shall meet the requirements and limitations set forth in this article.

Sec. 18. Signal Lamps and Signal Devices.—(a) Any motor vehicle may be equipped and when required under this chapter shall be equipped with the following signal lamps or devices:

(1) A stop lamp on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp.

(2) A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

(b) A stop lamp shall be plainly visible and understandable from a distance of one hundred feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

(c) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section two of this article.

Sec. 19. Additional Lighting Equipment.—(a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall
not be lighted when the motor vehicle is in forward motion.

Sec. 20. *Multiple-beam Road-lighting Equipment.*—Except as hereinafter provided, the head lamps or the auxiliary driving lamp, or the auxiliary passing lamp, or combinations thereof, on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may select at will between distributions of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred feet ahead for all conditions of loading. The maximum intensity of this uppermost distribution of light or composite beam one degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed eight thousand apparent candlepower, and at no other point of the distribution of light or composite beam shall there be an intensity of more than seventy-five thousand apparent candlepower.

(b) There shall be a lowermost distribution of light, or composite beam so aimed that:

(1) When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of eight inches below the level of the center of the lamp from which it comes.

(2) When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of three inches below the level of the center of the lamp from which it comes.

(3) In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(c) Where one intermediate beam is provided, the
beam on the left side of the road shall be in conformity
with item (1) of paragraph (b) of this section except
when arranged in accordance with the practice specified
in paragraph (e).
(d) The lowermost distribution of light shall be so
aimed and of sufficient intensity to reveal a person or
vehicle at a distance of at least one hundred feet ahead.
(e) Every new motor vehicle, other than a motorcycle
or motor-driven cycle, registered in this state after the
first day of January, one thousand nine hundred fifty-two,
which has multiple-beam road-lighting equipment shall
be equipped with a beam indicator, which shall be lighted
whenever the uppermost distribution of light from the
head lamps is in use, and shall not otherwise be lighted.
Said indicator shall be so designed and located that when
lighted it will be readily visible without glare to the
driver of the vehicle so equipped.

Sec. 21. Use of Multiple-beam Road-lighting Equip-
ment.—(a) Whenever a motor vehicle is being operated
on a roadway or shoulder adjacent thereto during the
times specified in section two of this article, the driver
shall use a distribution of light, or composite beam, di-
rected high enough and of sufficient intensity to reveal
persons and vehicles at a safe distance in advance of the
vehicle, subject to the following requirements and limi-
tations:
(b) Whenever the driver of a vehicle approaches an
oncoming vehicle within five hundred feet, such driver
shall use a distribution of light or composite beam so
aimed that the glaring rays are not projected into the
eyes of the oncoming driver, and in no case shall the high-
intensity portion which is projected to the left of the pro-
longation of the extreme left side of the vehicle be aimed
higher than the center of the lamp from which it comes
at a distance of twenty-five feet ahead, and in no case
higher than a level of forty-two inches above the level
upon which the vehicle stands at a distance of seventy-
five feet ahead.
The lowermost distribution of light specified in item (1)
of section twenty (b) of this article shall be deemed to
24 avoid glare at all times, regardless of road contour and
25 loading.

Sec. 22. Single-beam Road-lighting Equipment.—Head
2 lamps arranged to provide a single distribution of light
3 shall be permitted on motor vehicles manufactured and
4 sold prior to one year after the effective date of this
5 chapter in lieu of multiple-beam road-lighting equipment
6 herein specified if the single distribution of light complies
7 with the following requirements and limitations:
8 (1) The head lamps shall be so aimed that when the
9 vehicle is not loaded none of the high-intensity portion of
10 the light shall at a distance of twenty-five feet ahead pro-
11 ject higher than a level of five inches below the level of
12 the center of the lamp from which it comes, and in no
13 case higher than forty-two inches above the level on
14 which the vehicle stands at a distance of seventy-five feet
15 ahead.
16 (2) The intensity shall be sufficient to reveal persons
17 and vehicles at a distance of at least two hundred feet.

Sec. 23. Lighting Equipment on Motor-driven Cycles.—
2 The head lamp or head lamps upon every motor-driven
3 cycle may be of the single-beam or multiple-beam type
4 but in either event shall comply with the requirements
5 and limitations as follows:
6 (1) Every said head lamp or head lamps on a motor-
7 driven cycle shall be of sufficient intensity to reveal a
8 person or a vehicle at a distance of not less than one
9 hundred feet when the motor-driven cycle is operated at
10 any speed less than twenty-five miles per hour and at a
11 distance of not less than two hundred feet when the motor-
12 driven cycle is operated at a speed of twenty-five or more
13 miles per hour.
14 (2) In the event the motor-driven cycle is equipped
15 with a multiple-beam head lamp or head lamps the upper
16 beam shall meet the minimum requirements set forth
17 above and shall not exceed the limitations set forth in
18 section twenty (a) of this article and the lowermost beam
19 shall meet the requirements applicable to a lowermost
20 distribution of light as set forth in section twenty (b) of
21 this article.
(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

Sec. 24. Alternate Road-lighting Equipment.—Any motor vehicle may be operated under the conditions specified in section two of this article when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in section twenty or section twenty-two of this article: Provided, however, That at no time shall it be operated at a speed in excess of twenty miles per hour.

Sec. 25. Number of Driving Lamps Required or Permitted.—(a) At all times specified in section two of this article at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Sec. 26. Special Restrictions on Lamps.—(a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front-direction signals which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device
thereon displaying a red light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.

(c) Flashing lights are prohibited on motor vehicles, except on an authorized emergency vehicle, school bus, snow removal equipment, or on any vehicle as a means for indicating a right or left turn.

Sec. 27. Standards for Lights on Snow Removal Equipment.—(a) The state road commission shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow removal equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

(b) It shall be unlawful to operate any snow removal equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Sec. 28. Selling or Using Lamps or Devices.—(a) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer or use upon any such vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state road commissioner and approved by him.

(b) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer any lamp or device mentioned in this section which has been approved by the
state road commissioner unless such lamp or device bears thereon the trade-mark or name under which it is approved so as to be legible when installed.

(c) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless said lamps are equipped with bulbs of a rated candle-power and are mounted and adjusted as to focus and aim in accordance with instructions of the state road commissioner.

Sec. 29. Authority of State Road Commissioner with Reference to Lighting Devices.—(a) The state road commissioner is hereby authorized to approve or disapprove lighting devices.
(b) The state road commissioner is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.
(c) The state road commissioner is further authorized to set up the procedure which shall be followed when any device is submitted for approval.
(d) The state road commissioner upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by him.
(e) The state road commissioner shall publish lists of all lamps and devices by name and type which have been approved by him, together with instructions as to the permissible candlepower rating of the bulbs which he has determined for use therein and such other instructions as to adjustment as the state road commissioner may deem necessary.

Sec. 30. Revocation of Certificate of Approval on Lighting Devices.—When the state road commissioner has reason to believe that an approved device as being sold commercially does not comply with the requirements of this chapter, he may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question
of compliance of said approved device. After said hear-
ing the state road commissioner shall determine whether
said approved device meets the requirements of this
chapter. If said device does not meet the requirements
of this chapter he shall give notice to the person holding
the certificate of approval for such device in this state.
If at the expiration of ninety days after such notice
the person holding the certificate of approval for such
device has failed to satisfy the state road commissioner
that said approved device as thereafter to be sold meets
the requirements of this chapter, the state road commis-
sioner shall suspend or revoke the approval issued there-
for until or unless such device is resubmitted to and re-
tested by an authorized testing agency and is found to
meet the requirements of this chapter, and may require
that all said devices sold since the notification following
the hearing be replaced with devices that do comply with
the requirements of this chapter. The state road commis-
sioner may at the time of the retest purchase in the open
market and submit to the testing agency one or more
sets of such approved devices, and if such device upon
such retest fails to meet the requirements of this chap-
ter, the state road commissioner may refuse to renew the
certificate of approval of such device.

Sec. 31. Brakes.—(a) Brake equipment required.—
(1) Every motor vehicle, other than a motorcycle or
motor-driven cycle, when operated upon a highway shall
be equipped with brakes adequate to control the move-
ment of and to stop and hold such vehicle, including two
separate means of applying the brakes, each of which
means shall be effective to apply the brakes to at least two
wheels. If these two separate means of applying the
brakes are connected in any way, they shall be so con-
structed that failure of any one part of the operating
mechanism shall not leave the motor vehicle without
brakes on at least two wheels.
(2) Every motorcycle and every motor-driven cycle,
when operated upon a highway, shall be equipped with
at least one brake which may be operated by hand or
foot.
(3) Every trailer or semitrailer of a gross weight of
three thousand pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

(4) Every new motor vehicle, trailer, or semitrailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle or motor-driven cycle, and except that any semitrailer of less than one thousand five hundred pounds gross weight need not be equipped with brakes.

(5) In any combination of motor-driven vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

(6) One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or downgrade upon which it is operated.

(7) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(b) Performance ability of brakes. Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:
Vehicles or combinations of vehicles having brakes on all wheels

Vehicles or combinations of vehicles not having brakes on all wheels

(c) Maintenance of brakes. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Sec. 32. Brakes on Motor-driven Cycles.—(a) The commissioner is authorized to require an inspection of the brake on any motor-driven cycle and to disapprove any such brake which he finds will not comply with the performance ability standard set forth in section thirty-one of this article, or which in his opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(b) The commissioner may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the brake thereon does not comply with the provisions of this section.

(c) No person shall operate on any highway any vehicle referred to in this section in the event the commissioner has disapproved the brake equipment upon such vehicle or type of vehicle.

Sec. 33. Horns and Warning Devices.—(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.
(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

Sec. 34. Mufflers, Prevention of Noise.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

Sec. 35. Mirrors.—Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

Sec. 36. Windshields Must be Unobstructed and Equipped with Wipers.—(a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.
(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Sec. 37. Restrictions as to Tire Equipment.—(a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flang of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(d) The state road commission and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

Sec. 38. Safety Glass in Motor Vehicles.—(a) On and after the first day of July, one thousand nine hundred fifty-one, no person shall operate any motor vehicle as specified herein, nor shall any motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glass of a type approved by the state road commissioner wherever glass is used in doors, windows, and windshields. The foregoing provisions
shall apply to all passenger-type motor vehicles, including passenger busses and school busses, but in respect to trucks, including truck tractors, the requirements as to safety glass shall apply to all glass used in doors, windows, and windshields in the drivers' compartments of such vehicles.

(b) The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the commissioner.

(c) The state road commissioner shall compile and publish a list of types of glass by name approved by him as meeting the requirements of this section and the commissioner of motor vehicles shall not register after the first day of July one thousand nine hundred fifty-one any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glass, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not equipped until it is made to conform to the requirements of this section.

Sec. 39. Certain Vehicles to Carry Flares or Other Warning Devices.—(a) No person shall operate any motor truck, passenger bus, road tractor or truck tractor upon any highway outside the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in paragraph (b):

(1) At least three flares or three red electric lanterns each of which shall be capable of being seen and distinguished at a distance of five hundred feet under normal atmospheric conditions at nighttime.

Each flare (liquid-burning pot torch) shall be capable of burning for not less than twelve hours in five miles per hour wind velocity and capable of burning in any air velocity from zero to forty miles per hour. Every such flare shall be substantially constructed so as to withstand reasonable shocks without leaking. Every such flare shall be carried in the vehicle in a metal rack or box.
Every such red electric lantern shall be capable of operating continuously for not less than twelve hours and shall be substantially constructed so as to withstand reasonable shock without breakage.

(2) At least three red-burning fuses unless red electric lanterns are carried.

Every fuse shall be made in accordance with specifications of the Bureau of Explosives, thirty Vesey Street, New York City, and so marked and shall be capable of burning at least fifteen minutes.

(3) At least two red cloth flags, not less than twelve inches square, with standards to support same.

(b) No person shall operate at the time and under the conditions stated in paragraph (a) any motor vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases, unless there shall be carried in such vehicle three red electric lanterns meeting the requirements above stated, and there shall not be carried in any said vehicle any flares, fuses, or signal produced by a flame.

(c) As an alternative it shall be deemed a compliance with this section in the event a person operating any motor vehicle described in this section shall carry in such vehicle three portable reflector units on standards of a type approved by the state road commissioner. No portable reflector unit shall be approved unless it is so designed and constructed as to include two reflectors, one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within five hundred feet to fifty feet under normal atmospheric conditions at nighttime when directly in front of lawful upper beams of head lamps.

Sec. 40. Display of Warning Devices When Vehicle Disabled.—(a) Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so dis-
9 abled on the highway except as provided in paragraph
10 (b):
11 (1) A lighted fusee shall be immediately placed on the
12 roadway at the traffic side of the motor vehicle unless
13 electric lanterns are displayed.
14 (2) Within the burning period of the fusee and as
15 promptly as possible three lighted flares (pot torches) or
16 three electric lanterns shall be placed on the roadway as
17 follows:
18 One at a distance of approximately one hundred feet
19 in advance of the vehicle, one at a distance of approxi­
20 mately one hundred feet to the rear of the vehicle, each
21 in the center of the lane of traffic occupied by the disabled
22 vehicle, and one at the traffic side of the vehicle approxi­
23 mately ten feet rearward or forward thereof.
24 (b) Whenever any vehicle used in the transportation of
25 flammable liquids in bulk, or transporting compressed
26 flammable gases is disabled upon a highway at any time
27 or place mentioned in paragraph (a) of this section, the
28 driver of such vehicle shall display upon the roadway the
29 following lighted warning devices: One red electric
30 lantern shall be immediately placed on the roadway at
31 the traffic side of the vehicle and two other red electric
32 lanterns shall be placed to the front and rear of the ve­
33 hicle in the same manner prescribed in paragraph (a)
34 above for flares.
35 When a vehicle of a type specified in paragraph (b) is
36 disabled the use of flares, fusees, or any signal produced
37 by flame as warning signals is prohibited.
38 (c) Whenever any vehicle of a type referred to in this
39 section is disabled upon the traveled portion of a highway
40 or the shoulder thereof outside of any municipality at any
41 time when the display of fusees, flares, or electric lanterns
42 is not required, the driver of such vehicle shall display
43 two red flags upon the roadway in the lane of traffic oc­
44 cupied by the disabled vehicle, one at a distance of ap­
45 proximately one hundred feet in advance of the vehicle,
46 and one at a distance of approximately one hundred feet
47 to the rear of the vehicle.
48 (d) In the alternative it shall be deemed a compliance
49 with this section in the event three portable reflector
units on standards of a type approved by the state road
commissioner are displayed at the times and under the
conditions specified in this section either during the day-
time or at nighttime and such portable reflector units
shall be placed on the roadway in the locations as de-
scribed with reference to the placing of electric lanterns
and lighted flares.
(e) The flares, fusees, lanterns, and flags to be dis-
played as required in this section shall conform with the
requirements of section thirty-nine of this article applic-
able thereto.

Sec. 41. Vehicles Transporting Explosives.—Any
person
operating any vehicle transporting any explosive as a
cargo or part of a cargo upon a highway shall at all times
comply with the provisions of this section.
(a) Said vehicle shall be marked or placarded on each
side and the rear with the word “Explosives” in letters
not less than eight inches high, or there shall be displayed
on the rear of such vehicle a red flag not less than twenty-
four inches square, marked with the word “Danger” in
white letters six inches high.
(b) Every said vehicle shall be equipped with not less
than two fire extinguishers, filled and ready for imme-
diate use, and placed at a convenient point on the vehicle
so used.
(c) The state road commissioner is hereby authorized
and directed to promulgate such additional regulations
governing the transportation of explosives and other dan-
gerous articles by vehicles upon the highways as he shall
deam advisable for the protection of the public.

Sec. 42. Television Receivers in View of Driver Pro-
hibited.—No motor vehicle shall be operated on any
street or highway in this state when equipped with a
television receiver unless such receiver is so placed that
the screen or picture tube of such receiver is visible only
in the rear seat of such motor vehicle and not in view of
the operator of such motor vehicle.

Article 16. Inspection of Vehicles.
Section
1. Vehicles without required equipment or in unsafe condition.
2. Inspection by department of public safety.
3. Owners and drivers to comply with inspection laws.
4. Commissioner to require periodical inspection.
5. Appointment of official inspection stations.
6. Operation of official inspection stations.
7. Improper representation as official stations.
8. False certificates.

Section 1. Vehicles without Required Equipment or in Unsafe Condition.—No person shall drive or move on any highway any motor vehicle, trailer, semitrailer, or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this chapter and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon any highway.

Sec. 2. Inspection by Department of Public Safety.— (a) The department of public safety may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.
(b) In the event such vehicle and its equipment are found to be in safe condition and in full compliance with the law, the officer making such inspection shall issue to the driver an official certificate of inspection and approval of such vehicle specifying those parts or equipment so inspected and approved.
(c) In the event such vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment the officer shall give a written notice to the driver and shall send a copy to the department. Said notice shall require that such vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto and that a certificate of inspection and approval be obtained within five days.

Sec. 3. Owners and Drivers to Comply with Inspection Laws.—(a) No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the department of public safety.
(b) Every owner or driver, upon receiving a notice as provided in section two of this article shall comply therewith and shall within five days secure an official certificate of inspection and approval which shall be issued in duplicate, one copy to be retained by the owner or driver and the other copy to be forwarded to the department. In lieu of compliance with this paragraph the vehicle shall not be operated, except as provided in the next succeeding paragraph.

(c) No person shall operate any vehicle after receiving a notice with reference thereto as above provided, except as may be necessary to return such vehicle to the residence or place of business of the owner or driver, if within a distance of twenty miles, or to a garage, until said vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter and a certificate of inspection and approval shall be obtained as promptly as possible thereafter.

(d) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, but in every event an official certificate of inspection and approval must be obtained, otherwise such vehicle shall not be operated upon the highways of this state.

Sec. 4. Commissioner to Require Periodical Inspection.

(a) The commissioner of motor vehicles shall once each year require that every motor vehicle, trailer, semi-trailer, and pole trailer registered in this state be inspected and that an official certificate of inspection and approval be obtained for each such vehicle.

Such inspections shall be made and such certificates obtained with respect to the mechanism, brakes, and equipment of every such vehicle as shall be designated by the commissioner.

The commissioner is hereby authorized to make necessary rules and regulations for the administration and enforcement of this section and to designate any period or periods of time during which owners of any vehicles, subject to this section, shall display upon such vehicles
certificates of inspection and approval or shall produce
the same upon demand of any officer or employee of the
department designated by the commissioner or any police
or peace officer when authorized by the commissioner.
(b) The commissioner may authorize the acceptance
in this state of a certificate of inspection and approval
issued in another state having an inspection law similar
to this chapter and may extend the time within which a
certificate shall be obtained by the resident owner of a
vehicle which was not in this state during the time an
inspection was required.
(c) The commissioner may suspend the registration of
any vehicle which he determines is in such unsafe con-
dition as to constitute a menace to safety or which after
notice and demand is not equipped as required in this
chapter or for which a required certificate has not been
obtained.

Sec. 5. Appointment of Official Inspection Stations.—
(a) The commissioner shall issue permits for and fur-
nish instructions and all necessary forms to official in-
spection stations for the inspection of vehicles as herein
required and the issuance of official certificates of inspec-
tion and approval.
(b) Application for permit shall be made upon an offi-
cial form and shall be granted only when the commis-
sioner is satisfied that the station is properly equipped
and has competent personnel to make such inspections
and adjustments and will be properly conducted. The
commissioner before issuing a permit may require the
applicant to file a bond conditioned that it will make
compensation for any damage to a vehicle during an in-
spection or adjustment due to negligence on the part of
such applicant or its employees.
(c) The commissioner shall properly supervise and
cause inspections to be made of such stations and shall
revoke and require the surrender of the permit issued to
a station which he finds is not properly equipped or
conducted. The commissioner shall maintain and post at
the office of the department lists of all stations holding
permits and of those whose permits have been revoked.

Sec. 6. Operation of Official Inspection Stations.—(a)
2 No permit for an official station shall be assigned or transferred or used at any location other than therein designated and every said permit shall be posted in a conspicuous place at the location designated.

6 (b) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form to the owner of a vehicle upon inspecting such vehicle and determining that its equipment required hereunder is in good condition and proper adjustment, otherwise no certificate shall be issued. When required by the commissioner record and report shall be made of every inspection and every certificate so issued.

14 (c) A fee of not more than one dollar may be charged for an inspection and issuance of such certificate, but the imposition of such charge shall not be mandatory.

Sec. 7. Improper Representation as Official Stations.—
2 (a) No person shall in any manner represent any place as an official inspection station unless such station is operating under a valid permit issued by the department.

(b) No person shall issue a certificate of inspection and approval unless then holding a valid permit hereunder.

Sec. 8. False Certificates.—(a) No person shall make, issue, or knowingly use any imitation or counterfeit of an official certificate of inspection.

(b) No person shall display or cause or permit to be displayed upon a vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

Article 17. Size, Weight and Load.

Section
1. Scope and effect of article.
2. Width of vehicles.
3. Projecting loads on passenger vehicles.
4. Height and length of vehicles and loads.
5. Special load limits.
7. Trailers and towed vehicles.
10. Officers may weigh vehicles and require removal or rearrangement of excess loads.
11. Permits for excess size and weight.
When the state road commission or local authorities may restrict right to use highways.

Liability for damage to highway or structure.

Penalties for violation of weight laws; impounding vehicles.

Section 1. Scope and Effect of Article.—(a) It shall be unlawful for any person to drive or move or the owner, lessee or borrower to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in this article or otherwise in violation of this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this article. Violation of this section shall constitute a misdemeanor.

(b) The provisions of this article governing size, weight, and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

Sec. 2. Width of Vehicles.—(a) The total outside width of any vehicle or the load thereon shall not exceed eight feet, except as otherwise provided in this section.

(b) Incorporated cities and municipalities may by ordinance permit the operation within their respective jurisdictions of any motor bus or trackless trolley coach with a maximum outside width of not to exceed one hundred two inches.

(c) No motor bus or trackless trolley coach exceeding a total outside width of ninety-six inches shall be operated on any highway outside of an incorporated city or municipality, except that any motor bus or trackless trolley coach with a total outside width of not exceeding one hundred two inches may be operated upon any highway route or routes having traffic-lane widths of not less than twelve feet in suburban areas adjacent to municipalities.

Sec. 3. Projecting Loads on Passenger Vehicles.—No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line
Sec. 4. Height and Length of Vehicles and Loads.—(a) No vehicle including any load thereon shall exceed a height of twelve feet six inches, except that vehicles used as automobile transports including any load thereon shall not exceed a height of thirteen feet six inches but the owners of such automobile transports shall be responsible to the state road commission for any damage to bridges or other road structures and to municipalities and utility companies for any damage to wires, traffic devices or other structures, and to any person suffering property damage when any such damage is proximately caused by the height of such vehicle or vehicles and load being in excess of twelve feet six inches.

(b) No vehicle including any load thereon shall exceed a length of thirty-five feet extreme over-all dimension, inclusive of front and rear bumpers, except that a bus or trackless trolley coach equipped with three axles shall not exceed an over-all length, inclusive of front and rear bumpers, of forty feet.

(c) No combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles including any load thereon shall have an over-all length, inclusive of front and rear bumpers, in excess of forty-five feet, except as otherwise provided in respect to the use of a pole trailer as authorized in section five of this article.

Sec. 5. Special Load Limits.—(a) Subject to the foregoing provisions of this article limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of such vehicle.

(b) The limitations as to length of vehicles and loads heretofore stated in section four and section five (a) of...
this article shall not apply to any load upon a pole trailer
when transporting poles or pipes or structural material
which cannot be dismembered, provided that no pole or
pipe or other material exceeding eighty feet in length
shall be so transported unless a permit has first been ob-
tained as authorized in section eleven of this article.

Sec. 6. Loads on Vehicles.—(a) No vehicle shall be
driven or moved on any highway unless such vehicle is so
constructed or loaded as to prevent any of its load from
dropping, sifting, leaking, or otherwise escaping there-
from, except that sand may be dropped for the purpose of
securing traction, or water or other substance may be
sprinkled on a roadway in cleaning or maintaining such
roadway.
(b) No person shall operate on any highway any ve-
hicle with any load unless said load and any covering
thereon is securely fastened so as to prevent said covering
or load from becoming loose, detached, or in any manner
a hazard to other users of the highway.

Sec. 7. Trailers and Towed Vehicles.—(a) When one
vehicle is towing another the drawbar or other connec-
tion shall be of sufficient strength to pull all weight towed
thereby and said drawbar or other connection shall not
exceed fifteen feet from one vehicle to the other except
the connection between any two vehicles transporting
poles, pipe, machinery, or other objects of structural na-
ture which cannot readily be dismembered.
(b) When one vehicle is towing another and the con-
nection consists of a chain, rope, or cable, there shall be
displayed upon such connection a white flag or cloth not
less than twelve inches square.

Sec. 8. Single-axle Load Limit.—(a) The gross weight
imposed on the highway by the wheels of any one axle
of a vehicle shall not exceed eighteen thousand pounds.
(b) For the purpose of this article an axle load shall
be defined as the total load transmitted to the road by
all wheels whose centers are included between two par-
allel transverse vertical planes forty inches apart, extend-
ing across the full width of the vehicle.
Sec. 9. Gross Weight of Vehicles and Loads.—(a) It shall be unlawful for any owner, lessee or borrower to operate any vehicle or combination of vehicles of a gross weight in excess of the gross weight for which such vehicle or combination of vehicles is registered or in excess of the limitations set forth in this chapter.

(b) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in section eight of this article the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

<table>
<thead>
<tr>
<th>Distance in feet between first and last axles on group of axles</th>
<th>Maximum load in pounds</th>
<th>Distance in feet between first and last axles on group of axles</th>
<th>Maximum load in pounds</th>
</tr>
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<tr>
<td>4</td>
<td>32,000</td>
<td>31</td>
<td>53,490</td>
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<tr>
<td>5</td>
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<td>6</td>
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<tr>
<td>24</td>
<td>47,470</td>
<td>51</td>
<td>69,070</td>
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</table>
**Sec. 10. Officers May Weigh Vehicles and Require Removal or Rearrangement of Excess Loads.**—(a) Any police officer or employee of the state road commission designated by the state road commissioner as a member of an official weighing crew, having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

(b) Whenever an officer, or employee of the state road commission designated by the state road commissioner as a member of an official weighing crew, upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed or rearranged as may be necessary to reduce the gross weight or axle loads of such vehicle to such limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer, or by an officer or employee of the state road commission, designated as a member of a weighing crew by the state road commissioner, upon a weighing of the vehicles to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor.
Sec. 11. Permits for Excess Size and Weight.—(a) The state road commissioner may in his discretion upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter, but in the event the application is for a permit for continuous operation of a vehicle not in conformity with the provisions of this article relating to weight limitations the state road commissioner shall not issue such permit unless and until the applicant satisfies said commissioner that a bona fide effort has been made by said applicant to replace or alter such vehicle to conform with said provisions and any such permit for continuous operation of such vehicle shall expire one year after the effective date of this chapter unless a shorter period is specified by said commissioner: Provided, however, That specially designed vehicles which can only be used to transport and haul specific liquid or semi-liquid products shall be exempt from the provisions of this chapter, relating to weight limitations, during the life of such vehicles: Provided further, That this exemption shall only apply to vehicles registered in this state prior to the effective date of this chapter. In order for this exemption to apply the owner or operator shall apply for and the state road commissioner shall issue a permit for such vehicle allowing such owner or operator to use the same upon the roads and highways of this state for the life of such vehicle.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(c) The state road commissioner is authorized to issue or withhold such permit at his discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of
operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway structure.

(d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of the state road commissioner granting such permit, and no person shall violate any of the terms or conditions of such special permit.

Sec. 12. When the State Road Commission or Local Authorities May Restrict Right to Use Highways.—(a) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

(c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(d) The state road commission shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions as to
the weight of vehicles operated upon any highway under
the jurisdiction of said commission and such restrictions
shall be effective when signs giving notice thereof are
erected upon the highway or portion of any highway af-
fected by such resolution.

Sec. 13. Liability for Damage to Highway or Struc-
ture.—(a) The owner, lessee or borrower of any vehicle,
object, or contrivance driven or moved upon any highway
or highway structure shall be liable for all damage which
said highway or structure may sustain as a result of any
illegal operation, driving, or moving of such vehicle, ob-
ject, or contrivance, or as a result of operating, driving,
or moving any vehicle, object, or contrivance weighing
in excess of the maximum weight in this chapter but
authorized by a special permit issued as provided in this
article.

(b) Such damage may be recovered in a civil action
brought by the authorities in control of such highway or
highway structure.

Sec. 14. Penalties for Violation of Weight Laws; Im-
pounding Vehicles.—(a) Any owner, lessee or borrower
who knowingly permits a vehicle or combination of ve-
hicles owned by him to be operated with any axle load in
excess of that permitted by section eight of this article,
plus a tolerance of five per cent, or with a total gross weight
in excess of that permitted by section nine of this article,
plus a tolerance of five per cent, shall be guilty of a mis-
demeanor and upon conviction thereof shall be punished
as provided in paragraph (b) and (c) of this section.

(b) Any owner, lessee or borrower of a vehicle who
shall be convicted of a first offense for a violation of this
section shall be punished by a fine of not less than twen-
ty-five dollars nor more than one hundred dollars and in
addition thereto shall pay either a fine of one cent per
 pound for any weight in excess of two thousand pounds
over the legal weight for each axle or a fine of one cent
per pound for any weight in excess of two thousand
pounds over the permissible gross weight for such vehicle
or combination of vehicles, whichever is the greater; and
any owner, lessee or borrower of a vehicle who shall be
convicted of a second offense for a violation of this section
shall be punished by a fine of not less than fifty dollars
nor more than one hundred dollars and in addition thereto
shall pay either a fine of two cents per pound for any
weight in excess of two thousand pounds over the legal
weight for each axle or a fine of two cents per pound
for any weight in excess of two thousand pounds over the
permissible gross weight for such vehicle or combination
of vehicles, whichever is the greater; and any owner, lessee
or borrower who shall be convicted of a third or subse-
quent violation of this section shall be punished by a fine
of not less than seventy-five dollars nor more than one
hundred dollars and in addition thereto shall pay either a
fine of three cents per pound for any weight in excess of
two thousand pounds over the legal weight for each axle
or a fine of three cents per pound for any weight in excess
of two thousand pounds over the permissible gross weight
for such vehicle or combination of vehicles, whichever is
the greater, and in any case where the gross weight ex-
ceeds the statutory limit by five thousand pounds or more,
the owner, lessee or borrower of such vehicle shall be
fined five cents per pound for each pound of excess gross
weight over the said statutory limit, which fine shall be
in lieu of the additional fine per pound heretofore in this
section provided.
(c) In the event any owner, lessee or borrower of a
vehicle is charged with violating this section, the vehicle
which is charged to be overloaded shall be impounded by
the arresting officer and shall not be released to such
owner, lessee or borrower unless and until such owner, les-
see or borrower either shall have been found guilty and
paid any fine assessed against such owner, lessee or bor-
rrower, or shall have furnished cash or surety bond in at
least double the amount of the fine which may be assessed
against such owner, lessee or borrower for such violation
of this section and conditioned upon the payment of any
such fine and costs assessed for such violation, or shall
have been acquitted of such charge. Such owner, lessee
or borrower shall be liable for any reasonable storage
costs incurred in storing such vehicles.
Article 18. Penalties.

Section
1. Penalties for misdemeanor.

Section 1. Penalties for Misdemeanor.—(a) It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony.
(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both such fine and imprisonment.


Section
1. Parties to a crime.
2. Offenses by persons owning or controlling vehicles.
3. When person arrested must be taken immediately before a justice of the peace or court.
4. When person arrested to be given five days' notice to appear in court.
5. Procedure prescribed herein not exclusive.
6. Form for traffic citations.
7. Disposition and records of traffic citations.
8. Record of traffic cases.

Section 1. Parties to a Crime.—Every person who commits, attempts to commit, conspires to commit, or knowingly aids or abets in the commission of, any act declared herein to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter is likewise guilty of such offense.
Sec. 2. Offenses By Persons Owning or Controlling Vehicles.—It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

Sec. 3. When Person Arrested Must Be Taken Immediately Before a Justice of the Peace or Court.—Whenever any person is arrested for any violation of this chapter punishable as a misdemeanor, the arrested person shall be immediately taken before a justice of the peace or court within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with reference to the place where said arrest is made, in any of the following cases:

1. When a person arrested demands an immediate appearance before such justice or court;
2. When the person is arrested upon a charge of negligent homicide;
3. When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs;
4. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;
5. When the person is arrested upon a charge of violating section fourteen, article seventeen of this chapter relating to weight violations;
6. In any other event when the person arrested refuses to give his written promise to appear in court as hereinafter provided.

Sec. 4. When Person Arrested to Be Given Five Days' Notice to Appear in Court.—(a) Whenever a person is arrested for any violation of this chapter punishable as a misdemeanor, and such person is not immediately taken before a justice or court as hereinbefore required, the arresting officer shall prepare written notice to appear in court containing the name and address of such person, the license number of his vehicle, if any, the offense charged,
and the time and place when and where such person shall appear in court.

(b) The time specified in said notice to appear must be at least five days after such arrest unless the person arrested shall demand an earlier hearing.

(c) The place specified in said notice to appear must be before a justice or court within the township or county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense.

(d) The arrested person in order to secure release, as provided in this section; must accept a copy of the written notice prepared by the arresting officer. The officer shall deliver a copy of the notice to the person promising to appear. Thereupon, said officer shall forthwith release the person arrested from custody.

Sec. 5. Procedure Prescribed Herein Not Exclusive.—The following provisions of this article shall govern all police officers in making arrests without a warrant for violations of this chapter, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Sec. 6. Form for Traffic Citations.—(a) Every traffic-enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this article.

(b) The chief administrative officer of every such traffic-enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic-enforcement agency and shall require and retain a receipt for every book so issued.

Sec. 7. Disposition and Records of Traffic Citations.—(a) Every traffic-enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor-vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of
such traffic citation with a court having jurisdiction over
the alleged offense or with its traffic-violations bureau.
(b) Upon the deposit of the original or a copy of such
traffic citation with a court having jurisdiction over the
alleged offense or with its traffic-violations bureau as
aforesaid, said original or copy of such traffic citation may
be disposed of only by trial in said court or other official
action by a judge of said court, including forfeiture of the
bail or by the deposit of sufficient bail with or payment
of a fine to said traffic-violations bureau by the person to
whom such traffic citation has been issued by the traffic-
enforcement officer.
(c) It shall be unlawful and official misconduct for any
traffic-enforcement officer or other officer or public emp-
ployee to dispose of a traffic citation or copies thereof or
of the record of the issuance of the same in a manner other
than as required herein.
(d) The chief administrative officer of every traffic-
enforcement agency shall require the return to him of a
copy of every traffic citation issued by an officer under his
supervision to an alleged violator of any traffic law or
ordinance and of all copies of every traffic citation which
has been spoiled or upon which any entry has been made
and not issued to an alleged violator.
(e) Such chief administrative officer shall also main-
tain or cause to be maintained in connection with every
traffic citation issued by an officer under his supervision
a record of the disposition of the charge by the court or its
traffic-violations bureau in which the original or copy of
the traffic citation was deposited.

Sec. 8. Record of Traffic Cases.—Every justice or judge
of a court shall keep or cause to be kept a record of every
traffic complaint, or other legal form of traffic charge de-
posited with or presented to said court or its traffic-violations bureau, and shall keep a record of every official
action by said court or its traffic-violations bureau in refer-
ce thereto, including but not limited to a record of every
conviction, forfeiture of bail, judgment of acquittal, and
the amount of fine or forfeiture resulting from every said
traffic complaint deposited with or presented to said court
or traffic-violations bureau.
Sec. 9. Jurisdiction of Crimes by Justices.—Justices of the peace shall have concurrent jurisdiction with the circuit, criminal and intermediate courts to enforce the misdemeanor penalties prescribed by this chapter.

Article 20. West Virginia Turnpike Commission.

Section 1. Authority of West Virginia turnpike commission.

Section 1. Authority of West Virginia Turnpike Commission.—The provisions of this chapter with respect to weight, length and speed of motor vehicles shall not apply to toll highways under the jurisdiction of the West Virginia turnpike commission. The provisions of this chapter do not supersede the provisions of chapter seventeen, article sixteen-a of the code of West Virginia, as amended.


Section 1. Constitutionality.

Section 1. Constitutionality.—If any part or parts of this chapter shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this chapter. The legislature hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 2. Repeal.—The provisions of all acts or parts of acts, or of this code, which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.

CHAPTER 130

(Senate Bill No. 112—By Mr. Bean)

AN ACT to repeal article twenty, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend said code by adding thereto a new chapter to be designated chapter seventeen-d, relating
to financial responsibility of owners and operators of motor vehicles, and prescribing penalties for the violation of the provisions thereof.

[Passed February 16, 1951; in effect July 1, 1951. Approved by the Governor.]

Be it enacted by the Legislature of West Virginia:

That article twenty, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that said code be amended by adding thereto a new chapter to be designated chapter seventeen-d, to read as follows:

CHAPTER 17-D. MOTOR VEHICLE SAFETY RESPONSIBILITY LAW

Article
1. Words and Phrases Defined.
2. Administration of Law.
5. Violation of Provisions of Chapter; Penalties.


Section 1. Definitions.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this article.

Sec. 2. Commissioner.—The commissioner of motor vehicles of this state.

Sec. 3. Person.—Every natural person, firm, copartnership, association or corporation.

Sec. 4. Driver.—Every person who drives or is in actual physical control of a vehicle.

Sec. 5. Operator.—Every person, other than a chauffeur, who drives or is in actual physical control of a motor
vehicle upon a highway or who is exercising control over
or steering a vehicle being towed by a motor vehicle.

Sec. 6. Chauffeur.—Every person who is employed by
another for the principal purpose of driving a motor
vehicle and every person who drives a school bus trans-
porting school children or any other motor vehicle when
in use for the transportation of persons or property for
compensation.

Sec. 7. Owner.—A person who holds the legal title of a
vehicle, or in the event a vehicle is the subject of an agree-
ment for the conditional sale or lease thereof with the
right of purchase upon performance of the conditions
stated in the agreement and with an immediate right of
possession vested in the conditional vendee or lessee, or
in the event a mortgagor of a vehicle is entitled to posses-
sion, then such conditional vendee or lessee or mortgagor
shall be deemed the owner for the purposes of this
chapter.

Sec. 8. Nonresident.—Every person who is not a resi-
dent of this state.

Sec. 9. Vehicle.—Every device in, upon, or by which
any person or property is or may be transported or drawn
upon a highway, except devices moved by human power
or used exclusively upon stationary rails or tracks.

Sec. 10. Motor Vehicle.—Every vehicle which is self-
powered and every vehicle which is propelled by electric
power obtained from overhead trolley wires, but not
operated upon rails.

Sec. 11. Trailer.—Every vehicle with or without mo-
tive power designed for carrying persons or property and
for being drawn by a motor vehicle and so constructed
that no part of its weight rests upon the towing vehicle.

Sec. 12. Semitrailer.—Every vehicle with or without
motive power designed for carrying persons or property
and for being drawn by a motor vehicle and so con-
structed that some part of its weight and that of its load
rests upon or is carried by another vehicle.
Article 2. Administration of Law.

Section
1. Commissioner to administer chapter.
2. Commissioner to furnish operating record.

Section 1. Commissioner to Administer Chapter.—The commissioner shall administer and enforce the provisions of this chapter and shall make rules and regulations necessary for its administration, including provisions for hearings by the commissioner or his representative upon request of persons aggrieved by any orders or acts by the commissioner, but the granting of any such hearings shall not operate to prevent or delay any action by the commissioner which is mandatory under the provisions of this chapter.

Sec. 2. Commissioner to Furnish Operating Record.—The commissioner shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall fully designate the vehicles, if any, registered in the name of such person, and if there shall be no record of any conviction of such person of a violation of any law relating to the operation of a motor vehicle or of any injury or damage caused by such person the commissioner shall so certify. The commissioner shall collect for each abstract one dollar.


Section
1. Application of article three.
2. Commissioner to determine amount of security required; notices.
3. Failure to deposit security; suspensions.
4. Exceptions to requirement of security.
5. Requirements as to policy or bond.
6. Further exceptions to requirement of security.
7. Effect of release or judgment of non-liability.
8. Agreements for payment of damages.
10. Authority of commissioner to decrease amount of security.
11. Duration of suspension.
12. Custody and disposition of security.
13. Return of deposit.
14. Matters not to be evidence in civil suits.

Section 1. Application of Article Three.—The provisions of this article shall apply to the driver and owner of any vehicle of a type subject to registration under the
motor vehicle laws of this state which is in any manner involved in an accident upon any street or highway within this state which accident has resulted in damage to the property of any one person in excess of one hundred dollars or in bodily injury to or in the death of any person in respect to which accident report must be made to the commissioner under the laws of this state.

Sec. 2. Commissioner to Determine Amount of Security Required; Notices.—(a) The commissioner within not less than thirty nor more than ninety days after receipt of a report of an accident as described in section one of this article shall take action as provided in this section. The commissioner shall determine the amount of security which he deems sufficient to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner involved in such accident. The commissioner shall determine the amount of security deposit upon the basis of the reports or other evidence relative to such accident transmitted to him. The commissioner shall thereupon give written notice to every such person that he is required to deposit security in an amount and within the time specified in such notice, which time shall be not less than ten days after the giving of such notice, or that upon the expiration of said time an order of suspension as stated therein will become effective unless the person receiving said notice deposits such security or establishes his exemption under other provisions of this chapter.

(b) The security required under this article shall be in the form of money or its equivalent and in such amount as the commissioner may require but, in no case, in excess of the limits specified in section five of this article in reference to the acceptable limits of a policy or bond.

(c) The commissioner shall not take action as required in this section in respect to drivers or owners who establish exemption under succeeding sections of this chapter from the requirements as to security and suspension.

Sec. 3. Failure to Deposit Security; Suspensions.—In the event that any person required to deposit security under this article fails to deposit such security within the
time specified in the notice hereinbefore required which
shall afford at least ten days notice of such required
deposit the commissioner shall thereupon make the order
of suspension effective. Such suspension shall apply to:
(1) The license of each driver in any manner involved
in the accident;
(2) The registrations of all vehicles owned by the
owner of each motor vehicle, trailer or semitrailer in-
volved in such accident;
(3) The privilege of operating a motor vehicle within
this state if the driver is a nonresident;
(4) If such owner is a nonresident, the privilege of
such owner to operate or permit the operation within this
state of any motor vehicle, trailer or semitrailer owned
by him.
Such suspensions shall be made in respect to persons
required by the commissioner to deposit security who fail
to deposit such security, except as otherwise provided
under succeeding sections of this chapter.

Sec. 4. Exceptions to Requirement of Security.—(a)
The requirements as to security and suspension in this
article shall not apply:
(1) To the driver or owner if the owner had in effect
at the time of the accident an automobile liability policy
or bond with respect to the driver or the vehicle involved
in the accident. Unless otherwise covered by insurance a
driver shall not be exempt from the requirements as to
security in the event it is established to the satisfaction of
the commissioner that at the time of the accident the
vehicle was being operated without the owner’s permis-
sion, expressed or implied, or was parked by a driver who
had been operating such vehicle without such permission.
(2) To the driver, if not the owner of the vehicle in-
volved in the accident, if there was in effect at the time
of the accident, an automobile liability policy or bond
with respect to his driving of vehicles not owned by him.
(3) To a driver or owner whose liability for damages
resulting from the accident is, in the judgment of the
commissioner, covered by any other form of liability in-
surance policy or bond.
(4) To the owner or driver in the event that such liability as may arise from the driver's operation of the vehicle involved in the accident is, in the judgment of the commissioner, covered by some form of liability insurance or bond which complies with the requirements set forth under section five of this article.

(5) To any person qualifying as a self-insurer under section two, article six of this chapter, or to any person operating a vehicle for such self-insurer.

(6) To any person under the jurisdiction of the public service commission who has qualified as a self-insurer.

(b) When erroneous information is given the commissioner with respect to the matters set forth in paragraphs (1), (2), (3), or (4) of subdivision (a) of this section, he shall take appropriate action as hereinbefore provided in sections two and three of this article within fifty days after receipt by him of correct information with respect to said matters.

Sec. 5. Requirements as to Policy or Bond.—(a) No policy or bond shall be effective under section four of this article unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subdivision (b) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, to a limit of not less than ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to, or destruction of property, to a limit of not less than one thousand dollars because of injury to or destruction of property of others in any one accident.

(b) No policy or bond shall be effective under section four of this article with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing
such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(c) Upon receipt of notice of such accident from the commissioner, the insurance company or surety company named in such notice shall notify the commissioner in such manner as he may require in case such a policy or bond was not in effect at the time of such accident.

Sec. 6. Further Exceptions to Requirement of Security.—The requirements as to security and suspension in this article shall not apply:

1. To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner;

2. To the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

3. To the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, expressed or implied, or was parked by a person who had been operating such vehicle without such permission.

Sec. 7. Effect of Release or Judgment of Non-liability.—

(a) In the event any person who may be or has been required to deposit security under this article is released from liability or has been finally adjudicated not to be liable in respect to such accident evidence of either such fact may be filed with the commissioner. A covenant not to sue or its equivalent shall relieve the parties there- to as to each other from the security requirements of this chapter. The commissioner may accept for the purposes of this article only, evidence of a release from liability executed by a natural guardian or a legal
guardian on behalf of a minor without the approval of any court or judge.

(b) The commissioner, if satisfied as to the validity of such evidence, shall not require the deposit of security by the person so released or adjudged not liable and shall terminate any prior order of suspension in respect to such person, or if security has previously been deposited by such person, the commissioner shall immediately return such deposit to such person or to his personal representative.

Sec. 8. Agreements for Payment of Damages.—(a) The persons involved in or affected by an accident as described in section one of this article may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims for bodily injury to or death of any person or property damage arising from such accident which may provide for payment in installments and may file a signed copy of such agreement with the commissioner.

(b) The commissioner, upon the filing with him of any such written agreement, shall not require the deposit of security by any party to said agreement and shall terminate any prior order of suspension in reference to such persons or if security has previously been deposited by any said person the commissioner shall immediately return such deposit to such person or his personal representative.

(c) In the event the commissioner receives evidence satisfactory to him that any person obligated to make payment under any such agreement has defaulted in any such payment, the commissioner shall thereupon issue an order of suspension in respect to such person as provided in this article. Such order of suspension shall remain in effect (1) until security is deposited by the person to whom such suspension applies in such amount as the commissioner may then determine, or (2) until the commissioner receives evidence satisfactory to him that the entire obligation has been paid or released, or (3), until a period of one year has elapsed following the breach of such agreement and evidence
satisfactory to the commissioner is filed with him that
no action has been instituted on such agreement during
such period.

Sec. 9. Application to Nonresidents, Unlicensed Drivers
and Unregistered Vehicles.—In case the driver or the
owner of a vehicle involved in an accident within this
state has no license or registration in this state, then
such driver shall not be allowed a license, nor shall such
owner be allowed to register any vehicle in this state,
until he has complied with the requirements of this ar-
ticle to the same extent that would be necessary if at the
time of the accident he had held a license or been the
owner of a vehicle registered in this state.

Sec. 10. Authority of Commissioner to Decrease
Amount of Security.—The commissioner may reduce the
amount of security ordered in any case within six months
after the date of the accident if, in his judgment, the.
amount ordered is excessive. In case the security
originally ordered has been deposited, the excess de-
posit over the reduced amount ordered shall be returned
to the depositor or his personal representative forth-
with, notwithstanding the provisions of section eleven
of this article.

Sec. 11. Duration of Suspension.—Unless a suspension
is terminated under other provisions of this article, any
order of suspension by the commissioner under this ar-
ticle shall remain in effect and no license shall be re-
newed for or issued to any person whose license is so
suspended and no registration shall be renewed for or
issued to any person whose vehicle registration is so
suspended until:

(1) Such person shall deposit or there shall be de-
posited on his behalf the security required under this
article, or

(2) One year shall have elapsed following the date
of such suspension and evidence satisfactory to the com-
missioner has been filed with him that during such
period no action for damages arising out of the accident
resulting in such suspension has been instituted.
Sec. 12. Custody and Disposition of Security.—(a) The commissioner shall place any security deposited with him under this article in the custody of the state treasurer.

(b) Such security shall be applicable only to the payment of a judgment or judgments rendered against the driver or owner on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of deposit of such security or upon assignment by the person making such deposit to the settlement of a claim or claims arising out of such accident.

(c) Every distribution of funds from the security deposit shall be subject to the limits of the evaluation determined by the commissioner on behalf of a claimant and not in excess of the amounts required in section five of this article in respect to a policy or bond covering liability for bodily injury, death or for property damage.

Sec. 13. Return of Deposit.—Unless the commissioner has previously made a return of any security deposited with him under other provisions of this article, any such deposit or any balance thereof remaining after distribution pursuant to this article shall be returned to the depositor or his personal representative after the expiration of one year from the date of deposit of such security if evidence satisfactory to the commissioner has been filed with him (1) that no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and (2) that there does not exist any unpaid judgment rendered against any such person in such an action.

Sec. 14. Matters Not to Be Evidence in Civil Suits.—The report required following an accident, the action taken by the commissioner pursuant to this article, the findings, if any, of the commissioner upon which such action is based, and the security filed as provided in this article, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

Section 1. Proof Required upon Certain Convictions.—

(a) Whenever the commissioner, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction of or forfeiture of bail by such person, the commissioner shall also suspend the registration of all vehicles registered in the name of such person as the owner except that the commissioner shall not suspend such registration unless otherwise required by law in the event such owner has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all such vehicles registered by such person as the owner.

(b) The suspension or revocation hereinbefore required shall remain in effect and the commissioner shall not issue to such person any new or renewal of license or register or reregister in the name of such person as owner any such vehicle until permitted under the motor vehicle laws of this state, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility.

(c) If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license,
or for driving a motor vehicle upon the highways without being licensed to do so, or for driving an unregistered vehicle upon the highways, no license shall be thereafter issued to such person and no such vehicle shall continue to be registered or thereafter be registered in the name of such person as owner unless he shall give and thereafter maintain proof of financial responsibility.

(d) Whenever the commissioner suspends or revokes a nonresident’s operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

Sec. 2. Meaning of Proof of Financial Responsibility.—The term “proof of financial responsibility” as used in this chapter shall mean: Proof of ability to respond in damages for liability, on account of accident occurring subsequent to the effective date of said proof, arising out of the ownership, operation, maintenance, or use of a motor vehicle, trailer or semitrailer in the amount of five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of one thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 3. Meaning of Judgment and Other Terms Used in This Chapter.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section. (a) The term “judgment” shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, operation, maintenance, or use of any motor vehicle, trailer or
semitrailer for damages, including damages for care
and loss of services, because of bodily injury to or death
of any person, or for damages because of injury to or
destruction of property, including the loss of use thereof,
or upon a cause of action on an agreement of settlement
for such damages.

(b) The term "license" shall mean: Any license,
temporary instruction permit, or temporary license is-
sued under the laws of this state pertaining to the
licensing of persons to operate motor vehicles.

(c) The term "nonresident operating privilege" shall
mean: The privilege conferred upon a nonresident by
the laws of this state pertaining to the operation by
him of a motor vehicle, or the use of a vehicle owned
by him, in this state.

(d) The term "registration" shall mean: The regis-
tration certificate or certificates and registration plates
issued under the laws of this state pertaining to the
registration of vehicles.

(e) The term "state" shall mean: Any state, territory,
or possession of the United States, the District of Colum-
bia, or any province of the Dominion of Canada.

Sec. 4. When Courts to Report Nonpayment of Judg-
ments.—Whenever any person fails within thirty days
to satisfy any judgment, then upon the written request
of the judgment creditor or his attorney it shall be the
duty of the clerk of the court, or of the judge of a court
which has no clerk, in which any such judgment is
rendered within this state to forward to the commis-
ioner immediately upon such request a certified copy
of such judgment.

If the defendant named in any certified copy of a
judgment reported to the commissioner is a nonresi-
dent, the commissioner shall transmit a certified copy
of the judgment to the official in charge of the issuance
of licenses and registrations of the state of which the
defendant is a resident.

Sec. 5. Suspension for Nonpayment of Judgments;
Exceptions.—(a) The commissioner upon receipt of a
certified copy of a judgment, shall forthwith suspend
the license and registration and any nonresident’s op-
erating privilege of any person against whom such judg-
ment was rendered, except as hereinafter otherwise
provided in this section and in section eight of this ar-
ticle.
(b) If the judgment creditor consents in writing, in
such form as the commissioner may prescribe, that the
judgment debtor be allowed license and registration or
nonresident’s operating privilege, the same may be al-
lowed by the commissioner, in his discretion, for six
months from the date of such consent and thereafter
until such consent is revoked in writing, notwithstanding
default in the payment of such judgment, or of
any installments thereof prescribed in section eight of
this article, provided the judgment debtor furnishes
proof of financial responsibility.
(c) The commissioner shall not, however, suspend a
license, registration, or nonresident’s operating privilege
of any person if the insurance applicable to such person
or the vehicle being operated by him was with a com-
pany which was authorized to transact business in this
state and which, subsequent to an accident involving
the owner or driver and prior to settlement of the claim
therefor went into liquidation so that no benefit ac-
crued to the owner or driver by reason of having pro-
vided such insurance.

Sec. 6. Suspension to Continue until Judgments Paid
and Proof Given.—(a) Such license, registration and
nonresident’s operating privileges shall remain so sus-
pended and shall not be renewed, nor shall any such
license or registration be thereafter issued in the name
of such person, including any person not previously
licensed, unless and until every such judgment is stayed,
satisfied in full or to the extent hereinafter provided
and until the said person gives proof of financial re-
ponsibility subject to the exemptions stated in sections
five and eight of this article.
(b) A discharge in bankruptcy following the render-
ing of any such judgment shall not relieve the judgment
debtor from any of the requirements of this article.

Sec. 7. Payments Sufficient to Satisfy Requirements.—
(a) Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

(1) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(2) When, subject to such limit of five thousand dollars because of bodily injury to or death of one person, the sum of ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) When one thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(b) Provided, however, That payments made in settlement of any claims because of bodily injury, death, or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

Sec. 8. Installment Payment of Judgments; Default.—

(a) A judgment debtor upon five days notice to the judgment creditor may, for the sole purpose of giving authority to the commissioner to authorize such judgment debtor to operate a motor vehicle thereafter, apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The commissioner shall not suspend a license, registration, or nonresident's operating privilege, and shall restore any license, registration, or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.
21 (c) In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the commissioner shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter.

Sec. 9. Proof to Be Furnished for Each Registered Vehicle; Alternate Methods of Giving Proof.—(a) No vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such proof shall be furnished for such vehicle.

(b) Proof of financial responsibility when required under this chapter, with respect to such a vehicle or with respect to a person who is not the owner of such a vehicle, may be given by filing:

(1) A certificate of insurance as provided in section ten or section eleven of this article; or

(2) A bond as provided in section fifteen of this article; or

(3) A certificate of deposit of money or securities as provided in section sixteen of this article; or

(4) A certificate of self-insurance, as provided in section two, article six of this chapter, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obliged to pay under an owner's motor-vehicle liability policy if it had issued such a policy to said self-insurer.

Sec. 10. Certificate of Insurance as Proof.—Proof of financial responsibility may be furnished by filing with the commissioner the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit
Sec. 11. Certificate Furnished by Nonresident as Proof.—(a) A nonresident may give proof of financial responsibility by filing with the commissioner a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the vehicle, or vehicles, owned by such nonresident is registered, or in the state in which such nonresident resides, if he does not own a vehicle, provided such certificate otherwise conforms with the provisions of this chapter and the commissioner shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

(1) Said insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the commissioner shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

Sec. 12. “Motor Vehicle Liability Policy” Defined.—(a) A “motor vehicle liability policy” as said term is used in this chapter shall mean an “owner’s policy” or an “operator’s policy” of liability insurance certified as provided in section ten or section eleven of this article as proof of financial responsibility, and issued, except as otherwise provided in section eleven, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.
11 (b) Such owner's policy of liability insurance:
12 (1) Shall designate by explicit description or by ap-
13 propriate reference all vehicles with respect to which
14 coverage is thereby to be granted; and
15 (2) Shall insure the person named therein and any
16 other person, as insured, using any such vehicle or ve-
17 hicles with the express or implied permission of such
18 named insured, against loss from the liability imposed
19 by law for damages arising out of the ownership, op-
20 eration, maintenance, or use of such vehicle or vehicles
21 within the United States of America or the Dominion
22 of Canada, subject to limits exclusive of interest and
23 costs, with respect to each such vehicle, as follows:
24 Five thousand dollars because of bodily injury to or
25 death of one person in any one accident and, subject to
26 said limit for one person, ten thousand dollars because of
27 bodily injury to or death of two or more persons in any
28 one accident, and one thousand dollars because of in-
29 jury to or destruction of property of others in any one
30 accident.
31 (c) Such operator's policy of liability insurance shall
32 insure the person named as insured therein against loss
33 from the liability imposed upon him by law for dam-
34 ages arising out of the use by him of any motor vehicle
35 not owned by him, within the same territorial limits and
36 subject to the same limits of liability as are set forth
37 above with respect to an owner's policy of liability in-
38 surance.
39 (d) Such motor vehicle liability policy shall state the
40 name and address of the named insured, the coverage
41 afforded by the policy, the premium charged therefor,
42 the policy period, and the limits of liability, and shall
43 contain an agreement or be endorsed that insurance is
44 provided thereunder in accordance with the coverage
45 defined in this chapter as respects bodily injury and
46 death or property damage, or both, and is subject to all
47 the provisions of this chapter.
48 (e) Such motor vehicle liability policy need not in-
49 sure any liability under any workmen's compensation
50 law nor any liability on account of bodily injury to or
51 death of an employee of the insured while engaged in
the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by an agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(3) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision two of subsection (b) of this section.

(4) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.
(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 13. Notice of Cancellation or Termination of Certified Policy.—When an insurance carrier has certified a motor vehicle liability policy under section ten or section eleven of this article, the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the commissioner, except that such policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates.

Sec. 14. Chapter Not to Affect Other Policies.—(a) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(b) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of vehicles not owned by the insured.

Sec. 15. Bond as Proof.—(a) Proof of financial re-
2 responsibility may be evidenced by the bond of a surety
3 company duly authorized to transact business within this
4 state, or a bond with at least two individual sureties each
5 owning real estate within this state, and together having
6 equities equal in value to at least twice the amount of the
7 bond, which real estate shall be scheduled in the bond
8 approved by a judge of a court of record, which said bond
9 shall be conditioned for payment of the amounts specified
10 in section two of this article. Such bond shall be filed
11 with the commissioner and shall not be cancelable except
12 after ten days written notice to the commissioner. Such
13 bond shall constitute a lien in favor of the state upon the
14 real estate so scheduled of any surety, which lien shall
15 exist in favor of any holder of a final judgment against
16 the person who has filed such bond, for damages, including
damages for care and loss of services, because of
17 bodily injury to or death of any person, or for damage
18 because of injury to or destruction of property, including
19 the loss of use thereof, resulting from the ownership,
20 maintenance, use, or operation of a motor vehicle, trailer
21 or semitrailer after such bond was filed, upon the filing of
22 notice to that effect by the commissioner in the office of
23 the clerk of the county court of the county wherein such
24 real estate shall be located. Such notice shall contain the
25 name in full of any such surety to be affected by it, the
26 description of the real estate located in such county as
27 scheduled in the bond, and shall be signed by said com-
28 missioner and bear an imprint of the official seal of the
29 department. Such clerk shall indicate on such notice the
30 day and hour when it was received by him, and, upon the
31 payment of a fee of one dollar, he shall immediately re-
32 cord such notice in the place wherein trust deeds of real
33 estate are recorded and shall index such notice in the
34 name of such surety in the same place in which such trust
35 deeds are indexed, treating such surety as a grantor and
36 the state of West Virginia as a grantee, and such clerk
37 shall be subject to the penalties provided in article three
38 of chapter thirty-eight and in article four of chapter fifty-
39 one of the code of West Virginia, one thousand nine hun-
40 dred thirty-one, as amended, for the failure to so record
41 and to so index such notice, respectively. A fee of one
dollar shall be collected by the commissioner from the person who has filed such proof and shall be paid to such clerk by the commissioner. All liens so created shall relate to the time of filing such notice in such clerk’s office and shall have priority over all liens suffered or created thereafter.

(b) If such a judgment, rendered against the principal on such bond shall not be satisfied within sixty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond and may enforce by a suit in equity in his own name any lien existing by virtue of the provisions of this chapter upon the real estate of a person who has executed such bond.

Sec. 16. Money or Securities as Proof.—(a) Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him eleven thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of eleven thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b) Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle, trailer or semitrailer after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.
Sec. 17. **Owner May Give Proof for Others.**—Whenever any person required to give proof of financial responsibility hereunder is or later becomes an employee of any owner, or is or later becomes a member of the immediate family or household of the owner, the commissioner shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The commissioner shall designate the restrictions imposed by this section on the face of such person's license.

Sec. 18. **Substitution of Proof.**—The commissioner shall consent to the cancellation of any bond or certificate of insurance or the commissioner shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

Sec. 19. **Other Proof May be Required.**—Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the commissioner shall for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof.

Sec. 20. **Duration of Proof; When Proof May BeCanceled or Returned.**—(a) The commissioner shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the commissioner shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the commissioner shall waive the requirement of filing proof, in any of the following events:

(1) At any time after three years from the date such proof was required when, during the three year period preceding the request, the commissioner has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the
(2) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(3) In the event the person who has given proof surrenders his license and registration to the commissioner:

(b) Provided, however, That the commissioner shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, or that he has received a covenant not to sue or its equivalent, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the commissioner.

(c) Whenever any person whose proof has been canceled or returned under subdivision three of this section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three year period.

Article 5. Violation of Provisions of Chapter; Penalties.

Section 1. Transfer of Registration to Defeat Purpose of Chapter Prohibited.

Section 1. Transfer of Registration to Defeat Purpose of Chapter Prohibited.—If an owner’s registration has been suspended hereunder, such registration shall not be transferred nor the vehicle in respect to which such regis-
tration was issued registered in any other name until the commissioner is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter. Nothing in this section shall in any wise affect the rights of any conditional vendor, chattel mortgagee or lessor of such a vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

Sec. 2. Surrender of License and Registration.—Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, or who shall neglect to furnish other proof upon request of the commissioner shall immediately return his license and registration to the commissioner. If any person shall fail to return to the commissioner the license or registration as provided herein, the commissioner shall forthwith direct any peace officer to secure possession thereof and to return the same to the commissioner.

Sec. 3. Other Violations; Penalties.—(a) Any person who forges, or, without authority, signs any evidence or proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

(b) Any person whose license or registration or non-resident's operating privilege has been suspended or revoked under this chapter and who, during such suspension or revocation, drives any motor vehicle upon any highway or knowingly permits any motor vehicle, trailer or semitrailer owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or imprisoned not exceeding six months, or both.

(c) Any person wilfully failing to return license or
registration as required in section two of this article shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned not to exceed thirty days, or both.

(d) Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or imprisoned not more than ninety days, or both.


Section 1. Exceptions.—This chapter shall not apply with respect to any vehicle owned by the United States, this state or any political subdivision of this state or any municipality therein.

Sec. 2. Self-insurers.—(a) Any person in whose name more than twenty-five vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the commissioner as provided in subsection (b) of this section.

(b) The commissioner may, in his discretion, upon the application of such a person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(c) Upon not less than five days’ notice and a hearing pursuant to such notice, the commissioner may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Sec. 3. Repeal of Existing Laws.—This chapter shall in no respect be considered as a repeal of the motor vehicle
laws of this state but shall be construed as supplemental thereto.
The existing motor vehicle safety responsibility law is hereby repealed except with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to the effective date of this chapter.

Sec. 4. *No Retroactive Effect.*—This chapter shall not have a retroactive effect and shall not apply to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to the effective date of this chapter.

Sec. 5. *Jurisdiction of Crimes by Justices.*—Justices of the peace shall have concurrent jurisdiction with the circuit, criminal and intermediate courts to enforce the misdemeanor penalties prescribed by this chapter.

Sec. 6. *Chapter not to Prevent Other Process.*—Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

Sec. 7. *Constitutionality.*—If any part or parts of this chapter shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this chapter. The Legislature hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared unconstitutional.

**CHAPTER 131**

(Senate Bill No. 67—By Mr. Bean)

AN ACT to repeal article two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof a new article two, chapter eight, relating to the creation, alteration and dissolution of municipal corporations.

Section
1. Requirements for incorporation; size and character of territory population.
2. Petition; survey and map.
3. Hearing on petition; notice; dismissal.
4. Census; bond; duties of enumerators.
5. Election; voting precincts; time for; supplies.
6. Election; form of ballot; election officers.
7. Certificate of incorporation for class IV town or village.
8. Change of boundary of city, town or village.
9. Council of city, town or village to certify change of boundary; order.
10. Forfeiture of charters; dissolution of municipal corporation.
11. Voluntary discontinuance of charters of class IV towns or villages.
12. Charter board for class I, II and III cities; qualifications of members; nominations; ballots; dismissal.
13. Charter board, class I, II and III cities; duties; time for draft of charter.
14. Class I, II or III charters; approved by attorney general.
15. Class I, II or III charters; hearings and notice.
16. Class I, II or III charters; revisions, time for.
17. Class I, II or III charters; election, voters; time.
18. Class I, II or III charters; effective date; certification; judicial notices; recordation.
19. Class I, II or III charters; rejections; new charter board.
20. Class I, II or III charter boards; continuing duties.
21. Expense of incorporation.
22. Powers of Class I, II or III cities.
23. Charters heretofore granted valid.
24. Writ of error.

Be it enacted by the Legislature of West Virginia:

That article two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed and that a new article two, chapter eight, be enacted in lieu thereof to read as follows:

Section 1. Requirements for Incorporation; Size and Character of Territory Population.—Any part of any district or districts or county or counties not within any incorporated municipality, urban in character, and containing at least one hundred persons and an average of not less than five hundred inhabitants per square mile, provided such part does not include an amount of territory disproportionate to the number of inhabitants thereof, may be incorporated as a city, town or village of Class I, II, III or IV respectively, as defined in chapter
eight-a, article one, section four, of the code of West Virginia, upon the conditions and in the manner herein-after prescribed: Provided, That the exact extent of the territory or parts thereof to be included or excluded shall be within the reasonable discretion of the county court, taking into consideration the topography thereof; the benefits thereto from incorporation; the amount of uninhabited land required for parks and normal growth and development and the present and probable future uses thereof, so as to prevent hardships and inequities.

Sec. 2. Petition; Survey and Map.—A proceeding to incorporate any such city, town or village may be initiated upon petition addressed to and filed in the county court of the county in which the territory, or if in more than one county, in which the greater part of the territory to be incorporated lies; according to whether the territory sought to be incorporated will be upon incorporation a Class I, II, III city of a Class IV town or village. Such petition shall be signed by at least thirty per cent of the freeholders within the territory to be incorporated.

Such petition shall be verified by at least one of the petitioners and shall be accompanied by a map made by a registered engineer based upon an actual and accurate survey of the territory to be incorporated showing the courses, distances and the area of the territory to be incorporated.

Such survey and map shall be verified and shall be left at the residence or place of business within the territory to be incorporated of some person residing or doing business therein, and shall be subject to examination at all reasonable hours by every person interested in such application for the period of at least ten days prior to the hearing on such petition as provided for in section three of this article.

Sec. 3. Hearing on Petition; Notice; Dismissal.—Upon the filing of such petition, the county court shall set the same for hearing not sooner than ten days and not later than thirty days thereafter, and petitioners shall cause notice of the filing of said petition and of the time and place of hearing thereon, to be published in a newspaper
of general circulation in the territory sought to be incor-
nerated, at least once each week for two successive
weeks prior to the date of hearing.

Upon the day set for hearing, the county court shall
hear evidence for and against the proposed incorporation,
and if it shall determine that the requirements of section
one and two of this article have not been met, it shall
forthwith enter an order dismissing said petition.

Sec. 4. Census; Bond; Duties of Enumerators.—If the
court shall, after hearing, determine that the require-
ments of sections one and two of this article have been
met, petitioners shall provide bond in penalty prescribed
by the court with good and sufficient surety thereon,
conditioned to pay all costs of taking a census; deter-
ming the qualification of electors, holding an election
and ascertaining the results thereof, in event the electors
vote against incorporation, and thereupon the court shall
fix a day or days for taking a census of the inhabitants
and for determining those who are qualified electors
within said territory. For the purpose of taking said
census, and determining the qualifications of the elect-
ors, said court shall appoint four enumerators for each
five hundred inhabitants of said territory based upon
the most reliable estimate obtainable. It shall be the
duty of the enumerators so appointed to enumerate all
the bona fide inhabitants of said territory and to visit
each house or dwelling therein, and to obtain the name
of each known resident thereof. It shall also be the
duty of the enumerators to examine the permanent
registration records to determine which of such bona fide
inhabitants are qualified electors therein and to compile
and file with the county court a list of such qualified
electors. Each enumerator shall receive for his services
a sum per day, to be fixed by the court not to exceed ten
dollars per day, together with his actual and necessary
expenses, which sum shall be paid by the county court
and reimbursed to it by the city, town or village if and
when the city, town or village shall become incorpo-
rated, as hereinafter provided, otherwise by the petition-
ers. The county court shall provide an opportunity for
all qualified persons residing in such territory, who have
not been previously registered to vote, to become registered prior to the election hereinafter provided for. Upon the completion of said census and listing of qualified electors, said enumerators shall make report under oath to the county court that said enumeration and listing is correct, true and accurate, and does not contain the name of any person who is not a bona fide resident of the territory, and that the list of qualified electors is true and correct, which report shall be filed with the county court within the following number of days after the appointment of said enumerators; ten days if it is to be a Class IV town or village, or a Class III city; twenty days if it is to be a Class II city; and forty days if it is to be a Class I city.

Sec. 5. Election; Voting Precincts; Time for; Supplies. — Upon receiving such report of said enumerators, the county court shall forthwith fix a day, not later than thirty days thereafter, on which all qualified electors residing within the territory shall vote upon the question of incorporation between such hours as may be fixed by order of said court. For the purpose of conducting said election, the county court shall divide the territory into one or more precincts, consisting of not more than five hundred qualified voters in each precinct; shall arrange for and provide at its expense polling places, registration books, challenges and other election supplies as provided for by law in general elections, and shall appoint three commissioners of election and two clerks from the qualified electors of said territory for each precinct so established, dividing the election officials as nearly as possible equally between those favoring incorporation and those opposed to incorporation, and shall give notice of the day and place of election by publication once each week for three successive weeks, prior to the day of said election, in a newspaper of general circulation within such territory.

Sec. 6. Election; Form of Ballot; Election Officers. — On the day named in such notice for the taking of the vote, each qualified elector who has resided within the territory sought to be incorporated for sixty days preced-
ing the completion of such census shall have the right to
cast his vote for or against such incorporation at the
precinct in which he resides. Each elector shall deposit a
ballot in a ballot box to be provided by the court for that
purpose. Each ballot shall have written or printed thereon
the words:

☐ For Incorporation
☐ Against Incorporation

Such election shall be held under the supervision of the
commissioners and clerks of election appointed by the
court as aforesaid and shall be conducted as nearly as may
be in accordance with the laws of West Virginia govern-
ing general elections. The result of such election shall be
certified as in general elections, and the returns shall be
canvassed and the result declared by the county court.
In the event any commissioner or clerk designated to
serve in said election shall fail or refuse to serve, such
vacancy may be filled, as provided by the general election
laws of West Virginia. A recount may be had, as in gen-
eral elections, upon the party or parties desiring such
recount providing adequate assurance to the county
court that he or they will pay all costs of such recount.
Any such election may be contested by any one or more
electors or owners of property within the territory in the
manner provided by article nine, chapter three, of the
code of West Virginia, for contesting county or district
elections.

Sec. 7. Certificate of Incorporation for Class IV Town
or Village.—If the proceeding be for the incorporation of
a Class IV town or village, and it appears to the court that
a majority of the legal votes cast on the question were in
favor of such incorporation and the court being satisfied
that all of the applicable provisions of this article have
been complied with, the court shall by order entered of
record, direct the clerk of said court to issue a certificate
of incorporation in form or in substance as follows:

It appearing to the court that under the provisions of
article two, chapter eight of the code of West Virginia at
an election duly held on the ....... day of ......................,
19........, a majority of the votes cast on the question of in-
corporation by qualified voters residing in the following
boundary, to-wit: Beginning, etc. (here recite the boundaries) were cast in favor of the incorporation of the town or village of ______________________, in the County of ______________________, bounded as herein set forth.

And as it appears to the satisfaction of the court that all of the provisions of article two, chapter eight of the code of West Virginia have been complied with by the petitioners for said incorporation, said town or village is hereby declared to be a body corporate, duly authorized to exercise all of the corporate powers conferred upon towns or villages by articles three to fifteen, inclusive, of chapter eight of the code of West Virginia, from and after the date of this certificate. (signed) C. H. Clerk County Court.

Thereupon the first election of officers shall be held as provided in sections one, two and three, article three of this chapter.

If the proceeding be for the incorporation of a Class I, II or III city and it appears to the court that a majority of the legal votes cast on the question of incorporation were in favor of such incorporation and the court being satisfied that all of the applicable provisions of this article have been complied with, the court shall by order duly entered declare that the following boundary of land (here recite boundaries) is hereby and henceforth incorporated as the city of ______________________, but that until a charter shall be framed and adopted as hereinafter provided, such city shall have and exercise no powers of a municipal corporation except the power to frame and adopt a charter as herein provided.

On the vote being canvassed on the question of incorporation, if a majority of the votes cast be against incorporation, the proceeding shall be dismissed, and no subsequent proceeding for incorporation of the same territory or any part thereof shall be considered or election thereon had within a period of three years thereafter

Sec. 8. Change of Boundary of City, Town or Village.—Five per cent or more of the freeholders residing in any city, town or village desiring to change the corporate limits thereof, may file their petition in writing with the
council thereof, setting forth the change proposed in the
metes and bounds of such corporation, and asking that a
vote be taken upon the proposed change. Such petition
shall be verified and shall be accompanied by an accurate
survey showing the territory embraced within the new
boundaries. The council, upon bond in penalty prescribed
by the council with good and sufficient surety being given
by petitioners, and conditioned to pay the costs of such
election if a majority of the votes cast are against the
proposed change in boundary, shall thereupon order a
vote of the qualified voters residing in such city, town
or village to be taken upon the proposed change at a time
and place therein to be named in the order, not less than
twenty nor more than thirty days from the date thereof,
and if it be proposed to include any additional territory
within such corporate limits, the council shall, at the
same time order a vote of all the qualified voters residing
on such additional territory, and of all persons, firms or
corporations owning any part of such territory, whether
they reside therein or not, to be taken upon the question
on the same day, at some convenient place on or near
such additional territory: Provided, That the additional
territory to be included shall conform to the require-
ments of section one of this article, and the determina-
tion that the additional territory does so conform shall be
reviewable by the circuit court on certiorari to the coun-
cil. The election shall be held, superintended and con-
ducted, and the result thereof ascertained, certified and
returned, in the same manner and by the same persons
as elections for city, town or village officers. The ballots
cast on such question shall have written or printed on
them the words:
☐ For change of Corporate Limits
☐ Against change of Corporate Limits
If a majority of all the votes so cast within such cor-
poration be in favor of the proposed change, and no addi-
tional territory is proposed to be included therein, the
corporate limits of such city, town or village shall there-
after be as proposed by such petition. But, if additional
territory is proposed to be included in such corporate
limits, such change shall not take effect unless a majority
of all the votes cast by persons eligible to vote in such additional territory shall also be cast in favor of such change. Any firm or corporation may vote by its manager, president, or executive officer duly designated in writing by such firm or corporation.

Sec. 9. Council of City, Town or Village to Certify Change of Boundary; Order.—The council of such city, town or village shall enter the result of such election upon its minutes, and, when the change proposed is adopted, as provided in the preceding section, shall certify the same to the county court of the county; and such court may thereupon enter an order in substance as follows:

A certificate of the council of the city, town or village, as the case may be of ____________, was this day filed showing that a change has been made, in the manner required by law, in the corporate limits thereof, and that by such change the said corporate limits are as follows:

Beginning at (here recite the boundaries, as changed).

It is, therefore, ordered that such change in said corporate limits be, and the same is hereby approved and confirmed, and the clerk of this court is directed to deliver to the said council a certified copy of this order as soon as practicable after the rising of this court. And after the date of such order the corporate limits of such town shall be as set forth therein.

Sec. 10. Forfeiture of Charters; Dissolution of Municipal Corporation.—Any city, town or village heretofore incorporated under the provisions of chapter eight of the code of West Virginia, or any Class IV town or village which shall hereafter be incorporated under the provisions of this article, and which has no substantial indebtedness, and which shall fail for one year to exercise its corporate powers and privileges, or which has not twenty legal voters residing therein, or in which there were not twenty legal votes cast at its last election, or the population of which shall be reduced below one hundred persons and so remain for six consecutive months, shall in either event thereby forfeit its charter so granted, and all rights, powers and privileges so conferred upon such
town. And the county court of the county where any such
city, town or village is located within this state shall have
jurisdiction to hear and determine all matters relating to
the forfeiture and dissolution of all such charters granted
as hereinbefore provided, upon the petition of one or more
of its inhabitants, to annul and declare forfeited such
charter, and shall dissolve the corporation. Ten days’
notice of the filing of such petition with the clerk of
the county court of the county wherein such town is
located, served upon the mayor and recorder or on the
last elected mayor or recorder thereof, shall be sufficient
notice upon which the commissioners of such court shall
so act, and upon the proper proof of the allegations of
such petition, any such charter so granted shall be de-
declared forfeited and the corporation dissolved and all
debts of such city, town or village shall be ordered paid
and the forfeiture shall not become effective until such
debts have been paid. Upon such forfeiture all interest of
such city, town or village, in corporate funds, if any, in
excess of amounts required to pay corporate debts shall
be and the same is hereby transferred to and vested in
the state of West Virginia to be controlled by the auditor
of West Virginia. But if the territory so incorporated, or
a major part thereof, either in area or in population,
shall, within one year next after such declaration of for-
feiture and dissolution by the county court be reincor-
porated as a Class IV town, or village, under this chapter,
then the auditor of the state of West Virginia shall convey
unto such new corporation all of the rights of the state of
West Virginia in and to the corporate property, monies,
claims, demands and taxes collected or uncollected, of
the former corporation so dissolved.

Sec. 11. Voluntary Discontinuance of Charters of
Class IV Towns or Villages.—Upon the petition of twenty-
five per cent of the voters of any incorporated Class IV
town or village containing not more than two thousand
inhabitants, the council thereof shall submit to the voters
of such town at the next municipal election, or at a spe-
cial election called for that purpose, the question of con-
tinuing or discontinuing the charter rights of such town.
9 The ballots used in voting shall have written or printed
10 upon them the words:
11 □ For continuance of charter
12 □ For discontinuance of charter
13 If a majority of the votes cast be "for discontinuance
14 of charter", then the charter rights and privileges of such
town shall cease with the term of office of the council
then in existence: Provided, That all debts or other obliga-
tions outstanding against such corporation shall be settled
in full.

Sec. 12.—Charter Board for Class I, II and III Cities;
Qualification of Members; Nominations; Ballots; Dismis-
sal.—At every election on the question of incorporation
of a Class I, II, or III city, under this act, each qualified
elector entitled to vote shall also be entitled to vote for a
charter board consisting of eleven members if a Class I or
Class II city, and of seven members if a Class III city.
Members shall be elected at large and shall receive no
compensation for their services, but shall be reimbursed
by the city for their actual necessary expenses. Any per-
son who has been a qualified voter of the territory sought
to be incorporated for at least two years prior to the date
of said election, shall be eligible for membership on said
charter board. Nominations for said charter board may be
made to the county court by petition bearing the signa-
tures written in their own handwriting of not less than
two hundred qualified electors of the territory. All nomi-
nating petitions shall be filed with the county court at
least twenty days prior to the election on the question of
incorporation. The ballot shall be prepared by the clerk
of the county court. Such ballots for members of the
charter board shall be separate from the ballots on the
question of incorporation. The position of the names of the
candidates upon the ballot for members of the charter
board shall be interchanged, as provided in the general
election laws of the state. The ballot shall also bear in-
structions directing the number of candidates to be voted
for. Each voter who is entitled to vote on the question of
framing a charter may cast as many votes for members of
the charter board as there are members to be elected. He
may cumulate all of his votes for one candidate, or divide
them among several candidates as he sees fit. Any elector who shall vote "No" on the question of incorporation may nevertheless vote for members of the charter board.

On the vote being canvassed on the question of incorporation, if a majority of the votes cast be against incorporation, the proceeding shall be dismissed, and no subsequent proceeding for incorporation of the same territory, or any part thereof, shall be considered or election thereon had within a period of three years thereafter.

Sec. 13. Charter Board, Class I, II and III Cities; Duties;

Time for Draft of Charter.—On the vote being canvassed on the question of incorporation of a Class I, II, or III city, if a majority of the votes cast be in favor of such incorporation, then the votes cast for members of the charter board shall be counted and canvassed, and the candidates in the number to be chosen who received the highest number of votes shall be declared elected. The charter board shall be convened at a suitable place within the territory by the member receiving the highest number of votes, not less than five days nor more than ten days after the election. He shall notify the other members of the board in writing of the time and place of the first meeting of the charter board. At such first meeting the board shall perfect its organization by electing a chairman and secretary from its membership and by determining the rules of its proceedings. A journal shall be kept by the clerk upon which shall be entered upon demand by any member, the vote by ayes and nays on any question; a majority of the members elected to said board shall constitute a quorum. It shall provide the manner of nominating and electing candidates for the first elective offices provided in the proposed charter at the election to be held on the question of approval of the charter. It shall fix the date of said election and do and provide all other things necessary for making nominations and holding such election. Any qualified voter or taxpayer of the territory may file with said charter board any written material bearing upon the purposes of the board that he sees fit, and the board shall give such material so filed such consideration as it may deem proper. The charter drafting process may be carried on
through committees, but their work shall be advisory only. The charter board shall complete its draft of a charter within ninety days after its first meeting. The charter so drafted shall provide for a form of city government in accordance with either plan I, II, III, or IV, as set forth in article three, chapter eight-a of the code of West Virginia.

Sec. 14. Class I, II or III Charters; Approved by Attorney General.—The draft of said charter shall, upon completion, be certified by the secretary of said charter board to the attorney general of the state. It shall be his duty to examine the draft to advise whether it is consistent in all respects with the constitution and general laws of this state. The attorney general, if satisfied that the charter proposed is consistent in all respects with the constitution, and general laws of this state, shall so certify to the charter board, within thirty days after receipt of such draft. If the attorney general is not satisfied that the proposed charter is consistent in all respects with the constitution and general laws of this state, he shall certify within thirty days after receipt of such draft to the charter board in what respects the same does not conform to the constitution or general laws of this state.

Sec. 15. Class I, II or III Charters; Hearings and Notice.—When it shall have completed its draft of charter, a charter board shall conduct a public hearing thereon. Notice of the time, place and purpose of the hearing shall be given by publication at least ten days prior to the date set for the hearing in two newspapers of opposite politics of general circulation in the territory to be incorporated. Notice shall also be posted in at least ten public places within said territory at least ten days prior to the date set for the hearing. The notice shall state where copies of the draft of charter may be obtained. The hearing may be continued by the charter board by adjournments over a period not exceeding fourteen days.

Sec. 16. Class I, II or III Charters; Revisions; Time for.—A charter board shall have thirty days after the conclusion of the hearing required by section fifteen of this article or the receipt of the certificate of the attorney
general required by section fourteen of this article,
whichever shall occur later, to make any changes it may
consider necessary or desirable in its draft of charter.
The completed draft of charter shall be signed in
triplicate by at least a majority of the members of the
board, and two copies shall be filed with the clerk of the
county court.

Sec. 17. Class I, II or III Charters; Election; Voters;
Time.—The proposed charter shall be submitted to the
voters for approval at a special election to be held not
less than thirty days nor more than ninety days following
filing of the completed charter with the clerk of the
county court, at which election the officers provided by
said charter shall be voted upon in the manner provided
by said charter. Notice of the time, place and purpose
of a charter election shall be given by publication once
a week for three consecutive weeks in two newspapers
of opposite politics of general circulation in said territory.
Notice shall be posted at ten or more public places
within the territory not less than thirty days prior to the
date set for the election. The first of said publications
shall be made not less than thirty days prior to the date
fixed for the election. Each such notice of election shall
state that any qualified voter of said territory may obtain
a copy of the proposed charter, from a designated person
and place, upon request.

Sec. 18. Class I, II or III Charters; Effective Date; Certi-
fication; Judicial Notices; Recordation.—The charter shall
take effect on July first next after the date of its adoption,
if the interim exceeds sixty days; and otherwise on July
first of the second fiscal year after its adoption.
If a proposed charter shall be approved by a majority
of the votes cast at election thereon, one of the signed
copies on file with the clerk of the county court, with a
certified copy of the declaration of result of the election
showing the total votes cast for and against approval,
shall be certified by the clerk of the county court to the
clerk of the House of Delegates of the Legislature, in his
capacity as keeper of the rolls. The same shall be pre-
served by said clerk as an authentic public record. After
the effective date of a charter so filed, all courts shall
take judicial notice of its provisions.

The clerk of the county court shall certify the signed
copy of the charter previously deposited with him, which
copy so certified shall be spread upon the records of said
court for public examination.

Sec. 19. Class I, II or III Charters; Rejections; New
Charter Board.—If the proposed charter be rejected at
such election by a majority of the votes cast therein,
the election of officers shall be void except that the
elector who shall receive the highest number of votes
cast for the office of mayor, if a mayor is to be elected,
otherwise the candidate for any municipal office who
shall receive the largest number of votes cast at the
election, shall, within ten days thereafter, require such
charter board to reconvene, for the purpose of revising
or amending the original draft of the charter previously
prepared by them as to them shall seem proper. Any
three hundred qualified electors of said territory may,
however, within ten days after the determination of the
results of the election at which such charter is rejected,
petition the clerk of the county court for election of a
new charter board, and the court shall thereupon call
a new election for members of the charter board in the
same manner as the original election and with nomina-
tions made in the same manner as in the first instance
as provided in section twelve of this article. The duties
of the new charter board shall be the same as those of
the former board, and as many successive charter boards
may be elected as may be necessary until a charter for
such territory is framed and approved by the qualified
electors thereof. The proposed charter after such amend-
ment or amendments, if any, shall be resubmitted to
the attorney general and the qualified electors of said
territory in the same manner and with like notice and
proceedings as required in the first instance, and such
proceedings shall continue until the qualified electors of
said territory have by a majority vote approved a charter.

Sec. 20. Class I, II or III Charter Boards; Continuing
Duties.—The members of the first charter board of a
3 Class I, II, or III city, elected under this article shall, in
4 the event their draft of charter is adopted, hold office
5 for a term of six years following the adoption of their
6 charter. Any vacancy occurring during that period shall
7 be filled temporarily by appointment by majority action
8 of the remaining members. A successor shall be elected
9 at the next regular municipal election in the same man-
10 ner as elective city officers, to hold office for the re-
11 mainder of the term.
12
13 The board shall make a continuing study of the func-
14 tioning of the city government under a home rule charter
15 adopted during its life and may, by a two-thirds vote of
16 its members and not less than four years after such
17 charter shall have taken effect, require the submission
18 to the voters of the city of the question whether the
19 charter shall be revised. By a like vote and at any
20 time not less than one year after the charter shall have
21 taken effect, the board may require the submission of
22 one or more proposed charter amendments to the voters
23 of the city. In the event revision is voted pursuant to
24 such submission, the board as then constituted shall pro-
25 ceed to prepare a revision of the charter and the process
26 of revision as so initiated shall be the same as that for
27 the framing and adoption of a new charter under this
28 chapter.

Sec. 21. Expense of Incorporation.—The first governing
2 body of any city, town or village incorporated under this
3 article shall provide for reimbursement to the county
4 court of all costs of incorporation, including costs of pub-
5 lishing notice, of taking the enumeration of inhabitants,
6 of ascertaining the qualification of electors, of conduct-
7 ing the elections, and ascertaining the results and for
8 reimbursement of the charter board for its actual neces-
9 sary expenses incurred in drafting the charter.

Sec. 22. Powers of Class I, II or III Cities.—Any Class
2 I, II or III city incorporated under the provisions of this
3 article shall have all of the powers and duties conferred
4 by law upon a city of the class to which it belongs.

Sec. 23. Charters Heretofore Granted Valid.—This en-
2 actment shall not affect the validity of any charter of
incorporation heretofore granted to any city, town or village, under special act or general law and all charters heretofore granted to any existing city and the incorporation of all towns under any former statute are hereby validated.

Sec. 24. Writ of Error.—A writ of error shall lie to the circuit court as provided by article three, chapter fifty-eight of the code of West Virginia from any order of a county court determining that the requirements of sections one and two of this article have been met and ordering a census or enumeration to be taken or from any order ordering an election to be held under this chapter, and any contest of an election held under this chapter shall be conducted as provided by article nine chapter three, of the code of West Virginia, relating to election contests for county or district officers in general elections. Upon petition for a writ of error, all proceedings shall be stayed pending final adjudication of the matters involved.

CHAPTER 132
(Senate Bill No. 248—By Mr. Amos)

AN ACT to amend article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section ten-g, relating to the authority of the governing boards of class I cities to fix the salaries of certain municipal officers.

[Passed March 6, 1951: in effect from passage. Approved by the Governor.]

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

Section 10-g. Salaries of officers of class I cities.

Be it enacted by the Legislature of West Virginia:

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

Section 10-g. Salaries of Officers of Class I Cities.—

Notwithstanding any provision of its existing charter to the contrary, the governing board of any class I city, as defined in section four, article one, chapter eight-a of this code, shall have the authority to fix the salary of certain of its officers within the following limitations:

(1) The salary of the mayor shall not exceed ten thousand dollars.

(2) The salary of the city manager, the city attorney and the city engineer shall not exceed eight thousand dollars.

The authority granted by this section shall in no case be construed to deprive any class I city of any authority under its existing charter to fix the salary of the officers named above at a salary in excess of the limits imposed by this section.

CHAPTER 133

An Act to amend article four, chapter eight 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-d, granting to municipalities the power and authority to provide by ordinance for the levy and collection of amusement taxes, and to provide penalties for the violation of such ordinance.

[Passed March 10, 1951; in effect July 1, 1951. Approved by the Governor.]

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

Section 13-d. Amusement tax.

Be it enacted by the Legislature of West Virginia:

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

Section 13-d. Amusement Tax.—The governing authority of every municipal corporation may levy and collect an amusement or admission tax on the sale of each adult ticket to any public amusement or entertainment conducted for private profit within the municipality. The tax shall be levied upon the purchaser and shall be added to the price of the ticket and collected by the seller. The tax shall not exceed two per cent of the price of each adult ticket except that if the amount of the tax so levied shall when computed be or contain a fraction of one cent, such fraction may be counted as one cent.

Any ordinance imposing such tax shall contain reasonable rules and regulations governing the collection thereof by the seller and the method of his payment and accounting therefor to the municipality, and may provide penalties for any violation of such ordinance.

CHAPTER 134

(House Bill No. 92—By Mr. Speaker, Mr. Flannery)

AN ACT to amend and reenact section twenty, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, granting to municipalities the power and authority to provide by ordinance for the imposition and collection of special charges for municipal services, and to provide penalties for the violation of such ordinance.

[Passed March 10, 1951; in effect from passage. Approved by the Governor.]
Be it enacted by the Legislature of West Virginia:

That section twenty, article four, 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 20. Special Charges for Municipal Services.—

The governing authority of every municipal corporation that furnishes any essential or special municipal service, including police and fire protection, parking facilities on the streets or otherwise, recreational facilities, street cleaning, sewerage and sewage disposal, and the collection and disposal of garbage, ashes or other waste materials, may by ordinance provide for the continuance, maintenance, installation or improvement of such service, may make reasonable regulations with respect thereto, may impose upon the users of such service reasonable rates, fees and charges to be collected in the same manner as municipal taxes are collected or in some other manner specified in the ordinance, and may provide penalties for any violation of such ordinance. The municipal corporation shall not, however, have a lien on any property as security for payments due under such ordinance: Provided, however, That any ordinance enacted under the provisions of this section shall be published at least once a week for two successive weeks in two newspapers published in such municipality, or if there be only one newspaper published therein then in that newspaper, or if there be no such newspaper published then by posting copies of such ordinance for a like period in at least ten conspicuous places in such municipality, and in the event ten per cent of the registered voters by written petition duly signed by them and filed with the municipal authority within fifteen days after the expiration of such publishing or posting protest against such ordinance, the ordinance shall not become effective until it shall be ratified by a majority of the votes cast by the duly qualified voters of such municipality at an election duly and regularly held as provided by the laws and ordinances of the municipality and the result of such election ascertained and declared. Such election shall be held after notice of such submission shall be given by publication or posting
of the same for two successive weeks next prior to the
date of such election as above provided for the publica-
tion of the ordinance when adopted. The powers hereby
given to such municipalities and to the authorities thereof
are in addition to and supplemental of the powers named
in the respective charters thereof.

CHAPTER 135

(Com. Sub. for Senate Bill No. 42, 43, 44, 45—Originating in the Senate Committee on Finance)

AN ACT to amend article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section twenty-seven, relating to the powers and authority of municipal corporations.

[Passed March 6, 1951; in effect July 1, 1951. Approved by the Governor.]

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

Section 27. Additional powers of municipal corporations.

Be it enacted by the Legislature of West Virginia:

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

Section 27. Additional Powers of Municipal Corporations.—On and after the effective date of this act every municipal corporation in this state shall have all the powers and authority conferred by article five, chapter eight-a of this code upon home rule cities of the class to which such municipal corporation belongs, according to the classification of municipal corporations prescribed in section four, article one, chapter eight-a of this code:

Provided, however, That prior to the adoption of any ordi-
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inance or resolution under the authority herein granted pertaining to taxes, the governing body of such municipality shall cause a notice of such ordinance or resolution to be published once a week for three weeks, in a newspaper published and having general circulation in said municipality, or if there be two newspapers of opposite political faith, then in each of said newspapers. If there be no such newspaper, then such notice shall be published in a newspaper of circulation in the county in which said municipal corporation is situate. Such notice shall state the purpose of the pending ordinance or resolution and the time, place and body before which the same will be considered.

CHAPTER 136
(House Bill No. 298—By Mr. Bowles)

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 last amended by chapter ninety, acts of the Legislature, regular session, one thousand nine hundred forty-five, relating to definitions, including the definition of municipal public works.

[Passed March 10, 1951; in effect ninety days 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 last amended by chapter ninety, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 1. Definitions.—(a) The term “municipality,”
as used in this article, 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 article, 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 article, shall be construed to mean and include cemeteries, incinerator plants, land fill or other garbage disposal systems, hospitals, piers, docks, terminals, airports, drainage systems, flood control systems, public markets, automobile parking facilities (including parking lots, buildings, ramps, curb-line parking, meters and other facilities deemed necessary or incidental to the regulation, control and parking of automobiles), stadiums, public recreation parks, swimming pools, tennis courts, golf courses, polo grounds, public buildings, including libraries and museums, common jails, grading and/or paving, and/or repaving streets, avenues and alleys; where such works or projects will be made selfsupporting, 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, special assessments or charges other than taxation, and shall mean and include such system, building, plant or project in its entirety, and all integral parts thereof, including all necessary appurtenances and equipment in connection with any one or more of the above: Provided, That when such municipal public works consist of grading and/or paving and/or repaving streets, avenues, and alleys the cost of which is to be paid by special assessment against the abutting property, represented by paving certificates which constitute a lien upon such property and said paving certificates are pledged by any municipality to retire revenue bonds issued and sold to pay the cost of such construction, the payor of such paving certificate shall have the right to pay the same at any time before maturity, together with interest thereon to date of payment, and upon the payment of such paving certificate the treasurer of such municipality shall deliver to the payor a release for such lien, and the funds received therefrom shall by said
43 treasurer be deposited in a special fund to be expended
44 only in the payment of such revenue bonds.

CHAPTER 137
(Senate Bill No. 270—By Mr. Amos)

AN ACT to amend article four-a, chapter eight of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section, to be designated
section one-a, relating to the establishment, operation and
financing of automobile parking facilities by municipalities.

[Passed March 10, 1951; in effect from passage. Approved by the Governor.]

Article 4-a. Municipal Public Works; Bonds.
Section
1-a. Municipal parking facilities.

Be it enacted by the Legislature of West Virginia:

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

Section 1-a. Municipal Parking Facilities.—Every mu-
2 nicipality shall have the authority to establish, operate
3 and finance automobile parking facilities, including build-
4 ings, lots and other facilities appropriate for that purpose
5 and such facilities shall be public works within the mean-
6 ing of this article.
7 Whenever any class one city shall establish any such
8 parking facility and shall create a board or commission as
9 provided in section three of this article which shall have
10 supervision and control thereof, then in order to help fi­
11 nance the same, such city shall have the authority to pay
12 over to such board or commission any revenue derived
13 from parking meters or other parking facilities, unless
14 such revenue is otherwise pledged to pay for such meters
15 or parking facilities.
CHAPTER 138
(House Bill No. 199—By Mr. Tucker)

AN ACT to amend and reenact sections fourteen, twenty and twenty-one, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to firemen's and policemen's pension or relief fund.

[Passed March 9, 1951; in effect ninety days from passage. 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 section fourteen, twenty and twenty-one, 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 provisions, 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, and, if necessary, in excess of one cent, but not in excess of two and one-half cents so as to meet the estimated expenditures of the boards of trustees of the respective funds, for the fire-
men's pension or relief fund and a like levy on all real
and personal property as listed for taxation in such mu-
nicipality, for a policemen's pension fund: Provided, That
in any city or municipality of eight thousand three hun-
dred population or less the laying of the levies herein
provided for shall be within the discretion of the com-
mon 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 neces-
sary 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,
device 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 person; 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 police-
man.

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 department who is entitled to benefits of said fund, and who has been in the 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 one hundred and ten 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 service of such department for more than twenty years at the time of his retirement as herein provided, shall, in addition to the one hundred ten dollars per month authorized to be paid upon retirement after twenty years service and the reaching of 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, 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.

Any member of a municipal fire or police department, upon reaching the age of sixty-five years shall be retired in the manner herein provided: each member of the fire and police department shall, at the request of the board of trustees, furnish said board of trustees with a birth certificate or other satisfactory proof of his date of birth, at the time of his appointment to the fire or police department. When a member of the fire or police department
shall have reached the age of sixty-five years, the said board of trustees shall notify the mayor or other chief executive officer of the municipal corporation, within thirty days of such member's sixty-fifth birthday; and the mayor or other chief executive officer shall cause such sixty-five year old member of the fire or police department to be retired within a period of not more than thirty additional days. It shall be the duty of each member of the fire or police department who are members at the time this act becomes effective to furnish the said necessary proof of his date of birth to the said board of trustees within a reasonable length of time, said length of time to be determined by the said board of trustees; and then the board of trustees and the mayor or other chief executive officer of the municipal corporation shall proceed to act in the manner herein provided, and shall cause all members of the fire or police department who are over the age of sixty-five years to be retired in not less than sixty days from the date this act becomes effective. The amount of pension such members shall receive shall depend upon their length of service as herein provided. Such member need not have served twenty years to receive the minimum amount of pension of one hundred ten dollars per month for the remainder of his life.

The sum to be paid to permanently disabled members shall be at the rate of one hundred twenty-five 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 department who has served in the armed services of the United States between September fifteen, one thousand nine hundred forty, the date of the selective service act, and September second, one thousand nine hundred forty-five, the date of the official termination of hostilities with Japan, and who has not been dishonorably discharged from said service, shall be given credit for continuous service in said fire or police department if he was already a member of such department at the time of his entrance into such armed service, and that such member did not reenlist in such armed services
after such official termination of hostilities and did pre-
sent himself to the mayor or other officer, board or person
having the power of original appointment to such fire
or police department within six months after his honorable
discharge from such armed service, and offer to resume
service as an active member of such fire or police depart-
ment, and was declared mentally and physically capable
of performing his entire duties as a member of the depart-
ment by the pension board doctors.

Any member of any fire or police department covered
by this act who has been required to, or shall at any future
time be required to enter the armed forces of the United
States by a conscription, by reason of being a member of
some reserve unit of the armed forces, or a member of
the West Virginia national guard, or who enlists in one of
the armed services of the United States during actual
hostilities, and upon his receipt of an honorable discharge
from such armed forces presents himself for resumption
of duty to his appointing municipal official within six
months from date of discharge, and is accepted by the
pension board doctors as being mentally and physically
capable of performing his required duties as a member
of such fire or police department, shall be given credit
for continuous service in said fire or police department,
and his pension rights shall be governed as herein pro-
vided.

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 receiv-
ing any pension, payment or benefit from the firemen’s or
policemen’s pension or relief funds.

Sec. 21. Payments in Case of Death.—In case any such
municipal employee who has been in continuous service
for over five years shall be killed or die, then, and in that
case, the board of trustees of said pension fund shall pay
to the dependent wife or dependent minor children or
dependent mother or father, or brothers and sisters, if
there be any such one or ones, the following pensions, viz: To the widow, the sum of fifty dollars per month, until her death or remarriage; for the support and maintenance of any dependent children, the sum of fifteen dollars per month for each living child until such child shall have attained the age of eighteen years: Provided, however, That each surviving orphaned child shall receive twenty dollars per month until such child shall have attained the age of eighteen years; to a dependent mother and father the sum of fifteen dollars per month to each, and, if one be dead, the sum of twenty dollars per month to the survivor; to dependent brothers and sisters, until they shall have attained the age of sixteen years, the sum of five dollars per month for each, but in no case shall the total amount paid to brothers and sisters exceed thirty dollars per month. But if at any time, because of the number of dependents, all such dependents cannot be paid in full as herein provided, then each dependent shall receive his pro rata share of such payments: Provided, however, That in no case shall the payments to the widow and children be cut below sixty per cent.

The dependent wife, child or children, or dependent father or mother, brothers or sisters of any such municipal employee who shall be killed in the performance of his duties shall, regardless of the length of his service, receive a pension as provided for in that portion of this section fixing the amount to be paid to the dependents.

Absence from service because of sickness or injury shall not be construed as time out of service.

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 firemen’s or policemen’s pension or relief funds.

CHAPTER 139

(Senate Bill No. 27—By Mr. Love)

AN ACT to amend article eleven, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section to be designated section four-a, relating to the authority of county courts, cities, towns or villages to regulate and control vehicular and pedestrian traffic in and around airports, and conferring jurisdiction upon justices of the peace to try persons charged with violations thereof.

[Passed March 2, 1951; in effect from passage. Approved by the Governor.]

Article 11. Airports and Avigation.

Section 4-a. Regulation and control of vehicular and pedestrian traffic in and around airports.

Be it enacted by the Legislature of West Virginia:

That article eleven, chapter eight 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 four-a to read as follows:

Section 4-a. Regulation and Control of Vehicular and Pedestrian Traffic in and Around Airports.—The county court or local legislative body of any city, town or village is authorized to adopt and promulgate regulations to control the movement and dispositions of vehicular and pedestrian traffic within one-fourth mile of any building or installation of any airport owned and/or operated by any such county court, city, town, or village including the right to regulate and control vehicular parking within such areas by the installation of parking meters, or by other methods, and the right to make reasonable charges for the use of the parking space so metered or otherwise allocated, so as to provide maximum opportunity for the public use thereof.

Violation of any such regulation promulgated by a county court or any lawful agency thereof, or by the legislative body of any city, town or village or lawful agency thereof, shall constitute a misdemeanor and the offender, upon conviction in the manner provided by law, may be fined not less than two dollars nor more than ten dollars for each such violation.
Justices of the peace shall have concurrent jurisdiction with the circuit court and of courts having criminal jurisdiction for the trial of offenses under this section.

CHAPTER 140

(Com. Sub. for Senate Bill No. 138—Originating in the Senate Committee on the Judiciary)

AN ACT to amend article twelve, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section one-a, prohibiting the common council of any municipality of ten thousand population or less to sell, lease or dispose of its municipally-owned water plant without first having submitted the question of the proposed sale or lease to the voters of said municipality for ratification or rejection.

[Passed March 7, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 12. Waterworks.

Section 1-a. Any municipality of ten thousand population or less prohibited to sell or lease water plant without first submitting question to voters.

Be it enacted by the Legislature of West Virginia:

That article twelve, chapter eight 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 one-a, to read as follows:

Section 1-a. Any Municipality of Ten Thousand Population or Less Prohibited to Sell or Lease Water Plant Without First Submitting Question to Voters.—The common council of any municipality having a population of less than ten thousand of the state of West Virginia is hereby prohibited from selling, leasing or disposing of its municipally-owned water plant, unless upon submis-
8 sion of the question of the proposed sale or lease to the
9 voters of said municipality for ratification or rejection
10 at any general or special election, three-fifths of the votes
11 cast shall be in favor of ratification. Should any such
12 municipality desire to sell, lease or dispose of its water
13 plant, it shall publish once a week for three successive
14 weeks in one newspaper published in such municipality
15 immediately prior to the general election or the special
16 election, as fixed by the council, a notice setting forth the
17 terms and conditions of such sale, lease or disposition of
18 said water plant, and shall also give notice as to the price
19 which has been agreed upon, the name of the purchaser
20 or purchasers or lessee or lessees, and shall also give such
21 other information to the voters of said municipality as
22 the council may deem necessary, and at such election
23 each voter desiring to vote shall deposit a ballot in a ballot
24 box to be provided for that purpose which ballot shall
25 have written or printed thereon the following words:
26 ☐ For ratification.
27 ☐ Against ratification.
28 Such election shall be held under the superintendence
29 of the commissioners of election appointed by the govern-
30 ing body of such municipality and the results of such
31 election shall be certified under oath and returned by said
32 election commissioners to the governing body of said
33 municipality as soon as may be after such election. In
34 the event of a vacancy due to the failure or refusal to act
35 of any election commissioner, such vacancy may be filled
36 by the other commissioners.
37 In the event that the sale, lease or disposition of said
38 water plant is ratified by three-fifths of the voters voting
39 at said special or general election, the governing body of
40 said municipality having control of such water plant
41 shall proceed to consummate the lease or sale to the
42 purchaser or purchasers upon the terms and provisions
43 as have been agreed upon.
AN ACT to amend chapter 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 sixteen, relating to authorizing a flood control project in this state by counties or municipal corporations and empowering counties and municipal corporations to enter into agreements with the federal government and to accept federal funds available for flood control.

[Passed March 9, 1951; in effect from passage. Approved by the Governor.]

Article 16. Flood Control Project.

Section 1. Establishment and operation of flood control project by counties and municipalities.

Be it enacted by the Legislature of West Virginia:

That chapter eight 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 sixteen, to read as follows:

Section 1. Establishment and Operation of Flood Control Project by Counties and Municipalities.—Any county, city, or town in this state may establish, construct, maintain, and operate for such county, city, or town, a flood control project, including the removal of accumulated snags and other debris, and clearing and straightening the channel of navigable streams and tributaries thereof, and such county, city, or town may accept all benefits, moneys, services, and assistance from the federal government in connection with any agreement as authorized by federal statutes and laws relating to flood control, and such county, city, or town, under such agreements as required by Section 701c, Title 33, United States Code Annotated, or other federal statutes, shall be authorized to give assurances satisfactory to the secretary of the army or other proper federal authority that such county, city, or town will provide: (a) Without cost to the
United States all lands, easements and rights of way necessary for the construction of the project; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with the regulations prescribed by the secretary of the army. Any such county, city, or town is further empowered to levy, within constitutional and statutory limitations, for the maintenance or operation of a flood control project, and to purchase land situate therein for the same, and is empowered to institute condemnation proceedings for the acquiring of any such land required under the flood control project, and may authorize the issuance and sale of bonds within constitutional and statutory limitation, as is provided under the general provisions of law for the issuance and sale of bonds by counties and municipalities for public purposes generally. Real or personal property or moneys may also be acquired for such purpose by gifts by such county, city, or town.

CHAPTER 142

(House Bill No. 274—By Mr. Meadows)

AN ACT to amend and reenact section fifteen-a, article two, chapter eight-a of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter one hundred thirteen, acts of the Legislature, regular session, one thousand nine hundred forty-seven, providing an alternate plan relating to the amendment of charters of class two and class three cities.

[Passed March 9, 1951: in effect ninety days from passage. Approved by the Governor.]


Section 15-a. Charter amendment; alternate plan for class II and class III cities.

Be it enacted by the Legislature of West Virginia:

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

Section 15-a. Charter Amendment; Alternate Plan for Class II and Class III Cities.—Whenever the council of any class II or class III city, as defined under section four, article one, chapter eight-a of this code, shall deem it expedient to amend the charter of any such city, either in whole or in part, it shall, by ordinance or resolution, set out in its proper record book the proposed amendments in full. The council shall set a time and place for a public hearing thereon, which date shall not be less than thirty days after the date of the first publication hereinafter required. The proposed amendments, together with a notice of the time and place fixed for the hearing thereon, shall be published once each week for three successive weeks in a newspaper published and having a general circulation in the city, but if there be two or more newspapers published therein, then such publication shall be in two newspapers of opposite politics, and if there be no newspaper published therein, then publication shall be made in two newspapers of opposite politics, published in the county wherein such city is located. The notice shall state that the proposed amendments will be considered at the time and place fixed by the council and that any elector of the city may appear and file objections, in writing, and also that if no objections are filed the said amendment shall become operative on and after a date to be fixed in the notice, which date shall be not less than ten days after the date of the hearing. If no objections are filed, or if objections are filed and withdrawn at the time of the hearing, or within ten days thereafter, the council shall, by ordinance, adopt the amendments as amendments to the charter, and cause a transcript of the proceedings to be certified to the clerk of the house of delegates, as keeper of the rolls, and a copy thereof to be recorded in the office of the clerk of the county court.

If, at the time and place set for the hearing, objections to the amendments are filed and not withdrawn ten days
thereafter, the council may abandon the proposed amendments to which objections have been filed, or it may submit the proposed amendments, either as a unit or separately, at the next regular city election, or at a special election, if the date of the regular election shall be more than six months from such date, for ratification or rejection. A notice of an election shall set out the proposed amendments at length or state that copies may be obtained by any qualified voter from a designated officer at a stated place, upon request. Notice of such election shall be published as hereinbefore provided for hearing on the proposed amendments.

The amendments, or such of them as may be adopted, shall take effect on the date that the canvass and declaration of result showing approval by the voters has been made and entered in the minutes of the governing body. A transcript of the proceedings shall be filed and recorded as hereinbefore provided.

The method of charter amendment provided by this section is not in lieu of but in addition to the other methods prescribed in the preceding section.

CHAPTER 143
(Senate Bill No. 308—By Mr. Amos)

AN ACT to amend and reenact section five, article five, chapter eight-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the levy and collection of amusement taxes by home rule municipalities.

[Passed March 9, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 5. Taxation and Finance.
Section 5. Amusement tax.

Be it enacted by the Legislature of West Virginia:

That section five, article five, chapter eight-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. Amusement Tax.—A city may levy and collect an admission and amusement tax upon any public amusement or entertainment conducted for private profit or gain. The tax shall be added to and collected with the price of admission, or other charge for the amusement or entertainment. The tax shall not exceed two per cent of the admission price or charge, but a tax of one cent may be levied and collected in any case.

CHAPTER 144
(Senate Bill No. 262—By Mr. Bean)

AN ACT to amend and reenact section nine, article one, chapter forty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to negotiable instruments payable to bearer.

[Passed March 7, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 1. Form and Interpretation.

Section 9. When payable to bearer.

Be it enacted by the Legislature of West Virginia:

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

Section 9. When Payable to Bearer.—The instrument is payable to bearer:

(a) When it is expressed to be so payable; or
(b) When it is payable to a person named therein or bearer; or
(c) When it is payable to the order of a fictitious or nonexisting or living person not intended to have any
interest in it, and such fact was known to the person
making it so payable, or known to his employee or other
agent who supplies the name of such payee; or
(d) When the name of the payee does not purport to.
be the name of any person; or
(e) When the only or last indorsement is an indorse-
ment in blank.

CHAPTER 145
(Senate Bill No. 36—By Mr. Allen)

AN ACT to amend and reenact section six, article one, chapter
thirty of the code of West Virginia, one thousand nine
hundred thirty-one, as last amended by chapter forty-two,
acts of the Legislature, regular session, one thousand nine
hundred thirty-one, relating to examination and registra-
tion of applicants for professional and occupational licenses.

[Passed February 5, 1951; in effect ninety days from passage. Approved by the
Governor.]

Article 1. General Provisions Applicable to All State Boards
of Examination or Registration Referred to in This Chapter.

Section
6. Application for license or registration; examination fee; reexami-
nation.

Be it enacted by the Legislature of West Virginia:

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

Section 6. Application for License or Registration; Ex-
amination Fee; Reexamination.—Every applicant for
license or registration under the provisions of this chap-
ter shall apply therefor in writing to the proper board
at least ten days before the date of any examination to
be conducted by such board, and shall transmit with his
application an examination fee of twenty dollars, unless
a different fee is specially provided by law, which sum
the board is authorized to charge for an examination or
investigation into such applicant's qualifications to prac-
tice. An applicant failing to pass an examination satis-
factory to the board shall, at either the first or second
succeeding examination conducted by the board, be en-
titled to a reexamination without further cost, but one
such reexamination shall exhaust his privilege under his
original application.

CHAPTER 146
(House Bill No. 248—By Mr. Neal, by request)

AN ACT to repeal chapter ninety-nine, acts of the Legislature,
regular session, one thousand nine hundred forty-nine, and
to amend and reenact section four, article three, chapter
thirty of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to licensing of
persons permitted to practice medicine and surgery in
West Virginia by adding thereto a new class of candidates
entitled to take examinations for a license.

[Passed March 9, 1951; in effect ninety days from passage. Approved by the
Governor.]

Article 3. Physicians and Surgeons.

Section 4. Who permitted to practice medicine and surgery in this state;
licensing of licensed practitioners from other states; permits to
practice in prescribed areas.

Be it enacted by the Legislature of West Virginia:

That chapter ninety-nine, acts of the Legislature, regular
session, one thousand nine hundred forty-nine, be repealed,
and that section four, article three, 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 4. Who Permitted to Practice Medicine and Surgery in This State; Licensing of Licensed Practitioners From Other States; Permits to Practice in Prescribed Areas.—The following persons and no others shall hereafter be permitted to practice medicine and surgery in this state: (a) All such persons as shall be legally entitled to practice medicine and surgery in this state at the time of the adoption of this act; (b) all such persons as shall be graduates of class "A" medical schools, as classified by the Council on Medical Education and Hospitals of the American Medical Association, the American Association of Medical Colleges, the American Institute of Homeopathy and the National Eclectic Medical Association, and then only from such schools, when so classified, as require, as a condition to entrance upon the study of medicine, at least two years of academic work of collegiate grade in a standard college of arts and sciences of equal rank with the college of arts and sciences in the West Virginia university, and who shall pass an examination before the medical licensing board and shall receive a certificate therefrom as hereinafter provided; and (c) all such persons as shall be graduates of foreign medical schools whose diplomas have been authenticated by the medical licensing board, and whose premedical education shall meet the requirements of clause (b) above, and who, being citizens of the United States, shall have resided in this state for at least three years immediately preceding application for license, and who shall be recommended by the medical societies of the counties in this state in which they respectively reside as possessing the learning and experience requisite to the practice of medicine and surgery, and who shall pass an examination before the medical licensing board and shall receive a certificate therefrom as hereinafter provided: Provided, however, That the said board, or a majority of them, may accept in lieu of an examination of applicants under clause (b) above, the certificate of the national board of medical examiners, or the certificate of license to practice medicine and surgery legally granted by the state board of registration or examination or licensing board of another state, territory, or any foreign country, whose standard
of qualification for the practice of medicine and surgery is equivalent to that of this state, and grant to such applicant a certificate of license to practice medicine and surgery in this state, provided such state, territory, or foreign country accords like privileges to licentiates of this state: Provided further, That whenever in the judgment of the medical licensing board a condition exists in which medical service may be required, the said board is authorized to grant permits for the practice of medicine to qualified physicians in prescribed areas, and such permits shall be subject to revocation when the agreement, under which they were issued, has been violated; (d) any person who shall have graduated from a medical school on or after January first, one thousand nine hundred thirty-nine, and who has met all the requirements of law pertaining to education and training entitling such person to an examination by, and subsequent license from, the appropriate state board or agency for the practice of medicine and surgery in this state, except that such medical school was not at the time of such graduation a class “A” medical school as defined by statute in such case, shall nevertheless, be entitled to take such examination and upon passing be issued such license in those cases wherein such medical school has, prior to the thirty-first day of December, one thousand nine hundred forty-eight, been classified as such class “A” medical school.

CHAPTER 147
(Senate Bill No. 230—By Mr. Allen)

AN ACT to amend and reenact section eighteen, article four, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to practicing dentistry or dental hygiene without complying with provisions of this article; penalty; and injunction.

[Passed March 6, 1951; in effect ninety days from passage. Approved by the Governor.]
Article 4. Dentists and Dental Hygienists.

Section
18. Practicing dentistry or dental hygiene without complying with provisions of this article; penalty; injunction.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article four, 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 18. Practicing Dentistry or Dental Hygiene without Complying with Provisions of This Article; Penalty; Injunction.—Any person who shall practice or offer to practice dentistry or dental hygiene in this state without first having complied with the provisions of this article, or who shall violate any of its provisions for which no specific penalty has been provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, or may be confined in jail for not more than thirty days, or both, at the discretion of the court. Each act of dentistry or dental hygiene shall be deemed a separate offense and shall constitute a practice of dentistry or dental hygiene within the meaning of this section, and each day that a person may hold himself out as practicing in his own name or any name shall be deemed a separate offense.

Notwithstanding the existence of any other remedy, the board may, in the manner provided by law, maintain an action for an injunction against any person, partnership, or association to restrain or prevent the practice of dentistry and/or dental hygiene when such person, partnership, or association repeatedly refuses to obtain registration or license therefor and continues the practice of dentistry and/or dental hygiene without first obtaining registration or license therefor in the manner hereinbefore provided.
AN ACT to amend and reenact article five, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the board of pharmacy and its powers and duties; registration of pharmacists, assistant pharmacists and apprentices; use of titles of pharmacist, assistant pharmacist, pharmacy and drug store; operation of pharmacies and drug stores and permits and fees to operate the same; permits for manufacture, packaging and preparation of drugs, medicines and other products; sale of poisonous and habit-forming drugs; enforcement of this article and penalties for the violation of the provisions thereof.

[Passed February 15, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 5. Pharmacists, Assistant Pharmacists and Drug Stores.

Section
1. Definitions.
2. Board of pharmacy.
3. When registered pharmacist required; special provision for villages of not more than five hundred inhabitants; person not a registered pharmacist or assistant pharmacist or apprentice not to compound prescriptions or dispense poisons or narcotics; registration of apprentices.
4. Use of titles “pharmacist” or “assistant pharmacist”; “drug store” or “drugs”.
5. Qualifications of applicant for registration as pharmacist; certificates of registration.
6. Registration of pharmacists from other states.
7. Refusal to issue; suspension or revocation of certificate of registration.
8. Reports by secretary of board to secretary of state; “list of pharmacists”.
10. Annual renewal of registration and permits.
11. Certificate of registration or permit shall be exposed.
12. Responsibility for quality of drugs dispensed, exception; falsification of labels; deviation from prescription.
13. Each pharmacy to have United States pharmacopoeia and national formulary.
14. Pharmacies or drug stores to be registered; permit to operate; fees; registered pharmacist to conduct business.
15. Professional and technical equipment required for pharmacy or drug store.
16. Permit for manufacture, packaging, etc. of drugs, medicines, cosmetics, etc.; regulations as to sanitation and equipment; penalties; revocation of permit.
17. Hearings by board upon complaint.
18. Limitation of sale of piosonous, deleterious and habit-forming drugs.
19. Rules and regulations of board of pharmacy; revocation of permits; employment of field agents, chemists, clerical and other qualified personnel.
20. Duty of prosecuting attorney when violation reported.
21. Limitations of article.
22. Offenses; penalties.
23. Relief by injunction.

Be it enacted by the Legislature of West Virginia:

That article five, 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.—The following words and phrases as used in this article, shall have the following meanings, unless the context otherwise requires:

(1) The term “drug” means (a) articles in the official United States Pharmacopoeia, or official National Formulary, or any other supplement to either of them, which are intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, and (b) all other articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, and (c) articles, other than food, intended to affect the structure or any function of the body of man or other animals and (d) articles intended for use as a component of any articles specified in clause (a), (b), or (c).

(2) The term “poisonous drug” means any drug likely to be destructive to adult human life in quantities of five grains or less.

(3) The term “deleterious drug” means any drug likely to be destructive to adult human life in quantities of sixty grains or less.

(4) The term “habit-forming drug” means any drug which has been or may be designated as habit-forming under the regulations promulgated in accordance with Section 502(d) of the Federal Food, Drug and Cosmetic Act of June 25, 1938.

(5) The term “pharmacy” or “drug store” or “apothe-
"cary" shall be held to mean and include every store or shop or other place (a) where drugs are dispensed, or sold at retail, or displayed for sale at retail, or (b) where physicians' prescriptions are compounded; or (c) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "pharmacy", "pharmacists", "apothecary", "drug store", "drugs", "druggist", "medicine", "medicine store", "drug sundries", "remedies", or any word or words of similar or like import; or (d) any store or shop or other place, with respect to which any of the above words are used in any advertisement.

(6) The term "prescription" shall be held to mean an order for drugs or medicines or combinations or mixtures thereof, written or signed by a duly licensed physician, dentist, veterinarian or other medical practitioner licensed to write prescriptions intended for the treatment or prevention of disease of man or animals. The term "prescription" shall also include orders for drugs or medicines or combinations or mixtures thereof transmitted to the pharmacist by word of mouth, telephone or other means of communication by a duly licensed physician, dentist, veterinarian or other medical practitioner licensed to write prescriptions intended for treatment or prevention of disease of man or animals, and such prescriptions received by word of mouth, telephone or other means of communication shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be filed by the pharmacist. All such prescriptions shall be preserved on file for a period of five years, subject to inspection by the proper officer of the law. The above shall apply except for narcotic prescriptions, when all narcotic laws and regulations must be complied with.

(7) The term "cosmetic" which, shall be held to include "dentrifice" and "toilet article", means (a) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body, or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (b) articles intended for use as a component of any such articles, except that such term shall not include soap.
Sec. 2. Board of Pharmacy.—There shall be a state board of pharmacy, known as the “West Virginia Board of Pharmacy”, which shall consist of five practicing pharmacists, who shall be appointed by the governor by and with the advice and consent of the Senate. Each member of the board, at the time of his appointment, shall be a citizen and registered pharmacist of this state, and actively engaged in the practice of pharmacy.

The members of the board 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. On or before the first day of July, one thousand nine hundred thirty-one, and on or before the first day of July of each year thereafter, the governor shall appoint one member to serve for a term of five years, commencing on said first day of July, and any member shall be eligible for reappointment.

Sec. 3. When Registered Pharmacist Required; Special Provision for Villages of not More Than Five Hundred Inhabitants; Person not a Registered Pharmacist or Assistant Pharmacist or Apprentice not to Compound Prescriptions or Dispense Poisons or Narcotics; Registration of Apprentices.—It shall be unlawful for any person not a registered pharmacist within the meaning of this article, who does not employ a registered pharmacist within the meaning of this article, to conduct any pharmacy, drug store, or apothecary shop or store for the purpose of retailing, compounding or dispensing medicines, poisons or narcotic drugs: Provided, That in any village of not more than five hundred inhabitants where there is no registered pharmacist within less than two miles of such village, the board of pharmacy may grant to any person who is a registered assistant pharmacist a permit to conduct a drug store or pharmacy in such village, which permit shall not be valid in any other village than the one for which it was granted, and shall cease and determine when the population of the village for which such permit was granted shall become greater than five hundred. It shall be unlawful for the proprietor of any store or pharmacy to permit any person
not a registered pharmacist or assistant pharmacist to
compound or dispense prescriptions or prescription re-
fills, or to retail or dispense the poisons and narcotic
drugs named in section two, three and six, article eight,
chapter sixteen of this code. Except that an apprentice
registered with the state board of pharmacy, may com-
pound and dispense prescriptions or prescription refills
under the direct supervision of a registered pharma-
cist.

It shall be the duty of registered pharmacists or other
employers, who take into their employ an apprentice
for the purpose of his becoming a registered pharmacist,
to register said apprentice within ninety days thereafter
with the board of pharmacy. The board shall furnish
proper blanks for this purpose and shall issue certificates
to the apprentice upon being properly certified. The
experience requirement for licensure as a registered
pharmacist shall be computed from the date certified
as the date of entering said apprenticeship; and if such
apprenticeship is not registered with the board of phar-
macy, then he or she shall receive no credit for such
experience in a pharmacy when he or she makes ap-
plication for examination for licensure as a registered
pharmacist. An apprentice having served part or all
of his or her apprenticeship in a pharmacy without the
state shall be given credit for the same when the af-
fidavit of his or her said apprenticeship is signed by the
registered pharmacist under whom he or she served,
and it shows the exact time of such apprenticeship served,
and when same is attested by the secretary of the state
board of pharmacy of that state.

Sec. 4. Use of Titles "Pharmacist" or "Assistant Phar-
2 macist"; "Drug Store" or "Drugs".—It shall be unlawful
3 for any person not legally registered as a pharmacist, un-
4 less he has in his employ a registered pharmacist, to
take, use or exhibit the title of pharmacist, or licensed
6 or registered pharmacist, or the title of druggist or apothe-
cary, or any other title or description of like import, or
7 to label, mark, or advertise his or any other place of
9 business as a pharmacy or drug store or by the use of
10 the words drug or medicines or any other compound or
derivative of the same, or by any other word or sign indicating or intended to indicate that drugs or pharmaceutical supplies are either sold or offered for sale. And it shall be unlawful for any person not legally registered as an assistant pharmacist to take, use or exhibit the title of assistant pharmacist, or any title or description of like import. Any person violating this section shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than one hundred dollars.

Sec. 5. Qualification of Applicant for Registration as Pharmacist; Certificates 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 pharmacy or drug store 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. 6. Registration of Pharmacists From Other States.—The board of pharmacy may register and admit to practice as pharmacists in this state, without examination, such persons as have been legally registered or licensed as pharmacists in other states: Provided, That the applicant for such registration shall appear personally before the board and shall present satisfactory evidence of qualification equal to that required of applicants for registration in this state, and that he was registered
or licensed by examination in such other state, and that
the standard of competence required in such other state
is not lower than that required in this state: And pro-
vided further, That the board is satisfied that such other
state accords similar recognition to registered pharma-
cists of this state. Applicants for registration under this
section shall, with their application, forward to the secre-
tary of the board of pharmacy the same fees required
of other applicants for registration.

Sec. 7. Refusal to Issue; Suspension or Revocation of
Certificate of Registration.—The state board of pharmacy
shall refuse to issue a certificate of registration to a
person guilty of felony or gross immorality, or addicted
to drunkenness or the use of narcotic drugs, and shall
suspend or revoke a certificate for like cause or for
fraud in procuring it.

Sec. 8. Reports by Secretary of Board to Secretary of
State; “List of Pharmacists”.—Within ninety days after
this code takes effect, the secretary of the board of
pharmacy shall make a report to the secretary of state
of all registered pharmacists and registered assistant
pharmacists in this state, giving the name of the person,
his business address, and the date of his registration.
On or before the fifteenth day of September each year,
the secretary of the board shall certify to the secretary
of state all changes in said list required by the addition
of new registrations, renewals, deaths, forfeiture of regis-
tration, or for other causes, occurring during the pre-
ceding year. The secretary of state shall enter in an
appropriate book, known as “List of Pharmacists” the
facts shown by such reports, which reports shall be filed
and preserved in his office.

Sec. 9. Fees.—The board of pharmacy shall be entitled
to charge and collect the following fees, in addition to
those provided in article one of this chapter and in sec-
tion fourteen and section sixteen of this article: For
renewing the registration of a pharmacist, five dollars;
for renewing the registration of an assistant pharmacist,
five dollars; for issuing a permit to an assistant pharma-
cist to conduct a pharmacy or drug store in a village of
not more than five hundred inhabitants, ten dollars.

Sec. 10. Annual Renewal of Registration 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,
one thousand nine hundred fifty-one and annually there-
after apply to the state board of pharmacy for a renewal
of his registration, or permit, and shall transmit with his
application the fees prescribed in the preceding section of
this article. If the board shall find that such 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 that fact. Notifi-
cation of the annual renewal shall be given by the secre-
tary of the board at least thirty days prior to said first
day of July. If any pharmacist or assistant pharmacist
shall fail for a period of thirty days after said first day
of July to apply to the board for a renewal of his regis-
tration, his name shall be erased from the register of
registered pharmacists and assistant pharmacists, and
such person, in order to again become registered, shall
be required to appear personally before the board to
show cause for permitting the certificate or permit to
lapse. If such person submits to the board satisfactory
reasons for allowing the certificate or permit to lapse,
and satisfies the board as to his qualifications to practice
the profession, such person shall be required to pay the
same fee as in the case of examination.

Sec. 11. Certificate of Registration or Permit Shall be
Exposed.—Every certificate of registration to practice
as a pharmacist or assistant pharmacist, and every per-
mit to an assistant pharmacist to conduct a drug store
in a village of not more than five hundred inhabitants,
and every renewal of such certificate or permit, shall be
conspicuously exposed in the pharmacy or drug store or
place of business of which the pharmacist or assistant
pharmacist or other person to whom it is issued is the
owner or manager, or in which he is employed.

Sec. 12. Responsibility for Quality of Drugs Dispensed,
Exception; Falsification of Labels; Deviation from Prescription.—All persons, whether registered pharmacists or not shall be held responsible for the quality of all drugs, chemicals and medicines they may sell or dispense, with the exception of those sold in the original retail package of the manufacture.

The following acts shall be prohibited: (1) The falsification of any label upon the immediate container, box, and/or package containing a drug. (2) The substitution or the dispensing of a different drug in lieu of any drug prescribed in a prescription without the approval of the practitioner authorizing the original prescription: Provided, That this shall not be construed to interfere with the Art of Prescription Compounding as practiced by the pharmacist in preparing more elegant preparations which do not alter the therapeutic properties of the prescription. (3) The filling or refilling of any prescription for a greater or lesser quantity of any ingredient than that prescribed in the original prescription without the approval of the practitioner authorizing the original prescription.

Any person violating this section shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than fifty nor more than one hundred fifty dollars for each such offense.

Sec. 13. Each Pharmacy to Have United States Pharmacopoeia and National Formulary.—Every pharmacy or drug store as defined, shall own and have on file at all times a recent edition of the United States Pharmacopoeia and a recent edition of the National Formulary and any supplements to any of them or some other publication embodying their texts in full, and no license shall be issued until there is a compliance with this section.

Sec. 14. Pharmacies or Drug Stores to be Registered; Permit to Operate; Fees; Registered Pharmacist to Conduct Business.—The board of pharmacy shall require and provide for the annual registration of every pharmacy or drug store, as defined, doing business in this state. Any person, firm, corporation or copartnership desiring
to operate, maintain, open or establish a pharmacy or drug store, as defined, in this state, shall apply to the board of pharmacy for a permit to do so. The application for such permit or license shall be made on a form prescribed and furnished by the board of pharmacy, which when properly executed, shall indicate the owner, manager, trustee, lessee, receiver, or other person or persons desiring such permit, as well as the location of such pharmacy or drug store, including street and number, and such other information as the board of pharmacy may require. If it is desired to operate, maintain, open or establish more than one pharmacy or drug store, separate applications shall be made and separate permits or licenses shall be issued for each. Every application for a permit shall be accompanied by the required fee of ten dollars, which amount shall be paid annually as the fee for renewal of such permit or license. If an application is found satisfactory, the secretary of the board of pharmacy shall issue to the applicant a permit or license for each pharmacy or drug store for which application is made. Permits or licenses issued under this section shall not be transferable and shall expire on the thirtieth day of June of each calendar year, and if application for renewal of permit or license is not made or a new one granted on or before the first day of September, following, the old permit or license shall lapse and become null and void. Every such place of business so registered shall be in direct charge of a registered pharmacist and operate in compliance with the general provisions governing the practice of pharmacy and the operation of a drug store or pharmacy.

The provisions of this section shall have no application to the sale of patent or proprietary medicines which are not poisonous, deleterious or habit-forming nor to such ordinary drugs in original retail packages when such are not poisonous, deleterious or habit-forming nor to flavoring extracts or dyestuffs as are usually sold in a country store.

Sec. 15. Professional and Technical Equipment Required for Pharmacy or Drug Store.—Every registered drug store or pharmacy must be equipped with proper
pharmaceutical utensils so that prescriptions can be
properly filled and United States Pharmacopoeia and
National Formulary preparations properly compounded.
The board of pharmacy shall prescribe the minimum of
such professional and technical equipment which a phar-
macy or drug store shall at all times possess.

Any person violating this section shall, upon convic-
tion, be deemed guilty of a misdemeanor and fined not
more than fifty dollars, and no permit shall be issued or
continued for the conducting of a pharmacy or drug store
which has not complied with the provisions of this section.

Sec. 16. Permit for Manufacture, Packaging, etc. of
Drugs, Medicines, Cosmetics, etc.; Regulations as to San-
tation and Equipment; Penalties; Revocation of Permit.—
No drugs or medicines, or toilet articles, dentifrices, or
cosmetics, shall be manufactured, made, produced, packed,
packaged or prepared within the state, except under the
personal and immediate supervision of a registered phar-
macist or such other person as may be approved by the
board of pharmacy, after an investigation and determina-
tion by the said board that they are qualified by scien-
tific or technical training and/or experience to perform
such duties of supervision as may be necessary to protect
the public health and safety; and no person shall manU:*
facture, make, produce, pack, package or prepare any
such articles without first obtaining a permit to do so
from the board of pharmacy. Such permit shall be sub-
ject to such rules and regulations, with respect to sani-
tation and/or equipment, as the said board of pharmacy
may from time to time adopt for the protection of the
public health and safety.

The application for such permit shall be made on a
form to be prescribed and furnished by the said board
of pharmacy and shall be accompanied by the required
fee of fifty dollars which amount shall also be paid as
the fee for each annual renewal of such permit. Separate
applications shall be made and separate permits issued
for each separate place of manufacture, making, pro-
ducing, packing, packaging or preparation.

Permits issued under the provisions of this section
shall be posted in a conspicuous place in the factory or
place for which issued; such permits shall not be transferable, and shall expire on the thirtieth day of June following the date of issue and shall be renewed annually. Nothing in this section shall be construed to apply to those operating registered pharmacies or drug stores.

Any person, firm or corporation violating any of the provisions of this section and any permittee here-under who shall violate any of the conditions of this permit or any of the rules and regulations adopted by the said board of pharmacy in pursuance of the power hereby conferred, shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than fifty dollars for each offense, and each and every day such violation continues shall constitute a separate and distinct offense, and upon conviction of a permittee, his permit shall also forthwith be revoked and become null and void.

Any person, firm, corporation, or any permittee here-under who shall have been convicted of two or more successive violations of the provisions of this section or of the rules and regulations adopted by the board of pharmacy in pursuance of the powers hereby conferred, shall at the discretion of the board of pharmacy have such permit permanently revoked, and the board of pharmacy is hereby authorized to refuse the issuance of further permits to such person, firm, corporation, or permittee.

Sec. 17. Hearings by Board Upon Complaint.—Any person aggrieved by the rules or regulations promulgated by the said board of pharmacy under the provisions of section sixteen, shall be entitled to have his complaint set down for hearing by said board. Requests for such hearing shall be made in writing and shall specify in detail the basis for the complaint, and the hearing shall be held within ten days from the date of the receipt of said request by the said board, unless postponed by mutual agreement. The said board shall have the power to make such rules and regulations with respect to the conduct of such hearings as may be necessary.

Sec. 18. Limitation of Sale of Poisonous, Deleterious and Habit-Forming Drugs.—The sale, holding for sale, or
offering for sale at retail of any poisonous, deleterious, or habit-forming drug, or any injection, or any other medicine if the contents of its container, or any part thereof, taken at one time, are likely to prove poisonous, deleterious, or habit-forming is prohibited by any person other than a registered pharmacist, who shall take precautions to acquaint the purchaser of the nature of such drug, medicine or injection at the time of sale.

Sec. 19. Rules and Regulations of Board of Pharmacy; Revocation of Permits; Employment of Field Agents, Chemists, Clerical and Other Qualified Personnel.—The board of pharmacy shall make such rules and regulations, not inconsistent with law, as necessary, to carry out the purposes and enforce the provisions of this article and is hereby authorized to revoke any permit or license issued under the provisions of this article at any time when examination or inspection of the pharmacy or drug store shall disclose that such place of business is not being conducted according to law.

The board of pharmacy shall have the power and authority to employ field agents, chemists, clerical help and other qualified personnel, as may be necessary to carry out the purposes and enforce the provisions of this article.

Sec. 20. Duty of Prosecuting Attorney When Violation Reported.—It shall be the duty of each county prosecuting attorney to whom the board of pharmacy or such other person shall report any violations of this, or any other law, now in force pertaining to the practice of pharmacy, or as defined, to cause appropriate proceedings to be commenced and prosecuted for the enforcement of the penalties as in such case may be provided.

Sec. 21. Limitations of Article.—The provisions of this article shall not apply to the sale of patent or proprietary medicines, nor to such ordinary drugs and dyes-stuffs as are usually sold in a country store. The term “ordinary drugs” shall not be held to include any of the poisons and narcotics named in sections two, three and six of article eight, chapter sixteen of this code,
nor any intoxicating liquors, nor any poisonous, deleterious, or habit-forming drugs, as defined, or any injection, and nothing in this article shall be construed to interfere with any legally qualified practitioner of medicine, dentistry or veterinary medicine, who is not the proprietor of the store for the dispensing or retailing of drugs, and who is not in the employ of such proprietor, in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicines as he may deem proper, if such supply is not made as a sale.

Sec. 22. Offenses; Penalties.—Any person who shall violate any of the provisions of section three of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall for each offense, be fined not exceeding two hundred dollars, or confined in the county jail not to exceed six months, or both fined and imprisoned, in the discretion of the court, and each day such violation shall continue shall be deemed a separate offense.

Any person, firm, partnership or corporation who shall violate any of the provisions of section fourteen shall be deemed guilty of a misdemeanor and upon conviction thereof for the first offense shall be fined not to exceed one hundred dollars, or shall be imprisoned in the county jail not to exceed six months, or both such fine and imprisonment, in the discretion of the court, and each and every day that such violation continues shall constitute a separate offense.

Any person, firm, partnership or corporation who shall violate any of the provisions of section eighteen shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not to exceed fifty dollars for the first offense, and upon conviction of a second offense shall be fined not less than one hundred dollars, or shall be imprisoned in the county jail not to exceed thirty days, or both such fine and imprisonment, in the discretion of the court, and each and every day that such violation continues shall constitute a separate offense.

Sec. 23. Relief by Injunction.—The board of pharmacy or any person, corporation, or association, in addition to the remedy set forth, may apply to a court having com-
petent jurisdiction over the parties and subject matter,
for a writ of injunction to restrain repetitious violations
of the provisions of this article.

Sec. 24. **Validity.**—If any clause, phrase, sentence,
paragraph or section of this article is for any reason held
to be unconstitutional, such decision shall not affect the
validity of the remaining portions of the article.

**CHAPTER 149**

*(Senate Bill No. 196—By Mr. McKinley and Mr. Stemple)*

AN ACT to amend and reenact sections one, three, five, six,
seven, eight and eleven, article six, chapter thirty of the
code of West Virginia, one thousand nine hundred thirty­
one, as amended, relating to the creation, appointment, or­
ganization, meetings, duties, salary and expenses, and au­
thority of the board of embalmers and funeral directors,
and the examination, licensing, registration and business
operations of funeral directors and embalmers.

[Passed March 9, 1951; in effect ninety days from passage. Approved by the
Governor.]

**Article 6. Embalmers and Funeral Directors.**

Section

1. Board of embalmers and funeral directors.
3. Oath; officers of board: salary and expenses; bond of treasurer;
   meetings of board; power, duties of board; notice; rules and
   regulations; school of instruction; inspection.
5. Embalmers and funeral directors to be licensed; qualifications and
   requirements for license; advertising; renewal of license; regis­
   tration as apprentice; courtesy cards.
6. Examination, registration and renewal fees; disposition of fees;
   report to governor.
7. Refusal to grant or renew; suspension or revocation of license or
   certificate of registration.
8. Duty of public officers; physicians, etc., as to disposition of body
   of deceased person; penalty for violation of section; hearings on
   refusing, suspending, or revoking licenses; appeals from decision
   of board; penalty for engaging in business without license; pur­
   pose of article.
11. Apprenticeship.
Be it enacted by the Legislature of West Virginia:

That sections one, three, five, six, seven, eight and eleven, article six, 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. Board of Embalmers and Funeral Directors.—There is hereby created a state board to be known and designated as the "West Virginia Board of Embalmers and Funeral Directors", which shall consist of seven members, who shall be appointed by the governor by and with the advice and consent of the senate, six of whom must be licensed embalmers and practicing funeral directors with a minimum of five consecutive years experience in West Virginia immediately preceding their appointment; the seventh member shall be the state health director of the state of West Virginia, who shall by virtue of his office as such state health director become automatically a member of this board for the period during which he holds the office of state health director.

Sec. 3. Oath; Officers of Board; Salary and Expenses; Bond of Treasurer; Meetings of Board; Power, Duties of Board; Notice; Rules and Regulations; School of Instruction; Inspection.—Members of said board, before entering upon their duties, shall take and subscribe to the oath of office prescribed by the secretary of state.

Said board shall select from its own members a president, a secretary, and a treasurer. Each member shall be reimbursed for his traveling expenses, incident to his attendance upon the business of the board, and in addition thereto, the sum of fifteen dollars per day for each day actually spent by such member upon the business of the board; except that the state health director shall receive only such compensation as he is entitled to receive for his services as state health director, together with actual and necessary traveling expenses while engaged upon the business or in attendance of the board, with such compensation and expenses to be payable from the funds of the state health department. The secretary shall receive an annual salary of not to exceed one thousand dollars, the amount and payment of which shall be fixed
by said board, and in addition thereto shall receive traveling and other incidental expenses incurred in the performance of his duties.

All such expenses, per diem and compensation shall be paid out of the receipts of the board, except such expenses and compensation as may be payable to the state health director, but such allowances shall at no time exceed the receipts of the board.

The treasurer of the board shall give bond to the state of West Virginia in such sum as the board shall direct with two or more sureties or a reliable surety company approved by the board, and such bond shall be conditioned for the faithful discharge of the duties of such officer. Such bond, with approval of the board endorsed thereon, shall be deposited with the treasurer of the state of West Virginia.

The board shall hold not less than two meetings during each calendar year, one during the month of April and one during the month of November for the purpose of examining applicants for licenses, such meeting or meetings to be held at such time and place as the board shall determine. The time and place of such meeting shall be announced by publication in three daily newspapers of general circulation in different locations in the state, and publication to be once a week for two consecutive weeks immediately preceding each such meeting.

The board may hold such other meetings as it may deem necessary and may transact any business at any such meeting. Three or more members shall comprise a quorum authorizing the board to transact such business as is prescribed under this article.

The board shall have power and it shall be its duty to make and enforce all necessary rules and regulations, not inconsistent with this article, for the examination and licensing of funeral directors, and the general practice of funeral directing; the examination and licensing of embalmers and the general practice of embalming and the registration and regulation of apprentices.

The board shall publish in its rules and regulations the subjects to be covered in the said examinations and the standards to be attained thereon. Changes in the rules
and regulations shall be published and shall be given
due publicity at least ninety days before becoming ef-
fective.
The board shall conduct annually a school of instruc-
tion to apprise funeral directors and embalmers of the
most recent scientific knowledge and developments af-
flecting their profession. Qualified lecturers and demon-
strators may be employed by the board for this pur-
pose. The board shall give notice of the time and place
at which such school will be held for all licensed funeral
directors and embalmers, and it shall be the duty of every
licensed funeral director and embalmer to attend at least
one such school in every three years.
The board or any of its members or any duly author-
ized employee of the board shall have the authority to
enter at all reasonable hours for the purpose of inspect-
ing the premises in which the business or profession of
funeral directing is conducted or practiced or where
embalming is practiced.

Sec. 5. Embalmers and Funeral Directors to Be Li-
censed; Qualifications and Requirements for License;
Advertising; Renewal of License; Registration as Ap-
prentice; Courtesy Cards.—After July first, one thousand
nine hundred fifty-one, no person shall engage in or hold
himself out as engaging in, or discharge any of the duties
of the business or profession of embalming, or preserv-
ing in any manner dead human bodies in this state,
whether for himself or in the employ of another, unless
he holds an embalmer's license issued to him by the
board, and shall at the date of its issuance have com-
plied with the provisions of this article.
After July first, one thousand nine hundred fifty-one,
no person shall engage in, or hold himself out as en-
gaging in, or discharge any of the duties of the business
or profession of funeral directing in this state, unless he
holds a funeral director's license issued to him by the
board, and shall at the date of its issuance have complied
with the provisions of this article, or conduct a funeral
unless he be a licensed funeral director or a duly regis-
tered apprentice.
No person shall be entitled to an embalmer's license unless he

1. Is twenty-one years of age or over;
2. A citizen of the United States;
3. Of good moral character and temperate habits;
4. Holds a diploma showing the completion of a four-year high school course;
5. Has had not less than sixty hours credit of resident educational training in an accredited university or college, such credit shall be in such subjects only as are recognized in the university or college where taken, as credit toward a baccalaureate degree;
6. Has completed a one year course of apprenticeship under the supervision of a licensed embalmer actively and lawfully engaged in the practice of embalming in this state, such apprenticeship to consist of diligent attention to the work in the course of regular and steady employment and not as a side issue to another employment, and under which said apprenticeship he shall have taken an active part in the operation of embalming not less than twenty-five dead human bodies, under the supervision of a licensed embalmer;
7. Possesses a diploma of graduation from a school of embalming which requires as a prerequisite to graduation the completion of a course of study of not less than twelve months duration, and which said school of embalming must be one duly approved by the board;
8. Passes such examination as the board shall deem necessary to ascertain his qualification and ability to engage in the practice of embalming: Provided, however, That any apprentice embalmer duly registered as such with the board on or before July first, one thousand nine hundred fifty-one, may be eligible to take the required examination for an embalmer's license without having had the sixty hours resident educational training in a university or college heretofore mentioned, upon compliance with all the other requirements, prerequisite to the same, including the two years apprenticeship.

The board shall issue licenses separately to embalmers and to funeral directors.

An applicant for a funeral director's license must
furnish satisfactory proof to the board that his business
or profession of funeral directing is to be conducted in
a fixed place or establishment equipped for the care and
preparation for burial or disposition of dead human
bodies. What shall be deemed “necessary equipment”
shall be defined in the rules and regulations of the board,
the same to be in compliance with the public health
laws of the state or the rules of the state board of health
of West Virginia. This shall not be so construed as to
deny an applicant for a funeral director’s license such a
license because he is not the owner, or part owner, of an
establishment or proposed funeral business.

Licenses issued under the provisions of this chapter
shall not be transferable or assignable.

No person shall be eligible to receive a license as a
funeral director unless he
(1) Holds an embalmer’s license issued by this board;
(2) Has been duly registered with the board as an
apprentice;
(3) Has served not less than a one-year apprentice-
ship under the personal supervision of a licensed funeral
director actively and lawfully engaged in the business or
profession of funeral directing in this state, such ap-
prenticeship to consist of diligent attention to the work
in the course of regular and steady employment and
not as a side issue to another employment: Provided,
however, That any apprentice funeral director twenty-
one years of age, or older, who is duly registered with
the board as such apprentice on or before July first, one
thousand nine hundred fifty-one, and who has served
his two years apprenticeship may be eligible to take
the required examination for a funeral director’s license,
without having first obtained an embalmer’s license,
upon compliance with all other requirements as to eligi-
bility for such examination.

All funeral homes or establishments or any other
places pertaining to funeral directing or the conducting
of funerals, shall display in all advertising the name of
the licensed funeral director who is actually in charge
of the establishment. All branch establishments must
display the name of the funeral director who is actually
in charge. At least one licensed funeral director shall
supervise each main establishment and at least one li-
censed funeral director shall directly supervise each
branch establishment.

No licensed funeral director or licensed embalmer
shall be permitted to register or have registered more
than five apprentices under his said license at the same
time.

Any person now holding a license as an embalmer,
funeral director, or assistant funeral director, shall not
be required to make a new application, or submit to an
examination, but shall, upon the payment of the fee
therefor, be entitled to a renewal of his license upon the
terms and conditions herein provided for the renewal of
licenses of those who may be licensed after the passage
of this article, but all such persons shall be subject to
every provision of this article, and such rules and regu-
lations as the board may adopt in pursuance of this
article.

On and after July first, one thousand nine hundred
fifty-one, no person shall be registered as an apprentice
funeral director or apprentice embalmer unless he is
eighteen years of age, or over, a citizen of the United
States, a resident of West Virginia one year prior to
registration, of good moral character and temperate
habits, and the holder of a diploma showing the comple-
tion of a four-year high school course, and shall have
completed not less than sixty hours credit of resident
educational training in an accredited university or col-
lege.

The board may issue annual non-renewable courtesy
cards to licensed funeral directors and licensed embalm-
ers of the states bordering on West Virginia, upon ap-
lication for same made on form prescribed by the board.
The annual fee for such courtesy cards shall be ten dol-
lars and said fee shall be paid at the time application is
made therefor. Applications for said courtesy cards
shall be approved by the board before the same may
be issued, and said courtesy cards shall be issued under
the following conditions: Holders of courtesy cards shall
not be permitted to open or operate a place of business
for the purpose of conducting funerals or embalming bodies in the state of West Virginia, nor shall they be permitted to maintain an office or agency in this state. A violation of this section shall be sufficient cause for the board to revoke or cancel the courtesy card of the violator.

Sec. 6. Examination, Registration and Renewal Fees; Disposition of Fees; Report to Governor.—The examination fee for a funeral director's license shall be fifty dollars and shall be remitted at the time the application for a funeral director's license is submitted to the board. The examination fee for an embalmer's license shall be fifty dollars and shall be remitted at the time the application for an embalmer's license is submitted to the board.

All the licenses and certificates of registration shall expire on the thirtieth day of June of each calendar year and the renewal date for all licenses and certificates shall be the first day of July of each calendar year. The annual renewal fee for embalmer's license, funeral director's license, assistant funeral director's license, or apprentice registration shall be five dollars and shall be paid on or before the first day of July of each calendar year.

Any person who has been duly licensed as a funeral director or as an embalmer under the laws of this state but who fails to renew his license within ninety days after the expiration date for renewals, may file an application for a renewal of his license, without examination, upon payment of a penalty of ten dollars and the required renewal fee.

Any person who has been duly licensed as a funeral director or as an embalmer under the laws of this state but who fails to renew his license within one year after the expiration date for renewals, may file an application for a renewal of his license, without examination, upon payment of a penalty of twenty-five dollars and the required renewal fee.

A funeral director or an embalmer whose license has lapsed one year or more shall make application to the
board for a new license in compliance with the provisions of this article relating to unlicensed persons.

Any person who has been duly licensed as an assistant funeral director and fails to renew his license within ninety days after the expiration date for renewal may file an application for renewal of his license upon payment of a penalty of ten dollars and the required renewal fee. Otherwise, after the said period of ninety days, his license will automatically be canceled.

Any person who has been duly registered as an apprentice embalmer or apprentice funeral director and fails to renew his registration within ninety days after the expiration date for renewals may file an application for such renewal upon payment of a penalty of two dollars and the required renewal fee. Otherwise, after the said period of ninety days, his registration will automatically be canceled.

All fees collected under the provisions of this article shall be paid to the treasurer of the board and by him deposited monthly with the state treasurer. Such fees shall be used for the purpose of defraying the necessary expenses and per diem of said board in the administration of this article. It shall be the duty of said board on or before the first Monday in July of each year to make a report in writing to the governor containing a detailed statement of the nature and amount of its receipts and the amount and manner of its expenditures; any balance of money remaining at the end of the year after the payment of the necessary expenses, including the salary of the secretary, and per diem, traveling expenses, and other expenses incident to the proper discharge of their duties by the members and employees of said board, shall remain in the treasury of the state in the general fund.

Sec. 7. Refusal to Grant or Renew; Suspension or Revocation of License or Certificate of Registration.—The board may either refuse to issue, or may refuse to renew, or may suspend, or may revoke any license, or certificate of registration issued by it for any one or combination of the following causes:
(a) The practice of fraud or deceit in obtaining or attempting to obtain a license or a certificate of registration;

(b) Conviction of a felony as shown by a certified copy of the record of the court of conviction;

(c) Violation of any of the provisions of this article or the public health laws of this state;

(d) The use of false, misleading or unethical advertising by any licensee or applicant for a license or certificate of registration;

(e) Upon satisfactory proof that a licensed embalmer or a licensed funeral director has taken undue advantage of his patrons or has committed a fraudulent act in the conduct of his business;

(f) Solicitation of business by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending: Provided, That this shall not be deemed to prohibit proper advertising;

(h) If the applicant therefor or holder thereof knowingly permits an unlicensed person to engage in the profession or business of embalming or funeral directing under his supervision; or if any holder of an embalmer’s license or funeral director’s license issued hereunder knowingly permits any unlicensed person to use his license number or numbers for the purpose of practicing, or discharging any of the duties of the professions of embalming or funeral directing;

(i) Employment by the licensee of persons known as “cappers”, “steerers” or “solicitors”, or other such persons to obtain funeral directing business;

(j) Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director;

(k) The buying of business by the licensee, his agents, assistants, or employees or the direct or indirect payment or offer of payment of a commission by the licensee, his agent, assistants, or employees, for the purpose of securing business;
(l) Gross immorality;
(m) If the applicant therefor or holder thereof has been guilty of habitual drunkenness or is addicted to the use of morphine, cocaine or other habit forming drugs.

Sec. 8. Duty of Public Officers, Physicians, etc., as to Disposition of Body of Deceased Person; Penalty for Violation of Section; Hearings on Refusing, Suspending, or Revoking Licenses; Appeals from Decision of Board; Penalty for Engaging in Business Without License; Purpose of Article.—No public officer, employee, physician, or surgeon, or any other person having a professional relationship with the deceased, shall send, or cause to be sent, to any funeral director, undertaker, mortician or embalmer, the body of any deceased person without having first made due inquiry as to the desires of the next of kin, or any persons who may be chargeable with the funeral expenses of such deceased person; and if any such kin or person can be found, his authority and direction shall be received as to the disposal of said corpse.

Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not less than fifty dollars, nor more than three hundred dollars, or imprisoned not less than ten days nor more than ninety days, or both.

The board may make investigations, subpoena witnesses, administer oaths, and conduct hearings.

No order refusing, suspending, or revoking a license shall be made until after a public hearing conducted by the board.

At least twenty days prior to the date of hearing, the board shall send a written notice of the time and place of such hearing to the applicant, together with a statement of the charges against him, by mailing the same to the last known address of such person.

The testimony presented and the proceedings had at such hearings shall be taken in shorthand, at the expense of the board, and preserved as records of the board. The board shall as soon thereafter as possible make its findings in determination thereof, and send a copy to each interested party.
Any person who has been refused a license for any cause or whose license has been revoked or suspended, may file with the secretary of the board, within thirty days after the decision of the board, a written notice of appeal therefrom to the circuit court of the county within which such person whose license had been refused, revoked or suspended resides. Upon the filing of such notice, the secretary of the board shall transmit to the clerk of said court, the record of such proceedings. Such court shall thereupon hear and determine such case as in other cases of appeal. The judgment of the circuit court may be reviewed upon proceedings in error in the supreme court of appeals.

No person shall engage in the profession or business of embalming or funeral directing as defined in this article unless he is duly licensed as an embalmer and/or as a funeral director within the meaning of this article, and any person who shall engage in either business or profession, or both, without having first complied with the provisions of this article, or who shall violate any other provisions of this article, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be fined not less than two hundred dollars or more than four hundred dollars for the first offense. Upon conviction of a second or subsequent offense, the violator shall be fined not less than five hundred dollars, nor more than one thousand dollars.

The sanitary preparation of dead human bodies for burial and the burial thereof is a public necessity, and it has direct relation to the health, welfare and convenience to the public, and the Legislature of this state hereby finds, determines and declares that this article is necessary for the immediate preservation of the public peace, welfare, health and safety.

Sec. 11. Apprenticeship.—The board may, by its rules and regulations, provide for the manner in which an apprenticeship shall be served and the length of time thereof, which shall not be more than one year.
AN ACT to amend and reenact section five, article seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter ninety-six, acts of the Legislature, regular session, one thousand nine hundred forty-five, relating to licensing and registration of nurses.

[Passed February 6, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 7. Nurses.

Section 5. Renewal of license; reinstatement; fees required; penalties.

Be it enacted by the Legislature of West Virginia:

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

Section 5. Renewal of License; Reinstatement; Fees Required; Penalties.—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 fifty-two, the board shall mail an application for renewal of license to every known, active, nurse who has ever been licensed as a nurse in West Virginia. At such time or times as the board may in its discretion determine each year thereafter, the board shall mail a renewal application to every nurse whose license was renewed during the previous year and each such nurse shall fill in such application blank and return it to the board with a renewal fee of one dollar within thirty days after receipt of said renewal application: Provided, however, That said renewal fee of one dollar may be increased to such amount, but not to exceed five dollars, as the board may fix with the concurrence of a majority of the registered nurses practicing the nursing
19 profession in the state of West Virginia at the time any
20 such increase is made effective. Upon receipt of the ap-
21 plication and fee the board shall verify the accuracy of
22 the application and issue to the applicant a certificate of
23 renewal for the current year. Such certificate of renewal
24 shall render the holder thereof a legal practitioner for
25 the period stated on the certificate of renewal. Any li-
26 censee who allows his or her license to lapse by failing
27 to renew the license as provided above may be rein-
28 stated by the board on satisfactory explanation for such
29 failure to renew his or her license and on payment of a
30 reinstatement fee of two dollars to the board. Any per-
31 son practicing nursing during the time his or her license
32 has lapsed shall be considered an illegal practitioner and
33 shall be subject to the penalties provided for violation of
34 this article. A person licensed under the provisions of
35 this article desiring to retire from practice temporarily
36 shall send a written notice to the board. Upon receipt of
37 such notice the board shall place the name of such person
38 upon the nonpracticing list. While remaining on this
39 list the person shall not be subject to the payment of any
40 renewal fees and shall not practice nursing in the state.
41 When the person desires to resume practice, application
42 for renewal of license and payment of the renewal fee for
43 the current year shall be made to the board.

CHAPTER 151
(Senate Bill No. 4—By Mr. Taylor, of Fayette)

AN ACT to amend and reenact article fourteen, chapter thirty
of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, relating to the creation, organi-
ization, powers and duties of the West Virginia board of
osteopathy for the licensing of osteopathic physicians and
surgeons, and the examination, licensing, revocation or
suspension of licenses and annual renewal of licenses of
osteopathic physicians and surgeons.

[Passed March 5, 1951; in effect ninety days from passage. Approved by the
Governor.]

Section
1. License required.
2. Definitions.
3. Board of osteopathy.
4. Application for examination.
5. Examinations; certificate of license.
6. Issuance of license without examination.
7. Reciprocal endorsement fee.
8. Temporary permits.
10. License annual renewal fee; refresher training a prerequisite; effect of failure to renew; reinstatement.
11. Refusal to issue; suspension or revocation of license.
12. Offenses; penalties.
13. Limitation of article.
15. Repealer clause.

Be it enacted by the Legislature of West Virginia:

That article fourteen, 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. License Required.—It shall be unlawful for any person to practice or offer to practice medicine and surgery as an osteopathic physician and surgeon in this state without a license issued by the West Virginia Board of Osteopathy: Provided, That any certificate of license heretofore issued under the laws of this state, authorizing its holder to practice osteopathy and surgery, shall in no way be affected by the enactment of this article; except that the holder of every such certificate of license shall be subject to all of the provisions of this article respecting the requirements and obligations herein prescribed for the continuance in force of such certificate of license.

Sec. 2. Definitions.—For the purposes of this article, "Osteopathy" shall mean that system of the healing art which places the chief emphasis on the structural integrity of the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease;

"Board" shall mean the West Virginia Board of Osteopathy;

"Approved osteopathic college" shall mean a college of
osteopathy and surgery which requires as a minimum prerequisite for admission pre-professional training of at least two years of academic work in specified scientific subjects, as prescribed by the board, or by the college accrediting agency of the American Osteopathic Association, in a standard college of arts and sciences of equal rank with the college of arts and sciences of West Virginia university, and which requires for graduation a four-year course of nine months each approved by the board in accordance with the minimum standards established by the American Osteopathic Association;

“Approved hospital for intern training” shall mean a hospital approved for intern training by the board or by the hospital accrediting agency of the American Osteopathic Association;

“Reciprocal endorsement” shall mean a duly authenticated certificate of the board, addressed to a board or agency of another country, state, territory, province or the District of Columbia, vouching that a certificate of license issued to an osteopathic physician and surgeon pursuant to the laws of this state is currently valid and not suspended or revoked for any cause or causes specified in this article.

Sec. 3. Board of Osteopathy.—There shall be a board of osteopathy, known as the “West Virginia Board of Osteopathy” composed of three licensed osteopathic physicians and surgeons appointed by the governor by and with the consent of the Senate from a list of six or more names recommended by the West Virginia Osteopathic Society, Incorporated. Each member of the board shall have been a resident of and engaged in the practice of his profession in this state for a period of at least five years immediately preceding his appointment.

The members of the board shall be appointed for a term of office of three years. The members of the board in office on the date this article 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 July of each year, the governor shall appoint one member to serve for a term of three years commencing on
said first day of July; and any member shall be eligible
for reappointment. When a vacancy in the member-
ship of the board occurs for any cause other than the
expiration of a term, the governor shall appoint a
successor as a member of the board to fill the unexpired
portion of the term of office of the member whose office
has been vacated.
Each member of the board shall take, in addition to
the oath of office provided for in article four, section
five of the constitution of this state, an oath that he has
been engaged in the practice of his profession in this
state for at least five years immediately preceding his
appointment.

Sec. 4. Application for Examination.—Each applicant
for examination by the board shall submit an application
therefor on forms prepared and furnished by the board,
accompanied by evidence verified by oath and satisfactory
to the board, establishing that the applicant has satisfied
the following requirements: (a) that he is twenty-one
years of age or over; (b) that he is of good moral char-
acter; (c) that he has graduated from an approved osteo-
pathic college; and (d) that he has paid to the board a
fee of fifty dollars for examination.

Sec. 5. Examinations; Certificate of License.—The ex-
amination for a license to practice medicine and surgery
as an osteopathic physician and surgeon shall be written
and oral and shall cover all the essential branches of
medicine and surgery including anatomy, physiology,
chemistry, pharmacology, pathology, public health —
preventive medicine, surgery, obstetrics and gynecology,
osteopathic medicine, materia medica principles and prac-
tice of osteopathy; and this list of subjects may be ex-
panded or regrouped at the discretion of the board.
The board shall issue certificates of license to all ap-
plicants who shall successfully pass the said examination
and shall present evidence showing that they have served
an internship in a hospital approved for intern training.
But no license shall be issued under the provisions of
this section until the person applying therefor shall have
paid to the board a fee of five dollars.
Sec. 6. Issuance of License without Examination.—The board may at its discretion issue a license without examination to an applicant who has been licensed by the national board of examiners for osteopathic physicians and surgeons, and to an applicant who has been licensed by examination in any country, state, territory, province or the District of Columbia, provided the requirements for licensure in the country, state, territory, province or the District of Columbia in which the applicant is licensed, are deemed by the board to have been equivalent to requirements for licensure in this state at the date such license was issued. The board may also at its discretion issue a license without examination to an osteopathic physician and surgeon who is a graduate of an approved osteopathic college and who has passed the examination for admission into the medical corps of any of the armed services of the United States or the United States public health service. But no license shall be issued under the provisions of this section until the person applying therefore shall have paid to the board a fee of one-hundred dollars, fifty dollars of which shall be an investigation fee.

Sec. 7. Reciprocal Endorsement Fee.—For the issuance of any reciprocal endorsement, the board shall collect a fee of ten dollars.

Sec. 8. Temporary Permits.—A temporary permit to practice in areas where medical services are needed, as determined by the board, may be granted by the board to a qualified applicant eligible for licensure who applies for examination during the period between examinations or regular meetings of the board. Such temporary permit shall be effective until its holder has either been granted or denied a license at the next regular meeting of the board. Such permit shall be subject to revocation when, in the opinion of the board, the terms and conditions prescribed in the permit have been violated.

Sec. 9. Duties and Rights of Osteopathic Physicians and Surgeons.—Osteopathic physicians and surgeons licensed hereunder shall have the same rights and priv-
Osteopathic physicians and surgeons shall observe and be subject to all state and municipal regulations relative to reporting births and deaths and all matters pertaining to the public health with equal rights and obligations as physicians of other schools of medicine, and such reports shall be accepted by the officers of the department to which the same are made.

Osteopathic physicians and surgeons licensed hereunder shall have the same rights and privileges as physicians and surgeons of other schools of medicine with respect to the treatment of cases or the holding of health offices or offices in public institutions.

Sec. 10. License Annual Renewal Fee; Refresher Training a Prerequisite; Effect of Failure to Renew; Reinstatement.—All holders of certificates of license to practice as osteopathic physicians and surgeons in this state shall renew them annually on or before July first, by the payment of a renewal fee of two dollars to the secretary of the board. The secretary of the board shall notify each certificate holder by mail of the necessity of renewing his certificate at least thirty days prior to July first of each year.

As a prerequisite to renewal of a certificate of license issued by the board, each holder of such a certificate shall furnish annually to the secretary of the board satisfactory evidence of having completed a two-day educational refresher training course conducted by the West Virginia Osteopathic Society, Incorporated, under the supervision and control of the board or conducted by its equivalent as determined by the board.

The failure to renew a certificate of license shall operate as an automatic suspension of the rights and privileges granted by its issuance.

A certificate of license suspended by a failure to make an annual renewal thereof may be reinstated by the board upon compliance of the certificate holder with the following requirements; (a) presentation to the board of satisfactory evidence of educational refresher training of quantity and standard approved by the board; (b) pay-
ment of all fees that would have been paid had the certificate holder maintained his certificate in good standing;
and (c) payment to the board of a reinstatement fee of not to exceed twenty-five dollars as determined by the board.

Sec. 11. Refusal to Issue; Suspension or Revocation of License.—The board may either refuse to issue or may suspend or revoke any license for any one or more of the following causes:
(a) Conviction of a felony, as shown by a certified copy of the record of the trial court;
(b) Conviction of a misdemeanor involving moral turpitude;
(c) Violation of any provision of this article regulating the practice of osteopathic physicians and surgeons;
(d) Fraud, misrepresentation or deceit in procuring or attempting to procure admission to practice;
(e) Gross malpractice;
(f) Advertising by means of knowingly false or deceptive statements;
(g) Advertising, practicing or attempting to practice under a name other than one's own;
(h) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit forming drugs.

Sec. 12. Offenses; Penalties.—Each of the following acts shall constitute a misdemeanor, punishable upon conviction by a fine of not less than fifty nor more than five hundred dollars:
(a) The practice or attempt to practice as an osteopathic physician and surgeon without a license or permit;
(b) The obtaining of or an attempt to obtain a license or permit to practice in the profession for money or any other thing of value, by fraudulent misrepresentation;
(c) The making of any willfully false oath or affirmation whenever an oath or affirmation is required by this article;
(d) Advertising, practicing or attempting to practice under a name other than one's own.

Sec. 13. Limitation of Article.—The practice of medicine and surgery by persons possessing the degree of doc-
tor of medicine and authorized by the laws of this state
to practice medicine and surgery shall in no way be af-
fected by the provisions of this article.

Sec. 14. Separability Clause.—The terms of this act
are declared to be separable; and should any word, phrase,
sentence or section hereof be declared unconstitutional or
otherwise invalid, the remainder of this act shall not
thereby be affected, but shall remain in full force and
effect.

Sec. 15. Repealer Clause.—All acts or parts of acts in
conflict with this article are hereby repealed to the extent
of such conflict.

CHAPTER 152
(Senate Bill No. 148—By Mr. Hardesty)

AN ACT to amend and reenact section five, article three, chapter
nine of the code of West Virginia, one thousand nine hun-
dred thirty-one, as amended, relating to the salary of
the director of the state department of public assistance.

[Passed March 8, 1951: in effect July 1, 1951. Approved by the Governor.]

Article 3. The Director of Public Assistance.
Section
5. Compensation.

Be it enacted by the Legislature of West Virginia:

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

Section 5. Compensation.—The director shall receive
a yearly salary of seven thousand dollars and, in addition,
the necessary traveling expenses incident to 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.
CHAPTER 153
(Senate Bill No. 145—By Mr. Love)

AN ACT to amend and reenact sections three and four, article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one as amended, relating to public bonded indebtedness.

[Passed February 13, 1931; in effect from passage. Approved by the Governor.]

Article 1. Bond Issues for Original Indebtedness.

Section 3. Amount of indebtedness for which bonds may be issued.

4. Bond issue proposal to be submitted to voters; election order.

Be it enacted by the Legislature of West Virginia:

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

Section 3. Amount of Indebtedness for Which Bonds May Be Issued.—No political division authorized by this article to issue bonds, except county boards of education, shall by any bond issue, become indebted to an amount, including all other indebtedness, exceeding two and one-half per cent of the value of the taxable property therein, as shown by the last assessment thereof, for state and county purposes, next prior to the issuing of such bonds: Provided, however, That any county for the erection and equipment of a courthouse and/or jail for such county, with funds borrowed from the government of the United States or any governmental agency, federal or state, and any municipal corporation of three hundred inhabitants or more, for the purpose of grading, paving, sewerine, and otherwise improving or reinventing its streets and alleys, 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, may become indebted and issue bonds in an additional sum not exceeding two and one-half per cent of the value of the taxable property
provided by the "School Bond Amendment," as ratified.

The term "sewering" as used herein shall be treated in a comprehensive sense, so as to include all mains, laterals, connections, traps, incinerating and disposal plants, and other necessary and convenient accessories to a modern sanitary and efficient sewerage system and shall include storm sewers.

The county court of any county is hereby authorized and empowered to negotiate and sell to the government of the United States or to any governmental agency, federal or state, at private sale, at not less than par any bonds issued for the purpose of erecting and equipping a courthouse or other public buildings for such county, under and by virtue of article one, chapter thirteen of the code of West Virginia, without first offering them for sale at public auction, or to any other person or agency.

Sec. 4. Bond Issue Proposal to Be Submitted to Voters;

Election Order.—No debt shall be contracted or bonds issued under this article until all questions connected with the same shall have been first submitted to a vote of the qualified electors of the political division for which the bonds are to be issued, and shall have received three-fifths of all the votes cast for and against the same. The governing body of any political division referred to in this article may, and when requested so to do by a petition in writing, praying that bonds be issued and stating the purpose and amount thereof, signed by legal voters of the political division equal to twenty per cent of the votes cast in a county or magisterial district for governor, or in a municipal corporation or school district for mayor or member of the board of education, as the case
may be, shall, by order entered of record, direct that an

election be held for the purpose of submitting to the

voters of the political division all questions connected

with the contracting of debt and the issuing of bonds.

Such order shall state:

(a) The necessity for issuing the bonds, or, if a petition

has been filed as provided herein, that such petition has

been filed;

(b) If for the construction of a county-district road or

bridge thereon, a summary of the engineer's report pro-
vided for in the following section setting forth the ap-
proximate extent and the estimated cost of the proposed

improvement, and the kind or class of work to be done

thereon;

(c) Purpose or purposes for which the proceeds of

bonds are to be expended;

(d) Valuation of the taxable property as shown by the

last assessment thereof for state and county purposes;

(e) Indebtedness, bonded or otherwise;

(f) Amount of the proposed bond issue;

(g) Maximum term of bonds and series;

(h) Maximum rate of interest;

(i) Date of election;

(j) If a special election, names of commissioners for

holding same;

(k) If registration of voters is necessary, notice of the

time, place and manner of making same;

(l) That the levying body is authorized to lay a suf-

ficient levy annually to provide funds for the payment

of the interest upon the bonds and the principal at ma-

turity, and the approximate rate of levy necessary for

this purpose;

(m) In case of school bonds, that such bonds, not ex-

ceeding in the aggregate three per centum of such as-

sessed valuation of taxable property in the manner

provided by the "School Bond Amendment" of the con-

stitution of this state, will be payable from a direct

annual tax on all taxable property therein, in the ratio,

as between the several classes or types of such taxable

property, specified in section one, article ten of the con-

stitution, separate and apart from and in addition to all
other taxes for all other purposes, sufficient to pay, annually, the interest on such debt, and the principal thereof, within, and not exceeding thirty-four years, which may be levied outside the limits fixed by section one, article ten of the constitution of this state in the manner provided by section eight, article ten, "School Bond Amendment," of the constitution.

Any other provision which does not violate any provision of law, or transgress any principle of public policy, may be incorporated in the order.

CHAPTER 154
(Senate Bill No. 275—By Mr. Love)

AN ACT to amend and reenact section twenty-three, article eight-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to penalties for violation of the narcotic laws.

[Passed March 10, 1951: in effect July 1, 1951. Approved by the Governor.]

Article 8-a. Narcotic Drugs.

Section 23. Penalties for violations.

Be it enacted by the Legislature of West Virginia:

That section twenty-three, article eight-a, 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 23. Penalties for Violations.—Whoever violates any provision of this article shall, upon conviction, be fined not more than one thousand dollars and be imprisoned not less than two nor more than five years. For a second offense, or if, in case of a first conviction of violation of any provision of this article, the offender shall previously have been convicted of any violation of the
laws of the United States or any other state, territory or
district relating to narcotic drugs or marihuana, the of-
fender shall be fined not more than five thousand dollars
and be imprisoned not less than five nor more than ten
years. For a third or subsequent offense, or if the offender
shall previously have been convicted two or more times in
the aggregate of any violation of the law of the United
States or of any other state, territory or district relating
to narcotic drugs or marihuana, the offender shall be
fined not more than ten thousand dollars and be impris-
ioned not less than ten nor more than twenty years.

Except in the case of conviction for a first offense for
violation of the provisions of this article, the imposition
or execution of sentence shall not be suspended and pro-
bation or parole shall not be granted until the minimum
imprisonment herein provided for the offense shall have
been served. The court shall in each case fix and deter-
mine the exact length of sentence to be served for each
conviction.

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CHAPTER 155
(House Bill No. 80—By Mrs. Walker)

AN ACT to repeal chapter eighty-two, acts of the Legislature,
second extraordinary session, one thousand nine hundred
thirty-three, as last amended by chapter thirty, acts of the
Legislature, regular session, one thousand nine hundred
thirty-nine, and 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 fourteen, relating to the regulation of barbering and
beauty culture and of schools of barbering and beauty
culture.

[Passed March 7, 1951; in effect July 1, 1951. Approved by the Governor.]


Section
1. Division of barbers and beauticians: committee; certificate of regis-
   tration.
2. Barbering and beauty culture defined.
3. Committee; chairman to approve and enforce rules and regulations; secretary; expenses of members; powers and duties of committee; inspectors.
4. General regulations; revocation of certificate for violation.
5. Qualifications of applicants; fees; examination; registration certificate.
6. Renewal of registration; fee, blood test.
7. Student's permit; qualifications; fee.
8. Display of certificate of registration.
9. Shop to be managed by registered barbers and beauticians; number of junior barbers or beauticians permitted; restrictions on buildings or rooms used as shops and businesses in; advertising of prices prohibited.
10. Schools of barbering or beauty culture; qualifications of instructors.
11. Health certificates required before certificate of registration issued or renewed.
12. Requirement to operate shops and schools; sanitary rules and regulations.
13. Grounds for cancellation, or refusal to issue or renew certificate of registration.
14. Penalties for violations; injunction.
15. Provisions of article one, chapter thirty, code, to apply to committee.
16. Collections and expenditures; disposition of funds.
17. Provisions of act separable; repeal of laws.

Be it enacted by the Legislature of West Virginia:

That chapter eighty-two, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, as last amended by chapter thirty, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be repealed, and 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 fourteen, to read as follows:

Section 1. Division of Barbers and Beauticians; Committee; Certificate of Registration.—There is hereby created in the state department of health, and under its jurisdiction, a division of barbers and beauticians. There is also hereby created a state committee of barbers and beauticians, hereinafter called the committee.

It shall be unlawful for any person to practice or offer to practice barbering or beauty culture in this state without first obtaining a certificate of registration for such purpose from the committee.

Sec. 2. Barbering and Beauty Culture Defined.—For the purpose of this article "barbering" shall mean any one or
combination of the following acts, when done on the human body, and not for the treatment of disease, to-wit: Shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair, or applying tonics thereto; applications, treatment or massages of the face, neck, or scalp with oils, creams, lotions, antiseptics, cosmetics, powders, clays or other preparations; and any such acts when done to encourage the use or sale of articles of trade, or for pay, rewards or other compensation, whether to be received directly or indirectly.

“Beauty culture” shall mean any one or combination of the following acts, when done on the human body, and not for the treatment of disease, to-wit: The care, preservation and beautification of the hands and nails, commonly called manicuring; the cleansing, curling, waving, permanent waving, straightening, arranging, dressing, bleaching, tinting, coloring and shaping the hair, including such cutting of the hair as is necessary for the purposes mentioned in this paragraph; the application to, or treatment and massage of the scalp, face, neck, arms, hands, or upper part of the body with oils, creams, lotions, powders, clays, cosmetics, antiseptics, or other preparations; and any such acts when done to encourage the use or sale of articles of trade, or for pay, reward or other compensation, whether to be received directly or indirectly.

The performance of any of the acts enumerated in this section shall not be deemed barbering or beauty culture when done by duly licensed physicians, surgeons, nurses, or morticians, in the proper discharge of their professional duties.

Sec. 3. Committee; Chairman to Approve and Enforce Rules and Regulations; Secretary; Expenses of Members; Powers and Duties of Committee; Inspectors.—The committee shall consist of the director of health, ex officio, and four other members to be appointed by the governor, by and with the advice and consent of the senate, to serve at the will and pleasure of the governor. Of the four members thus appointed, one shall be an employing barber, one an employee barber, one an employing beautician, and one an employee beautician. One of the
four so appointed shall be a member of the colored race. Each member of the committee so appointed shall have been engaged within this state in the practice of barbering or beauty culture, as the case may be, for a period of eight years immediately prior to his appointment, and not more than two of the four members of the committee so appointed shall belong to the same political party.

On or before the thirtieth day of June of each year the governor shall appoint one member of the committee to serve for a term of four years, to begin on the first day of July. Any member of the committee shall be eligible for reappointment.

The director of health shall be ex officio chairman of the committee, and the enforcement of all rules and regulations promulgated by the committee pertaining to sanitary conditions of barber and beauty shops and pertaining to the registration and qualifications of barbers and beauticians shall be under his supervision and direction; no order, rule, or regulation promulgated by the committee shall be in force and effect until approved by the director of health. The committee shall designate one of its members, or some other person, to act as secretary of the committee, and it shall be the duty of the secretary to perform such duties as may be prescribed by the committee.

Each member of the committee, except the chairman, shall receive as compensation a per diem of fifteen dollars for each day he is in attendance upon the sessions of the committee, but such compensation for each member shall not exceed the sum of three hundred dollars in any calendar year. Each member shall be reimbursed for actual and necessary expenses incurred in the performance of his duties, upon presentation of an itemized sworn statement thereof.

The committee shall examine all applicants for certificates of registration and shall issue certificates to those entitled thereto; collect examination and registration fees; promulgate rules and regulations governing the operation of barber shops, beauty shops, and schools of barbering and beauty culture, including the prescribing of curriculums and standards of instructions for such schools; pro-
mulgate rules and regulations for the physical examination of barbers, beauticians, junior barbers and beauticians, and students, and fix the standard form of report of such examinations; establish and enforce sanitary regulations in barber shops, beauty shops, and schools of barbering and beauty culture; enforce all such rules and regulations as are herein authorized; and do all other things necessary to effectuate the purposes of this article in the interest and protection of public health.

The director of health shall appoint not to exceed six inspectors, who shall be registered barbers and beauticians of this state, as herein provided, and it shall be their duty to make frequent inspections of all barber and beauty shops, and all schools of barbering and beauty culture in this state, and to report all violations to the director of health. The salaries and allowances for expenses of such inspectors shall be that fixed and allowed by the director of health and approved by the director of the budget, pursuant to his power to classify employment in the state government and its agencies.

Sec. 4. General Regulations; Revocation of Certificate for Violation.—Every general regulation adopted by the committee shall state the day on which it takes effect, and a copy thereof, duly signed by the director of health, shall be filed in the office of the secretary of state, and shall be published in such manner as the committee may determine. For the violation of any reasonable regulation so promulgated, the committee may cancel and revoke the certificate of registration issued such violator, and may refuse to renew or reissue the same.

Sec. 5. Qualifications of Applicants; Fees; Examination; Registration Certificate.—An applicant for registration as a barber or beautician shall present satisfactory evidence that he or she is at least eighteen years of age, of good moral character and temperate habits, has completed at least the eighth grade of school, or the equivalent thereof, and has been graduated from a school of barbering or beauty culture approved by the state committee of barbers and beauticians, and shall transmit with his application an examination fee of twenty dollars. The examina-
tion shall be of such character as to determine the qualifications and fitness of the applicant to practice bar-bering or beauty culture as defined by this article, and shall cover such subjects germane to the inquiry as the committee may deem proper. If the applicant successfully passes such examination and is otherwise duly qualified, as required by this section, and presents the proper cer-tificate of health, the committee shall register the appli-cant as a duly qualified junior barber or beautician, for which certificate, or renewal thereof, the fee shall be five dollars. Upon proof that the holder of such a certificate has served as a junior barber or beautician for a period of not less than six months nor more than twelve months from the original date of such certificate, accompanied by a certificate of health from a duly licensed physician, the committee shall issue to the applicant a certificate of registration authorizing the applicant to practice barber-ing or beauty culture in this state. Any person who is able to furnish satisfactory proof that he has practiced barber-ing or beauty culture for at least six months prior to ex-amination may be registered as a duly qualified barber or beautician immediately after he has passed the examina-tion, without serving the specified six month period as a junior barber or beautician. The committee shall charge for every such certificate of registration, or renewal there-of, issued by it, a fee of five dollars.

Any person who meets the requirements of this section as to age, character and health, who is a graduate of a recognized school of barbering or beauty culture in an-other state, and who holds a current certificate as a reg-istered barber or beautician in another state, may file with the committee an application for registration without examination, together with a fee of twenty dollars. If in the opinion of the committee such applicant has had a prescribed course of instruction in barbering or beauty culture equivalent to that required in this state at the time such course was completed, or is otherwise properly qualified, the committee may without examination issue to such applicant a certificate of registration as a duly qualified barber or beautician.
Sec. 6. Renewal of Registration; Fee, Blood Test.—Every registered barber or beautician who desires to continue in active practice or service shall, annually on or before the first day of January, renew his certificate of registration and pay an annual renewal fee of five dollars. Every registered barber or beautician who does not desire to continue in active practice, shall notify the committee in writing and shall, during such period, be listed by the committee as being inactive, and shall not be required to renew his certificate until such time as he notifies the committee of his desire to again become active, and during such inactive period he or she shall not be liable for any renewal fees. Every applicant for renewal or reinstatement of a certificate of registration shall submit to the Wasserman or other recognized blood test, and shall submit the report thereon to the committee, together with a certificate of health from a duly licensed physician.

Sec. 7. Student’s Permit; Qualifications; Fee.—All students, before entering upon their studies in approved schools of barbering or beauty culture in this state, shall apply for and receive a student’s permit from the committee. The application shall be upon forms provided by the committee and shall include a health certificate from a duly licensed physician. An applicant for registration as a student shall present satisfactory evidence that he or she is at least seventeen years of age, of good moral character and temperate habits, and has completed at least the eighth grade of school or the equivalent thereof. Upon receipt of a fee of five dollars, the committee shall register each qualified applicant as a student barber or beautician and shall issue the appropriate student’s permit, which shall be good during the prescribed period of study for such student. A student may perform any or all acts constituting barbering or beauty culture in a school of barbering or beauty culture under the immediate supervision of a registered instructor, but not otherwise.

Sec. 8. Display of Certificate of Registration.—Every person practicing barbering or beauty culture and every student and junior barber and beautician shall display his certificate of registration in a conspicuous place in
the shop wherein he practices or is employed and whenever required shall exhibit such certificate to the state committee of barbers and beauticians or its authorized representative.

Sec. 9. *Shop To Be Managed by Registered Barbers and Beauticians; Number of Junior Barbers or Beauticians Permitted; Restrictions on Buildings or Rooms Used as Shops and Businesses In; Advertising of Prices Prohibited.*

—Every barber or beauty shop in this state shall be operated under the supervision and management of a barber or beautician who is registered as such in this state. Each barber or beauty shop in this state may employ at least one junior barber or beautician therein. However, in shops regularly employing more than three registered barbers or beauticians only one such junior barber or beautician may be employed for every three such registered barbers or beauticians, but in no event can more than three such junior barbers or beauticians be employed in any one barber or beauty shop. No business or trade other than that of barbering shall be conducted in a barber shop and no business or trade other than that of beauty culture shall be conducted in a beauty shop, except the display and/or sale of commodities or other articles used in connection with barbering or beauty culture, and no such barber or beauty shop shall be operated in a store, dwelling house, or other building or space used for any purpose other than barbering or beauty culture unless such barber or beauty shop is separated by stationary partitions extending from floor to ceiling: *Provided, That nothing herein contained shall be construed as prohibiting a barber shop from carrying on the business of shoe shining or manicuring or both shoe shining and manicuring. A suitable sign shall be displayed at the main entrance of all barber and beauty shops, plainly indicating the business conducted therein: *Provided, however, That no sign shall be displayed outside any barber or beauty shop or inside the same, so as to be clearly visible from the outside and for the ostensible purpose of attracting trade, which in any way advertises the prices to be charged in such barber or beauty shop for services to be therein performed.*
Sec. 10. Schools of Barbering or Beauty Culture; Qualifications of Instructors.—No person, firm or corporation, public or private, whether organized for profit or not, shall own or operate a school of barbering or beauty culture in this state without first obtaining a license so to do from the committee. No such license shall be issued unless the person or persons teaching or instructing therein have been registered by the committee as duly qualified instructors. All applicants for a license to operate a school of barbering or beauty culture shall permit an inspection of such proposed school to determine whether it is properly fitted and equipped for instruction in barbering or beauty culture. No school shall be licensed unless in the opinion of the committee it is properly fitted and equipped. The committee may suspend, revoke, or refuse to renew the license of a school whenever it fails to meet the minimum standards and qualifications required for the issuance of an original license.

The license fee for each school of barbering and for each school of beauty culture shall be twenty-five dollars annually, to be paid in such manner as the committee may prescribe, on or before January first of each year. The license shall be prominently displayed in the school, and a suitable sign shall be kept on the front of the school which shall plainly indicate that a school of barbering or beauty culture is operated therein.

The committee is hereby authorized to make reasonable rules and regulations prescribing the standards and requirements to be met by applicants for registration as duly qualified instructors in schools of barbering or beauty culture. Such rules and regulations may provide for the issuance of certificates for instructors, including temporary certificates, and shall prescribe minimum qualifications as to age, education and training for applicants for such certificates. Each registered instructor in barbering or beauty culture shall pay an initial registration fee of five dollars, and shall renew his certificate annually and pay a renewal fee of five dollars on or before the first day of January of each year. An expired certificate may be reinstated only upon the payment of all lapsed renewal fees, unless such instructor shall have notified the com-
mittee that he or she desires to be placed on an inactive status during which time he or she shall not be liable for any renewal fees. The applicant for reinstatement shall also be required to meet the qualifications for registration in effect at the time application for reinstatement is made.

Sec. 11. Health Certificates Required Before Certificate of Registration Issued or Renewed.—No person shall practice barbering or beauty culture or serve as a student or junior barber or beautician in this state while having an infectious, contagious or communicable disease. No person shall be registered as a barber, beautician, student, or junior barber or beautician until he or she shall have obtained a certificate of health from a licensed physician under article three of this chapter certifying said person to be free of all infectious, contagious and communicable diseases; which certificate shall be filed with the state committee of barbers and beauticians within ten days after the examination of the person is made by the physician, and photograph of the applicant must accompany the application with such certificate. The certificate shall be in such form as the committee may prescribe. A like certificate must be filed with the committee before any certificate is renewed, and the examination must have been within thirty days prior to the beginning of the renewal period. The committee shall be empowered to compel any registered barber, beautician, student, or junior barber or beautician, to submit to a physical examination and file a certificate of health at any reasonable time.

Sec. 12. Requirements to Operate Shops and Schools; Sanitary Rules and Regulations.—It shall be unlawful for any person, firm or corporation to own or operate a beauty or barber shop, or a school of beauty culture or barbering, or to act as a barber or beautician, unless:

(a) Such beauty shop, barber shop, or school of beauty culture or barbering shall before opening its place of business to the public, have been approved by the committee as having met all the requirements and qualifications for such places of business as are required by this article and for this purpose, it shall be the duty of the owner or op-
operator of each such beauty shop, barber shop, or school of beauty culture or barbering to notify the committee, in writing, at least ten days before the proposed opening date of such shop or school, whereupon it shall become the duty of the committee, through the inspectors herein provided for, to inspect such shops or schools, and if found to meet the requirements of this article respecting the same, to grant to it a certificate permitting it to do business as such. If, however, after the lapse of ten days after the giving of such notice of opening to the committee, an inspection is not made or such certificate of opening has not been granted or refused, the owner or operator of such shop or school may open provisionally subject to later acquirement of such certificate and to all other provisions, rules and regulations provided for in this article;

(b) All such shops and schools, and bathrooms, toilets and adjoining rooms used in connection therewith, are kept clean, sanitary, well-lighted and ventilated at all times. The use of chunk alum, powder puffs and styptic pencils in any such shop or school is prohibited;

(c) Each barber, beautician, instructor, junior barber and beautician, and student, shall thoroughly cleanse his or her hands with soap and water immediately before serving any patron;

(d) Each patron is served with clean, freshly laundered linen which is kept in a closed cabinet used for that purpose alone. All linens, immediately after being used, shall be placed in a receptacle used for that purpose alone.

The committee shall prescribe such other rules and regulations in regard to sanitation and cleanliness in such shops and schools as it may deem proper and necessary and shall have power to enforce compliance therewith. Such rules and regulations shall be kept posted in a conspicuous place in each shop or school.

Sec. 13. Grounds for Cancellation, or Refusal to Issue or Renew Certificate of Registration.—The committee may refuse to issue a certificate of registration to any applicant, or may refuse to renew, or may suspend or revoke the same for any holder thereof, for any of the
following causes: (1) conviction of the commission of
  a felony, as shown by a certified copy of the record of
  the court of conviction; (2) obtaining or attempting to
  obtain a certificate of registration to practice barbering
  or beauty culture in this state by false pretenses, fraudu-
  lent misrepresentation, or bribery by the use of money or
  other consideration; (3) gross incompetency; (4) the
  continued practice of barbering or beauty culture by a
  person knowing himself or herself to be afflicted with
  a contagious or infectious disease; (5) the use knowingly
  of any false or deceptive statements in advertising; (6)
  habitual drunkenness or habitual addiction to the use of
  morphine, cocaine or other habit-forming drugs; (7) con-
  viction for the illegal sale of any intoxicating beverage,
  as shown by a certified copy of the record of the court of
  conviction; (8) violation of any of the sanitary rules and
  regulations prescribed by the committee.

Sec. 14. Penalties for Violation; Injunction.—Any viola-
tion of the provisions of this article or of the rules and
regulations of the committee, when promulgated by it as
set out in section four of this article, shall constitute a
misdemeanor, punishable, upon conviction, by a fine of
not less than ten dollars, nor more than one hundred
dollars, or by imprisonment in the county jail for not
more than sixty days, or by both such fine and imprison-
ment. Justices of the peace shall have concurrent juris-
diction with circuit and criminal courts for the enforce-
ment of the provisions of this article and the rules and
regulations promulgated by the committee.

Notwithstanding the existence or pursuit of any other
remedy, the committee may, in the manner provided by
law, maintain an action in the name of the state for an
injunction against any person, partnership, association, or
corporation to restrain or prevent the establishment, con-
duct, management, or operation of any barber shop,
beauty shop, school of barbering or beauty culture, or
related agency, when such person, partnership, associa-
tion, or corporation, repeatedly refuses to obtain regis-
tration or license therefor and continues the practice or
teaching of barbering or beauty culture without first ob-
taining registration or a license therefor in the manner hereinbefore provided.

Sec. 15. Provisions of Article One, Chapter Thirty, Code, to Apply to Committee.—Unless otherwise specially provided herein, the provisions of article one, chapter thirty of the code of West Virginia shall apply to the state committee of barbers and beauticians.

Sec. 16. Collections and Expenditures; Disposition of Funds.—All money collected under the provisions of this article shall be deposited in the state treasury as provided by law, and shall be credited to the committee in a special fund to be known as the “Barbers and Beauticians Special Fund”. All money in such fund shall be expended only for the administration and enforcement of the provisions of this article, except that at the end of each fiscal year there shall be transferred from this fund to the general revenue fund of the state ten per cent of all money collected by the committee during the year.

Sec. 17. Provisions of Act Separable; Repeal of Laws.—The various provisions of this act shall be construed as separable and several, and should any of the provisions or parts thereof be construed or held to be unconstitutional, or for any other reason invalid the remaining provisions of this act shall not be thereby affected. All acts and parts of acts in conflict with the provisions of this act, or any part thereof, are hereby repealed. Any ordinances of any municipalities in this state now in effect and having for their purposes the regulation of the practice of barbering or beauty culture, which are in conflict with the provisions of this act, or any part thereof, shall be null and void and of no effect on and after the date this act goes into effect.

CHAPTER 156

(House Bill No. 183—By Mr. Speaker, Mr. Flannery)

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by add-
ing thereto a new article, to be designated article eighteen, to provide for the clearance of slum and blighted areas for development or redevelopment in accordance with plans approved by the governing body of the municipality or county; to create for this purpose a public body corporate and politic, to be known as the slum clearance and redevelopment authority, in each municipality and county of this state; to define the duties, liabilities, exemptions, and powers of such authorities, including the power to acquire and dispose of property, exercise the power of eminent domain, issue bonds and other obligations, and give security therefor, and enter into agreements to secure federal aid or contributions and comply with conditions imposed in connection therewith; to provide that slum clearance and redevelopment authorities, their property and securities shall be exempt from taxation and assessment; to authorize either the transaction of business by such authority or the exercise of the duties and powers of such authority by the municipality or county itself or by the housing authority of the municipality or county, upon approval by the governing body of the municipality or county; to authorize the creation of such authority in regions comprising cooperating municipalities and counties; to authorize the acquisition and development of vacant areas in connection with the redevelopment of slum and blighted areas, upon approval of the governing body of the municipality or county; to authorize public bodies to furnish funds, services, facilities, and property in aid of slum clearance and redevelopment projects hereunder; to authorize municipalities and counties to obtain funds therefor by the issuance of obligations, by taxation or otherwise; and to provide that obligations issued for slum clearance or redevelopment projects hereunder shall be legal investments.

[Passed March 10, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 18. Slum Clearance.

Section

1. Short title.
2. Findings and declaration of necessity.
3. Definitions.
4. Creation of slum clearance and redevelopment authority.
5. Powers of an authority.
6. Preparation and approval of redevelopment plans.
7. Disposal of property in redevelopment project.
8. Eminent domain.
10. Issuance of bonds.
12. Rights of obligee.
14. Conveyance to federal government on default.
15. Property of authority exempt from taxes and from levy and sale by virtue of an execution.
17. Grants of funds by community.
18. Cooperation between authorities.
19. Annual report.
20. Title of purchaser.
22. Inconsistent provisions.
23. Additional conferred powers.

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 eighteen, to read as follows:

Section 1. Short Title.—This act shall be known and may be cited as the "Slum Clearance and Redevelopment Authority Law".

Sec. 2. Findings and Declaration of Necessity.—It is hereby found and declared that there exist in localities throughout the state, slum and blighted areas (as herein defined) which constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection and other public services and facilities, constitutes an economic and social liability, substantially impairs or arrests the sound growth of communities and retards the provision of housing accommodations; that this menace is beyond
remedy and control solely by regulatory process in the
eexercise of the police power and cannot be dealt with
effectively by the ordinary operations of private enterprise
without the aids herein provided; that the elimination of
slum conditions or conditions of blight, the acquisition
and preparation of land in or necessary to the develop-
ment of slum or blighted areas and its sale or lease for
development or redevelopment in accordance with gen-
eral plans and redevelopment plans of communities and
any assistance which may be given by any state public
body in connection therewith, are public uses and pur-
poses for which public money may be expended and pri-
ivate property acquired; and that the necessity in the public
interest for the provisions hereinafter enacted is hereby
declared as a matter of legislative determination.

Sec. 3. Definitions.—The following terms, wherever used
or referred to in this article, shall have the following
meanings, unless a different meaning is clearly indicated
by the context:

(a) “Authority” or “Slum Clearance and Redevelop-
ment Authority” shall mean a public body, corporate and
politic, created by or pursuant to section four of this ar-
ticle or any other public body exercising the powers, rights
and duties of such an authority as hereinafter provided.

(b) “Municipality” shall mean any incorporated city,
town or village in the state.

(c) “Community” shall mean any municipality or
county in the state.

(d) “Public body” shall mean the state or any muni-
cipality, county, township, board, commission, authority,
district, or any other subdivision or public body of the
state.

(e) “Governing body” shall mean the council or other
legislative body charged with governing the municipality
or the county court or other legislative body charged with
governing the county.

(f) “Mayor” shall mean the officer having the duties
customarily imposed upon the executive head of a mu-

(g) “Clerk” shall mean the clerk or other official of
the municipality or county who is the custodian of the
official records of such municipality or county.
(h) "Federal government" shall include the United
States of America or any agency or instrumentality, cor-
porate or otherwise, of the United States of America.
(i) "Area of operation" shall mean in the case of a mu-
icipality, the area within such municipality and the area
within five miles of the territorial boundaries thereof,
except that the area of operation of a municipality under
this article shall not include any area which lies within the
territorial boundaries of another municipality unless a
resolution shall have been adopted by the governing body
of such other municipality declaring a need therefor; and
in the case of a county, the area within the county, except
that the area of operation in such case shall not include
any area which lies within the territorial boundaries of
a municipality unless a resolution shall have been adopted
by the governing body of such municipality declaring a
need therefor; and in the case of a regional authority,
shall mean the area within the communities for which
such regional authority is created: Provided, however,
That a regional authority shall not undertake a redevelop-
ment project within the territorial boundaries of any mu-
icipality unless a resolution shall have been adopted by
the governing body of such municipality declaring that
there is a need for the regional authority to undertake such
development project within such municipality. No au-
thority shall operate in any area of operation in which
another authority already established is undertaking or
carrying out a redevelopment project without the con-
sent, by resolution, of such other authority.
(j) "Slum area" shall mean an area in which there is
a predominance of buildings or improvements (or which
is predominantly residential in character), and which, by
reason of dilapidation, deterioration, age or obsolescence,
inadequate provision for ventilation, light, air, sanitation,
or open spaces, high density of population and overcrowd-
ing, or the existence of conditions which endanger life
or property by fire and other causes, or any combination
of such factors, is conducive to ill health, transmission of
disease, infant mortality, juvenile delinquency and crime,
and is detrimental to the public health, safety, morals or welfare.

(k) "Blighted area" shall mean an area (other than a slum area) which by reason of the predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site improvement, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.

(1) “Redevelopment project” shall mean any work or undertaking:

(1) To acquire slum areas or blighted areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development or redevelopment of such slum or blighted areas or to the prevention of the spread or recurrence of slum conditions or conditions of blight.

(2) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan.

(3) To sell, lease or otherwise make available land in such areas for residential, recreational, commercial, industrial or other use or for public use or to retain such land for public use, in accordance with a redevelopment plan.

The term “redevelopment project” may also include the preparation of a redevelopment plan, the planning, survey and other work incident to a redevelopment project.
and the preparation of all plans and arrangements for carrying out a redevelopment project.

(m) "Redevelopment plan" shall mean a plan for the acquisition, clearance, reconstruction, rehabilitation, or future use of a redevelopment project area.

(n) "Redeveloper" shall mean any person, partnership, or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract.

(o) "Redevelopment contract" shall mean a contract entered into between an authority and a redeveloper for the redevelopment of an area in conformity with a redevelopment plan.

(p) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(q) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this article.

(r) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the authority property used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

(s) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof.

Sec. 4. Creation of Slum Clearance and Redevelopment Authority.—(a) There is hereby created in each community (as herein defined) a public body corporate and politic, to be known as the "Slum Clearance and Redevelopment Authority" of the community: Provided, however, That such authority shall not transact any business or exercise its powers hereunder until or unless the governing body shall approve (by resolution,
as herein provided) the exercise in such community of the powers, functions and duties of an authority under this article: Provided further, That, if it deems such action to be in the public interest, the governing body may, instead of such resolution, adopt a resolution approving the exercise of such powers, functions and duties by the community itself or by the housing authority, if one exists or is subsequently established in the community, and in such event, the community or housing authority, as the case may be, shall be vested with all the powers, functions, rights, duties and privileges of a slum clearance and redevelopment authority under this article.

(b) The governing body of a community shall not adopt a resolution pursuant to subsection (a) above unless it finds:

(1) That one or more slum or blighted areas (as here defined) exist in such community, and

(2) That the redevelopment of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such community.

(c) If the governing body of each of two or more communities declares, by resolution, that there is a need for one slum clearance and redevelopment authority to be created for all of such communities, and has made the findings required by paragraph (b), a public body, corporate and politic, to be known as a regional slum clearance and redevelopment authority (herein referred to as regional authority or authority) shall thereupon exist for all of such communities and may exercise the powers and other functions of an authority under this article in such communities.

(d) The area of operation of a regional authority shall be increased from time to time to include one or more additional communities if the governing body of each of such additional communities adopts the resolution described in paragraph (c) and makes the findings required by paragraph (b), and the commissioners of the regional authority consent to the inclusion within its area of operation of such additional communities.

(e) When the governing body of a municipality adopts
a resolution as aforesaid, it shall promptly notify the mayor of such adoption. If the resolution adopted is one approving the exercise of powers hereunder by a slum clearance and redevelopment authority, the mayor, by and with the advice and consent of the governing body, shall appoint a board of commissioners of the authority created for such municipality which shall consist of five commissioners, and when the governing body of a county adopts such a resolution, said body shall appoint a board of commissioners of the authority created for such county which shall consist of five commissioners. The commissioners who are first appointed pursuant to this article shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term.

(f) If a regional authority is created as herein provided, one person shall be appointed as a commissioner of such authority for each community for which such authority is created. When the area of operation of a regional authority is increased to include an additional community or communities as herein provided, one additional person shall be appointed as a commissioner of such authority for each such additional community. Each such commissioner appointed for a municipality shall be appointed by the mayor thereof, by and with the advice and consent of the governing body, and each such commissioner appointed for a county shall be appointed by the governing body thereof. The first appointment of commissioner of a regional authority may be made at or after the time of the adoption of the resolution declaring the need for such authority or declaring the need for the inclusion of such community in the area of operation of such authority. The commissioners of a regional authority and their successors shall be appointed as aforesaid for terms of five years except that all vacancies shall be filled for the unexpired terms. If the area of operation of a regional authority consists at any time of an even number of communities, the commissioners of the regional authority already appointed in
the manner described above shall appoint one additional
commissioner whose term of office shall be as provided
for a commissioner of a regional authority except that
such term shall end at any earlier time that the area
of operation of the regional authority shall be changed
to consist of an odd number of communities. The com-
missioners of such authority already appointed in the
manner described above shall likewise appoint each per-
son to succeed such additional commissioner: Provided,
That the term of office of such person begins during the
terms of office of the commissioners appointing him. A
certificate of the appointment of any such additional com-
missioner of such regional authority shall be filed with
the other records of the regional authority and shall be
conclusive evidence of the due and proper appointment
of such additional commissioner.

(g) A commissioner of an authority shall receive no
compensation for his services, but shall be entitled to the
necessary expenses, including traveling expenses, incurred
in the discharge of his duties. Each commissioner shall
hold office until his successor has been appointed and has
qualified. A certificate of the appointment or reappoint-
ment of any commissioner shall be filed with the munici-
pal or county clerk, as the case may be, and such certificate
shall be conclusive evidence of the due and proper ap-
pointment of such commissioner.

The powers hereunder vested in each slum clearance
and redevelopment authority shall be exercised by the
board of commissioners thereof. A majority of the com-
missioners shall constitute a quorum of such board for
the purpose of conducting business and exercising the
powers of the authority and for all other purposes. Ac-
tion may be taken by the board upon a vote of a majority
of the commissioners present, unless in any case the by-
laws of the authority shall require a larger number. Meet-
ings of the board of an authority may be held anywhere
within the perimeter boundaries of the area of operation
of the authority. Any persons may be appointed as com-
missioners of the authority if they reside within such
area, and are otherwise eligible for such appointments
under this article.
The commissioners of an authority shall elect a chairman and vice-chairman from among the commissioners. An authority may employ an executive director, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may, with the approval of the mayor (or of the governing body in the case of a county), call upon the chief law officer of the communities within its area of operation or it may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

(h) For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the official or public body which appointed such commissioner, but a commissioner shall be removed only after a hearing and after he shall have been given a copy of the charges at least ten days prior to such hearing and have had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereof, shall be filed in the office of the municipal or county clerk, as the case may be.

(i) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of or bonds issued by an authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of the appropriate resolution prescribed in subsection (a) or (c) above. Each such resolution shall be deemed sufficient if it authorizes the exercise of powers hereunder by the authority or other public body and finds in substantially the terms provided in subsection (b) (no further detail being necessary) that the conditions therein enumerated exist. A copy of such resolution duly certified by the municipal or county clerk, as the case may be, shall be admissible in evidence in any suit, action or proceeding.

(j) No commissioner or employee of an authority shall voluntarily acquire any interest, direct or indirect, in any
redevelopment project or in any property included or
planned by the authority to be included in any such pro-
ject, or in any contract or proposed contract in connection
with any such project. Where the acquisition is not volun-
tary such commissioner or employee shall immediately
disclose such interest in writing to the authority and such
disclosure shall be entered upon the minutes of the au-
thority. A commissioner or employee who owns or con-
trols any interest, direct or indirect, in such property shall
not participate in any action by the authority affecting
the property. If any commissioner or employee of an au-
thority owned or controlled within the preceding two
years an interest, direct or indirect, in any property in-
cluded or planned by the authority to be included in any
redevelopment project, he immediately shall disclose such
interest in writing to the authority and such disclosure
shall be entered upon the minutes of the authority. Upon
such disclosure such commissioner or employee shall not
participate in any action by the authority affecting such
property. Any violation of the provisions of this section
shall constitute misconduct in office.

Sec. 5. Powers of an Authority.—An authority shall
consist of a public body corporate and politic, exercising
public and essential governmental functions, and having
all the powers necessary or convenient to carry out and
effectuate the purposes and provisions of this article, in-
cluding the following powers in addition to others herein
granted:
(a) To sue and to be sued; to have a seal and to alter the
same at pleasure; to have perpetual succession; to make
and execute contracts and other instruments necessary or
convenient to the exercise of the powers of the authority;
and to make and from time to time amend and repeal by-
laws, rules and regulations, not inconsistent with this
article, to carry out the provisions of this article.
(b) To prepare or cause to be prepared and recom-
mend redevelopment plans to the governing body of the
community or communities within its area of operation
and to undertake and carry out redevelopment projects
within its area of operation.
(c) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a redevelopment project; and (notwithstanding anything to the contrary contained in this article or any other provision of law), to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a redevelopment project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(d) Within its area of operation, to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, eminent domain or otherwise, any real or personal property or any interest therein, together with any improvements thereon, necessary or incidental to a redevelopment project; to hold, improve, clear or prepare for redevelopment any such property; to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of such property for residential, commercial, industrial, recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions and conditions as the authority may deem necessary to prevent a recurrence of slum or blighted areas or to effectuate the purposes of this article; to make any of the covenants, restrictions or conditions of the foregoing contracts covenants running with the land, and to provide appropriate remedies for any breach of any such covenants or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto; to borrow money and issue bonds and provide security for loans or bonds; to insure or provide for the insurance
of any real or personal property or operations of the
authority against any risks or hazards, including the
power to pay premiums on any such insurance; and to
enter into any contracts necessary to effectuate the pur-
poses of this article: Provided, however, That no statutory
provision with respect to the acquisition, clearance or
disposition of property by other public bodies shall restrict
an authority or other public body exercising powers
hereunder, in such functions, unless the Legislature shall
specifically so state.
(e) To invest any funds held in reserves or sinking
funds or any funds not required for immediate disburse-
ment, in property or securities in which savings banks
may legally invest funds subject to their control; to re-
deem its bonds at the redemption price established there-
in or to purchase its bonds at less than redemption price,
all bonds so redeemed or purchased to be canceled.
(f) To borrow money and to apply for and accept ad-
vances, loans, grants, contributions and any other form
of financial assistance from the federal government, the
state, county, municipality or other public body or from
any sources, public or private, for the purposes of this ar-
ticle, to give such security as may be required and to enter
into and carry out contracts in connection therewith; an
authority, notwithstanding the provisions of any other
law, may include in any contract for financial assistance
with the federal government for a redevelopment project
such conditions imposed pursuant to federal law as the au-
thority may deem reasonable and appropriate and which
are not inconsistent with the purposes of this article.
(g) Acting through one or more commissioners or
other persons designated by the authority, to conduct ex-
aminations and investigations and to hear testimony and
take proof under oath at public or private hearings on
any matter material for its information; to administer
oaths, and to issue commissions for the examination of
witnesses who are outside of the state or unable to attend
before the authority, or excused from attendance; to
make available to appropriate agencies or public officials
(including those charged with the duty of abating or
requiring the correction of nuisances or like conditions
or of demolishing unsafe or insanitary structures or
eliminating slums or conditions of blight within its area
of operation) its findings and recommendations with re-
gard to any building or property where conditions exist
which are dangerous to the public health, safety, morals
or welfare.

(h) Within its area of operation, to make or have
made all surveys, appraisals, studies and plans (but not
including the preparation of a general plan for the com-
munity) necessary to the carrying out of the purposes of
this article and to contract or cooperate with any and all
persons or agencies, public or private, in the making
and carrying out of such surveys, appraisals, studies and
plans.

(i) To prepare plans and provide reasonable assistance
for the relocation of families displaced from a redevelop-
ment project area to permit the carrying out of the re-
development project, to the extent essential for acquir-
ing possession of and clearing such area or parts thereof.

(j) To make such expenditures as may be necessary to
carry out the purposes of this article; and to make expen-
ditures from funds obtained from the federal government
without regard to any other laws pertaining to the mak-
ing and approval of appropriations and expenditures.

(k) To exercise all or any part or combination of pow-
ers herein granted.

Sec. 6. Preparation and Approval of Redevelopment
Plans.—(a) An authority shall not acquire real prop-
erty for a redevelopment project unless the govern-
ing body of the community in which the redevelop-
ment project area is located has approved the rede-
development plans, as prescribed in subsection (i) be-
low.

(b) An authority shall not prepare a redevelopment
plan for a redevelopment project area unless the govern-
ing body of the community in which such area is located
has, by resolution, declared such area to be a slum or
blighted area in need of redevelopment.

(c) An authority shall not recommend a redevelop-
ment plan to the governing body of the community in
which the redevelopment project area is located until
a general plan for the development of the community
has been prepared.
(d) The authority may itself prepare or cause to be
prepared a redevelopment plan or any person or agency,
public or private, may submit such a plan to an author-
ity. A redevelopment plan shall be sufficiently complete
to indicate its relationship to definite local objectives as
to appropriate land uses, improved traffic, public trans-
portation, public utilities, recreational and community
facilities and other public improvements and the proposed
land uses and building requirements in the redevelop-
ment project area, and shall include without being limited
to:
   (1) The boundaries of the redevelopment project area,
with a map showing the existing uses and conditions of
the real property therein;
   (2) A land use plan showing proposed uses of the
area;
   (3) Information showing the standards of population
densities, land coverage and building intensities in the
area after redevelopment;
   (4) A statement of the proposed changes, if any, in
zoning ordinances or maps, street layouts, street levels
or grades, building codes and ordinances;
   (5) A site plan of the area; and
   (6) A statement as to the kind and number of addi-
tional public facilities or utilities which will be required
to support the new land uses in the area after redevelop-
ment.
(e) Prior to recommending a redevelopment plan to
the governing body for approval, an authority shall sub-
mitt such plan to the planning commission of the com-
munity in which the redevelopment project area is
located for review and recommendations as to its con-
formity with the general plan for the development of
the community as a whole. The planning commission shall
submit its written recommendations with respect to the
proposed redevelopment plan to the authority within
thirty days after receipt of the plan for review. Upon
receipt of the recommendations of the planning com-
mision or, if no recommendations are received within
said thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the community for approval.

(f) Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its environs which will, in accordance with present and future needs, promote health; safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations, slums, or conditions of blight, and the provision of adequate, safe and sanitary dwelling accommodations.

(g) The recommendation of a redevelopment plan by an authority to the governing body shall be accompanied by the recommendations, if any, of the planning commission concerning the redevelopment plan; a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and the estimated proceeds or revenues from its disposal to redevelopers; a statement of the proposed method of financing the redevelopment project; and a statement of a feasible method proposed for the relocation of families to be displaced from the redevelopment project area.

(h) The governing body of the community shall hold a public hearing on any redevelopment plan or substan-
ital modification thereof recommended by the authority, after public notice thereof by publication in a newspaper of general circulation in the community once each week for two consecutive weeks, the last publication to be at least ten days prior to the date set for hearing, or, if there be no such newspaper, by posting such notice in three public places at least ten days prior to the date set for hearing. The notice shall describe the time, date, place and purpose of the hearing and shall also generally identify the area to be redeveloped under the plan. All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views respecting the proposed redevelopment plan.

(i) Following such hearing, the governing body may approve a redevelopment plan if it finds that said plan is feasible and in conformity with the general plan for the development of the community as a whole: Provided, That if the redevelopment project area is a blighted area, the governing body must also find that a shortage of housing of sound standards and design, adequate for family life, exists in the community; the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas under redevelopment; the conditions of blight in the redevelopment project area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals or welfare; and that the development of the blighted area for predominantly residential uses is an integral part of and essential to the program of the community for the elimination of slum areas. A redevelopment plan which has not been approved by the governing body when recommended by the authority may again be recommended to it with any modifications deemed advisable.

(j) A redevelopment plan may be modified at any time by the authority: Provided, That if modified after the lease or sale of real property in the redevelopment project area, the modification must be consented to by the redeveloper or redevelopers of such real property or his successor, or their successors in interest affected by
the proposed modification. Where the proposed modification will substantially change the redevelopment plan as previously approved by the governing body the modification must similarly be approved by the governing body.

Sec. 7. Disposal of Property in Redevelopment Project.—
(a) An authority may sell, lease, exchange or otherwise transfer real property or any interest therein in a redevelopment project area to any redeveloper for residential, recreational, commercial, industrial or other uses or for public use in accordance with the redevelopment plan, subject to such covenants, conditions and restrictions as it may deem to be in the public interest or to carry out the purposes of this article: Provided, That such sale, lease, exchange or other transfer, and any agreement relating thereto, may be made only after, or subject to, the approval of the redevelopment plan by the governing body of the community. Such real property shall be sold, leased or transferred at its fair value for uses in accordance with the redevelopment plan notwithstanding such value may be less than the cost of acquiring and preparing such property for redevelopment. In determining the fair value of real property for uses in accordance with the redevelopment plan, an authority shall take into account and give consideration to the uses and purposes required by such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the redeveloper of, such property; the objectives of the redevelopment plan for the prevention of the recurrence of slum or blighted areas; and such other matters as the authority shall specify as being appropriate. In fixing rentals and selling prices, an authority shall give consideration to appraisals of the property for such uses made by land experts employed by the authority.

(b) An authority shall, by public notice published at least once a week for two consecutive weeks in a newspaper of general circulation in the community, or, if there be no such newspaper, by posting such notice in three public places in the community, prior to the consideration of any redevelopment contract proposal, invite proposals from, and make available all pertinent information to private redevelopers or any persons interested
in undertaking the redevelopment of an area, or any part thereof, which the governing body has declared to be in need of redevelopment. Such notice shall identify the area, and shall state that such further information as is available may be obtained at the office of the authority. The authority shall consider all redevelopment proposals and the financial and legal ability of the prospective redevelopers to carry out their proposals and may negotiate with any redevelopers for proposals for the purchase or lease of any real property in the redevelopment project area. The authority may accept such redevelopment contract proposal as it deems to be in the public interest and in furtherance of the purposes of this article:

Provided, That the authority has, not less than thirty days prior thereto, notified the governing body in writing of its intention to accept such redevelopment contract proposal. Thereafter, the authority may execute such redevelopment contract in accordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such redevelopment contract. In its discretion, the authority may, without regard to the foregoing provisions of this paragraph, dispose of real property in a redevelopment project area to private redevelopers for redevelopment under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of subsection (a).

(c) In carrying out a redevelopment project, an authority may:

(1) Convey to the community in which the project is located, such real property as, in accordance with the redevelopment plan, is to be laid out into streets, alleys, and public ways;

(2) Grant servitudes, easements and rights of way, for public utilities, sewers, streets and other similar facilities, in accordance with the redevelopment plan; and

(3) Convey to the municipality, county or other appropriate public body, such real property as, in accordance with the redevelopment plan, is to be used for parks, schools, public buildings, facilities or other public purposes.

(d) An authority may temporarily operate and main-
tain real property in a redevelopment project area pend-
ing the disposition of the property for redevelopment,
without regard to the provisions of subsections (a) and (b) above, for such uses and purposes as may be deemed desirable even though not in conformity with the rede-
velopement plan.

Sec. 8. Eminent Domain.—An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for a redevelopment project or for its purposes under this article, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided for condemnation proceedings, in chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner: Provided, That no real property belonging to the municipality, the county or the state may be acquired without its consent. When an authority has found and determined by resolution that certain real property described therein is necessary for a redevelopment project or for its purposes under this article, the resolution shall be conclusive evidence that the acquisition of such real property is necessary for the purposes described therein.

Sec. 9. Acquisition and Development of Undeveloped Vacant Land.—Upon a determination, by resolution, of the governing body of the community in which such land is located that the acquisition and development of undeveloped vacant land, not within a slum or blighted area, is essential to the proper clearance or redevelopment of slum or blighted areas or a necessary part of the general slum clearance program of the community, the acquisi-
tion, planning, preparation for development or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner
provided in the foregoing sections. The determination by
the governing body shall be in lieu of the declaration
required by section six-b above but shall not be made
until the governing body finds that there is a shortage of
decent, safe and sanitary housing in the community;
that such undeveloped vacant land will be developed for
predominantly residential uses; and that the provision
of dwelling accommodations on such undeveloped vacant
land is necessary to accomplish the relocation, in decent,
safe and sanitary housing in the community, of families
to be displaced from slum or blighted areas which are
to be redeveloped: Provided, however, That in the un-
dertaking of redevelopment projects on a regional or
unified metropolitan basis, involving the acquisition and
development of undeveloped vacant land in one com-
munity as an adjunct to the redevelopment of slum or
blighted areas in another community, each determination
or finding required in this subsection shall be made by
the governing body of the community with respect to
which the determination or finding relates.

Sec. 10. Issuance of Bonds.—(a) An authority shall
have power to issue bonds from time to time in its
discretion for any of its corporate purposes including
the payment of principal and interest upon any ad-
vances for surveys and plans for redevelopment pro-
jects. An authority shall also have power to issue re-
funding bonds for the purpose of paying or retiring or
in exchange for bonds previously issued by it. An au-
uthority may issue such types of bonds as it may deter-
ine, including (without limiting the generality of
the foregoing) bonds on which the principal and interest
are payable:

(1) Exclusively from the income, proceeds, and reve-
iences of the redevelopment project financed with the
proceeds of such bonds; or

(2) Exclusively from the income, proceeds, and reve-
iences of any of its redevelopment projects whether or not
they are financed in whole or in part with the proceeds of
such bonds: Provided, That any such bonds may be
additionally secured by a pledge of any loan, grant or con-
tributions, or parts thereof, from the federal government
or other sources, or a mortgage of any redevelopment
project or projects of the authority.

(b) Neither the commissioners of an authority nor
any person executing the bonds shall be liable person­
ally on the bonds by reason of the issuance thereof. The
bonds and other obligations of the authority (and such
bonds and obligations shall so state on their face) shall
not be a debt of the municipality, the county, or the
state and neither the municipality, the county, nor the
state shall be liable thereon, nor in any event shall such
bonds or obligations be payable out of any funds or
properties other than those of said authority acquired
for the purposes of this article. The bonds shall not consti­
tute an indebtedness within the meaning of any consti­
tutional or statutory debt limitation or restriction.

Bonds of an authority are declared to be issued for
an essential public and governmental purpose and to
be public instrumentalities and, together with interest
thereon and income therefrom, shall be exempt from
all taxes. Such bonds need not be offered by the au­
thority to the state sinking fund commission at any
time and an authority shall not be required to turn over
any surplus or sinking funds to the state sinking fund
commission.

(c) Bonds of an authority shall be authorized by its
resolution and may be issued in one or more series and
shall bear such date or dates, be payable upon demand
or mature at such time or times, bear interest at such
rate or rates, not exceeding six per centum per annum,
be in such denomination or denominations, be in such
form either coupon or registered, carry such conversion
or registration privileges, have such rank or priority,
be executed in such manner, be payable in such medium
of payment, at such place or places, and be subject to
such terms of redemption (with or without premium)
as such resolution, its trust indenture or mortgage may
provide.

(d) The bonds shall be sold at not less than par at
public sale held after notice published once at least ten
days prior to such sale in a newspaper having a general
circulation in the area of operation and in such other
medium of publication as the authority may determine;
Provided, That such bonds may be sold to the federal
government at private sale at not less than par, and, in
the event less than all of the bonds authorized in
connection with any project or projects are sold to the
government, the balance of such bonds may be
sold at private sale at not less than par at an interest
cost to the authority of not to exceed the interest cost
to the authority of the portion of the bonds sold to the
federal government.
(e) In case any of the commissioners or officers of
the authority whose signatures appear on any bonds or
coupons shall cease to be such commissioners or officers
before the delivery of such bonds, such signatures shall,
nevertheless, be valid and sufficient for all purposes,
the same as if such commissioners or officers had re-
mained in office until such delivery. Any provision of
any law to the contrary notwithstanding, any bonds
issued pursuant to this article shall be fully negotiable.
(f) In any suit, action or proceedings involving the
validity or enforceability of any bond of an authority
or the security therefor, any such bond reciting in sub-
stance that it has been issued by the authority to aid
in financing a redevelopment project, as herein defined,
shall be conclusively deemed to have been issued for
such purpose and such project shall be conclusively
deemed to have been planned, located and carried out
in accordance with the purposes and provisions of this
article.

Sec. 11. Powers in Connection with Issuance of Bonds.—
(a) In connection with the issuance of bonds or the in-
curring of obligations under leases and in order to secure
the payment of such bonds or obligations, an authority,
in addition to its other powers, shall have power:
(1) To pledge all or any part of its gross or net rents,
fees or revenues to which its right then exists or may
thereafter come into existence.
(2) To mortgage all or any part of its real or personal
property, then owned or thereafter acquired.
(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any redevelopment project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to covenant for the redemption of the bonds and to provide the terms and conditions thereof.

(5) To covenant (subject to the limitations contained in this article) as to the amount of revenues to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(6) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(7) To covenant as to the use, maintenance and replacement of any or all of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance moneys, and to warrant its title to such property.

(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenants, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may
be declared due before maturity, and as to the terms and
conditions upon which such declaration and its conse-
quencies may be waived.

(9) To vest in any obligees of the authority the right
to enforce the payment of the bonds or any covenants se-
curing or relating to the bonds; to vest in any obligee or
obligees holding a specified amount in bonds the right, in
the event of a default by said authority, to take possession
of and use, operate and manage any redevelopment project
or any part thereof, title to which is in the authority, or
any funds connected therewith, and to collect the rents and
revenues arising therefrom and to dispose of such moneys
in accordance with the agreement of the authority with
such obligees; to provide for the powers and duties of such
obligees and to limit the liabilities thereof; and to provide
the terms and conditions upon which such obligees may
enforce any covenant or rights securing or relating to the
bonds.

(10) To exercise all or any part or combination of the
powers herein granted; to make such covenants (other
than and in addition to the covenants herein expressly
authorized) and to do any and all such acts and things
as may be necessary or convenient or desirable in order
to secure its bonds, or, in the absolute discretion of said
authority, as will tend to make the bonds more market-
able notwithstanding that such covenants, acts or things
may not be enumerated herein.

(b) An authority shall have power by its resolution,
trust indenture, mortgage, lease or other contract to con-
fer upon any obligee holding or representing a specified
amount in bonds, the right (in addition to all rights that
may otherwise be conferred), upon the happening of an
event of default as defined in such resolution or instru-
ment, by suit, action or proceeding in any court of com-
petent jurisdiction:

(1) To cause possession of any redevelopment project
or any part thereof, title to which is in the authority, to
be surrendered to any such obligee;

(2) To obtain the appointment of a receiver of any
redevelopment project of said authority or any part there-
of, title to which is in the authority, and of the rents and
profits therefrom. If such receiver be appointed, he may enter and take possession of, carry out, operate and maintain such project or any part thereof and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct; and

(3) To require said authority and the commissioner, officers, agents and employees thereof to account as if it and they were the trustees of an express trust.

Sec. 12. Rights of Obligee.—An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this article; and

(b) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said authority.

Sec. 13. Bonds as Legal Investments.—All public officers, municipal corporations, political subdivisions and public bodies; all banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by an authority pursuant to this article or by any public housing or redevelopment au-
in the United States for redevelopment purposes, when such bonds and other obligations are secured by an agreement between the issuing agency and the federal government in which the issuing agency agrees to borrow from the federal government and the federal government agrees to lend to the issuing agency, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such bonds or other obligation) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity, and such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. However, nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Sec. 14. Conveyance to Federal Government on Default.—In any contract for financial assistance with the federal government the authority may obligate itself (which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws) to convey to the federal government possessions of or title to the redevelopment project and land therein to which such contract relates which is owned by the authority, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the authority is subject; such contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the redevelopment project in accordance with the terms of such contract: Provided, That the contract requires that, as soon as practicable after the federal
government is satisfied that all defaults with respect to the redevelopment project have been cured and that the redevelopment project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the redevelopment project as then constituted.

Sec. 15. Property of Authority Exempt from Taxes and from Levy and Sale by Virtue of an Execution.—(a) All property including funds of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against an authority be a charge or lien upon its property: Provided, however, That the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees, grants or revenues.

(b) The property of an authority is declared to be public property used for essential public and governmental purposes and such property and an authority shall be exempt from all taxes of the municipality, the county, the state or any political subdivision thereof: Provided, That with respect to any property in a redevelopment project, the tax exemption provided herein shall terminate when the authority sells, leases or otherwise disposes of such property to a redeveloper for redevelopment.

Sec. 16. Cooperation by Public Bodies.—(a) For the purpose of aiding and cooperating in the planning, undertaking or carrying out of a redevelopment project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to an authority;

(2) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to
undertake, to be furnished in connection with a redevelopment project;

(3) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places, which it is otherwise empowered to undertake;

(4) Plan or replan, zone or rezone any part of the public body or make exceptions from building regulations and ordinances if such functions are of the character which the public body is otherwise empowered to perform;

(5) Cause administrative and other services to be furnished to the authority of the character which the public body is otherwise empowered to undertake or furnish for the same or other purposes;

(6) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section;

(7) Do any and all things necessary or convenient to aid and cooperate in the planning or carrying out of a redevelopment plan;

(8) Lend, grant or contribute funds to an authority;

(9) Employ any funds belonging to or within the control of such public body, including funds derived from the sale or furnishing of property, service, or facilities to an authority, in the purchase of the bonds or other obligations of an authority and, as the holder of such bonds or other obligations, exercise the rights connected therewith; and

(10) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary), with an authority respecting action to be taken by such public body pursuant to any of the powers granted by this article. If at any time title to, or possession of, any redevelopment project is held by any public body or governmental agency, other than the authority, authorized by law to engage in the undertaking, carrying out or administration of redevelopment projects, including any agency or instrumentality of the United States of America, the provisions of such
agreements shall inure to the benefit of and may be enforced by such public body or governmental agency.

(b) Any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertising or public bidding.

Sec. 17. Grants of Funds by Community.—Any community located in whole or in part within the area of operation of an authority may grant funds to an authority for the purpose of aiding such authority in carrying out any of its powers and functions under this article. To obtain funds for this purpose, the community may levy taxes or may issue and sell its bonds. Any bonds to be issued by the community pursuant to the provisions of this section shall be issued in the manner and within the limitations except as herein otherwise provided, prescribed by the laws of this state for the issuance and authorization of such bonds for public purposes generally.

Sec. 18. Cooperation between Authorities.—Any two or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of planning, undertaking or financing a redevelopment project or projects located within the area or areas of operation of any one or more of said authorities. When a redevelopment project or projects are planned, undertaken or financed on a regional or unified metropolitan basis, the terms “governing body” and “community” as used in this article shall mean the governing bodies of the appropriate communities and the appropriate communities cooperating in the planning, undertaking or financing of such project or projects.

Sec. 19. Annual Report.—At least once a year, an authority shall file with the mayor (or with the governing body, in the case of a county) a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this article.

Sec. 20. Title of Purchaser.—Any instrument executed by an authority and purporting to convey any right,
title or interest in any property under this article shall be
conclusive evidence of compliance with the provisions of
this article insofar as title or other interest of any bona fide
purchasers, lessees or transferees of such property is
concerned.

Sec. 21. Separability of Provisions.—Notwithstanding any other evidence of legislative intent, it is hereby de-
clared to be the controlling legislative intent that if any provision of this article, or the application thereof to any
person or circumstances, is held invalid, the remainder of the article and the application of such provision to per-
sons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Sec. 22. Inconsistent Provisions.—Insofar as the pro-
visions of this article are inconsistent with the provisions of any other law, the provisions of this article shall be
controlling.

Sec. 23. Additional Conferred Powers.—The powers conferred by this article shall be in addition and supple-
mental to the powers conferred by any other law.

CHAPTER 157
(House Bill No. 219—By Mr. McElwee)

AN ACT to amend and reenact section two, article one, chapter twelve of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to depository banks for state funds and depository bonds.

(Passed February 28, 1951: in effect from passage. Approved by the Governor.)


Section 2. Bonds to be given by depositories; surety accepted thereon.

Be it enacted by the Legislature of West Virginia:

That section two, article one, 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 2. Bonds to Be Given by Depositories; Surety Accepted Thereon.—Before allowing any money to be deposited with any depository the board of public works shall require such depository to give bond with good security to be approved by said board, in the penalty of not less than ten thousand dollars, payable to the state of West Virginia, conditioned for the prompt payment, whenever lawfully required, of any state money, or part thereof, that may be deposited with such depository, or of any accrued interest on deposits, which bond shall expire on the thirtieth day of April next ensuing.

The board of public works may accept as surety on, or for the faithful performance of the conditions of such bonds, the following:

(a) A surety, fidelity or indemnity company authorized to do business in this state and having a combined capital and surplus of not less than one million dollars, and all bonds so secured are here designated as surety bonds;

(b) Persons or corporations which are duly authorized to become surety for another, who are owners of property situate in this state of an aggregate assessed valuation as shown on the current assessment books equal to the penalty of the bond plus all liens or charges against such property, and all bonds so secured are here designated as personal bonds. Any person or any officer of any corporation becoming or offering to become surety on a personal bond may be required by the board of public works or the state treasurer to furnish to said board under oath in writing such data and documentary evidence as to the financial status of such surety as such board may request. Any person who shall knowingly make a false statement in the matter of supplying the information so requested as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars, and may, at the discretion of the court, be confined in the county jail for not exceeding one year;
(c) Collateral security consisting of bonds of the United States, and its possessions, of the federal land banks, of the home owners' loan corporation, of the state of West Virginia or of any county, district or municipality of this state or other bonds or securities approved by the said board of public works. All bonds so secured are here designated as collaterally secured bonds. Withdrawal or substitution of any collateral pledged as security for the performance of the conditions of such bond may be permitted with the approval in writing of the treasurer of the state of West Virginia and three other members of the board of public works who shall report such withdrawal or substitution at the next meeting of the board. All depository bonds shall be recorded by the secretary of state in a book kept in his office for the purpose, and a copy of such record, certified by him, shall be prima facie evidence of the execution and contents of such bond in any suit or legal proceeding. All collateral securities shall be delivered to or deposited for the account of the treasurer of the state of West Virginia, and in the event actual possession of said securities shall be delivered to the treasurer, then he shall receipt therefor to the owner thereof. The said treasurer and his bondsmen shall be liable to any person for any loss by reason of the embezzlement or misapplication of said securities by said treasurer or any of his official employees, and for the loss thereof due to his negligence or the negligence of any of his official employees; and such securities shall be delivered to the owner thereof when liability under the bond which they are pledged to secure has terminated. The treasurer may permit the deposit under proper receipt of such securities with one or more banking institutions within or without the state of West Virginia and may contract with any such institution for safe keeping and exchange of any such collateral securities, and may prescribe the rules and regulations for handling and protecting the same, subject to the approval of the board of public works.
AN ACT to amend and reenact section eleven, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the authorization and payment of claims for traveling expenses and dues to voluntary organizations.

[Passed February 8, 1951; 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, as amended, 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 the board. The governor shall be president, and the secretary of state shall be secretary. A minute record shall be kept by the 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 or 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 incurring 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 triplicate, one copy retained in the office of the officer or employee 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 incurring the expense and the other copy filed with the auditor.

It shall be lawful for the governing board of any state institution of higher education to authorize the payment of traveling expenses incurred by any person invited to visit the campus of such institution to be interviewed concerning his possible employment by such governing board, but it shall be unlawful for the auditor to issue his warrant in payment of any claim for such expenses unless the state auditing board of traveling expenses authorized the trip in advance and subsequently approved the claim.
CHAPTER 159
(Senate Bill No. 115—By Mr. Johnston, Mr. President)

AN ACT to amend and reenact section fifteen, article one, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to enlistments in the national guard.

[Passed February 19, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 1. National Guard.
Section 15. Enlistments.

Be it enacted by the Legislature of West Virginia:

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

Section 15. Enlistments.—Able-bodied men of good character who conform in all respects to the qualifications prescribed by federal law and regulations now in force, or that may hereafter become operative and applicable, governing enlistment in the national guard, may be enlisted in the national guard of West Virginia under the same conditions and the same enlistment period as are now, or may hereafter be, prescribed by federal law for the national guard of the United States. By order of the governor, the period of such enlistments may be extended for one year beyond the normal expiration date whenever the president or congress declares an emergency, or whenever the president is given authority under federal law to extend enlistments of other reserve components, or whenever in the opinion of the governor there exists such a state of emergency as to justify such extension, in which case every enlisted man affected thereby shall retain rank and be eligible for promotion.

Every enlisted man, if in active state service, may continue to be held for duty for a period not exceeding three months after the expiration of his term of enlist-
ment or reenlistment, and shall retain rank and be
eligible to promotion until he is actually discharged.
When an organization is consolidated or disbanded, its
enlisted men discharged by reason thereof who shall
hereafter reenter the service shall have allowed to them
as part of their term of service the time already served.
An enlisted man may be transferred from one organiza-
tion to another upon such regulations as the governor
may prescribe.

CHAPTER 160
(Senate Bill No. 113—By Mr. Jackson, of Logan)

AN ACT to amend and reenact section one, article two, chapter
fifteen of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to the superin-
tendent of the department of public safety.

[Passed March 8, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 2. Department of Public Safety.

Section 1. Superintendent; offices.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Superintendent; Offices.—The department
of public safety, heretofore established, shall be contin-
ued. The executive and administrative head of the de-
partment shall be a superintendent, who shall be
appointed by the governor, by and with the advice and
consent of the senate. The superintendent shall be en-
titled to all rights, benefits and privileges of regularly
enlisted members. The superintendent shall be, on the
date of his appointment, at least thirty years of age. He
shall receive an annual salary of seven thousand dollars.
to be paid as provided by law. He shall, before entering
upon the discharge of the duties of his office, execute a
bond in the penalty of ten thousand dollars, with security
thereon, payable to the state of West Virginia and condi-
tioned for the faithful performance of his duties. Such
bond both as to form and security shall be approved by
the board of public works. Before entering upon the
duties of his office the superintendent shall subscribe to
the oath hereinafter provided. This section does hereby
repeal all previous statutes concerning the appointment
of the superintendent. The board of public works shall
provide suitable and adequate offices at the capitol of the
state for the use of the department of public safety.

CHAPTER 161
(Senate Bill No. 121—By Mr. McKown)

AN ACT to amend and reenact section three, article two, chap-
ter fifteen of the code of West Virginia, one thousand nine
hundred thirty-one, as last amended by chapter one hun-
dred six, acts of the Legislature, regular session, one thou-
sand nine hundred forty-nine, relating to the appointment
of an inspector, other commissioned officers, non-commissioned officers, troopers and civilian employees; and to the
forming of companies or platoons, training of members
of the department of public safety and other police of-
icers and to salaries and bonds of members.

[Passed March 5, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 2. Department of Public Safety.
Section
3. Companies and platoons and how constituted; training of members
and other peace officers; salaries and bonds of members.

Be it enacted by the Legislature of West Virginia:

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

Section 3. Companies and Platoons and How Constituted; Training of Members and Other Peace Officers; Salaries and Bonds of Members.—The superintendent shall create, appoint and equip a department of public safety which shall, in addition to the personnel provided for in section two of this article, consist of four companies or platoons. Each company or platoon shall be composed of one captain, one lieutenant, one first sergeant, five sergeants, ten corporals and such number of troopers as the superintendent may decide best, but such number of troopers in any company or platoon shall not at any time be less than twenty-five nor more than sixty-five.

The superintendent shall provide adequate facilities for the training of all members of the department and shall prescribe a basic training course for newly enlisted members. He shall also provide advanced or in service training from time to time for all members of the department. The superintendent may, in his discretion, hold training classes for other peace officers in the state without cost to such officers, except actual expenses for food, lodging and school supplies.

Members of the department shall receive salaries, as follows:

The inspector shall receive an annual salary of four thousand nine hundred twenty dollars; captains shall receive an annual salary of four thousand one hundred forty dollars; lieutenants shall each receive an annual salary of three thousand eight hundred forty dollars; the master sergeants, master technical sergeants and first sergeants shall each receive an annual salary of three thousand four hundred eighty dollars; technical sergeants shall each receive an annual salary of three thousand four hundred twenty dollars; sergeants and sergeant technicians shall each receive an annual salary of three thousand three hundred dollars; corporals and corporal technicians shall each receive an annual salary of three thousand one hundred eighty dollars; and each newly enlisted trooper shall receive a salary of one hun-
dred seventy-five dollars during the period of his basic
training and upon the satisfactory completion of such
training and assignment to active duty each such trooper
shall receive, during the remainder of his first year's
service, a salary of two hundred twenty-five dollars
monthly. During the second year of his service in the
department each trooper shall receive an annual salary
of two thousand eight hundred twenty dollars; during
the third year of his service each trooper shall receive an
annual salary of two thousand nine hundred forty dol-
ars; and during the fourth year of his service and there-
after as long as he shall remain at the grade of trooper,
each trooper shall receive an annual salary of three thou-
sand sixty dollars.

In applying the foregoing salary schedule where sal-
ary increases are provided for continuous service, mem-
bers of the department in service at the time this article
becomes effective shall be given credit for prior service
and shall be paid such salaries as the same length of
service will entitle them to receive under the provisions
hereof.

Each member of the department of public safety, ex-
cept the superintendent and civilian employees, shall,
before entering upon the discharge of his duties, execute
a bond with security in the sum of three thousand five
hundred dollars payable to the state of West Virginia,
conditioned for the faithful performance of his duties as
such, and such bond shall be approved as to form by the
attorney general, and as to sufficiency by the board of
public works and the same shall be filed with the secre-
tary of state and preserved in his office.

CHAPTER 162

(House Bill No. 305—By Mr. Speaker, Mr. Flannery)

AN ACT to repeal chapter sixty-one, acts of the Legislature,
regular session, one thousand nine hundred forty-one, as
amended by chapter one hundred ninety-eight, acts of the
Legislature, regular session, one thousand nine hundred
forty-five, and to amend chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article five, relating to the establishment of a civil defense agency and other organizations for civil defense within this state and granting certain executive powers with respect thereto.

[Passed March 9, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 5. Civil Defense.

Section
1. Policy and purpose.
2. Definitions.
3. State civil defense agency.
4. Civil defense advisory council.
5. Civil defense powers of the governor.
6. Mobile reserve battalions.
7. Local organization for civil defense.
10. Appropriations and authority to accept services, gifts, grants and loans.
11. Utilization of existing services and facilities.
12. Political activity prohibited.
13. Civil defense personnel.
15. Enforcement.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-one, acts of the Legislature, regular session, one thousand nine hundred forty-one, as amended by chapter one hundred forty-eight, acts of the Legislature, regular session, one thousand nine hundred forty-five, be repealed, and that chapter fifteen 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 five, to read as follows:

Section 1. Policy and Purpose.—In view of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquakes, or other natural causes, and in order to insure that preparations of this state will be ade-
quate to deal with such disasters, and generally to pro-
vide for the common defense and to protect the public
peace, health, and safety, and to preserve the lives and
property of the people of the state, it is hereby found and
declared to be necessary: (1) to create a state civil de-
fense agency, and to authorize the creation of local or-
organizations for civil defense in the political subdivisions
of the state; (2) to confer upon the governor and upon the
executive heads of governing bodies of the political sub-
divisions of the state the emergency powers provided here-
in; and (3) to provide for the rendering of mutual aid
among the political subdivisions of the state and with
other states with respect to the carrying out of civil de-
fense functions.

It is further declared to be the purpose of this article and
the policy of the state that all civil defense functions of
this state be coordinated to the maximum extent with the
comparable functions of the federal government including
its various departments and agencies, of other states and
localities, and of private agencies of every type, to the
end that the most effective preparation and use may be
made of the nation's manpower, resources, and facilities
for dealing with any disaster that may occur.

Sec. 2. Definitions.—As used in this article:
(a) "Civil defense" shall mean the preparation for and
the carrying out of all emergency functions, other than
functions for which military forces are primarily respon-
sible, to minimize and repair injury and damage result-
ing from disasters caused by enemy attack, sabotage or
other hostile action, or by fire, flood, earthquake, or other
natural causes. These functions include, without limita-
tion, fire fighting services, police services, medical and
health services, rescue, engineering, air raid warning serv-
dices, communications, radiological, chemical and other
special weapons defense, evacuation of persons from strick-
en areas, emergency welfare services, emergency trans-
portation, existing or property assigned functions of plant
protection, temporary restoration of public utility serv-
dices, and other functions related to civilian protection, to-
gether with all other activities necessary or incidental to
the preparation for and carrying out of the foregoing func-
tions.
(b) "Local organization for civil defense" shall mean
an organization created in accordance with the provisions
of this article by state or local authority to perform local
civil defense functions.
(c) "Mobile reserve battalion" shall mean an organiza-
tion for civil defense created in accordance with the pro-
visions of this article by state or local authority to be dis-
patched by the governor to supplement local organizations
for civil defense in a stricken area.
(d) "Political subdivision" shall mean any county or
municipal corporation.

Sec. 3. *State Civil Defense Agency.*—There is hereby
created within the executive branch of the state govern-
ment a department of civil defense, hereinafter called the
civil defense agency, and a director of civil defense, here-
inafter called the director, who shall be the head thereof.
The director shall be appointed by the governor, with the
advice and consent of the Senate, to serve during the
pleasure of the governor.
The director may employ such technical, clerical, steno-
graphic and other personnel and fix their compensation,
and may make such expenditures within the appropria-
tion therefor, or from other funds made available to him
for the purpose of civil defense, as may be necessary to
carry out the purposes of this article.
The director and other personnel of the civil defense
agency shall be provided with appropriate office space,
furniture, equipment, supplies, stationery and printing in
the same manner as provided for personnel of other state
agencies.
The director, subject to the direction and control of the
governor, shall be the executive head of the civil defense
agency and shall be responsible to the governor for car-
rying out the program for civil defense of this state. He
shall coordinate the activities of all organizations for civil
defense within the state, and shall maintain liaison with
and cooperate with civil defense agencies and organiza-
tions of other states and of the federal government, and
Sec. 4. Civil Defense Advisory Council.—There is hereby created a civil defense advisory council, hereinafter called the council, which shall consist of seven members to be appointed by the governor. The council shall advise the governor and the director on all matters pertaining to civil defense. The governor shall serve as chairman of the council, and the members thereof shall serve without compensation, but shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties.

Sec. 5. Civil Defense Powers of the Governor.—The governor shall have general direction and control of the civil defense agency, and shall be responsible for the carrying out of the provisions of this article, and in the event of disaster beyond local control, may assume direct operational control over all or any part of the civil defense functions within this state.

In performing his duties under this article, the governor is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the civil defense of this state and of the nation.

In performing his duties under this article, the governor is further authorized and empowered:

(1) To make, amend, and rescind the necessary orders, rules and regulations to carry out the provisions of this article within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government.

(2) To prepare a comprehensive plan and program for the civil defense of this state, such plan and program to be integrated into and coordinated with the civil defense plans of the federal government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this state, such plans to be integrated into and coordinated with the civil defense plan...
and program of this state to the fullest possible extent.

(3) In accordance with such plan and program for the civil defense of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need.

(4) To make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for civil defense, and to plan for the most efficient emergency use thereof.

(5) On behalf of this state, to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of this state.

(6) To delegate any administrative authority vested in him under this article, and to provide for the subdelegation of any such authority.

(7) To appoint, in cooperation with local authorities, metropolitan area directors when practicable.

Sec. 6. Mobile Reserve Battalions.—The governor or his duly designated representative is authorized to create and establish such number of mobile reserve battalions as may be necessary to reinforce civil defense organizations in stricken areas and with due consideration of the plans of the federal government and of other states. He shall appoint a commander for each such battalion who shall have primary responsibility for the organization, administration and operation of such battalion. Mobile reserve battalions shall be called to duty upon orders of the governor and shall perform their functions in any part of the state, or, upon the conditions specified in this section, in other states.

Personnel of mobile reserve battalions while on duty, whether within or without the state, shall: (1) if they are employees of the state, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment; (2) if they are employees of a political subdivision of the state, and whether serving
within or without such political subdivision, have the
powers, duties, rights, privileges and immunities and re-
ceive the compensation incidental to their employment;
and (3) if they are not employees of the state or a
political subdivision thereof, be entitled to compensation
by the state at the same rate as is paid members of the
national guard and to the same rights and immunities
as are provided by law for the employees of this state.
All personnel of mobile reserve battalions shall, while
on duty, be subject to the operational control of the au-
thority in charge of civil defense activities in the area in
which they are serving, and shall be reimbursed for all
actual and necessary travel and subsistence expenses.
The state shall reimburse a political subdivision for the
compensation paid and actual and necessary travel, sub-
sistence and maintenance expenses of employees of such
political subdivision while serving as members of a mobile
reserve battalion, and for all payments for death, dis-
ability or injury of such employees incurred in the course
of such duty, and for all losses of or damage to supplies
and equipment of such political subdivision resulting from
the operation of such mobile reserve battalion.
Whenever a mobile reserve battalion of another state
shall render aid in this state pursuant to the orders of
the governor of its home state and upon the request of
the governor of this state, this state shall reimburse such
other state for the compensation paid and actual and neces-
sary travel, subsistence and maintenance expenses of the
personnel of such mobile reserve battalion while render-
ing such aid, and for all payments for death, disability
or injury of such personnel incurred in the course of
rendering such aid, and for all losses of or damage to
supplies and equipment of such other state or a political
subdivision thereof resulting from the rendering of such
aid, if the laws of such other state contain provisions sub-
stantially similar to this section.
No personnel of mobile reserve battalions of this state
shall be ordered by the governor to operate in any other
state unless the laws of such other state contain provisions
substantially similar to this section.
Sec. 7. Local Organization for Civil Defense.—Each po-
2 political subdivision of this state is hereby authorized and
directed to establish a local organization for civil defense
in accordance with the state civil defense plan and pro-
gram. Each local organization for civil defense shall
have a director who shall be appointed by the local
civil defense council, and who shall have direct re-
sponsibility for the organization, administration and
operation of such local organization for civil defense,
subject to the direction and control of such local civil
defense council. Each local organization for civil de-
fense shall perform civil defense functions within the
territorial limits of the political subdivision within
which it is organized, and, in addition, shall conduct
such functions outside of such territorial limits as may
be required pursuant to the provisions of section eight of
this article.

In carrying out the provisions of this article each politi-
cal subdivision, in which any disaster as described in sec-
tion one hereof occurs, shall have the power to enter into
contracts and incur obligations necessary to combat such
disaster, protecting the health and safety of persons and
property, and providing emergency assistance to the vic-
tims of such disaster. Each political subdivision is author-
ized to exercise the powers vested under this section in
the light of the exigencies of the extreme emergency
situation without regard to time-consuming procedures
and formalities prescribed by law, (excepting mandatory
constitutional requirements), pertaining to the perform-
ance of public work, entering into contracts, the incurring
of obligations, the employment of temporary workers, the
rental of equipment, the purchase of supplies and mate-
rials, the levying of taxes, and the appropriation and ex-
penditure of public funds.

Sec. 8. Mutual Aid Arrangements.—The director of
each local organization for civil defense may, in collabor-
ating with other public and private agencies within this
state, develop or cause to be developed mutual aid ar-
rangements for reciprocal civil defense aid and assistance
in case of disaster too great to be dealt with unassisted.
Such arrangements shall be consistent with the state civil
defense plan and program, and in time of emergency it
shall be the duty of each local organization for civil de-
fense to render assistance in accordance with the pro-
visions of such mutual aid arrangements.

The director of each local organization for civil defense
may, subject to the approval of the governor, enter into
mutual aid arrangements with civil defense agencies or
organizations in other states for reciprocal civil defense
aid and assistance in case of disaster too great to be dealt
with unassisted.

Sec. 9. Immunity.—Neither the state nor any political
subdivision thereof, nor other agencies, nor, except in
cases of willful misconduct, the agents, employees, or
representatives of any of them, engaged in any civil de-
fense activities, while complying with or attempting to
comply with this article or any rule or regulation promul-
gated pursuant to the provisions of this article, shall be
liable for the death of or any injury to persons, or damage
to property, as a result of such activity. The provisions of
this section shall not affect the right of any person to
receive benefits to which he would otherwise be entitled
under this article, or under the workmen's compensation
law, or under any pension law, nor the right of any such
person to receive any benefits or compensation under any
act of congress.

Sec. 10. Appropriations and Authority to Accept Serv-
ices, Gifts, Grants and Loans.—Each political subdivision
shall have the power to make appropriations in the man-
er provided by law for making appropriations for the
ordinary expenses of such political subdivision for the
payment of expenses of its local organization for civil
defense.

Whenever the federal government or any agency or
officer thereof shall offer to the state, or through the state
to any political subdivision thereof, services, equipment,
supplies, materials, or funds by way of gift, grant or loan,
for purposes of civil defense, the state, acting through the
governor, or such political subdivision, acting with the
consent of the governor and through its executive officer
or governing body, may accept such offer and upon such
acceptance the governor of the state or executive officer
or governing body of such political subdivision may au-

thorize any officer of the state or of the political sub-

division, as the case may be, to receive such services,
equipment, supplies, materials, or funds on behalf of the
state or such political subdivision, and subject to the
terms of the offer and the rules and regulations, if any,
of the agency making the offer.

Whenever any person, firm or corporation shall offer to
the state or to any political subdivision thereof, services,
equipment, supplies, materials, or funds by way of gift,
grant or loan, for purposes of civil defense, the state,
acting through the governor, or such political subdivision,
acting through its executive officer or governing body,
may accept such offer and upon such acceptance the gov-
ernor of the state or executive officer or governing body
of such political subdivision may authorize any officer of
the state or of the political subdivision, as the case may
be, to receive such services, equipment, supplies, mate-
rials, or funds on behalf of the state or such political sub-
division, and subject to the terms of the offer.

Sec. 11. Utilization of Existing Services and Facilities.—
In carrying out the provisions of this article, the governor
and the executive officers or governing bodies of the
political subdivisions of the state are directed to utilize
the services, equipment, supplies and facilities of existing
departments, offices, and agencies of the state and of the
political subdivisions thereof to the maximum extent prac-
ticable, and the officers and personnel of all such depart-
ments, offices, and agencies are directed to cooperate with
and extend such services and facilities to the governor
and to the civil defense organizations of the state upon
request.

Sec. 12. Political Activity Prohibited.—No organization
for civil defense established under the authority of this
article shall participate in any form of political activity,
nor shall it be employed directly or indirectly for political
purposes.

Sec. 13. Civil Defense Personnel.—No person shall be
employed or associated in any capacity in any civil de-
fense organization established under this article who ad-
vocates or has advocated a change by force or violence in
the constitutional form of the government of the United
States or in this state or the overthrow of any govern-
ment in the United States by force or violence, or who has
been convicted of or is under indictment or information
charging any subversive act against the United States.
Each person who is appointed to serve in an organization
for civil defense shall, before entering upon his duties,
take an oath, in writing, before a person authorized to ad-
minister oaths in this state, which oath shall be substan-
tially as follows:

“I ________________________________, do solemnly swear,
or affirm, that I will support and defend the constitution
of the United States and the constitution of the state of
West Virginia, against all enemies, foreign and domestic;
that I will bear true faith and allegiance to the same; that,
I take this obligation freely, without any mental reserva-
tion or purpose of evasion; and that I will well and faith-
fully discharge the duties upon which I am about to enter.

“And I do further swear, or affirm, that I do not ad-
vocate, nor am I a member of any political party or or-
ganization that advocates the overthrow of the govern-
ment of the United States or of this state by force or
violence; and that during such time as I am a member of
the____ (name of organization)______, I will not advocate
nor become a member of any political party or organiza-
tion that advocates the overthrow of the government of
the United States or of this state by force or violence.”

Sec. 14. Separability.—If any provision of this article or
the application thereof to any person or circumstance is
held invalid, such invalidity shall not affect other pro-
signs or applications of the article which can be given
effect without the invalid provision or application, and to
this end the provisions of this article are declared to be
severable.

Sec. 15. Enforcement.—It shall be the duty of every
organization for civil defense established pursuant to this
article and of the officers thereof to execute and enforce
such orders, rules and regulations as may be made by the
governor under authority of this article. Each such or-
ganization shall have available for inspection at its office
all orders, rules and regulations made by the governor, or
under his authority.

Sec. 16. Expiration of Act.—This act shall expire two
years from date of passage, unless the Legislature at its
next regular session, shall provide otherwise.

CHAPTER 163
(Senate Bill No. 233—By Mr. Byrd)

AN ACT to amend and reenact section eleven, article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the recordation of writings and plats and papers annexed, index and interlineations, and providing that chattel deeds of trust may be filed and not recorded in a well-bound book.

[Passed March 9, 1951: in effect ninety days from passage. Approved by the Governor.

Article 1. Authentication and Record of Writings.

Section 11. Recrodation of writings and plats and papers annexed; index; interlineations.

Be it enacted by the Legislature of West Virginia:

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

Section 11. Recrodation of Writings and Plats and Papers Annexed; Index; Interlineations.—Every writing, except chattel deeds of trust, authorized by law to be recorded, when admitted to record, shall, with all certificates of acknowledgment, and all plats, schedules and other papers thereto annexed or thereon indorsed, be recorded by, or under the direction of, the clerk of the county court, in a well-bound book, to be carefully preserved; and there shall be an index to such book as well in the name of the grantee as of the grantor. After be-
11 ing so recorded, such writing may be delivered to the
12 party entitled to claim under the same. If there appear
13 upon such writing, or any paper or certificate annexed
14 thereto, any interlineation, erasure or alteration, of which
15 no memorandum is contained in the writing, paper or
16 certificate, the clerk shall append to the record thereof
17 a memorandum describing as accurately as may be such
18 interlineation, erasure or alteration; and such memo-
19 randum shall be copied into every such writing, paper
20 or certificate. Every such memorandum shall be prima
21 facie evidence of what is therein stated: Provided, how-
22 ever, That the clerk of the county court may refuse to
23 accept for recordation any printed instrument printed in
24 whole or in part in smaller than ten point type with at
25 least two points separating each line. Any failure of such
26 instrument to be so accepted by the clerk of the county
27 court shall not affect the validity thereof as to the parties
28 thereto: Provided further, That any such instrument shall
29 be accepted by the clerk for recordation at two times the
30 legal fee therefor.
31 The clerk of the county court shall record chattel deeds
32 of trust in a well-bound book, when the principal amount
33 secured is in excess of two thousand dollars and the index
34 kept in his office shall give the names of the grantors,
35 beneficiary of the lien, date and hour of recording, book
36 and page number in which recorded, amount or principal
37 sum, and brief description of property conveyed: Pro-
38 vided further, That any chattel deed of trust, in which the
39 principal amount secured is two thousand dollars or
40 less, may at the discretion of the clerk be filed instead of
41 recorded, the index shall be the same as provided for re-
42 corded chattel deeds of trust, except that the same shall
43 indicate a filing number instead of a book and page num-
44 ber; provided that any such chattel deed of trust that has
45 been recorded in a well-bound book shall be returned to
46 the beneficiary named therein: Provided further, That
47 any such chattel deed of trust that is filed by the clerk
48 shall be retained by said clerk in a proper file kept in his
49 office: Provided further, That any chattel deed of trust
50 may after the lapse of a ten year period from the last
51 payment date provided therein be removed from the files
in the office of the clerk of the county court and at his discretion be either destroyed or returned to the beneficiary named therein. Interlineations, erasures or alterations appearing in chattel deeds of trust or copies thereof shall be dealt with the same as provided for other instruments covered by this act.

CHAPTER 164

(Senate Bill No. 227—By Mr. Mitchell)

AN ACT to amend article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section eleven-a, relating to the recordation of writings and plats, maps and papers annexed photographically.

(Passed March 5, 1951: in effect ninety days from passage. Approved by the Governor.)

Article 1. Authentication and Record of Writings.

Section
11-a. Recordation of writings and plats, maps and papers annexed photographically.

Be it enacted by the Legislature of West Virginia:

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

Section 11-a. Recordation of Writings and Plats, Maps and Papers Annexed Photographically.—It shall be as legal and effective in all respects to photographically record writings, plats and maps and the papers thereto annexed as if such writings, plats and maps and papers thereto annexed had been recorded by handwriting, or by the use of a typewriter, or by any other means useful for the purpose.
CHAPTER 165
(Senate Bill No. 296—By Mr. Mitchell)

AN ACT to amend and reenact sections one and three, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to apportionment of representation as to senatorial and congressional districts.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.]

Article 2. Apportionment of Representation.
Section
1. Senatorial districts.
3. Congressional districts.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Senatorial Districts.—The state shall consist of sixteen senatorial districts as follows:
3 The counties of Brooke, Hancock and Ohio shall constitute the first senatorial district;
5 The counties of Doddridge, Marshall, Tyler and Wetzel shall constitute the second senatorial district;
7 The counties of Calhoun, Pleasants, Ritchie, Wirt and Wood shall constitute the third senatorial district;
9 The counties of Clay, Jackson, Mason, Putnam and Roane shall constitute the fourth senatorial district;
11 The counties of Cabell and Wayne shall constitute the fifth senatorial district;
13 The counties of McDowell and Mingo shall constitute the sixth senatorial district;
16 The counties of Boone, Lincoln and Logan shall constitute the seventh senatorial district;
18 The county of Kanawha shall constitute the eighth senatorial district;
The counties of Raleigh and Wyoming shall constitute the ninth senatorial district;
The counties of Mercer, Monroe and Summers shall constitute the tenth senatorial district;
The counties of Fayette and Greenbrier shall constitute the eleventh senatorial district;
The counties of Braxton, Nicholas, Pendleton, Pocahontas, Randolph and Webster shall constitute the twelfth senatorial district;
The counties of Gilmer, Harrison and Lewis shall constitute the thirteenth senatorial district;
The counties of Marion and Monongalia shall constitute the fourteenth senatorial district;
The counties of Barbour, Grant, Preston, Taylor, Tucker and Upshur shall constitute the fifteenth senatorial district; and
The counties of Berkeley, Hampshire, Hardy, Jefferson, Mineral and Morgan shall constitute the sixteenth senatorial district.

Each of the said districts shall have two senators, and, regardless of the changes in district lines made by this act, the senators elected at the general election of one thousand nine hundred forty-eight and at the general election of one thousand nine hundred fifty shall continue to hold their seats as members of the senate for the term, and as representatives of the senatorial districts, for which each thereof, respectively, was elected.

One senator shall be nominated and elected at the general election of one thousand nine hundred fifty-two from each of the senatorial districts herein above described for a term of four years, and one shall be nominated and elected from each of the said senatorial districts biennially thereafter for a term of four years.

Sec. 3. Congressional Districts.—The number of members to which the state is entitled in the house of representatives of the congress of the United States shall be apportioned among the several counties of the state, arranged into six congressional districts, numbered as follows, that is to say:
First District: Brooke, Hancock, Marion, Marshall, Ohio, Taylor and Wetzel.
AN ACT to amend and reenact section two, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter fifty-three, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, relating to apportionment of membership of the House of Delegates.

(Article 2. Apportionment of Representation. Section 2. Apportionment of membership of House of Delegates. Be it enacted by the Legislature of West Virginia:

That section two, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter fifty-three, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 2. Apportionment of Membership of House of Delegates.—The house of delegates shall consist of one hundred members, who shall be apportioned as follows:
4 The counties of Barbour, Berkeley, Boone, Braxton, Brooke, Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Jackson, Jefferson, Lewis, Lincoln, Mason, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, and Wirt shall have one delegate each.

11 The counties of Greenbrier, Marshall, Mingo, Wayne, and Wyoming shall have two delegates each.

13 The counties of Marion, Mercer, Monongalia, Ohio, and Wood shall have three delegates each.

15 The counties of Fayette, Harrison, Logan, and Raleigh shall have four delegates each.

17 The counties of Cabell and McDowell shall have five delegates each.

19 The county of Kanawha shall have eleven delegates.

CHAPTER 167

(House Bill No. 193—By Mr. Davis)

AN ACT to amend and reenact section nine, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new subsection to be known as subsection nineteen, giving to the state road commission authority to acquire, establish, construct and maintain roadside recreational areas.

(Passed February 15, 1951; in effect ninety days from passage. Approved by the Governor.)

Article 2-a. State Road Commission.

Section 9. Additional sole powers of commissioner.

Be it enacted by the Legislature of West Virginia:

That section nine, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended to read as follows:
Section 9. Additional Sole Powers of Commissioner.—
the commissioner, in addition to the other powers
granted by this chapter shall have the sole authority to:

(1) Exercise general supervision over the state road
program and the construction and maintenance of the
state roads;

(2) Make rules and regulations for the government
of his department;

(3) Sign and execute, in the name of "The State Road
Commission" any contract or agreement with the fed-
eral government or its departments, subdivisions of the
state, corporations, associations, copartnerships and in-
dividuals;

(4) Supervise the fiscal affairs and responsibilities of
the department;

(5) Make a general road or highway plan of the state
and compile and publish information relative to mileage,
character and condition of the roads;

(6) Determine the various methods of road construc-
tion best adapted to the various sections of the state and
establish standards for the construction and mainten-
ance of roads and highways;

(7) Conduct investigations and experiments, hold
public meetings and attend meetings and conventions
inside or outside of the state as may, in his judgment,
tend to promote better highway construction;

(8) Cooperate with state and national organizations
in experiments and work for the advancement of high-
way construction;

(9) Enter private lands to make surveys and inspec-
tions for road purposes;

(10) Acquire land necessary for roads and road main-
tenance;

(11) Procure photostatic copies of any or all public rec-
ords on file at the state capitol of Virginia which the
commissioner may deem necessary or proper in ascer-
taining the location of rights-of-way of public roads lo-
cated or established in what is now the state of West
Virginia. A copy of such photostatic copies so made,
when certified by the commissioner, may be admitted as
41 evidence in lieu of the original in any of the courts in
42 this state;
43 (12) Administer the motor vehicle law of this state as
44 provided for in section twelve, article two-a, chapter
45 seventeen of this code;
46 (13) Keep a complete and accurate record of all pro-
47 ceedings, record and file all bonds and contracts taken
48 or entered into, and assume responsibility for the custody
49 and preservation of all papers and documents pertaining
50 to his office. Rules and regulations shall be recorded in
51 a book especially kept for that purpose, and may be in
52 his discretion published for general circulation. All other
53 records and entries necessary to show the official con-
54 duct of the department shall be preserved and shall be
55 public records and open for inspection during business
56 hours;
57 (14) Purchase as provided by law all equipment nec-
58 essary to the conduct of his department. Dispose of any
59 equipment either by public or private sale when such
60 equipment can no longer be used to advantage. The pro-
61 ceeds of such sale shall be paid to the state treasurer and
62 credited to the state road fund;
63 (15) Conduct hearings as provided by this chapter;
64 (16) Report to the governor each year all information
65 relative to the operation of the department and the con-
66 struction and maintenance of the state roads. Make such
67 other reports and recommendations as may be required
68 by the governor or which in his judgment would be bene-
69 ficial to the general public; and
70 (17) Exercise any other power that may be necessary
71 or proper for the orderly conduct of his business and the
72 effective discharge of his duties. Invoke any legal or
73 equitable remedies for the enforcement of his orders or
74 the provisions of this department.
75 (18) As a member of the West Virginia board of
76 aeronautics, exercise general supervision of construction
77 and maintenance of such airports and landing fields as
78 are under the jurisdiction of said board, and make a study
79 and general plan of a statewide system of airports and
80 landing fields.
(19) Acquire, establish, construct, maintain and operate adjacent to state highways roadside recreational areas.

CHAPTER 168

(House Bill No. 488—By Mr. Parker and Mr. Earley)

AN ACT to amend article seventeen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by amending and reenacting sections twenty-two and twenty-three thereof, relating to toll bridges so as to provide for the collection and disposition of tolls for the use of the existing Parkersburg-Belpre bridge and the new Parkersburg-Belpre bridge to be constructed near the existing bridge.

[Passed March 7, 1951; in effect from passage. Approved by the Governor.]

Article 17. Toll Bridges.

Section 22. Tolls to be charged; intrastate and interstate bridges; purchase of existing bridges; disposition of tolls.

Section 23. When tons· to cease.

Be it enacted by the Legislature of West Virginia:

That article seventeen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and reenacting sections twenty-two and twenty-three thereof, to read as follows:

Section 22. Tolls to Be Charged; Intrastate and Interstate Bridges; Purchase of Existing Bridges; Disposition of Tolls.—Tolls shall be fixed, charged and collected for transit over such bridges and shall be so fixed and adjusted, in respect of the aggregate of tolls from the bridge or bridges for which a single issue of bonds is issued, as to provide a fund sufficient to pay the principal and interest of such issue of bonds and to provide an additional fund to pay the cost of maintaining, repairing and oper-
ating such bridge or bridges, subject, however, to any 
applicable law or regulation of the United States of 
America now in force or hereafter to be enacted or made.

Two or more bridges may be included in one issue of 
bonds, and intrastate and interstate bridges may be group-
ed in the same issue: Provided, That no existing bridge 
or bridges shall be acquired by purchase, eminent do-
main, or otherwise, unless the state road commissioner 
shall have determined that the income therefrom, based 
upon the toll receipts for the next preceding fiscal or 
calendar year, will be sufficient to pay all expenses of 
operating and maintaining such bridge, in addition to the 
interest and sinking fund requirements of the bonds to 
be issued to pay the purchase price thereof. The tolls 
from the bridge or bridges for which a single issue of 
bonds is issued, except such part thereof as may be neces-
sary to pay such cost of maintaining, repairing and oper-
ating during any period in which such cost is not other-
wise provided for (during which period the tolls may be 
reduced accordingly), shall be transmitted each month 
to the state sinking fund commission and by it placed in 
a special fund which is hereby pledged to and charged 
with the payment of the principal of such bonds and the 
interest thereon, and to the redemption or repurchase 
of such bonds, such special fund to be a fund for all such 
bonds without distinction or priority of one over another. 
The moneys in such special fund, less a reserve for pay-
ment of interest, if not used by the sinking fund commis-
sion within a reasonable time for the purchase of bonds 
for cancellation at a price not exceeding the market price 
and not exceeding the redemption price, shall be applied 
to the redemption of bonds by lot at the redemption price 
then applicable: Provided, however, That tolls for the 
use of the existing Parkersburg-Belpre bridge crossing 
the Ohio river from Parkersburg, West Virginia, to Bel-
pre, Ohio, as a part of United States route fifty may be 
charged upon the construction and opening to traffic of 
the new bridge also crossing the Ohio river from Park-
ersburg, West Virginia, to Belpre, Ohio, near the site of 
said existing bridge, said new bridge also to be a part of 
United States route fifty, the tolls on both said bridges
to commence on the day said new bridge is opened to traffic, said tolls on both said bridges to be so fixed and adjusted, in respect to the aggregate of tolls from both said bridges, as to provide a fund sufficient to pay the principal and interest of the issue of bonds for said new bridge and to provide an additional fund to pay the cost of maintaining, repairing and operating said new bridge and of operating said existing bridge. The tolls from both said bridges, except such part thereof as may be necessary to pay such cost of maintaining, repairing and operating said new bridge and of operating said existing bridge, shall be transmitted each month to the state sinking fund commission and by it placed in a special fund which is hereby pledged to and charged with the payment of the principal of the bonds to be issued for said new bridge and the interest thereon, and to the redemption or repurchase of such bonds, in the same manner as hereinafter in this section provided for the redemption of bonds for other toll bridges: Provided, That this paragraph as well as the provision in section twenty-three following, in reference thereto, is expressly limited to the Parkersburg-Belpre bridges and shall have no application to any other bridge or bridges.

Any bridge or bridges constructed under the provisions hereof and forming a connecting link between two or more state highways, or providing a river crossing for a state highway, are hereby adopted as a part of the state road system, but no such bridge or bridges shall be constructed without the approval in writing of the state road commissioner and the governor. If there be in the funds of the state sinking fund commission an amount insufficient to pay the interest and sinking fund on any bonds issued for the purpose of constructing such bridge or bridges, the state road commission is authorized and directed to allocate to said commission, from the state road fund, an amount sufficient to pay the interest on said bonds and/or the principal thereof, as either may become due and payable.

Sec. 23. When Tolls to Cease.—When the particular bonds issued for any bridge or bridges and the interest
3 thereon shall have been paid, or a sufficient amount shall
4 have been provided for their payment and shall continue
5 to be held for that purpose, tolls for the use of such bridge
6 or bridges shall cease except for the cost of maintaining,
7 repairing and operating such bridge or bridges: Provided,
8 however, That tolls may be charged for the use of the
9 existing Parkersburg-Belpre bridge in the manner pro-
10 vided in section twenty-two of this article, said tolls
11 to commence on the day the new Parkersburg-Belpre
12 bridge is opened to traffic and said tolls to cease upon
13 the payment of the bonds issued for said new Parkersburg-
14 Belpre bridge and the interest thereon or upon the pro-
15 viding of a sufficient amount for the payment of said
16 bonds and interest. Thereafter and as long as the cost of
17 maintaining, repairing and operating said bridge or
18 bridges shall be provided for through means other than
19 tolls, no tolls shall be charged for transit thereover and
20 such bridge or bridges shall be free.

CHAPTER 169
(Senate Bill No. 309—By Mr. Bean)

AN ACT to amend and reenact section fourteen, article twenty-
two, chapter seventeen of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating to
signs erected by West Virginia firms, persons and cor-
porations advertising natural scenic caverns located in
this state.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the
Governor.]

Article 22. Outdoor Advertising.

Section

Be it enacted by the Legislature of West Virginia:

That section fourteen, article twenty-two, 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 14. *Certain Advertisements Excepted.*—The following advertisements, advertising signs and the advertising structures, or parts thereof, upon which they are posted or displayed, are excepted from all the provisions of this article, except those contained in subsections (b), (c) and (d) of section nine hereof:

(a) Those constructed, erected, operated, used or maintained by the owner or lessee of a place of business or residence on land belonging to said owner or lessee and not more than two hundred fifty feet from such place of business or residence, and relating solely to merchandise, services or entertainment sold, produced, manufactured or furnished at such place of business or residence;

(b) Those constructed, erected, operated, used, or maintained on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services or entertainment sold, produced, manufactured or furnished on such farm;

(c) Those upon real property posted or displayed by the owner, or by the authority of the owner, stating that real property is for sale or rent;

(d) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments;

(e) Danger or precautionary signs relating to the premises on which they are, or signs warning of the conditions of or dangers of travel on a highway, erected or authorized by the commissioner; or forest fire warning signs erected under authority of the state conservation department and signs, notices or symbols erected by the United States government under the direction of the United States forestry service;

(f) Signs relating solely to any city, town, village or historic place or shrine;

(g) Notices of any railroad, bridge, ferry or other transportation or transmission company necessary for the direction or safety of the public;

(h) Signs, notices or symbols for the information of
aviators as to location, direction and landings and con­
ditions affecting safety in aviation erected or authorized
by the commissioner;
(i) Advertisements, advertising signs and advertising
structures not visible from any highway or other public
place;
(j) Signs or notices containing two square feet or
less, placed at a junction of two or more roads in the
state highway system denoting only the distance or
direction of a residence or place of business;
(k) Signs or notices erected or maintained upon prop­
erty giving the name of the owner, lessee or occupant
of the premises;
(l) Advertisements, advertising signs and advertising
structures within the corporate limits of cities and towns;
(m) Historical markers erected by duly constituted
and authorized public authorities;
(n) Highway markers and signs erected or caused to
be erected, by the commissioner or the state road com­
mission;
(o) Signs erected upon property warning the public
against hunting, fishing or trespassing thereon;
(p) Signs erected by Red Cross authorities relating to
Red Cross emergency stations;
(q) Signs painted on a barn, stable, or other perma­
nent farm building which is at least one hundred feet
from the center line of any highway;
(r) Signs erected by West Virginia firms, persons or
corporations advertising natural scenic caverns located
in this state.

CHAPTER 170
(House Bill No. 250—By Mr. Maloney)

AN ACT to establish the Crozet Superhighway across West
Virginia, and to authorize the West Virginia turnpike
commission to secure the preliminary surveys, and the
advance engineering to determine the practicality and
exact location of a proposed east-west turnpike, said proposed turnpike to be the West Virginia part of the proposed federal Crozet Superhighway.

[Passed March 9, 1951; in effect ninety days from passage. Approved by the Governor.]

Crozet Superhighway.

Section

1. Crozet superhighway established.
2. West Virginia turnpike commission authorized to secure preliminary work on West Virginia section of proposed Crozet superhighway.

WHEREAS, A bill has been introduced before the Congress of the United States proposing the construction of the transcontinental Crozet Superhighway, to extend, in part, over improved United States highway numbered three hundred forty to Harpers Ferry, West Virginia (or, as an alternate route from Baltimore to Harpers Ferry, over United States highway numbered one to Washington, District of Columbia; thence over United States highway numbered fifty to the West Virginia Superhighway, a toll road);

Thence via Elkins and Charleston to Huntington, West Virginia, on the Ohio River, to further the national defense, to improve the facilities for transcontinental motor transportation, and to promote the public safety; and

WHEREAS, The federal bill provides,

Sec. 10. The States through which the Crozet Superhighway passes may use their present highways, if adequate; otherwise such states may build adequate freeways or superhighways, using state funds, under state toll-road laws where such laws are in existence.

Sec. 11. The commission shall not construct any section of the Crozet Superhighway unless the state through which it passes refuses to construct such section, or does not have the funds to construct such section, or does not have a suitable toll-road law under which it can construct such section.

Sec. 12. So far as practicable, each of the newly constructed sections or relocated sections of the Crozet Superhighway shall be constructed on a right-of-way approximately four hundred
and fifty feet in width, making a four-lane divided highway with ample parking space for each division of dual lane. At intervals near intersections, the right-of-way may be widened to three thousand feet or more if necessary to provide space for service centers, which shall consist of gasoline service stations, repair shops, restaurants, tourist camps, and other recreational and service facilities. Such right-of-way shall be made to conform to the already established toll or freeways where they are used, regardless of their present width, which may be increased if necessary.

Sec. 13. In the event that it is necessary for the commission to construct any section of the Crozet Superhighway, the commission, is hereby authorized to provide for the cost of such construction by selling revenue bonds without recourse against the federal government. The commission is authorized to levy and collect toll charges from any section which it builds. Such toll charges shall be fixed by the commission at a rate which, together with income derived by the commission from other sources, will provide income sufficient to (1) pay all expenses incident to the operation and maintenance of the superhighway system it builds, (2) pay all interest on the revenue bonds of the commission for the cost of the construction of such section, and (3) contribute to the reserve fund to enable the commission to retire its bonds on or before maturity. This provision may be invoked by the commission only where a state through which the Crozet Superhighway passes does not establish a turnpike commission to perform such construction.

Sec. 14. All contracts for the construction of the Crozet Superhighway and the facilities appurtenant thereto, and for the operation of private businesses at the service centers, shall be awarded by the commission on a competitive basis, except in the case of purchases under five hundred dollars.

Sec. 15. Any toll road constructed by the commission shall revert to the state through which it passes when it has been completely paid for and the state has indicated its willingness to take over, maintain, and operate it.

Sec. 16. The Government of the United States hereby reserves the right in case of war or national emergency declared by Congress to take possession of all or any part of the super-
highway system built under this act for the purpose of transporting troops, military supplies, equipment, and implements of war, but if this right is exercised by the United States it shall pay fair and reasonable compensation for damage suffered by any person who is injured thereby.

Sec. 17. It is the purpose of this act to encourage the development of a transcontinental superhighway to be designated by a route number and known as the Crozet Superhighway. No federal funds shall be expended under this act except in the form of direct grants to offset the benefit to the national defense. The federal government, through the commission with the assistance of the Bureau of Public Roads, shall supervise the construction of any section of the Crozet Superhighway where the state through which it passes does not have a proper toll-road law or will not perform such construction. The commission shall provide for the cost of any section built by it by the sale of revenue bonds without recourse or liability against the federal government; and

WHEREAS, West Virginia should rightfully bear its share of expense of the proposed Crozet Superhighway; and

WHEREAS, A major east-west highway has long been needed in this state along the proposed route hereinabove described; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. Crozet Superhighway Established.—There is hereby established the Crozet Superhighway, to extend across the state on existing or proposed routes, as the state road commission may designate, from near the town of Harpers Ferry on the east passing near Elkins, Sutton and Charleston to near Huntington on the west, such superhighway to become a part of the transcontinental Crozet Superhighway if and when established by Congress.

Sec. 2. West Virginia Turnpike Commission. Authorized to Secure Preliminary Work on West Virginia Section of Proposed Crozet Superhighway.—The West Virginia turnpike commission is hereby authorized to expend such of its funds as may be necessary to obtain the preliminary surveys and advance engineering which shall
determine the practicality of constructing, as part of the proposed transcontinental Crozet Superhighway, a four lane divided highway along the West Virginia sections of the route and according to the general specifications described in the recitals hereinabove, either as a toll road or as a freeway, as may in the course of events seem advisable, and which shall determine the exact suitable location of said highway if it be deemed practical to construct.

CHAPTER 171
(House Bill No. 96—By Mr. Speaker, Mr. Flannery)

AN ACT to amend and reenact section one, chapter one hundred twenty-one, acts of the Legislature, regular session, one thousand nine hundred forty-nine, relating to the sale and issuance of road bonds of the state of West Virginia, under and by virtue of the “fifty million dollar bond issue for roads amendment” to the constitution adopted at the general election held in November, one thousand nine hundred forty-eight.

[Passed February 8, 1951; in effect from passage. Approved by the Governor.]

Secondary Road Bonds.
Section
1. Road bonds; amount thereof and authority to issue.

Be it enacted by the Legislature of West Virginia:

That section one, chapter one hundred twenty-one, acts of the Legislature, regular session, one thousand nine hundred forty-nine, be amended and reenacted to read as follows:

Section 1. Road Bonds; Amount Thereof and Authority to Issue.—The remainder of the fifty million dollar issue of secondary road bonds of the state of West Virginia, provided for by the fifty million dollar bond issue for roads amendment to the constitution, adopted at the general election held in November, one thousand nine hundred forty-eight, not yet sold, are hereby authorized to
8 be issued and sold for the purpose of raising funds for
9 the building and construction, or for assisting in the build-
10 ing and construction, of a system of state secondary roads
11 and highways.

CHAPTER 172

(Senate Bill No. 263—By Mr. Johnston, Mr. President)

AN ACT authorizing the issuance and sale of not exceeding ten
million dollars of road bonds of the state of West Virginia
to raise money for road construction and maintenance pur-
poses under and by virtue of the "Good Roads Amend-
ment" 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 pro-
cceeds of sale thereof, and to provide for the levy and col-
lection 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 5, 1951; in effect from passage. Approved by the Governor.]

Road Bonds.

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.—
2 Bonds of the state of West Virginia of the par value of
three 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
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 denomina-
tions, at such times and bearing such date or dates as the
governor may determine, and shall become due and paya-
ble 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 provi-
sions 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 canceled 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 Paya-
bol; Interest Rate; Tax Exempt.—The auditor and the
treasurer are hereby authorized to arrange for the trans-
fer 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 canceled by the
auditor and treasurer and be carefully preserved by the
treasurer. The treasurer shall make provisions for regis-
tering “payable to bearer” bonds, and for each bond regis-
tered 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 presenta-
tion 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 registra-
tion. Both the principal 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 aud­
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
regular session of one thousand nine hundred fifty-one,
on the .......... day of .........., one thousand nine hun­
dred fifty-one, and approved by the governor on the
.......... day of .........., one thousand nine hundred
fifty-one, which is hereby made a part hereof as fully as
if set forth at length herein, acknowledges itself to be
indebted to, and hereby promises to pay to the bearer
hereof (in the case of a coupon bond) or to ..........
or assigns (the owner of record, in case of registered
bonds) 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 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, suffi-

cient 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, hereto affixed ac-

cording to law, dated the .......... day of ........., one

thousand nine hundred .............., and the seal of the

state of West Virginia.

(Seal)

..............................................................

Treasurer of the State of West Virginia

Countersigned:

..............................................................

Auditor of the State of West Virginia

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

STATE OF WEST VIRGINIA

Bond No._________ Coupon No._________

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

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 successor 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 purpose 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 such 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 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 hereinbefore provided, the board of public works, within the limits prescribed by the constitution, is authorized, empowered and directed to lay annually a tax upon all real and personal property subject to taxation within this state, sufficient to pay interest on 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 canceled 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 of West Virginia, 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.
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 173
(Senate Bill No. 293—By Mr. Bean)

AN ACT to amend and reenact section two-a, article one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter one hundred twenty-nine, acts of the legislature, regular session, one thousand nine hundred thirty-nine, relating to refunds of taxes erroneously collected.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.]

Section 2-a. Refund of taxes erroneously collected.

Be it enacted by the Legislature of West Virginia:
That section two-a, article one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter one hundred twenty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 2-a. Refund of Taxes Erroneously Collected.—On and after the effective date of this act, any taxpayer claiming to be aggrieved through being required to pay any tax into the treasury of this state, may, within three years from the date of such payment, and not after, file with the official or department through which the tax was paid, a petition in writing to have refunded to him any
such tax, or any part thereof, the payment whereof is claimed by him to have been required unlawfully; and if, on such petition, and the proofs filed in support thereof, the official collecting the same shall be of the opinion that the payment of the tax collected, or any part thereof was improperly required, he shall refund the same to the taxpayer by the issuance of his or its requisition on the treasury upon which the auditor shall issue his warrant as hereinafter provided; if the official collecting the same shall be in doubt as to whether or not such taxes were unlawfully paid, or if he be of the opinion that the payment of the tax collected, or any part thereof, was lawful, and the taxpayer within thirty days after notice of such opinion is not satisfied with the ruling of such official, then such tax official may, on his own initiative, and shall, upon written notice so to do from the taxpayer given within said thirty-day period, promptly institute against said taxpayer, in a court of competent jurisdiction, a declaratory judgment proceeding to ascertain whether any such tax, or part thereof, has been unlawfully collected; if it be determined in such proceeding that any such tax, or part thereof was unlawfully collected, then such official shall promptly refund the same to the taxpayer by the issuance of his or its requisition on the treasury; and the auditor shall issue his warrant on the treasurer for any refund requisitioned under this section, payable to the taxpayer entitled to the refund, and the treasurer shall pay such warrant out of the fund into which the amount so refunded was originally paid: Provided, however, That no refund shall be made at any time on any claim involving the assessed valuation or appraisement of the property which was fixed at the time the tax was originally paid: And provided further, That such official shall be under no duty to institute any such declaratory judgment proceeding unless it shall appear that the taxpayer giving the notice as herein provided is acting in good faith and that there is a substantial question as to the lawfulness of the collection of such tax.
AN ACT to amend and reenact sections five through five-(fifty-six), article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, relating to the annual salary of assessors.

[Passed March 10, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 2. Assessors.

Section 5. Annual salary of assessors.
5-(1) to 5-(55). Salaries of assessors in the various counties of the state.
5-(56). Additional compensation; salaries paid out of county fund.

Be it enacted by the Legislature of West Virginia:

That sections five through five-(fifty-six), 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. Annual Salary of Assessors.—The annual salary of the assessor in each county shall, on and after January one, one thousand nine hundred fifty-three, be in the amounts set forth in sections five-(one) to five-(fifty-five) inclusive, of this article.

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

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

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

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

Sec. 5-(5). Brooke County.—For the county of Brooke, three thousand two hundred dollars.
Sec. 5-(6). Cabell County.—For the county of Cabell, two thousand dollars.

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

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

Sec. 5-(9). Doddridge County.—For the county of Doddridge, one thousand eight hundred dollars.

Sec. 5-(10). Fayette County.—For the county of Fayette, not less than four thousand two hundred dollars nor more than four thousand eight hundred dollars, to be fixed by the county court.

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

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

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

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

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

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

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

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

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

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

Sec. 5-(21). Lewis County.—For the county of Lewis, two thousand six hundred dollars.
Sec. 5-(22). *Lincoln County.*—For the county of Lincoln, three thousand two hundred dollars.

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

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

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

Sec. 5-(26). *Mason County.*—For the county of Mason, two thousand five hundred dollars.

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

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

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

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

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

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

Sec. 5-(33). *Morgan County.*—For the county of Morgan, not less than one thousand dollars nor more than one thousand eight hundred dollars, to be fixed by the county court.

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

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

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

Sec. 5-(37). *Pleasants County.*—For the county of Pleasants, one thousand eight hundred dollars.
Sec. 5-(38). Pocahontas County.—For the county of Pocahontas, one thousand eight hundred dollars.

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

Sec. 5-(40). Putnam County.—For the county of Putnam, two thousand four hundred dollars.

Sec. 5-(41). Raleigh County.—For the county of Raleigh, four thousand eight hundred dollars.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5-(54). Wood County.—For the county of Wood, three thousand six hundred dollars.
Sec. 5-(55). Wyoming County.—For the county of Wyoming, four thousand five hundred dollars.

Sec. 5-(56). Additional Compensation; Salaries paid out of County Fund.—In addition to the above salary each assessor shall receive a commission of ten per cent on all state school, road and municipal capitation taxes collected by him. The salaries of assessors and their deputies, assistants and employees shall be paid out of the county fund at the time and in the manner now provided by law for paying other county officers.

CHAPTER 175
(Senate Bill No. 305—By Mr. Martin)

AN ACT to amend and reenact section twelve, article six, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appeals from valuations by the board of public works.

[Passed March 10, 1951: in effect ninety days from passage. Approved by the Governor.]

Article 6. Assessment of Public Service Corporations.

Section 12. Appeal from valuation by board.

Be it enacted by the Legislature of West Virginia:

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

Section 12. Appeal from Valuation by Board.—Any owner or operator claiming to be aggrieved by any such decision may, within the time aforesaid, apply by petition in writing, duly verified, to the circuit court of the county in which the property so assessed is situated, or if such property be situated in more than one county then in the county in which the largest assessment of such owner or
operator was made in the next preceding year, for an
appeal from the assessment and valuation so made of all
such property and jurisdiction is hereby conferred upon
and declared to exist in the court, to which such applica-
tion is made, to grant, docket and hear such appeal; and
such appeal, as to all of the property so assessed, as well
as that situated in the county of the court so applied to,
as that situated in the several other counties, shall forth-
with be allowed by such court so applied to, and be heard
by such court as to all of such property as soon as possible
after the appeal is docketed; but notice in writing of such
petition shall be given to the secretary of the board of
public works and to the state tax commissioner, by mail-
ing a copy of the petition for an appeal filed as aforesaid,
which said petition shall recite the fact that copies of
such petition have been sent by registered mail; and
notice in writing of the hearing upon such petition shall
be given to the state tax commissioner at least fifteen
days beforehand. Likewise, the state tax commissioner
may, by giving notice in writing at least fifteen days be-
forehand to the petitioner, bring on such appeal for
hearing. Upon such hearing the court shall hear all such
legal evidence as shall be offered on behalf of the state or
any county, district or municipal corporation interested,
or on behalf of the appealing owner or operator. If the
court be satisfied that the value so fixed by the board of
public works is correct, it shall confirm the same, but if it
be satisfied that the value so fixed by said board is either
too high or too low, the court shall correct the valuation
so made and shall ascertain and fix the true and actual
value of such property according to the facts proved, and
shall certify such value to the auditor and to the secretary
of the board of public works. The state or the owner or
operator may appeal to the supreme court of appeals if
the assessed value of the property be fifty thousand dollars
or more.

If the court to which an application for appeal would
properly be made as aforesaid shall not be in session, the
judge thereof in vacation, shall forthwith allow the ap-
peal, and if the judge thereof be disqualified or for any
reason not be available, the filing of the aforesaid petition
CHAPTER 176

(Senate Bill No. 144—By Mr. Love)

AN ACT to amend and reenact sections six-c, article eight, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to tax levies by county boards of education under the tax limitation amendment and the school bond amendment.

(Passed February 13, 1951: in effect from passage. Approved by the Governor.)

Article 8. Levies.

Section 6-c. Maximum levies on each classification by county boards of education; order of levy; exceeding levy for school bond issues.

Be it enacted by the Legislature of West Virginia:

That section six-c, article eight, 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 6-c. Maximum Levies on Each Classification by County Boards of Education; Order of Levy; Exceeding Levy for School Bond Issues.—County boards of education are hereby authorized to lay not in excess of the following maximum levies, for the purposes specified and in the following order:

(1) With respect to a magisterial, independent or other school district existing in a county prior to May twenty-second, one thousand nine hundred thirty-three, or any special taxing district for which the board of education is required to lay the levy, for the payment of (a) interest and sinking fund requirements for bonded in-
debtedness incurred prior to the adoption of the tax limitation amendment; and to the extent not so required; (b) other legally incurred contractural indebtedness not bonded, if any, incurred prior to the adoption of the tax limitation amendment, as follows: On class I property, thirty-five one-hundredths of one cent; on class II property, seven-tenths of one cent; and on classes III and IV property, one and four-tenths cents.

(2) For either or both of (a) the permanent improvement fund and (b) the payment of interest and sinking fund requirements for bonded indebtedness incurred subsequent to the adoption of the tax limitation amendment, as follows: On class I property, one and five-tenths cents; on class II property, three cents; and on classes III and IV property, six cents.

(3) For the general current expenses of schools, as follows: On class I property, twenty-one and one-tenth cents; on class II property, forty-two and two-tenths cents; and on classes III and IV property, eighty-four and four-tenths cents. But if the tax commissioner has approved the levy of an additional amount for the general current expenses of the county as authorized by section six-b, subsection three, the amount of the levy authorized for boards of education by this subsection shall be reduced by the tax commissioner to that extent.

If the rates of levy under (2) above are not required in whole or in part for the purposes for which they are allocated by this section, the county board of education may, with the prior written approval of the state board of school finance, created by section three, article nine-b, chapter eighteen of the code, as amended, lay such rates of levy or portion thereof not so required, for the general current expenses of schools: Provided, however, That a county board of education shall be required to levy outside the levy rates hereinabove provided sufficient to pay the principal and interest requirements on bonds hereafter issued by any school district not exceeding in the aggregate three per centum of the assessed value of all taxable property in the county school district, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness, in the
54 manner provided by the “School Bond Amendment,” as
55 ratified.

CHAPTER 177
(Com. Sub. for Senate Bill No. 6—Originating in the Senate Committee on
the Judiciary)

AN ACT to amend and reenact section four, article eleven,
chapter eleven of the code of West Virginia, one thou­
sand nine hundred thirty-one, as amended, relating to
inheritance and transfer taxes.

[Passed March 5, 1951: in effect 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
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 one hundred dollars or less 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 ex­
emption of fifteen thousand dollars shall be allowed.
(d) In computing the tax upon property transferred
to the father, mother, child or stepchild of the decedent
there shall be allowed an exemption of five thousand dol­
ars; from property transferred to a grandchild of the de­
cedent there shall be allowed an exemption of twenty­
five hundred dollars.
(e) There shall be exempt from taxation under this article all property transferred to a person or corporation, foreign or domestic, 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, or for the sole benefit of persons domiciled in this state, whether used within or without said state, and provided that such use or uses for the purposes aforesaid shall be evidenced by:

(1) Specific provision of a will or other instrument of transfer requiring such use for such purposes; or

(2) Transfer to an institution, association, or organized group of persons, corporate or otherwise, or for their use, and whose purposes and activities are devoted exclusively to one or more of the purposes aforesaid; or

(3) An agreement with the tax commissioner, satisfactory to him, executed by the trustee or other fiduciary, or beneficiary named in any will or writing that all of the property, rentals, profits, and proceeds received by it under the will or other instrument of transfer for one or more of the purposes aforesaid, will be used exclusively for the use and benefit of persons domiciled within the state, or exclusively within this state.

This amendment shall apply to all future devises, bequests, and gifts for such purposes, and shall be retroactive and apply to all past devises, bequests, and gifts for such purposes, wherein final payment of transfer or inheritance taxes has not been made to the state of West Virginia.

CHAPTER 178
(House Bill No. 50—By Mr. Davis)

AN ACT to amend and reenact section twenty-three, article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating
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to license for private banker or money broker and ex­
ceptions thereto.

[Passed February 16, 1951; in effect ninety days from passage. Approved by the
Governor.]

Article 12. License Taxes.
Section 23. Private banker or money broker.

Be it enacted by the Legislature of West Virginia:

That section twenty-three, article twelve, 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 23. Private Banker or Money Broker.—The an­
  nual license fee to carry on the business of money broker
  or private banker, shall be twenty-five dollars. The term
  “money broker” or “private banker” shall include every
  person, other than a national banking association and all
  institutions under the jurisdiction of the state banking
  department, that lends money on real or personal securi­
  ty, discounts paper, cashes time slips or scrip, or engages
  in any business of a similar or like character.

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CHAPTER 179
(Senate Bill No. 210—By Mr. Bean and Mr. Stemple)

AN ACT to amend and reenact section two-b, article thirteen,
chapter eleven, of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to business
and occupation tax with reference to manufactured or
compounded products.

[Passed March 6, 1951; in effect ninety days from passage. Became a law without
the approval of the Governor.]

Section 2-b. Manufactured or compounded products; processing of poultry
and turkeys not considered as manufacturing or compounding.
Be it enacted by the Legislature of West Virginia:

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

Section 2-b. Manufactured or Compounded Products; Processing of Poultry and Turkeys not Considered as Manufacturing or Compounding.—Upon every person engaging or continuing within this state in the business of manufacturing, compounding, or preparing for sale, profit, or commercial use, either directly or through the activity of others in whole or part, any article or articles, substance or substances, commodity or commodities, or electric power not produced by public utilities taxable under other provisions of this article, the amount of the tax to be equal to the value of the article, substance, commodities or electric power manufactured, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same except as hereinafter provided, multiplied by a rate of three-tenths of one per cent. The measure of this tax is the value of the entire product manufactured, compounded, or prepared in this state for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the state. However, the dressing and processing of poultry and turkeys by a person, firm or corporation, which poultry and turkeys are to be sold on a wholesale basis by such person, firm or corporation shall not be considered as manufacturing or compounding, but the sale of these products, on a wholesale basis shall be subject to the same tax as is imposed on wholesalers or jobbers as provided in section two-c of this article.
nine hundred thirty-one, as last amended by chapter one hundred fifty-three, acts of the Legislature, regular session, one thousand nine hundred forty-seven, relating to tax on production credit associations.

[Passed March 9, 1951: in effect ninety days from passage. Approved by the Governor.]


Section 3. Exemptions; non-exempt businesses.

Be it enacted by the Legislature of West Virginia:

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

Section 3. Exemptions; Non-Exempt Businesses.—
2 There shall be an exemption in every case of fifty dollars in amount of tax computed under the provisions of this article. A person exercising a privilege taxable hereunder for a fractional part of a tax year shall be entitled to an exemption of the sum bearing the proportions to fifty dollars that the period of time the privilege is exercised bears to a whole year. Only one exemption shall be allowed to any one person, whether he exercises one or more privileges taxable hereunder.

The provisions of the article shall not apply to: (a) Insurance companies which pay the state of West Virginia a tax upon premiums: Provided, however, That said exemption shall not extend to that part of the gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in this state, whether such income be in the form of rentals or royalties; (b) persons, engaged in the business of banking: Provided, however, That said exemption shall not extend to that part of the gross income of such persons which is received for the use of real property owned,
other than the banking house or building in which the
business of the bank is transacted, whether such income
be in the form of rentals or royalties; (c) non-profit
cemetery companies organized and operated for the ex-
clusive benefit of their members; (d) societies, organiza-
tions and associations organized and operated for the
exclusive benefits of their members and not for profit;
(e) corporations, associations and societies organized and
operated exclusively for religious or charitable purposes;
(f) production credit association, organized under the
provisions of the federal "Farm Credit Act of 1933":

Provided, however, That the exemptions of this section
shall not apply to corporations or cooperative associations
organized under the provisions of article four, chapter
nineteen of the code of West Virginia, one thousand nine
hundred thirty-one, as amended; (g) building and loan
associations and federal savings and loan associations;
(h) persons engaged in conducting the business of in-
dustrial loans under authority granted them by article
seven, chapter thirty-one of the code of West Virginia,
one thousand nine hundred thirty-one: Provided, how-
ever, That said exemption shall not extend to that part
of the gross income of such persons which is received
from the use of real property owned, other than the
business house or building in which the business of the
industrial loan company is transacted, whether such in-
come be in the form of rentals or royalties.

CHAPTER 181

(SENATE BILL NO. 290—BY MR. AMOS)

AN ACT to amend and reenact section two, article fifteen, chap-
ter eleven of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to consumers
sales tax.

[Passed March 10, 1951; in effect July 1, 1951. Approved by the Governor.]

ARTICLE 15. CONSUMERS SALES TAX.

SECTION

2. Definitions.
Be it enacted by the Legislature of West Virginia:

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

Section 2. Definitions.—For the purpose of this article:

(1) "Persons" shall mean any person, firm, partnership, association, corporation, guardian, or committee;

(2) "Tax commissioner" shall mean the state tax commissioner;

(3) "Gross proceeds" shall mean the amount received in money, credits, property or other consideration from sales at retail within this state, without deduction on account of the cost of the property sold, amounts paid for interest or discounts or other expenses whatsoever. Losses shall not be deducted, but any credit or refund made for goods returned may be deducted;

(4) "Sales at retail" shall mean any transaction by which the ownership of tangible personal property is transferred for a consideration, when the transfer is made in the ordinary course of the transferor's business and is made to the transferee for consumption or use or any other purpose, except resale in its original form without change or processing. "Sale at retail" includes conditional sales and transactions under whatever name whereby title is ultimately to pass, but presently retained for security. "Sale at retail" shall not include an isolated transaction in which any tangible personal property is sold, transferred, offered for sale, or delivered by the owner thereof, or by his representative for the owner's account, such sales, transfer, offer for sale or delivery not being made in the ordinary course of repeated and successive transactions of a like character by such owner or on his account by such representative;

(5) "Retail dealer" shall mean a person engaged in the business of sale at retail, or one who furnishes services taxed by this article, in this state, to the ultimate consumer;

(6) "Wholesale dealer" shall mean a person engaged in this state in the business of selling tangible personal property or furnishing services to retail dealers for resale only; but such person, when sales are made for personal
consumption or use, shall, with respect to such sales, be classified as a “retail dealer”; and the fact that the purchaser has a store license shall not exempt him from paying the tax on the retail value of the goods or services bought unless he is a bona fide retail dealer of such goods or services. The term “wholesale dealer” shall also include any person engaged in this state in the business of selling machinery, supplies and materials or of furnishing services to churches, incorporated charitable organizations, contractors or to persons engaged in the business of manufacturing, transportation, transmission, communication, or in the production of natural resources in this state: \(\text{Provided, however, That this exemption shall not apply to fraternal or social organizations, nor to charitable organizations which charge for services rendered;}\)

(7) “Ultimate consumer” shall mean a person who uses or consumes services or personal property for the immediate satisfaction of human desires or requirements, distinguished from services and goods, used or consumed in connection with the conduct of the business of producing or selling personal property or dispensing a service taxable under this article;

(8) “Business” shall include all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect;

(9) “Tax” shall include all taxes, interest or penalties levied hereunder;

(10) “Purchaser” shall mean a person who purchases tangible personal property or a service taxed by this article;

(11) “Service, or selected service” shall include all non-professional activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the sale of tangible property, but shall not include personal services or the services rendered by an employee to his employer or any service rendered for resale.

(12) “Personal service” shall include those:

(a) Compensated by the payment of wages in the ordinary course of employment;

(b) Rendered to the person of an individual without,
AN ACT to amend and reenact section nine, article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to consumers sales tax exemptions.

[Passed March 9, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 15. Consumers Sales Tax.

Section 9. Sales not included.

Be it enacted by the Legislature of West Virginia:

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

Section 9. Sales Not Included.—The provisions of this article shall not apply to:

1. Sales of gasoline, taxable under article fourteen, chapter eleven of this code.
2. Sales of gas, steam and water delivered to consumers through mains or pipes, and sales of electricity.
3. Sales of school books required to be used in any of the schools of this state.
4. Sales to the state, its institutions or subdivisions, and sales to the United States, including sales to agencies of federal, state or local governments for distribution in public welfare or relief work.
5. Sales on motor vehicles which are titled by the state road commission.
AN ACT to amend chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article to be designated article fifteen-a, relating to an excise tax on the privilege of using within this state any article of tangible personal property purchased for use in this state, providing for the payment and collection of such tax, and prescribing penalties for the violation thereof.

[Passed March 10, 1951: in effect July 1, 1951. Approved by the Governor.]

Article 15-a. Use Tax.

Section
1. Definitions.
2. Imposition of tax.
3. Exemptions.
4. Evidence of use.
5. How collected.
6. Collection by retailer.
7. Foreign retailers.
8. Absorbing tax.
9. Tax as debt.
10. Payment to tax commissioner.
11. Liability of user.
12. Bond to secure payment.
13. Determination by tax commissioner.
15. Service of notice.
16. Failure to pay; penalties.
17. Assessment; levy to collect tax.
18. Seller must show sale not at retail; presumption.
19. Fraud.
20. Criminal penalty.
22. Revoking permits.
23. Tax imposed is in addition to all other taxes and charges.
24. Refund.
25. Administration of article.
27. Partial unconstitutionality.

Be it enacted by the Legislature of West Virginia:

That chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article fifteen-a, to read as follows:
Section 1. *Definitions.*—The following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. “Person” includes any individual, firm, co-partnership, joint adventure, association, corporation, estate, trust, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number.

2. “Use” means and includes the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, except that it shall not include processing, or the sale of that property in the regular course of business. Property used in “processing” within the meaning of this subsection shall mean and include (a) any tangible personal property including containers which it is intended shall, by means of fabrication, compounding, manufacturing, or germination, become an integral part of other tangible personal property, intended to be sold ultimately at retail, (b) fuel which is consumed in creating power, heat or steam for processing or for generating electric current, (c) industrial materials and equipment, which are not readily obtainable in West Virginia, and which are directly used in the actual fabricating, compounding, manufacturing or servicing of tangible personal property intended to be sold ultimately at retail.

3. “Purchase” means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration.

4. “Purchase price” means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise; provided that cash discounts allowed and taken on sales shall not be included.

5. “Tangible personal property” means tangible goods, wares, and merchandise when furnished or delivered within this state to consumers or users within this state.

6. “Retailer” means and includes every person engaged in the business of selling tangible personal property for use within the meaning of this article: *Provided,*
however, That when in the opinion of the tax commissioner it is necessary for the efficient administration of this article to regard any salesmen, representatives, truckers, peddlers or canvassers as the agents of the dealers, distributors, supervisors, employers or persons under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, employers, or persons, the tax commissioner may so regard them and may regard the dealers, distributors, supervisors, employers, or persons as retailers for purposes of this article.

7. "Retailer maintaining a place of business in this state" or any like term shall mean and include any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution houses, sales house, warehouse, or other place of business, or any agent operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent is located here permanently or temporarily, or whether such retailer or subsidiary is admitted to do business within this state pursuant to section seventy-nine, article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one.

8. The word "commissioner" means the state tax commissioner.

9. The word "taxpayer" includes any person within the meaning of subsection one hereof, who is subject to a tax imposed by this article, whether acting for himself or as a fiduciary.

Sec. 2. Imposition of Tax.—An excise tax is hereby imposed on the use in this state of tangible personal property furnished or delivered within this state to consumers or users within this state on or after the effective date of this article, at the rate of two per cent of the purchase price of such property. Said tax is hereby imposed upon every person using such property within this state until such tax has been paid directly to a retailer, or to the state tax commissioner as hereinafter provided.
Purchases of tangible personal property made from the government of the United States or any of its agencies by ultimate consumers shall be subject to the tax imposed by this section. Industrial materials and equipment owned by the federal government within the state of West Virginia of a character not ordinarily readily obtainable within the state, shall not be subject to use tax when sold, if such industrial materials and equipment would not be subject to use tax if such were sold outside of the state for use in West Virginia.

This act shall not apply to purchases made by counties or municipal corporations.

Sec. 3. Exemptions.—The use in this state of the following tangible personal property is hereby specifically exempted from the tax imposed by this article.

1. All articles of tangible personal property brought into the state of West Virginia by a non-resident individual thereof for his or her use or enjoyment while within the state.

2. Tangible personal property, the gross receipts from the sale of which are exempted from the retail sales tax by the terms of section nine, article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one.

3. Tangible personal property, the gross receipts from the sale of which are derived from the sale of machinery, supplies and materials to contractors, or to persons engaged in the business of manufacturing, transportation, transmission, communication or in the production of natural resources in this state.

4. Tangible personal property, the gross receipts or the gross proceeds from the sale of which are required to be included in the measure of the tax imposed by article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, and any amendment made or which may hereafter be made thereto.

5. Tangible personal property the sale of which in this state is not subject to the West Virginia Consumers’ Sales Tax.

Sec. 4. Evidence of Use.—For the purpose of the
proper administration of this article to prevent evasion of the tax, evidence that tangible personal property was sold by any person for delivery in this state shall be prima facie evidence that such tangible personal property was sold for use in this state.

Sec. 5. How Collected.—The tax herein imposed shall be collected in the following manner:

1. The tax upon the use of all tangible personal property, which is sold by a retailer maintaining a place of business in this state, or by such other retailer as the tax commissioner shall authorize pursuant to section seven of this article shall be collected by such retailer and remitted to the state tax commissioner, pursuant to the provisions of sections six to ten, inclusive of this article.

2. The tax upon the use of all tangible personal property not paid pursuant to subsection one of this section shall be paid to the tax commissioner directly by any person using such property within this state, pursuant to the provisions of section eleven of this article.

Sec. 6. Collection by Retailer.—Every retailer maintaining a place of business in this state and making sales of tangible personal property for use in this state, not exempted under the provisions of section three of this article, shall at the time of making such sales, whether within or without the state, collect the tax imposed by this article from the purchaser, and give to the purchaser a receipt therefor in the manner and form prescribed by the tax commissioner, if the tax commissioner shall, by regulation, require such receipt. Each such retailer shall list with the tax commissioner the name and address of all his agents operating in this state, and the location of any and all his distribution or sales houses or offices or other places of business in this state.

Sec. 7. Foreign Retailers.—The tax commissioner may, in his discretion, upon application authorize the collection of the tax herein imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the tax commissioner furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to col-
lect such tax in such manner, and subject to such regula-
tions and agreements as the tax commissioner shall pre-
scribe. When so authorized, it shall be the duty of such
retailer to collect the tax upon all tangible personal prop-
erty sold to his knowledge for use within this state, in
the same manner and subject to the same requirements as
a retailer maintaining a place of business within this
state. Such authority and permit may be cancelled when,
at any time, the tax commissioner considers the security
inadequate, or that such tax can more effectively be col-
lected from the person using such property in this state.

Sec. 8. Absorbing Tax.—It shall be unlawful for any
retailer to advertise or hold out or state to the public or
to any purchaser, consumer or user, directly or indirectly,
that the tax or any part thereof imposed by this article
will be assumed or absorbed by the retailer or that it will
not be added to the selling price of the property sold, or if
added that it or any part thereof will be refunded. The
tax commissioner shall have the power to adopt and
promulgate rules and regulations for adding such tax, or
the equivalent thereof, by providing different methods
applying uniformly to retailers within the same general
classification for the purpose of enabling such retailers
to add and collect, as far as practicable, the amount of
such tax. Any person violating any of the provisions of
this section within this state shall be guilty of a misde-
meanor and subject to the penalties provided in section
twenty of this article.

Sec. 9. Tax as Debt.—The tax herein required to be
collected by any retailer pursuant to sections six or seven,
and any tax collected by any retailer pursuant to said
sections, shall constitute a debt owed by the retailer to
this state.

Sec. 10. Payment to Tax Commissioner.—Each re-
tailer required or authorized, pursuant to sections six or
seven, to collect the tax herein imposed, shall be required
to pay to the tax commissioner the amount of such tax on
or before the fifteenth day of the month next succeeding
each quarterly period, the first such quarterly period
being the period commencing on the first day of July, one
thousand nine hundred fifty-one, and ending on the thirty-
tieth day of September, one thousand nine hundred fifty-
one. At such time, each retailer shall file with the tax com-
missioner a return for the preceding quarterly period in
such form as may be prescribed by the tax commissioner
showing the sales price of any or all tangible personal prop-
erty sold by the retailer during such preceding quarterly
period, the use of which is subject to the tax imposed by
this article, and such other information as the tax com-
missioner may deem necessary for the proper adminis-
tration of this article. The return shall be accompanied
by a remittance of the amount of such tax, for the period
covered by the return, provided that where such tangible
personal property is sold under a conditional sales con-
tract, or under any other form of sale wherein the pay-
ment of the principal sum, or a part thereof, is extended
over a period longer than sixty days from the date of the
sale thereof, the retailer may collect and remit each quar-
terly period that portion of the tax—equal to two per cent
of that portion of the purchase price actually received
during such quarterly period. The tax commissioner, if
he deems it necessary in order to insure payment to the
state of the amount of such tax, may in any or all cases
require returns and payments of such amount to be made
for other than quarterly periods. The tax commissioner
may, upon request and a proper showing of the necessity
therefor, grant an extension of time not to exceed thirty
days for making any return and payment. Returns shall
be signed by the retailer or his duly authorized agent,
and must be certified by him to be correct.

Sec. 11. Liability of User.—Any person who uses any
tangible personal property upon which the tax herein im-
posed has not been paid either to a retailer or direct to the
tax commissioner as herein provided, shall be liable
therefor, and shall on or before the fifteenth day of the
month next succeeding each quarterly period pay the tax
herein imposed upon all such property used by him during
the preceding quarterly period in such manner and ac-
companied by such returns as the tax commissioner shall
prescribe. All of the provisions of section ten with refer-
11 ence to such returns and payment shall be applicable to
12 the returns and payments herein required.

Sec. 12. Bond to Secure Payment.—The tax commis-
2 sioner may, when in his judgment it is necessary and ad-
3 visable to do so in order to secure the collection of the
4 tax levied under this article, authorize any person subject
5 to such tax, and any retailer required or authorized to
6 collect such tax pursuant to the provisions of sections
7 six and seven, to file with him a bond issued by a surety
8 company authorized to transact business in this state and
9 approved by the insurance commissioner as to solvency
10 and responsibility, in such amount as the tax commis-
11 sioner may fix, to secure the payment of any tax, amount,
12 and/or penalties due or which may become due from such
13 person. In lieu of such bond, securities approved by the
14 tax commissioner, in such amount as he may prescribe,
15 may be deposited with him, which securities shall be kept
16 in the custody of the state treasurer and may be sold by
17 him at public or private sale, after notice to the de-
18 positor thereof, if it becomes necessary to do so in order
19 to recover any tax and/or penalties due. Upon any such
20 sale, the surplus, if any, above the amounts due under
21 this article shall be returned to the person who deposited
22 the securities.

Sec. 13. Determination by Tax Commissioner.—If any
2 return required by this article is not filed, or if a return
3 when filed is incorrect or insufficient and the maker fails
4 to file a corrected or sufficient return within twenty days
5 after the same is required by notice from the tax commis-
6 sioner, such tax commissioner shall determine the amount
7 of the tax due, from such evidence as he may be able
8 to obtain. The tax commissioner shall give notice of such
9 determination to the person liable for the tax. Such
determination shall finally and irrevocably fix the tax
10 unless the person against whom it is assessed shall,
11 within thirty days after the giving of notice of such
determination apply to the tax commissioner for a hearing
12 or unless the tax commissioner of his own motion shall
13 reduce the same. At such hearing evidence may be offered
14 to support such determination or to prove that it is in-
correct. After such hearing the tax commissioner shall within a reasonable time give notice of his decision to the person liable for the tax.

Sec. 14. **Appeal.**—An appeal may be taken by the taxpayer to the circuit court of the county in which he resides, or in which his principal place of business is located, within thirty days after he shall have received notice from the tax commissioner of his determination as provided for in section thirteen of this article.

The appeal shall be taken by a written notice to the tax commissioner and served as an original notice. When said notice is so served it shall with the return thereon, be filed in the office of the clerk of said circuit court, and docketed as other cases, with the taxpayer as plaintiff and the tax commissioner as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars, conditioned that the plaintiff shall perform the orders of the court.

The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the tax commissioner. In such appeal the burden of proof shall be upon the taxpayer. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the tax commissioner who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the tax commissioner to the supreme court of Appeals of this state in the same manner that appeals are taken in suits in equity.

Sec. 15. **Service of Notice.**—Any notice, except notice of appeal, authorized or required under the provisions of this article may be given by mailing the same to the person for whom it is intended by registered mail, addressed to such person at the address given in last return filed by him pursuant to the provisions of this article, or if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive
9 evidence of the receipt of the same by the person to whom
10 addressed. Any period of time which is determined ac-
11 cording to the provision of this article by the giving of
12 notice shall commence to run from the date of registra-
13 tion and posting of such notice.

Sec. 16. Failure to Pay; Penalties.—Any person failing
2 to file a return or corrected return or to pay any tax
3 and/or amount required to be paid by this article within
4 the time required by this article, shall be subject to a
5 penalty of five per cent of the amount due plus one per
6 cent of such amount for each month of delay or fraction
7 thereof, after such return was required to be filed or such
8 tax or amount became due; but the tax commissioner, if
9 satisfied that the delay was excusable, may remit all or
10 any part of such penalty. Such penalty shall be paid to the
11 tax commissioner. Unpaid penalties may be enforced in
12 the same manner as the tax imposed by this article. The
13 certificate of the tax commissioner to the effect that a ta:
14 x and/or amount required to be paid by this article has not
15 been paid, that a return has not been filed, or that infor-
16 mation has not been supplied pursuant to the provisions
17 of this article, shall be prima facie evidence thereof.

Sec. 17. Assessment; Levy to Collect Tax.—The tax
2 commissioner shall have power to make an assessment
3 against any person subject to the tax imposed by this
4 article which is due and unpaid. Such assessment may
5 include penalties. The tax commissioner may collect
6 such assessment by levy, action at law, distraint or any
7 other method of enforcing or collecting taxes which may
8 be provided by law and shall have the right to file liens
9 therefor in any county.

Sec. 18. Seller Must Show Sale Not at Retail; Presump-
2 tion.—The burden of proving that a sale was not at retail
3 shall be upon the seller, unless he takes from the pur-
4 chaser a certificate signed by and bearing the address of
5 the purchaser to the effect that the property was pur-
6 chased for resale. To prevent evasion it shall be pre-
7 sumed that all proceeds are subject to the tax until the
8 contrary is clearly established.

Sec. 19. Fraud.—Any person required to make, render,
sign, or certify any return or supplementary return, who makes any false or fraudulent return with intent to defeat or evade the tax, and/or amount required to be paid by this article, shall be guilty of a misdemeanor and shall, for each such offense, be fined not less than fifty dollars and not more than five hundred dollars, or be confined in jail not more than sixty days, or be subject to both such fine and confinement in the discretion of the court.

Sec. 20. Criminal Penalty.—Any retailer or other person failing or refusing within a reasonable time to furnish any return herein required to be made, or failing or refusing within a reasonable time to furnish a supplementary return or other data required by the tax commissioner, shall be guilty of a misdemeanor and subject to a fine of not to exceed one hundred dollars for each such offense, or to imprisonment for not to exceed thirty days, or to both such fine and imprisonment in the discretion of the court.

Sec. 21. Books; Examination.—Every retailer required or authorized to collect taxes imposed by this article and every person using in this state tangible personal property purchased on or after the effective date of this article, shall keep such records, receipts, invoices, and other pertinent papers as the tax commissioner shall require, in such form as the tax commissioner shall require. The tax commissioner or any of his duly authorized agents is hereby authorized to examine the books, papers, records, and equipment of any person either selling tangible personal property or liable for the tax imposed by this article, and to investigate the character of the business of any such person in order to verify the accuracy of any return made, or if no return was made by such person, to ascertain and determine the amount due under the provisions of this article. Any such books, papers, and records shall be made available within this state for such examination upon reasonable notice when the tax commissioner shall deem it advisable and shall so order. However, where the taxpayer’s records must be kept out of state, the taxpayer may upon being noti-
fied by the tax commissioner that an examination is to be made, elect to do one of the following: (1) Forthwith transport the required records to a convenient point in West Virginia and notify the tax commissioner that they are available; or (2) pay the reasonable traveling expenses of the tax commissioner's representatives from Charleston, West Virginia, to the out of state place where the records are kept, and return, and reasonable living expenses of such representatives while engaged in their examination.

Sec. 22. Revoking Permits.—Whenever any retailer maintaining a place of business in this state, or authorized to collect the tax herein imposed pursuant to section seven of this article fails to comply with any of the provisions of this article or any orders, rules or regulations of the tax commissioner prescribed and adopted under this article, the tax commissioner may, upon notice and hearing hereinafter provided, by order revoke the store license, if any, issued to such retailer under article thirteen-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, or if such retailer is a corporation authorized to do business in this state under section seventy-nine, article one, chapter thirty-one of said code, may certify to the secretary of state a copy of an order finding that such retailer has failed to comply with certain specified provisions, orders, rules or regulations. The secretary of state shall, upon receipt of such certified copy, revoke the permit authorizing said corporation to do business in this state, and shall issue a new permit only when such corporation has obtained from the tax commissioner an order finding that such corporation has complied with its obligations under this article. No order authorized in this section shall be made until the retailer is given an opportunity to be heard and to show cause why such order should not be made, and he shall be given twenty days notice of the time, place, and purpose of such hearing. The tax commissioner shall have the power in his discretion to issue a new store permit after such revocation.

Sec. 23. Tax Imposed Is in Addition to all other Taxes and Charges.—The tax imposed under this article shall
be in addition to all other taxes, licenses or charges to which the persons taxed herein are subject under the law of this state. It is the purpose of this article to rest a fair share of the tax burden, commensurate with the benefits received, upon those exercising the privilege taxed hereby within this state.

Sec. 24. *Refund.*—All claims for the refund of over-payments of the tax imposed by this article must be accompanied by amended returns showing the amount of taxes due, the amount paid in error and the amount overpaid. Where such error is not apparent from an examination of the return, the taxpayer must furnish a full and complete statement of the reasons for the differences between the original and amended returns. Before finally passing upon a claim the tax commissioner may require the production of any further evidence considered necessary in order to arrive at a correct finding. The tax commissioner can issue refunds of the tax imposed by this article only where application for such refund is made within two years from the date of payment of such tax as provided for in section two-a, article one, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended.

Sec. 25. *Administration of Article.*—The administration of this article is vested in and shall be exercised by the tax commissioner who shall prescribe forms and reasonable rules and regulations in conformity with this article for the making of returns and for the ascertainment, assessment and collection of the taxes imposed hereunder; and the enforcement of any provisions of this article in any of the courts of the state shall be under the exclusive jurisdiction of the tax commissioner.

Sec. 26. *Proceeds of Tax for Free Schools.*—The proceeds of the tax imposed by this article shall be devoted to the support of the free schools, and be expended in such manner as may be provided by law.

Sec. 27. *Partial Unconstitutionality.*—The provisions of this article shall be deemed to be severable and if for any reason any provision shall be determined to be uncon-
CHAPTER 184

(House Bill No. 58—By Mr. Speaker, Mr. Flannery)

AN ACT to amend article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section six-a, relating to the imposition, collection and disposition of an additional barrel tax on nonintoxicating beer manufactured, sold or distributed in this state.

[Passed February 1, 1951; in effect July 1, 1951. Approved by the Governor.]


Section 6-a. Additional barrel tax for payment of veterans’ bonus bonds.

Be it enacted by the Legislature of West Virginia:

That article sixteen, chapter eleven 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 six-a, to read as follows:

Section 6-a. Additional Barrel Tax for Payment of Veterans' Bonus Bonds.—For the purpose of providing revenue for the payment of bonds issued under and by virtue of the veterans’ bonus amendment to the constitution, there is hereby levied and imposed, on and after midnight of the last day of June, one thousand nine hundred fifty-one, an additional tax of two dollars and seventy-five cents on each barrel of thirty-one gallons and in like ratio on each part barrel of nonintoxicating beer manufactured in this state for sale within this state, whether contained or sold in barrels, bottles or other containers, and a like tax is hereby levied and imposed on and after such date on all nonintoxicating beer manufactured outside of this state.
and brought into this state for sale within this state. Except as otherwise provided in this section, all provisions of this article relating to the levy, imposition and collection of the regular barrel tax on beer manufactured, sold or distributed in this state shall be applicable to the levy, imposition and collection of such additional barrel tax. Notwithstanding other provisions of this article to the contrary, all moneys received from the additional tax imposed by this section, less deductions allowed by this article for costs of administration and enforcement, shall be paid into the veterans’ bonus sinking fund, to be used solely for the payment of veterans’ bonus bonds and the interest due thereon. Whenever in any fiscal year the amount of money accumulated in the veterans’ bonus sinking fund shall be sufficient to pay at maturity all outstanding bonus bonds, together with the interest due or payable thereon, the additional tax imposed by this section shall expire at the end of such fiscal year.

CHAPTER 185
(Com. Sub. for Senate Bill No. 39—Originating in the Senate Committee on the Judiciary)

AN ACT to amend and reenact section twelve, article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to licenses for the sale of nonintoxicating beer, and prohibiting licenses for such sale in the vicinity of schools and churches.

[Passed March 6, 1951; in effect ninety days from passage. Approved by the Governor.]

Section 12. Form of application for license; fee and bond; refusal of license.

Be it enacted by the Legislature of West Virginia:

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

Section 12. 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 application 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 corporation, 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, association or corporation applies for a license as a distributor, such person, or in the case of a firm, partnership, association, the members or officers thereof, shall state under oath that he or they have been bona fide residents of the state for four years 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, 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 partnership, 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 officers, agent, or employee who shall manage and be in charge of the licensed premises shall possess all of the qualifications required of an individual applicant for a retailer's license, including the requirement as to residence;

(c) The particular place for which the license is desired 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 reg-
ulations applicable thereto, and is a safe and proper place
or building, and is not within three hundred feet of any
school or church, measured from front door to front door
along the street or streets: Provided, however, That this
requirement shall not apply to a class B licensee, or to
any place now occupied by a beer licensee, so long as it is
continuously so occupied;

(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-
ner 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 continuance 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 information
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 article 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 is within three hundred feet of any school or church, measured from front door to front door along the street or streets: Provided, however,
That this requirement shall not apply to a class B licensee, or to any place now occupied by a beer licensee, so long as it is continuously so occupied; or,
(c) That the license should not be issued for reason of conduct declared to be unlawful by this article.

CHAPTER 186
(Senate Bill No. 284—Originating in the Senate Committee on Finance)

AN ACT to amend and reenact section eighteen, article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to salary of the nonintoxicating beer commissioner.

[Passed March 8, 1951; in effect July 1, 1951. Approved by the Governor.]

Section 18. Office of nonintoxicating beer commissioner created; deputy commissioner and agents; bonds; payment of administration and enforcement expenses.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article sixteen, 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 18. Office of Nonintoxicating Beer Commissioner—Deputy Commissioner and Agents; Bonds; Payment of Administration and Enforcement Expenses.—
(a) The office of an independent administrator to be known as “West Virginia Nonintoxicating Beer Commissioner” is hereby created and the administration of
this article is vested in and shall be exercised by said commissioner, to whom is hereby given all necessary pow-
er 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 article 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 pro-
visions of this article 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 seven 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 dele-
gated 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 article 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 commissioner 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 non-intoxicating 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 commissioner hereinabove 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, distributors 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 article, and particularly for use at hearings held by the commissioner and on proceedings instituted in court for the purpose of revoking or suspending licenses hereunder; and such agents shall perform 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 additional 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, commissioners in chancery and special commissioners designated by the court, and court reporters and stenographers performing services for said commissioners and fees of witnesses summoned on behalf of the state in proceedings to revoke or suspend retailer's 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 compensation of such clerks, sheriffs and other persons, shall be paid out of the amount allocated for the expense of administration and enforcement, after the amount of such fees and other charges shall be certified by the court to the auditor.

CHAPTER 187

( House Bill No. 57—By Mr. Speaker, Mr. Flannery)

AN ACT to amend article seventeen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section two-a, relating to the imposition, collection and disposition of an additional excise tax on the sale of cigarettes.

[Passed February 1, 1951: in effect July 1, 1951. Approved by the Governor.]

Article 17. Excise Tax on Sale of Cigarettes.

Section 2-a. Additional cigarette tax for payment of veterans' bonus bonds.

Be it enacted by the Legislature of West Virginia:

That article seventeen, chapter eleven 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 two-a, to read as follows:

Section 2-a. Additional Cigarette Tax for Payment of Veterans' Bonus Bonds.—For the purpose of providing revenue for the payment of bonds issued under and by virtue of the veterans' bonus amendment to the constitution, there is hereby levied and imposed, on and after midnight of the last day of June, one thousand nine hundred fifty-one, an additional excise tax of one-half cent on each ten cigarettes, or fractional part thereof, sold within this state. Except as otherwise provided in this section, all provisions of this article relating to the levy, imposition and collection of the regular excise tax on the sale of cigarettes shall be applicable to the levy, imposition and collection of such additional tax. Notwithstanding other provisions of this article to the contrary, all moneys received from the additional tax imposed by this section, less deductions allowed by this article for refunds and for costs of administration and operation, shall be paid by the tax commissioner into the veterans' bonus sinking fund, to be used solely for the payment of veterans' bonus bonds and the interest due thereon. Whenever in any fiscal year the amount of money accumulated in the veterans' bonus sinking fund shall be sufficient to pay at maturity all outstanding bonus bonds, together with the interest due or payable thereon, the additional tax imposed by this section shall expire at the end of such fiscal year.

CHAPTER 188
(Com. Sub. for Senate Bill No. 291—Originating in the Senate Committee on Finance.)

AN ACT to amend article seventeen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be desig-
nated section two-b, relating to the imposition, collection and disposition of an additional excise tax on the sale of cigarettes in order to provide additional revenue for the support of free schools.

[Passed March 10, 1951; in effect July 1, 1951. Approved by the Governor]

Article 17. Excise Tax on Sale of Cigarettes.

Section

2-b. Additional cigarette tax for support of schools.

Be it enacted by the Legislature of West Virginia:

That article seventeen, chapter eleven 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 two-b, to read as follows:

Section 2-b. Additional Cigarette Tax for Support of Schools.—For the purpose of providing additional revenue for the support of free schools, there is hereby levied and imposed, on and after midnight of the last day of June, one thousand nine hundred fifty-one, in addition to the taxes imposed by sections two and two-a of this article an additional excise tax of one cent on each ten cigarettes, or fractional part thereof, sold within this state. Except as otherwise provided in this section, all provisions of this article relating to the levy, imposition and collection of the regular excise tax on the sale of cigarettes shall be applicable to the levy, imposition and collection of such additional tax. Notwithstanding other provisions of this article to the contrary, all moneys received from the additional tax imposed by this section, less deductions allowed by this article for refunds and for costs of administration and operation, shall be paid by the tax commissioner into the general school fund, to be used solely for the support of free schools.
AN ACT to amend and reenact sections one, four, six, nine, ten, eleven, nineteen and twenty, article seventeen, and the whole of article eighteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred fifty-six, acts of the Legislature, regular session, one thousand nine hundred forty-seven, relative to a tax on cigarettes, levying and imposing a tax upon the sale of cigarettes to raise revenues, providing for the payment and collection of such tax and the administration thereof, levying a tax on the use, consumption or storage of cigarettes and prescribing penalties for the violation thereof.

[Passed March 10, 1951; in effect July 1, 1951. Approved by the Governor.]

Article

17. Excise Tax on Sale of Cigarettes.
18. Excise Tax on Use, Consumption or Storage of Cigarettes.

Be it enacted by the Legislature of West Virginia:

That sections one, four, six, nine, ten, eleven, nineteen and twenty, article seventeen, and the whole of article eighteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred fifty-six, acts of the Legislature, regular session, one thousand nine hundred forty-seven, be amended and reenacted, all to read as follows:

Article 17. Excise Tax on Sale of Cigarettes.

Section

1. Definitions.
4. How tax paid; stamps; how affixed and canceled; violations.
6. Tobacco license required.
9. Power of tax commissioner; rules and regulations; records of wholesalers and retailers; metering in lieu of stamping; agents for metering; levy to collect tax.
10. Form of stamps; custody; discounts; security for payments.
11. Sales by deputies; fees; reports of deputies.
19. Issuance of warrant to sheriff by attorney general or commissioner; priority of tax.
20. Revocation of licenses.
Section 1. Definitions.—As used in this article:

"Person" includes firms and corporations;
"Wholesale dealer" shall mean and include any person, distributor or commissary servicing, supplying or selling to affiliated or non-affiliated stores, who acquire cigarettes for purposes of sale to retailers, or to other persons for purposes of resale;
"Retail dealer" includes every person in this state, other than a wholesale dealer, engaged in the business of selling cigarettes irrespective of quantity or amount or number of sales thereof;
"Sale" includes exchange, barter, gift, offer for sale and distribution;
"Cigarette" includes any roll for smoking made wholly or in any part of tobacco irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other material excepting tobacco;
"Package" means the individual package, box or other container in or from which retail sales of cigarettes are normally made or intended to be made;
"Stamp" shall mean any cigarette stamps required under this article, or any meter or ink impression authorized by the tax commissioner to serve as such stamp;
"Commissioner" means the state tax commissioner and where the meaning of the context requires, all deputies, and employees duly authorized by him.

Sec. 4. How Tax Paid; Stamps; How Affixed and Canceled; Violations.—The tax hereby imposed shall be paid by the purchase of stamps as provided in this article. No stamp shall be in a denomination of less than one-half cent. A stamp or stamps shall be affixed to or printed on each package of an aggregate denomination of not less than the amount of the tax upon the contents thereof. The stamp or stamps, so affixed, shall be prima facie evidence of payment of the tax imposed by this article. Except as may be otherwise provided in the rules and regulations prescribed by the commissioner under authority of this article, and unless such stamps have been previously affixed, they shall be so affixed by each whole-
Each retail dealer, authorized to deal in unstamped cigarettes, who receives, brings or causes to be brought into this state unstamped cigarettes, shall immediately upon receipt of such unstamped cigarettes at his place of business, so affix such stamp to each package and shall cancel the same by writing or stamping his name and the date of cancellation across the face thereof, or as otherwise directed by regulation of the commissioner, or shall immediately mark in ink on each unopened box, carton or other container of such cigarettes the word "Received" and the month, day and hour of such receipt and shall affix his signature thereto, or as otherwise directed by regulation of the commissioner. He shall in any event open such box, carton or other container and immediately so affix such stamps to each package therein, and cancel the same in the manner herein designated, within twenty-four hours after such receipt and prior to the sale of such cigarettes.

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps so affixed and canceled or not so marked as having been received within the preceding twenty-four hours, the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this article.

Sec. 6. Tobacco License Required.—No person shall engage in the business of selling cigarettes at retail within this state without having first secured the license provided in section six, article twelve, chapter eleven of this code or having taken an assignment of such license in the manner permitted by law. Companies operating club or dining cars or other cars upon which cigarettes are sold shall comply with the requirements of this article with respect to the imposition of cigarette tax and affixing stamps to packages in which the same are sold in the state of West Virginia.
Sec. 9. Power of Tax Commissioner; Rules and Regulations; Records of Wholesalers and Retailers; Metering in Lieu of Stamping; Agents for Metering; Levy to Collect Tax.—The tax commissioner shall have power and authority to enforce and administer the provisions of this article and article eighteen of this chapter. The tax commissioner shall have authority to promulgate in accordance with the provisions of this article such rules and regulations as he may deem necessary to carry out its provisions, and may adopt different detailed regulations applicable to diverse methods and conditions of sale of cigarettes in this state, prescribing, in each class of cases upon whom, as between the wholesale dealer and the retail dealer, the primary duty of affixing stamps shall rest and the manner in which stamps shall be affixed. Each licensed dealer shall be furnished a copy of such regulations upon request. Any such rule or regulation so furnished, excusing a wholesale dealer from affixing stamps under the circumstances of the particular case, shall be a defense in the prosecution of such dealer for violation of section sixteen of this article.

All books, papers, invoices and records of any wholesale or retail dealer in this state, whether or not required under the provisions of this article to be kept by him, showing his sales, receipts and purchases of cigarettes, shall at all times, during the usual business hours of the day, be open for the inspection of the tax commissioner, or his authorized agent, for such purposes; and the tax commissioner or a deputy shall have power to investigate and examine the stock of cigarettes in and upon any premises where the same are placed, stored or sold, for the purpose of determining whether or not the provisions of this act are being obeyed.

The tax commissioner, if he shall determine that it is practicable to stamp packages of cigarettes by impression by means of a metering device, shall provide that such metering device and its impression may be used in lieu of the stamps otherwise required by law. The tax commissioner shall authorize any wholesale, or retail dealer, purchasing unstamped cigarettes and holding the license herein required, to use any metering device approved
by the commissioner, such device to be sealed by the
commissioner or a deputy, or agent authorized by the
commissioner, before being used, and which device shall
be used only in accordance with the regulations pre-
scribed by the commissioner.

Any wholesale or retail dealer authorized by the tax
commissioner to affix stamps to packages of cigarettes by
means of a metering device shall file with the tax com-
missioner a bond in such amount as the tax commissioner
may designate, conditioned upon the payment of the tax
upon the cigarettes so stamped.

Wholesale and retail dealers licensed to use said de-
vice shall make a monthly return to the commissioner
and remit monthly the amounts of tax due the state: 
*Provided, however,* That a wholesale or retail dealer
may elect to pay the tax in advance where a metering
device is used, in which event such dealer shall deliver
the metering device to the commissioner, or his agent
authorized for the purpose, who shall seal the meter in
accordance with the prepayment so made. The com-
missioner may designate and authorize any bank or
trust company with banking offices in any county of
this state, to act as his deputy or agent for the purpose
of performing his duties with respect to sealing of meter-
ing devices in such county, and may require bond, and
the action of any such deputy by its duly authorized of-
fer or employees shall be as valid as though performed
by the commissioner.

The commissioner shall have power to make an assess-
ment, against any retail or wholesale dealer who fails
to return or make a false or erroneous return. The com-
missioner may collect such assessment by levy, action at
law, distraint or any other method of enforcing taxes
which may be provided by law and shall have the right
to file liens therefor in any county.

Sec. 10. *Form of Stamps; Custody; Discounts; Security*
for Payments.—The commissioner shall design, and pro-
cure stamps to be used as herein provided for, affixed
and attached to containers, packages or receptacle of
whatever kind that may be used for containing ciga-
rettes. In the preparing of said stamp or stamps the
same shall have printed or impressed thereon the words
"State of West Virginia—Cigarette Tax Stamp" and such
other words and figures as he may deem proper to show
the value and denomination of the stamp or stamps. He
shall also prescribe the form of impression to be placed
upon any package or container of cigarettes by any meter-
ing device. The state tax commissioner shall collect the
taxes provided for by this article.
Such stamps shall be kept in the custody of the state
tax commissioner or such deputies as he may designate to
sell the same. Such stamps shall be sold and accounted
for at the face value thereof except that the tax com-
missioner may authorize sale thereof, or sell to whole-
sale or retail dealers in this state, or to wholesalers out-
side of this state such stamps at a discount of four per
cent of the face value of such stamps, the same to be
allowed as a commission for affixing and canceling such
stamps; and excepting further that the tax commissioner
may, by like regulation so certified, authorize the de-
livery of stamps to wholesale or retail dealers in this
state, or to wholesale dealers outside of this state on
credit, allowing the same discount as when sold for
cash, if when the purchaser shall file with the tax com-
missioner a bond not exceeding forty thousand dollars,
payable to the state of West Virginia, in such form and
amount as the commissioner shall prescribe, and with
surety or sureties to the satisfaction of the commissioner,
conditioned as he may require, to guarantee payment
within thirty days for stamps so delivered within such
period of time and by making of such reports and settle-
ment as the commissioner may require. In the event a
wholesale dealer in this state has aggregate purchases
during thirty-day credit periods in excess of forty thou-
sand dollars, such dealer may file with the commissioner
a statement of excess credit requirement, together with a
financial statement duly verified by a certified public
accountant or public accountant. Should the commis-
sioner determine that the maximum bond together with
such dealer's known assets are sufficient to insure pay-
ment to the state for stamps purchased, the commissioner
shall authorize the delivery of stamps to such dealer on
48 credit. The commissioner may, by further regulations, 49 provide for canceling, renewing or increasing such bond 50 or for the substitution of the surety thereon. The com- 51 missioner shall redeem any unused or mutilated, but 52 identifiable stamps, that any licensed wholesale dealer 53 or retail dealer may present for redemption, on written 54 verified requests made by the purchaser, his adminis- 55 trators, executors, successors, or assigns, and refund 56 therefor, ninety-five per cent of the face value of said 57 stamps, less any discounts allowed on the purchase of 58 said stamps. The commissioner shall pay on a like basis 59 for stamps destroyed by fire upon presentation of proof 60 of such loss satisfactory to him. Such payments shall for 61 purposes hereof be deemed to be refunds of taxes im- 62 properly collected and shall be allowed and paid as part 63 of the cost of administration of this article as in this article 64 provided.

Sec. 11. Sales by Deputies; Fees; Reports of Deputies. 2 The tax commissioner may appoint any sheriff, or any 3 bank or trust company authorized to do business in, and 4 doing business in this state, as his deputy for the purpose 5 of selling such stamps, excepting that no such deputy 6 shall be thereby authorized to sell the same at a discount 7 or on credit, and excepting, further, that provisions hereof 8 relating to sale of stamps shall not prevent any bank or 9 trust company from acting as the commissioner's deputy 10 for purposes of checking and sealing meters under other 11 provisions of this article. The tax commissioner is hereby 12 authorized to allow such deputy, authorized to sell stamps 13 hereunder, a fee of one-eighth of one per cent of the face 14 value of all stamps sold by such deputy and charge the 15 same as a part of the costs of administration of this article. 16 It shall be the duty of any such deputy to act as such dep- 17 uty and all the powers and duties thereby imposed upon 18 any such sheriff shall be deemed and considered to be 19 within the scope of his office as county treasurer for all 20 purposes. The state tax commissioner shall be responsible 21 for the delivery of stamps to any county sheriff or other 22 deputy so appointed, and may prescribe such regulations 23 and forms of receipts and reports as he may deem neces- 24 sary and advisable for the transaction of the business of
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25 selling such stamps. Each such deputy shall remit
26 monthly or oftener as requested, to the tax commissioner
27 all moneys arising from the sale of such stamps by him,
28 together with a report showing the names of the pur-
29 chasers and the number of each denomination and the
30 aggregate face value sold by each such deputy. Commis-
31 sions or allowances retained or paid to sheriffs shall be
32 paid by such sheriffs into the general fund of his county.
The tax commissioner may sell stamps at his office.

Sec. 19. Issuance of Warrant to Sheriff by Attorney
2 General or Commissioner; Priority of Tax.—In addition
3 to all other remedies for the collection of any taxes or fees
due under the provisions of law, the attorney general or
5 the tax commissioner may issue a warrant directed to the
6 sheriff of any county of the state commanding said sher-
7 iff to levy upon and sell the goods and chattels of such
8 dealer, without exemption, found within his jurisdiction,
9 for the payment of the amount of such delinquency with
10 the added penalties and interest and the cost of executing
11 the warrant and to return such warrant to the tax com-
12 missioner or attorney general and to pay him the money
13 collected by virtue thereof within the time to be therein
14 specified which shall not be less than twenty nor more
15 than sixty days from the date of the warrant. The sheriff
16 to whom any such warrant shall be directed shall proceed
17 upon the same in all respects and with like effect and in
18 the same manner as prescribed by law in respect to exe-
19 cutions issued against goods and chattels upon judgments
20 by a court of record, and shall be entitled to the same fees
21 for his services in executing the warrant to be collected
22 in the same manner.
23 The claim arising by reason of delinquent cigarette
24 taxes shall be a preferred claim against all of the assets
25 of the dealer, real and personal, with priority over all
26 taxes except real property taxes and other recorded state
27 tax claims docketed according to law.

Sec. 20. Revocation of Licenses.—The commissioner
2 shall have the right to revoke any license issued under
3 the provisions of this article and any tobacco license
4 issued under article twelve, chapter eleven of this code,
for violation by licensee thereunder of the provisions of this article, article eighteen of this chapter, and the provisions of any other statute regulating the business of wholesale and retail dealers of cigarettes. Persons whose licenses are revoked hereunder shall have the same rights of appeal provided in sections forty-seven and forty-eight of article twelve of this chapter.

Article 18. Excise Tax on Use, Consumption or Storage of Cigarettes.

Section 1. Definitions.—As used in this article:

2 "Person" includes individuals, firms, partnerships, association, joint stock companies and corporations, and combinations or individuals of whatsoever form and character.

6 "Commissioner" means the tax commissioner of West Virginia.

8 "Storage" means and includes any keeping or retention of cigarettes for any period of time in this state.

10 "Use" means and includes the exercise of any right or power incidental to the ownership of cigarettes.

12 "Consumer" means any person who shall have title to or possession of cigarettes in storage, for use or consumption in this state.

Other terms defined in section one, article seventeen of this chapter shall have the same meaning when used in this article insofar as the same are applicable hereto.

Sec. 2. Levy of Tax on Cigarettes.—For the purpose of providing revenue for the general fund of this state an excise tax is hereby levied on the use, consumption or storage of cigarettes by consumers in this state at the rate of two-cents on each ten or fractional part thereof:

Provided, however, That the tax shall not apply if the tax levied in article seventeen of this chapter has been paid.

Sec. 3. Returns; Remittance.—Every person who has
acquired cigarettes for use, storage or consumption sub-
ject to the tax herein levied shall, on or before the fif-
teenth day of the month following receipt of such cigar-
ettes, make and file with the commissioner a return
showing the amount of cigarettes acquired, together with
remittance of the tax thereon.

Sec. 4. Assessment by Commissioner.—In case any
person required to pay the taxes levied by this article,
fails to make remittance as herein required, the commis-
sioner shall have the power to issue an assessment against
such person, based on any information in his possession
or which may come to his possession or knowledge.

All of the provisions of sections nine and nineteen of
article seventeen of this chapter, and other provisions of
law, relating to assessments, distrains, levies, findings or
appeals from assessments or findings, and the effect of
assessments or findings before or after hearing, and before
or after filing same in the office of the clerk of the county
court, and all provisions of such sections relating to the
procedure, authority, duties, liabilities, powers and privi-
eges of the person assessed, the commissioner, the clerk
of the county court and all other public officials shall be
applicable to assessments made pursuant to the provisions
of this article.

Sec. 5. Penalties for Failure to Make and File Return.
—If any person required by this act to make and file a re-
turn with the commissioner, neglects or refuses to make
such return, or neglects or refuses to pay the tax levied
by this article, or neglects or refuses to pay any lawful
assessment issued by the commissioner he shall be guilty
of a misdemeanor and upon conviction thereof shall be
fined not less than twenty-five dollars nor more than one
hundred dollars.

Sec. 6. Disposition of Taxes Collected.—The moneys
received as taxes under the provisions of this article, shall
be credited and held for the same purposes as taxes col-
lected under article seventeen of this chapter.

Sec. 7. Separability of Provision of Act.—The various
provisions of the several sections of article seventeen and
3 article eighteen, contained in this act, shall be deemed to be separable insofar as they or their meaning is not inseparably connected, and if any provisions of this act shall be held unconstitutional, such holding shall not affect any of the other provisions of this act, and said articles seventeen and eighteen, not inseparably connected in meaning and effect with such part so held unconstitutional.

CHAPTER 190

(House Bill No. 268—By Mr. Speaker, Mr. Flannery)

AN ACT to amend chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article nineteen, relating to the imposition and collection of an excise tax upon the sale, use, handling or distribution of bottled soft drinks and soft drink syrups, and prescribing penalties for the violation thereof.

[Passed March 9, 1951; in effect July 1, 1951. Approved by the Governor.]


Section
1. Definitions.
2. Excise tax on bottled soft drinks and syrups; disposition thereof.
3. Soft drink permits required.
4. Affixing of tax stamps or tax crowns.
5. Purchase of tax stamps or tax crowns; discounts and commissions; provisions for credit.
7. Lien for delinquent taxes.
8. Amount allowed for administration.
9. Altering, counterfeiting or reusing tax stamps or tax crowns; penalty.
11. Separability.

Be it enacted by the Legislature of West Virginia:

That chapter eleven 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 nineteen, to read as follows:
Section 1. Definitions.—As used in this article:

1. “Bottled soft drinks” shall include any and all nonalcoholic beverages, whether carbonated or not, such as soda water, ginger ale, coca cola, lime cola, pepsi cola, doctor pepper, root beer, carbonated water, orangeade, lemonade, fruit juice when any plain or carbonated water, flavoring or syrup is added, or any and all preparations commonly referred to as “soft drinks” of whatever kind, which are closed and sealed in glass, paper, or any other type of container or bottle, whether manufactured with or without the use of any syrup. The term “bottled soft drinks” shall not include fluid milk to which no flavoring has been added, or natural undiluted fruit juice or vegetable juice.

2. “Soft drink syrups” shall include the compound mixture or the basic ingredients, whether dry or liquid, practically and commercially usable in making, mixing or compounding soft drinks at soda fountains by the mixing thereof with carbonated or plain water, ice, fruit, milk or any other product suitable to make a soft drink, among such syrups being such products as coca cola syrup, chero cola syrup, pepsi cola syrup, doctor pepper syrup, root beer syrup, nu-grape syrup, lemon syrup, vanilla syrup, chocolate syrup, cherry smash syrup, rock candy syrup, simple syrup, among such syrups being all these or any other prepared syrups sold or used for the purpose of mixing soft drinks at soda fountains.

3. “Person” shall mean and include an individual, firm, partnership, association or corporation.

4. “Wholesale dealer” includes only those persons who sell any bottled soft drink or soft drink syrup to retail dealers for the purpose of resale.

5. “Retail dealer” includes every person other than a wholesale dealer selling, serving or delivering otherwise dispensing any bottled soft drink or any drink made from soft drink syrup.

6. “Distributor” shall mean any person who manufactures, bottles, produces or purchases for sale to retail dealers any bottled soft drink or soft drink syrup.

7. “Commissioner” means the state tax commissioner,
and where the meaning of the context requires, all depu-
ties and employees duly authorized by him.

Sec. 2. Excise Tax on Bottled Soft Drinks and Syrups;
Disposition Thereof.—For the purpose of providing rev-
eue for the construction, maintenance and operation of
a four-year school of medicine, dentistry and nursing of
West Virginia university, an excise tax is hereby levied
and imposed on and after midnight of the last day of
June, one thousand nine hundred fifty-one, upon the sale,
use, handling or distribution of all bottled soft drinks and
all soft drink syrups, whether manufactured within or
without this state, as follows:
(1) On each bottled soft drink, a tax of one cent on
each sixteen fluid ounces, or fraction thereof, contained
therein.
(2) On each gallon of soft drink syrup, a tax of eighty
cents, and in like ratio on each part gallon thereof, and
on each ounce of dry mixture used for making soft drinks,
a tax proportionate to that levied on soft drink syrup, in
a ratio to be determined by the commissioner.
The person manufacturing or producing within this
state any bottled soft drink or soft drink syrup for sale
within this state shall pay the excise tax hereby imposed,
and the distributor, wholesale dealer or retail dealer or
any other person who is the original consignee of any
bottled soft drink or soft drink syrup manufactured
or produced outside this state, or who brings such drinks
or syrups into this state, shall pay such excise tax. The
excise tax hereby imposed shall not be collected more
than once in respect to any bottled soft drink or soft
drink syrup manufactured, sold, used or distributed in
this state.
All revenue collected by the commissioner under the
provisions of this article, less such costs of administration
as are hereinafter provided for, shall be paid by him into
a special medical school fund, which is hereby created
in the state treasury, to be used solely for the construc-
tion, maintenance and operation of a four-year school of
medicine, dentistry and nursing, as otherwise provided by
law.
Sec. 3. Soft Drink Permits Required.—On and after the first day of July, one thousand nine hundred fifty-one, it shall be unlawful for any person to manufacture, bottle, import, distribute or sell in this state any bottled soft drink or any soft drink syrup without having first obtained from the commissioner a soft drink permit as provided in this section. Each wholesale dealer and each distributor shall each year obtain from the commissioner a soft drink permit for each place of business owned or operated by him within the state and shall pay for each permit an annual fee of ten dollars. Each wholesale dealer and each distributor who sells or distributes any such drink or syrup within the state, but who does not own or operate any place of business within the state, shall likewise obtain each year from the commissioner a soft drink permit and shall pay therefor a fee of ten dollars. Each retail dealer shall each year obtain from the commissioner a soft drink permit for each place of business owned or operated by him within the state and shall pay for each permit an annual fee of one dollar. The commissioner may suspend or, after a hearing, revoke any soft drink permit whenever the holder thereof has failed to comply with any of the provisions of this article or any rules or regulations made and promulgated by him as provided herein.

Sec. 4. Affixing of Tax Stamps or Tax Crowns.—The payment of the taxes herein provided shall be evidenced by the affixing of soft drink tax stamps or tax crowns to the original containers or bottles in which any bottled soft drink or syrup is placed, received, stored or handled. Such stamps or crowns, of the appropriate denomination, shall be affixed to each container of syrup and to each bottled soft drink by the person who under the provisions of this article is first required to pay the tax thereon, within twenty-four hours after such person has such bottled soft drink or syrup in his possession for the first time. The provisions of this paragraph shall not apply to syrup used by bottlers in the manufacture of bottled soft drinks, or to bottled soft drinks or syrups which are transported through this state and which are not sold, delivered, used or stored herein, if transported in accord-
Sec. 4. Sale, Use, Distribution, Administration of Tax.—With such rules and regulations as may be promulgated by the commissioner, or to any bottled drink or syrup which is manufactured in this state and sold to a purchaser outside this state.

Except as otherwise provided in this section, it shall be unlawful for any person to sell, use, handle or distribute any bottled soft drink or soft drink syrup to which the tax stamps or tax crowns required by this section are not affixed, and any person who shall violate this provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Sec. 5. Purchase of Tax Stamps or Tax Crowns; Discounts and Commissions; Provisions for Credit.—The commissioner is hereby authorized to promulgate rules and regulations governing the design, purchase, sale and distribution of tax stamps and tax crowns required by this article. Manufacturers or distributors of crowns may be required to furnish bond to insure faithful compliance with such regulations. Any person desiring to purchase such crowns shall obtain from the commissioner an authority to do so, which shall specify the number of crowns to be purchased, and upon shipment thereof the manufacturer shall transmit to the commissioner a copy of the invoice of such shipment. The commissioner shall not authorize the purchase of crowns by any person who is in default in the payment of any tax required by this article.

The commissioner shall sell the stamps required by this article, or may authorize any sheriff, or any bank or trust company in this state, to sell such stamps as his deputy, and may allow as a commission a fee of one-half of one per cent of the face value of all stamps sold by such deputy. In the sale of such stamps the commissioner shall allow the following discounts: on a sale of less than twenty-five dollars, no discount; on a sale of twenty-five dollars or over and less than fifty dollars, a discount of five per cent; and on a sale of fifty dollars or more, a discount of ten per cent.
In the case of stamps, the tax imposed by this article shall be paid in advance at the time the stamps are purchased. In the case of tax crowns, the tax shall be paid in advance at the time the tax commissioner authorizes the purchase of such tax crowns, unless the purchaser applies for and obtains credit as provided in the following paragraph.

Whenever any person applies for an authorization to purchase tax crowns he may apply for an extension of credit on the tax due with respect to such crowns, and if he files a bond in the form prescribed by the commissioner, with satisfactory corporate surety, in an amount not less than twenty-five per cent more than the tax due with respect to the tax crowns to be purchased, the commissioner shall issue the necessary authorization. Any person who obtains such credit shall, on or before the tenth day of each month, file with the commissioner on forms prescribed by him a return stating the number of tax crowns used by such person during the preceding month, and he shall at the same time pay to the commissioner the tax due on the crowns so used.

The commissioner shall allow to each purchaser of tax crowns, whether for cash or credit, a discount of twelve and one-half per cent of the tax value of such tax crowns. Such discount, and the discount allowed on the sale of tax stamps, shall be in lieu of the allowance of any claim for refund by reason of the breakage or destruction of containers stamped or crowned as provided in this article, or the loss or destruction of tax stamps or tax crowns.

Sec. 6. *Rules and Regulations.*—The commissioner is hereby authorized to make and promulgate such reasonable rules and regulations as may be necessary to administer the provisions of this article and to insure the collection of the taxes imposed hereby. Every person subject to the provisions of this article shall make such reports and keep such records as may be required by the rules and regulations of the commissioner, and shall permit him to inspect such records and the stock and supplies on hand at any time.
Sec. 7. Lien for Delinquent Taxes.—The claims of the state for any delinquent taxes due under the provisions of this article shall be a preferred claim against all the property, real and personal, belonging to the delinquent taxpayer, with priority over all taxes except real property taxes, and other recorded state tax claims docketed according to law.

Sec. 8. Amount Allowed for Administration.—The commissioner, in the administration and enforcement of this article, shall be allowed to expend out of the revenue collected hereunder, a sum not to exceed two and one-half per cent of the total revenue collected.

Sec. 9. Altering, Counterfeiting or Reusing Tax Stamps or Tax Crowns; Penalty.—Any person who falsely or fraudently makes, forges, alters, or counterfeits any tax stamp or tax crown prescribed by the commissioner under the provisions of this article, or who knowingly or willfully utters, passes or tenders as true any such false, altered, forged or counterfeited stamp or crown, or who uses more than once any stamp or crown for the purpose of evading the tax imposed by this article, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Sec. 10. Penalties.—Any person who violates any of the provisions of this article or any lawful rule or regulation promulgated by the commissioner under authority of this article, for the violation of which no other penalty is provided by law, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Sec. 11. Separability.—The provisions of the several sections of this article shall be deemed to be separable insofar as they or their meaning is not inseparably connected, and if any provisions of this article shall be held unconstitutional, such holding shall not affect any of the other provisions thereof.
AN ACT to amend and reenact section twenty-four, article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the service of notices in connection with tax deeds made by county clerks.

[Passed February 27, 1951; in effect ninety days from passage. Approved by the Governor.]


Section 24. Service of notice.

Be it enacted by the Legislature of West Virginia:

That section twenty-four, article three, 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 24. Service of Notice.—As soon as the clerk has prepared the notice provided for in the preceding section, he shall cause it to be served upon the following persons: (1) The person in whose name the real estate was returned delinquent and sold, or, in case of his death, his heir or devisee and his personal representative, if such there be; (2) any grantee of such person, or his heir or devisee and his personal representative, if such there be, if a conveyance of such real estate is recorded or filed for record in the office of the clerk; (3) any person having a lien upon such real estate disclosed by any paper recorded in the clerk's office; and (4) any other person having such an interest in the property as would entitle him to redeem, if the existence of such interest appears of record. The notice shall be personally served upon all such persons residing or found in the state in the manner provided for serving process commencing a suit, on or before the first day of April following the request for such notice. If any person entitled to notice is a non-resident of the state or if his residence is unknown to the
clerk and cannot by due diligence be discovered, the
notice shall be served by publication once a week for
three successive weeks in some newspaper published in
the county in which such real estate is located, or if no
newspaper is published in the county, then in some news-
paper of general circulation in the county. If service by
publication is necessary, publication shall be commenced
within two weeks after April first, and a copy of the
notice shall at the same time be sent by registered mail,
return receipt requested, to the last known address of
the person served. The return of service of such notice
and the affidavit of publication, if any, shall be in the
manner provided for process generally and shall be filed
and preserved by the clerk in his office, together with
any return receipts for notices sent by registered mail.

CHAPTER 192

(Senate Bill No. 177—By Mr. Martin, by request)

AN ACT to amend and reenact section eighteen, article four,
chapter eleven-a of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, relating to the
collection and enforcement of property taxes, including the
redemption of forfeited, and delinquent lands and the sale
of forfeited, delinquent, escheated, and waste and unap-
propriated lands for the benefit of the school fund.

(Passed February 16, 1951: in effect from passage. Approved by the Governor.)

Article 4. Sale of Lands for School Funds.

Section 18. Application for permission to redeem.

Be it enacted by the Legislature of West Virginia:

That section eighteen, 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 18. Application for Permission to Redeem.—
2 The former owner of any forfeited or delinquent land,
or any other person who was entitled to redeem such land under the provisions of section eight, article three of this chapter, may file his petition in such suit with the circuit court or the judge thereof in vacation, at any time before confirmation of sale thereof requesting permission to redeem such land to the extent that title thereto remains in the state. The court or the judge thereof in vacation may by proper decree, permit the petitioner to redeem the land upon payment to the sheriff of the total amount of taxes, interest and charges properly due or chargeable thereon on the date of redemption and all court costs taxable in respect thereto under the provisions of this article, which amount shall be fixed by the court or the judge thereof in vacation, in the order.

Upon payment being made, the court or the judge thereof in vacation, shall enter a decree declaring the redemption of such land by the petitioner, so far only as the title thereto remains in the state, and dismissing the suit in respect thereto. If redemption was allowed after sale, the decree shall also direct the sheriff to return the purchase money to the purchaser. Such decree shall operate as a release of all the right, title and interest of the state in and to such land, but shall in no wise affect or impair any right, title or interest which any other person may have therein.

Any redemption, which may have been heretofore had by a former owner of real estate, pursuant to permission, granted such former owner by a vacation order, in any such suit, is hereby declared valid.

CHAPTER 193

(Senate Bill No. 72—By Mr. Love)

AN ACT to amend and reenact section five, article two, and section five, article four, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the compensation of the director of employment security and members of the board.

[Passed March 8, 1951: in effect from passage. Approved by the Governor.]
Be it enacted by the Legislature of West Virginia:

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

Article 2. The Director of Employment Security.

Section 5. Compensation.

Section 5. Compensation.—The director shall receive an annual salary of seven thousand dollars, and the necessary traveling expenses incident to the performance of his duties. Requisition for traveling expenses shall be accompanied by a sworn itemized statement which shall be filed with the auditor and preserved as a public record.

Article 4. Board of Review.

Section 5. Compensation.

Section 5. Compensation.—Each member of the board shall receive an annual salary of five thousand five hundred dollars and the necessary traveling expenses incurred in the performance of his duties. Requisition for 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 salaries and the expenses of the members shall be paid from the administration fund.

CHAPTER 194

(Senate Bill No. 314—By Mr. Traubert)

AN ACT to amend article ten, chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one,
as amended, by adding thereto a new section to be designated section eighteen, relating to unemployment compensation.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the Governor.]

**Article 10. General Provisions.**

Section 18. When contributions and benefits to cease.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter twenty-one-a 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 eighteen to read as follows:

Section 18. *When Contributions and Benefits to Cease.*

2 Whenever legislation enacted by the Congress of the United States providing for a federal payroll tax against which the contribution required by this chapter may be credited, is repealed, amended, interpreted, affected, or otherwise changed in such manner that no portions of the contributions required by this chapter may be thus credited, then upon the date of such change the provisions of this chapter requiring contributions and providing for payments of benefits shall cease to be operative. If thereafter such credit be allowed, the terms of this chapter shall as of the date of such allowance of credit, again become operative and collections of contributions and payment of benefits shall be resumed.
of director, deputies, assistants and employees, honorarium of council members, traveling expenses, and meetings of council of the department of veterans’ affairs.

[Passed March 8, 1951; in effect July 1, 1951. Approved by the Governor.]

Article 1. Department of Veterans’ Affairs.

Section 5. Compensation of director, deputies, assistants and employees; honorarium of council members; traveling expenses; meetings of council.

Be it enacted by the Legislature of West Virginia:

That section five, article one, chapter nine-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. Compensation of Director, Deputies, Assistants and Employees; Honorarium of Council Members; Traveling Expenses; Meetings of Council.—The director shall receive a salary of seven 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 its members of the veterans' council shall constitute a quorum for the conduct of official business.

CHAPTER 196

(House Bill No. 55—By Mr. Speaker, Mr. Flannery)

AN ACT authorizing the issuance and sale of ninety million dollars of bonds of the state of West Virginia to raise money for the purpose of paying a bonus to veterans under and by virtue of the "Veterans' Ninety Million Dollars Bonus Amendment" to the constitution adopted at the general election held in November, one thousand nine hundred fifty, providing for the disposition and expenditure of the proceeds of the sale thereof, and providing for the payment of such bonds and for the rights and security of the holders thereof.

[Passed February 6, 1951: in effect from passage. Approved by the Governor.]

Veterans' Bonus Bonds.

Section
1. Veterans' bonus bonds; amount thereof and authority to 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. Veterans' bonus sinking fund for payment of bonds and interest; investment thereof.
7. Covenants of state.
8. Sale by governor; minimum price.
9. Proceeds paid into veterans' bonus fund; expenditure.
10. Plates property of state.
11. Treasurer to be custodian of unsold bonds.
12. Interim certificates.
13. Payment of expenses.

Be it enacted by the Legislature of West Virginia:

Section 1. Veterans' Bonus Bonds; Amount Thereof
and Authority to Issue.—Bonds of the state of West Virginia of the par value of ninety million dollars are hereby authorized to be issued and sold for the purpose of raising funds for the payment of a cash bonus to veterans, including the costs of administration necessarily incident thereto, under and by virtue of the “Veterans’ Ninety Million Dollars Bonus Amendment” to the constitution adopted at the general election held in November, one thousand nine hundred fifty. 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 beginning one year and ending not more than twenty years from the date thereof. The amount of such bonds maturing in each year shall be so arranged by the governor that the aggregate amount of principal of and interest on such bonds maturing and becoming due in each year shall be approximately equal. A variation of not more than three per cent in such aggregate amounts of principal and interest maturing and becoming due in each year shall be considered a proper compliance with such requirement. All of such bonds maturing more than ten years after the date of issuance thereof shall be redeemable prior to maturity, at the option of the state of West Virginia, at such time or times, at such premium or premiums, and upon such other conditions as the governor shall determine and prescribe in the notice of sale thereof.

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 veterans’ bonus sinking fund. Bonds taken in exchange shall be canceled 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
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 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 sur-
render 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 the first
day of ___________, of each year, and mail it to the registered
owner at his address as shown by the record of regis-
tration. Both the principal 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
auditor of the state, and shall be substantially in the fol-
lowing form or to the following effect, namely:

VETERANS’ BONUS

COUPON BOND
(Or registered bond, as the case may be)

OF THE

STATE OF WEST VIRGINIA

$______________ SERIES______________ No.______________

The state of West Virginia, under and by virtue of au-
thority of an act of the Legislature passed at the regular
session of one thousand nine hundred fifty-one, on the
_______ day of ___________, one thousand nine hundred fifty-
one, and approved by the governor on the _______ day of
_________, one thousand nine hundred fifty-one, which is
19 hereby made a part hereof as fully as if set forth at
length herein, acknowledges itself to be indebted to, and
21 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 a registered bond) on the
February 27th 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 thereof, or at
the option of the holder at __________ bank in the city
of New York, the sum of __________ dollars, with in-
terest 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 a
coupon bond) 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.

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 testemony whereof, witness the signature of the
treasurer of the state of West Virginia, and the counter-
signature of the auditor of the state, hereto, affixed ac-
cording to law, dated the ______ day of __________, one thou-
sand nine hundred __________, and the seal of the state
of West Virginia.

(Seal)

Treasurer of the State of West Virginia

Countersigned:

Auditor of the State of West Virginia

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

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 Veterans' Bonus Bond No. _______________, series _______________.

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 successor 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. Veterans' Bonus Sinking Fund for Payment of Bonds and Interest; Investment Thereof.—There is hereby created a veterans' bonus sinking fund. Into such fund there shall be paid all moneys received from all taxes or charges made applicable by law to the payment of such bonds or the interest thereon, from transfer fees as herein provided, and from any other source 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 principal and semi-annual interest on such bonds as they 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. The money so paid into the veterans' bonus 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. Covenants of State.—The state of West Virginia hereby covenants and agrees with the holders of bonds issued pursuant hereto that all the provisions of this act shall be and constitute an irrevocable contract with the holders of such bonds from time to time; that the rates of additional taxes on cigarettes and nonintoxicating beer and the additional charge on the sale of each bottle of alcoholic liquor, otherwise provided by law exclusively for payment of such bonds, shall not be reduced so long as any of the bonds, or any interest thereon, are outstanding and unpaid, unless the payment thereof has been adequately provided for; and that to the full extent permitted by the constitution of West Virginia any of the covenants, agreements and provisions of this act may be enforced in any court of competent jurisdiction by any holder of such bonds or of any interest coupon appertain- ing thereto.

The state of West Virginia further covenants and agrees that if in any fiscal year thereafter the aggregate amount of moneys derived from such additional taxes on ciga-
rettes and beer and such additional charges on alcoholic liquor are insufficient to meet all principal and interest payments due on such bonds during that year, it will levy and collect such additional taxes on cigarettes and beer and such additional charges on alcoholic liquor, as may be necessary to produce sufficient revenue to meet such payments as the same shall become due, or that in lieu of such increased taxes or charges on cigarettes, beer and alcoholic liquor, it may levy and collect an additional general consumers sales tax or a graduated income tax in the amount necessary for such purpose.

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 payment of the bonus as herein provided. All sales shall be at not less than par and accrued interest. All interest coupons becoming payable prior to the sale date shall be canceled by the treasurer and rendered ineffective, before the delivery of the bonds so sold.

Sec. 9. Proceeds Paid into Veterans' Bonus Fund; Expenditure.—The proceeds of all sales of bonds herein authorized shall be paid into the veterans' bonus fund, which is hereby created, and shall be expended solely for the payment of the veterans' bonus and the costs of administration necessarily incident thereto.

If deemed advisable, the governor may direct the state treasurer to invest a part of the moneys in the veterans' bonus fund, in direct obligations of the United States of America, having a maturity of not exceeding one hundred eighty-five days from date of purchase. Any interest or profit accruing from such purchases shall be credited to the veterans' bonus fund.

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. Treasurer to Be Custodian of Unsold Bonds.—The state treasurer shall be the custodian of all unsold bonds issued pursuant to the provisions of this act.

Sec. 12. Interim Certificates.—The governor may au-
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 is-
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 per-
manent bonds.

Sec. 13. Payment of Expenses.—All necessary expenses
incurred in the execution of this act shall be paid out of
the veterans' bonus fund on warrants of the auditor of the
state drawn on the state treasury.

CHAPTER 197

(House Bill No. 54—By Mr. Speaker, Mr. Flannery)

AN ACT providing for the payment of the veterans' bonus and
for the administration thereof, prohibiting certain acts
with respect thereto, and prescribing penalties for the vio-
lation of such provisions.

[Passed February 5, 1951; in effect from passage. Approved by the Governor.]

Payment of Veterans' Bonus.

Section

1. Department of veterans' affairs to administer act; veterans' ad-
visory committee.
2. Veterans entitled to bonus.
3. Payment of bonus to relatives of deceased veterans.
4. Amount of bonus.
5. Limitation on time for filing application.
6. Determination by director of the validity of claims.
7. Review board hearing.
8. Court review of final orders of review board.
9. Payments from veterans' bonus fund; balance to veterans' bonus
sinking fund.
10. Penalty for making false statements.
11. Penalty for filing more than one application.
12. Bonus payment not subject to taxation or legal process; claim
therefor not assignable.
13. Collection of fees or charges; penalty.

Be it enacted by the Legislature of West Virginia:

Section 1. Department of Veterans' Affairs to Admin-
ister Act; Veterans' Advisory Committee.—The West Vir-
Virginia department of veterans' affairs is hereby designated
as the state agency to administer the provisions of this
act. The director of the department of veterans' affairs
shall do all things necessary for the proper administration
thereof. The director, with the advice and consent of the
veterans' council, may adopt and promulgate such reason-
able rules and regulations, not inconsistent herewith, as
may be necessary to effect the purposes of this act, includ-
ing regulations concerning the evidence or other data
required to establish eligibility and qualification for the
bonus as herein provided. The director shall prepare and
furnish all necessary forms, which shall be distributed
by him through such veterans' and other organizations
as he may deem most practicable.

The department of veterans' affairs shall, insofar as
possible, utilize the full personnel, supplies and equip-
ment of the department in the administration of this act.
The department may employ such additional deputies
and other assistants as may be necessary for the proper
administration of this act, subject, however, to the ap-
proval of the veterans' council and the director of the
budget, who must also approve the salaries and other
compensation of such deputies and assistants.

The governor may appoint a veterans' advisory com-
mittee, consisting of representatives of veterans' organi-
izations chartered under acts of Congress and operating
in this state, to advise and counsel with the director in
the administration of this act. Such committee shall meet
on the call of the director at such times and places as he
may specify.

Sec. 2. Veterans Entitled to Bonus.—In grateful recog-
nition of their sacrifices in times of war, a cash bonus as
herein provided shall be paid to veterans of World War
I and World War II. Such bonus shall be paid to all per-
sons who rendered active service in the armed forces of
the United States in World War I between the sixth day
of April, one thousand nine hundred seventeen, and the
eleventh day of November, one thousand nine hundred
eighteen, both dates inclusive, or in World War II be-
tween the seventh day of December, one thousand nine
hundred forty-one, and the second day of September, one thousand nine hundred forty-five, both dates inclusive, or in both such wars, who were bona fide residents of the state of West Virginia at the time of their entry into such service and for a period of at least six months prior thereto, who were not dishonorably discharged from such forces, and who within the periods specified actively served in such armed forces for a period of at least ninety days. A cash bonus shall also be paid to any disabled veteran, otherwise qualified, who was discharged within ninety days after entering the services because of a service connected disability.

As used in this act, "armed forces" shall include the following: The United States Army, Army of the United States, Women's Army Corps, Women's Auxiliary Army Corps, Army Nurses' Corps, United States Navy, United States Naval Reserve, United States Navy Women's Reserve, Navy Nurses' Corps, United States Marine Corps, United States Marine Corps Reserve, United States Marine Corps Women's Reserve, United States Coast Guard, United States Coast Guard Reserve, and the United States Coast Guard Women's Reserve.

Sec. 3. Payment of Bonus to Relatives of Deceased Veterans.—The bonus to which any deceased veteran would have been entitled, had he lived, shall be paid only to the following surviving relatives of such veteran, if such relatives are residents of this state when application for payment is made: Any unremarried widow, or if none, any child or children under the age of sixteen, or if none, any dependent parent or parents.

Sec. 4. Amount of Bonus.—The amount of such cash bonus shall be calculated on the basis of ten dollars for each month, or major fraction thereof, served within the territorial limits of the forty-eight states and the District of Columbia, and fifteen dollars for each month, or major portion thereof, served outside such limits, but such amount shall in no case exceed three hundred dollars for those who served only within the territorial limits specified above, and four hundred dollars for those who served outside such limits.
Sec. 5. Limitation on Time for Filing Application.—No bonus shall be paid to any person otherwise entitled thereto unless application therefor shall be filed with the department on or before the thirty-first day of December, one thousand nine hundred fifty-two.

Sec. 6 Determination by Director of the Validity of Claims.—Upon receipt of an application for benefits hereunder, the director shall, as soon as may be practicable, determine the validity of the claim. As soon as such determination has been made, the director shall mail to the applicant a notice stating the amount of the bonus payment, if any, which he finds to be due.

Any applicant who is aggrieved by any such determination of the director may demand that his claim be reviewed as hereinafter provided. Such demand for review shall be filed with the director in writing within sixty days after the date on which the notice by the director was mailed to the applicant. Upon receipt of such demand for review the director shall certify the demand, together with all files and records relating to the application, to a board of review. Unless such demand for review is duly filed with the director, all findings and orders of the director with reference to such claim shall be final and conclusive upon the applicant.

Sec. 7. Review Board Hearing.—For the purpose of this act, the veterans' council of the state department of veterans' affairs is hereby designated as the "Veterans' Bonus Review Board". Under rules and regulations adopted by the veterans' council, any one or more members of a board of review may conduct hearings on a demand by an applicant for review of the determination of the director, and may report his or their findings thereon, together with the entire record of the case, to the review board for its final determination and decision.

If the number of demands for review hereunder shall become too numerous to be handled expeditiously by the veterans' council, the governor, upon the recommendation of the council, may appoint one or more additional boards of review. Additional boards shall consist of not more than three members, one of whom shall be a law-
yer, who shall have the same qualifications as the members of the veterans' council, and who shall serve at the will and pleasure of the governor for such time as may be necessary for the purposes of this act. Each such additional review board shall have the same authority and its final decision shall have the same force and effect as that of the veterans' council under the provisions of this act.

Upon receipt from the director of the files and records relating to any claim, the board, or a member or members thereof, as the case may be, shall fix a time and place for a hearing thereon. The applicant shall be notified of the time and place fixed and shall be informed of his right to demand a public hearing if he so desires. At the hearing the claim shall be reexamined de novo and the submission of additional evidence may be required or permitted. Upon the conclusion of such hearing the board of review, on the basis of the record and the recommendations, if any, made by the member or members who conducted the hearing, shall enter its order reversing, affirming or modifying the determination made by the director.

Any order so entered by the board shall be final and conclusive upon the applicant and the director unless an application is made for review to the supreme court of appeals as hereinafter provided. The board shall mail to the applicant and to the director a copy of the order entered by it in each case.

All notices and correspondence shall be directed to the applicant at the address listed in his application and all notices and correspondence to the director shall be addressed to him at his office in the city of Charleston.

The director shall provide for each review board such clerical and stenographic assistants and such supplies as may be necessary for the performance of its duties.

Each member of a review board shall receive as compensation fifteen dollars per day for each day actually spent in the performance of his duties under the provisions of this act, and shall be reimbursed for all traveling and other expenses necessarily incurred by him in the performance of such duties.

Sec. 8. Court Review of Final Orders of Review
Board.—Within thirty days after the entry of any final order of a board of review, the director or any applicant may petition for review of such order by the supreme court of appeals in the same manner as is provided by section four, article five, chapter twenty-three of the code, for judicial review of final decisions by the workmen's compensation appeal board.

Sec. 9. Payments from Veterans' Bonus Fund; Balance to Veterans' Bonus Sinking Fund.—All bonus payments and other expenses and costs of administering this act shall be paid from the veterans' bonus fund, otherwise established by law. Any balance remaining in such fund after all such payments have been made shall be transferred to the veterans' bonus sinking fund and used solely for the payment of the bonus bonds.

Sec. 10. Penalty for Making False Statements.—Any person who shall knowingly make any false or misleading statement or representation, oral or written, in support of any claim for a bonus under the provisions of this act, shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Sec. 11. Penalty for Filing More Than One Application.—Only one application shall be filed by any veteran or by any person who claims that he is entitled to a share of the bonus payable in the case of any deceased veteran. Any person who, with intent to defraud, violates the provisions of this section shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one nor more than two years, or by both such fine and imprisonment.

Sec. 12. Bonus Payment not Subject to Taxation or Legal Process; Claim Therefor not Assignable.—The bonus provided by this act is hereby declared to be a gift or gratuity made as a token of appreciation for the service rendered by the veteran to the people of West Virginia in time of grave national emergency and is in no
sense compensation for such services. The money received as such bonus shall be exempt from taxation and such money, or any claim therefor, shall not be subject to garnishment, attachment or levy of execution. A claim for payment of a bonus under the provisions of this act shall not be assignable for any purpose whatsoever.

Sec. 13. Collection of Fees or Charges; Penalty.—No fee or charge shall be made by any person, attorney, agent or representative for any service in connection with the filing of an application for payment of a bonus hereunder, except such fees as are provided by law for the performance of official duties by a duly elected or appointed officer of this state or a political subdivision thereof. No person shall, for a consideration, discount or attempt to discount or advance money upon any warrant issued for payment of any bonus provided for in this act.

If an applicant shall employ an attorney to represent him in connection with the prosecution of his claim before a board of review, or before the supreme court of appeals, the attorney shall file with the director an executed copy of his contract of employment, and the total amount of the fee therein provided shall not exceed twenty-five per cent of the total amount awarded. It shall be the duty of the director to protect such attorney in the collection of the fee provided in such contract from the award made in favor of the applicant under the provisions of this act.

Any person who violates any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment for not less than ten days nor more than twelve months, or by both such fine and imprisonment.

CHAPTER 198

(Senate Bill No. 268—By Mr. Johnston, Mr. President)

AN ACT authorizing the state treasurer to deposit the proceeds from the sales of veterans' bonus bonds in banks in this
state and prescribing the conditions upon which banks may qualify as depositories of such funds.

[Passed March 6, 1951: in effect from passage. Approved by the Governor.]

Deposit of Proceeds from Sales of Veterans' Bonus Bonds.

Section
1. Deposit of proceeds of sales of veterans' bonus bonds.
2. Bond to be executed by depository banks; penalty thereof; approval; action thereon; recordation.
3. Collateral security; amount; where deposited; sale thereof in case of default.

Be it enacted by the Legislature of West Virginia:

Section 1. Deposit of Proceeds of Sales of Veterans' Bonus Bonds.—Notwithstanding any other provision of law, the treasurer is authorized, as provided in this act to establish an account, to be known as the veterans' bonus account, in state or national banks within the State of West Virginia. To the credit of such accounts he shall deposit all proceeds from the sale of veterans' bonus bonds, authorized by the provisions of Engrossed House Bill number fifty-five, an Act of the Legislature, regular session, one thousand nine hundred fifty-one.

Sec. 2. Bond to be Executed by Depository Banks; Penalty Thereof; Approval; Action Thereon; Recordation. —Before the treasurer shall deposit any money in the veterans' bonus accounts authorized to be established by section one of this act, the bank or banks designated by him shall execute a bond, to be accepted and approved by the board of public works, payable to the state of West Virginia, in a penalty in excess of the maximum amount of money that shall be deposited in the account at any one time, as hereinafter provided, and conditioned for the prompt payment, whenever lawfully required, of any state money, or part thereof, that may be deposited with such depository, such bond to continue in full force and effect until the veterans' bonus account has been closed with such bank by the treasurer.

An action shall lie on such bond at the instance of the
board of public works or the treasurer for the recovery of any money deposited in the depository, upon failure or default of the depository to fully and faithfully account for and pay over any and all state moneys deposited by the treasurer therein. The bond shall not be accepted by the board of public works until it shall have been submitted to the attorney general, and certified by him to be in due and legal form, and conformable to the provisions of this act, which certificate shall be endorsed thereon. After acceptance and approval by the board of public works, the bond shall be recorded by the secretary of state in the book kept in his office for the purpose of recording bonds to secure other state accounts.

Sec. 3. Collateral Security; Amount; Where Deposited; Sale Thereof in Case of Default.—The board of public works shall accept, for the faithful performance of the conditions of such bonds, collateral negotiable securities consisting of direct obligations of the United States, bonds of federal land banks, bonds of the state of West Virginia or of any county or municipality thereof, or any other bonds or securities approved by the board of public works. All collateral deposited by a bank in the manner required by the following provisions of this section and hereunder accepted, is hereby designated to secure the bond executed by the depository bank under the provisions of section two of this act, and in the event of an action on the bond by the board of public works or the treasurer, if sufficient money is not realized therefrom to fully reimburse the state for losses caused by the inability of the depository bank to pay over promptly all state moneys as required, the board of public works shall have the authority to place on the market and sell any or all securities deposited by the defaulting bank to secure its bond. The proceeds from such sale, or so much thereof as is necessary, shall be retained by the board of public works and applied to reimburse the state for the losses resulting from such default. Any funds remaining after such sale, and all securities belonging to the bank not sold, shall then be promptly turned over or released to the owner thereof.

The amount of state funds on deposit in any bank shall
at no time be permitted to exceed ninety per cent of the
value of the collateral pledged to secure any bond, and
the value thereof shall be determined by the board of
public works.

All collateral securities may be delivered to the treas­
er of the state of West Virginia, who shall receipt
therefor to the owner thereof, and the treasurer and his
bondsmen shall be liable to any person for any loss by
reason of embezzlement or misapplication of such secur­
ities by the treasurer or any of his official employees, and
for the loss thereof due to his negligence or the negligence
of any of his official employees; or, with the permission
of the treasurer, the depository bank may deposit for
safekeeping the collateral in a bank or banks within or
without the state of West Virginia: Provided, That the
bank holding such securities shall set aside the collateral
so pledged and hold it for the account of the treasurer of
the state of West Virginia, and in addition thereto issue
to the treasurer an escrow receipt or contract evidencing
that such has been done: And provided further, That the
bank or banks holding the collateral shall comply with
such rules and regulations for handling and protecting
the securities as the treasurer may make, with the ap­
proval of the board of public works.

CHAPTER 199
(Senate Bill No. 52—By Mr. Johnston, Mr. President)

AN ACT to authorize and empower the commissioner of agri­
culture to apply for the return of the assets of the West
Virginia Rural Rehabilitation Corporation, and to enter
into agreements with the secretary of agriculture of the
United States for the future administration of such assets.

[Passed February 5, 1951: In effect from passage. Approved by the Governor.]

West Virginia Rural Rehabilitation Corporation.
Section
1. Commissioner authorized to apply for return of assets.
2. Commissioner authorized to enter into administration agreements with the United States.
3. Deposit of funds and use of assets.
4. Separability.

Be it enacted by the Legislature of West Virginia:

Section 1. Commissioner Authorized to Apply for Return of Assets.—The commissioner of agriculture is hereby designated as the official of the state of West Virginia to make application to and receive from the secretary of agriculture of the United States, or any other proper federal official, pursuant and subject to the provisions of Public Law 499, 81st Congress, approved May 3, 1950, the trust assets, either funds or property, held by the United States as trustee in behalf of the West Virginia Rural Rehabilitation Corporation.

Sec. 2. Commissioner Authorized to Enter into Administration Agreements with the United States.—The commissioner of agriculture is authorized to enter into agreements with the secretary of agriculture of the United States pursuant to section 2(f) of the aforesaid Act of the Congress of the United States, upon such terms and conditions and for such periods of time as may be mutually agreeable, authorizing the secretary of agriculture of the United States to accept, administer, expend and use in the state of West Virginia all or any part of such trust assets, or any other funds of the state of West Virginia which may be appropriated for such uses, for carrying out the purposes of Titles I and II of the Bankhead-Jones Farm Tenant Act, in accordance with the applicable provisions of Title IV thereof, as now or hereafter amended.

Sec. 3. Deposit of Funds and Use of Assets.—Funds and the proceeds of the trust assets returned to the commissioner of agriculture pursuant to section one of this act which are not retransferred to the secretary of agriculture of the United States pursuant to section two of this act, shall be paid into the state treasury and carried in a separate account for use for such of the rural rehabilitation purposes permissible under the charter of the now dissolved West Virginia Rural Rehabilitation Corporation
as may from time to time be agreed upon by the commis-
missioner of agriculture and the secretary of agriculture
of the United States.

Sec. 4. Separability.—If any provision of this act, or the
application thereof to any person or circumstances, is held
invalid, the remainder of this act, and the application of
such provision to other persons or circumstances, shall
not be affected thereby.

CHAPTER 200
(Senate Bill No. 252—By Mr. Love)

AN ACT to amend article five, chapter forty-one, of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section to be designated
section twenty, relating to rights of devisees and bona fide
purchasers of real estate devised by wills.

[Passed March 10, 1951; in effect ninety days from passage. Approved by the
Governor.]

Article 5. Production, Probate and Record of Wills.

Section
20. Title to real estate devised by wills; rights of devisees and bona
fide purchasers.

Be it enacted by the Legislature of West Virginia:

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

Section 20. Title to Real Estate Devised by Wills; Rights
of Devises and Bona Fide Purchasers.—The title of a
bona fide purchaser of real estate, without notice and for
valuable consideration, from the devisee or devisees of a
testator, a will of whom has been duly admitted to pro-
bate devising such real estate, shall not be affected or
impair by any devise or other disposition of any such
real estate by the testator by or in any other will or wills executed by him subsequent to the instrument already admitted to probate as his last will and testament, unless any such subsequently executed will (or if any such will has been probated without the state, an authenticated copy thereof) shall be filed for probate in the court having jurisdiction for that purpose, or with the clerk thereof, within one year next after the testator's death and shall afterwards be admitted to probate as the will of such real estate and entered of record in the proper clerk's office: Provided, however, That if any devisee under any such subsequently executed will is at the time of the testator's death an infant, or insane, or a convict, the limitation created by this section shall not affect the rights of any such infant, insane person or convict until after the expiration of one year from the removal of such disability.

CHAPTER 201
(Senate Bill No. 71—By Mr. Love)

AN ACT to amend and reenact section one, article one, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the workmen's compensation commissioner, appointment, compensation and legal services by attorney general.

[Passed March 8, 1951; in effect from passage. Approved by the Governor.]


Section 1. Compensation commissioner; appointment; legal services by attorney general.

Be it enacted by the Legislature of West Virginia:
That section one, article one, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
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 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 seven 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.

CHAPTER 202
(Senate Bill No. 249—By Mr. Stemple)

AN ACT to authorize the county court of Barbour county to use unexpended funds and surpluses in the general fund of said county for the purpose of creating a special building fund for building an addition to, alteration or repair of, the courthouse and jail, and to expend for such purposes the fund so created.

[Passed March 2, 1951; in effect from passage. Approved by the Governor.]

Section 1. Barbour county court authorized to create a special building fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Barbour County Court Authorized to Create a Special Building Fund.—The county court of Barbour
Boone and Clay Counties—Transfer of Funds [Ch. 203]

Chapter 203

( House Bill No. 425—By Mr. White, of Boone)

AN ACT to authorize the county courts of Boone and Clay counties to transfer the unexpended balance in the dog tax fund to the general county fund of said counties.

[Passed March 6, 1951: in effect from passage. Approved by the Governor.]

Section

1. Boone and Clay county courts authorized to transfer dog tax fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Boone and Clay County Courts Authorized to Transfer Dog Tax Fund.—The county courts of Boone and Clay counties are hereby authorized and empowered to transfer the unexpended balances in excess of two hundred fifty dollars now in the dog tax fund of each of said counties remaining, and not needed for the payment and satisfaction of claims and expenses against said dog tax fund, to the general county fund. The county courts of Boone and Clay counties are hereby authorized and empowered, from time to time and as it may appear advisable, any part of the dog tax fund of the respective counties to the general county fund, the same to be used and expended as a part of the general county fund of said counties, providing that at least two hundred fifty dollars shall remain in the dog tax fund for the payment and satisfaction of all claims and expenses against said dog tax fund.
AN ACT to amend and reenact section three, chapter twenty-seven, acts of the Legislature, regular session, one thousand nine hundred nine, relating to the election, time of electing, length of term of office and qualifications of the judge of the criminal court of Harrison county.

[Passed February 5, 1951; in effect ninety days from passage. Approved by the Governor.]

Section
3. Election, qualifications and term of judge.

Be it enacted by the Legislature of West Virginia:

That section three, chapter twenty-seven, acts of the Legislature, regular session, one thousand nine hundred nine, be amended and reenacted to read as follows:

Section 3. Election, Qualifications and Term of Judge.—
2 There shall, at the general election to be held in this state
3 on the Tuesday next after the first Monday in November,
4 in the year one thousand nine hundred and fifty-two, and
5 every eight years thereafter, be elected by the legal voters
6 of Harrison county, West Virginia, a judge of the crim-
7 inal court of said county, who shall be a resident mem-
8 ber of the bar of said county, and shall be disqualified
9 from practicing law in all of the courts of this state dur-
10 ing his continuance in office; who shall preside over said
11 court for the term of eight years from the first day of
12 January succeeding his election, and shall be, except as
13 to jurisdiction, subject to the laws in force governing
14 circuit court judges. The judge of said court elected at the
15 general election held in this state on the Tuesday next
16 after the first Monday in November, in the year one thou-

19 All acts or parts of acts inconsistent herewith are here-
20 by repealed, insofar as they may apply to Boone and Clay
21 counties.
17 shall preside over said
18 court for the term of four years from the first day of
19 January succeeding his election, shall hold office until the
20 first day of January, one thousand nine hundred fifty-
21 three, and until his successor is elected and qualified.

CHAPTER 205
(House Bill No. 47—By Mr. Caplan)

AN ACT to amend and reenact section four, chapter twenty-
seven, acts of the Legislature, regular session, one thousand
nine hundred nine; as amended and reenacted by section
four, chapter twelve, acts of the Legislature, regular ses-
sion, 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, extra-
ordinary session, one thousand nine hundred thirty-two, as
amended by section twenty-one, chapter eighty-two, acts of
the Legislature, regular session, one thousand nine hun-
dred thirty-seven, and as last amended by section four,
chapter one hundred sixty-three, acts of the Legislature,
regular session, one thousand nine hundred forty-five, all
relating to the salary of the judge of the criminal court of
Harrison county.

[Passed February 2, 1951; in effect ninety days from passage. Approved by the
Governor.]

Section
4. Salary of judge.

Be it enacted by the Legislature of West Virginia:

That section four, chapter twenty-seven, acts of the Legis-
lature, regular session, one thousand nine hundred 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, as amended by section twenty-one, chapter eighty-two, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, and as last amended by section four, chapter one hundred sixty-three, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 4. Salary of Judge.—The judge of the criminal court of Harrison county, West Virginia, shall from and after the first day of January, one thousand nine hundred fifty-three, receive for his services a salary of six thousand five hundred 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. The salary of said judge shall continue as provided in section four, chapter one hundred sixty-three of the acts of the Legislature, regular session, one thousand nine hundred forty-five, until the first day of January, one thousand nine hundred fifty-three.

CHAPTER 206

(AN ACT to amend and reenact section two, chapter one hundred seventy-two, acts of the Legislature, regular session, one thousand nine hundred forty-seven, relating to the domestic relations court of Kanawha county.

[Passed March 9, 1951: in effect from passage. Approved by the Governor.]}

Section 2. Jurisdiction.

Be it enacted by the Legislature of West Virginia:

That section two, chapter one hundred seventy-two, acts of
the Legislature, regular session, one thousand nine hundred forty-seven, be amended and reenacted to read as follows:

Section 2. Jurisdiction.—The court shall have jurisdiction within Kanawha county, concurrent with the circuit court of said county, of actions, suits, causes and proceedings relating to annulment of marriages, affirmation of marriages, separate maintenance, divorces, alimony, the adoption of adults and children, the care and disposition of delinquent, defective, neglected and dependent children, juvenile offenders, desertion and nonsupport of wives and children, child labor, truancy under the school laws of the state, and any and all other matters arising under the laws of the state of West Virginia, common or statutory, incidental to the foregoing, including, but not limited to, the disposition of property and property interests involved in any such causes and matters and, as well, the adjudication of any and all rights, titles and interests necessary or incidental to a full determination of all such causes and matters pending in said court.

The court shall have general equity jurisdiction in any causes or proceedings before it, with full power to grant injunctions in matters involving the care, preservation and protection of persons or property in such causes or proceedings.

The court shall also have concurrent jurisdiction with the circuit court of said county over all habeas corpus proceedings involving children under the ages of twenty-one years.

The manner and modes of procedure, power and jurisdiction conferred by law upon the circuit court of Kanawha county in any and all of the foregoing matters and causes are hereby conferred upon and shall be exercised by the domestic relations court of Kanawha county.

It shall not be necessary in any such cause or proceedings to set forth upon the record the facts authorizing the court to take jurisdiction thereof, but jurisdiction shall be presumed unless the contrary plainly appears from the record.
AN ACT to amend and reenact section eight, chapter one hundred forty-eight, acts of the Legislature, regular session, one thousand nine hundred forty-nine, relating to the domestic relations court of Kanawha county.

[Passed March 9, 1951; in effect ninety days from passage. Approved by the Governor.]

Section 8. Terms of court; maturity of causes; procedure; appointment of probation staff, medical, clerical and secretarial assistants and fixing salaries.

Be it enacted by the Legislature of West Virginia:

That section eight, chapter one hundred forty-eight, acts of the Legislature, regular session, one thousand nine hundred forty-nine, be amended and reenacted to read as follows:

Section 8. Terms of Court; Maturity of Causes; Procedure; Appointment of Probation Staff, Medical, Clerical, and Secretarial Assistants and Fixing Salaries.—For the purpose of maturing, docketing, hearing and determining all matters, suits, petitions and other proceedings properly determinable in the domestic relations court of Kanawha county there shall be regularly continued and held four terms of court each year, beginning on the second Monday in February, May, August and November. Special terms of said court may be called and held whenever, in the discretion of the judge of the court, public interest requires such special terms. The judge of the court shall have like jurisdiction and authority, in vacation of the court, to make and enter such proper orders in any matter, suit, action, petition or proceeding pending in the court as the judges of the circuit courts have under the laws of the state. All matters arising under the jurisdiction of the court, other than suits for divorce, separation, annulment of marriages and affirmation of marriages, may be heard and determined either in term time or in vacation: Provided, however, That proper notice of any such
proceedings be given as provided by law for the particular case.

The mode of procedure in cases instituted in this court shall be the same as that prescribed for the circuit court in similar causes. The court is authorized and empowered to appoint such additional officers, divorce commissioners, commissioners in chancery, special commissioners, jury commissioners, and probation officers, and such medical, clerical and secretarial assistance as shall enable the court to discharge all the duties required of it under the provision of this act, and the general laws of the state. The judge may appoint a chief probation officer, assistant probation officers, and necessary medical, clerical, secretarial and other necessary assistants to be paid by the county court: Provided, That the appointing judge shall first obtain the approval of the county court of Kanawha county of the expenses to be incurred and the salary or salaries to be paid the probation officers and clerical assistants, which approval shall be discretionary with said county court and shall be required before any appointment made hereunder becomes effective or any expense is incurred in connection therewith. Such appointments shall be made by the judge and the appointees shall serve during the pleasure of the judge.

The chief probation officer shall receive as compensation for his or her services an annual salary of not less than thirty-six hundred dollars nor more than fifty-four hundred dollars to be determined by the judge. Assistant probation officers and medical assistants shall receive as compensation an annual salary of not less than twenty-four hundred dollars nor more than forty-two hundred dollars to be determined by the judge. Clerical and secretarial assistants shall receive as compensation for his or her services an annual salary of not less than twenty-one hundred dollars nor more than three thousand dollars to be determined by the judge. In addition to the annual salary herein provided for the chief probation officer and each assistant probation officer and medical assistants, they shall be reimbursed by the county court by reason of his or her necessary expenses actually incurred in the performance of official duties including an allowance of
seven cents a mile for his or her automobile driven in the
performance of official duties. The appointment of the
chief probation officer, assistant probation officers, medi-
cal and secretarial assistants, when made by the judge,
shall be entered on the law order book of the court. A
copy of the order of appointment shall be transmitted
to the clerk of the county court. Thereupon, the county
court shall make provision for payment and shall pay
the salaries of the chief probation officer, assistant proba-
tion officers, medical, clerical and secretarial assistants as
shown by the order of appointment. The annual salaries
provided for in said order of appointment shall be paid
in equal monthly installments. Expenses and mileage
accounts of the chief probation officer, assistant probation
officers, and medical assistants shall be itemized and veri-
fied and presented to and paid by the county court, if such
accounts are approved by the judge. The county court
shall provide such office space, equipment and supplies
for the probation staff, clerical, secretarial and medical
assistants as the judge shall deem necessary and adequate.
The judge shall maintain a political balance between
the two major political parties of Kanawha county in
his appointments of divorce commissioners, commission-
ers in chancery and special commissioners, so that at no
time will the number of either divorce commissioners or
commissioners in chancery or of special commissioners of
one political affiliation exceed by more than one the num-
ber of such commissioners affiliated with the other major
political party of the county. The court shall make pro-
vision for reference of such divorce and other matters
as may be proper from time to time to said commissioners
in rotation so as to effect insofar as practicable, an equit-
able distribution of work between and among them. The
judge of the court shall have power to make and promul-
gate such rules for the transaction of the business of the
court as may be necessary: Provided, That all such rules
shall be in conformity with the laws of the state of West
Virginia and with any rules promulgated by the supreme
court of appeals of this state.
CHAPTER 208

(Senate Bill No. 187—By Mr. Love)

AN ACT to amend chapter twenty-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred seven, as amended, by adding thereto a new section to be designated section thirty-seven, relating to the criminal court of Kanawha county.

[Passed February 20, 1951; in effect ninety days from passage. Approved by the Governor.]

Section 37. Probation staff; chief probation officer; assistant probation officers; clerical and secretarial assistants.

Be it enacted by the Legislature of West Virginia:

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

Section 37. Probation Staff; Chief Probation Officer; Assistant Probation Officers; Clerical and Secretarial Assistants.—The court is authorized and empowered to appoint such probation officers, assistant probation officers, clerical and secretarial assistants as shall enable the court to discharge all the duties required of it under the provision of this act and the general laws of the state. The judge may appoint a chief probation officer, assistant probation officers, and necessary clerical and secretarial assistants, and other necessary assistants to be paid by the county court. Such appointments shall be made by the judge and the appointees shall serve during the pleasure of the judge.

The chief probation officer shall receive as compensation for his or her services an annual salary of not less than three thousand dollars nor more than forty-eight hundred dollars, to be determined by the judge. Assistant probation officers shall receive as compensation an annual salary of not less than twenty-four hundred dollars nor more than four thousand dollars, to be de-
terminated by the judge. Clerical and secretarial assistants shall receive as compensation for his or her services an annual salary of not less than eighteen hundred nor more than twenty-seven hundred dollars, to be determined by the judge. In addition to the annual salary herein provided for the chief probation officer and each assistant probation officer, they shall be reimbursed by the county court by reason of his or her necessary expenses actually incurred in the performance of official duties, including an allowance of seven cents a mile for his or her automobile driven in the performance of official duties. The appointment of the chief probation officer, assistant probation officers, clerical and secretarial assistants when made by the judge shall be entered by the order of the court. A copy of the order of appointment shall be transmitted to the clerk of the county court. Thereupon the county court shall make provision for payment and shall pay the salaries of the chief probation officer, the assistant probation officers, clerical and secretarial assistants, as shown by the order of appointment. The annual salaries provided for in said order of appointment shall be paid in equal monthly installments. Expense and mileage accounts of the chief of probation officers and assistant probation officers shall be itemized and verified and presented to and paid by the county court, if such accounts are approved by the judge. The county court shall provide such office space, equipment and supplies for the probation staff, clerical and secretarial assistants as the judge shall deem necessary and adequate: Provided, That the appointing judge shall first obtain the approval of the county court of the expenses to be incurred and the salaries to be paid the chief probation officer, assistant probation officers, clerical and secretarial assistants, which approval shall be discretionary with the county court and shall be required before any appointment made hereunder becomes effective.
CHAPTER 209
(Senate Bill No. 38—By Mr. Love)

AN ACT to amend and reenact section eleven, chapter twenty-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred seven, as last amended by section eleven, chapter one hundred sixty-six, acts of the Legislature, regular session, one thousand nine hundred forty-five, relating to the terms of the intermediate court of Kanawha county.

[Passed February 23, 1951; 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, regular session, one thousand nine hundred seven, as last amended by section eleven, chapter one hundred sixty-six, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 11. Terms of Intermediate Court of Kanawha County.—There shall be four terms of said court held in each year, commencing on the second Monday in January, the second Monday in April, the third Monday in June and the fourth 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.

CHAPTER 210
(Senate Bill No. 110—By Mr. Jones)

AN ACT to authorize and empower the county court of Mason county to set up a courthouse and jail building fund from surpluses thus far accumulated by the said county court and now retained in the general county fund, and also
from surpluses hereinafter accumulated in the general county fund, and to transfer from the general county fund any money therein thus far accumulated, or that may hereafter from year to year so accumulate over and above the money needed for the normal operation of said county, which said money so set up in said special fund may be used for enlarging, remodeling and improving the present courthouse and jail or for the construction of a new courthouse and jail on the present or another site and as well to purchase additional land from individuals, associations, or corporations, incident to the improvement of said courthouse and jail facilities.

[Passed February 23, 1951; in effect ninety days from passage. Approved by the Governor.]

Section 1. Authorizing Mason county to transfer from its general county fund all of the presently accumulated or hereafter accumulated surpluses into a courthouse and jail building fund and authorizing the county court of Mason county to spend the same for enlarging, remodeling and improving the present courthouse and jail, or for the construction of a new one, or for the purchase of additional real estate therefor.

Be it enacted by the Legislature of West Virginia:

Section 1. Authorizing Mason County to Transfer from Its General County Fund All of the Presently Accumulated or Hereafter Accumulated Surpluses Into a Courthouse and Jail Building Fund and Authorizing the County Court of Mason County to Spend the Same for Enlarging, Remodeling and Improving the Present Courthouse and Jail, or for the Construction of a New One, or for the Purchase of Additional Real Estate Therefor.—The county court of Mason county is hereby authorized and empowered to transfer from its general county fund all money or moneys therein and heretofore accumulated and held in said fund for building purposes, into a special courthouse and jail building account, and is further authorized and empowered from year to year to transfer from its general county fund into said special fund all surpluses that may accumulate in said general fund, and that said money or moneys so accumulated in said special fund may be expended for the enlarging, remodeling and im-
proving of the present courthouse and jail, or for the
construction of a new one on the present courthouse site
or on other presently owned county sites and that a por-
tion of said fund may be used for the purpose of acquiring
additional real estate, either by purchase or through
eminent domain, incident to presently owned county lots
that may be needed for the purpose of enlarging the same
sufficient to accommodate the construction of new court-
house and jail facilities.

CHAPTER 211
(House Bill No. 392—By Mr. Warden)

AN ACT to amend and reenact section eleven, chapter five, acts
of the Legislature, regular session, one thousand nine hun-
dred nineteen, as last amended, relating to the criminal
court of McDowell county.

[Passed March 9, 1951; in effect ninety days from passage. Approved by the
Governor.]

Section
11. Terms of McDowell county criminal court.

Be it enacted by the Legislature of West Virginia:

That section eleven, chapter five, acts of the Legislature,
regular session, one thousand nine hundred nineteen, as last
amended, be amended and reenacted to read as follows:

Section 11. Terms of McDowell County Criminal Court.
2 —There shall be four terms of said court held in each
3 year, commencing on the second Tuesday in February,
4 the second Tuesday in May, the second Tuesday in August,
5 and the second Tuesday in November. Adjourned and
6 special terms of said court may be called and held as pro-
7 vided for special terms of the circuit court.
CHAPTER 212
(House Bill No. 69—By Mr. Carroll)

AN ACT to authorize and empower the county court of Nicholas county to use unexpended funds and surpluses in any fund of said county for the purpose of creating a special county building fund, and to use such fund for the purchase of land for the location of buildings, for the construction of new buildings and for enlarging, remodeling and improving county buildings.

[Passed February 16, 1951; in effect from passage. Approved by the Governor.]

Section 1. Authorizing the county court of Nicholas county to create a special building fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Authorizing the County Court of Nicholas County to Create a Special Building Fund.—The county court of Nicholas 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 or any other fund of said county for the purpose of creating a special county building fund for the purpose of purchasing land for the location of county buildings, for construction of new county buildings and for enlarging, remodeling and improving county buildings. The said county court is also authorized to expend for such purposes the fund so created.

CHAPTER 213
(House Bill No. 148—By Mr. Honecker and Mr. Hubbard)

AN ACT to authorize the board of commissioners of Ohio county to contract with the city of Wheeling in order to provide by purchase, construction, lease or otherwise, facilities for impounding dogs and providing for the maintenance and operation thereof, and authorizing said board
to use therefor any funds received by it under the provisions of section two, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter fifty-eight, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three.

[Passed March 3, 1951; in effect from passage. Approved by the Governor.]

Section
1. Facilities for impounding dogs.
2. Use of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Facilities for Impounding Dogs.—The board of commissioners of Ohio county is authorized to contract with the city of Wheeling for the joint acquisition, maintenance and operation of facilities for impounding dogs under the provisions of sections one and seven, chapter eighty-three, acts of the Legislature, one thousand nine hundred twenty-five, and for that purpose to purchase, construct, lease or otherwise acquire facilities for impounding dogs.

Sec. 2. Use of Funds.—Said board may from time to time use such part of the funds as it may receive under the provisions of said chapter as it may determine are not necessary to provide compensation for loss or damage on account of the destruction, loss or injury by dogs of any sheep, lamb, goat or kid, for the purpose of carrying out the provisions of section one hereof.

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

CHAPTER 214

(House Bill No. 426—By Mr. Beneke, by request)

AN ACT to amend and reenact section seven of an act entitled "An act to establish a county court and a board of commissioners of Ohio county, under the thirty-fourth sec-
tion of the eighth article of the constitution of the State of
West Virginia," approved December thirty-first, one thou-
sand eight hundred seventy-two, as amended by acts of
the Legislature, one thousand nine hundred nine, and as
further amended, by chapter one hundred thirty-two, acts
of the Legislature, one thousand nine hundred twenty-
three; and last amended by chapter one hundred fifty-
seven, acts of the Legislature, regular session, one thou-
sand nine hundred forty-nine.

[Passed March 6, 1951; in effect ninety days from passage. Approved by the
Governor.]

Section 7. Board of commissioners of Ohio county; meetings; compensation;
powers.

Be it enacted by the Legislature of West Virginia:

That section seven of an act entitled "An act to establish a
county court and a board of commissioners of Ohio county,
under the thirty-fourth section of the eighth article of the con-
stitution of the state of West Virginia", approved December
thirty-first, one thousand eight hundred seventy-two, as
amended by the acts of the Legislature, one thousand nine
hundred nine, and as further amended by chapter one hundred
thirty-two, acts of the Legislature, one thousand nine hundred
twenty-three, last amended by chapter one hundred fifty-seven,
acts of the Legislature, regular session, one thousand nine
hundred forty-nine, be amended and reenacted to read as
follows:

Section 7. Board of Commissioners of Ohio County;
Meetings; Compensation; Powers.—The commissioners
elected as provided in section five shall constitute a
board, to be known as "the Board of Commissioners of
the County of Ohio", by which name they may sue and
be sued, and make and use a common seal, and enact
ordinances and by-laws not inconsistent with the laws
of this state. They will meet steadily on the first Monday
in every month, at the court house of their county, and
may hold special and adjourned meetings at any time
after their first meeting after election. They shall elect
one of their number president of the board, and appoint
a clerk, who shall hold his office at their pleasure, and
shall keep a journal of their proceedings, including a
record of their ordinances in a volume separate from the
journal of their proceedings, and shall perform such other
services pertaining to his office as may be by them or by
law required; and whose compensation shall be forty-
two hundred dollars annually, which salary shall be paid
from the county treasury and no fees or additional salary
shall be received by said clerk. The said board shall have
the same powers now vested in the board of commission-
ers of Ohio county as to the superintendence and adminis-
tration of the internal police and fiscal affairs of the
county, including the establishment and regulation of
roads, ways, bridges, public landings, ferries and mills,
the granting of ordinary and other licenses, with author-
ity to lay and disburse the county levies. The board shall,
in all contested cases, judge of the election, qualification
and returns of its own members, and of all county and
district officers; and it shall exercise such other jurisdict-
ion and perform such other duties as may be prescribed
by law. The said commissioners shall each receive a com-
pensation of forty-five hundred dollars annually, which
salary shall be paid from the county treasury and no fees,
commissions or additional salary shall be received by
any of said commissioners. Any commissioner may be
indicted for malfeasance, misfeasance or neglect of of-
ficial duty, and, upon conviction thereof, his office shall
become vacant. A vacancy in the board of commissioners,
whether from resignation, removal from the subdivision
from which he was elected, removal from office, death or
other cause, shall be filled by the remaining members of
the board.

All acts or parts of acts inconsistent herewith are here-
by repealed.
CHAPTER 215
(House Bill No. 23—By Mr. Gompers, by request)

AN ACT to amend and reenact section two, chapter one hundred twenty, acts of the Legislature, regular session, one thousand nine hundred twenty-five, relating to the jurisdiction of the intermediate court of Ohio county.

[Passed February 23, 1951; in effect from passage. Approved by the Governor.]

Section 2. Jurisdiction of the court.

Be it enacted by the Legislature of West Virginia:

That section two, chapter one hundred twenty, acts of the Legislature, regular session, one thousand nine hundred twenty-five, be amended and reenacted to read as follows:

Section 2. Jurisdiction of the Court.—The said court shall have jurisdiction within the county of Ohio concurrent with the circuit court of said county, of all felonies, misdemeanors and offenses committed within the said county; and also original jurisdiction of all civil actions at law, including motions for judgment under the provisions of section six, article two, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, where the amount or value in controversy, exclusive of interest and costs, exceeds fifty dollars, and does not exceed one thousand dollars, and of bastardy proceedings under article seven, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one; and of all unlawful detainer cases, and also jurisdiction of appeals from the judgment of the justices of said county when such appeals shall lie to said court in the same manner and under the same regulations as provided in the general law for appeals from justices; and the court shall also have jurisdiction concurrent with the circuit court of said county as to the supervision and control of all proceedings before justices of said county, or the mayor or police judge or police court of any incorporated city, town or village of said county by mandamus, prohibition
and certiorari; said intermediate court shall also have jurisdiction, concurrent with the said circuit court, of appeals from the police judge or the police court of the city of Wheeling in said county.

CHAPTER 216
(House Bill No. 360—By Mr. Harmon)

AN ACT to authorize and empower the county court of Raleigh 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.

[Passed March 6, 1951; in effect from passage. Approved by the Governor.]

Section 1. County court of Raleigh county authorized to transfer dog tax fund.

Be it enacted by the Legislature of West Virginia:

Section 1. County Court of Raleigh County Authorized to Transfer Dog Tax Fund.—The county court of Raleigh county is hereby authorized and empowered to transfer the unexpended balances now in the dog tax fund of said county remaining, and not needed for the payment and satisfaction of all claims and expenses against said dog tax fund, to the general county fund.

The county court of Raleigh county is hereby authorized and empowered to transfer and expend, from time to time and as it may appear necessary and advisable, any part of the dog tax fund to the general county fund, and to be used and expended as part of the general county fund, providing that at least five hundred dollars shall remain in the dog tax fund for the payment and satisfaction of all claims and expenses against said dog tax fund.

All acts or parts of acts inconsistent herewith are hereby repealed, insofar as they may apply to Raleigh county.
CHAPTER 217
(House Bill No. 25—By Mr. Wysong)

AN ACT to authorize and empower the county court of Webster county to transfer fourteen thousand dollars from the contractual debt fund to the Webster county memorial hospital fund of said county.

[Passed February 16, 1951; in effect from passage. Approved by the Governor.]

Section 1. Authorizing the Webster county court to transfer funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Authorizing the Webster County Court to Transfer Funds.—The county court of Webster county is hereby authorized and empowered to transfer from the contractual debt fund to the Webster county memorial hospital fund, the sum of fourteen thousand dollars, and to expend the said sum for the uses and needs of the said Webster County Memorial Hospital.

All acts or parts of acts inconsistent herewith are hereby repealed in so far as they may apply to the county of Webster.

CHAPTER 218
(House Bill No. 149—By Mr. Pomroy)

AN ACT to authorize and empower the county court of Wirt county to transfer the unexpended balances in excess of seven hundred dollars, in the dog tax fund to the general county fund of said county.

[Passed March 3, 1951; in effect from passage. Approved by the Governor.]

Section 1. Wirt county court authorized to transfer dog tax fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Wirt County Court Authorized to Transfer Dog Tax Fund.—The county court of Wirt county is
hereby authorized and empowered to transfer the un-
expended balances in excess of seven hundred dollars
now in the dog tax fund of said county remaining, and
not needed for the payment and satisfaction of all claims
and expenses against said dog tax fund, to the general
county fund.
9. The county court of Wirt county is hereby authorized
and empowered to transfer and expend, from time to
time and as it may appear advisable, any part of the
dog tax fund to the general county fund, and to be used
and expended as a part of the general county fund, pro-
viding that at least seven hundred dollars shall remain
in the dog tax fund for the payment and satisfaction of
all claims and expenses against said dog tax fund.
17. All acts or parts of acts inconsistent herewith are here-
by repealed, insofar as they may apply to Wirt county.

CHAPTER 219
(Senate Bill No. 11—By Mr. Wylie)

AN ACT to repeal chapter one hundred sixty-three, acts of the
Legislature of West Virginia, regular session, one thou-
sand nine hundred forty-nine, relating to the establish-
ment of a court of limited jurisdiction in the county of
Wyoming, to be known and designated as the “Criminal
Court of Wyoming County,” and prescribing the limi-
tations thereof.

[Passed March 9, 1951; in effect ninety days from passage. Approved by the
Governor.]

Section
1. Repeal of act.

Be it enacted by the Legislature of West Virginia:

Section 1. Repeal of Act.—Chapter one hundred sixty-
three, acts of the Legislature of West Virginia, regular
session, one thousand nine hundred forty-nine, be, and the
same is hereby, repealed, effective January one, one thou-
sand nine hundred fifty-three.
RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 1
(By Mr. Whitt)
(Adopted January 10, 1951.)

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 1:30 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 Treasurer and Attorney General (unexpired terms) elected at the general election held throughout the State on the 7th day of November, one thousand nine hundred fifty, as provided by section three, article seven of the Constitution of this State.

HOUSE CONCURRENT RESOLUTION NO. 2
(By Mr. Doringer)
(Adopted January 10, 1951.)

Providing for a joint assembly to hear the biennial message of the Governor.

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature meet in joint assembly in the chamber of the House of Delegates at 12 o'clock noon, on Tuesday, January 16, 1951, to hear the biennial message of His Excellency, Governor Okey L. Patteson.

HOUSE CONCURRENT RESOLUTION NO. 3
(By Mr. Doringer)
(Adopted January 18, 1951.)

Concerning the great and unfortunate sorrow visited upon the Honorable Ernest L. Bailey and family.
WHEREAS, The Honorable Ernest L. Bailey and family have recently borne a tremendous burden of sorrow through the illness and death of Mrs. Bailey; and

WHEREAS, Mrs. Bailey was a devoted and faithful wife and mother; took an active interest in religious, civic, public welfare and charitable work and activities, and was a loyal and valuable member of numerous organizations engaging in such work; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the members of the West Virginia Legislature hereby extend its sincere and heartfelt sympathy and understanding to Mr. Bailey and his family in their extreme misfortune and sorrow.

HOUSE CONCURRENT RESOLUTION NO. 4
(By Mr. Kidd, of Gilmer)
[ Adopted January 18, 1951.]

Providing for a parking space on the capitol grounds for automobiles of members of the Legislature.

WHEREAS, The state capitol building is located at such distance from the hotels in the City of Charleston that many members of the Legislature find it necessary to keep and maintain their automobiles in Charleston during the sessions of the Legislature; and

WHEREAS, The lack of parking facilities near the state capitol creates a severe hardship and inconvenience to the members of the Legislature; and

WHEREAS, There is sufficient parking space upon the north side of the capitol building, between the two units, and within the capitol grounds, for the parking of cars of members of the Legislature; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the parking space on the capitol grounds situate on the
north side of the capitol building, between the two units, be and the same is hereby reserved for the parking of cars of members of the Legislature, and the Superintendent of Capitol Buildings and Grounds is hereby directed to have proper signs erected in this space, reserving the same for parking of cars of members of the Legislature, and to take such steps as may be necessary to keep other cars from being parked upon the space so reserved, including a request to the Department of Public Safety for assistance in carrying out the purposes of this resolution; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates are hereby authorized to provide proper stickers or other identification for automobiles of the members of the Legislature in order to aid the officers in carrying out and enforcing this resolution.

HOUSE CONCURRENT RESOLUTION NO. 8
(By Mrs. Walker)
[Adopted February 13, 1951.]
Providing for a joint meeting of the House and Senate.

Resolved by the House of Delegates, the Senate concurring therein:

That the Senate and House of Delegates meet in joint session in the chamber of the House of Delegates at 2:20 P. M. today; and, be it

Further Resolved, That the President of the Senate, on the part of the Senate, and the Speaker of the House, on the part of the House of Delegates, appoint a committee of three from each House to invite His Excellency, the Governor, to be present for this joint assembly.

HOUSE CONCURRENT RESOLUTION NO. 14
(By Mr. Rairden)
[Adopted March 10, 1951.]
Authorizing the State Road Commission to erect historic
markers locating the trail traveled by General Andrew Lewis from the Great Meadows, now Lewisburg, to Point Pleasant.

WHEREAS, The military campaign commanded by General Andrew Lewis, which ended with victory over the Indians at the site of Point Pleasant, West Virginia, on October 10, 1774, was an important factor in the success of the American Revolution; and

WHEREAS, Evidence indicates that Lewis’ army when enroute to Point Pleasant encamped at campsites in or near Asbury, Elton, Backus, Crickmer, Winona, Mountain Cove, Rich Creek, Rock Camp, Cedar Grove and Charleston among other places; and

WHEREAS, Lewis’ army campsites are in most cases unmarked; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the State Road Commission of West Virginia be authorized to erect historic markers to locate the trail on which General Andrew Lewis’ army traveled from the Great Meadows, (now Lewisburg) to Point Pleasant and along said trail where feasible to establish roadside parks at Lewis’ army campsites.

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HOUSE CONCURRENT RESOLUTION NO. 15
(By Mr. Rairden)

[Adopted March 10, 1951.]

Designating the anniversary of the Battle of Point Pleasant a Memorial day.

WHEREAS, On October 10, 1774, General Andrew Lewis with approximately eleven hundred men engaged in battle and defeated Chief Cornstalk with one thousand Indian braves at Point Pleasant; and

WHEREAS, The Battle of Point Pleasant resulted in peace for three years between the Americans and the Indians and left the Continental soldiers free to throw their full force against
the British in the American Revolution during that critical period; and

WHEREAS, The Battle of Point Pleasant thus contributed to the success of the armed forces of the American colonies in winning independence; therefore, be it

Resolved by the House of Delegates, the Senate Concurring therein:

That the tenth day of October each year, the anniversary of the Battle of Point Pleasant, be designated as a memorial day.

HOUSE CONCURRENT RESOLUTION NO. 18
(By Mr. Parker and Mr. Earley)
[Adopted March 5, 1951]

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 article seventeen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by amending and reenacting sections twenty-two and twenty-three thereof, relating to toll bridges so as to provide for the collection and disposition of tolls for the use of the existing Parkersburg-Belpre bridge and the new Parkersburg-Belpre bridge to be constructed near the existing bridge."

HOUSE CONCURRENT RESOLUTION NO. 20
(By Mr. Underwood)
[Adopted March 10, 1951]

Commending members of the press who have reported the proceedings of this session of the Legislature.
WHEREAS, The West Virginia Legislature, in regular session, has enacted numerous laws of great moment and importance to the citizens of this State; and

WHEREAS, It is necessary that the citizenry receive accurate and comprehensive information of the acts of the Legislature; and

WHEREAS, The members of the press galleries of both Houses have been in constant attendance at all sessions, preparing information on the acts of the Legislature for the benefit of the people of West Virginia; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Legislature commend 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.

HOUSE RESOLUTION NO. 1
(By Mrs. Walker)
[Adopted January 10, 1951.]

Election of Clerk, Sergeant-at-Arms and Doorkeeper of the House of Delegates.

Resolved by the House of Delegates:

That J. R. Aliff, from the County of Fayette, be, and he is hereby, elected Clerk of the House of Delegates.

That D. Earl Brawley, from the County of Kanawha, be, and he is hereby, elected Sergeant-at-Arms of the House of Delegates.

That Herbert Schupbach, from the County of Wetzel, be, and he is hereby, elected Doorkeeper of the House of Delegates.
HOUSE RESOLUTION NO. 2
(By Mr. Kidd, of Gilmer)
[Adopted January 10, 1951.]
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-nine, are hereby adopted and shall govern the proceedings of this House.

HOUSE RESOLUTION NO. 3
(By Mr. Caplan)
[Adopted January 10, 1951.]
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 W. E. Flannery, of the County of Logan, 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. 4
(By Mr. Davis)
[Adopted January 10, 1951.]
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 a quorum of each House of the Legislature 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. 5  
(By Mr. McCoy)  
[Adopted January 10, 1951.]  
Authorizing the publication of 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 House of Delegates, the joint rules of the Senate and House of Delegates and such matter and materials as he may deem to be useful and convenient to the members of the Legislature. The Clerk of the House of Delegates shall cooperate with the Clerk of the Senate in compiling said manual and include therein such material with reference to the Senate as the said Clerk of the Senate may prepare so as to obviate the necessity of the Senate publishing a manual.

HOUSE RESOLUTION NO. 6  
(By Mr. Blankenship)  
[Adopted January 10, 1951.]  
Authorizing payment of mileage to members of the House of Delegates.  

Resolved by the House of Delegates:  
That in accordance with section thirty-three, article six of the Constitution of the State, the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor for mileage of members of the House of Delegates at the rate of ten cents per mile for such number of miles as has heretofore or will be certified to him by the various members as having been traveled in coming to the seat of government and returning to their homes on account of this session of the Legislature.

HOUSE RESOLUTION NO. 7  
(By Mr. Davis)  
[Adopted January 10, 1951.]  
Authorizing the appointment of attaches and other employees
for the House of Delegates for the one thousand nine hundred fifty-one 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 ten dollars per day each;
   Two roll-call clerks at ten dollars per day each;
   Three proofreaders and three copyholders at eleven dollars per day each;
   One payroll and supply clerk at fifteen dollars per day;
   One bill editor at sixteen dollars per day;
   One clerk to the Committee on Enrolled Bills at eleven dollars per day;
   Two file clerks at ten dollars per day each;
   One receptionist at ten dollars per day;
   One Journal clerk at eighteen dollars per day;
   One Journal stenographer at fifteen dollars per day;
   One messenger for the Clerk's office 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 Finance at sixteen, thirteen and twelve dollars per day each, respectively;
   One clerk, one assistant clerk and one stenographer to the Committee on the Judiciary at sixteen, thirteen and twelve dollars per day each, respectively;
   One clerk to the Committee on Education at thirteen dollars per day;
   Twelve committee clerks, to be assigned by the Speaker at eleven dollars per day each;
   One secretary to the minority and one clerk to the minority at fifteen dollars per day each;
   Fourteen stenographers and clerks from the minority, to be assigned by the Speaker, at eleven dollars per day each;
   One supervisor of stenographers at fifteen dollars per day;
   Twelve stenographers for the stenographic room at eleven dollars per day each;
   Four typists at ten dollars per day each;
One supervisor of the document room at twelve dollars per day;
One supervisor of the mailing room at twelve dollars per day;
Nine document room clerks at ten dollars per day each;
Nine mailing room clerks at ten dollars per day each;
Three pages at eight dollars per day each;
One messenger to the Speaker at ten dollars per day;
One assistant to the Sergeant-at-Arms at thirteen dollars per day, and two assistants to the Sergeant-at-Arms at eleven dollars per day each;
One clerk to the Sergeant-at-Arms at thirteen dollars per day;
Six assistant doorkeepers at nine dollars per day each;
One mimeograph supervisor at eleven dollars per day;
One assistant mimeograph supervisor at eleven dollars per day;
Three mimeograph operators at ten dollars per day each;
One supervisor of offices and property at thirteen dollars per day;
One men’s cloak room attendant at eight dollars per day;
Eight janitors at nine dollars per day each; and, be it

Further Resolved, That all of the appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, 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 attaches and other employees for consecutive days from the date of their employment, at the per diem herein set out, until such time as their services shall cease. The Speaker may remove any attaché and appoint another in his or her place, and he shall require each of said attachés to perform such duties as shall be assigned him or her, and is hereby given authority to dispense with the service of any attaché 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
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appointed into 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 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 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; and, be it

Further Resolved, That, upon proper certification, the Clerk of the House of Delegates be, and he is hereby authorized, to honor for payment the following per diem of officers and appointees authorized by the Rules of the House as herein set out for this session of the Legislature:

(1) The Clerk of the House shall receive twenty-five dollars per day, but shall not receive the compensation provided in Account No. 102, Chapter 9, Acts of the Legislature, regular session, one thousand nine hundred forty-nine; the Sergeant-at-Arms and Doorkeeper shall receive fourteen dollars per day each; and of the three assistant clerks provided for by section nine, article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, one shall receive eighteen dollars per day and two shall receive fifteen dollars per day each; and,

(2) The secretary and stenographer to the Speaker, as provided for by the rules of the House, shall receive eighteen and fifteen dollars per day, respectively; and that the secretary and stenographer to the Clerk, as provided for by the rules, shall receive eighteen and fifteen dollars per day, respectively; and,

(3) The Chaplain appointed by the Speaker under the rules shall receive seven dollars per day.

The per diem of officers and appointments made under authority of the House Rules 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 named 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 and appointees for consecutive days from the date of their employment, at the per diem herein set out, until such time as their services shall cease.

HOUSE RESOLUTION NO. 8
(By Mr. Hunt)
[Adopted January 10, 1951.]
Authorizing payment for services rendered prior to the session and for supplies purchased prior to the opening of the session.

Resolved by the House of Delegates:
That the Clerk of the House of Delegates, with the approval of the Speaker, is hereby authorized to draw his requisitions in payment of bills for supplies purchased prior to the opening of the session and for services rendered the House of Delegates preparatory to the opening of the session, said requisitions to be drawn upon the contingent fund of the House of Delegates.

HOUSE RESOLUTION NO. 9
(By Mr. Stidham)
[Adopted January 10, 1951.]
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 the Clerk is hereby authorized to mail copies of journals, bills and other documents printed by the House to persons requesting the same.

HOUSE RESOLUTION NO. 10
(Originating in the Committee on Rules)
[Adopted January 24, 1951]
Amending Rule No. 138 of the House Rules relating to news correspondents.

Resolved by the House of Delegates:

That Rule No. 138 of the standing rules of the House of Delegates be amended to read as follows:

138. (a) Any person accorded the privilege of a news correspondent must be the telegraphic correspondent of a daily newspaper, or of a recognized press association, who is not engaged in any department of the state government, or in any other business or must be the official reporter of a Charleston daily newspaper; and no more than one representative of each newspaper shall be admitted to the press tables within the chamber or press gallery at one time: Provided, however, That the Rules Committee may accord the privilege of a news correspondent to a radio news correspondent, or a correspondent of any paper, whether published weekly or otherwise which the committee deems a proper news source.

(b) All applications for admission to the press gallery or press table must be made to the Speaker. Applications for a newspaper correspondent shall state the name of the newspaper, its location, times of publication, and be signed by the applicant. Applications for a radio correspondent shall state the name of the station, its location, and be signed by the applicant. Applications for any other news correspondent shall
state the name of his employer, the location of employer's business, to whom and at what times the news to be obtained by him is to be published and be signed by the applicant.

(c) The Speaker shall verify statements made in such application, and if the application is recommended by him and approved by the Rules Committee, the Speaker shall issue a correspondent's card signed by him.

(d) The correspondents shall not visit the members in their seats during the session of the House, and shall abide by such rules and regulations as may be adopted by the Rules Committee of the House.

(e) The card issued by the Speaker must be presented when required by any Sergeant-at-Arms. It shall not be transferable. The transfer or loan of such card to any one shall be followed by its cancellation and the withdrawal of all its privileges from the correspondent so offending.

(f) The gallery or press tables allotted to news correspondents shall be for their exclusive use, and persons not holding correspondents’ cards shall not be entitled to admission thereto.

The press gallery shall be located behind and above the Speaker's dais. The Rules Committee shall provide a proper entrance to the gallery from the room directly behind the gallery alcove, which room will be reserved for the exclusive use of the news correspondents. Suitable equipment also shall be provided by the Rules Committee for the convenience of the news correspondents.

HOUSE RESOLUTION NO. 11

(By Mr. Doringer)

[Adopted January 25, 1951.]

Authorizing payment of expenses of members of standing committees, and subcommittees thereof, incurred in visiting state institutions.

WHEREAS, Various members of standing committees and subcommittees thereof have visited state institutions as directed by the various committees, 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 members of such subcommittees, to reimburse them for money expended in the visiting and inspecting of said state institutions.

HOUSE RESOLUTION NO. 12
(By Mr. Whetsell)
[Adopted January 25, 1951]

Expressing the appreciation of the House of Delegates to the United States Senate Crime Investigation Committee.

WHEREAS, We recognize the tremendous economic loss running into billions annually of organized crime in the United States; and

WHEREAS, We recognize the great moral impact on our entire population, and especially our youth, by these criminal practices; and

WHEREAS, We feel that the Committee to Investigate Crime created by the United States Senate has done a magnificent job in exposing these criminal elements; and

WHEREAS, We have been deeply shocked at the recent disclosure where criminals have paid public officials in West Virginia; and

WHEREAS, We appreciate the assistance of this agency in exposing the ramifications of these criminal groups; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates of the State of West Virginia hereby extends to the said Committee, through its Chairman,
Senator Estes Kefauver, our appreciation for the magnificent service they are rendering our country; and, be it

Further Resolved, That we extend to them every cooperation possible and ask that all public officials in West Virginia do likewise; and, be it

Further Resolved, That a copy of this resolution be forwarded by the Clerk of the House to the Committee.

HOUSE RESOLUTION NO. 13
(By Mr. Stidham and Mr. Mills)
[Adopted February 6, 1951.]
Relating to an investigation of the State Department of Mines and certain personnel thereof.

WHEREAS, It has come to the attention of certain members of the House of Delegates by evidence that appears credible, that certain provisions of the state mine law are not being complied with by the Chief of the Department of Mines and his subordinates; therefore, be it

Resolved by the House of Delegates:

That the Speaker of the House forthwith appoint a committee of five members of the House to conduct an investigation of the State Department of Mines, the Chief of the Department of Mines, and any subordinate official or employee of said department, for the purpose of ascertaining whether said chief or his subordinates or employees, are directly or indirectly interested in a financial way in any coal mines in this State.

HOUSE RESOLUTION NO. 16
(By Mr. McElwee)
[Adopted February 19, 1951.]
Providing for the appointment of a committee to investigate charges of attempted bribery of a member of the House of Delegates.
WHEREAS, On Friday, February 16, 1951, the statement was made on the floor of the House that a bribe of one thousand dollars had been offered a member of the House of Delegates if such member would cast a vote favorable to a motion which was to come before the House at its session on said date; and

WHEREAS, This charge is of such consequence to the House of Delegates that it cannot be ignored; therefore, be it

Resolved by the House of Delegates:

That a select committee of five members with minority representation be appointed by the Speaker with authority and direction to investigate thoroughly every phase of the alleged attempt of bribery by whomsoever may have committed this unlawful act.

The committee shall have power and authority to administer oaths, subpoena witnesses and demand attention to its commands. It shall be given stenographic and other help by the attaches of the House of Delegates, and if necessary, may employ such persons as it may deem necessary to assist in the conduct of its investigation. Any expense incurred by the committee shall be paid out of the contingent fund of the House of Delegates.

The committee shall make its report and recommendations to the House of Delegates before the adjournment of this session of the Legislature. It shall furnish the Governor of the State of West Virginia and the Prosecuting Attorney of the County of Kanawha a copy of its report and recommendations.

The Sergeant-at-Arms of the House of Delegates shall cause to be served such summonses as the committee may issue, execute such orders as the committee may direct and render any other assistance the committee may from time to time order.

HOUSE RESOLUTION NO. 17
(Originating in the Committee on Rules)
[Adopted February 20, 1951.]
Authorizing the Committee on Rules to arrange a Special Calendar.
Resolved by the House of Delegates:

That beginning February 23, 1951, and for the remainder of this regular session, the Committee on Rules is authorized to arrange a Special Calendar effective on that date, as provided for by House Rule No. 70. After the ninth order of business shall have been passed the Special Calendar shall be called, and until this 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 by a two-thirds vote of the members present and voting: 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 affects the interests of the people as a whole.

HOUSE RESOLUTION NO. 19
(By Mr. Phillips and Mr. Hubbard)
[Adopted March 6, 1951.]
Creating a special interim subcommittee of the House of Delegates Committee on Humane Institutions, and defining its powers and duties.

WHEREAS, The House of Delegates Committee on Humane Institutions is the inspection agency of the House for many state institutions; and

WHEREAS, Said committee is now confined to biennial inspections, during the regular sessions of the Legislature, which inspections are sufficient to give only the barest report of the progress of the institutions; and

WHEREAS, Inasmuch as the Legislature determines the basic programs for all of the state humane institutions, a more inti-
mate knowledge of the institutions is desirable; therefore, be it

Resolved by the House of Delegates:

That the Speaker shall appoint three members of the Committee on Humane Institutions as a special interim subcommittee thereof, and authorize said subcommittee to inspect any or all of the state institutions in the months of July, August and September of the years one thousand nine hundred fifty-one and one thousand nine hundred fifty-two, and to make report of its findings to the House of Delegates not later than February one, one thousand nine hundred fifty-three; and be it

Further Resolved, That the members of the aforesaid interim subcommittee be paid not more than fifteen dollars per day to defray their expenses in making such inspections and in the necessary travel therefor. The cost of such interim committee shall not exceed the sum of one thousand dollars.

HOUSE RESOLUTION NO. 20
(By Mr. Loop)
[Adopted March 7, 1951.]
Relating to heating and ventilation of the House chamber.

WHEREAS, It is generally recognized that air is good when it is not too warm, neither too dry nor too moist, and constantly in motion, and that temperature, humidity, and movement must be kept correct if one is to be mentally and physically alert and energetic; and

WHEREAS, The Chamber of the House of Delegates does not have proper facilities for changing the air when the aisles and galleries are packed, as they have been upon several occasions this session; and

WHEREAS, The Chamber has often been so laden with smoke and other noxious odors as to be so offensive to the olfactory nerves that no amount of air-wick would counteract the "stuffy" atmosphere; and

WHEREAS, Bad air often is conducive to drowsiness, headaches,
and nausea, all of which might retard good legislation, therefore, be it

Resolved by the House of Delegates:
That the Board of Control be requested to take such action as is necessary to properly heat and ventilate the Chamber of the House of Delegates before the convening of the 1953 session; and, be it

Further Resolved, That the Board of Control be authorized to draw upon the contingent fund of the House of Delegates for the expenses of such heating and ventilation, not to exceed $10,000.00.

HOUSE RESOLUTION NO. 21
(By Mr. Davis)
[Adopted March 10, 1951.]
Relating to offices, furniture and equipment for the House of Delegates.

WHEREAS, It has become apparent that in the construction of the capitol building little consideration was given to providing suitable offices and committee rooms for the legislative branch of the state government from the standpoints of convenience and utility; and

WHEREAS, Additional filing space and equipment is badly needed for the House Document Room, for the clerk's office and for other offices and committee rooms; and

WHEREAS, Consideration should be given to location of permanent legislative offices and to the rearrangement and alteration of available office space to provide the greatest degree of convenience and service to members; therefore, be it

Resolved by the House of Delegates:
That the House Committee on Rules be and it is hereby authorized to make a study of the entire office and equipment and furniture needs of the House of Delegates; and, be it

Further Resolved, That said committee is hereby empowered
to contract for the alteration of present office space, and to purchase such furniture and equipment as it may deem necessary, within the limitation of funds herein provided; and, be it

Further Resolved, That if the committee finds it advisable in carrying out the intention of this resolution, said committee is hereby authorized to expend for services in making alterations and for the purchase of supplies, furniture and equipment for such House offices and committee rooms a sum of not to exceed twenty thousand dollars to be paid from the contingent fund of the House of Delegates upon the presentation of proper bills therefor approved by the chairman of the committee.

HOUSE RESOLUTION NO. 22
(Originating in the Committee on Rules)
[Adopted March 10, 1951.]
Relating to preservation and use of the recordings of this session of the Legislature.

Resolved by the House of Delegates:

That following the close of the session, all magnetic recording tapes used in recording the proceedings of this session of the Legislature shall be deposited in the vault in the Speaker's Office and no transcriptions or recordings of proceedings or remarks of members shall be made therefrom unless upon the request of the members whose remarks are involved and with the approval of the Committee on Rules: Provided, That such recording tape may be used in transcribing remarks of members which have been ordered printed in the Journal during the session.

HOUSE RESOLUTION NO. 23
(By Mr. Rairden)
[Adopted March 10, 1951.]
Requesting the director of the Department of Public Assistance
to rescind a regulation relating to amount of real estate recipients of public assistance may hold.

WHEREAS, The Department of Public Assistance has issued a regulation declaring the possession of five acres of land is all that a recipient of public assistance can have in West Virginia; and

WHEREAS, We feel that this definitely violates the intent of the law; therefore, be it

Resolved by the House of Delegates:
That we express to the Director of the Department of Public Assistance our desire that he rescind his regulation known as "Change in Policy Governing Need, Resources, Boarding Care and Physical Incapacity" issued April 18, 1950, which regulation limits the assistance recipients to five acres of land because we feel that such regulation works an unjust hardship on many needy persons, and, be it

Further Resolved, That the Clerk of the House of Delegates be instructed to send a copy of this resolution to the State Director of the Department of Public Assistance.

HOUSE RESOLUTION NO. 24
(Originating in the Committee on Rules)
[Adopted March 10, 1951.]

Authorizing the printing and distribution of the Acts of this session of the Legislature, providing for the printing of corrected Journals, and for the completion of the other work of the session.

Resolved by the House of Delegates:
That under authority of section thirteen, article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, the Clerk of the House of Delegates is hereby directed to have printed by the public printer in paper binding four thousand advance copies of the Acts of this session of the Legislature, head-noted 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.
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 copies of said Acts 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 available. 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 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 House Journals, and to include therein a simple index of all bills introduced in the 1951 session of the Legislature, and printing thereof, the per diem of the Clerk, one Assistant Clerk, and the Secretary to the Clerk is extended for one hundred fifty days, and the time of one assistant Clerk is extended for thirty days, all at the same per diem as paid during the regular session of the Legislature.

For the above cited purposes, the Speaker of the House of Delegates is hereby authorized to name the following employees for the number of days herein set forth at the per diems paid for such work during this regular session of the Legislature.

A journal clerk for one hundred fifty days; two proofreaders for one hundred twenty days each; a supervisor of the docu-
ment room for five days; a secretary to the minority for six days; one clerk to the Committee on Enrolled Bills for five days; one supervisor of offices and property for seven days; and four janitors for six days each; and, be it

Further Resolved, That for the purpose of certification, correspondence, filing and other duties incident to the Speaker's office, the time of the Secretary to the Speaker is extended for ninety days at the same per diem paid during this regular session of the Legislature.

The Clerk shall draw his requisitions upon the Auditor in favor of the persons receiving 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 same to the Contingent Fund of the House of Delegates.

The Speaker shall have authority to remove any person appointed 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 is authorized to have printed not more than six hundred copies of the corrected House Journals. Of this number, one copy 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 and Journals, 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. 25
(By Mr. Knight)
[Adopted March 10, 1951.]

Establishing the Third House.

WHEREAS, It has been the custom for many years past to
have members of the press and radio preside at a Third House; and

Whereas, This 50th session of the Legislature is about to adjourn sine die; and

Whereas, It would be a shame not to again have same; therefore, be it

Resolved by the House of Delegates:

That this body hereby goes on record establishing the session of the Third House for the evening of March 10th, 1951, at about 8 P. M., the exact time to be fixed as that before a night meeting begins; and, be it

Further Resolved, That Charles R. Armentrout of The Charleston Gazette, who has served in the same capacity before, again be named speaker of the Third House; and, be it

Further Resolved, That Rush D. Holt, correspondent for the Ogden newspapers, be named minority leader since that is a group with which he is more than somewhat familiar; and, be it

Further Resolved, That Lee Garrett of the Associated Press be majority leader.

HOUSE RESOLUTION NO. 26
(By Mr. Knight)
[Adopted March 10, 1951.]

Relating to the departure of a member of the legislative press corps from the State of West Virginia.

Whereas, H. Lee Garrett, state editor and longtime member of the Associated Press of West Virginia, has been transferred and elevated to a position of more trust and prominence by the world wide AP; and

Whereas, The same H. Lee Garrett will depart immediately at the conclusion of the 50th Legislature to assume his new duties with the Associated Press in Washington, D. C.; therefore, be it
Resolved by the House of Delegates:

That the same H. Lee Garrett stand commended for his fair, accurate and unbiased news reporting of the sessions of the West Virginia Legislature in the years of 1947, 1949 and 1951, and that this body extend to him good wishes for his continued success as a legislative news reporter in the nation's capital; and, be it

Further Resolved, That Mr. Garrett be and he is hereby made an honorary member of the legislative press corps of the West Virginia House of Delegates, and that he stand and be recognized before this House.

HOUSE RESOLUTION NO. 27
(By Mr. McCoy)
[Adopted March 10, 1951.]

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. Kidd, of Gilmer)
[Adopted March 10, 1951.]

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. Hardesty)
[Adopted January 10, 1951.]
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, one thousand nine hundred forty-nine, are hereby adopted and shall govern the proceedings of this session.

SENATE CONCURRENT RESOLUTION NO. 2
(By Mr. Jackson, of Logan)
[Adopted January 10, 1951.]
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 requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay the mileage of the members of the Senate and the House of Delegates; bills incurred and services furnished to the Legislature for this session, including contingent expenses, the per diem of the officers and attachés of the Senate and House of Delegates; and bills for the legislative printing of this session, as the account may become due.

SENATE CONCURRENT RESOLUTION NO. 3
(By Mr. Bowling)
[Adopted January 10, 1951.]
Providing for a recess of the Legislature.
Resolved by the Senate, the House of Delegates 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 16, 1951, at 11 A. M.

SENATE CONCURRENT RESOLUTION NO. 6
(Originating in the Committee on Forestry and Conservation)
[Adopted February 9, 1951.]
Creating an interim committee of the Legislature for the purpose of making a thorough study, survey and investigation of matters affecting conservation in the State of West Virginia.

WHEREAS, Certain problems affecting conservation in the State of West Virginia 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, which shall be designated as “Interim Committee on Conservation”, consisting of five members of the Senate, not more than three of whom shall be members of the same political party, to be appointed by the President thereof, and five members of the House of Delegates, not more than three of whom shall be members of the same political party, to be appointed by the Speaker thereof, for the purpose of making a thorough study, survey and investigation of the following:

1. The operation, administration, management, expenditures, finances, policies and practices of the conservation commission of West Virginia.

2. Conservation services rendered by any other department of state with respect to game, fish, forests, land and streams with a view toward elimination of duplication of services and expenditures by such departments.

3. The status of the Conservation Commission of West Virginia and other departments of the State under agreements with the government of the United States, its agencies and subdivisions, pertaining to conservation.
4. Such other matters as the committee may deem it advisable to study and which will, in the opinion of the committee, aid and improve conservation, hunting, fishing and recreation in the State of West Virginia.

That prior to the convening of the next regular session of the Legislature the committee hereby raised shall make and issue reports to the governor and to the Legislature, together with such recommendation and proposed legislation as may in the opinion of the committee aid in the solution of the problems considered.

That in connection with any particular problem under consideration the governor be and he is hereby authorized to appoint an advisory committee of twelve representatives citizens of the State, two of whom shall come from each of its six congressional districts and whose duty it shall be to consult and advise with the interim committee concerning the best solution of such problems.

The committee shall elect a chairman and a vice chairman from its membership and is authorized to employ such assistants as may be needed, and to fix compensation within the amounts made available by the appropriation therefor, and to pay other expenses necessary or incident to the study and investigation hereby directed. Such committee may meet anywhere within the State, may take testimony, subpoena witnesses and require the production of such books, records and papers as may be necessary to carry out the spirit of this resolution.

Vacancies occurring for any cause in the membership of the interim committee on conservation or its advisory committee shall be filled by the officer authorized to make the original appointment.

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.

The sum of fifteen thousand dollars, 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
SENATE CONCURRENT RESOLUTIONS

fund of the Senate and one-half thereof to be paid from the
contingent fund of the House of Delegates, upon proper requi-
sition of the clerk of the two Houses.

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 equally
out of the contingent fund of the Senate and the contingent
fund of the House of Delegates for such expenditures and ex-
penses 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
some person authorized so to sign by the committee.

SENATE CONCURRENT RESOLUTION NO. 8
(By Mr. Stemple)
[Adopted February 21, 1951.]
Requesting the Postmaster General of the United States to issue
a commemorative stamp for the one hundredth anniver-
sary of the covered bridge at Philippi, West Virginia.

WHEREAS, The Barbour County Historical Society, with head-
quartes at Philippi, West Virginia, is planning a celebration
in the year one thousand nine hundred fifty-two in commemo-
ration of the one hundredth anniversary of the covered bridge
at Philippi, West Virginia; and

WHEREAS, Such bridge is one of the few remaining two-lane
covered bridges in the United States and is of great historical
value to the State of West Virginia; and

WHEREAS, Such celebration is a matter of state-wide interest
to the citizens of West Virginia; therefore, be it

Resolved by the Senate, the House of Delegates concurring
therein:

That the Postmaster General of the United States be, and he
is hereby, respectfully requested to issue a proper commemo-
rative stamp for such one hundredth anniversary of the cov-
ered bridge at Philippi, West Virginia, in the year one thousand
nine hundred fifty-two.
SENATE RESOLUTIONS

SENATE RESOLUTION NO. 1
(By Mr. Allen)
[Adopted January 10, 1951.]

Adopting rules of the Senate.

Resolved by the Senate:

That the rules of the Senate, regular session, one thousand nine hundred forty-nine, be adopted as the rules of the Senate for this session.

SENATE RESOLUTION NO. 2
(By Mr. Eddy)
[Adopted January 10, 1951.]

Raising a committee to notify the House of Delegates that the Senate is organized.

Resolved by the Senate:

That the President of the Senate is hereby authorized to appoint a committee of three to inform the House of Delegates that the Senate is organized by the election of Honorable W. Broughton Johnston as President, and Mr. J. Howard Myers as Clerk, and is ready to proceed with the business of the session.

SENATE RESOLUTION NO. 3
(By Mr. Bean)
[Adopted January 10, 1951.]

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 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 to receive any communication or message he may desire to present.

SENATE RESOLUTION NO. 4
(By Mr. Reed, of Preston)
(Adopted January 10, 1951.)

Relating to the mailing of Journals and Bills.

Resolved by the Senate:

That the Clerk of the Senate 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, the expense of such mailing, including postage, to 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. 5
(By Mr. Johnston, Mr. President)
(Adopted January 17, 1951.)

Authorizing the appointment of attaches and other employees for the Senate for the one thousand nine hundred fifty-one 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 50th session of the West Virginia Legislature, viz:

One journal clerk, at eighteen dollars per diem;
One supervisor of stenographers, at eighteen dollars per diem;
One bill editor, at eighteen dollars per diem;
One clerk to the minority, at eighteen dollars per diem;
One supervisor of printing, at eighteen dollars per diem;
One secretary to the clerk, at eighteen dollars per diem;
One secretary to the President, at eighteen dollars per diem;
One chaplain, at seven dollars per diem;
One journal room supervisor, at twelve dollars per diem;
One assistant journal room supervisor, at eleven dollars per diem;
   Two assistants to the sergeant-at-arms, at eleven dollars per diem;
One Clerk on enrolled bills, at eleven dollars per diem;
One receptionist, at ten dollars per diem;
One clerk to the Judiciary Committee, at sixteen dollars per diem;
   One assistant clerk to Judiciary Committee, at fourteen dollars per diem;
   One stenographer to the Judiciary Committee, at thirteen dollars per diem;
   One clerk to Finance Committee, at sixteen dollars per diem;
   One assistant clerk to Finance Committee, at fourteen dollars per diem;
   One stenographer to Finance Committee, at thirteen dollars per diem;
   Two committee clerks at large, at fourteen dollars per diem;
   One secretary to Education Committee, at fourteen dollars per diem;
Ten journal and mailing room clerks, at ten dollars per diem;
Ten document room clerks, at ten dollars per diem;
One first assistant doorkeeper, at thirteen dollars per diem;
Seven assistant doorkeepers, at ten dollars per diem;
Eight typists, at ten dollars per diem;
Six floor stenographers, at twelve dollars per diem;
Five committee-clerk stenographers, at thirteen dollars per diem;
Five clerk-stenographers, at thirteen dollars per diem;
Five proofreaders, at eleven dollars per diem;
One supervisor of mimeograph, at eleven dollars per diem;
Four mimeograph operators, at ten dollars per diem;
One messenger to the President, at nine dollars per diem;
One messenger to the Clerk's office, at ten dollars per diem;
Eight janitors, at nine dollars per diem;
Two pages, at nine dollars per diem;
One sergeant-at-arms, at fourteen dollars per diem;
One doorkeeper, at fourteen dollars per diem;
One Clerk, at thirty dollars per diem.

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 diem 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 23, 1951)

Concerning the death of the Honorable B. Cleo Casto.

WHEREAS, The Senate has learned of the death of the Honorable B. Cleo Casto, 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 Casto, and expresses its sincere sympathy to his loved ones; and, be it

Further Resolved, 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. 7
(By Mr. Taylor, of Fayette)
[ Adopted February 6, 1951.]
Concerning the death of the Honorable A. B. Abbot.

WHEREAS, The Senate has learned of the death of the Honorable A. B. Abbot, 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 Abbot, and expresses its sincere sympathy to his loved ones; and, be it

Further Resolved, 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. 8
(By Mr. Traubert)
[ Adopted February 13, 1951.]
Concerning the death of the Honorable George L. Bambrick.

WHEREAS, The Senate has learned of the death of the Honorable George L. Bambrick, 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 Bambrick, and expresses its sincere sympathy to his loved ones; and, be it
Further Resolved, 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. Bean)
[Adopted February 14, 1951.]
Authorizing the Committee on Rules to arrange a Special Calendar.

Resolved by the Senate:
Beginning, February 19, 1951, 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 by a vote of two-thirds of the members present and voting.

SENATE RESOLUTION NO. 10
(By Mr. Stemple)
[Adopted February 14, 1951.]
Concerning the death of the Honorable Charles E. Carrigan.

WHEREAS, The Senate has learned of the death of the Honorable Charles E. Carrigan, a former member who served in the sessions of 1903 and 1905, and the father of the Honorable John E. Carrigan, presently a 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 death of the Honorable Charles E. Carrigan, and expresses its sincere sympathy to his widow
and to our fellow member and colleague, Senator John E. Carrigan; and, be it

Further Resolved, 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, together with a copy of this resolution.

SENATE RESOLUTION NO. 11
(By Mr. Johnston, Mr. President)
[Adopted March 10, 1951]

Printing of the Journal and completing the work of the session.

Resolved by the Senate:

That in order to complete the work of the session in arranging and filing of all bills, resolutions, petitions and other official papers in the Clerk's office and document room, and to allow time for proofreading, printing and indexing the corrected Journal, and arranging and printing its several appendices, and in 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 thirty dollars is hereby extended for one hundred and eighty days.

The Clerk of the Senate is hereby authorized to employ the following assistance for the number of days and at the per diems hereinafter set forth:

One Clerk to Finance Committee for seven days, at sixteen dollars per diem;

One Clerk to Judiciary Committee for seven days, at sixteen dollars per diem;

One Stenographer to Finance Committee for five days, at thirteen dollars per diem;

One Stenographer to Judiciary for five days, at thirteen dollars per diem;

One Stenographer to Judiciary for five days, at fourteen dollars per diem;

One Clerk on Enrolled Bills for ten days, at eleven dollars per diem;
One Journal Room Supervisor for fifteen days, at twelve dol­
liers per diem;
One Journal Room Clerk for thirty days, at ten dollars per diem;
One Stenographer for sixty days, at twelve dollars per diem;
Two Journal Stenographers for thirty days, at thirteen dol­
sars per diem;
One Secretary to the Clerk for one hundred and eighty days at
eighteen dollars per diem;
One Journal Clerk for one hundred and eighty days at
eighteen dollars per diem;
One Journal Editor for one hundred and eighty days at
eighteen dollars per diem;
One Supervisor of Journals and Bills for one hundred and
eighty days, at eighteen dollars per diem;
One Stenographer for fifteen days, at twelve dollars per diem;
One Printing Clerk for one hundred and eighty days, at
eighteen dollars per diem;
Two Proofreaders for one hundred and fifty days, at eleven
dollars per diem;
Two copyholders for ninety days at ten dollars per diem;
One Clerk to Minority for ninety days at eighteen dollars per diem;
One Supervisor of Supplies for thirty days, at fourteen dol­
arsi per diem;
One Secretary to the President for thirty days, at eighteen
dollars per diem;
One Supervisor of Janitors for sixty days, at ten dollars per diem;
Three Assistant Janitors for thirty days, at nine dollars per diem, each.

SENATE RESOLUTION NO. 12
(By Mr. Bean)
[Adopted March 10, 1951.]
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. 13
(By Mr. Bean)
[Adopted March 10, 1951.]

Raising a committee to notify the Governor that the Senate 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.
The following table shows the disposition of House and Senate Bills passed at the regular session of the 1951 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

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### ACTS

**REGULAR SESSION, 1951**

**ACCIDENTS:**
Safety responsibility law. See "Motor Vehicles"

**ACTIONS AND SUITS:**

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- **Code, Amended** refers to the code number and the amendments made.
- **Section** indicates the section number of the act.
- **Page** lists the page number where the act is found in the book.

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