

ACTS
of the
LEGISLATURE
of
WEST VIRGINIA

REGULAR, EXTENDED AND FIRST
EXTRAORDINARY SESSIONS

1927



NOTE BY CLERK OF THE HOUSE OF DELEGATES.

The acts of the first extraordinary session follow immediately after the acts of the regular session and are separated therefrom by a colored insert.

Municipal charters are published in a separate volume.

List of Members and Officers of the Legislature of West Virginia

1927

SENATE

President—M. Z. White, Williamson.
 Clerk—John T. Harris, Parkersburg.
 Chief Assistant—Homer Gray, Wheeling.
 Official Reporter—Louis E. Shrader, Wheeling.
 Sergeant-at-Arms—D. C. Bennett, New Martinsville.
 Door-Keeper—John W. Blissard, Edmond.

District	Name	Post Office
First	William S. Wilkin, (R) *Wright Hugus, (R)	Wellsburg Wheeling
Second	Cecil B. Highland, (R) *Walter R. Reitz, (R)	New Martinsville Sistersville
Third	James M. Devore, (R) *Albert B. White, (R)	Croston Parkersburg
Fourth	Robert L. Hogg, (R) *Lewis H. Miller, (R)	Point Pleasant Ripley
Fifth	W. W. Cannon, (D) *James Boyce Taylor, (D)	Hurricane Huntington
Sixth	L. E. Woods, (R) *M. Z. White, (R)	Welch Williamson
Seventh	Ben H. Ashworth, (D) *T. H. Lilly, (R)	Beckley Hinton
Eighth	Naaman Jackson, (R) *Walter S. Hallanan, (R)	Logan Charleston
Ninth	E. P. Alderson, (D) *A. B. Abbot, (D)	Summersville Fayetteville
Tenth	R. F. Kidd, (D) *A. C. Herold, (D)	Glenville Sutton
Eleventh	Dennis M. Willis, (R) *Ira L. Smith, (R)	Morgantown Fairmont
Twelfth	Ira E. Smith, (R) *Blaine Engle, (R)	West Union Clarksburg
Thirteenth	Troy E. Hardman, (R) *B. H. Hiner, (D)	Elkins Franklin
Fourteenth	A. L. Helmick, (R) *E. Bunker Reynolds, (R)	Thomas Keyser
Fifteenth	H. P. Henshaw, (D) *Frank B. Robinson, (R)	Bunker Hill Ranson

(R)..... Republican.

(D)..... Democrat.

(*)..... Holdover Senators.

Standing Committees of the Senate

ON PRIVILEGES AND ELECTIONS.

Messrs. Willis (*Chairman*), Jackson, Devore, Reynolds, Smith (of Marion), Highland, Kidd, Hiner and Herold.

ON THE JUDICIARY.

Messrs. Wilkin (*Chairman*), Smith (of Marion), Willis, Woods, Reynolds, Reitz, Miller, Jackson, Hugus, Hogg, Highland, Engle, Devore, Kidd, Hiner, Ashworth, Alderson and Henshaw.

ON FINANCE.

Messrs. Highland (*Chairman*), Willis, Wilkin, White (of Wood), Smith (of Doddridge), Robinson, Reynolds, Reitz, Jackson, Helmick, Hallanan, Engle, Henshaw, Abbot, Ashworth, Cannon and Kidd.

ON EDUCATION.

Messrs. Willis (*Chairman*), Hallanan, Robinson, Reitz, Jackson, Engle, Henshaw, Kidd and Taylor.

ON COUNTIES AND MUNICIPAL CORPORATIONS.

Messrs. Hallanan (*Chairman*), Highland, Lilly, White (of Wood), Willis, Hardman, Henshaw, Ashworth and Cannon.

ON ROADS AND NAVIGATION.

Messrs. Jackson (*Chairman*), Devore, Engle, Hallanan, Helmick, Miller, Reitz, Wilkin, Reynolds, Woods, Abbot, Ashworth, Hiner, Henshaw and Kidd.

ON BANKS AND CORPORATIONS.

Messrs. Smith (of Doddridge) (*Chairman*), Jackson, Devore, Helmick, Reitz, Willis, Abbot, Herold and Taylor.

ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.

Messrs. Reynolds (*Chairman*), White (of Wood), Smith (of Marion), Smith (of Doddridge), Lilly, Devore, Hardman, Hogg, Alderson, Cannon and Herold.

ON PENITENTIARY.

Messrs. Reitz (*Chairman*), Helmick, Jackson, Lilly, Smith (of Marion), White (of Wood), Ashworth, Henshaw and Kidd.

ON RAILROADS.

Messrs. Helmick (*Chairman*), Woods, Wilkin, Smith (of Marion), Highland, Engle, Abbot, Henshaw and Kidd.

ON MILITIA.

Messrs. Hugus (*Chairman*), Miller, Reitz, Wilkin, Hogg, Engle, Alderson, Ashworth and Cannon.

ON FEDERAL RELATIONS.

Messrs. Hardman (*Chairman*), Robinson, Smith (of Doddridge), Woods, Lilly, Hugus, Alderson, Cannon and Herold.

ON INSURANCE.

Messrs. Engle (*Chairman*), Jackson, Hallaman, Highland, Smith (of Marion), Woods, Cannon, Henshaw and Kidd.

ON IMMIGRATION AND AGRICULTURE.

Messrs. Robinson (*Chairman*), Smith (of Doddridge), Reynolds, Miller, Hardman, Devore, Alderson, Henshaw and Kidd.

ON MINES AND MINING.

Messrs. Woods (*Chairman*), Hallanan, Helmick, Jackson, Reitz, Smith (of Marion), Abbot, Ashworth and Kidd.

ON MEDICINE AND SANITATION.

Messrs. Taylor (*Chairman*), Hallanan, Highland, Reynolds, Smith (of Marion), White (of Wood), Engle, Herold and Hiner.

ON LABOR.

Messrs. Reynolds (*Chairman*), Jackson, Devore, Helmick, Reitz, Woods, Henshaw, Kidd and Taylor.

ON CLAIMS AND GRIEVANCES.

Messrs. Wilkin (*Chairman*), Lilly, Hardman, Hugus, Robinson, White (of Wood), Abbot, Alderson and Herold.

ON FORFEITED DELINQUENT AND UNAPPROPRIATED LANDS.

Messrs. Willis (*Chairman*), Reynolds, Wilkin, White (of Wood), Hogg, Hallanan, Ashworth, Hiner and Kidd.

ON PUBLIC PRINTING.

Messrs. Reynolds (*Chairman*), Robinson, Smith (of Marion), Miller, Lilly, Jackson, Abbot, Herold and Hiner.

ON RULES (THE PRESIDENT OF THE SENATE TO BE EX-OFFICIO CHAIRMAN.)

Messrs. White (of Mingo), (*Ex-Officio Chairman*), Highland, Jackson, Willis, Kidd and Henshaw.

ON PUBLIC LIBRARY.

Messrs. Devore (*Chairman*), Hogg, Hugus, Lilly, Reitz, Smith (of Doddridge), Herold, Hiner and Taylor.

TO EXAMINE THE CLERKS OFFICE.

Messrs. Miller (*Chairman*), Reynolds, White (of Wood), Smith (of Doddridge), Jackson, Henshaw, Kidd and Taylor.

ON TEMPERANCE.

Messrs. Jackson (*Chairman*), Smith (of Doddridge), Smith (of Marion), Reitz, Woods, Devore, Abbot, Hiner and Cannon.

ON FORESTRY AND CONSERVATION.

Messrs. Miller (*Chairman*), Lilly, Reynolds, White (of Wood), Jackson, Engle, Robinson, Helmick, Ashworth, Hiner and Taylor.

ON RE-DISTRICTING.

Messrs. Helmick (*Chairman*), Engle, Highland, Wilkin, Willis, Woods, Ashworth, Henshaw and Kidd.

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

Messrs. Hallanan (*Chairman*), Reynolds, Highland, Henshaw and Kidd.

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

Messrs. Hogg (*Chairman*), Miller, Jackson, Ashworth and Hiner.

HOUSE OF DELEGATES

OFFICERS

Speaker—Hon. Vernon E. Johnson, Berkeley Springs.
 Clerk—M. S. Hodges, Franklin.
 Sergeant-at-Arms—W. H. Hutchison, Spencer.
 Doorkeeper—F. A. Morrison.

COUNTY	MEMBERS	POST OFFICE
Barbour	W. A. Street, (R)	Belington
Berkeley	Charles Beard, (R) H. L. Alexander, (D)	Martinsburg Martinsburg
Boone	H. H. Andrews, (R)	Whitesville
Braxton	John D. Sutton, (D) L. T. Harvey, (D)	Sutton Sutton
Brooks	James L. Deuley, (R)	Wellsburg
Cabell	B. W. West, (R) Lee A. Wolfard, (D) Wilbert H. Norton, (D) Walker Long, (D)	Huntington Huntington Huntington Huntington
Calhoun	Lynn S. Oles, (Square Deal)	Grantsville
Clay	Ralph R. Lockhart, (D)	Clay
Doddridge	L. R. Deak, (D)	West Union
Fayette	W. D. Lawton, (R) A. E. Stacey, (R) S. T. Carter, (R) W. H. Thomas, (R) J. M. Hays, (D)	Lawton Glen Ferris Fayetteville Montgomery Glenville
Gilmer	J. M. Hays, (D)	Glenville
Grant	J. L. Resroad, (R)	Lahmansville
Greenbrier	W. W. Stevens, (D) W. T. Sheppard, (D) C. G. Davis, (D)	Alderson Smoet Yellow Springs
Hampshire	C. G. Davis, (D)	Yellow Springs
Hancock	O. O. Alison, (D)	Chester
Harley	P. D. DeLawder, (D)	Lest River
Harrison	James M. Guiber, (R) Karl B. Kyle, (R) L. M. Robinson, (R) Ray W. Garvin, (D)	Clarksburg Clarksburg Clarksburg Clarksburg
Jackson	Eugene Slaughter, (R) Roy Hylbert, (R)	Cottageville Ravenswood
Jefferson	Robert L. Withers, (D)	Summit Point
Kanawha	Charles K. Huletad, (R) J. Howard Humbley, (R) C. M. Jivaden, (R) E. M. Keatley, (R) Harold S. Mathews, (R) A. C. Vandine, (R)	South Charleston Charleston Charleston Charleston Charleston Charleston
Lewis	J. H. Brewster, (R)	Weston
Lincoln	M. D. Goodie, (D)	Griffithsville
Logan	Harry S. Gay, Jr., (R)	Mount Gay
Marion	Homer A. Bartlett, (R) Harry G. Fletcher, (R) Ellsworth Morgan, (R)	Fairmont Fairmont Fairmont, R. F. D. 3
Marshall	Evan G. Roberts, (R) Will F. Crow, (R)	Moundsville Glen Easton
Mason	R. T. Embleton, (R) George A. Rairden, (R)	Hartford Leon

HOUSE OF DELEGATES

COUNTY	MEMBERS	POST OFFICE
Mercer	T. K. Massie, (R)	Princeton, R. D.
	Roy A. Cole, (R)	Montealm
	F. M. Peters, (D)	Bluefield
Mineral	R. Marsh Dean, (R)	Elk Garden
Mingo	John S. Hall, (D)	Williamson
Monongalia	J. W. Hartigan, (R)	Morgantown
	Hu S. Vandervort, (R)	Morgantown
Monroe	C. F. Dickson, (D)	Organ Cave
Morgan	Vernon E. Johnson, (R)	Berkeley Springs
McDowell	B. E. Downs, (R)	Welch
	M. H. Tabor, (R)	Grumpler
	John C. Houchins, (R)	Northfork
	E. Howard Harper, (R)	Keystone
	E. D. Dorsey, (R)	Richwood
	J. Wm. Cummins, (R)	Wheeling
Nicholas	Harry A. Weiss, (R)	Wheeling
	Milton McColloch, (R)	Wheeling
	John Ulrich, (R)	Wheeling
	J. Riley Armstrong, (D)	Doe Hill, Va.
Pleasants	Charles E. Fogle, (R)	St. Marys
Pocahontas	George F. Hull, (R)	Durbin
Preston	S. P. Mitchell, (R)	Kingwood
	James Henry Smith, (R)	Bruceton Mills
Putnam	M. M. Harrison, (R)	Confidence
Raleigh	A. C. Sutphin, (R)	Beckley
	C. L. Heaberlin, (R)	Beckley
	E. H. Arnold, (D)	Elkins
Randolph	C. P. Crawford, (D)	Elkins
	Robert Morris, (R)	Harrisville
Ritchie	W. P. Pool, (R)	Spencer
Roane	Wm. Woodyard, (R)	Spencer
	C. E. Garten, (R)	Hinton
Summers	N. F. Kendall, (D)	Grafton
Taylor	Sam W. Gross, (D)	Thomas
Tucker	Wm. J. Tracy, (D)	Sistersville
Tyler	E. H. Knabenshuc, (R)	Buckhannon
Upshur	Oscar Watts, (D)	Westmoreland
Wayne	James O. Marcum, (D)	Ceredo
	W. C. Cooper, (D)	Welster Springs
Webster	Lee Cusack, (D)	New Martinsville
Wetzel	L. E. Lantz, (D)	Jacksonburg
	Hugh Prather, (D)	Elizabeth
Wirt	John B. Easton, (R)	Williamstown
Wood	W. L. McPherson, (R)	Parkersburg, R. F. D.
	Georgo W. Dye, (D)	Parkersburg
	I. E. Basham, (R)	Pineville
Wyoming		

Standing Committees of the House of Delegates

ON ELECTIONS AND PRIVILEGES.

Messrs. Garten (*Chairman*), Hundley, McColloch, McPherson, Pool, Carter, Slaughter, Vandervort, Vandine, Cole, Alexander, Cooper, Cusack, Davis, DeLawder.

ON JUDICIARY.

Messrs. Hundley (*Chairman*), Guiher, Keatley, Kyle, Mitchell, Cummins, Tabor, Garten, Morris, Stacey, West, Board, Norton, Alexander, Harvey, Allison, Garvin.

ON FEDERAL RELATIONS.

Messrs. Mitchell (*Chairman*), Fletcher, Street, Mathews, Bartlett, Rasham, Cole, Downs, Fogle, Harper, Davis, Dickson, Dye, Goode, Gross.

ON TAXATION AND FINANCE.

Messrs. Heaberlin (*Chairman*), Robinson, Dean, Brewster, Mathews, Weiss, Carter, Woodyard, Hartigan, Houchins, Roberts, Peters, Gay, Hall, Arnold, Withers, Doak, Long.

ON MILITARY AFFAIRS.

Messrs. Crow (*Chairman*), Guiher, Halstead, Downs, Basham, Oles, Stacey, Cummins, Slaughter, McPherson, Houchins, Sutton, Dye, Dickson, Garvin, Hays, Norton.

ON PROHIBITION AND TEMPERANCE.

Messrs. Dean (*Chairman*), Morgan, Rexroad, Fogle, Beard, Street, Slaughter, Massie, Ulrich, Crow, Hays, Harvey, DeLawder, Doak, Goode.

ON EDUCATION

Messrs. Knabenshue (*Chairman*), Hartigan, Roberts, Deuley, Jividen, Rexroad, Street, Pool, Downs, McPherson, Wolfard, Cooper, Hays, Doak, Tracey.

ON COUNTIES AND MUNICIPAL CORPORATIONS.

Messrs. Slaughter (*Chairman*), Fletcher, Deuley, Roberts, Garten, Thomas, Halstead, McPherson, Kyle, West, Norton, Prather, Garvin, Cusack, Armstrong.

ON BANKS AND CORPORATIONS.

Messrs. Andrews (*Chairman*), Sutphin, Bartlet, Lawton, Brewster Rairden, Hull, Tabor, Gay, Roberts, Lantz, Allison, Lockhart, Peters, Withers.

ON ROADS.

Messrs. Smith (*Chairman*), Barlett, Basham, Crow, Rairden, Dorsey, Downs, Oles, Halstead, Ulrich, Lantz, Crawford, Watts, Kendall, Dickson, Fogle, Hylbert.

ON FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Rairden (*Chairman*), Stacey, Street, Hundley, Harrison, Keatley, Knabenshue, Lawton, Morris, Oles, Sheppard, Harvey, Hayes, Kendall, Lantz.

ON CLAIMS AND GRIEVANCES.

Messrs. Street (*Chairman*), Morgan, Brewster, Embleton, Pool, Fogle, Heaberlin, Houchins, Hull, Knabenshue, Alexander, Allison, Armstrong, Stevens, Cooper.

ON HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Jividen (*Chairman*), Mitchell, Thomas, Carter, Crow, Brewster, Pool, Vandine, West, Massie, Garvin, Marcum, Dye, Goode, Harvey.

ON PRINTING AND CONTINGENT EXPENSES.

Messrs. Woodyard (*Chairman*), Deuley, Ulrich, Street, Morgan, Easton, Cole, Hylbert, Sutphin, Long, Cooper, Garvin, Watts, Allison.

ON EXECUTIVE OFFICERS AND LIBRARY.

Messrs. Rexroad (*Chairman*), Cummins, Guiher, Halstead, Massie, Pool, Dean, Smith, Harrison, Vandine, Long, Marcum, Norton, Prather, Sheppard.

ON FORESTRY AND CONSERVATION.

Messrs. Stacey (*Chairman*), Cole, Thomas, Vandervort, Houchins, Garten, Sutphin, Harrison, McColloch, Dorsey, Withers, Stevens, Gross, Armstrong, Kendall.

ON ARTS, SCIENCE AND GENERAL IMPROVEMENT.

Messrs. Bartlett (*Chairman*), Massie, Embleton, Fletcher, Fogle, Easton, McColloch, Oles, Pool, Thomas, Prather, Sheppard, Sutton, Tracey, Watts.

ON PENITENTIARY.

Messrs. Vandervort (*Chairman*), Roberts (*Chairman*), Weiss, Rexroad, Morris, Kyle, Fogle, Mathews, Embleton, Harper, Crawford, Cusack, Goode, Gross, Davis.

NOTE:—On account of absence of Mr. Vandervort, due to illness, Mr. Roberts was, on April 11, appointed chairman.

ON MINES AND MINING.

Messrs. Gay (*Chairman*), Dean, Lawton, Basham, Sutphin, Smith, Cole, Hartigan, Tabor, McColloch, Hall, Marcum, Stevens, Arnold, Peters, Andrews, Deuley.

ON AGRICULTURE.

Messrs. Massie (*Chairman*), Hartigan, Andrews, Beard, Vandervort, Harrison, Easton, Smith, Morgan, Slaughter, Tracey, Sutton, DeLawder, Withers, Dickson, Street.

ON STATE BOUNDARIES.

Messrs. Kyle (*Chairman*), Halstead, Robinson, Mitchell, Keatley, Easton, Downs, Bartlett, Guiher, Ulrich, Lockhart, Long, Stevens, Wolfard, Tracey.

ON RAILROADS.

Messrs. West (*Chairman*), Heaberlin, Hylbert, Oles, Jividen, Basham, Harper, Beard, Fletcher, McPherson, Cummins, Garten, Hall, Davis, Marcum, Garvin, Dickson.

ON LABOR.

Messrs. Easton (*Chairman*), Jividen, West, Beard, Ulrich, Embleton, Harper, Weiss, Slaughter, Lawton, Arnold, Allison, Gross, Cusack, Marcum.

ON MEDICINE AND SANITATION.

Messrs. Vandine (*Chairman*), Tabor, Hull, Crow, Hartigan, Mitchell, Kyle, Rairden, Morgan, Cole, Crawford, Prather, Dye, Sutton, Armstrong.

ON GAME AND FISH.

Messrs. Deuley (*Chairman*), Hull, Houchins, Rexroad, Thomas, Brewster, Gay, Smith, Woodyard, Knabenshue, Cooper, Lantz, DeLawder, Loak, Watts.

ON INSURANCE.

Messrs. Cummins (*Chairman*), Heaberlin, Hylbert, Morris, Dorsey, Bartlett, Andrews, Embleton, Vandine, Tabor, McColloch, Easton, Peters, Alexander, Goode, Crawford, Lockhart.

ON RULES.

Messrs. Robinson (*Chairman*), Johnson, (*Chairman Ex-Officio*), Weiss, Keatley, Roberts, Downs, Hall.

ON RE-DISTRICTING.

Messrs. Hull (*Chairman*), Kyle, Woodyard, Harrison, Dorsey, Fletcher, Jividen, Hylbert, Knabenshue, McPherson, Wolfard, Sutton, Sheppard, Dye, Lockhart.

ON ENROLLED BILLS.

Messrs. Mathews (*Chairman*), Morris, Houchins, Cummins, Garvin.

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Legislature of West Virginia

ACTS OF 1927

REGULAR SESSION

CHAPTER 1

(Senate Bill No. 95—Mr. Highland)

AN ACT to amend and re-enact section one, chapter thirty-one, Acts of the Legislature of one thousand nine hundred and fifteen, relating to the appointment, compensation, powers and duties of the board of control.

[Passed April 29, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. State board of control as created to continue; consist of three members; appointed by governor; term of office; salary; re-

movals; office and clerical assistance; organization; oath of office; official bonds; deeds, contracts and agreements executed by board, when valid.

Be it enacted by the Legislature of West Virginia:

That section one of chapter thirty-one of the Acts of the Legislature of one thousand nine hundred and fifteen, relating to the appointment, compensation, powers and duties of the board of control, be amended and re-enacted so as to read as follows:

Section 1. The state board of control, created by chapter 2 fifty-eight of the acts of the legislature of one thousand nine 3 hundred and nine, shall continue, and shall be a corporation, 4 and have and use a common seal. It shall consist of three mem- 5 bers, not more than two of whom at the time of appointment 6 shall belong to the same political party, to be appointed by the 7 governor by and with the advice of the state senate. The term 8 of office shall be six years. The members now in office shall

9 serve to the end of their respective terms, unless sooner removed
10 as herein provided. The governor may remove any member for
11 incompetency, neglect of duty, drunkenness, gross immorality,
12 malfeasance in office, or for other good cause, and fill the va-
13 cancy made by any such removal, or made by death, resignation
14 or otherwise, by appointment for the unexpired term. The
15 salary of each member shall be six thousand dollars
16 per year, to be paid monthly; and each shall be paid
17 his actual traveling and other necessary expenses when absent
18 from the state capital on official business. The board shall be
19 provided with an office at the state capital, and with such fur-
20 niture and clerical and other assistance as shall be necessary.
21 The members shall give their entire time to the discharge of
22 the duties of their office. The board shall choose one of their
23 members president, and another treasurer. They may select
24 a secretary and such other officers as they may deem best. The
25 offices of treasurer and secretary may be held by the same mem-
26 ber. Before entering upon the duties of his office, each member
27 shall take and subscribe the oath of office prescribed by the
28 constitution, the certificate whereof shall be filed with records
29 of the board, and he shall give bond in the penalty of ten thou-
30 sand dollars, conditioned for the faithful performance of the
31 duties of his office, and to account for and pay over according
32 to law all moneys or other thing of value which shall come into
33 his hands or under his control by virtue of his office; but the
34 treasurer's bond shall be in the penalty of twenty-five thou-
35 sand dollars, which shall cover his liability as a member, and
36 as the treasurer. The board may cause the surety in any of
37 such bonds to be a surety or bonding company authorized to
38 do business in this state, and pay the costs thereof out of its
39 current or contingent expense fund. All such bonds shall be
40 approved as to form by the attorney general, and as to suf-
41 ficiency by the governor, and when so approved shall be filed
42 and recorded in the office of the secretary of state. In the ab-
43 sence of the president or of the treasurer from the state cap-
44 ital, or in the disability of either, the duties of his office may
45 be performed by another member of the board. All deeds, con-
46 tracts, agreements and other such writings may be executed by
47 the state board of control by the signing of the name of the
48 board thereto by the president, and impressing the seal of the
49 board thereon, attested by the signature of the secretary; and

50 when so executed any such deed, contract, agreement or other
51 such writing shall be deemed the act and deed of said board,
52 and shall be admitted to record in the office of the clerk of the
53 county court, and in any other office or place where writings
54 are admitted to record.

CHAPTER 2

(House Bill No. 98—Mr. Smith)

AN ACT to create and maintain a state veterans' service office.

[Passed April 11, 1927; in effect ninety days from passage. Approved by the Governor.]

SEC.

1. State veterans' service office created. Officer—how designated, oath and bond, removal, salary, office and assistants.

SEC.

2. General duties prescribed.
3. Duties as to claims against relief fund.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created the state veterans' service
2 office. The governor, on or before the first day of June, one
3 thousand nine hundred and twenty-seven, shall appoint as state
4 veterans' service officer, some citizen of this state entitled to
5 vote, who is a veteran of the world war, whose term of office
6 shall begin at the date of appointment and shall continue for
7 the term of four years and until the successor of such service
8 officer so appointed shall take the oath or affirmation prescribed
9 by section five, article four, of the constitution of West Vir-
10 ginia, and such oath shall be certified by the person who ad-
11 ministers the same, and shall be filed in the office of the secre-
12 tary of state. Any person so appointed as such service officer
13 shall give bond with good security to be approved by the at-
14 torney general, in the penalty of five thousand dollars, and
15 such bond shall be filed in the office of the secretary of state.
16 The governor may remove such officer in case of incompetency,
17 neglect of duty, gross immorality, or malfeasance in office,
18 and in case of a vacancy, whether such vacancy occurs by reason
19 of removal or otherwise, may declare the office vacant, and
20 fill the same by appointment for the unexpired term. The

21 salary of the state veterans' service officer shall be three thou-
22 sand dollars per year. He shall be paid his actual disburse-
23 ments for traveling expenses, an itemized account of which
24 shall be filed with the auditor before payment thereof. He
25 shall be provided with an office in the capitol building and
26 with such furniture and clerical assistance as shall be neces-
27 sary; *provided, however*, that all expenses allowed hereunder,
28 exclusive of the salary aforesaid, shall not exceed five thousand
29 dollars per annum.

Sec. 2. It shall be the duty of the state veterans' service
2 officer to assist all veterans who have participated in any of
3 the wars of the United States of America as soldiers, sailors
4 or marines, or who have an honorable discharge from the armed
5 forces of the United States of America, in properly present-
6 ing their claims before the United States Veterans' Bureau or
7 before any other bureaus or departments of the United States
8 government, the State of West Virginia, or any of the several
9 states of the United States when such claims arise out of such
10 service with the said armed forces. It shall further be the
11 duty of such state veterans' service officer to contact all vet-
12 erans' organizations which are engaged in welfare and relief
13 work in the state of West Virginia and render all possible
14 assistance to veterans and families of veterans within the state
15 and to furnish to such veterans and families of veterans in-
16 formation on compensation, insurance, rehabilitation, hospitali-
17 zation and allowances, provided by the United States govern-
18 ment, the State of West Virginia, and the several other states
19 of the United States.

Sec. 3. The state veterans' service officer shall make careful
2 inquiry into all claims presented for payment to the state
3 treasurer from the appropriation hereafter made for the re-
4 lief of sick, disabled or indigent soldiers, sailors or marines,
5 residing in West Virginia, who served in the armed forces of
6 the United States of America during the world war.

CHAPTER 3

(Senate Bill No. 191—Mr. Helmick)

AN ACT creating the office of poet laureate of West Virginia, pro-
viding for his appointment and prescribing his salary.

[Passed April 29, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 1. Poet laureate office, created; ap- | pointment by governor; eligi-
bility; salary.

Be it enacted by the Legislature of West Virginia:

Section 1. That there is hereby created the office of poet laureate of West Virginia, who shall be appointed by the governor to serve during the will and pleasure of the governor. No person shall be eligible to hold said office who is not a resident of this state, and who has not written and published poems of recognized merit. Said poet laureate shall receive an annual salary of nine hundred dollars, payable in equal monthly installments.

CHAPTER 4

(Senate Bill No. 247—Mr. Miller)

AN ACT creating a state forest and parks commission.

[Passed April 26, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 1. State forest and parks commission created. 2. Duties of the commission defined. 3. Commission to report its investigations with recommendations to the legislature; clerical assistance authorized. 4. Power to conduct investigations; authoritative or valuable information, how obtained.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a state forest and parks commission to be composed of the governor of the state, the commissioner of agriculture, the director of agriculture extension, the state geologist and the chairman of the game and fish commission, *ex-officio*.

Sec. 2. It shall be the duty of the commission hereby created to study and investigate lands now held by the state, including those purchased for, or forfeited to the state for non-payment of taxes, as to their availability as state forests or parks; how the state may best cooperate with the federal government in furthering the plans of the federal forestry service for the Monongahela National Forest, including Seneca Rocks and other sections in the proposed purchase area; as to the usefulness and availability as state parks, including ways and means of acquisition and administrations, of Spruce Pine Hol-

11 low, Cranberry Glades, Hawks Nest, Blennerhassett Island,
 12 Coopers Rocks, Waddington and other areas; and such other
 13 matters pertaining to forests and parks as they shall deem ad-
 14 visable.

Sec. 3. The commission shall make comprehensive report of
 2 the results of its investigation, together with its recommenda-
 3 tions, to the next session of the legislature, and shall prepare
 4 such bills as may be necessary to carry out its recommendations
 5 and submit them with its report. The commission is author-
 6 ized to secure from any of the departments of the state govern-
 7 ment such clerical assistance as may be available and found
 8 necessary by the commission.

Sec. 4. In the conduct of its investigation the commission
 2 shall have power to summon any state official or other person in
 3 a position to give authoritative or valuable information and to
 4 compel by subpoena the production of any books, papers and
 5 documents it may deem necessary at any designated place of
 6 hearing, and for this purpose may invoke the aid of any cir-
 7 cuit court in requiring the evidence and testimony of witnesses,
 8 and the production of papers, books and documents.

CHAPTER 5

(House Bill No. 441—Mr. Heaberlin, by request of State Tax
 Commission)

AN ACT making the state treasurer custodian of all bonds, securi-
 ties, notes or other evidences of indebtedness belonging to the
 state of West Virginia, or by law required to be deposited
 with the state or held in legal custody by the state.

[Passed April 27, 1927; in effect from passage. Became a law without the
 approval of the Governor.]

SEC.

1. "Securities" defined.
2. Treasurer to be custodian of same.
3. Examinations of same.
4. Accounts to be kept of same.

SEC.

5. Keeping and handling of same.
6. Bonds required of keepers.
7. Removal of assistant keepers.

Be it enacted by the Legislature of West Virginia:

Section 1. The term "securities" when used in this act
 2 shall include all bonds, securities, debentures, notes or other
 3 evidences of indebtedness.

Sec. 2. The treasurer of this state is hereby created custodian of all securities belonging to the state of West Virginia or by law required to be deposited with the state or held in legal custody by the state, and all departments of this state, commissioners or agents of the state, who have held or hold any such securities shall transfer and deliver the same to the state treasurer to be kept and held by him as legal custodian thereof until released in the manner provided by law.

Sec. 3. The chief inspector of public offices shall once a year, or oftener if requested by the governor, examine and list all of said securities in the custody of the state treasurer.

Sec. 4. It shall be the duty of the treasurer to keep an accurate account of all securities received by him and collect and account for the interest as the same becomes due and payable and the principal whenever same is due.

Sec. 5. It shall be the duty of the treasurer to use due diligence in protecting such securities against loss from any cause. Said securities shall be kept in a vault, to be approved by the state board of public works. The treasurer shall designate two employees in his office to take special care of said securities. The treasurer, with the said persons, shall have access to such securities, but two of whom shall be present whenever said securities are handled in any manner..

Sec. 6. The treasurer, as well as the persons so designated by him to take care of said securities, shall, before entering upon the discharge of their duties under this act, execute a bond to be approved by the state board of public works in a penalty to be fixed by said board.

Sec. 7. When the treasurer has designated the persons to take special care of the securities, as provided in this act, he shall not remove or replace said persons or either of them until due notice in writing of his intention so to do has been given to the sureties on such persons' bonds.

All acts and parts of acts, general and special, inconsistent with this act or in conflict therewith, are hereby repealed.

CHAPTER 6

(Senate Bill No. 167—Mr. Hallanan)

AN ACT to provide in part for the care, support and expenses of inmates in the state industrial home for colored girls.

[Passed April 4, 1927; In effect from passage. Became a law without the approval of the Governor.]

<p>SEC. 3-a. Maintenance and support of inmates; county to pay costs; amount; when and to whom</p>	<p>paid; parent or guardian required to reimburse county, when; county court empowered to recover payments.</p>
--	---

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and fifty-four of the Acts of the Legislature of one thousand nine hundred and twenty-one, relating to the support and expenses of the inmates of the state industrial home for colored girls, is hereby amended and re-enacted by inserting therein, after section three, section three-a, so as to read as follows:

Section 3-a. The county court of each county shall pay into the state treasury the sum of fifty dollars a year on account of each girl from the county who shall be received in the home. But in all cases of girls received in said home, the parent, if of sufficient means, or the guardian where the girl has sufficient estate, shall annually reimburse the county the amount paid into the state treasury, by virtue of this section, on account of such girl, and the county court of such county shall have a right to recover the same of such parent or guardian in any court of competent jurisdiction. The income derived from the payment of such costs of detention is hereby appropriated for the current expenses of the home, subject to the requisition of the state board of control. The collection and payment of the amounts so due shall be made in accordance with the provisions of sections one hundred and seventy-five-l and one hundred and seventy-five-m of chapter one hundred and forty-four of the Acts of the Legislature of one thousand nine hundred and twenty-one.

CHAPTER 7

(Senate Bill No. 168—Mr. Hallanan)

AN ACT to provide in part for the care, support and expenses of inmates in the state industrial school for colored boys.

[Passed April 4, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

4-a. Maintenance and support of inmates; county to pay expenses; amount; to whom paid; parent

or guardian required to reimburse county, when; county court empowered to recover payments.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and fifty-five of the Acts of the Legislature of one thousand nine hundred and twenty-one, relating to the support and expenses of inmates in the state industrial school for colored boys, is hereby amended and re-enacted by inserting therein, after section four, section four-a, so as to read as follows:

Section 4-a. The county court of every county shall pay 2 into the state treasury the sum of fifty dollars a year on ac- 3 count of each youth from the county who shall be received in 4 said school. But in all cases of youth so received in said school, 5 the parent, if of sufficient means, or the guardian where the 6 youth has sufficient estate, shall annually reimburse the county 7 the amount paid into the state treasury, by virtue of this sec- 8 tion, on account of such youth, and the county court of such 9 county shall have a right to recover the same of such parent 10 or guardian in any court of competent jurisdiction. The in- 11 come derived from the payment of such costs of detention is 12 hereby appropriated for the current expenses of the school, 13 subject to the requisition of the state board of control. The 14 collection and payment of the amounts so due shall be made 15 in accordance with the provisions of sections one hundred and 16 sixty-nine and one hundred and seventy of chapter two of the 17 Acts of the Legislature of one thousand nine hundred and nine- 18 teen.

CHAPTER 8

(Senate Bill No. 262—Mr. Hallanan)

AN ACT to create and establish a new, another or additional state tuberculosis sanitarium and to provide for its control and maintenance.

[Passed April 22, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

- | | |
|---|--|
| <p>1. State tuberculosis sanitarium established; institution classified; existing laws applicable; superintendent; qualifications; appointed by the Governor.</p> <p>2. Site to be selected in southern</p> | <p>part of state by state board of control and state department of health acting jointly.</p> <p>3. Who shall be admitted; payment for costs of treatment; state board of control to make schedule of rates.</p> |
|---|--|

Be it enacted by the Legislature of West Virginia:

That there is hereby established a new or additional state sanitarium for the treatment of tuberculosis, and provision made for the control and maintenance thereof, as follows:

Section 1. There is hereby created for the care and treatment of persons afflicted with tuberculosis, or consumption, a state institution to be known as a state tuberculosis sanitarium. It shall belong to that class of institutions mentioned in section three of chapter fifteen-*m* of the code of West Virginia and shall be managed and controlled as provided for in said chapter, all the provisions whereof shall be as applicable to said sanitarium as if the same were named in said section three of said chapter. The chief executive officer thereof shall be the superintendent, who shall be a legally qualified physician of at least six years' experience in the practice of his profession and shall be a person of good executive ability, and shall be appointed by the governor with the advice and consent of the senate.

Sec. 2. The state board of control and the state department of health shall jointly select a suitable site for such sanitarium and provide plans for the necessary buildings, such site, however, to be located south of a line drawn east and west through the Town of Flatwoods, Braxton county, West Virginia; and thereafter all the provisions of said chapter fifteen-*m* of the code of West Virginia shall govern herein as far as applicable.

Sec. 3. There shall be admitted into said sanitarium residents of this state who may be suffering with tuberculosis.

3 which persons shall be divided into two classes, namely: *First*,
 4 those unable to pay the expenses of their care and treatment;
 5 *second*, those who are able to pay and shall pay same. The
 6 reasonable expenses of poor persons admitted at the request of
 7 the authorities of any municipal corporation or county shall be
 8 paid by such municipal corporation or county. Regulations
 9 may be made to receive persons who are able to pay part but
 10 not able to pay all of the expenses of their care and treatment.
 11 Schedules of rates to be paid by patients shall be made by the
 12 state board of control.

CHAPTER 9

(Senate Bill No. 79—Mr. Engle)

AN ACT to amend and re-enact section fifty-eight, of chapter two, Acts of the Legislature of one thousand nine hundred and nineteen, regular session, relating to school opportunities for pupils beyond the two-mile limit.

[Passed April 20, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

<p>SEC. 58. Powers and duties of the district boards of education; general control and management of</p>	<p>schools; provision for pupils beyond the two mile limit; conflicting acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

That section fifty-eight of chapter two of the Acts of the Legislature of one thousand nine hundred and nineteen, regular session, relating to the transportation of school pupils living beyond the two-mile limit, be amended and re-enacted so as to read as follows:

Section 58. In accordance with the provisions of this act and subject to the rules and regulations of the state board of education, every district board of education shall have the general control and management of all the schools and the school interests of its district; it shall have authority to change the boundaries of subdistricts and increase or diminish the number thereof; and it shall, as hereinafter provided, establish high

8 schools. Said board shall have authority to close any schools
9 which may be unnecessary and to assign the pupils of such
10 schools, to other schools, and to consolidate two or more small
11 schools into central graded schools to be known as consolidated
12 schools, and to provide a building with all necessary equipment
13 therefor. Said board shall also have authority to provide at pub-
14 lic expense for the transportation of pupils to and from such
15 consolidated schools or other schools where transportation of pu-
16 pils may be necessary; *provided*, that such transportation shall
17 be in accordance with the rules and regulations of the state
18 board of education relating thereto. It is *provided, further*, that
19 said district board of education may close any elementary school
20 whose average daily attendance falls below ten pupils for two
21 months in succession, and shall thereupon direct the pupils
22 affected thereby to attend, if possible, another school or other
23 schools in the same or in adjoining districts or independent
24 districts, whether in the same or in adjoining counties, and
25 the teacher of any school so closed or abandoned shall receive
26 no further compensation as teacher of such school. It is *pro-*
27 *vided, also*, that whenever any child or group of children of
28 school age shall, by reason of the provision of this act, or for
29 any cause whatsoever, be without opportunity to attend a free
30 school as provided by law, within two miles of their homes by
31 the shortest available road or path, the board of education of
32 the district in which such child or group of children reside,
33 shall employ such means as to the board may seem best to pro-
34 vide educational opportunities to such child or group of chil-
35 dren, and shall expend for such purpose an amount not to ex-
36 ceed the proportion of all the school funds of the district that
37 such child or group of children would be entitled to receive,
38 if all such funds were distributed equally among all the chil-
39 dren of school age in the district upon a per capita basis, such
40 expenditure to be made according to such rules and regulations
41 as the said district board may make therefor.

42 All acts and parts of acts in conflict herewith are hereby
43 repealed.

CHAPTER 10

(House Bill No. 10—Mr. Weiss)

AN ACT to provide state aid to education in certain courses of study of state students in schools outside of the state for whom no such courses are provided in the educational institutions of the state and the conditions under which such state aid may be granted.

[Passed April 27, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

<p>Sec. 1. State aid for students outside the state.</p>		<p>Sec. 2. Rules and regulations governing. 3. Funds, how provided.</p>
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Be it enacted by the Legislature of West Virginia:

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

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

Sec. 3. The legislature of West Virginia shall appropriate funds to carry out the provisions of this bill, said funds to be

3 disbursed by the state board of control upon requisition of the
4 state superintendent of free schools.

CHAPTER 11

(House Bill No. 121—Mr. Wolfard by request)

AN ACT to amend and re-enact section sixteen-a, chapter one hundred and fifty-one, Barnes' code of West Virginia for the year one thousand nine hundred and twenty-three relating to interest of officers in contracts.

[Passed April 29, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 16-a-1. Public officers not to be inter- | ested in certain contracts; penalties.

Be it enacted by the Legislature of West Virginia:

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

Section 16-a. (1) It shall be unlawful for any member of a
2 county court, overseer of the poor, district school officer, or any
3 member of any other county or district board, or for any county
4 or district officer to be or become directly or indirectly, pe-
5 cuniarily interested in the proceeds of any contract or service,
6 or in furnishing any supplies in the contract for, or the award-
7 ing or letting of which as such member or officer, he may have
8 any voice or control.

9 Any persons or officers named who shall violate this section
10 shall, upon conviction thereof, be fined not less than one hundred
11 dollars or more than twenty-five hundred dollars, and may, in
12 the discretion of the court be imprisoned for a period not to
13 exceed one year.

14 Teachers or superintendents who violate the provisions of this
15 act shall, upon conviction thereof, have their certificates revoked
16 immediately. Any supply house or its agent that offers any
17 compensation whatever to any school officer, secretary, super-
18 intendent, supervisor, or teacher, shall be guilty of violation

19 of this section and shall, upon conviction thereof, be fined not
 20 less than one thousand dollars nor more than twenty-five hun-
 21 dred dollars and, at the discretion of the court, said agent or
 22 the managing or executive officer of said supply house, may,
 23 in addition to said fine, be imprisoned for a period not to exceed
 24 one year.

CHAPTER 12

(House Bill No. 383—Mr. Morris)

AN ACT requiring the teaching in the schools of the state the
 nature and effects of alcohol and narcotics upon the human
 system.

[Passed April 27, 1927; in effect ninety days from passage. Became a law with-
 out the approval of the Governor.]

<p>SEC. 1. Effects alcoholic drinks and nar- cotics required to be taught in schools.</p>	<p>SEC. 2. What officers to enforce; pen- alties. 3. Teacher's examinations to include these subjects.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The nature of alcoholic drinks and narcotics, and
 2 special instruction as to their effects upon the human system,
 3 shall be included in the branches of study taught in all public
 4 schools within the state of West Virginia, which instruction shall
 5 be properly adapted to the various grades in said schools and
 6 shall be taught as thoroughly as other required subjects there-
 7 in, in elementary, grammar, high schools and state normal
 8 schools. The state board of education shall prescribe and ar-
 9 range the courses of study in said schools in accordance here-
 10 with.

Sec. 2. It shall be the duty of the proper officers in con-
 2 trol of any school described in the foregoing section to enforce
 3 the provisions of this act: and any such officer, school director,
 4 board, committee, superintendent or teacher who shall refuse or
 5 neglect to comply with the requirements of this act, or shall
 6 neglect or fail to make proper provisions for the instruction
 7 required and in the manner specified by the first section of
 8 this act, for all pupils for each and every school under his

9 jurisdiction, shall be removed from office, and the vacancy
10 filled as in other cases.

Sec. 3. The nature and effects of alcoholic drinks and nar-
2 cotics on the human system shall be included in the subjects upon
3 which applicants for elementary certificates to teach in the pub-
4 lic schools are required to pass examination.

CHAPTER 13

(House Bill No. 486—Mr. Hartigan)

AN ACT creating a board of governors for the West Virginia
university.

[Passed April 14, 1927; in effect from passage. Became a law without the
approval of the Governor.]

<p>Sec. 1. Board of governors for univer- sity. 2. Same; number, appointment and term of office. 3. Same; offices for. 4. Same; meetings.</p>	<p>Sec. 5. Same; compensation and ex- penses. 6. Same; organization, secretary for. 7. Same; authority. 8. Inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a board of governors for
2 the West Virginia university, which shall be a corporation, and
3 as such may contract and be contracted with, plead and oe
4 impleaded, sue and be sued, and use a common seal.

Sec. 2. The said board shall be appointed by the governor
2 and shall consist of seven members, one from each congres-
3 sional district of the state and one at large. *Provided, how-*
4 *ever,* that not more than four members of said board shall be
5 from the same political party. At least three members of said
6 board shall be graduates of the West Virginia university.
7 These appointments shall be made on or about the first day
8 of May, one thousand nine hundred and twenty-seven, by and
9 with the consent of the senate, appointing the seven members
10 of the board for the following terms, to commence on the first
11 day of June next after their appointment, two for a period
12 of one year and three for a period of two years, one of whom
13 shall be the member that represents the state at large, and two
14 for a period of three years. Thereafter, upon the expiration

15 of the term for which the said members of the board are ap-
16 pointed, the governor, on or before the first day of May, in every
17 year, shall appoint their successors for a period of four years.
18 The members of the said board of governors shall be citizens
19 of the state. No appointee of the board shall serve on the
20 board. Vacancies on the board shall be filled by the governor
21 for the unexpired term, and before exercising any authority
22 or performing any duties as members of the board of gov-
23 ernors of the West Virginia university, each member thereof
24 shall qualify as such by taking and subscribing to the oath of
25 office prescribed by section five, article four, of the state con-
26 stitution, the certificate whereof shall be filed with the records
27 of the board.

Sec. 3. A suitable office or offices shall be provided in the
2 buildings of the West Virginia university for the use of the
3 said board of governors.

Sec. 4. The board of governors of the West Virginia univer-
2 sity shall meet at the university, annually in June, and the
3 board may meet at such other times, and as often as may be
4 necessary for the best interests of the university
5 in the performance of their duties. Such meetings shall be by
6 resolution of the board when in session, or at the call of the
7 president of the board.

Sec. 5. Each appointive member of the board of governors
2 shall serve without compensation; but every member of the
3 board shall be reimbursed from the appropriations made by
4 the legislature for the support of the university, for any ex-
5 penses incident to the performance of his duty, upon presenta-
6 tion of an itemized sworn statement of the same, by requisition
7 approved by the president of the said board.

Sec. 6. At the first meeting to be held in June, one
2 thousand nine hundred and twenty-seven, and at its
3 first regular annual meeting thereafter, the board of governors
4 shall select one of its members as president and one as vice
5 president of the board. The said board shall appoint a secretary
6 and fix his salary, the same to be paid out of the funds appro-
7 priated by the legislature for the maintenance of the university.

Sec. 7. On and after the thirtieth day of June, one thousand
2 nine hundred and twenty-seven, the board of governors, created
3 in section one of this act, shall have the entire control and

4 management of all the educational affairs of the university,
5 and shall have full authority to employ all officers, teachers
6 and other employees, and all employees of the university, and
7 fix their yearly or monthly salaries.

Sec. 8. All acts and parts of acts inconsistent herewith are
2 hereby repealed.

CHAPTER 14

(Senate Bill No. 107—Mr. Ashworth)

AN ACT to amend and re-enact section fifty-seven of chapter
twenty-nine of the code of West Virginia, as last amended
and re-enacted by chapter sixty-two of the Acts of one thou-
sand nine hundred and seventeen of the regular session of the
West Virginia Legislature thereof, relating to property ex-
empt from taxation.

[Passed April 27, 1927; in effect ninety days from passage. Became a law with-
out the approval of the Governor.]

SEC. 57. Property exempt from taxation; to be entered on assessor's books but no levy shall be		made; trusts formed for evad- ing taxation; state tax com- missioner's duties; appeals; procedure; jurisdiction.
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Be it enacted by the Legislature of West Virginia:

That section fifty-seven of chapter twenty-nine of the code of
West Virginia, as last amended and re-enacted by chapter sixty-
two of the Acts of one thousand nine hundred and seventeen of
the regular session of the West Virginia Legislature, relating to
property exempt from taxation, be and the same is hereby amended
and re-enacted so as to read as follows:

Section 57. All property, real and personal, described in this
2 section, and to the extent herein limited, shall be exempt from
3 taxation, that is to say: Property belonging to the United States
4 is exempt from taxation by or under the state authority; prop-
5 erty belonging exclusively to the state; property belonging
6 exclusively to any county, district, city, village, or town in this
7 state, and used for public purposes; property used exclusively
8 for divine worship; parsonages, and the household goods and
9 furniture pertaining thereto; mortgages, bonds and other evi-
10 dences of indebtedness in the hands of *bona fide* owners and

11 holders hereafter issued and sold by churches and religious
12 societies for the purpose of securing money to be used in the
13 erection of church buildings used exclusively for divine wor-
14 ship, or for the purpose of paying indebtedness thereon; ceme-
15 teries; property belonging to colleges, seminaries, academies,
16 and free schools, if used for educational, literary or scientific
17 purposes, including books, apparatus, annuities, money and fur-
18 niture; public and family libraries; property used for chari-
19 table purposes, and not held or leased out for profit; all real
20 estate not exceeding one-half acre in extent, and the buildings
21 thereon, and used exclusively by any college or university so-
22 ciety as a literary hall, or as a dormitory or club room, if not
23 leased or otherwise used with a view to profit; all property
24 belonging to benevolent associations, not conducted for private
25 profit, and used exclusively for the purpose of moral and
26 physical education; all books, furniture, apparatus and instru-
27 ments belonging to such society; property belonging to any
28 public institution for the education of the deaf, dumb or blind,
29 or any hospital not held or leased out for profit; house of
30 refuge, lunatic or orphan asylum; homes for children or for
31 the aged, friendless or infirm, not conducted for private profit;
32 fire engines and implements for extinguishing of fires, and prop-
33 erty used exclusively for the safe-keeping thereof, and for the
34 meetings of fire companies; and all property on hand to be
35 used in the subsistence of live stock on hand at the commence-
36 ment of the assessment year, and dead victuals laid away for
37 family use; but no property shall be exempt from taxation
38 which shall have been purchased or procured for the purpose
39 of evading taxation, whether temporarily holding the same over
40 the first day of the assessment year or otherwise. *Provided,*
41 *however,* that the property, both real and personal, which is
42 exempt from taxation by this section shall be entered upon the
43 assessors' books, together with the true and actual value thereof,
44 but no taxes shall be levied upon the same or extended upon
45 the assessors' books; and, *provided, further,* that such exemp-
46 tion from taxation shall apply to all property, including the
47 principal thereof, and the income therefrom, held for a term
48 of years or otherwise under a *bona fide* deed of trust, transfer
49 or assignment, by a trustee or trustees required by the terms of
50 such trust to apply, annually, the income derived from such

51 property to education, religion, charity and cemeteries, when
 52 not used for private purposes or profit. Such transfer or as-
 53 signment shall be in writing, and have the approval of the
 54 state tax commissioner endorsed thereon; and a copy thereof
 55 shall be filed in his office before such exemption shall apply to
 56 the property embraced therein; and all books and papers show-
 57 ing the collection and distribution of money or property under
 58 or by virtue of any such trust shall be open to the inspection
 59 of said commissioner, his deputies or assistants, at all reason-
 60 able times. And, whenever, from any cause, such commissioner
 61 shall determine that any such trust is not *bona fide*, or that it
 62 was created or is carried on for the purpose of evading taxa-
 63 tion, then he shall withdraw his approval thereof by written
 64 notice served upon any trustee in such trust, and thereafter
 65 all property covered by such trust shall be subject to taxation;
 66 but any person beneficially interested may appeal from any
 67 such decision of said commissioner to the circuit court of the
 68 county wherein the trustee resides, and if such trustee reside
 69 outside the state of West Virginia, then to the circuit court of
 70 the county wherein the seat of government is located; and with
 71 the further right of appeal to the supreme court of appeals
 72 by any party to the proceedings.

CHAPTER 15

(Senate Bill No. 143—Mr. Kidd)

AN ACT to amend and re-enact section fourteen-a-1 of chapter forty-five of the acts of one thousand nine hundred and twenty-five, relative to the extension of time given sheriffs for the collection of taxes.

[Passed April 28, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

<p>Sec. 14-a-1. Sheriffs whose terms of office have expired allowed addi-</p>		<p>tional time in which to col- lect past due taxes not re- turned delinquent.</p>
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Be it enacted by the Legislature of West Virginia:

That section fourteen-a-1 of chapter forty-five of the Acts of the Legislature of one thousand nine hundred and twenty-five, relating

to the extension of time to sheriffs for collecting taxes past due, be amended and re-enacted so as to read as follows:

Section 14-a-1. The sheriffs of the several counties of the 2 state of West Virginia whose term of office expired on the 3 thirty-first of December, one thousand nine hundred and twenty, 4 and whose term of office expired on the thirty-first day of De- 5 cember, one thousand nine hundred and twenty-four, shall be 6 allowed until the thirty-first day of December, one thousand 7 nine hundred and twenty-eight within which to make distraint 8 and sale for the collection of taxes, with interest thereon, and 9 costs of collection not returned delinquent for the years one 10 thousand nine hundred and seventeen, one thousand nine hun- 11 dred and eighteen, one thousand nine hundred and nineteen, 12 one thousand nine hundred and twenty, one thousand nine hun- 13 dred and twenty-one, one thousand nine hundred and twenty- 14 two, one thousand nine hundred and twenty-three and one thou- 15 sand nine hundred and twenty-four; and the said sheriffs and 16 their deputies and constables of their respective counties are 17 empowered to collect the said taxes, either by suit or by making 18 distraint and sale of the property of the persons against whom 19 such assessments for taxes were made for the years one thou- 20 sand nine hundred and seventeen, one thousand nine hundred 21 and eighteen, one thousand nine hundred and nineteen, one 22 thousand nine hundred and twenty, one thousand nine hundred 23 and twenty-one, one thousand nine hundred and twenty-two, one 24 thousand nine hundred and twenty-three, and one thousand 25 nine hundred and twenty-four, and which taxes have not been 26 returned delinquent for those years; and in case any such per- 27 son against whom such assessments were made for those years 28 has removed or shall remove to another county, the said sheriff 29 and his deputies are authorized to make distraint and sale in 30 such county to which any such person has removed or shall re- 31 move. Such sheriff may send a statement of the taxes due from 32 any such person who has removed into another county to the 33 sheriff of the county to which he or she has removed, and the 34 sheriff of that county is authorized and empowered to make 35 levy and collection of the said taxes on assessments made in his 36 own county.

CHAPTER 16

(Senate Bill No. 293—Mr. Woods)

AN ACT to amend and re-enact section one hundred and nine of chapter thirty-two of the code of West Virginia, relating to license taxes, and providing penalties for violations hereof.

[Passed March 25, 1927; in effect from passage. Became a law without the approval of the Governor.]

<p>SEC. 109. Licenses; skating rinks; public parks; fortune tellers; palm- ists; mind readers; labor</p>	<p>agencies; labor agency de- fined, and penalty prescribed for not complying with this act.</p>
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Be it enacted by the Legislature of West Virginia:

That section one hundred and nine of chapter thirty-two of the code of West Virginia, relating to license taxes and violations hereof, be amended and re-enacted so as to read as follows:

Section 109. *Skating Rinks; Parks; Fortune Tellers; Labor Agencies.* On every license to keep a roller skating rink for public use or resort in a city or town with a population of ten thousand or more, one hundred dollars; in a city or town with a population of more than five thousand, but less than ten thousand, fifty dollars; and in a city or town with a population not exceeding five thousand, twenty-five dollars.

On every license to keep or maintain a public park to which admission is obtained for money or reward, in counties of more than thirty thousand inhabitants, twenty-five dollars; in counties of less than thirty thousand and more than twenty thousand inhabitants, fifteen dollars; in counties of less than twenty thousand inhabitants, ten dollars; but such license for such public park shall not be construed to be in lieu of or to include any other license now required by law on any subject of taxation located at or in said park or elsewhere, and every park to which admission is obtained for money or other reward shall be construed and held to be subject to the provisions of this chapter. The furnishing of foods and drinks, if a state license has been obtained therefor, to visitors is allowed as well as any other licensed subject the sale or use of which is now authorized by law.

23 On every license to act as a fortune teller, palmist, mind-
24 reader, or any one who practices the profession of telling the
25 past or future, five hundred dollars; on every license to conduct
26 the business of a labor agency, five thousand dollars; any
27 person or corporation who hires or contracts with, or who
28 undertakes to hire or contract with, laborers, male or female,
29 to be employed outside the state of West Virginia either by
30 said person or corporation or some other person or persons,
31 corporation or corporations, or who furnishes, arranges for or
32 provides transportation for laborers to be transported out of
33 the state for employment in another state, shall be deemed a
34 labor agency within the meaning of this clause. Any municipi-
35 pality within the state, including the City of Wheeling, shall
36 be and is hereby empowered to impose a similar tax on any
37 such labor agency, to limit the number of any such labor
38 agencies to operate in said municipalities (but in no event shall
39 the number of said labor agencies be restricted to fewer than
40 three in any city, town or village), and, at its option, to include
41 within its definition of a labor agency any person or corpora-
42 tion who hires or contracts with laborers, male or female, to
43 be employed by persons outside of said municipality, whether
44 such person be the same person or corporation hiring or con-
45 tracting or other person or persons, corporation or corpora-
46 tions.

47 Any person or corporation carrying on the business of a
48 labor agency as defined in this act without first fully complying
49 with all the provisions thereof, shall be deemed guilty of a mis-
50 demeanor and shall, upon conviction thereof, be fined not less
51 than one hundred dollars nor more than five hundred dollars,
52 or imprisoned not less than thirty days nor more than six
53 months, or both, at the discretion of the court.

54 For the purpose of the penal section of this act, any indivi-
55 dual acting on behalf of a corporation carrying on the business
56 of a labor agency, as herein defined, when said corporation has
57 not complied with the terms of this act, shall likewise be deemed
58 guilty of a misdemeanor and subject to the same penalties as
59 heretofore set forth.

CHAPTER 17

(House Bill No. 517—By Mr. Robinson)

AN ACT to amend and re-enact section one of chapter thirty-two of the code of West Virginia, as last amended and re-enacted by chapter one hundred and nine of the acts of the legislature of one thousand nine hundred and twenty-one, in reference to the requirements for licenses for conducting certain businesses, operating certain devices, selling certain articles and things, and acting in certain capacities.

[Passed April 14, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. For what business state license required.

Be it enacted by the Legislature of West Virginia:

That section one of chapter thirty-two of the code, as last amended by the acts of one thousand nine hundred and twenty-one, relating to licenses for conducting certain businesses, operating certain devices, and selling certain articles, be amended and re-enacted, so as to read as follows:

Section 1. No person without a state license therefor,

2 shall:

3 (a) Keep a hotel, eating house, or restaurant; or

4 (b) Keep for public use or resort, bowling alley, pool
5 table, billiard table, bagatelle table, or any table of like
6 kind; or

7 (c) Sell at wholesale or retail patent or proprietary medi-
8 cines; in incorporated cities and towns; or

9 (d) Exhibit any circus, menagerie, circus and menagerie
10 combined, theatrical performance, street or other carnival, or
11 public show, to which admission is obtained for money or
12 reward, except for the benefit or under the auspices of a
13 volunteer fire department; or

14 (e) Run or operate, for profit, a merry-go-round, or roller
15 coaster, or scenic railway, or like device, or keep for public
16 use or resort, a shooting gallery, a skating rink, or run
17 or operate a cane rack, doll baby rack, knife rack, striking
18 machine, jingle board, punch board, artful dodger, candy
19 wheel, or other scheme or device by which merchandise or

20 other things of value are disposed of by game of chance, or
21 like device, or human laundry device, or dip device; or

22 (f) Act as a hawker or peddler; *provided*, that *bona fide*
23 farmers vending farm products shall not be required to have
24 a license; or

25 (g) Act as an auctioneer; or

26 (h) Practice the business of real estate agent, stock
27 broker, or other broker, by buying or selling for others, stock
28 securities, or any other property for a commission or reward;
29 or

30 (i) Practice the business of money broker, buying or
31 selling undercurrent or depreciated money or funds; or ex-
32 changing one kind of money or funds for another, for benefit
33 or reward; or

34 (j) Practice the business of pawn broker by lending
35 money or other things for profit, for or on account of personal
36 property deposited with the lender in pledge; or

37 (k) Sell, or barter, or offer, or expose, for sale or barter,
38 any patent right; or

39 (l) Sell, offer, or expose, for sale to merchants' trading
40 stamps, premium stamps, or certificates of like nature or
41 character, or undertake with merchants to redeem such
42 stamps or certificates in money or goods; or

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

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

54 (o) Carry on business of junk dealer, or act as agent,
55 solicitor, canvasser, or salesman, for any junk dealer; or

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

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

60 (r) Maintain any slot machine, or other automatic de-
61 vice, which, for the same profit or reward, in each case, and
62 without any violation of the law, furnishes music, or ex-
63 hibits pictures, or provides facilities for weighing, or supplies
64 any merchandise or other thing, or renders any service; but
65 no slot machine or other automatic device with respect to
66 which, or its operation, service, or supplies, there is any ele-
67 ment of chance (being a gaming table, within the meaning
68 of section one, of chapter one hundred and fifty-one of the
69 code), shall be protected by any license; or

70 (s) Being a corporation, heretofore or hereafter char-
71 tered under the laws of this state, whether its principal place
72 of business or chief works be within or without the state, do,
73 or attempt to do, any business by virtue of its charter or
74 certificate of incorporation; or

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

79 (u) Solicit, carry on or practice the business of a col-
80 lection agency, or association, whether it be a person, firm
81 or corporation; or

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

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

85 (x) Anyone manufacturing, selling or distributing, either
86 at retail or wholesale, any and all preparations of every
87 kind, character or nature, such as are prepared, mixed and
88 sold at a soda fountain, and all such preparations as bevo,
89 pablo, milo, moxie, ginger ale, near-beer, coca cola, pop, and
90 all other preparations of like nature and character commonly
91 known as soft drinks; or

92 (y) Keep or maintain for public use or resort, a taxi-cab
93 stand or any place of like character.

94 *Provided*, that nothing in this chapter contained, and no
95 license or payment under the provision hereof, shall be taken
96 to legalize any act which otherwise may be in violation of
97 law, or exempt any person from any penalty prescribed for
98 such violation.

CHAPTER 18

(Senate Bill No. 306—Mr. Highland)

AN ACT to raise additional public revenue by imposing an occupational tax at flat rates upon distributors of and retail dealers in gasoline in this state, and by imposing a special excise tax upon persons herein specified and based on quantities of gasoline ("gasoline" as herein defined), sold, purchased or used in West Virginia; to provide for the ascertainment, collection and application of such taxes; to require reports by certain persons, firms, corporations and associations of persons; to provide penalties for violations of the terms hereof; and to repeal chapter two, Acts of the extraordinary session of the Legislature of one thousand nine hundred and twenty-five.

[Passed April 25, 1927; in effect from passage. Became a law without the approval of the Governor.]

SEC.

1. The terms used in this act defined.
2. Annual license tax; distributor; dealer; when payable; amounts; duty of person intending to deal in gasoline; license issued for half year, when; license certificates; penalty for failure to pay license.
3. Amount of tax; measure based upon gallonage; in addition to all other taxes; when to accrue; a lien on property, when.
4. Statement of distributor; time in which to make; what to contain.
5. Statement of retail dealer; time to make; what to contain.
6. Distributor to pay additional tax on gallonage, when; amount.
7. Statement of importer; what to contain.
8. Distributor may elect to pay tax on basis of quantity purchased or received instead of used and sold; no deduction on gallonage losses, when.
9. Gasoline exported or imported; provisions relating thereto.
10. Common carrier to file statement; what to contain.
11. Non-resident shipper's statement; what to contain; how tax payment to be made and to whom.
12. Failure to file returns or pay tax within time limit; penalty; how collected.
13. Failure to make returns; erroneous, false or fraudulent returns; duty of tax commissioner in such cases.
14. Tax commissioner empowered to examine books and papers pertaining to gasoline sales or receipts; recourse when access to books is refused; additional means of checking provided; access to records of common carriers.
15. Failure to pay tax or penalty on demand; how collected; property subject to distraint and sale; when a lien on real estate; double penalty for wilful failure.
16. Invoice and tickets issued by dealers, what to contain; taxes collected property of the state; failure to pay over to tax commissioner; when embezzlement; how punished; surety bonds of whom required.
17. When licenses may be canceled; penalty for continuing business after cancellation; license certificates must be displayed at place of business; making false or fraudulent returns a felony; penalty.
18. Losses from leakage or evaporation on tax paid gasoline; reimbursement; how and by whom made; time limit in which to file application for refund.
19. Gasoline not used in motor vehicles; how tax to be refunded.
20. Penalty for making fraudulent claims for refund.
21. Taxes to be used only for road purposes.
22. Authority and duties of tax commissioner under this act.
23. Provisions of this act are severable; any part declared unconstitutional not to effect remaining provisions.
24. When provisions of this act effective; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That when used in this act the term "gasoline" shall include the liquid derived from petroleum or natural gas commonly known and sold as gasoline, and distillate, benzine, benzol, naphtha, liberty fuel, casinghead, absorption and natural gasoline, and such other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles, or which is usable for such purpose (and including kerosene, fuel oil and crude oil only when used as a motor vehicle fuel upon any public highway); the term "person" or the term "company" includes any individual, firm, co-partnership, joint adventure, association, corporation, trust and any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context, and when used in connection with the penalties imposed by this act shall mean and include the officers, directors, trustees or members of any firm, co-partnership, joint adventure, association, corporation, trust or any other group acting as a unit; the term "distributor" means distributor of gasoline and includes every person who refines, produces, manufactures, compounds or blends gasoline in this state for use or for sale to jobbers or consumers, and every person who is now engaged, or who may hereafter engage, in his own name or in the name of his representative or agent in this state in the selling of gasoline for the purpose of resale or distribution; the term "retail dealer" means retail dealer in gasoline and includes any person not a distributor within the meaning of the previous clause who sells gasoline in this state to consumers only; the term "importer" means importer of gasoline and includes any person who purchases or obtains gasoline outside this state and uses the same within the state; the term "motor vehicles" means automobiles, motor trucks, and motorcycles; and includes all other vehicles, movable engines or machines which are operated or propelled by combustion of gasoline or other volatile and inflammable liquid fuels, when operated for travel on public highways; the term "state tax commissioner" or "tax commissioner" means the state tax commissioner of the state of West Virginia.

Sec. 2. Every distributor shall pay an annual license tax of five dollars for each distributing station or place of busi-

3 ness or agency located in this state at or from which gaso-
4 line is sold for resale or distribution or at which gasoline is
5 produced, refined or compounded, and an annual license tax of
6 one dollar for each filling station or place of business in this
7 state from which gasoline is sold at retail; and such license
8 tax shall be payable on or before the first day of July, one
9 thousand nine hundred and twenty-seven, and annually there-
10 after.

11 Persons operating tank wagons into this state from places of
12 business located outside this state and selling gasoline in quanti-
13 ties as desired by purchasers in this state without definite orders
14 having been placed prior to the delivery of the product, shall
15 be deemed distributors in this state and shall pay an annual
16 license tax of five dollars on account of each place of business
17 from which tank wagons are so operated.

18 Every other retail dealer shall pay an annual license tax of
19 one dollar for each filling station or place of business in this
20 state at which gasoline is sold, and such license tax shall be
21 payable on or before the first day of July, one thousand nine
22 hundred and twenty-seven, and annually thereafter. The priv-
23 ilege granted through the payment of the annual license tax
24 shall be conditioned upon the licensee complying with the re-
25 quirements of this act pertaining to the filing of returns and the
26 payment of the excise tax imposed by section three hereof.

27 It shall be the duty of every person intending to deal in
28 gasoline in this state to make application to the state tax com-
29 missioner for a license so to do, which application shall be ac-
30 companied by the amount of the license tax herein required
31 and shall state whether the applicant intends to engage in such
32 business as a distributor or retail dealer, and shall designate the
33 intended place or places of business. A license certificate for
34 any person commencing business after January first in any
35 year may be issued for the half year upon payment of half the
36 annual license tax herein required. The license certificate
37 shall be posted or displayed and so kept at all times in public
38 view at the place of business for which the same was issued.

39 The license certificates provided for herein shall not be trans-
40 ferable from one person to another nor from one location to
41 another. If any person shall fail, neglect or refuse to pay the
42 license tax herein imposed within the time prescribed, there

43 shall automatically, accrue a penalty of fifty *per centum* thereof,
44 and the tax and the penalty shall be collected as hereinafter
45 provided.

Sec. 3. There is hereby imposed upon every person a dis-
2 tributor, retail dealer or importer under the terms of this act,
3 an excise tax based on the quantities of all gasoline sold, pur-
4 chased or used in this state on and after July first, one thou-
5 sand nine hundred and twenty-seven (except as herein provided)
6-7 which tax shall be equivalent to four cents per gallon thereof
8 and shall be paid as hereinafter provided. A distributor shall
9 use as the measure of the tax the gallonage sold for whatever use
10 in this state (as provided in section four hereof) and the gal-
11 lonage used by him in motor vehicles operated in this state; a
12 retail dealer shall use as the measure of the tax the gallonage
13 purchased or obtained by him, and an importer shall use as the
14 measure of the tax the gallonage purchased by him for use in
15 motor vehicles to be operated in this state.

16 The special excise tax imposed by this act shall be paid by
17 the person first selling, purchasing or using in this state the
18 gallonage of gasoline which under this act shall form the meas-
19 ure of said tax; but in no case shall any such gallonage be used
20 more than once in determining taxes due hereunder. The taxes
21 imposed by this act are in addition to all other taxes now im-
22 posed or prescribed by law.

23 The excise tax imposed by this act shall accrue from the date
24 of sale or purchase of the gasoline, whichever accords with the
25 method of reporting required by this act, or conforms with the
26 election of the taxpayer in the case of distributors, and the
27 penalties imposed by section twelve hereof shall accrue from the
28 date they become due and payable, and such taxes and penalties
29 shall be and remain a charge and lien upon the properties, both
30 personal and real, of the person liable to pay such taxes and
31 penalties, superior to any lien created after such taxes and
32 penalties accrue; and no title shall vest or be transferred as
33 to any such property, except subject to the lien for such taxes
34 and penalties, and no such property shall be transferred or de-
35 livered, in whole or in part until after payment to the tax com-
36 missioner is made of the amount of such taxes and penalties due.

Sec. 4. Every distributor selling gasoline in this state shall
2 within thirty days after the close of each month transmit to

3 the state tax commissioner a statement, verified by oath or af-
4 firmation, on such forms as the tax commissioner shall pre-
5 scribe, of all gasoline refined, produced, compounded, received,
6 sold, distributed or used by such distributor during the month
7 to be covered, and if any of the gallonage sold or used by
8 such distributor had not previously been included in the meas-
9 ure of tax under the provisions of this act, he shall at the same
10 time pay to the tax commissioner the amount of tax due for
11 such month. *Provided*, that all gallonage furnished by any
12 distributor to any of its service stations in this state shall be
13 deemed to have been sold and shall be treated and considered,
14 in computing the tax, in the same manner as though the same
15 had been sold to dealers or to other persons.

16 Such statement shall also contain full details as to each sale
17 made, including the gallonage of gasoline shipped from points
18 without West Virginia direct to customers or consignees in West
19 Virginia; the name and address of each purchaser; the date of
20 each shipment or delivery; the point from which shipped or
21 delivered; the point to which shipped or delivered; the quan-
22 tity of each shipment or sale; the number and initials of the
23 car in which shipped if shipped by rail; the name of the boat
24 or barge if shipped by water; or if delivered by other means,
25 the method of delivery. The statement shall also accurately
26 show the gallonage purchased or received by said distributor
27 during the month; the date each quantity was received; the
28 point from which shipped or delivered; the point at which re-
29 ceived; the name and address of the person from whom pur-
30 chased or obtained; the quantity of each purchase; the num-
31 ber and initials of the car if shipped by rail; the name of the
32 boat or barge if shipped by water; or if delivered by other
33 means, the method of delivery. The statement shall also contain
34 any additional information the tax commissioner may deem
35 necessary for the proper ascertainment and assessment of the
36 tax.

37 If any distributor is unable to furnish the information called
38 for above, he shall report the quantity of gasoline purchased
39 or obtained during the month and, if any of such gasoline had
40 not previously been included in the measure of tax under the
41 provisions of this act, he shall pay the amount of tax due
42 thereon.

Sec. 5. Every retail dealer shall within thirty days after the close of each month transmit to the state tax commissioner a statement, verified by oath or affirmation, on such forms as the tax commissioner shall prescribe, of all gallonage received, purchased or obtained by such retail dealer during the month to be covered, which statement shall show the name and address of the person from whom each purchase of gasoline was made; the point from which shipped or delivered; the point at which received; the number and initials of the car if shipped by rail; the name of the boat or barge if shipped by water; or if delivered by other means, the method of delivery, and the quantity of each purchase. If any of the gallonage purchased or obtained by any such dealer had not been previously included in the measure of tax under the provisions of this act, said dealer shall at the time of making the return pay to the tax commissioner the amount of tax due for such month. *Provided*, that retail dealers who purchase or obtain gasoline from within West Virginia only shall not be required to file returns monthly, but shall within thirty days after the close of each six-months' period transmit to the tax commissioner a statement, under oath or affirmation, on such forms as the tax commissioner shall prescribe, of all gallonage purchased or obtained by such dealer during the six months' period to be covered.

Sec. 6. Every distributor and every retail dealer having on hand at the beginning of business July first, one thousand nine hundred and twenty-seven, any gallonage on which the three and one-half cent tax imposed by chapter two, acts of the extraordinary session of the legislature of one thousand nine hundred and twenty-five, has been paid, shall accurately ascertain such gallonage and shall, within thirty days thereafter, report to the tax commissioner, on forms which the tax commissioner shall prescribe, such gallonage and shall at the same time pay to the tax commissioner an additional tax equivalent to one-half of one cent on each gallon thereof.

Sec. 7. Every importer shall within thirty days after the close of each month transmit to the tax commissioner a statement, on such forms as the tax commissioner shall prescribe, of all gallonage received by such importer during the month to be covered, which statement shall show the name and address of the

6 person from whom each purchase was made; the point from
7 which shipped or delivered; the point at which received; the
8 date of each shipment or purchase; and the quantity of each
9 shipment or purchase; and he shall at the same time pay to
10 the tax commissioner the amount of tax due for such month.

Sec. 8. Any distributor may elect to pay his tax upon the
2 basis of the quantity purchased or received during the month
3 instead of the quantity sold and used; and the quantity of
4 gasoline in the possession of any person electing to make report
5 and pay taxes on purchases, at the beginning of business July
6 first, one thousand nine hundred and twenty-seven, shall be
7 deemed and treated as a purchase as of that date. *Provided,*
8 that any distributor required to use or adopting this method of
9 reporting shall not be allowed to deduct any gallonage on
10 account of losses arising from leakage or evaporation, or other
11 causes.

Sec. 9. This act shall not be construed to require the in-
2 clusion in the measure of tax of any gasoline when the same is
3 exported from this state to another state or nation, nor to re-
4 quire the inclusion in the measure of tax any gasoline shipped
5 in interstate commerce while the same is in transportation;
6 but the gallonage of gasoline shipped from another state shall
7 be included in the measure of tax by the person first selling or
8 using the gasoline after the same shall have been divested
9 of its interstate character. *Provided,* that distributors mak-
10 ing shipments of gasoline into West Virginia may, as a matter
11 of convenience to purchasers located in West Virginia, as-
12 sume and pay the tax herein imposed when permission so to do
13 is first obtained from the tax commissioner.

Sec. 10. The state tax commissioner is authorized and em-
2 powered to require every railway or railroad company, water
3 transportation company, and every other person transporting
4 gasoline to points in this state to furnish a statement on forms
5 which the tax commissioner may prescribe to be delivered with-
6 in sixty days after the close of each month showing all quanti-
7 ties of gasoline delivered at points in West Virginia during the
8 month to be covered, giving the name and address of the con-
9 signor; the name and address of the consignee; the point from
10 which shipped; the point at which delivered; the date of ship-
11 ment; the date of delivery; the number and initials of the car

12 if shipped by rail; the name of the boat or barge if shipped by
13 water; or if delivered by other means, the method of delivery;
14 and the quantity of each shipment.

Sec. 11. Every person domiciled in another state who makes
2 shipments of gasoline consigned to points in West Virginia shall
3 within thirty days after the close of each month transmit to the
4 tax commissioner, on such forms as the tax commissioner shall
5 prescribe, a statement verified by oath or affirmation of all
6 sales or shipments of gasoline made to points in West Virginia
7 during the month to be covered, showing the name and ad-
8 dress of each purchaser or consignee; the date of each ship-
9 ment; the point from which shipped; the point to which
10 shipped; the number and initials of the car if shipped by rail;
11 the name of the boat or barge if shipped by water; and the
12 quantity of each shipment.

13 The statements required in sections four, five, seven, ten and
14 eleven shall be filed for each month regardless of whether or
15 not the same shows sales or purchases during any month and
16 regardless of whether or not a tax is due.

17 All payments of taxes imposed by this act shall be made by
18 certified check, cashier's check, bank draft or money order, pay-
19 able to the state tax commissioner.

Sec. 12. If any distributor, retail dealer or importer fails,
2 neglects or refuses to file the return due for any month or to
3 pay the excise tax due for any month within the time prescribed
4 for the filing of such return or the payment of such tax, there
5 shall automatically accrue a penalty equal to one-half of one
6 cent on each gallon of gasoline sold or used during the month
7 or on each gallon purchased during the month, in accordance
8 with the method of reporting required or adopted, the amount
9 of which penalty shall in no case be less than twenty-five dol-
10 lars (or if no sales or purchases were made, a penalty of twenty-
11 five dollars), such penalty to be paid or collected in the same
12 manner as the tax imposed by this act is required to be paid
13 or collected.

Sec. 13. If any distributor, retail dealer or importer fails
2 or refuses to make and file a return at the time prescribed here-
3 in, or makes, willfully or otherwise, an erroneous, false or fraud-
4 ulent return, the tax commissioner, or his duly appointed
5 agent, shall make the return from his own knowledge and from

6 such information as he can obtain through testimony or other-
7 wise. Any return so made shall be *prima facie* good and suf-
8 ficient for all legal purposes.

9 As a further means of making the return, the tax commis-
10 sioner, or his duly appointed agent, shall have power to ex-
11 amine the books, records and papers of such distributor, retail
12 dealer or importer, to ascertain the amount of tax due under
13 the provisons of this act; and to that end, shall have power
14 to examine witnesses under oath; and if any witness shall fail or
15 refuse to appear at the request of the tax commissioner or his
16 duly appointed agent, or refuse access to the books, records or
17 papers, the tax commissioner or his agent shall certify the facts
18 and names of the witnesses failing or refusing to appear, or re-
19 fusing access to books or papers, to the circuit court of the county
20 having jurisdiction of the party, and said court shall thereupon
21 issue summons to the said party to appear before the tax com-
22 missioner, or his agent, at a place designated within the juris-
23 diction of said court, on a day fixed, to be continued as oc-
24 casion may require, to give such evidence, and lay open for in-
25 spection such books and papers as may be required for the pur-
26 pose of ascertaining the amount of tax, if any, due.

27 From the return so made the tax commissioner shall de-
28 termine the amount of tax due, if any, and shall add the pen-
29 alty provided herein for failure to pay the tax or to file the re-
30 turn within the time prescribed for the payment of such tax
31 or the filing of such return, and shall notify the distributor,
32 retail dealer or importer, of the amount of tax and penalty
33 assessed together with a demand for an immediate payment of
34 the tax and penalty. If such tax and penalty is not paid upon
35 demand, the tax commissioner shall proceed to collect such tax
36 and penalty in the manner hereinafter prescribed.

Sec. 14. The tax commissioner, or his duly appointed agent,
2 shall have power to examine the books and papers of any per-
3 son pertaining to gasoline sales or receipts, to verify the accu-
4 racy of any return made under the provisions of this act, and
5 if access to the books and papers be refused, the tax commis-
6 sioner shall proceed as provided in section thirteen hereof. In
7 order that the tax commissioner may have additional means of
8 checking the accuracy of the reports made, and determining
9 the amount of tax due from any person, the books, records and

10 documents of common carriers, relative to the transportation of
11 gasoline, are hereby declared accessible to the tax commissioner,
12 or his duly appointed agent.

Sec. 15. If any distributor, retail dealer or importer, liable
2 for the payment of any excise tax or penalty, fails, neglects or
3 refuses to pay such tax or penalty upon demand from the tax
4 commissioner and for ten days thereafter, it shall be lawful, for
5 the tax commissioner, or his duly appointed agent, to collect
6 such tax and penalty by distraint and sale of the goods, chat-
7 tels or effects, including stocks, securities and evidences of debt,
8 of the person liable for the payment of such tax and penalty.
9 If goods, chattels or effects sufficient to pay such tax and pen-
10 alty due from such person are not found by the tax commis-
11 sioner, or his duly appointed agent, the tax commissioner is
12 authorized to collect such tax and penalty by seizure and sale
13 of real estate. Further, the tax commissioner may cause ap-
14 propriate action for the recovery of such tax or penalty, or to
15 enforce the lien of the state of West Virginia for tax upon any
16 real estate, to be brought in the name of the state, and it shall
17 be the duty of the attorney general of this state or the prose-
18 cuting attorney of any county to commence and prosecute such
19 suit at the request of the tax commissioner, and judgment shall
20 be rendered for the amount found to be due, together with costs,
21 and the amount collected shall be paid into the state treasury.
22 *Provided, however,* that if it shall be found that such failure
23 to pay was willful on the part of such person, judgment shall
24 be rendered for double the amount of tax and penalty found to
25 be due, with costs. Such suit shall be by notice of motion for
26 judgment, an action in debt or assumpsit, or by any other ap-
27 propriate remedy under the general law, and shall be tried by
28 preference. The license tax imposed by section two of this
29 act and delinquent shall be collected in like manner.

Sec. 16. Each dealer when selling gasoline to any other
2 dealer or person shall render to the purchaser an invoice or
3 ticket dated the day of shipment or delivery of the gasoline and
4 upon such invoice or ticket the dealer so selling shall plainly
5 state whether or not the gallonage of gasoline will be included
6 in the measure of tax to be paid by him, and the person so buy-
7 ing and receiving such gasoline may, as regards his report to

8 the tax commissioner, fully rely upon the statements so made
9 in such invoice.

10 The excise tax herein imposed, accrued and while in the
11 hands of the distributor, retail dealer, or importer, shall be the
12 property of the State of West Virginia held in trust. If any
13 person shall wilfully fail to pay the tax to the tax commissioner
14 as herein provided, he shall be guilty of embezzlement of funds,
15 the property of the State of West Virginia, and upon convic-
16 tion, he shall be confined in the penitentiary not less than one
17 nor more than five years. Further, in any case where it shall
18 be deemed necessary by the tax commissioner, the tax commis-
19 sioner is authorized to require any distributor, retail dealer or
20 importer to deposit with the tax commissioner a surety bond,
21 to be approved by the attorney general of this state, indemnify-
22 ing the state against any loss arising from the failure of the
23 distributor, retail dealer or importer to pay the excise tax for
24 any cause whatsoever.

Sec. 17. If any person refuses or fails to pay the excise tax
2 or the penalty, or any part thereof, due for any month upon
3 demand from the tax commissioner and for ten days there-
4 after, the tax commissioner is empowered to cancel the license
5 or licenses issued to such person under authority of this act.
6 In the case of any person continuing in any activity after the
7 license issued therefor has been cancelled, or in the case of any
8 person engaging in any activity without the payment of the
9 license tax required therefor, the tax commissioner is directed
10 to bring action in the circuit court of the county having juris-
11 diction of the party with a view to enjoining said person from
12 engaging or continuing in such activity. Further, if any per-
13 son distributes or sells gasoline after June thirtieth, one thou-
14 sand nine hundred and twenty-seven, without having paid the
15 license tax imposed herein and without having at all times con-
16 spicuously displayed at his place of business or agency a license
17 certificate evidencing the payment of said license tax for the
18 then current year or fractional part thereof, or if any distribu-
19 tor, retail dealer, importer, or other person making deliveries
20 of gasoline in West Virginia, or any person required to file re-
21 turns under section eleven of this act, or the officers, directors,
22 trustees or members of any firm, co-partnership, joint adven-
23 ture, association, corporation, trust or any other group acting

24 as a unit, fail, refuse, or neglect to make the returns required
25 within the time and in the manner prescribed, or who shall
26 refuse to permit the tax commissioner, or his duly appointed
27 agent, to examine the books or papers of such person, pertain-
28 ing to gasoline sales or receipts, or who makes an incomplete
29 return hereunder or who fails or refuses to render invoices or
30 tickets as required by section sixteen hereof, or who does, or
31 attempts to do, anything whatsoever to avoid the full disclos-
32 ure of the amount of business done, or to avoid the payment
33 of the whole or any part of the tax due, shall be guilty of a
34 misdemeanor, and, upon conviction, shall be fined not exceeding
35 one thousand dollars, or imprisoned not exceeding six months,
36 or both.

37 If any distributor, retail dealer, importer or any officer,
38 director, trustee or member of any firm, co-partnership, joint
39 adventure, association, or corporation, or any member of a
40 group acting as a unit, makes a false or fraudulent return
41 hereunder, he shall be guilty of a felony, and upon conviction,
42 shall be confined in the penitentiary not less than one or more
43 than five years.

Sec. 18. Any distributor who shall export gasoline from
2 West Virginia to any other state or nation or who shall in the
3 conduct of his wholesale gasoline business sustain losses of
4 gasoline by reason of leakage or evaporation, which gasoline
4-a shall have been included in the measure by which the
5 excise tax imposed by this act is determined, shall be reimbursed
6 and repaid the sum equal to the amount of such excise tax on
7 the gallonage so exported or lost, upon his presenting to the
8 tax commissioner a sworn statement, on forms prescribed by the
9 tax commissioner, of the quantity of and full details concern-
10 ing such gasoline exported or lost; *provided*, that the tax com-
11 missioner shall cause refund to be made under authority of this
12 section only when application for refund, as herein provided,
13 is filed with the tax commissioner within thirty days after the
14 close of the month during which the gasoline was exported or
15 lost.

Sec. 19. Any person who shall buy in quantities of twenty-
2 five gallons or more at any one time, any gasoline as defined in
3 this act for the purpose of, and the same is actually used for
4 operating and propelling boats, aeroplanes, tractors used for

5 agricultural or other purposes, road rollers, steam shovels, com-
6 pressors, pumps, stationary gas engines, threshing machines, or
7 other gasoline-operated machinery except motor vehicles, or
8 who shall purchase and use such gasoline for cleaning and dye-
9 ing, or for manufacturing or other commercial uses except in
10 motor vehicles, which gasoline shall have been previously includ-
11 ed in the measure by which the excise tax imposed by this act is
12 determined, shall be reimbursed and repaid a sum equal to the
13 amount of such tax, upon presenting to the tax commissioner
14 an affidavit accompanied by ticket or invoice from the distrib-
15 utor or retail dealer, showing such purchase, which affidavit shall
16 set forth the total amount of such gasoline purchased and used
17 by such consumer other than in motor vehicles operated in this
18 state and how used; and the tax commissioner, upon receipt
19 of such affidavit and tickets or invoices shall cause to be re-
20 funded to such consumer the said tax paid on gasoline purchased
21 and used other than for motor vehicles as aforesaid. *Provided,*
22 that the tax commissioner shall cause refund to be made under
23 authority of this section only when application for refund, as
24 herein provided, is filed with the tax commissioner, upon forms
25 prepared and furnished by the tax commissioner, within sixty
26 days from the date of purchase or delivery of the gasoline.
27 *Provided, further,* that no refund shall be allowed under
28 authority of this section on gasoline purchased and used for
29 any purpose when the same shall be reused for the purpose of
30 propelling motor vehicles.

Sec. 20. If any person shall make a false or fraudulent claim
2 for the refunds referred to in section eighteen and nineteen here-
3 of, he shall be guilty of a felony and, upon conviction, shall be
4 confined in the penitentiary not less than one nor more than
5 five years.

Sec. 21. All taxes collected under the provisions of this act
2 shall be paid into the state treasury and shall be used only for
3 the purpose of reconstruction, maintenance and repair of roads
4 and highways, and for the payment of the interest on state
5 bonds issued for road purposes. Any moneys received by the
6 state and required to be repaid shall be treated as moneys er-
7 roneously paid into the treasury and refunds shall be made and
8 be payable out of the same fund into which paid.

Sec. 22. The state tax commissioner is hereby invested with full power and authority and it is hereby made his duty to pre- scribe forms for returns and assessments and to make, issue and put in force all necessary and needful rules and regulations for ascertaining, assessing and collecting the taxes imposed by this act and the enforcement of the provisions thereof.

Sec. 23. The provisions of this act are severable and if any shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions hereof. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Sec. 24. Chapter thirty-four of the acts of the legislature of one thousand nine hundred and twenty-three shall remain in full force and effect for the assessment and collection of all taxes, and the imposition and collection of all penalties, which have accrued or which may accrue in relation to any such taxes up to and including June thirtieth, one thousand nine hundred and twenty-seven. Chapter two of the acts of the extraordinary session of the legislature of one thousand nine hundred and twenty-five is hereby repealed, but said chapter two shall remain in full force and effect for the assessment and collection of all taxes, and the imposition and collection of all penalties, which have accrued or which may accrue in relation to any such taxes up to and including June thirtieth, one thousand nine hundred and twenty-seven.

All other acts and parts of acts, general and special, inconsistent herewith are hereby repealed.

CHAPTER 19

(Senate Bill No. 277—Mr. Engle)

AN ACT to amend and re-enact section eighty-a (2) of chapter fifty-four of Barnes' West Virginia code of one thousand nine hundred and twenty-three.

[Passed April 27, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.
30-a (2). Cashier and accounting employees of banking insti-

tutions required to give bond.

Be it enacted by the Legislature of West Virginia:

That section eighty-a (2) of chapter fifty-four of Barnes' West Virginia code of one thousand nine hundred and twenty-three be amended and re-enacted to read as follows:

Section 80-a (2). The board of directors shall require the
2 cashier and other accounting employees of the bank to execute
3 corporate surety bond for the faithful discharge of their duties,
4 the penalty of such bond to be commensurate with the respon-
5 sibility attached to their respective positions and the premium
6 therefor to be paid by the bank.

CHAPTER 20

(House Bill No. 195—Mr. Mathews)

AN ACT to provide for the incorporation, establishment and operation of industrial loan companies.

[Passed April 23, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.	SEC.
1. Industrial loan company defined.	13. Dividends.
2. Number of persons necessary to constitute such company.	14. How taxed.
3. Requirements for organization.	15. Inspections and fees therefor.
4. Incorporators' agreement.	16. Reports and financial statements.
5. Certificate of incorporation.	17. By-laws.
6. Commissioner of banking to approve.	18. Voluntary dissolution.
7. Powers of such corporation.	19. Restraints as to officers and employees.
8. Limitations.	20. Fraudulent acts penalized.
9. Reserve required.	21. This act applicable to existing building and loan companies.
10. Board of directors.	22. General corporation laws to apply.
11. Officers to be bonded.	
12. Record of stockholders.	

Be it enacted by the Legislature of West Virginia:

That incorporated industrial loan companies be established; that the powers, duties, limits, rules and regulations governing the operation of the said companies be prescribed herein so as to read as follows:

Section 1. The term "industrial loan company" as used
2 in this act shall mean any corporation formed under the
3 provisions of this act and any corporation heretofore formed
4 with the approval of the commissioner of banking of this state
5 under the laws governing the formation of building and loan

6 associations whose plan of operation is as herein provided.

Sec. 2. Any number of persons, not less 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 act; the name of any corporation formed under this act may contain the words "industrial loan company," but said 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.

Sec. 3. The incorporators or subscribers to the capital stock of such companies as may be hereafter formed shall, under their hands and seals subscribe an agreement of incorporation which shall set forth that the subscribers thereto associate themselves with the intention of forming a corporation to transact a loan and investment business within this state under the provisions of this act and shall also specifically state:

(1) The name of the corporation; but no name shall be assumed already in use by another existing corporation of this state nor so nearly similar thereto in the opinion of the secretary of state or the commissioner of banking as to lead to confusion or uncertainty.

(2) The location of the place where the principal office is to be located.

(3) The object or objects for which the corporation is formed.

(4) The amount of the total authorized capital stock of the corporation and the amount of capital stock with which it will commence business; the number of shares into which the same is divided, and the par value of each said share, and if more than one class of stock be authorized by the agreement, a description of the different classes with the terms on which the respective classes of stock are created.

(5) The names and post office addresses of the incorporators and the number of shares of the controlling and voting stock subscribed for by each of them.

(6) The period limited for the duration of the corporation.

(7) The agreement may also contain any provisions not inconsistent with this act which the incorporators may choose to insert for the regulation of the business, for the conduct of

32 the affairs of the corporation and any provision creating, de-
33 fining, limiting and regulating the powers of the corporation,
34 the directors and the stockholders or any class or classes of
35 stockholders; *provided, always*, the voting power and control
36 of the corporation shall be during the life of the corporation
37 vested in not more than one class of stock if more than one
38 class of stock is to be issued.

Sec. 4. The agreement for incorporation shall be acknowl-
2 edged by the several incorporators before an officer authorized
3 to administer oaths in this state, and such acknowledgements
4 shall be certified by the officers before whom they are made;
5 the affidavits of at least five of the incorporators named in the
6 agreement shall be annexed thereto to the effect that at least
7 fifty *per centum* of the amount therein stated as the amount
8 of capital stock (the controlling and voting stock, if there be
9 more than one class of stock) with which it will commence busi-
10 ness has been in good faith paid in for the purposes and busi-
11 ness of the intended corporation without any intention or under-
12 standing that the same shall be withdrawn therefrom before
13 the expiration or dissolution of the corporation.

Sec. 5. The agreement with the acknowledgements and affi-
2 davits aforesaid shall be delivered to the secretary of state,
3 who, after the agreement has been approved in writing by the
4 commissioner of banking, shall issue to the said incorporators
5 his certificate under the great seal of the state as provided in
6 section nine of chapter fifty-four of the code of West Virginia;
7 *provided, always*, that hereafter no charter shall be issued to
8 any company under the provisions of this act nor shall any
9 amendment under general law or under the provisions of this
10 act be made to the charter of any existing corporation coming
11 within the terms of this act, whether heretofore or hereafter
12 organized, until the application for such charter or for an
13 amendment to such already existing charter has been approved
14 in writing by the commissioner of banking. Said charter when
15 issued shall be filed and recorded as provided by law for general
16 corporations organized under the laws of this state, and, except
17 as herein otherwise provided, corporations formed under this
18 act shall be governed by, and be subject to, the general laws of
19 this state relating to corporations.

Sec. 6. Whenever the certificate of incorporation has been
2 duly recorded and filed as herein provided and the recording
3 and filing of the same certified to the commissioner of banking,
4 the commissiner shall, before the corporation shall be author-
5 ized to transact business in this state other than such as re-
6 lates to formation and organization, satisfy himself that said
7 corporation has complied with all of the provisions of this act
8 required to entitle it to engage in business; if it shall appear
9 to the said commissioner of banking that such corporation is
10 lawfully entitled to commence business he shall within twenty
11 days after the receipt and filing of this certificate give to such
12 corporation his certificate under his hand and seal that such
13 corporation is duly and legally organized under this act as an
14 industrial loan company and authorized to transact business
15 as such in this state.

Sec. 7. In addition to the general powers conferred upon
2 corporations by the laws of this state, each industrial loan
3 company shall have power to exercise by its board of directors
4 or duly authorized officers or agents, subject to law, all such
5 powers as shall be necessary to:

6 (a) Lend money to any person, firm or corporation, se-
7 cured by obligation of such person, firm or corporation, or other-
8 wise; and, in addition, to receive and require uniform periodi-
9 cal installments on its evidences or certificates of indebtedness,
10 or classes of stock (other than its controlling and voting class
11 of stock), purchased by the borrower simultaneously with the
12 said loan transaction, or otherwise, and pledged with the cor-
13 poration as security for the said loan, with or without an al-
14 lowance of interest on such installments. No certificates, stock,
15 or securities of any nature shall be sold to the borrower sim-
16 ultaneously with a loan transaction at a price in excess of the
17 actual book value of the certificates, stock, or securities so sold;

18 (b) Sell or offer for sale its secured or unsecured evidences
19 or certificates of indebtedness or classes of stock other than its
20 controlling and voting class of stock and to receive from in-
21 vestors therein or purchasers thereof payment thereon in in-
22 stallments or otherwise, with or without an allowance of in-
23 terest upon such installments, and to enter at any time into
24 contracts in the nature of pledge or otherwise with said invest-
25 ors or purchasers with regard to said stock and evidences or

26 certificates of indebtedness;

27 (c) Buy and sell bonds or choses in action of any person,
28 firm or corporation;

29 (d) Impose a charge of five cents for each default in the
30 payment of one dollar, or fraction thereof, at the time at which
31 any periodical installment upon any stock or certificate as-
32 signed as collateral security for the repayment of a loan be-
33 comes due;

34 (e) Demand and receive for loans or for notes, bills or
35 evidence of debt discounted or purchased, such rate of interest
36 as may be agreed upon by the parties, not exceeding the lawful
37 rate of interest, and it shall be lawful to receive such interest
38 in advance;

39 (f) Charge for a loan made pursuant to this section, one
40 dollar for each fifty dollars, or fraction thereof, loaned, for
41 expenses including any examination or investigation of the char-
42 acter and circumstances of the borrower, co-maker or surety,
43 and the drawing and taking the acknowledgement of necessary
44 papers, or other expenses, incurred in making the loan; no ad-
45 ditional charge shall be made except to reimburse the corpora-
46 tion for money actually expended for additional service actu-
47 ally rendered the borrower; no charge shall be collected unless
48 a loan shall have been made as the result of such examination
49 or investigation;

50 (g) Purchase, hold and convey real estate as follows:

51 *First.* Such as shall be necessary for the convenient transac-
52 tion of its business, including with its office other apartments
53 or offices to rent as a source of income, which investment shall
54 not exceed twenty-five *per centum* of its paid in capital stock
55 and surplus;

56 *Second.* Such as is mortgaged to it in good faith by way of
57 security for loans made by or money due to such industrial loan
58 company;

59 *Third.* Such as is conveyed to it in satisfaction of debts
60 previously contracted in the course of its dealings;

61 *Fourth.* Such as it acquired by sale on execution or judg-
62 ment or decree of any court in its favor; industrial loan
63 companies shall not purchase, hold or convey real estate in any
64 other case or for any other purpose whatever; real estate shall
65 be conveyed only by authority of the board of directors of such

66 industrial loan company, under its seal and the hand of
67 its president or vice-president and manager; no real estate ac-
68 quired in the cases contemplated in the second, third and fourth
69 sub-section above shall be held for a longer time than five years,
70 unless such period shall be extended by the commissioner of
71 banking.

Sec. 8. A corporation under the provisions of this act shall
2 not:

3 (a) Make any loan under the provisions of this act for a
4 longer period than two years from the date thereof, except upon
5 express authorization of the board of directors of said com-
6 pany;

7 (b) Hold at any one time the primary obligation or obli-
8 gations of any one person, firm or corporation, for more than
9 ten *per centum* of the amount of the paid up capital and sur-
10 plus of such industrial loan company;

11 (c) Hold at any one time the obligation or obligations of
12 persons, firms or corporations purchased from any person, firm
13 or corporation in excess of twenty *per centum* of the aggregate
14 paid up capital and surplus of such industrial loan com-
15 pany;

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

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

27 (f) Have outstanding at any time its evidences or certifi-
28 cates of indebtedness, classes of stock other than its controlling
29 and voting stock, or other evidences of debt, in an aggregate
30 sum in excess of ten times the aggregate amount of its paid up
31 capital (voting and controlling stock) and surplus, exclusive
32 of evidences or certificates of indebtedness or classes of stock
33 hypothecated with the corporation issuing them;

34 (g) Deposit any of its funds with any other moneyed

35 corporation unless such corporation has been designated as such
36 depository by a vote of the majority of the board of directors;
37 (h) Pledge or hypothecate any of its securities to any
38 creditor, except that such companies shall have the power to
39 rediscount or to borrow money from any source in addition
40 to selling its evidence or certificates of indebtedness and its
41 classes of stock other than its voting stock, but the aggregate
42 amount of such rediscounting and borrowing shall at no time
43 exceed the sum total of the capital, surplus and reserve funds
44 of such company and the security so pledged therefor shall
45 not exceed two times the amount borrowed and re-discounted.
46 (i) Pay any fees, bonuses, commissions, rewards, or other
47 consideration to any person, firm or corporation for the privi-
48 lege of using any plan of operation, scheme or device for the
49 organization or carrying on of business under this act, or the
50 use of any name, trade-mark or copyright to be so used; nor
51 shall any corporation under this act enter into any contract
52 for such purpose or purposes, or for the purpose of giving to
53 or vesting in any other corporation any power or authority
54 over the organization or management of corporations under this
55 act.

Sec. 9. Every industrial loan company, under the provisions
2 of this act, shall at all times maintain a cash reserve
3 equal to five *per centum* of its issued and outstanding evidences
4 or certificates of indebtedness and classes of stock, other than
5 its voting and controlling stock, exclusive of those hypothecated
6 with the corporation issuing them.

Sec. 10. The affairs of every industrial loan company shall
2 be managed by a board of not less than five directors,
3 a majority of whom shall at all times be residents of the state
4 of West Virginia. Every director must own and hold in his
5 own name at least five unpledged shares of the capital stock
6 of such company. Each director of every industrial loan
7 company, when elected, shall take an oath that he will, so far
8 as the duty devolves on him, diligently and honestly adminis-
9 ter the affairs of said company, and will not knowingly and
10 willingly violate, or permit to be violated, any of the provisions
11 of this act, and that he is the owner in good faith, and in his
12 own right, of at least five shares of the capital stock of the
13 company as required by this section subscribed by him or

14 standing in his name on the books of said company, and that
15 the same are not hypothecated or in any way pledged as secur-
16 ity for any loan or debt. Such oath, subscribed by the direc-
17 tor making it, and certified by the officer before whom it was
18 taken, shall be immediately transmitted to the commissioner
19 of banking, and shall be filed and preserved in his office.

Sec. 11. The directors of every industrial loan company
2 shall require the manager or other chief executive officer
3 appointed by them in lieu of a manager, before he performs or
4 enters upon any duties as such manager or chief executive
5 officer, to give a bond or bonds, with a surety company author-
6 ized to transact business in this state as surety thereon, to be
7 approved by the board of directors thereof, in the penal sum
8 of at least five thousand dollars, conditioned for the faithful
9 performance of the duties of such manager, and it shall be the
10 duty of the directors of said industrial loan company,
11 as often as once in every year, to pass upon the sufficiency of
12 the said bond or bonds, and if insufficient, to require without
13 delay new and additional bonds and securities to be given;
14 if the directors of said industrial loan company shall
15 fail to perform any or all of the requirements of this section,
16 they shall be jointly and severally liable to the industrial loan
17 company to the extent of any defalcation of or deficiency
18 in the funds of the said loan and investment company created
19 or caused by said manager, not in excess of the sum of his
20 bond, the same to be recovered by said industrial loan
21 company in any court of competent jurisdiction of this state.

Sec. 12. The president, manager or treasurer of every in-
2 dustrial loan company shall at all times cause to be kept a
3 true and accurate list of the names of stockholders of record,
4 with the amount of stock held by each, which list shall at all
5 times during business hours be open to the inspection of any
6 stockholder.

Sec. 13. The board of directors may at any time declare
2 dividends out of the net accrued cash earnings of
3 the company, payable upon the controlling and voting stock
4 thereof, but no such dividend shall be paid until after the
5 payment of all the fixed amounts agreed to be paid upon
6 other classes of stock and the interest upon the evidences
7 or certificates of indebtedness of the company. Unearned

8 interest, accrued and uncollected interest shall not be dis-
9 tributed as a part of the profits.

Sec. 14. All industrial loan companies under this act
2 shall be taxed the same as banks organized under the laws
3 of this state.

Sec. 15. Every industrial loan company shall be subject
2 to the inspection, supervision and control of the com-
3 missioner of banking in the same manner and to the same extent
4 as banking corporations organized under the laws of this
5 state, in so far as the same are applicable thereto; and it
6 shall be the duty of said commissioner, either personally or
7 by some person or persons to be appointed by him, whenever
8 he shall deem it expedient, or at the request of the president
9 or board of directors of any such industrial loan company,
10 to examine any such industrial loan company, and it
11 shall be the duty of the officers and employees of such in-
12 dustrial loan company to exhibit its books, securities, records
13 and accounts to the person or persons authorized by said
14 commissioner of banking to conduct the examination, and
15 otherwise to facilitate the same so far as it may be in their
16 power; the said commissioner of banking, or any examiner
17 appointed by him, shall have power to examine, under oath
18 or affirmation, the directors, officers and employees of any such
19 industrial loan company relative to its business and
20 affairs, and for that purpose any such examiner shall have
21 power to administer oaths and affirmations. The commissioner
22 of banking shall collect from each industrial loan com-
23 pany, under the provisions of this act, for each examination
24 the fee or fees required for such examination of state banks.

Sec. 16. Every industrial loan company under this
2 act and operating within the state shall at least twice a year
3 at such times as may be designated by the commissioner of
4 banking file in the office of said commissioner of banking within
5 ten days after the receipt of his request for same, a statement
6 verified by its president, vice-president, secretary or treasurer
7 and approved by three of its directors in such form as may be
8 prescribed by said commissioner, setting out its actual financial
9 condition and the amount of its assets and liabilities, and
10 furnish such other information as to its affairs as the said
11 commissioner may require, which reports, in the same form

12 in which they are transmitted to the commissioner of banking,
13 shall be printed and circulated among all the stockholders of
14 the corporation.

Sec. 17. Any and all amendments to the by-laws of any in-
2 dustrial loan company under this act must be approved by
3 the commissioner of banking before they become operative.

Sec. 18. Whenever any industrial loan company shall
2 determine by its board of directors, with the consent of three-
3 fourths of its holders of its controlling and voting stock, to
4 discontinue its business and settle its affairs, it shall be lawful
5 for such board of directors to file with the commissioner of
6 banking of this state a certificate in writing, signed and
7 acknowledged by such stockholders, expressing said consent,
8 and likewise the certificate of said board of directors under
9 the corporate seal, setting forth such intention, and that they
10 thereby surrender to the state their corporate privileges and
11 powers and authority to do business as an industrial loan
12 company; and thereupon said corporation shall be deemed and
13 taken to be dissolved, except for the purpose of distributing its
14 assets and otherwise settling its affairs; but such industrial
15 loan company shall, nevertheless, be continued a body cor-
16 porate for the term of three years after the time of such sur-
17 render for the purpose of prosecuting and defending suits by or
18 against it, and closing its concerns, but not for any other
19 business or purpose whatever; and the said board of directors
20 shall act as trustees for that purpose, subject to the orders of
21 any court of jurisdiction on application of any creditor or
22 stockholder, and subject to removal or any action by said
23 court.

Sec. 19. No industrial loan company shall make any
2 loan to its president, its vice-president, its manager, or to
3 any of its directors, or to any of its clerks, tellers, book-
4 keepers, agents, servants or other persons in its employ until
5 the proposition to make such loan, stating the amount, terms
6 and security, if any, offered therefor shall have been submitted
7 in writing by the person desiring the same to a meeting of the
8 board of directors of such company or of the executive or dis-
9 count committee of such board, if any, and accepted and ap-
10 proved by the vote of a majority of those present constituting
11 a quorum; any president, vice-president, director, manager,

12 clerk, teller or agent of any industrial loan company who
13 knowingly violates this section, or who aids or abets any officer,
14 clerk or agent in any such violation, shall be deemed guilty
15 of a misdemeanor, and upon conviction shall be fined not more
16 than one thousand dollars or imprisoned in the county jail
17 not more than one year or both.

Sec. 20. (a) Every director, officer, agent or clerk of any
2 industrial loan company who wilfully and knowingly
3 subscribes or makes false statements of facts or false entries
4 in the books of such industrial loan company, or know-
5 ingly subscribes or exhibits any false paper, with the intent
6 to deceive any person authorized to examine as to the condition
7 of such company, or wilfully or knowingly subscribes to or
8 makes any false report, shall be deemed guilty of a misde-
9 meanor, and upon conviction thereof, shall be fined not less
10 than one hundred dollars or imprisoned in the county jail not
11 less than one nor more than six months, or both.

12 (b) Every officer, director, agent, stockholder or employee
13 of a corporation under the provisions of this act who shall
14 fraudulently receive money or moneys worth in exchange for
15 the issuance of any choses in action of such corporation when
16 he knows or has good reason to believe that such corporation
17 is insolvent shall be deemed guilty of a felony and upon con-
18 viction thereof shall be fined not less than one hundred dollars
19 or imprisoned in the state penitentiary not exceeding five
20 years or by both such fine and imprisonment at the discretion of
21 the court.

22 (c) Every officer, director, agent, stockholder or employee
23 of a corporation under the provisions of this act who shall
24 directly or indirectly receive a bonus, commission, compensa-
25 tion, remuneration, gift, speculative interest or gratuity of any
26 kind from any person, firm or corporation for granting, pro-
27 curing or endeavoring to procure for any person, firm or cor-
28 poration, any loan by or out of the funds of such corporation,
29 or the purchase or sale of any securities or property for or on
30 account of such corporation shall be guilty of a felony and
31 upon conviction thereof shall be punished by a fine of not to
32 exceed two thousand dollars or by imprisonment in the peni-
33 tentiary for not to exceed three years or by both such fine and
34 imprisonment.

35 (d) Every corporation under the provisions of this act
36 which fails to file any report required to be filed by this act
37 within the time herein specified shall be subject to a penalty of
38 ten dollars per day for each day's delay; such penalty shall
39 be paid into the state banking fund by such corporation upon
40 receiving demand therefor from the commissioner of banking.
41 A civil action for the recovery of any such penalty may be
42 brought by the attorney general in the name of the commis-
43 sioner of banking.

Sec. 21. Any corporation now organized, existing and doing
2 any business in the state of West Virginia on a plan which
3 would come within the scope of the regulatory provisions of
4 this act, and which was originally chartered with the approval
5 of the commissioner of banking under the laws of the state of
6 West Virginia providing for the organization of building and
7 loan associations, shall, from and after the passage of this act,
8 fully comply with, and be subject to, all the regulatory provi-
9 sions hereof and shall be subject to the supervision and control
10 of the commissioner of banking as herein provided, but nothing
11 herein shall affect or modify the capitalization, mode of organ-
12 ization, or corporate existence of any such existing corporation
13 and any such existing corporation shall be authorized and
14 allowed to sell the full amount of its present authorized capital
15 stock on the terms and conditions heretofore approved by the
16 commissioner of banking.

Sec. 22. Every company organized under this act or here-
2 tofore organized and coming within the operation of this act
3 may, subject to the written approval of the commissioner of
4 banking, extend its corporate existence, change its name, in-
5 crease its capital stock, and make such other amendment,
6 change or alteration as may be desired, or amend its charter or
7 certificate of incorporation in the manner provided for general
8 corporations under the laws of this state.

Sec. 23. All acts or parts of acts inconsistent herewith are
2 hereby repealed.

CHAPTER 21

(Senate Bill No. 332—Mr. Smith of Doddridge)

AN ACT to prohibit banks from contracting or pledging their assets to indemnify surety.

[Passed April 27, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Prohibits banking institutions from pledging assets.

Be it enacted by the Legislature of West Virginia:

Section 1. No banking institution shall pledge, hypothecate or deliver any of its assets of any description whatever to any person, firm or corporation to indemnify him or them as surety for such banking institution, or as surety for any other person.

CHAPTER 22

(Senate Bill No. 360—Mr. Hugus)

AN ACT to amend sub-section seven of section eighty-one-a of chapter thirty-four of the Acts of the Legislature of one thousand nine hundred and twenty-five, relating to receivers for banking institutions.

[Passed April 27, 1927; in effect from passage. Became a law without the approval of the Governor.]

SEC.

81-a. (7) Violations; failure to make special reports; insolvent banks; jurisdiction of commissioner; receivership; receiver's duties; bond required; expenses of receivership; this section retroac-

tive; where and for what suits are to be instituted; who are defendants; procedure; when credit claims barred; liability of stockholders; distribution of remaining funds.

Be it enacted by the Legislature of West Virginia:

That sub-section seven of section eighty-one-a of chapter thirty-four of the Acts of the Legislature of one thousand nine hundred and twenty-five, relating to receivers for banking institutions, be, and the same is hereby amended so as to read as follows:

Section 81-a. (7). If any such institution shall neglect or refuse, for a period of sixty days, to make special reports

3 to the commissioner, as he may demand, or shall fail, neglect
4 or refuse to comply with the provisions of the next preceding
5 section, or if at any time the commissioner shall find a bank
6 or other institution subject to his supervision in an insolvent
7 condition, or if such institution shall neglect or refuse to cor-
8 rect any irregularities or violations of this act which he may
9 call to the attention of the president, cashier or board of di-
10 rectors, he shall have authority to take charge of such institu-
11 tion and shall report at once such insolvency, irregularity or
12 violation to the governor, to appoint a competent person as
13 receiver of such institution; such receiver under the direction
14 of the commissioner of banking shall take possession of the
15 books, moneys, records and assets of every description of such
16 institution, and collect all debts, dues and claims belonging
17 to it, and such receiver may maintain suits in his name as re-
18 ceiver for the purpose of collecting any such debts, dues and
19 claims, and upon the order of a court of competent jurisdiction,
20 or the commissioner of banking, may sell, compromise or com-
21 pound all bad or doubtful debts, and on like orders may sell all
22 its real and personal property on such terms as the court or
23 commissioner of banking may direct, and, if necessary to pay
24 its debts, the commissioner of banking may enforce the indi-
25 vidual liabilities of its stockholders. A suit for such purpose
26 may be instituted against resident stockholders, either in the
27 name of such receiver or the commissioner of banking, in the
28 circuit court of the county in which its banking house or office
29 is located, and as to the non-resident stockholders the suit may
30 be brought in any county of any state where such stockholder
31 resides or where service of process may be had on such stock-
32 holders; *provided, however*, that before any such receiver shall
33 take charge of any such moneys or assets of any such institu-
34 tion, he shall give surety bond in such penalty as the governor
35 shall prescribe, with sureties to be approved by the governor,
36 conditioned for the faithful discharge of his duties as such re-
37 ceiver and the paying over as required by law or directed by
38 order of the court, or the commissioner of banking of all moneys
39 and assets which shall come into his hands as such receiver;
40 such bond shall be made payable to the state of West Virginia,
41 and shall be filed in the office of the commissioner of banking,
42 and suits or actions thereon may be brought by any person in-
43 jured by reason of any breach of its conditions, but all suits

44 and actions against such receiver shall be brought in the state
45 and county where the banking house is located. The commis-
46 sioner of banking shall have concurrent jurisdiction with the
47 circuit court of the county in which the bank is situated to ap-
48 point a receiver for any bank for any of the causes specified in
49 this or the next preceding section, but no receiver shall be ap-
50 pointed by any such court unless the commissioner of banking
51 neglects, fails or refuses to act. All expenses on account of any
52 receivership shall be paid out of the assets of such association
53 before distribution of the proceeds thereof by and on order of
54 the commissioner of banking; and such receiver may, upon the
55 order of the commissioner of banking, make a ratable dividend
56 of the money in his hands on all such claims as may have been
57 proved to his satisfaction or adjudicated in a court of compet-
58 ent jurisdiction, and as the proceeds of the assets of such asso-
59 ciation are paid to the receiver, he shall, on like order, make
60 further dividends on all claims previously proved or adjudi-
61 cated, and the remainder of the proceeds, if any, shall be paid
62 over to the shareholders of such association, or their legal rep-
63 resentatives, in proportion to the stock by them respectively
64 held. Claims of one dollar or less may be paid in full upon
65 payment of the first dividend. At the discretion of the com-
66 missioner of banking, if seven years have elapsed and no de-
67 mand has been made for payment by a claimant, and his where-
68 abouts, or those next him, be unknown, the amount to which
69 such claimant is entitled may be paid into the state treasury
70 by the receiver. This section of this act shall have a retroactive
71 effect.

72 Any receiver for any banking institution heretofore or here-
73 after appointed by the commissioner of banking may bring a
74 suit in the circuit court of the county where such institution
75 is located, to ascertain the several depositors and creditors of
76 such institution and the amounts and priorities of their re-
77 spective claims. The banking institution and the stockholders
78 of said banking institution shall be made defendants to said
79 suit, and all persons who shall file proofs of claim shall be
80 deemed parties thereto as though they had been named as de-
81 fendants. The court shall refer said cause to a commissioner
82 in chancery, and said commissioner shall thereupon cause to
83 be published once in each week for four successive weeks, in
84 some newspaper published in the county wherein the suit is

85 pending, a notice to all depositors and creditors of the banking
86 institution, requesting them to present their claims to such
87 commissioner for allowance. After publication of such notice
88 is completed, the said commissioner in chancery shall proceed
89 as promptly as possible to ascertain and report the several
90 depositors and creditors of the said banking institution and
91 the amounts and priorities of their respective claims, if any,
92 proven before him. All claims as shall have been duly proved
93 and allowed by the receiver or the commissioner of banking
94 before the decree of reference may be allowed and reported
95 by the commissioner in chancery without further proof, unless
96 the same shall be contested and disallowed for proper cause.
97 The commissioner in chancery shall also ascertain and report
98 what funds and assets of the banking institution have come
99 into the hands of the receiver, what disposition has been made
100 of said assets, and what dividends, if any, have been paid.
101 When the report of such commissioner is confirmed, the court
102 shall enter such orders and decrees and take such proceedings
103 as are proper to ascertain the several depositors and creditors
104 of such banking institution and adjudicate their respective
105 rights and direct the distribution of the assets and funds in
106 the hands of the receiver and confirm any distribution hereto-
107 fore made under orders of the commissioner of banking, and
108 may confirm any and all sales made by said receiver of prop-
109 erty and assets of said banking institution. Any creditor
110 whose claim is not presented and allowed before any decree
111 of distribution becomes final shall be forever barred from par-
112 ticipating in the funds distributed under such decree, or there-
113 tofore distributed and confirmed by such decree, and shall
114 have no claim by reason of such distribution against any cred-
115 itor sharing therein or against the commissioner of banking,
116 the receiver, or any surety upon the receiver's bond. Any
117 claim which shall have been proved and allowed after any
118 dividend or distribution has been made by the receiver, whether
119 on the order of the commissioner of banking or under a
120 decree of distribution by the court, shall be paid dividends
121 equal or proportionate in amount to those already received
122 by the other creditors of the same rank and priority, if the
123 funds and assets in the hands of the receiver are sufficient
124 therefor, before such other creditors receive any further divi-
125 dend or distribution.

126 In any such suit brought by the receiver for the purpose of
 127 ascertaining the several depositors and creditors of such in-
 128 stitution as hereinbefore provided, the receiver may also pro-
 129 ceed against the stockholders of the banking institution to en-
 130 force their individual liabilities as hereinabove provided, or
 131 for the adjudication of any other pertinent matter involved
 132 in the administration of the assets and affairs of such insti-
 133 tution. Any such proceedings against the stockholders of any
 134 such insolvent bank may be maintained against the stockhold-
 135 ers thereof prior to the final determination of the assets and
 136 liabilities of such bank. Any sums recovered from the stock-
 137 holders in any such proceedings shall be used by the receiver
 138 in the payment of the bank's liabilities and cost of winding up
 139 said bank's affairs, the balance of any remaining, shall be paid
 140 to said stockholders according to their respective stock holdings.

CHAPTER 23

(House Bill No. 125—Mr. Dean)

AN ACT to provide for the training of men in mine rescue work to
 be subject to call by the state department of mines of West
 Virginia, in the event of an explosion or mine fire.

[Passed April 27, 1927; in effect from passage. Became a law without the
 approval of the Governor.]

SEC.

1. Mine rescue crews.
2. Training, service and pay.

SEC.

3. Removal of member.

Be it enacted by the Legislature of West Virginia:

Section 1. That the chief of the state department of mines is
 2 hereby authorized to train and employ at each of the mine
 3 rescue stations, operated by that department within the state,
 4 two rescue crews of six members each.

Sec. 2. Each member of a rescue crew shall devote four
 2 hours twice each month for training purposes, and shall be
 3 available at all times to assist in rescue work at explosions and
 4 mine fires. He shall receive for his services the sum of five
 5 dollars per month, payable on requisition approved by the
 6 chief of the department of mines, and such other sums, to be

7 paid by the operating company, as may be agreed upon when
8 engaged in rescue work at explosions or mine fires.

Sec. 3. The chief of the department of mines may remove
2 any member of a rescue crew at any time for neglect of duty, or
3 failure to obey instructions.

CHAPTER 24

(House Bill No. 151—Mr. Thomas.)

AN ACT to amend and re-enact section thirty-six of chapter eighty-eight of the Acts of the Legislature of West Virginia of one thousand nine hundred and twenty-five.

[Passed April 21, 1927; in effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.
36. Electric haulage in mines.

Be it enacted by the Legislature of West Virginia:

That section thirty-six of chapter eighty-eight, Acts of the Legislature of West Virginia one thousand nine hundred and twenty-five be amended and re-enacted to read as follows:

Section 36. Electric haulage by locomotives operated from
2 trolley wire is not permissible in any mine worked by safety or
3 approved electric lamps, except upon the intake airway, fresh
4 from the outside; *however, if*, in the opinion of the department
5 of mines, the danger to life and limb is increased by the intake
6 being on the haulway, then special rulings covering the local
7 conditions shall be made by the chief of the said department
8 of mines. In mines where the methane or CH-4 content does
9 not exceed one-half of one per cent on the return of any air split
10 special rulings on the use of electrical appliances may be made
11 by the chief of the department of mines.

CHAPTER 25

(House Bill No. 146—Mr. Beard)

AN ACT providing for the quarantine and control of the European corn borer; imposing certain powers and duties on the commissioner of agriculture, and providing penalties for the violation of the requirements hereof.

[Passed April 26, 1927; in effect from passage. Became a law without the approval of the Governor.]

Sec.

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| <p>1. Authority vested in the commissioner of agriculture to deal with "corn borer."</p> <p>2. Powers granted said commis-</p> | <p>sioner.</p> <p>3. Entering private property.</p> <p>4. Violations of quarantine.</p> <p>5. Enforcing regulations.</p> <p>6. Inconsistent acts.</p> |
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Be it enacted by the Legislature of West Virginia:

That authority to quarantine and control the European corn borer in the state of West Virginia be vested in the commissioner of agriculture, defining the powers and duties of said commissioner in the premises, and providing penalties for the violation hereof.

Section 1. In order to protect the agricultural and horticultural crops of the state of West Virginia from the ravages of the insect commonly known as the European corn borer (*Pyrausta nubilalis*, Hubn.), accidentally established within the state, and now seriously and destructively infesting a limited area in the state, the commissioner of agriculture shall adopt and carry out such control measures as may be deemed advisable, and may cooperate with the United States department of agriculture in the control of this pest.

Sec. 2. The commissioner of agriculture is hereby authorized to promulgate quarantines and quarantine restrictions covering areas within the state affected by said pest and areas within the state adjacent thereto, and may adopt, issue and enforce rules and regulations supplemental to such quarantines for the control of this pest. Under such quarantines, the commissioner of agriculture or his authorized agent may prohibit and prevent the movement within the state without inspection, or the shipment or transportation within the state, of any agricultural or horticultural product, or any other material of any character whatsoever, capable of carrying this pest in any living stage of its development; and, in the enforcement of such quarantine, may intercept, stop, and detain for official inspection

14 any person, car, vessel, boat, truck, automobile, aircraft, wagon,
15 or other vehicle or carrier whether on air, land or water, or
16 any container believed or known to be carrying the said insect
17 in any living stage of its development or any such material, in
18 violation of said quarantines or of the rules or regulations
19 issued supplemental thereto, and may seize, possess, and de-
20 stroy any agricultural or horticultural product or other ma-
21 terial of any character whatsoever, moved, shipped, or trans-
22 ported in violation of such quarantines or of the rules and
23 regulations supplemental thereto.

Sec. 3. For the purpose of this act, the commissioner of
2 agriculture, or his authorized agent, shall by and with the con-
3 sent of the owner or tenant or operator, have access to any farm,
4 field, orchard, garden, elevator, warehouse, building, cellar,
5 freight or express office or car, freight yard, vehicle, vessel, boat,
6 container, or other place except dwelling houses, which, for
7 probable cause, it may be necessary or desirable for such author-
8 ized agent to enter in carrying out the provisions of this act.

Sec. 4. Any person, co-partnership, association, or corpora-
2 tion, violating any provision of any quarantine promulgated
3 under the authority of this act, or of any rules and regulations
4 issued supplemental thereto, shall be subject to fine of not less
5 than twenty-five dollars nor more than one hundred dollars for
6 each offense, to be collected by summary convictions before any
7 mayor, magistrate, or justice of the peace, as like fines are now
8 by law collected, and, in case of non-payment of said fine, shall
9 be imprisoned in the county jail for a period of not exceeding
10 five days; *provided*, that any person so convicted shall have the
11 right of an appeal, as in other cases of summary conviction.
12 The fines collected under this act shall be paid to the commis-
13 sioner of agriculture and by him paid into the state treasury
14 for the use of the state of West Virginia.

Sec. 5. Wherever treatment or destruction of any agricul-
2 tural or horticultural product, whether in field, feed lot, place
3 of assemblage, or storage, or elsewhere, or whenever any special
4 type of plowing or other farm operation is required under the
5 provisions of any rule or regulation issued under the authority
6 of this act, the owner or person having charge of such material
7 or land shall, upon due notice from the commissioner of agri-
8 culture, or his authorized agent, and within the time limit

9 provided, cause the destruction or treatment of such material
 10 or take the action so required, in the manner designated by such
 11 notice. In case the owner or person in charge of such material
 12 shall refuse or neglect to carry out such instructions within the
 13 time limit provided, the commissioner of agriculture, or his
 14 authorized agent, may take the action so required and the ex-
 15 pense thereof shall be assessed, collected, and enforced as taxes
 16 are collected and enforced, against the owner of the premises
 17 upon which such expense was incurred. The amount of such
 18 expense when collected shall be paid to the commissioner of
 19 agriculture and by him paid into the state treasury.

Sec. 6. All acts or parts of acts inconsistent with this act
 2 are hereby repealed.

CHAPTER 26

(House Bill No. 246—Mr. Slaughter)

AN ACT to amend and re-enact chapter one hundred and three of
 the acts of one thousand nine hundred and nineteen, relating
 to the examination and testing of seeds sold in West Virginia
 for agricultural purposes, requiring labeling of said seeds and
 providing penalty for violation thereof.

[Passed April 29, 1927. In effect from passage. Became a law without the
 approval of the Governor.]

SEC.

1. Meaning of certain words used.
2. Seed packages, how labeled.
3. One pound and larger mixtures,
how labeled.
4. Other mixtures, how labeled.
5. Statements inconsistent with label,
forbidden.
6. Requirements of transportation
companies.
7. To what this act not applicable.
8. Analyses and tests.
9. If found deficient, what action re-
quired.
10. Who may submit samples for

SEC.

11. tests.
Selling for seeding; when for-
bidden.
12. Commissioner of agriculture to
enforce this act; extent of au-
thority.
13. Selling or distributing seeds in
violation of the act; misde-
meanor; penalty.
14. Prosecutions.
15. Salaries and expenses; how paid.
16. Seller liable in damages.
17. Service of process in damage
suits. Repealing clause.

Be it enacted by the Legislature of West Virginia:

Section 1. The following words as used in this act, or in
 2 any rule and regulation authorized thereunder, unless the con-
 3 text otherwise requires or a different meaning is specifically
 4 prescribed, shall have the following meanings:

5 (a) "Agricultural seeds," the seeds of Canada blue grass,
6 Kentucky blue grass, brome grass, fescues, kafir corn, millets,
7 tall meadow oat grass, sorghum, sudan grass, timothy, alfalfa,
8 soy beans, alsike clover, crimson clover, red clover, white sweet
9 clover, yellow sweet clover, Canada field peas, cow peas, vetches
10 and other grasses and forage plants, buckwheat, flax, rape,
11 barley, corn, oats, rye, wheat, vegetable seeds which are com-
12 monly known as vegetable seeds, and which are of the kind
13 used for the purpose of raising garden and truck crops, and
14 other seeds which may be defined by the commissioner of agri-
15 culture as agricultural seeds, which are sold, stored, offered or
16 exposed for sale or distribution, or had in possession with intent
17 to sell within this state for seeding purposes.

18 (b) "Noxious seeds," the seeds or bulblets of any of the
19 following plants: Wild onion (*allium vineale*), Johnson grass
20 (*sorghum halepense*), quack grass (*agropyron repens*), dodder
21 (*cuscuta* spp.), Canada thistle (*carduus arvensis*), hawk weed
22 (*hieracium* spp.), sow thistle (*sonchus* spp.), buckhorn (*plan-
23 togo lanceolata*), English charlock or wild mustard (*brassica
24 arvensis*), corn cockle (*agrestemma githago*), ox-eye daisy
25 (*chrysanthemum leucanthemum*), Indian mustard (*brassica
26 juncea*), star thistle (*centaurea solstitialis*), wild carrot (*daucus
27 carota*), galinsoga (*galinsoga parviflora*), and such other weeds
28 as the commissioner of agriculture may determine to be noxious
29 and a menace in West Virginia; *provided, however*, that prior to
30 the promulgation of the order defining that any weed seed or
31 seeds are noxious within the definition of this act, a public hear-
32 ing upon due notice thereof shall be given to persons affected by
33 such order, at which hearing such persons may appear in person
34 or by attorney; and *provided, further*, that said order determin-
35 ing that any weed seed or seeds shall be deemed to be noxious,
36 shall not be effective until six months after the promulgation
37-40 and publication of said order.

41 (c) "Weed seeds," all seeds and bulblets of noxious weeds,
42 and in addition thereto, all seeds other than agricultural seeds.

43 (d) "Foreign seeds," any noxious or weed seeds, or any
44 agricultural seeds other than the particular kind or variety of
45 agricultural seeds represented as being the contents of a pack-
46 age or container of agricultural seeds.

47 (e) "Inert matter," sand, dirt, sticks, stones, chaff, broken

48 seeds and any other matter not included under "foreign seeds."

Sec. 2. Every lot of agricultural seeds and vegetable seeds
2 as defined in section one of this act, except as herein otherwise
3 provided, when sold, stored, offered or exposed for sale or dis-
4 tributed in this state in bulk, packages or other containers of
5 one pound or more, shall have affixed thereto, in a conspicuous
6 place, on the exterior of the container of such agricultural
7 seeds, a plainly written or printed tag, or label, in the English
8 language, stating:

9 (a) Commonly accepted name of the kind and variety of
10 such agricultural seeds.

11 (b) The approximate percentage, by weight, of purity,
12 meaning the freedom of such agricultural seeds from foreign
13 seeds and inert matter.

14 (c) The approximate total percentage by weight of weed
15 and foreign seeds.

16 (d) The name and approximate number per ounce of each
17 kind of the seeds or bulblets of noxious weeds, as listed in
18 section one, sub-section (b) of this act, as follows:

19 (1) In excess of one seed or bulblet in each five grams of
20 timothy, red top, tall meadow oat grass, orchard grass, Canada
21 blue grass, Kentucky blue grass, fescues, brome grasses, peren-
22 nial and Italian rye grasses, western rye grass, crimson clover,
23 red clover, white clover, alsike clover, sweet clover, alfalfa, and
24 all other grasses and clovers not otherwise classified.

25 (2) In excess of one seed bulbet in each twenty-five grams
26 of millets, rape, flax and other seeds not classified in one or
27 three of this sub-section.

28 (3) In excess of one seed or bulbet in each one hundred
29 grams oats, rye, barley, buckwheat, vetch and other seeds as
30 large as, or larger, than wheat.

31 (e) The approximate percentage of germination, together
32 with the month and year said seed was tested.

33 (f) The full name and address of the seedsman, importer,
34 dealer or agent, or other person, firm or corporation, selling,
35 offering or exposing for sale or distribution such agricultural
36 seeds in this state for seeding purposes.

Sec. 3. Mixtures, when in bulk, packages, or other con-
2 tainers of one pound or more, containing not more than two
3 kinds of agricultural seeds in excess of five *per centum* by

4 weight of the total mixture, shall have affixed thereto, in a
5 conspicuous place on the exterior of the container of such
6 mixture, a plainly written or printed tag, or label, in the
7 English language stating:

8 (a) That such seed is a mixture.

9 (b) The name and percentage of each kind of agricultural
10 seed present in such mixture in excess of five *per centum* by
11 weight of the total mixture.

12 (c) The approximate total percentage by weight of weed
13 seeds, as defined in section one, sub-section (c), of this act.

14 (d) The name and approximate number per ounce of each
15 kind of seeds or bulblets of the noxious weeds, listed in section
16 one-b of this act, which are present singly or collectively in
17 excess of one seed or bulblet in each fifteen grams of such
18 mixture.

19 (e) The approximate percentage of germination of each
20 kind of agricultural seed present in such mixture in excess of
21 five per centum by weight, together with the month and year
22 in which the seed was tested.

23 (f) The full name and address of the seedsman, importer,
24 dealer or agent, or other person, firms or corporations, selling,
25 offering or exposing for sale or distribution, such mixture in
26 this state for seeding purposes.

Sec. 4. Mixtures other than those defined in section three
2 of this act, when in bulk packages or other containers of one
3 pound or more, shall have affixed thereto in a conspicuous place
4 on the exterior of the container of such mixture, a plainly
5 written, or printed tag, or label, in the English language stat-
6 ing:

7 (a) That such seed is a special mixture.

7-a (b) The name and percentage of each kind of agricultural
8 seed present in such mixture in excess of five *per centum* by
9 weight of the total mixture.

10 (c) The approximate total percentage by weight of weed
11 seeds, as defined in section one, sub-section (c) of this act.

12 (d) The name and approximate number per ounce of each
13 kind of the seeds or bulblets of the noxious weeds, listed in
14 section one, sub-section (b) of this act, which are present singly
15 or collectively in excess of one seed or bulblet in each fifteen
16 grams of such mixture.

17 (e) The full name and address of the seedsman, importer,
18 dealer or agent, or other person, firms or corporations, selling,
19 offering or exposing for sale or distribution, such mixture in
20 this state for seeding purposes.

Sec. 5. No statements regarding the quality of such agri-
2 cultural seeds or mixtures, if inconsistent with the requirements
3 of this act, shall be written or printed on the tag or label
4 required by this act, or placed inside, or affixed to any con-
5 tainer, or bulk, of agricultural seeds or mixtures sold, offered
6 or exposed for sale or distribution, or held in possession with
7 intent to sell, within the state for seeding purposes.

Sec. 6. Agricultural seeds shipped to any point in this state
2 for seeding purposes shall be subject to the provisions and re-
3 quirements of this act, and transportation companies shall be
4 required to see that all such agricultural seeds carried by them
5 are tagged or labeled as provided in this act.

Sec. 7. The provisions of this act shall not apply to the
2 following seeds:

3 (a) Agricultural seed, or mixtures of the same, when plainly
4 marked on the outside of the container "not clean seed," or
5 "not tested seed;" *provided* such seed or mixtures are sold to,
6 or held by, merchants to be recleaned before being offered or
7 exposed for sale or distribution upon the general market.

8 (b) Cereals or other agricultural seed when sold exclusively
9 for manufacturing, food or feeding purposes, unless sold, offered
10 or exposed for sale or distribution under variety names.

11 (c) Seed sold directly to and in the presence of the con-
12 sumer and taken from a container properly labeled in accordance
13 with the provisions of this act, unless the consumer shall, at the
14 time of sale, request that the seller furnish the statement re-
15 quired by this act. The sections of this act shall not apply to
16 the sale of seed that is grown, sold and delivered by any farm-
17 er on his own premises for seeding purposes by the purchaser
18 himself, unless the purchaser of seeds obtained from the seller
19 at the time of the sale thereof, a certificate that the seed is
20 supplied through him subject to the provisions of this act.

Sec. 8. It shall be the duty of the commissioner of agricul-
2 ture, either by himself or his analysts, inspectors or assistants,
3 to inspect, examine and make analysis of, and test, any agri-
4 cultural seed stored, sold, or offered for sale or distribution in

5 this state for seeding purposes, at such time and place and to
6 such extent as he may determine. The sample of the seed to be
7 tested or analyzed shall be thoroughly mixed and divided into
8 two samples of at least two ounces each and securely sealed.
9 One of the samples shall be left with or on the premises of the
10 vendor, or party in interest, and the other retained by said com-
11 missioner, analyst, inspector, or assistant, for analysis. The
12 methods of examination and testing shall be those in force at
13 the time by the official seed analysts of North America.

Sec. 9. In case the sample drawn as herein provided, upon
2 test and analysis, is found to fall more than a reasonable toler-
3 ance below the statement of the tag or label attached to the lot
4 from which such sample was secured, or to violate any of the
5 provisions of this article, the vendor or consignee of such lot of
6 seed shall be notified and a copy of such notice mailed to the
7 person, firm or corporation whose tag or label was found affixed
8 thereto, and it shall be the duty of the commissioner of agri-
9 culture to publish, or cause to be published, at least once a year,
10 the results of the examination, analysis and test of any sample
11 of agricultural seeds, or mixtures of such seeds. Such publica-
12 tion shall contain a list of the names of the seeds that have been
13 defined by the commissioner as weed seed, and may contain such
14 other information as the commissioner may deem advisable.

Sec. 10. Any citizen of this state shall have the privilege of
2 submitting to the commissioner of agriculture samples of agri-
3 cultural seeds for test and analysis, subject to such rules and
4 regulations as may be adopted by the commissioner.

Sec. 11. Agricultural seeds, as defined in section one of this
2 act, or mixtures of the same, shall be considered unfit for seeding
3 purposes and are hereby prohibited from being sold, offered,
4 or exposed for sale or distribution within this state for seeding
5 purposes when:

6 (a) Such agricultural seeds or mixtures contain the follow-
7 ing weed seeds: quack grass, Canada thistle, dodder species, and
8 perennial sow thistle in excess of one seed in five grams.

10 (b) Such agricultural seeds or mixtures containing more
11 than three *per centum* by weight of weed seeds.

Sec. 12. The enforcement of the provisions of this act is
2 hereby placed in the department of agriculture under the super-
3 vision of the commissioner of agriculture who shall maintain

4 a laboratory with necessary equipment, appoint such analysts,
5 inspectors and assistants, and make and enforce such rules and
6 regulations as may be necessary to carry out the provisions of
7 this act. The commissioner, analysts, inspectors, or assis-
8 tants, shall have free access, at all reasonable hours, upon and
9 into any premises, or structures, to make examination of any
10 agricultural seeds, whether such seeds are upon the premises
11 of the owner or consignee of such seeds, or on the premises
12 or in the possession of any warehouse, elevator, railway or
13 steamship company, and he is hereby given authority in person
14 or by his analysts, inspectors, or assistants, upon notice to the
15 dealer, his agent or the representative of any warehouse, ele-
16 vator, railway or steamship company, if present, to take for an-
17 alysis a sample of such agricultural seed from a parcel, pack-
18 age, lot or other container, or number of parcels, packages,
19 lots or other containers. The commissioner of agriculture may
20 cause to be seized and held any lot of agricultural seeds found
21 to violate any of the provisions of this act until the law has
22 been complied with or the violation otherwise disposed of.

Sec. 13. Any person who shall sell, offer or expose for sale
2 or distribution, or have in possession with intent to sell, within
3 this state, any agricultural seed or mixture for seeding pur-
4 poses, without complying with the requirements of this act, or
5 who shall sell, offer or expose for sale or distribution, or have
6 in possession with intent to sell, within this state any agri-
7 cultural seeds or mixtures for seeding purposes, which are im-
8 properly or falsely labeled, or which do not meet the require-
9 ments of section eleven of this act, or who shall improperly or
10 falsely mark or label any such seed or mixture, or who shall
11 interfere in any way with any officer in the discharge of his
12 duties under this act, shall be guilty of a misdemeanor, and,
13 upon conviction thereof, shall be fined not more than one hun-
14 dred dollars.

Sec. 14. If the commissioner of agriculture shall find upon
2 examination, analysis or test, that any person has violated any
3 of the provisions of this act, he or his duly authorized agent
4 may institute proceedings in a court of competent jurisdiction
5 to have such person convicted thereof, or the commissioner
6 of agriculture, in his discretion, may report the results
7 of such examination to the prosecuting attorney of the

8 county in which such violation has occurred, together with the
9 sworn statement of the analyst, duly acknowledged, and such
10 evidence of said violation as he shall deem necessary.

Sec. 15. Such salaries and expenses as may be necessary for
2 the proper enforcement of the provisions of this act shall be
3 paid, by warrant upon the auditor of this state, and counter-
4 signed by the commissioner of agriculture, out of the appropria-
5 tion to defray the expenses of the department of agriculture.
6 The commissioner of agriculture shall keep an accurate account
7 of the expenses necessary to a proper enforcement of this act,
8 and shall make full report of the working of this act, together
9 with the necessary costs for the enforcement of the same, in his
10 report to the governor.

Sec. 16. Any person selling or furnishing agricultural seed
2 or mixtures of the same, whose name appears on any tag or label
3 required by this act, shall, in addition to the penalties imposed
4 by this act, be liable to any one sustaining damages by reason
5 of the failure of such seed or mixture to measure up to the
6 standard required by this act, or the improper or false labeling
7 of such seed or mixture, or the violation of any of the provisions
8 of this act, notwithstanding any statement disclaiming liability
9 that may be made by such seller or any waiver that may be
10 signed by such purchaser. The measure of damage in every
11 such action shall be confined to the actual damage sustained for
12 the amount of the purchase price of the seeds used, the amount
13 for labor expended in sowing, planting or cultivating the same,
14 and a reasonable amount as rental for the land used.

Sec. 17. The commissioner of agriculture is hereby made an
2 attorney in fact for any person, firm or corporation engaged in
3 the business of selling agricultural seeds within this state, who
4 resides out of the state, or in a different county of the state
5 from the buyer, to accept service for such person, firm or cor-
6 poration, or upon whom service may be had, of process institut-
7 ing any action or proceeding in any court of this state for the
8 recovery of damages pursuant to the provisions of the next
9 preceding section of this act. Suit may be instituted in any
10 court of competent jurisdiction of this state in the county where
11 the buyer resides or where the sale was made. The clerk of the
12 court shall issue an original summons, and a copy to be served
13 on the commissioner of agriculture, and he shall, in addition to

14 such original and copy, issue as many copies of such summons
 15 as there are defendants, and it shall be the duty of the com-
 16 missioner of agriculture to mail a copy of the same to each
 17 defendant at his last known address.

18 All acts or parts of acts inconsistent with this act are hereby
 19 repealed.

CHAPTER 27

(Senate Bill No. 329—Mr. Smith of Doddridge)

AN ACT to authorize the organization, operation and supervision
 of agricultural credit and cooperative associations.

[Passed April 25, 1927. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

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| <p>SEC.</p> <ol style="list-style-type: none"> 1. Definitions as used in this act. 2. Who may organize. 3. Purpose of association. 4. Powers. 5. Members; terms of admission. 6. Articles of incorporation; what to contain. 7. Amendments to articles of incorporation; how made. 8. By-laws; how adopted; what to prescribe. 9. General and special meetings; how called. 10. Directors; number required; election of. 11. Election of officers. 12. Officers, employees and agents to be bonded. 13. Stock; membership certificates; when issued; liability of members limited; limitations on ownership and transfers; each member entitled to one vote. 14. Removal of officer or director. 15. Referendum; how demanded. | <p>SEC.</p> <ol style="list-style-type: none"> 16. Marketing contract. 17. Remedies for breach of contract. 18. Purchasing business of other associations, persons, firms or corporations. 19. Annual report; to whom made; what to contain. 20. Conflicting laws not to apply; exemption. 21. Limitation of the use of the term "cooperative." 22. Interest in other corporations or associations. 23. Contracts and agreements with other associations. 24. Rights and remedies apply to similar associations of other states. 25. Associations heretofore organized may adopt provisions of this act. 26. False reports about finances or management of cooperative associations; penalty. |
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Be it enacted by the Legislature of West Virginia:

That corporations for the purpose of providing credit facilities for the agricultural and live stock industries of the state of West Virginia, to be known as agricultural credit associations, may be formed by any number of persons, not less than five in any case. Such persons shall enter into articles of association, which shall specify the objects for which such association is formed. Such articles of association shall be signed by the persons intending to participate in the organization of the association and shall be filed

with the secretary of state in the manner provided for the formation of other corporations.

Definitions.

Section 1. The following words as used in this act, unless the context otherwise requires or a different meaning is specifically prescribed, shall have the following meanings:

(a) "Agricultural products," horticultural, viticultural, forestry, dairy, live stock, poultry, bee and any farm products.

(b) "Member," actual members of associations without capital stock and holders of common stock in associations organized with capital stock.

(c) "Association," any corporation organized under the provisions of this act. Such association shall be deemed non-profit.

Who May Organize.

Sec. 2. Five or more persons, a majority of whom are citizens of this state, engaged in the production of agricultural products, may form a nonprofit, cooperative association, with or without capital stock, under the provisions of this act.

Purposes.

Sec. 3. An association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members or those purchased from other persons, or with the harvesting, preserving, drying, processing, canning, packing, grading, storing, handling, shipping, or utilization thereof, or the manufacturing or marketing of the by-products thereof; or in connection with the manufacturing, selling or supplying to its members of machinery, equipment or supplies; or in the financing of the above enumerated activities; or in any one or more of the activities specified herein.

Powers.

Sec. 4. Each association incorporated under this act shall have the following powers:

(a) To engage in any activity in connection with the marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling or utilization of any agricultural products produced or delivered to it by its members or purchased or received by consignment from other persons, or the manufacturing or marketing of the

9 by-products thereof; or any activity in connection with the
10 purchase, hiring or use by its members of supplies, machinery
11 or equipment; or in the financing of any such activities; or
12 in any one or more of the activities specified in this section;
13 *provided, however*, that all transactions with nonmembers shall
14 be on terms fixed by the association, and such nonmembers
15 shall not otherwise participate in any profits derived from such
16 transactions.

17 (b) To borrow money without limitations as to amount of
18 corporate indebtedness or liability, and to make advance pay-
19 ments and advances to members.

20 (c) To act as the agent or representative of any member or
21 members in any of the above mentioned activities.

22 (d) To purchase or otherwise acquire, and to hold, own,
23 and exercise all rights of ownership in, and to sell, transfer or
24 pledge, or guarantee the payment of dividends or interest on,
25 or the retirement or redemption of, shares of the capital stock
26 or bonds of any corporation or association engaged in any re-
27 lated activity or in the warehousing or handling or marketing
28 of any of the products handled by the association.

29 (e) To establish reserves and to invest the funds thereof in bonds
30 or in such other property as may be provided in the by-laws.

31 (f) To buy, hold and exercise all privileges of ownership,
32 over real or personal property as may be necessary or con-
33 venient for the conduct and operation of any of the business
34 of the association. or incidental thereto.

35 (g) To establish, secure, own and develop patents, trade-
36 marks and copyrights.

37 (h) To do each and every thing necessary, suitable or proper
38 for the accomplishment of any one of the purposes or the at-
39 tainment of any one or more of the subjects herein enumerated,
40 or conducive to or expedient for the interest or benefit of the
41 association; and to contract accordingly; and, in addition, to
42 exercise and possess all powers, rights and privileges necessary
43 or incidental to the purposes for which the association is or-
44 ganized or to the activities in which it is engaged, and any other
45 rights, powers and privileges granted by the laws of this state
46 to ordinary corporations, except such as are inconsistent with
47 the express provisions of this act; and to do any such thing
48 anywhere.

Members.

Sec. 5. Under the terms and conditions prescribed in the by-laws adopted by it, an association may admit as members, or issue common stock to, only persons engaged in the production of, marketing cooperatively, and, or members of credit associations financing such products and any lessors and landlords who receive as rent all or any part of the crop raised on the leased premises.

If a member of a nonstock association be other than a natural person, such members may be represented by any individual, associate, officer or manager or member thereof, duly authorized in writing.

One association organized hereunder may become a member or stockholder of any other association or associations organized under this act.

Articles of Incorporation.

Sec. 6. Each association formed under this act must prepare and file articles of incorporation, setting forth:

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The place where its principal business will be transacted.

(d) The term for which it is to exist, not exceeding fifty years.

(e) The number of directors thereof, which must be not less than five and may be any number in excess thereof, the term of office of such directors, and the names and addresses of those who are to serve as incorporating directors for the first term, and (or) until the election and qualification of their successors.

(f) If organized without capital stock, whether the property rights and interest of each member be equal or unequal; and if unequal, the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed; and provision for the admission of new members who shall be entitled to share in the property of the association with the old members, in accordance with such general rule or rules. This provision or paragraph of the articles of incorporation shall not be altered, amended, or repealed except by the written consent or vote of three-fourths of the members.

(g) If organized with capital stock, the amount of such stock

26 and the number of shares into which it is divided and the par
27 value thereof.

28 The capital stock may be divided into preferred and common
29 stock. If so divided, the articles of incorporation must con-
30 tain a statement of the number of shares of stock to which pref-
31 erence is granted and the number of shares of stock to which
32 no preference is granted and the nature and definite extent of
33 the preference and privileges granted to each.

34 The articles must be subscribed by the incorporators and
35 acknowledged by one of them before an officer authorized by the
36 law of this state to take and certify acknowledgments of deeds
37 and conveyances; and shall be filed in accordance with the pro-
38 visions of the general corporation law of this state; and, when
39 so filed, such articles of incorporation, or certified copies thereof,
40 shall be received in all the courts of this state and other places
41 as *prima facie* evidence of the facts contained therein and of
42 the due incorporation of such association. A certified copy of
43 the articles of incorporation shall also be filed with the dean of
44 the college of agriculture at Morgantown.

Amendments to Articles of Incorporation.

Sec. 7. The articles of incorporation may be altered or
2 amended at any regular meeting or any special meeting called
3 for that purpose. An amendment must first be approved by
4 two-thirds of the directors and then adopted by a vote repre-
5 senting a majority of all the members of the association. Amend-
6 ments to the articles of incorporation, when so adopted, shall
7 be filed in accordance with the provisions of the general cor-
8 poration laws of this state.

By-Laws.

Sec. 8. Each association incorporated under this act must,
2 within thirty days after its incorporation, adopt for its gov-
3 ernment and management a code of by-laws, not inconsistent
4 with the powers granted by this act. A majority vote of
5 the members or stockholders, or their written assent, is neces-
6 sary to adopt such by-laws. Each association, under its by-laws,
7 may provide for any or all of the following matters:

- 8 (a) The time, place and manner of calling and conducting
9 its meetings.
10 (b) The number of stockholders or members constituting a
11 quorum.
12 (c) The right of members or stockholders to vote by proxy

13 or by mail or both ; and the conditions, manner, form, and effect
14 of such votes.

15 (d) The number of directors constituting a quorum.

16 (e) The qualifications, compensation, duties and term of
17 office of directors and officers ; time of their election and the
18 mode and manner of giving notice thereof.

19 (f) Penalties for violation of the by-laws.

20 (g) The amount of entrance, organization and membership
21 fees, if any ; the manner and method of collecting the same ; and
22 the purposes for which they may be used.

23 (h) The amount which each member or stockholder shall be
24 required to pay annually or from time to time, if at all, to carry
25 on the business of the association ; the charge, if any, to be paid
26 by each member or stockholder for services rendered by the asso-
27 ciation to him and the time of payment and the manner of col-
28 lection ; and the marketing contract between the association and
29 its members or stockholders which every member or stockholder
30 may be required to sign.

31 (i) The number and qualifications of members or stock-
32 holders of the association and the conditions precedent to mem-
33 bership or ownership of common stock ; the method, time and
34 manner of permitting members to withdraw or the holders of
35 common stock to transfer their stock ; the manner of assignment
36 and transfer of the interest of members and of the shares of
37 common stock ; the conditions upon which and time when mem-
38 bership of any member shall cease ; the automatic suspension
39 of the rights of a member when he ceases to be eligible to mem-
40 bership in the association ; the mode, manner and effect of the
41 expulsion of a member ; the manner of determining the value
42 of a member's interest, and provision for its purchase by the
43 association, at its option, upon the death or withdrawal of a
44 member or stockholder, or upon the expulsion of a member or
45 forfeiture of his membership, or, at the option of the associa-
46 tion, the purchase at a price fixed by conclusive appraisal by
47 the board of directors, or, at the election of the board, such
48 property interests may be sold at public auction to any person
49 eligible to membership in such association and the proceeds
50 of such sale paid over to the personal representative of such
51 deceased member, or to the member withdrawing or expelled,
52 as the case may be.

General and Special Meetings.

Sec. 9. In its by-laws, each association shall provide for one or more regular meetings annually. The board of directors shall have the right to call a special meeting at any time; and ten per cent of the members or stockholders may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. Such meeting must thereupon be called by the directors. Notice of all meetings, together with a statement of the purposes thereof, shall be mailed to each member at least ten days prior to the meeting; *provided, however*, that the by-laws may require instead that such notice may be given by publication in a newspaper of general circulation, published at the principal place of business of the association.

Directors.

Sec. 10. The affairs of the association shall be managed by a board of not less than five directors, elected by the members or stockholders from their own number. The by-laws may provide that the territory in which the association has members shall be divided into districts and that the directors be elected according to such districts, either directly or by district delegates elected by the members in that district. In such a case the by-laws shall specify the number of directors to be elected by each district, the manner and the method of reapportioning the directors and of redistricting the territory covered by the association. The by-laws may provide that primary elections shall be held in each district to elect the directors apportioned to such districts and that the results of all such primary elections may be ratified by the next regular meeting of the association or may be considered final as to the association. The by-laws may provide that one or more directors may be appointed by any public official or commission or by the other directors selected by the members or their delegates. Such directors shall represent primarily the interest of the general public in such associations. The directors so appointed need not be members or stockholders of the association, but shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

25 An association may provide a fair remuneration for the time
26 actually spent by its officers and directors in its service and for
27 the service of the members of its executive committee. No di-
28 rector, during the term of his office, shall be a party to a con-
29 tract for profit with the association differing in any way from
30 the business relations accorded regular members or holders of
31 common stock of the association, or others, or differing from
32 terms generally current in that district.

33 The by-laws may provide that no director, except the presi-
34 dent and secretary, shall occupy any position in the association
35 on regular salary or substantially full-time pay.

36 The by-laws may provide for an executive committee and may
37 allot to such committee all the functions and powers of the
38 board of directors, subject to the general direction and control
39 of the board.

40 When a vacancy on the board of directors occurs other than
41 by expiration of term, the remaining members of the board,
42 by a majority vote, shall fill the vacancy, unless the by-laws
43 provide for an election of directors by district. In such a case
44 the board of directors shall immediately call a special meeting
45 of the members or stockholders in that district to fill the va-
46 cancy.

Officers.

Sec. 11. The directors shall elect from their number a presi-
2 dent and one or more vice presidents. They shall also elect a
3 secretary and treasurer, who need not be directors or members
4 of the association; and they may combine the two latter offices
5 and designate the combined office as secretary-treasurer; or
6 unite both functions and titles in one person. The treasurer
7 may be a bank or any depository, and, as such, shall not be
8 considered an officer, but as a function of the board of direc-
9 tors. In such case, the secretary shall perform the usual ac-
10 counting duties of the treasurer, except that the funds shall
11 be deposited only as and where authorized by the board of di-
12 rectors.

Officers, Employees and Agents to Be Bonded.

Sec. 12. Every officer, employee and agent handling funds
2 or negotiable instruments or property of or for any association
3 created hereunder shall be required to execute and deliver ade-

4 quate bonds for the faithful performance of his duties and ob-
5 ligations.

*Stock; Membership Certificate; Voting; Liability; Limitations
on Transfer and Ownership.*

Sec. 13. When a member of an association established with-
2 out capital stock has paid his membership fee in full, he shall
3 receive a certificate of membership.

4 No association shall issue stock to a member until it has been
5 fully paid for. The promissory notes of the members may be
6 accepted by the association as full or partial payment. The as-
7 sociation shall hold the stock as security for the payment of
8 the note; but such retention as security shall not affect the mem-
9 ber's right to vote.

10 No member shall be liable for the debts of the association to
11 an amount exceeding the sum remaining unpaid on his mem-
12 bership fee or his subscription to the capital stock, including
13 any unpaid balance on any promissory notes given in payment
14 thereof. An association, in its by-laws, may limit the amount
15 of common stock which one member may own.

16 No member or stockholder shall be entitled to more than one
17 vote, regardless of the number of shares of common stock
18 owned by him.

19 Any association organized with stock under this act may
20 issue preferred stock, with or without the right to vote. Such
21 stock may be sold to any person, member or nonmember, and
22 may be redeemable or retireable by the association on such
23 terms and conditions as may be provided for by the articles of
24 incorporation and printed on the face of the certificate. The
25 by-laws shall prohibit the transfer of the common stock of the
26 association to persons, or organizations, not engaged in the
27 production, or marketing cooperatively, and, or members of
28 credit associations financing the agricultural products handled
29 by the association; and such restrictions must be printed upon
30 every certificate of stock subject thereto.

31 The association may, at any time, as specified in the by-laws,
32 except when the debts of the association exceed fifty per cent
33 of the assets thereof, buy in or purchase its common stock at
34 the book value thereof, as conclusively determined by the board
35 of directors, and pay for it in cash within one year thereafter.

Removal of Officer or Director.

Sec. 14. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by five per cent of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity.

In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per cent of the members residing in the district from which he was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the directors; and by a vote of the majority of the members of that district the director in question shall be removed from office.

Referendum.

Sec. 15. Upon demand of one-third of the entire board of directors, made immediately and so recorded, at the same meeting at which the original motion was passed, any matter of policy that has been approved or passed by the board must be referred to the entire membership or the stockholders for decision at the next special or regular meeting; and a special meeting may be called for the purpose.

Marketing Contract.

Sec. 16. The association and its members may take and execute marketing contracts, requiring the members to sell, for any period of time, not over twenty years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association, or any facilities to be created by the association. If they contract a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly, except for recorded liens,

9 to the association upon delivery, or at any other specified time
10 if expressly and definitely agreed in such contract. The con-
11 tract may provide, among other things, that the association may
12 sell or resell the products delivered by its members, with or
13 without taking title thereto, and pay over to its members the
14 resale price, after deducting all necessary selling, overhead and
15 other costs and expenses, including interest or dividends on
16 stock, not exceeding eight per cent *per annum*, and reserves for
17 retiring the stock, if any; and any other proper reserves; or
18 any other deductions.

Remedies for Breach of Contract.

Sec. 17. The by-laws or the marketing contract may fix, as
2 liquidated damages, specific sums to be paid by the member or
3 stockholder to the association upon the breach by him of any
4 provision of the marketing contract regarding the sale or de-
5 livery or withholding of products, and may further provide that
6 the member will pay all costs, premiums for bonds, expenses
7 and fees, in case the association shall prevail in any action
8 brought by it upon the contract; and any such provision shall
9 be valid and enforceable in the courts of this state; and such
10 clauses providing for liquidated damages shall be enforceable
11 as such and shall not be regarded as penalties.

12 In the event of any such breach or threatened breach of such
13 marketing contract by a member, the association shall be en-
14 titled to an injunction to prevent the further breach of the
15 contract and to a decree of specific performance thereof. Pend-
16 ing the adjudication of such an action and upon filing a verified
17 complaint showing the breach or threatened breach, and upon
18 filing a sufficient bond, the association may be entitled to a
19 temporary restraining order and preliminary injunction against
20 the member.

21 In any action upon such marketing agreement, it shall be pre-
22 sumed as between the parties that the landowner, landlord or
23 lessor claiming therein so to be is able to control the delivery
24 of products produced on his land by tenants or others, whose
25 tenancy or possession or work on such land or the terms of
26 whose tenancy or possession or labor thereon were created or
27 changed after execution by the landowner, landlord or lessor of
28 such marketing agreement; and in such actions the foregoing
29 remedies for nondelivery or breach shall lie and be enforceable
30 against such landowner, landlord or lessor.

Purchasing Business of Other Associations, Persons, Firms or Corporations.

Sec. 18. Whenever an association, organized under this act
2 with preferred capital stock, shall purchase the stock or any
3 property, or any interest in any property, of any person, firm or
4 corporation or association, it may discharge the obligations so
5 incurred, wholly or in part, by exchanging for the acquired
6 interest shares of its preferred capital stock to an amount which
7 at par value would equal the fair market value of the stock or
8 interest so purchased, as determined by the board of directors.
9 In that case the transfer to the association of the stock or in-
10 terest purchased shall be equivalent to payment in cash for the
11 shares of stock issued.

Annual Reports.

Sec. 19. Each association formed under this act shall pre-
2 pare an annual report on forms to be furnished by the dean of
3 the college of agriculture at Morgantown, containing the name
4 of the association, its principal place of business, and a general
5 statement of its business operations during the fiscal year, show-
6 ing the amount of capital stock paid up and the number of
7 stockholders, if a stock association, or the number of members
8 and amount of membership fees received, if a nonstock associa-
9 tion, the total expenses of operations, the amount of its indebt-
10 edness or liabilities.

Conflicting Laws Not to Apply; Exemptions.

Sec. 20. Any provisions of law which are in conflict with
2 this act shall be construed as not applying to the association
3 herein provided for.

4 Any exemptions whatsoever under any and all existing laws
5 applying to agricultural products in the possession or under the
6 control of the individual producer shall apply similarly and
7 completely to such products delivered by its former members,
8 in the possession or under the control of the association.

Limitation of the Use of Term "Cooperative."

Sec. 21. No person, firm, corporation or association, here-
2 after organized or hereafter applying to do business in this
3 state as a farmers' marketing association for the sale of farm
4 products, shall be entitled to use the word "cooperative" as
5 part of its corporate or other business name or title, unless it
6 has complied with the provisions of this act.

Interest in Other Corporations or Associations.

Sec. 22. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in preserving, drying, processing, canning, packing, storing, financing, handling, shipping, utilizing, manufacturing, marketing or selling the agricultural products handled by the association or the by-products thereof.

If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association against the commodities delivered by it, or to any other person, and such legal warehouse receipts shall be considered as adequate collateral to the extent of the usual and current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this or any other state or the United States, its warehouse receipt delivered to the association on commodities of the association or its members or delivered by the association or its members, shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Contracts and Agreements with Other Associations.

Sec. 23. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative corporation, association or associations, formed in this or in any other state, for the cooperative and more economical carrying on of its business or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using, or may separately employ and use, the same personnel, methods, means and agencies for carrying on and conducting their respective business.

Rights and Remedies Apply to Similar Associations of Other States.

Sec. 24. Any corporation or association heretofore or hereafter organized under generally similar laws of another state shall be allowed to carry on any proper activities, operations and functions in this state upon compliance with the general regulations applicable to foreign corporations desiring to do business in this state, and all contracts made by or with such associations, which could be made by any association incor-

8 porated hereunder, shall be legal and valid and enforceable in
9 this state with all of the remedies set forth in this act.

Associations Heretofore Organized May Adopt Provisions of Act.

Sec. 25. Any corporation or association organized in this
2 state under previously existing statutes may, by a majority vote
3 of its stockholders or members, be brought under the provisions
4 of this act by limiting its membership and adopting the other
5 restrictions as provided herein. It shall make out in duplicate
6 a statement signed and sworn to by its directors to the effect
7 that the corporation or association has, by a majority vote of
8 the stockholders or members, decided to accept the benefits and
9 be bound by the provisions of this act and has authorized all
10 changes accordingly. Articles of incorporation shall be filed as
11 required in section six, except that they shall be signed by the
12 members of the then board of directors. The filing fee shall be
13 the same as for filing an amendment to articles of incorporation.

14 Where any association may be incorporated under this act, all
15 contracts made prior to April eighteenth, one thousand nine
16 hundred and twenty-three, by or on behalf of such association
17 by the promoters thereof in anticipation of its becoming in-
18 corporated under the laws of this state, whether or not such
19 contracts be made by or in the name of some corporation or
20 ganized elsewhere, and when they would have been valid if en-
21 tered into subsequent to such date, shall be held valid as if made
22 after such date.

*False Reports About Finances or Management of Cooperative
Associations; Penalty.*

Sec. 26. Any person who maliciously and knowingly spreads
2 false reports about the finances or management or activity of
3 any cooperative association shall be guilty of a misdemeanor,
4 and, upon conviction thereof, fined not less than one hundred
5 nor more than one thousand dollars for each offense; and shall
6 be liable to the association aggrieved in a civil action for dam-
7 ages therefor.

*Liability of Warehousemen As to Delivery of Products in Violation
of Marketing Agreements.*

Sec. 27. Any person conducting a warehouse within this
2 state who solicits, persuades or permits any member of any asso-
3 ciation organized hereunder to breach his marketing contract
4 with the association by accepting or receiving such member's
5 products for sale or for auction or for display for sale, contrary

6 to the terms of any marketing agreement of which such person
7 has knowledge or notice, shall be liable to the association ag-
8 grieved in a civil suit for damages therefor. Courts of equity
9 shall have jurisdiction to enjoin further breaches of such con-
10 tract.

Associations Are Not in Restraint of Trade

Sec. 28. No association organized under this act and com-
2 plying with the terms thereof shall be deemed to be a con-
3 spiracy or a combination in restraint of trade or an illegal
4 monopoly or an attempt to lessen competition or to fix prices
5 arbitrarily; nor shall the marketing contracts and agreements
6 between the association and its members or any agreements
7 authorized in this act be considered illegal as such or in un-
8 lawful restraint of trade or as part of a conspiracy or combina-
9 tion to accomplish an improper or illegal purpose.

Associations Are Not in Restraint of Trade.

Sec. 29. The provisions of the general corporation laws of
2 this state and all powers and rights thereunder shall apply to
3 the associations organized under this act, except where such
4 provisions are in conflict with or inconsistent with the express
5 provisions of this act.

Constitutionality.

Sec. 30. If any section of this act shall be declared un-
2 constitutional for any reason, the remainder of this act shall
3 not be affected thereby.

Sec. 31. All acts and parts of acts in conflict with this act
2 are hereby repealed.

CHAPTER 28

Senate Bill No. 185—Mr. Hiner)

AN ACT to provide for the submission to the voters of the state of
an amendment to the constitution of the state, amending sec-
tion twenty-two of article six.

[Passed April 27, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

<p>Sec. 1. Constitutional amendment pro- posed. 22. Consolidating legislative session into one term of sixty days. 2. Amendment designated as "legis- lative amendment." 3. Ballot provided for; form of</p>	<p>ballot. 4. Election results; how canvassed and certified. 5. How amendment ratified; when effective. 6. Governor to publish amendment three months before election; costs of advertising, how paid.</p>
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Be it enacted by the Legislature of West Virginia:

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

Proposed Amendment

Section 1. That section twenty-two of article six of said constitution as it now is be stricken out and the following inserted in lieu thereof:

Section 22. All sessions of the legislature, other than extraordinary sessions shall continue in session for a period not exceeding sixty days from the date of convening without a concurrence of two-thirds of the members elected to each house.

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

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

BALLOT ON CONSTITUTIONAL LEGISLATIVE
AMENDMENT:

Amending section twenty-two of article six.

For ratification of legislative amendment.

Against ratification of legislative amendment.

The said election on the proposed amendment at each place of voting, shall be superintended, conducted and returned, and the result thereof ascertained, by the same officers and in the same manner as the election of officers to be voted for at said election; and all of the provisions of the law relating to general elections, including all duties to be performed by any officer or board, as far as applicable and not inconsistent with any-

20 thing herein contained, shall apply to the election held under
 21 the provisions of this act, except when it is herein otherwise
 22 provided. The ballots cast on the question of said proposed
 23 amendment shall be counted as other ballots cast at said elec-
 24 tion.

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

6 "We the undersigned, who acted as commissioners (or can-
 7 vassers, as the case may be), of the election held at.....
 8 in the district of....., in the county of.....,
 9 on the.....day of....., one thousand nine hun-
 10 dred and twenty-eight upon the question of the ratification or
 11 rejection of the proposed constitutional amendment to section
 12 twenty-two of article six, do hereby certify that the result of
 13 said election is as follows:

14 Amending section twenty-two of article six:

15 For ratification of legislative amendment.....votes.

16 Against ratification of legislative amendment.....votes.

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

18 one thousand nine hundred and twenty-eight."

19 The said two certificates shall correspond with each other
 20 in all respects, and contain the full and true returns of said
 21 election at each place of voting on said question. The said
 22 commissioners, or any of them, (or said canvassers or one of
 23 them, as the case may be), shall within four days, excluding
 24 Sundays, after that on which said election was held, deliver
 25 one of said certificates to the clerk of the county court of his
 26 county, together with the ballots, and the other to the clerk
 27 of the circuit court of the county.

28 The said certificates, together with the ballot cast on the
 29 question of said proposed amendment, shall be laid before the
 30 commissioners of the county court at the court house at the
 31 same time the ballots, poll books and the certificates of election
 32 for the members of the legislature are laid before them; and as
 33 soon as the result of said election in the county upon the ques-
 34 tion of such ratification or rejection is ascertained, two certifi-
 35 cates of such result shall be made out and signed by said com-

36 missioners, as a board of canvassers, in the form or to the fol-
37 lowing effect:

38 "We, the board of canvassers of the county of.....,
39 having carefully and impartially examined the returns of the
40 election held in said county, in each district thereof, on the
41day of November, one thousand nine hundred and
42 twenty-eight, do certify that the results of the election in said
43 county on the question of the ratification or rejection to the
44 proposed amendment to section twenty-two of article six is as
45 follows:

46 For ratification of legislative amendment.....votes.

47 Against ratification of legislative amendment.....votes.

48 Given under our hands this.....day of.....,
49 one thousand nine hundred and twenty-eight."

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

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

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

CHAPTER 29

(House Bill No. 542—Mr. Smith)

AN ACT to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: "The legislature shall have power to authorize the issuing and selling of state bonds not exceeding in the aggregate thirty-five million dollars in addition to the state bonds which were authorized to be issued and sold by the amendment to the constitution proposed by Senate Joint Resolution number fifteen, adopted February fifteenth, one thousand nine hundred and nineteen, and afterwards ratified by a vote of the people, etc."

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>SEC. 1. Submitting amendment to constitution. Road bonds. 2. Designation of amendment. 3. Referendum, form of ballot.</p>		<p>SEC. 4. Certifying the vote. 5. Declaring the result. 6. Publishing proposed amendment.</p>
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Be it enacted by the Legislature of West Virginia:

That the following amendment to the constitution of the state, relating to road bonds, be and the same is hereby proposed, as follows:

Section 1. That the question of the ratification or rejection of an amendment to the constitution of West Virginia, proposed in accordance with the provisions of section two, of article fourteen of said constitution, shall be submitted to the voters of the state at the next general election, to be held in the year one thousand nine hundred and twenty-eight, which proposed amendment is as follows: The legislature shall have power to authorize the issuing and selling of state road bonds not exceeding in the aggregate thirty-five million dollars in addition to the state bonds which were authorized to be issued and sold by the amendment to the constitution proposed by Senate joint resolution number fifteen, adopted February fifteen, one thousand nine hundred and nineteen, and afterwards ratified by a vote of the people. The proceeds of said additional bonds hereby authorized to be issued and sold shall be used and appropriated solely for the building and constructing, or for assisting in building and constructing, the system of state roads and highways provided for by the amendment to the constitution above mentioned.

19 When a bond issue as aforesaid is authorized, the legislature
20 shall at the same time provide for the collection of an annual
21 state tax sufficient to pay annually the interest on such debt
22 and to pay the principal thereof within and not exceeding
23 thirty years.

Sec. 2. For convenience in referring to said proposed amend-
2 ment, and in the preparation of the form of the ballot herein-
3 after provided for, said proposed amendment is hereby desig-
4 nated as follows: to be known as "thirty-five million dollar
5 bond issue for roads amendment."

Sec. 3. For the purpose of enabling the voters of the state
2 to vote on the question of said proposed amendment to the
3 constitution at the said general election to be held in the year
4 one thousand nine hundred and twenty-eight, the board of bal-
5 lot commissioners of each county are hereby required to pre-
6 pare separate ballots from that of the official ballot to be voted
7 at said election, and print thereon the following:

8 For ratification thirty-five million dollar bond issue

9 for roads amendment.

10 Against ratification thirty-five million dollar bond

11 issue for roads amendment.

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

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

6 "We, the undersigned, who acted as commissioners (or can-
7 vassers, as the case may be), of the election held at.....
8 in the district of....., in the county of.....
9 on the.....day of.....one thousand nine hun-
10 dred and twenty-eight, upon the question of the ratification or
11 rejection of the proposed constitutional amendment, do hereby
12 certify that the result of said election is as follows:

13 For ratification of thirty-five million dollar bond issue for
14 roads amendmentvotes.

15 Against ratification of thirty-five million dollar bond issue
16 for roads amendmentvotes.

17 Given under our hands this.....day of.....,
18 one thousand nine hundred and twenty-eight.

19 The said two certificates shall correspond with each other in
20 all respects and contain the full and true returns of said elec-
21 tion at each place of voting on said question. The said com-
22 missioners, or any one of them (or said canvassers or one of
23 them, as the case may be), shall within four days, excluding
24 Sundays, after that on which said election was held, deliver one
25 of said certificates to the clerk of the county court of his county,
26 together with the ballots, and the other to the clerk of the cir-
27 cuit court of the county.

28 The said certificates together with the ballots cast on the ques-
29 tion of said proposed amendment, shall be laid before the com-
30 missioners of the county court at the court house at the same
31 time the ballots, poll books, and the certificates of the election
32 of the members of the legislature are laid before them; and as
33 soon as the result of said election in the county upon the ques-
34 tion of such ratification or rejection is ascertained, two certifi-
35 cates of such result shall be made out and signed by said com-
36 missioners as a board of canvassers, in the form or to the fol-
37 lowing effect:

38 We, the board of canvassers of the county of.....
39 having carefully and impartially examined the returns of the
40 election held in said county, in each district thereof, on the
41day of November, one thousand nine hundred and
42 twenty-eight, do certify that the results of the election in said
43 county, on the question of the ratification or rejection of the
44 proposed amendment is as follows:

45 For ratification of thirty-five million dollar bond issue for
46 roads amendmentvotes.

47 Against ratification of thirty-five million dollar bond issue
48 for roads amendmentvotes.

49 Given under our hands this.....day of.....,
50 one thousand nine hundred and twenty-eight.

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

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

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

CHAPTER 30

(Senate Bill No. 144—Mr. Engle)

AN ACT authorizing the incorporation of mutual automobile insur-
ance companies in this state; prescribing the financial condi-
tions and qualification thereof; designating the kind or kinds
of business to be transacted; granting to public or private cor-
porations the power and right to become policy holders therein;
describing the power and authority of such mutual companies;

providing for the admission of foreign mutual automobile companies into this state, and fixing the taxes thereon.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.	SEC.
1. Mutual automobile insurance companies authorized to incorporate.	12. Policies without contingent liability.
2. Articles of incorporation.	13. Assets, how invested.
3. Approval by insurance commissioner.	14. Reserves required for liabilities.
4. Corporate name.	15. Deficiency in assets, how restored.
5. Similar or confusing names not to be adopted.	16. Funds may be advanced to the corporation; by whom and for what purpose.
6. Legal existence; by-laws, how approved.	17. Annual statement to be filed with commissioner.
7. Powers granted to organized corporations.	18. Similar corporations of other states rights and privileges under this act.
8. License; when to be issued; maximum single risk; assets.	19. Laws relating to insurance not applicable to mutual companies, when; examination by insurance commissioner.
9. Powers.	20. Taxes, taxable premiums; basis for taxation.
10. Members; every policy holder a member; who entitled to vote.	21. Failure to pay tax, penalty.
11. Liability of policy holders.	

Be it enacted by the Legislature of West Virginia:

Section 1. That any number of persons, not less than twenty, a majority of whom shall be *bona fide* residents of this state, by complying with the provisions of this act, may become, together with others who may hereafter be associated with them or their successors, a body corporate, for the purpose of carrying on the business of mutual automobile insurance as herein provided.

Sec. 2. Any persons proposing to form any such corporation shall subscribe and certify to articles of association specifying:

(a) The name, the purpose for which formed, location of its principal or home office, which shall be within the state.

(b) The names and addresses of those composing the board of directors in which the management shall be vested until the first meeting of members.

(c) The name and place of residence of the incorporators.

Sec. 3. The articles of association of each such corporation shall be submitted to the insurance commissioner for his approval and, if prepared in accordance with this section, he shall approve the same, and such articles shall be filed with the insurance commissioner.

Sec. 4. The name of every such corporation shall contain the word "mutual" and shall end with the word "company," "corporation," or "incorporated."

Sec. 5. No such name shall be adopted by such corporation which is so similar to any name already in use by any such existing corporation, company or association, organized or doing business in West Virginia, as to be confusing or misleading.

Sec. 6. The corporation shall have legal existence subject to the limitations prescribed in this section, from the approval and filing of such articles, and the original incorporators may adopt by-laws, which thereupon shall be filed with the insurance commissioner.

Sec. 7. Any corporation organized under the provisions of this section is empowered and authorized to make contracts of insurance or to re-insure or accept re-insurance on any portion thereof, for the kinds of insurance as follows:

(a) *Automobile Insurance.* Against loss, expense and liability resulting from the ownership, maintenance or use of any automobile or other vehicle.

Sec. 8. No such corporation shall issue policies or transact any business of insurance unless it shall comply with the conditions following, nor until the insurance commissioner has, by formal license, authorized it to do so, which license shall not issue until the corporation has complied with the following conditions:

(a) It shall hold *bona fide* applications for insurance upon which it shall issue simultaneously at least twenty policies to at least twenty members of the same kind of insurance, upon not less than two hundred separate risks, each within the single risk described herein.

(b) The maximum single risk shall not exceed twenty per cent of its admitted assets, or three times the average policy, or one per cent of the insurance in force, whichever is the greater, any re-insurance taking effect simultaneously with the policy, being deducted in determining such maximum single risk.

(c) It shall hold admitted assets equal to at least five times the maximum single risk assumed.

Sec. 9. Every corporation organized under the provisions of this section shall have power to make contracts of insurance or indemnity with any person, firm, public or private corporation, board, association or estate or any trustee or legal representative of same, in this state or elsewhere; prescribe the qualification and the manner and form of the admission and withdrawal of members; to make all necessary rules and regulations

8 concerning the hazards incurred, the premium rates to be used
9 and adjustment and payment of losses; and make all further
10 necessary provisions concerning the conduct of its business or
11 affairs.

Sec. 10. Every policy holder shall be a member of the cor-
2 poration and shall be entitled to one or more votes, based upon
3 the insurance in force, the number of policies held, or the amount
4 of premium paid, as may be provided in the by-laws, and such
5 members may vote in person or by proxy.

Sec. 11. The by-laws shall provide for a cash premium, or
2 cash premium deposit and may limit the contingent of the
3 members to an amount not less than one nor more than ten
4 times the cash premium or cash premium deposit expressed in
5 the policy. The maximum contingent liability of the holder of
6 each policy shall be plainly stated as a part of each policy.

Sec. 12. The by-laws may also provide for policies to be
2 issued for cash premiums or cash premiums deposits without
3 contingent liability of policy holders; *provided*, the corpora-
4 tion possesses a surplus of at least one hundred thousand dollars
5 and not less in amount than the capital required of a domestic
6 stock insurance company transacting the same kind of in-
7 surance.

Sec. 13. No such corporation shall invest any of its assets
2 except in accordance with the laws of this state relating to the
3 investment of funds of domestic stock insurance companies do-
4 ing a similar business.

Sec. 14. Such corporation shall maintain premium deposits,
2 unearned premium and other reserves, upon such basis as will
3 provide for all liabilities as fully as the reserves required by
4 law of domestic stock companies writing the same kind of in-
5 surance; *provided, however*, that any reserve for loss or claims
6 based upon the premium income shall be computed upon the
7 net premium income, after deducting any so-called dividend or
8 premium returned or credited to the member.

Sec. 15. Such corporation not possessed of assets at least
2 equal to the unearned premium reserve and other liabilities,
3 shall make an assessment upon its members liable to assessment,
4 to provide for such deficiency, such assessment to be levied upon
5 such member in proportion to such liability as may be expressed
6 in his policy; *provided*, the insurance commissioner may, by

7 written order, relieve the corporation from an assessment or
8 other proceedings to restore such assets during the time fixed in
9 such order.

Sec. 16. Any director, officer or member of any such corpora-
2 tion, or any other person, may advance to such corporation any
3 sum or sums of money necessary for the purpose of its busi-
4 ness, or to enable it to comply with any of the requirements of
5 the law, and such moneys and such interest thereon as may have
6 been agreed upon, not exceeding ten *per centum per annum*,
7 shall not be a liability or claim against the corporation or any of
8 its assets, except as herein provided, and shall be repaid only
9 out of the surplus earnings of such corporation.

10 No commission or promotion expenses shall be paid in connec-
11 tion with the advance of any money to the corporation, and the
12 amount of such advance shall be reported in each annual state-
13 ment.

Sec. 17. The president or vice-president, together with the
2 secretary of each corporation organized or authorized to do
3 business under this act, shall annually on or before the
4 twenty-eighth day of February of each year, prepare under
5 oath, if required, and file with the insurance commissioner a
6 full, true and complete statement of the condition of the com-
7 pany on the thirty-first day of December of the preceding year,
8 in such form as shall be prescribed by the insurance com-
9 missioner.

Sec. 18. When by the laws of any other state, district or
2 territory, any corporation is authorized to engage in the in-
3 surance business on the mutual plan in accordance with the
4 laws of the state, district or territory in which the corporation
5 is organized, it shall be admitted to do the kinds of insurance
6 business authorized by this act when it shall be solvent un-
7 der this act and shall have complied with the following re-
8 quirements, to-wit:

9 (a) Filed with the insurance commissioner a duly certified
10 copy of the charter and articles of association.

11 (b) Paid the insurance commissioner a fee of twenty-five
12 dollars.

13 (c) Filed with the insurance commissioner a copy of its by-
14 laws certified by its secretary.

15 (d) Appointed the insurance commissioner as a person upon
16 whom process may be served, which when so served shall be of

17 the same force and effect as if served upon the company. This
18 authority shall continue in force so long as liability remains
19 outstanding in this state.

20 (e) Filed a certificate with the insurance commissioner that
21 said corporation is organized and authorized to do such business
22 in the state, district, or territory in which it is incorporated.

23 (f) Filed a financial statement under oath, in such form as
24 may be required and have complied with other provisions of law
25 applicable to the filing of papers by and the audit and in-
26 spection of stock companies transacting the same kind of in-
27 surance.

28 (g) Upon compliance by any foreign corporation with the
29 provisions of this sub-section, its application to do business in
30 this state shall be approved by the insurance commissioner and
31 such officers shall issue to such corporation a permit in writing
32 authorizing it to do business within the state. When legal
33 process against any such corporation is served upon said insur-
34 ance commissioner, he shall immediately notify the company of
35 such service by registered letter, prepaid and directed to its
36 home office, or to such officers or authorized representative as the
37 company may direct, and enclose copy of the process served on
38 him. The plaintiff in such process so served shall pay the in-
39 surance commissioner at the time of such service a fee of two
40 dollars, which shall be recovered by him as a part of the tax-
41 able costs if he prevails in the suit. The insurance commis-
42 sioner shall keep a record of all processes served upon him, which
43 record shall show the day and hour when such service was made.

Sec. 19. Except as provided in this act no law of this state
2 relating to insurance shall apply to mutual companies author-
3 ized hereunder. The business affairs and assets of mutual com-
4 panies authorized to transact business in this state under this
5 act shall be subject to examination of the insurance commis-
6 sion at the expense of such company.

Sec. 20. Every mutual company authorized hereunder,
2 whether organized within or without this state, shall be subject
3 to such taxes as are now provided by law for such companies
4 respectively. The taxable premiums used as a basis for such
5 taxation shall be the deposit premiums in force on each risk in
6 this state during the year, deducting the unabsorbed portion of
7 the deposit premiums computed on the basis of the rate of re-
8 turn actually made on policies expiring during the year.

Sec. 21. Any company authorized under this law, failing to
2 make a report under this law, and pay the tax provided herein,
3 is subject to a fine of not less than one hundred dollars nor
4 more than five hundred dollars.

CHAPTER 31

(Senate Bill No. 317—Mr. Henshaw)

AN ACT to amend and re-enact section seventy-six-b, of chapter
thirty-four, Barnes' Code of West Virginia, of one thousand
nine hundred and twenty-three, providing for the supervision
of insurance rate making associations, penalties for the viola-
tion of the same, and providing for adjustments in certain
cases.

[Passed April 29, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

- Sec.**
76-b.
- (1) Rating bureaus; who are members.
 - (2) Commissioner defined.
 - (3) Rating bureaus, of whom to consist; who are eligible for membership.
 - (4) Membership in rating bureaus; duties of fire insurance companies to report the same.
 - (5) Duty to inspect risks; file reports; may make flat rates.
 - (6) Sixty days after establishment of any rating bureau the articles of association, by-laws, rate making schedules shall be filed with the commissioner.
 - (7) How changes in schedules, rules and regulations may be made.
 - (8) Inquiries by the commis-

Sec.

- (9) Commissioner's powers and duties to examine rating bureaus.
- (10) Unfair discrimination prohibited.
- (11) Deviation from established schedule of rates; how uniform deviations may be made.
- (12) Determining questions of discrimination; jurisdiction.
- (13) Classification schedules; when to be filed; what to contain.
- (14) Disapproving agreements; when commissioner may act.
- (15) This act not to apply, when.
- (16) Violations of this act punishable; penalties; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section seventy-six-b, of chapter thirty-four, Barnes' code of West Virginia, one thousand nine hundred and twenty-three, relating to insurance rate making associations, be amended and re-enacted so as to read as follows:

Section 76-b. (1) Every fire insurance company or other
2 insurer authorized to effect insurance against the risk of loss
3 or damage by fire in this state shall maintain or be a member
4 of a rating bureau. No such insurer shall be a member of

5 more than one rating bureau for the purpose of rating the
6 same risk.

7 (2) The term "commissioner" as used in this act shall
8 mean the commissioner of insurance. Until a commissioner
9 of insurance has been appointed, the functions of the com-
10 missioner under the provisions of this act shall be performed
11 by the auditor of state.

12 (3) A rating bureau may consist of one or more insurers,
13 and when consisting of two or more insurers, shall admit to
14 membership or furnish service to any authorized insurer apply-
15 ing therefor. The expense of the bureau shall be shared in
16 proportion to the gross premiums less return premiums and
17 premiums on marine and farm risks and premiums for re-
18 insurance and less any return of gains and savings on partici-
19 pating policies received by each member during the preceding
20 year in this state, to which may be added a reasonable annual
21 fee not exceeding twenty-five dollars. Each member shall
22 have one vote.

23 (4) Every fire insurance company or other insurer afore-
24 said shall, within sixty days after the taking effect of this
25 act and thereafter, in its annual application for license, specify
26 each rating bureau making rates upon property located within
27 this state of which it is a member, and during the year, file
28 written notice of any other rating bureaus of which it shall
29 become a member.

30 (5) Every rating bureau engaged in making rates on
31 property located in this state shall inspect every risk specifi-
32 cally rated by it upon schedule and shall make a written
33 rating survey of such risk which shall be filed as a permanent
34 record in the office of such bureau. Rates for insurance on all
35 property rated upon a flat rate basis shall also be filed in such
36 office. A copy of such survey shall be furnished without cost
37 to the owner of any risk upon his request.

38 (6) Within sixty days after the establishment of any rating
39 bureau in this state, it shall file with the commissioner a copy
40 of its articles of association and by-laws, and any and all
41 schedules used by it as a basis for the making of rates. The
42 bureau shall also file with the commissioner the basis or table
43 rate that is used in each town in West Virginia. It shall also
44 file with the commissioner all regulations or rules of any such
45 rating bureau. No rule, regulation, or by-laws, shall be passed

46 by any bureau which interferes with the legal operation of
47 any member or subscriber to its service.

48 (7) In the event that any rating bureau should desire to
49 make a change in its established schedules, rules, regulations,
50 contracts or agreements, it shall submit such proposed change
51 in writing to the commissioner and the said commissioner shall
52 thereupon order a hearing not earlier than twenty days there-
53 after, which hearing may be attended by any persons whose
54 interests may be affected by such proposed change. At the
55 conclusion of such hearing, the commissioner shall make such
56 finding and order in the premises as he shall consider proper.
57 In the event any party in interest is dissatisfied with such
58 finding and order of the commissioner, he may within thirty
59 days thereof commence an action in any court of competent
60 jurisdiction for the purpose of reviewing such order, as pro-
61 vided in section fourteen hereof, but pending such review the
62 order of the commissioner shall remain in full force and effect.
63 When the insurance commissioner shall determine that any
64 rate made by such bureau in this state is excessive or un-
65 reasonably high or that said rate is discriminatory, he is
66 authorized to direct said bureau to publish and file a rate
67 which is non-discriminatory, but in every case the rate shall
68 be reasonable.

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

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

87 to such examination shall be made in the annual report of the
88 commissioner.

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

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

114 (12) The commissioner may upon written complaint that
115 discrimination in rates exists between risks in the application
116 of like charges or credits, or discrimination between risks of
117 essentially the same hazard and having substantially the same
118 degree of protection against fire, order a hearing for the pur-
119 pose of determining such questions of discrimination, and the
120 review of such questions and the rates complained of before
121 said commissioner shall be had only after due notice to all
122 parties interested, and if upon such hearing the commissioner
123 shall determine that the rate complained of is discriminatory,
124 he shall have power to order the discrimination removed and
125 a rate substituted by the rating bureau or insurer which is
126 not discriminatory. Any party in interest being dissatisfied
127 with any order of the commissioner may, within thirty days

128 from the issuance of such order and notice thereof, commence
129 an action in the circuit court of Kanawha county for the pur-
130 pose of reviewing such order and such cause shall be duly set
131 for hearing and proceed as in other cases. During the pend-
132 ency of such court proceedings the order shall be suspended,
133 and in the event of final determination against any insurer,
134 any overcharge during the pendency of such proceedings shall
135 be refunded by the insurer to the person entitled thereto.

136 ((13) Every insurance company shall on or before the first
137 day of March of each calendar year file in the office of the
138 commissioner a classification schedule of premium receipts
139 and losses paid on risks in the state of West Virginia during
140 the preceding calendar year. In addition to such reports the
141 said commissioner may require such companies to file such
142 classification schedules for a number of years, not exceeding
143 five years prior to the taking effect of this act. If, at any
144 time, it shall appear to the commissioner that the rates charged
145 for fire insurance in this state are excessive or unreasonable,
146 in that the results of business of stock fire insurance companies
147 in this state during the five years next preceding the year
148 in which investigation is made as indicated by the classification
149 schedules filed as provided for herein, show an aggregate
150 underwriting profit in excess of a reasonable amount upon any
151 class or classes of risks, then the said commissioner shall have
152 power to order a reduction in rates upon such class or classes
153 of risks. If in the same manner it appears that the rates upon
154 any class or classes of risks are insufficient to show a reasonable
155 underwriting profit, then the said commissioner shall increase
156 the rates upon such class or classes of risks so as to produce a
157 reasonable profit. In determining the question of a reasonable
158 underwriting profit the commissioner as a protection to policy-
159 holders shall give proper and reasonable consideration to the
160 conflagration liability within and without this state. No such
161 change in rates shall be ordered by the commissioner except
162 after a hearing upon due notice served upon the insurance
163 companies and rating bureaus which may be affected by such
164 order. In addition to said insurance companies and rating
165 bureaus any other persons or corporations having an interest
166 in the subject matter may become parties to said hearing.
167 Any action of the commissioner in this connection shall be

168 subject to summary court review as provided in the preceding
169 paragraph.

170 (14) The commissioner may, after due notice and hearing,
171 upon complaint or upon his own motion, make an order
172 disapproving any such agreement. No such agreement shall
173 be in force, nor shall any rights be based thereon, after service
174 of a copy of such order upon each of the parties to such
175 agreement, and upon each bureau with which such agreement
176 is required to be filed. Service may be made by mail and
177 shall be completed upon the expiration of a reasonable time
178 for transmission fixed in such order. Any person in interest
179 being dissatisfied with the order or refusal to make an order
180 by the commissioner may, within thirty days from the issuance
181 of such order or refusal and notice thereof, commence suit
182 against the commissioner as defendant to review any such
183 action, either in making or refusing to make any such order
184 and such cause shall thereupon proceed as herein provided in
185 paragraph (13).

186 (15) This act shall not apply to farmer mutual insurance
187 companies organized under the laws of this state; nor to the
188 rolling stock of railroad corporations, or property in transit
189 while in the possession of railroad companies or other common
190 carriers, nor to the property of such common carriers used or
191 employed by them in their business of carrying freight, mer-
192 chandise or passengers, nor properties protected by automatic
193 sprinklers. *Provided, however,* any company, association, or
194 person licensed under the insurance laws of this state may at
195 their request be entitled to receive any or all of the rates,
196 bulletins, and other information published or prepared by
197 such rate making association on payment of such reasonable
198 charges as may be made.

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

206 (16) Any violation of the provisions of this act by any
207 fire insurance company or other insurer, or by any rate-making
208 bureau, adjusting bureau, or officer or agent of either shall

209 be a misdemeanor and on conviction shall be punishable by a
 210 fine of not less than twenty-five dollars nor more than two hun-
 211 dred dollars for each such violation, and in the event any in-
 212 surer, insurance company, individual or rating bureau shall be
 213 found guilty of violation of the provisions of this act and sub-
 214 jected to penalty herein provided and the same shall not be
 215 paid within thirty days after final judgment the commissioner
 216 may, in his discretion, revoke the license of such insurer or
 217 insurance company and suspend the certificate of authority of
 218 such person or rating bureau until such fine has been paid.
 219 All acts and parts of acts inconsistent herewith are hereby
 220 repealed.

CHAPTER 32

(Senate Bill No. 65—Mr. Hallanan)

AN ACT amending and re-enacting section sixty-one of chapter fifty-four of Barnes' one thousand nine hundred and twenty-three code of West Virginia, relating to warning of approach of trains, crossings, railroads crossing at grade.

[Passed April 29, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

61. Warnings and approach of trains; penalty for negligence; watchmen to be kept at crossings,

when; trains approaching crossings; when provisions of this section not to apply.

Be it enacted by the Legislature of West Virginia:

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

Section 61. A bell or steam whistle shall be placed on
 2 each locomotive engine, which shall be rung or whistled by
 3 the engineer or fireman, at the distance of at least sixty
 4 rods from the place where the railroad crosses any public
 5 street or highway, and be kept ringing or whistling for a
 6 time sufficient to give due notice of the approach of such
 7 train before such street or highway is reached, under a
 8 penalty of not exceeding one hundred dollars for each neg-
 9 lect, and the corporation owning or operating the rail-

10 road shall be liable to any party injured for all dam-
11 ages sustained by reason of such neglect. *Provided,*
12 that such penalty shall be sued for within three months
13 from the time the cause of action arises, and not after.
14 When the tracks of two railroads cross each other, or in
15 any way connect at a common grade, the crossing shall be made
16 and kept in repair, and watchmen maintained thereat at the
17 joint expense of the companies owning the tracks; all trains or
18 engines passing over such tracks shall come to a full stop not
19 nearer than two hundred feet nor farther than eight hundred
20 feet from the crossing and shall not cross until signaled so to
21 do by the watchman, nor until the way is clear; and when two
22 passenger or freight trains approach the crossing at the same
23 time, the train on the road first built shall have precedence if
24 the tracks are both main tracks over which all passengers and
25 freights on the road are transported; but if only one track is
26 such main track, and the other is a side or depot track, the
27 train on the main track shall have precedence; and if one of the
28 trains is a passenger train and the other a freight train, the
29 former shall take precedence; and regular trains on time shall
30 take precedence over trains of the same grade, not on time,
31 and engines with cars attached not on time shall take precedence
32 of engines without cars, not on time. *Provided,* if such two
33 railroads crossing each other or in any way connecting at a
34 common grade by works or fixtures to be erected by them
35 render it safe to pass over such crossing without stopping and
36 such works and fixtures first be approved by the public service
37 commission of West Virginia, and the plan thereof for such
38 crossing designating the plan of crossing has been filed with
39 said commission and approved by it, the provisions of this sec-
40 tion relating to railroad crossings shall not apply.

CHAPTER 33

(Senate Bill No. 66—Mr. Hallanan)

AN ACT amending and re-enacting section thirty-one-a of chapter one hundred and forty-five of Barnes' one thousand nine hundred and twenty-three code of West Virginia, relating to jumping on or off moving trains and driving vehicles upon

railroad tracks and bridges at places other than public crossings, and providing penalty for violations hereof.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>Sec. 31-a. Jumping on and off moving trains; driving vehicles upon</p>	<p>tracks; violations; penalty; justices have concurrent jurisdiction.</p>
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Be it enacted by the Legislature of West Virginia:

That section thirty-one-a of chapter one hundred and forty-five of Barnes' one thousand nine hundred and twenty-three code of West Virginia, relating to jumping on or off of moving trains and driving vehicles upon railroad tracks and bridges, and the violations thereof, be and the same is hereby, amended and re-enacted to read as follows:

Section 31-a. If any person, not being a passenger or employee, shall be found trespassing upon any railroad car or train of any railroad in this state, by jumping on or off any car or train in motion, on their arrival, or departure at or from any station or depot of such railroad, or on the passage of any such car over any part of any such railroad; or shall drive any horse or any horse drawn or motor driven vehicle across or upon any railroad track or bridge, except at public, private or farm crossings, such person so offending shall be deemed a disorderly person, and on conviction, as such, shall be punished by a fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding thirty days, or both. Justices of the peace shall have concurrent jurisdiction to try all offenders under this section.

CHAPTER 34

(Senate Bill No. 179—Mr. Taylor)

AN ACT to amend and re-enact section eleven, chapter one hundred and fifty, Barnes' code, relating to admission to practice medicine in West Virginia.

[Passed April 22, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>Sec. 11. Examination fees; amount of; to whom paid; when applicant to be again examined without additional payment; other</p>	<p>licenses to practice medicine; amount of fee; reciprocal indorsement fee; by and to whom paid.</p>
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Be it enacted by the Legislature of West Virginia:

That section eleven, chapter one hundred and fifty, Barnes' code, relating to admission to practice medicine, be amended and re-enacted to read as follows:

Section 11. Every person on presenting himself for examination as hereinbefore provided, shall pay to the public health council, or to the members thereof by whom he is examined, a fee of twenty-five dollars, which shall not be returned if a certificate be refused him; but he may again at any time within one year after such refusal present himself for examination as aforesaid, without the payment of an additional fee, and if a certificate be again refused him, he may as often as he sees fit thereafter, on the payment of a fee of twenty-five dollars, be examined as herein provided until he obtains such certificate. All other persons who shall be granted a license to practice medicine in this state under the provisions of section nine of this chapter shall each pay a fee of one hundred dollars to the public health council and for reciprocal endorsement, ten dollars.

CHAPTER 35

(Senate Bill No. 99—Mr. Wilkin)

AN ACT to amend and re-enact section twenty-nine (e) of chapter one hundred and fifty of Barnes' code of West Virginia, edition one thousand nine hundred and twenty-three, relating to the practice of optometry.

[Passed April 27, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

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|----------------------|---|---|
| <p>Sec.
29-e</p> | <p>(1) Board of examiners in optometry to continue as established.</p> <p>(2) What constitutes practice of optometry.</p> <p>(3) Who are exempt from provisions of this act.</p> <p>(4) To whom registration certificate may be issued; qualifications.</p> <p>(5) To whom application for certificate to be made.</p> <p>(6) Examination of applicants.</p> <p>(7) When board shall issue certificates.</p> <p>(8) Where certificates to be displayed; duty when prac-</p> | <p>ticing away from principal office.</p> <p>(9) Registered optometrist; when certificate to be renewed; restoration fee.</p> <p>(10) Board of examiners may refuse licenses, when.</p> <p>(11) Examination fee.</p> <p>(12) Board may adopt reasonable rules and regulations to enforce this act.</p> <p>(13) Misdemeanors defined; penalties.</p> <p>(14) Board to keep records.</p> <p>(15) Justices have concurrent jurisdiction.</p> <p>(16) Inconsistent acts repealed.</p> |
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Be it enacted by the Legislature of West Virginia:

That section twenty-nine-*e* of chapter one hundred and fifty of Barnes' code of West Virginia, edition one thousand nine hundred and twenty-three, relating to the practice of optometry, be amended and re-enacted so as to read as follows:

Section 29-*e*. (1) On and after the first day of July, nineteen hundred and twenty-seven, it shall be unlawful for any person to practice, or to attempt to practice, optometry in the state of West Virginia, without having first received a certificate of registration as a registered optometrist, which certificate shall be issued only by the state board of examiners in optometry, created by chapter seventy-three of the acts of the West Virginia legislature of one thousand nine hundred and nine, and now appearing as paragraph two of section twenty-nine-*e* of chapter one hundred and fifty of the said code of West Virginia, and said board of examiners in optometry is hereby continued in all respects as the same exists pursuant to said paragraph two of said section at the time that this act goes into effect, and all the provisions of said section in relation to the membership and terms of the members of said board are hereby continued in all respects as if this act had not been passed.

(2) Any one or any combination of the following practices constitutes the practice of optometry;

(a) The examination of the human eye, without the use of drugs, medicines or surgery, to ascertain the presence of defects or abnormal conditions which can be corrected by the use of lenses, prisms, or ocular exercises;

(b) The employment of objective or subjective mechanical means to determine the accommodative or refractive states of the human eye or the range or power of vision of the human eye;

(c) The prescription or adoption without the use of drugs, medicines or surgery, of lenses, prisms, or ocular exercises to correct defects or abnormal conditions of the human eye or to adjust the human eye to the conditions of special occupation;

(d) The replacement or duplication of an ophthalmic lens without a prescription from a person authorized under the laws of this state to practice either optometry or medicine and surgery. The provisions of this paragraph shall not be construed so as to prevent an optical mechanic from doing the

36 merely mechanical work in such a case. An ophthalmic lens
37 within the meaning of this act shall be any lens which has a
38 spherical, cylindrical or prismatic power or value, and is ground
39 pursuant to a prescription.

40 (3) The following persons, firms and corporations are ex-
41 empt from the operation of this act:

41-a (a) Persons authorized under the laws of this state to
41-b practice medicine and surgery;

42 (b) Persons, firms and corporations who sell eye glasses or
43 spectacles in a store, shop, or other permanently established
44 place of business, on prescription from persons authorized
45 under the laws of this state to practice either optometry or
46 medicine and surgery;

47 (c) Persons, firms and corporations who manufacture or
48 deal in eye glasses or spectacles in a store, shop or other per-
49 manently established place of business, and who neither prac-
50 tice nor attempt to practice optometry.

51 (4) A person is qualified to receive a certificate of regis-
52 tration as a registered optometrist:

53 (a) Who is at least twenty-one years of age;

54 (b) Who is of good moral character and temperate habits;

55 (c) Who has graduated from high school or secondary
56 school, or who has completed an equivalent course of study,
57 approved by the state board of examiners in optometry.

58 (d) Who has graduated from a school or college of op-
59 tometry approved by the state board of examiners in optometry.
60 No school or college of optometry shall be approved by the
61 state board of examiners in optometry unless it has a minimum
62 requirement of a course of study of two thousand clock hours,
63 distributed over two school years of eight months duration
64 each;

65 (e) Who has passed a satisfactory examination conducted
66 by the state board of examiners in optometry to determine his
67 fitness to receive a certificate of registration as a registered
68 optometrist.

69 (5) Every person who desires to obtain a certificate of
70 registration shall apply therefor to the state board of examiners
71 in optometry in writing, on blanks prepared and furnished by
72 the state board of examiners. Each application shall contain
73 proof of the particular qualifications required of the applicant,

74 shall be verified by the applicant, under oath, and shall be
75 accompanied by the required fee.

76 (6) The board of examiners in optometry shall hold
77 examinations of applicants for certificates of registration as
78 registered optometrists at such times and places as it may
79 determine.

80 (7) Whenever the provisions of this act have been com-
81 plied with, the board of examiners of optometry shall issue a
82 certificate of registration as a registered optometrist. Any per-
83 son to whom a certificate as a registered optometrist, has been
84 issued by the state of West Virginia, prior to July first, one
85 thousand nine hundred and twenty-seven, shall be entitled to
86 the same rights and privileges under this act as persons to
87 whom such certificates issue after July first, one thousand nine
88 hundred and twenty-seven.

89 (8) Every holder of a certificate of registration shall dis-
90 play it in a conspicuous place in his principal office, place of
91 business or employment. Whenever a registered optometrist
92 practices optometry outside of or away from his principal
93 office, place of business or employment, he shall deliver to each
94 patient in his care a certificate of identification. This certifi-
95 cate shall contain his signature, the number and date of his
96 certificate of registration, the postoffice address of his principal
97 office, place of business or employment, and the date upon
98 which the certificate of identification is delivered to the patient.

99 (9) Every registered optometrist, who continues in active
100 practice or service, shall, annually, on or before the first day
101 of April, renew his certificate of registration and pay the
102 required renewal fee. Every certificate of registration which
103 has not been renewed during the month of April in any year
104 shall expire on the first day of May in that year. A registered
105 optometrist whose certificate of registration has expired may
106 have his certificate of registration restored only upon payment
107 of the required restoration fee. Any registered optometrist
108 who retires from the practice of optometry for not more than
109 five years may renew his certificate of registration upon pay-
110 ment of all lapsed renewal fees.

111 (10) The board of examiners in optometry may either refuse
112 to issue or may refuse to renew, or may suspend, or may revoke

113 any certificate of registration for any one, or any combination,
114 of the following causes:

115 (a) Conviction of a felony, as shown by a certified copy
116 of the record of the court of conviction;

117 (b) The obtaining of, or an attempt to obtain, a certificate
118 of registration, or practice in the profession, or money, or any
119 other thing of value, by fraudulent misrepresentation;

120 (c) Gross malpractice;

121 (d) Continued practice by a person knowingly having an
122 infectious disease;

123 (e) Advertising by means of knowingly false or deceptive
124 statements;

125 (f) Advertising, practicing or attempting to practice under
126 a name other than one's own;

127 (g) Habitual drunkenness, or habitual addiction to the use
128 of morphine, cocaine or other habit-forming drugs;

129 The board of examiners in optometry may neither refuse to
130 issue, nor refuse to renew, nor suspend, nor revoke, any certifi-
131 cate of registration, however, for any of these causes, unless
132 the person accused has been given at least twenty days' notice
133 in writing of the charge against him and a public hearing by
134 the board of examiners in optometry. Upon the hearing of
135 any such proceeding the president of the state board of ex-
136 aminers in optometry or the secretary of the state board of
137 examiners in optometry may administer oaths, and the state
138 board of examiners in optometry may procure, by its sub-
139 poena, the attendance of witnesses, the production of relevant
140 papers. Any circuit court or any judge of a circuit court,
141 either in term time or in vacation, upon application either of
142 accused or of the state board of examiners in optometry, may,
143 by order duly entered, require the attendance of witnesses
144 and the production of relevant books and papers before the
145 state board of examiners in optometry in any hearing relating
146 to the refusal, suspension or revocation of certificates of regis-
147 tration. Upon refusal or neglect to obey the order of the court
148 or judge, the court or judge may compel, by proceedings for
149 contempt of court, obedience of its or his order.

150 (11) The fee to be paid by an applicant for an exami-
151 nation to determine his fitness to receive a certificate of regis-
152 tration as a registered optometrist is fifteen dollars. The fee

153 to be paid by an applicant for a certificate of registration as a
154 registered optometrist is ten dollars.

155 (12) The state board of examiners in optometry may adopt
156 reasonable rules and regulations relating to the enforcement of
157 the provisions of this act.

158 (13) Each of the following constitutes a misdemeanor,
159 punishable upon conviction, by a fine of not less than twenty-
160 five dollars nor more than two hundred dollars:

161 (a) The practice of optometry, or an attempt to practice
162 optometry, without a certificate of registration as a registered
163 optometrist;

164 (b) Permitting any person in one's employ, supervision
165 or control, to practice optometry, unless that person has a
166 certificate of registration as a registered optometrist;

167 (c) The obtaining of, or an attempt to obtain, a certificate
168 of registration, or practice in the profession, or money, or any
169 other thing of value, by fraudulent misrepresentation;

170 (d) The making of any wilfully false oath or affirmation
171 whenever an oath or affirmation is required by this act;

172 (e) The violation of the provisions of section eight of this
173 act. All fines and penalties shall inure to the state board of
174 examiners in optometry.

175 (14) The state board of examiners in optometry shall keep
176 a record, which will be open to public inspection at all reason-
177 able times, of its proceedings relating to the issuance, refusal,
178 renewal, suspension and revocation of certificates of registra-
179 tion. This record shall, also, contain the name, known place
180 of business and residence, and the date and number of the
181 certificate of registration of every registered optometrist. This
182 act may be known and cited as "the West Virginia optometry
183 act."

184 (15) Justices of the peace shall have concurrent jurisdic-
185 tion with circuit and criminal courts for the enforcement of
186 this act.

187 (16) All acts and parts of acts which are inconsistent here-
188 with are hereby repealed.

CHAPTER 36

(Senate Bill No. 47—Mr. Woods)

AN ACT to amend and re-enact section ten and section sixteen of chapter twelve of the Acts of the extraordinary session of the Legislature of one thousand nine hundred and seven, pertaining to the practice of pharmacy.

[Passed April 28, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>Sec. 10. Fees collected shall be paid into state treasury; expenses of</p>	<p>board, how paid. 16. Examination fees; amounts; when payable.</p>
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Be it enacted by the Legislature of West Virginia:

That section ten and section sixteen of chapter twelve of the Acts of the extraordinary session of the Legislature of one thousand nine hundred and seven, relating to the practice of pharmacy, be amended and re-enacted so as to read as follows:

Section 10. All fees collected by the secretary for the examination of pharmacists and assistant pharmacists, and for the issuing of the permits authorized by this act, and for the renewal of certificates of registration and permits, and all other funds collected under this act, shall be paid by him into the state treasury monthly, through the state board of control, not later than twenty days after the close of each month. The compensation and expenses of the officers and members of the board, and all expenses incurred by the board in carrying into execution the provisions of this act, shall be paid out of money appropriated therefor, and out of fees collected in accordance with section sixteen of this act, which fees are hereby appropriated out of the state treasury, upon the warrant of the auditor, issued upon requisition made through the state board of control and signed by the president and secretary of the board of pharmacy.

Sec. 16. The board of pharmacy shall be entitled to charge and collect the following fees: For examination of an applicant for license as a pharmacist, ten dollars; for the examination of an applicant for license as an assistant pharmacist, five dollars; for renewing the license of a pharmacist, two dollars; for renewing the license of an assistant pharmacist, one dollar;

7 for issuing a permit to an assistant pharmacist to conduct a
 8 drug store in villages of not more than five hundred inhabitants,
 9 five dollars; in case any applicant fails to pass a satisfactory
 10 examination, he shall be permitted to present himself for re-
 11 examination at any board meeting within twelve months next
 12 succeeding, and no charge shall be made for such examination;
 13 all fees shall be paid before any applicant is admitted to ex-
 14 amination or his name placed upon the register of pharmacists
 15 or assistant pharmacists, or before any license or permit, or
 16 any renewal thereof, shall be issued by the board.

CHAPTER 37

(Senate Bill No. 216—Mr. Woods)

AN ACT amending and re-enacting section eighty of chapter fifteen-h of Barnes' West Virginia statutes for the year one thousand nine hundred and twenty-five, relating to the payment of wages to employees.

[Passed April 25, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

80. Non-transferable scrip, drafts, orders or coupons; issuance of; construed as a promise to pay;

to be redeemed in cash; refusal to redeem a misdemeanor; penalty; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section eighty of chapter fifteen-h of Barnes' West Virginia statutes for the year one thousand nine hundred and twenty-five, relating to the payment of wages to employees, be amended and re-enacted so as to read as follows:

Section 80. Any person, firm or corporation engaged in any
 2 trade or business, either directly or indirectly, may issue, sell,
 3 give or deliver, upon the request of any employee of such per-
 4 son, firm or corporation, to such employee as a medium of credit,
 5 in payment for labor performed or for labor to be performed,
 6 non-transferable scrip, tokens, drafts, orders or coupons, pay-
 7 able and redeemable in merchandise only by the employee to
 8 whom issued; *provided*, that the issuance of any such non-
 9 transferable scrip, tokens, drafts, orders or coupons by any

10 such person, firm or corporation, shall be construed, taken and
 11 held in all courts and places to be a promise to pay, by the
 12 person, firm or corporation issuing same, to the employee to
 13 whom issued, in lawful money of the United States or check,
 14 upon demand and surrender by said employee of such scrip or
 15 any unused portion thereof, at such regular settlement day or
 16 pay day when the same would have been due in cash had not
 17 the said order, scrip or token been issued.

18 Any person, firm or corporation failing and refusing to pay
 19 the employee to whom is issued such non-transferable scrip,
 20 tokens, drafts, orders or coupons, or any unused portion of the
 21 same, for which labor has been performed on their regular settle-
 22 ment day or pay day, shall be deemed guilty of a misdemeanor
 23 and upon conviction shall be punished by a fine of not less than
 24 twenty nor more than fifty dollars, and for a second or a sub-
 25 sequent offense shall be fined not less than twenty-five nor more
 26 than one hundred dollars.

27 All acts or parts of acts inconsistent with this act are hereby
 28 repealed.

CHAPTER 38

(Senate Bill No. 292—Mr. Woods)

AN ACT amending and re-enacting section seventy-three of chapter
 fifteen-h of Barnes' code, one thousand nine hundred and
 twenty-three, relating to the employment of minors.

[Passed April 4, 1927. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

SEC.
 73. Employment of minors; how
 child between ages of fourteen
 and sixteen may be employed;
 work permit; by whom issued;

what to contain; parents con-
 sent necessary; vacation work
 permits; special work permits;
 when and by whom issued.

Be it enacted by the Legislature of West Virginia:

That section seventy-three of chapter fifteen-h of Barnes' West
 Virginia code, one thousand nine hundred and twenty-three, re-
 lating to the employment of minors, be amended and re-enacted
 so as to read as follows:

Section 73. No child between the ages of fourteen and sixteen years shall be employed, permitted, or suffered to work in any gainful occupation, unless the person, firm or corporation by whom such child is employed, permitted, or suffered to work, obtains and keeps on file and accessible to officers charged with the enforcement of this act, a work permit issued by the superintendent of schools of the city or county in which such child resides, or person authorized by him in writing. Before any such work permit has been issued, it shall be necessary to obtain in writing the consent of the parent or parents, guardian or custodian of such child. Whenever such work permit has been issued, or wherever an age certificate has been issued under the provisions of section seventy-four-a of this chapter, they shall be conclusive as to the age of the child on whose behalf said work permit or age certificate was issued. The superintendent of schools or person authorized by him in writing shall issue such work permit only upon receipt of the following documents:

A written statement signed by the person for whom the child expects to work, that he intends legally to employ such child and agrees to return the work permit to the issuing officer within two days of the termination of such child's employment.

(a) A birth certificate or attested transcript thereof issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(b) Or a record of baptism or a certificate or attested transcript thereof showing the date of birth and place of baptism of the child.

(c) Or a *bona fide* contemporary record of the date and place of the child's birth kept in the Bible in which the records of the births of the family of the child are preserved, or other documentary evidence approved by the state commissioner of labor, such as a passport showing the age of the child, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy; *provided*, that such other satisfactory documentary evidence has been in existence at least one year prior to the time it is offered in evidence. And, *provided, further*, that a school record or parent's, guardian's, or custodian's affidavit, certificate or other written statement of age alone shall not be accepted.

(d) A certificate signed by the public health physician or

42 a public school physician specifying what in the opinion of
43 such physician is the physical age of the child; such certificate
44 shall show the height and weight of the child and other facts
45 concerning its physical development revealed by examination
46 and upon which the opinion of the physician as to the physical
47 age of the child is based. In determining such physical age the
48 physician shall require that the school record or the school
49 census record showing the child's age be submitted as supple-
50 mentary evidence. The issuing officer shall require first the
51 proof specified in subdivision (a) and shall not accept the proof
52 designated in any subsequent subdivision until he shall have
53 been convinced that the proof specified in the preceding sub-
54 division cannot be obtained.

55 A certificate signed by the principal of the school last at-
56 tended showing that the child can read and write correctly
57 simple sentences in the English language and that he has satis-
58 factorily completed the studies covered in the first six yearly
59 grades of the elementary public schools, or their equivalent; in
60 case such certificate cannot be obtained, then the officer issuing
61 the work permit shall examine such child to determine whether
62 he can meet the educational standard specified and shall file
63 in his office a statement setting forth the result of such ex-
64 amination.

65 A certificate signed by a medical inspector of schools or pub-
66 lie health officer stating that the child has been examined by
67 him and in his opinion has reached the normal development of a
68 child of its age, and is in sound health and physically able to
69 be employed in the occupation in which the child intends to
70 engage.

71 *Provided*, that the superintendent of schools, or person au-
72 thorized by him in writing shall have authority and is hereby
73 empowered to issue a vacation work permit to children four-
74 teen years of age or over without requiring a statement that the
75 child has completed the sixth grade of the elementary course
76 of study, or its equivalent, as hereinbefore provided. Such
77 vacation work permit shall be different in form and color from
78 the regular work permit and shall be valid only during the
79 time when the public schools of the district in which the child
80 resides are not in session. Every vacation work permit shall be
81 null and void on the day the public schools open for regular
82 session. *Provided, further*, that the superintendent of schools

83 or person authorized by him in writing, shall have authority
 84 and is hereby empowered to issue a special work permit to any
 85 boy twelve years of age or over to work in the business offices
 86 and mercantile establishments outside of school hours without
 87 requiring a statement that he has completed any school grade
 88 whatsoever.

CHAPTER 39

(Senate Bill No. 100—Mr. Jackson)

AN ACT authorizing the issuance and sale of not exceeding fifteen million dollars of bonds of the state of West Virginia to raise money for road construction purposes under and by virtue of the "Good Roads Amendment" to the constitution adopted at the general election held in November, one thousand nine hundred and twenty; to provide for the distribution and expenditure of the proceeds of sale thereof, and to provide for the levy and collection of an annual state tax and other revenue sufficient to pay semi-annually the interest on said bonds and the principal thereof within twenty-five years, and to repeal chapter forty-four of the Acts of the Legislature of one thousand nine hundred and twenty-five.

[Passed April 27, 1927. In effect from passage. Approved by the Governor.]

Sec.

1. State road bonds authorized; amount of; purpose of; date; payable serially; when and by whom issued.
2. Registration of bonds; fee; exchanged bonds to be cancelled; where bonds payable; payable in gold coin; interest payments; exempt from taxation.
3. Form of bonds.
4. Form of coupons; how signed and numbered.
5. Coupon and registered bonds to be listed separately.
6. Funds from annual state tax levy

SEC.

- to be paid into state road sinking funds; purpose of; funds to be kept separate; how applied.
7. Annual state tax to be levied to pay interest and one twenty-fifth of total issue.
8. Governor to sell bonds; provisions as to sales.
9. Proceeds of sales of bonds, how used and expended.
10. Plates from which bonds are engraved, property of state.
11. Auditor custodian of unsold bonds.
12. Chapter forty-four acts one thousand nine hundred and twenty-five repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That bonds of the state of West Virginia of
 2 the par value of fifteen million dollars are hereby authorized
 3 to be issued and sold for the purpose of securing the early

4 letting of contracts and of raising funds to build, construct
5 and maintain a system of state roads and highways in the
6 state of West Virginia, as authorized by the good roads
7 amendment to the constitution of said state ratified at the
8 general election held in November, one thousand nine hundred
9 and twenty.

10 Said bonds of a par value of not exceeding seven million five
11 hundred thousand dollars shall be dated January first, one
12 thousand nine hundred and twenty-seven and shall become due
13 and payable serially in equal amounts beginning January first,
14 one thousand nine hundred and twenty-eight and ending Jan-
15 uary first, one thousand nine hundred and fifty-two, and may be
16 coupon or registered and in such denominations as the gover-
17 nor may determine. The remainder of said bonds may be issued
18 by the governor in such amounts, in coupon or registered form,
19 in such denominations, at such times and bearing such date or
20 dates as the governor may determine and shall become due and
21 payable serially in equal amounts beginning one year and end-
22 ing twenty-five years from the date thereof; *provided, however,*
23 that no bonds may be issued under the provisions of this act
24 until bonds authorized and issued under the provisions of the
25 good roads amendment to the constitution of said state ratified
26 at the general election held in November, one thousand nine
27 hundred and twenty have been retired and cancelled out of the
28 "state road sinking fund" created by section six of chapter
29 one hundred and thirteen of the Acts of the Legislature of West
30 Virginia of one thousand nine hundred and twenty-one, in an
31 amount equal to or greater than the amount to be issued here-
32 under at any one time.

Sec. 2. The treasurer shall make provisions for registering
2 payable to bearer bonds and for each bond registered a fee of
3 fifty cents shall be charged by and paid to the state of West
4 Virginia, to the credit of the state road sinking fund. Coupon
5 bonds exchanged for registered bonds shall be canceled by the
6 treasurer and auditor and be preserved by the treasurer.

7 All of such bonds shall be payable at the office of the treas-
8 urer of the state of West Virginia, or, at the option of the holder,
9 at some designated bank in the city of New York, to be desig-
10 nated by the governor. Said bonds shall bear interest at a rate
11 not exceeding four and one-half *per centum per annum* payable

12 semi-annually, on the first day of January and the first day of
 13 July of each year, to bearer, at the office of the treasurer of the
 14 state of West Virginia, at the capitol of said state, or at the bank
 15 designated by the governor, upon presentation and surrender of
 16 interest coupons then due, in the case of coupon bonds. In the
 17 case of registered bonds the treasurer of the state of West Vir-
 18 ginia shall issue his check for the interest then due on the first
 19 day of January and July of each year, and mail the same to the
 20 registered owner at his address as shown by the record of
 21 registration.

22 Both the principal and interest of said bonds shall be pay-
 23 able in gold coin of the United States of the present
 24 standard of weight and fineness. All said bonds shall be exempt
 25 from taxation by the state of West Virginia, or by any county,
 26 district, or municipality thereof, which fact shall appear on the
 27 face of the bonds as part of the contract with the holder
 28 thereof.

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

7 **CUPON GOLD BOND**
 8 (OR REGISTERED GOLD BOND, AS THE CASE MAY BE)
 9 **OF THE**
 10 **STATE OF WEST VIRGINIA**
 11 \$..... No.....

12 The State of West Virginia, under and by virtue of authority
 13 of an Act of its Legislature passed at a regular session of one
 14 thousand nine hundred and twenty-seven on the.....day of
 15, one thousand nine hundred and twenty-
 16 seven and approved by the Governor on the.....day of
 17, one thousand nine hundred and twenty-
 18 seven, which is hereby made a part hereof as fully as if set forth
 19 at length herein, acknowledges itself to be indebted to, and
 20 hereby promises to pay to the bearer hereof (in the case of a
 21 coupon bond) or to....., or
 22 assigns, (the owner of record, in case of registered bonds).....
 23 years after the date of this bond, to-wit, on the.....day of

24, 19....., in gold coin of the United
 25 States of America of the present standard of weight and fineness,
 26 at the office of the Treasurer of the State of West Virginia, at
 27 the capitol of said state, or at the option of the holder at.....
 28bank in the City of New York,
 29 the sum of.....dollars, with interest
 30 thereon at.....*per centum per annum* from date, pay-
 31 able semi-annually in like gold coin of the United States of
 32 America, at the Treasurer's office or bank aforesaid, on the first
 33 day of January and the first day of July of each year, (and in
 34 the case of coupon bonds) according to the tenor of the annexed
 35 coupons, bearing the engraved *fac-simile* signature of the Treas-
 36 urer of the State of West Virginia, upon surrender of such
 37 coupons. This bond (in the case of a coupon bond) may be ex-
 38 changed for a registered bond of like tenor upon application to
 39 the Treasurer of the State of West Virginia.

40 To secure the payment of this bond, principal sum and
 41 interest, when other funds and revenues sufficient are not avail-
 42 able for that purpose, it is agreed that the board of public works
 43 of the State of West Virginia shall annually cause to be
 44 levied and collected an annual state tax on all property in the
 45 state, until said bond is fully paid, sufficient to pay the annual
 46 interest on said bond and the principal sum thereof within the
 47 time this bond becomes due and payable.

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

51 In testimony whereof, witness the signature of.....
 52, Treasurer of the State of West Virginia, and
 53 the countersignature of.....,
 54 the Auditor of said State hereto affixed according to law, dated
 55 the.....day of....., one thousand nine
 56 hundred and..... and the seal of the
 57 State of West Virginia.

58 (Seal)
 59 Treasurer of the State of West Virginia.

60 Countersigned,

61
 62 Auditor of West Virginia.

Sec. 4. The form of coupons shall be substantially as follows,
 2 to-wit:

3 STATE OF WEST VIRGINIA

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

5 On the first day of....., 19....., the State of
6 West Virginia will pay to the bearer, in gold coin of the United
7 States of the present standard of weight and fineness, at the
8 office of the Treasurer of the State, or at the option of the holder
9 at.....bank in the City of New York,
10 the sum of.....dollars,
11 the same being semi-annual interest on Bond No.....series
12 of one thousand nine hundred and twenty.....

13
14 Treasurer of the State of West Virginia.

15 The signature of the Treasurer to said coupons shall be his
16 engraved *fac-simile* signature and the coupons shall be num-
17 bered in the order of their maturity, from number one con-
18 secutively. Said bonds and coupons may be signed by the
19 present Treasurer and Auditor, or by any of their respective
20 successors in office; and bonds signed by the persons now in
21 office may be sold by the Governor or his successor in
22 office without being signed by the successor in office of the
23 present Treasurer or Auditor.

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

Sec. 6. Into the state road sinking fund shall be paid all
2 moneys received from the annual state tax levy on the taxable
3 property in the state levied under the provisions of this act,
4 from any and all appropriations made by the state from other
5 sources for the purposes of paying the interest on said bonds
6 or paying off and retiring same, from fines, forfeitures and
7 penalties, if any made applicable by law for the payment of
8 said bonds or the interest thereon, from transfer fees as herein
9 provided, and from any source whatsoever, which is made
10 liable by law for the payment of the principal of said bonds or
11 the interest thereon.

12 All such funds shall be kept by the treasurer in a separate
13 account, under the designation aforesaid, and all money belong-

14 ing to said fund shall be deposited in the state treasury to the
15 credit thereof.

15-a Said fund shall be applied by the treasurer of the state, first
16 to the payment of the semi-annual interest on said bonds as it
17 shall become due as herein provided. The remainder of said
18 fund shall be turned over by the state treasurer to the state
19 sinking fund commission, whose duty it shall be to invest the
20 same in the bonds of the government of the United States, the
21 bonds of the state of West Virginia, or any political sub-divi-
22 sion thereof; *provided, however*, that bonds so purchased by
23 the state sinking fund commission shall mature so as to provide
24 sufficient money to pay off all bonds herein provided to be
25 issued as they may become due; and the money so paid into the
26 said state road sinking fund under the provisions of this act
27 shall be expended for the purpose of paying the interest and
28 principal of the bonds hereby provided for, and for no other
29 purpose except that said fund may be invested until needed, as
30 herein provided.

Sec. 7. In order to provide the revenue necessary for the
2 payment of the principal and interest of said bonds, as herein-
3 before provided, the board of public works is authorized, em-
4 powered and directed to lay annually a tax upon all real and
5 personal property subject to taxation within this state, sufficient
6 to pay interest on said bonds accruing during the current year
7 and one twenty-fifth of the total issue (at par value) of said
8 bonds, for such number of years, not exceeding twenty-five, as
9 may be necessary to pay the interest thereon and to pay off the
10 principal sum of said bonds; and said taxes, when so collected,
11 shall not be liable for or applicable to any other purpose, *pro-*
12 *vided, however*, if there be other funds in the state treasury, or
13 in the state road funds, in any fiscal year, not otherwise appro-
14 priated, or if other sources of revenue be hereafter provided by
15 law for the purpose, the board of public works is authorized,
16 empowered and directed to set apart, in any year there be such
17 funds, or other sources of revenue provided for such purpose,
18 a sum sufficient to pay the interest on bonds accruing during
19 the current year, and to pay off and retire the principal of said
20 bonds, or any part thereof, at maturity.

21 The authority hereby vested in the board of public works
22 shall be in addition to the authority now vested in it by present
23 law.

Sec. 8. The governor shall sell all bonds herein mentioned at such time or times as he may determine necessary to provide funds for road construction purposes, as herein provided, upon recommendation of the state road commission. All sales shall be at not less than par and accrued interest. Registered bonds shall bear interest only from the date of delivery.

Sec. 9. The proceeds of all sales of bonds herein authorized shall be paid into the state road fund created by section fifteen of chapter one hundred and twelve of the acts of the legislature of one thousand nine hundred and twenty-one, and from the proceeds of the sale of said bonds the state road commission shall set aside as a reserve fund two million dollars, to which may be added any other funds available, to be used in construction on the following named routes: State route number one, state route number two, state route number four, state route number five, state route number eight, state route number twenty-one, state route number twenty-four and state route number twenty-eight. There shall be expended on each of the aforementioned state routes a sum aggregating not less than two hundred and fifty thousand dollars, except that on state route number twenty-eight there shall be expended a sum aggregating not less than one hundred thousand dollars, of the aforesaid two million dollars. The remaining thirteen million dollars of the proceeds of the sale of said bonds shall be apportioned on the 80-20 basis in accordance with the provisions of section twenty-three of chapter seventeen of the acts of the legislature of one thousand nine hundred and twenty-five.

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

Sec. 11. The state auditor shall be the custodian of all unsold bonds issued pursuant to the provisions of this act.

Sec. 12. Chapter forty-four of the acts of the legislature of one thousand nine hundred and twenty-five, is hereby repealed.

CHAPTER 40

(Senate Bill No. 9—Mr. Hallanan)

AN ACT to amend and re-enact section thirty-two of chapter twenty-nine of the Acts of the Legislature of one thousand nine hundred and twenty-three, amending section thirty-two of chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and twenty-five supplement, relating to the prosecutions for the violation of the state prohibition law before justices of the peace.

[Passed April 26, 1927. In effect from passage. Became a law without the approval of the Governor.]

Sec.

32. Prosecutions before justices; concurrent jurisdiction for trial of all misdemeanors under prohibition laws; defendant entitled to trial by jury; procedure; transcript of docket admissible evidence for second offense; transcript and copy of bonds certified to circuit clerk; fees allowed; monthly report to commissioner of prohibition; what to contain; fee for reporting the case; commissioner's annual report to the Governor;

what to contain; duty of all peace officers to enforce prohibition laws; fines, forfeitures and penalties shall be paid to sheriff; how accounted for; duties and rights of prosecuting attorney and state prohibition commissioner before trial; who may waive trial; when preliminary hearing to be held; defendant's right to confess; additional penalty; amount; how assessed and paid; credited to state general fund.

Be it enacted by the Legislature of West Virginia:

That section thirty-two of chapter twenty-nine of the Acts of the Legislature of one thousand nine hundred and twenty-three, being section thirty-two of chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and twenty-five supplement, relating to trial before justices of the peace for violation of the state prohibition law, be and the same is hereby amended and re-enacted so as to read as follows:

Section 32. Justices of the peace shall have concurrent jurisdiction with the circuit court and other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under the prohibition laws of this state. The defendant shall be entitled to a trial by jury, if he shall demand same, upon depositing with the justice the amount as fixed by law, for payment for attendance of the jurors. The state shall have the same right as the defendant to peremptorily challenge any two of the jurors selected and returned by the officer under the writ issued by the justice commanding the summoning of the same.

11 Upon conviction of the accused, the justice shall impose the fines
12 and penalties and commit him to jail as provided by section
13 fifty-three of chapter one hundred and twelve, acts of the regu-
14 lar session of one thousand nine hundred and twenty-one, and
15 shall also require all bonds as provided by law, and shall there-
16 upon certify to the clerk of the circuit court, for filing in his
17 office, a transcript of the docket, of the judgment in the case.
18 Such transcript shall be admissible evidence upon the trial of
19 the accused for any second offense alleged in any indictment
20 found and returned against him. The justice shall also certify
21 to the clerk of the circuit court, copies of all bonds given by the
22 defendant, and for certifying the transcript and copies of bonds,
23 in each case as herein required, the justice shall be allowed a
24 fee of one dollar for each transcript or copy so certified, to be
25 taxed in costs of the case and collected as other costs are
26 collected.

27 Every justice of the peace, mayor, police judge, and clerk
28 of any court having jurisdiction of such cases shall on the first
29 day of each month mail a written report to the state commis-
30 sioner of prohibition, of all cases arising from violations of the
31 prohibition law, had in his said court for the preceding month,
32 on forms to be prepared and furnished by the commissioner.
33 Such report shall state the name of the person arrested, date
34 of the complaint, the specific charge against him, disposition of
35 the case, and such other information as the commissioner may
36 require. A fee of fifty cents, for reporting the case, shall be
37 taxed against each defendant and collected as other costs therein.
38 The commissioner shall file and preserve said reports and shall
39 make annual report to the governor, not later than the first day
40 of October, which report shall cover the work of his office for
41 the preceding fiscal year and shall show the number of arrests,
42 under this act, in each county, the number of convictions had
43 in each county, the amount of fines imposed therefor, together
44 with such other matters that may be required by the governor,
45 or deemed pertinent by the commissioner. It shall be the duty
46 of the sheriff and deputy sheriffs of every county, the con-
47 stables of every district, the police department of every munici-
48 pality, all conservators of the peace, and the department of
49 public safety, and each member thereof, to co-operate with the
50 state prohibition commissioner in the strict enforcement of the

51 prohibition laws within this state. All fines, forfeitures and
52 penalties that may be imposed and collected under any pro-
53 vision of the prohibition law shall be paid in to the sheriff of
54 the county wherein the same are collected, who shall enter the
55 sums so paid to the credit of an account to be kept by him under
56 the heading "general school fund (prohibition cases)." Twenty-
57 five per cent of this fund may, if necessary, be applied to the
58 payment of claims under the provisions of section two hundred
59 twenty-nine of chapter fifty of the code, and the remaining
60 seventy-five per cent thereof shall be paid by the sheriff into
61 the treasury of the state as net proceeds according to the pro-
62 visions of section two hundred and twenty-nine.

63 The provisions of section twenty of this act shall apply to
64 trials before justices of the peace; *provided, however*, that in
65 any prosecution before a justice, the prosecuting attorney, or
66 the state commissioner of prohibition, or any of his deputies,
67 shall have the right, before trial, to elect whether the case shall
68 be tried and judgment entered, or whether the justice shall hold
69 a preliminary hearing to determine whether the accused shall
70 be held for the grand jury. *Provided, however*, that, should
71 the defendant desire to confess, then neither the prosecuting
72 attorney nor the state commissioner of prohibition, nor any of
73 his deputies, shall have such power to elect, and the justice shall
74 enter judgment upon the confession.

75 In addition to other penalties herein provided for the viola-
76 tion of any of the provisions of the prohibition laws, there shall
77 be added to and included in every sentence and judgment upon
78 conviction under said laws and allowed and taxed as part of
79 the costs, a fee of twenty-five dollars for expenses of enforce-
80 ment of this act, which shall be paid by the sheriff into the
81 treasury of the state and credited to the general fund.

CHAPTER 41

(Senate Bill No. 54—Mr. Hugus)

AN ACT to amend and re-enact sections one hundred and ninety-
seven and two hundred and five of chapter fifty of the code of
West Virginia, concerning the jurisdiction, powers and duties
of justices of the peace and constables, and proceedings before

justices, as amended and re-enacted by chapter thirty-seven of the Acts of one thousand eight hundred and eighty-five.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>SEC. 197. Service of attachment; order on; liability of garnishee; not liable to defendant, when; liability when cause of action arose out of state; status of</p>	<p>SEC. non-resident plaintiff and defendant; when wages cannot be attached. 205. Answer; garnishee required to make, when.</p>
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Be it enacted by the Legislature of West Virginia:

That sections one hundred and ninety-seven and two hundred and five of chapter fifty of the code of West Virginia, concerning the jurisdiction, powers and duties of justices of the peace and constables, and proceedings before justices, as amended and re-enacted by chapter thirty-seven of the Acts of one thousand eight hundred and eighty-five, be and the same is hereby amended and re-enacted so as to read as follows:

Section 197. The officer, who is to execute the order of attachment, shall, within his county, deliver a copy thereof, to any person designated by the plaintiff, or whom the officer believes to have in his possession, or control, any personal property of the defendant, or to be liable to the said defendant, for any sum of money, and such delivery shall be a sufficient levy of the attachment, in respect to the person to whom such copy is delivered. The officer shall note upon the order of attachment, and state in his return, the exact time of every such levy; and if he fail to do so, shall, with his sureties and his and their personal representatives, be liable to the same penalty, as for failing to endorse on an execution, the day and hour it comes to his hands to be executed. The person to whom a copy of the order of attachment is so delivered, and who is hereinafter called garnishee, shall be liable to the plaintiff for whatever personal property of the defendant, not exempted by law from execution or other process, was in his possession or control, when the levy was made, and whatever amount he was then liable for, to the said defendant, whether then due and payable, or thereafter to become so, so far as may be necessary, to satisfy any judgment the plaintiff may recover against such defendant, not exceeding the sum mentioned in the order of attachment, with interest and costs, including the costs of the attachment proceedings. *Provided*, that if such garnishee shall return an an-

25 swer, that he or it, is not liable to the defendant for any sum
26 of money, and has not in his or its possession or control, any
27 personal property of the defendant, the plaintiff may, within
28 thirty days from the time of filing such answer, contest the truth
29 of same, after having first served notice upon the garnishee, of
30 his purpose to so contest the truth of such answer, and if such
31 notice be not served within such time, then an order shall be
32 entered discharging the said garnishee, and, *provided, further,*
33 that if the plaintiff's cause of action against the defendant arose
34 outside of the state of West Virginia while both the defendant
35 and the plaintiff (or the original owner of the plaintiff's claim,
36 if the plaintiff holds such claim by assignment) were non-
37 residents of the state of West Virginia, then the garnishee shall
38 not be held liable to the plaintiff for any amount for which he
39 or it may be liable to the defendant for wages on account of
40 services rendered by the defendant, unless the said defendant is
41 a resident of the state of West Virginia at the time of the
42 institution of the suit, in which event said garnishee shall be
43 liable as in other cases.

44 In any contest hereunder as to the place of residence of any
45 party or assignor, or as to where a cause of action arose, the
46 burden of proof shall be upon the plaintiff.

Sec. 205. On motion of the plaintiff, after he has obtained
2 judgment as aforesaid against the defendant, the justice shall
3 make an order requiring any garnishee who has not returned an
4 answer as provided for in section one hundred and ninety-seven,
5 at a time and place specified in such order, to appear and an-
6 swer, under oath, respecting the property and money with
7 which he is chargeable; and may also subpoena witnesses to
8 testify concerning the same.

CHAPTER 42

(House Bill No. 368—Mr. Heaberlin)

AN ACT authorizing, empowering and directing the state board
of control to accept a deed to the property now comprising
Pinecrest Camp, Raleigh county, and converting same into a
regional Four-H camp, for the benefit of mining and other
industrial neighborhoods.

[Passed April 21, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>SEC. 1. Authority to accept for state title to Pinecrest camp.</p>	<p>SEC. 2. Raleigh county authorized to erect buildings thereon. 3. Date effective.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The state board of control is hereby authorized, empowered and directed to accept a deed to the property now comprising Pinecrest camp, Raleigh county, as the site of a regional Four-H camp for the benefit of mining and other industrial neighborhoods. The said camp shall continue to be known as Pinecrest, and shall be operated under the general direction of the state board of education by the West Virginia university, through its home economics and other extension representatives, for the purpose of stimulating interest in, and teaching methods of attaining higher standards of living, and better modes of life in mining and other industrial neighborhoods. Any state appropriations hereafter made for Pinecrest shall be expended through the board of control, as are other university appropriations.

Sec. 2. The county court of Raleigh, or of any other county, is hereby authorized to erect buildings, or construct other permanent improvements at Pinecrest camp, and pay for the same from the general funds of the county.

Sec. 3. This bill is to become effective upon the delivery to the state board of control of an apt and proper deed to the Pinecrest property.

CHAPTER 43

(House Bill No. 541—Mr. Woodyard, by request)

AN ACT to amend and re-enact section twelve of chapter sixty-five of the Acts of the Legislature of one thousand nine hundred and twenty-five.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>SEC. 12 (a) Deer; closed season; game and fish commission may change; season limit; penalties. (b) Hunting with dogs, spot light; cutting trees of refuge; all unlawful. (c) Hunting deer in night time for-</p>	<p>bidden. Reports of deer killed required. (d) Wild turkey; closed season; night hunting; season limit; day limit; reports required. (e) Ruffed grouse; quail or partridge; closed season; day and season limits.</p>
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SEC.	Other game birds named, with closed season for same. Squirrel: closed season; day and season limit.	ging, snaring, spearing of game and fish prohibited. (g) Raccoon and opossum: beaver and otter: Closed season. (h) Violations of the act; penalties.
	(f) Frogs, closed season on; gig-	

Be it enacted by the Legislature of West Virginia:

That section twelve of chapter sixty-five of the Acts of the Legislature of one thousand nine hundred and twenty-five be amended and re-enacted to read as follows:

Section 12. (a) No person shall hunt, capture, or kill
 2 any deer in this state at any time before the first day of
 3 November, one thousand nine hundred and twenty-seven, after
 4 which time it shall be lawful to hunt, capture, or kill any buck
 5 deer with one or both horns branched, from the first day of
 6 November to the tenth day of November, inclusive, of each
 7 year; *provided, however*, that the state game and fish com-
 8 mission may at any time open or close the season against the
 9 killing of all deer in manner and form as provided in this act;
 10 *provided, further*, that the owner of any deer which shall be
 11 kept in any park or field sufficiently enclosed to reasonably
 12 prevent their escape therefrom shall have the right to kill any
 13 such deer as his own; *provided, further*, that any such owner
 14 may pursue, recapture, and kill any of his deer that may escape
 15 from his enclosure. No person shall kill more than one deer
 16 in any one season of each year; nor shall any person at any
 17 time kill any fawn, doe, or any other deer than bucks with
 18 one or both horns branched, or have the fresh skin of any
 19 doe or fawn in his possession. Any person violating this sub-
 20 section shall be guilty of a misdemeanor and upon conviction
 21 shall be fined not less than one hundred dollars nor more than
 22 three hundred dollars, confined in the county jail not less than
 23 thirty nor more than sixty days, or both fined and imprisoned
 24 within the limitations aforesaid.

25 (b) No person or persons shall chase or hunt elk or deer
 26 with dogs in this state at any time, or permit his dog or dogs
 27 to hunt or chase elk or deer; nor shall any person kill any
 28 deer which has been chased by dogs. It shall be unlawful for
 29 any person at any time to hunt any game animals at night by
 30 the use of a spot or jack light, or any light of like kind, except
 31 that game animals which take refuge in trees may be so
 32 hunted. It shall be unlawful for any one to destroy or cut

33 down any tree in which animals den or take refuge, for the
34 purpose merely of taking such animals.

35 (c) No person shall hunt, pursue, catch, or kill any deer
36 between nightfall of one day and daylight of the next day.
37 Each person killing a deer in this state in any season when
38 it is lawful so to do, shall within twenty days thereafter in-
39 form the commission in writing of such fact, and shall also
40 specify in writing the date and place of such killing, the
41 person by whom killed, the persons hunting with him at such
42 time, the length and branching of its horns or antlers, and
43 what was done with said deer.

44 (d) No person shall hunt, pursue, capture, wound or kill
45 any wild turkey between the first day of December of any one
46 year and the fifteenth day of October of the following year,
47 nor shall any person during said period when it shall be lawful
48 to hunt, pursue, catch and kill wild turkeys, engage therein
49 between nightfall of one day and daylight of the next day,
50 nor shall any person kill more than one wild turkey in any
51 one day, or more than four wild turkeys in any one open
52 season. In the month of December of each year, it shall be
53 the duty of each person who has killed a wild turkey in this
54 state to make report of the number killed by him, during the
55 open season of that year, to the commission, designating
56 whether the same were male or female. No person shall hunt,
57 pursue, capture, wound or kill any wild turkey until after the
58 fifteenth day of October, one thousand nine hundred and twen-
59 ty-seven.

60 (e) It shall be unlawful for any person to hunt, pursue,
61 catch, capture or kill any ruffed grouse between the first day
62 of December of one year and the fifteenth day of October of
63 the following year, or any quail or Virginia partridge between
64 the first day of December of one year and the first day of
65 November of the following year. Nor shall any person kill
66 more than ten quail or four ruffed grouse in any one day, nor
67 more than sixty quail or twenty ruffed grouse in any one year.
68 And it shall be unlawful for any person, prior to the first
69 day of November in the year one thousand nine hundred and
70 twenty-nine, to pursue, catch, kill or injure any quail or Vir-
71 ginia partridge, in the county of Marshall. No person shall
72 hunt, pursue, catch, capture or kill any wild duck, goose or

73 brant, woodcock, plover, ortolan, sandpiper or snipe between
74 the first day of January and the fifteenth day of November of
75 the following year; *provided*, that the wood duck shall not be
76 killed at any time within this state. No persons shall hunt,
77 pursue, catch, capture or kill any gray, black or fox squirrel
78 between the first day of December of any year and the twenty-
79 eighth day of September of the following year. No person
80 shall kill more than eight squirrels in any one day or more
81 than sixty in any one open season, nor more than twenty-five
82 ducks, eight geese and eight brant, in any one day.

83 (f) No person shall hunt, capture, gig, catch or kill frogs
84 between the first day of April and the first day of June of
85 any year. It shall also be unlawful for any person at any
86-87 time to kill or catch any game fish by gigging, snaring, spear-
88 ing or grabbing, at any time; or any fish during the closed
89 season on game fish.

90 (g) No person shall hunt, capture or kill any raccoon or
91 opossum from the first day of February of any year to the
92 thirty-first day of October of the same year or any muskrats
93 from the first day of March of any year to the thirty-first day
94 of October of the same year, or any beaver or otter at any
95 time; *provided*, the state game and fish commission may at its
96 discretion establish an open season for the killing and taking
97 of beaver and otter.

98 (h) Any one violating any provision of sub-section (b),
99 (c), (d), (e), (f) or (g) of this section shall be guilty of
100 a misdemeanor and upon conviction shall be fined not less than
101 twenty nor more than one hundred dollars or confined in jail
102 not less than ten or more than one hundred days, for each
103 offense, or both fine and imprisonment within the limita-
104 tions aforesaid. The unlawful killing or capturing of each
105 game animal, game bird or game fowl shall be deemed a
106 separate offense.

CHAPTER 44

(Senate Bill No. 159—Mr. Hugus

AN ACT to amend and re-enact section nine of chapter forty-five of the Acts of the Legislature of West Virginia, one thousand nine hundred and seventeen, as amended and re-enacted by chapter forty-four of the Acts of the Legislature of West Virginia of one thousand nine hundred and twenty-three, relating to pensions for retired municipal firemen and policemen.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>Sec. 9. Retirement prerequisites; twenty-three years service necessary; must be fifty years of age; to receive seventy-five dollars per</p>	<p>month for life; permanently disabled members shall be paid ninety dollars per month; re-fund from pension fund to employees leaving the service.</p>
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Be it enacted by the Legislature of West Virginia:

That section nine of chapter forty-five of the Acts of the Legislature of West Virginia of one thousand nine hundred and seventeen, as amended and re-enacted by chapter forty-four of the Acts of the Legislature of one thousand nine hundred and twenty-three, relating to pensions for retired municipal firemen and policemen, be amended and re-enacted so as to read as follows:

Section 9. Any member of a municipal fire department or 2 police department who is entitled to the benefits under this 3 act, and who has been in continuous service of such department 4 for twenty-three years, and shall have reached the age of fifty 5 years, may, upon written application to the chief of said 6 department, be retired from all service from such department 7 without medical examination or disability, and on such retire- 8 ment the board of trustees shall authorize the payment to such 9 retired member during the remainder of his life of seventy-five 10 dollars per month. A member of such department who may 11 have served twenty-three years, but not continuously, and shall 12 have reached the age of fifty years, will be entitled to the 13 benefits of this act; *provided*, that he shall not have been out 14 of the service for a period longer than two years.

15 The sum to be paid to permanently disabled members shall 16 be at the rate of ninety dollars per month, which shall be paid

17 regardless of the length of service or position in the department
18 of such disabled member.

19 In case any member of a municipal fire department or police
20 department resigns or is discharged from service, he shall be
21 paid such sums as he may have paid into the pension fund,
22 together with all sums which shall have been deducted from
23 his monthly pay, without interest.

CHAPTER 45

(House Bill No. 167—Mr. Easton)

AN ACT to amend and re-enact section five of chapter forty-four of the Acts of the Legislature of West Virginia of one thousand nine hundred and twenty-three, relating to firemen's and policemen's pension or relief funds.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

5. Providing for firemen's and policemen's pension or relief funds.

Be it enacted by the Legislature of West Virginia:

That section five of chapter forty-four of the Acts of the Legislature of one thousand nine hundred and twenty-three be amended and re-enacted so as to read as follows:

Section 5. In every municipality availing itself of the 2 provisions of this section, there shall be a firemen's pension or 3 relief fund or a policemen's pension or relief fund, or both, 4 as the case may be, which shall be maintained as follows:
5 The council or other legislative body of such municipality 6 is hereby authorized to levy annually, and in the manner pro- 7 vided by law for other municipal levies and in addition 7-a to all of such municipal levies, a tax not to exceed 8 seven and one-half mills on each hundred dollars of all the 9 real and personal property as listed for taxation in such mu- 10 nicipality for the firemen's pension fund, and a like levy not 11 to exceed seven and one-half mills on each one hundred dol- 12 lars of all the real and personal property as listed for tax- 13 ation in said municipality for a policemen's pension fund, or

14 either of them. The amount of tax to be levied
15 shall be fixed and determined by said boards of trustees,
16 as aforesaid, and certified to the council or other
17 legislative body of such municipality. *Provided*, that upon
18 recommendation of either or both of said boards of trustees,
19 as the case may be, the council, or other legislative body of
20 said municipality, is hereby authorized to, and may, lay in
21 any year, still further levy or levies not to exceed seven and
22 one-half mills each, on each one hundred dollars on all such
23 real and personal property for either or both of said pension
24 funds, as the case may be.

25 The levies authorized in this section, or any part of them,
26 may, by the council or other legislative body of said munic-
27 ipality, be laid in addition to all other municipal levies, and
28 to that extent beyond the limit of levy imposed by the charter
29 of said municipality.

30 All fines imposed upon any member of the fire department
31 and the police department, or either of them by way of discipline
32 or punishment shall be credited to said pension or relief fund
33 of the department to which the member so fined belongs; and
34 said corporation is authorized to take by gift, grant,
35 devise or bequest, any money or real or personal property,
36 upon such terms as to the investment and expenditure thereof
37 as may be fixed by the grantor or determined by said trustees.

38 In addition to all other sums provided for pension in
39 this section, it shall be the duty of the municipal corpora-
40 tion availing itself of the privileges of this act to assess and
41 collect from each member of said fire department or police
42 department, or both of them, as the case may be, the sum of
43 one dollar each month, which sum shall be deducted from the
44 monthly pay of said person and the amount so collected shall
45 become a regular part of the firemen's pension fund, if col-
46 lected from a fireman, and of the policemen's pension fund, if
47 collected from a policeman; *provided, however*, that all sums
48 so assessed against and collected from any employee, shall,
49 in case said employee be discharged or voluntarily leave his
50 employment with said municipal corporation without receiv-
51 ing the benefit of said pension fund, be returned to him to-
52 gether with all its accrued interest, and no fireman or policeman
53 shall be entitled to the benefits of this act unless and until he

54 pay into his respective pension or relief fund the said sum of
55 one dollar per month, as provided in this section.

CHAPTER 46

(Senate Bill No. 15—Mr. Hugus)

AN ACT to amend and re-enact chapter sixty-seven of the Acts of the Legislature of West Virginia of one thousand nine hundred and nineteen, and increasing the salaries of the judges of the supreme court of appeals.

[Passed April 7, 1927. In effect ninety days from passage. Approved by the Governor.]

SEC.

<p>1. Governor's salary not changed; judges of the supreme court of appeals salaries increased; com-</p>	<p>pensation payable monthly; when effective; inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

That chapter sixty-seven of the Acts of one thousand nine hundred and nineteen, relating to the salaries of the governor and the judges of the supreme court of appeals, be amended and re-enacted so as to read as follows:

Section 1. That from and after the fourth day of March, 2 one thousand nine hundred and twenty-one, the governor shall 3 receive an annual salary of ten thousand dollars, payable month- 4 ly out of the treasury, and that from and after the first day of 5 July, one thousand nine hundred and twenty-seven, each of the 6 judges of the supreme court of appeals shall receive an annual 7 salary of ten thousand dollars, payable monthly out of the state 8 treasury.

9 All acts coming within the purview of this act, and incon-
10 sistent therewith, are hereby repealed.

CHAPTER 47

(Senate Bill No. 68—Mr. Hallanan)

AN ACT to provide additional compensation payable out of the county treasury for judges of circuit courts in counties having a population of one hundred thousand or more according to the census of one thousand nine hundred and twenty, taken under the authority of the United States of America.

[Passed April 14, 1927. In effect ninety days from passage. Approved by the Governor.]

<p>Sgc. 1. County courts authorized to pay additional salaries to circuit</p>	<p>court judges; when, how and by whom paid; when effective.</p>
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[Passed April 14, 1927. In effect ninety days from passage. Approver by the Governor.]

Section 1. The county court of any county having a population of one hundred thousand or more according to the census of one thousand nine hundred and twenty taken under the authority of the United States of America shall pay the judge of the circuit court of said county, out of the general county fund, as other salaries are paid, in addition to the amount allowed to such judge out of the state treasury, the sum of two thousand dollars *per annum*. The sum herein authorized shall be deemed and treated as an annual allowance and shall commence to run as to judges now in office from the first day of July, one thousand nine hundred and twenty-seven.

CHAPTER 48

(Senate Bill No. 21—Mr. Smith of Marion)

AN ACT creating the Prickett's Fort State Park Commission, defining its purposes and duties; authorizing the commission to examine, survey and locate Prickett's Fort State Park; determine the acreage thereof; to procure an option, or options thereon; and contract for the payment of the purchase price out of any moneys which may hereafter be appropriated for that purpose.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.	1. The Prickett's Fort State Park Commission created; number; appointment; terms; to serve	SEC.	without compensation. 2. Powers and duties. 3. Quorum; vacancies, how filled.
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Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a commission to be known
2 as "The Prickett's Fort State Park Commission," consisting
3 of three members to be appointed by the governor; their term
4 of office shall be for four years and they shall serve without
5 compensation.

Sec. 2. The commission is authorized to examine, survey and
2 locate lines for a state park for the use and benefit of the public,
3 not exceeding ten acres, situate in Winfield district in the
4 county of Marion, near the mouth of Prickett's creek, but so as
5 to include the site of Prickett's Fort, which was erected for
6 the protection of the pioneers of the Upper Monongahela valley
7 from the ravages of Indian warfare. It is further authorized
8 to procure an option, or options, thereon; and to contract for
9 the payment of the purchase price out of any moneys which
10 may hereafter be appropriated for that purpose.

Sec. 3. A majority of the commission shall have the right
2 to act in the premises and vacancies thereon by reason of dis-
3 ability, death, resignation or otherwise shall be filled by the
4 governor.

CHAPTER 49

(Senate Bill No. 177—Mr. Smith of Marion)

AN ACT to authorize the state road commission or other commis-
sion, board or officer to grant certificates of convenience and
necessity for and to regulate the operation of motor vehicles
in interstate transportation of persons or property, or both,

for compensation in accordance with the provisions of any statute enacted by the congress of the United States.

[Passed April 28, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. State road commission authorized to grant certificates of convenience and necessity to motor

vehicles having interstate business; to regulate interstate commerce according to requirements of Federal statutes.

Be it enacted by the Legislature of West Virginia:

That the state road commission or other authority in lieu thereof, be vested with the power to grant certificates of convenience or necessity, relating to the operation of motor vehicles having interstate business, as follows:

Section 1. The state road commission of West Virginia is hereby authorized to grant certificates of convenience and necessity for the transportation of persons or property, or both, for compensation in interstate commerce and to regulate said interstate commerce under the authority of and in accordance with the provisions of any statute that has been or hereafter may be enacted by the congress of the United States vesting in or delegating to the state road commission of West Virginia the authority, as an agency of the United States government, so to grant said certificates and so to regulate said commerce. If the legislature of West Virginia shall by statute transfer from the said state road commission to any other commission, board or officer the authority to grant certificates of convenience and to regulate intra-state transportation of persons or property, or both, for compensation, then the authority herein granted shall vest in such other commission, board or officer. The state road commission of West Virginia, or such other commission, board or officer, as the case may be, is hereby authorized to notify the proper department of the federal government of its or his assent to conform to the requirements, conditions and obligations of said statute of the congress in regard to interstate commerce by motor vehicles.

CHAPTER 50

(Senate Bill No. 248—Mr. Robinson)

AN ACT to define certain vinegars and the adulteration and misbranding thereof.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>SEC.</p> <p>1. Vinegar defined.</p> <p>2. Spirit and distilled vinegar defined.</p> <p>3. Adulterated vinegar.</p> <p>3. Vinegar containing less than four grams of acetic acid; when deemed adulterated.</p> <p>5. Certain acid compounds and products not to be sold as vinegar.</p>	<p>SEC.</p> <p>6. Packages must show acid strength, when.</p> <p>7. Containers shall be plainly marked; requirements.</p> <p>8. When manufacture and sale prohibited.</p> <p>9. Violations of this act a misdemeanor; penalties.</p> <p>10. When this act effective.</p>
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Be it enacted by the Legislature of West Virginia:

That a general definition of vinegars be fixed by law; and that the manufacture, pack, distribution, possession or sale of said vinegar be provided for, and penalties prescribed for violations of this act, as follows:

Section 1. All vinegar made by fermentation without distillation must carry in solution only the extractive matter derived exclusively from the fruit, grain, sugar or syrup from which it was derived and fermented; all vinegars herein defined must comply with the provisions of this act.

The terms "cider vinegar" and "apple vinegar" or words of similar import, shall be construed to mean the product made exclusively from the expressed juice of fresh apples, or parts of fresh apples, by alcoholic and subsequent acetous fermentations without distillation.

The term "evaporated apple products," vinegar or "vinegar made from evaporated apple products," or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of the aqueous extract obtained from clean, sound, dried apples, dried chopped apples, dried apple skins or cores, dried apple pomace or boiled cider.

18 The terms "wine vinegar" and "grape vinegar" or words of
19 similar import, shall be construed to mean the product made ex-
20 clusively from the expressed juice of fresh whole grapes by alco-
21 holic and subsequent acetous fermentations without distillation.

22 The term "malt vinegar" or words of similar import, shall
23 be construed to mean the product made by the alcoholic and
24 subsequent acetous fermentations, without distillation, of an
25 infusion of barley fruit or cereals whose starch has been con-
26 verted by malt.

27 The term "sugar vinegar" or words of similar import, shall
28 be construed to mean the product made by the alcoholic and
29 subsequent acetous fermentations, without distillation, of so-
30 lutions of sugar, syrup, molasses or refiner's syrup.

31 The terms "glucose vinegar" or "corn sugar vinegar" or
32 words of similar import, shall be construed to mean the product
33 made by the alcoholic and subsequent acetous fermentations,
34 without distillation, of solutions of corn sugar or glucose pre-
35 pared from corn starch.

Sec. 2. The terms "spirit vinegar" and "distilled vinegar"
2 or words of similar import, shall be construed to mean the
3 product made by the acetous fermentation of dilute distilled
4 ethyl alcohol.

Sec. 3. Vinegar as defined in sections one and two which
2 fails to comply with such definitions or which contain any sub-
3 stance or ingredient not derived exclusively from the fruit,
4 grain, sugar or syrup from which it was made, except as pro-
5 vided in section six, shall be deemed, for the purposes of this act
6 only, as adulterated.

Sec. 4. All vinegar, whether made by fermentation or by
2 the process of distillation with subsequent acetification which
3 contains less than four grams of acetic acid in one hundred
4 cubic centimeters of the vinegar at twenty degrees centigrade,
5 shall be deemed adulterated.

Sec. 5. The product made by the destructive distillation
2 of wood known as pyroligneous acid, or acetic acid derived from
3 other sources than hereinbefore provided or a product in which

4 any such acid shall be used, mixed, or compounded, shall not
5 be sold, offered or had in possession for sale as vinegar.

Sec. 6. Packages containing vinegar, as defined in sections
2 one and two which has been reduced with water must be plainly
3 marked, "Reduced to.....per cent acid strength," indi-
4 cating the acidity to which it has been reduced.

Sec. 7. Each cask, barrel or other container of vinegar as
2 defined in sections one and two shall be plainly marked with the
3 name of the manufacturer and place where such vinegar was
4 made or the name and place of business of the distributor
5 thereof, preceded by the words "manufactured for" or "dis-
6 tributed by" or some equivalent phrase, and the kind of vinegar
7 contained therein, in the terms above defined, and no person
8 shall falsely mark any package containing any vinegar so de-
9 fined, with any other brand or designation or with any addi-
10 tional words, marks or description which shall be false or de-
11 ceptive in any particular whatever.

Sec. 8. No person, firm or corporation shall manufacture,
2 sell, offer, or have in possession for sale, in this state:

3 (1) Any vinegar defined in sections one and two which
4 does not comply with the definitions therein set forth and the
5 provisions of this act.

6 (2) Any adulterated or misbranded vinegar.

7 (3) Any vinegar or product or product made in imitation
8 of any vinegar defined in sections one and two.

9 (4) Any vinegar to which any artificial coloring matter has
10 been added of any kind whatever.

Sec. 9. Violation of this act shall be a misdemeanor and
2 punished by a fine of not less than five dollars nor more than
3 one hundred dollars for the first offense, and not less than five
4 dollars nor more than two hundred dollars for all subsequent
5 offenses.

Sec. 10. This act shall take effect November one, one thou-
2 sand nine hundred and twenty-seven.

CHAPTER 51

(Senate Bill No. 250—Mr. Robinson)

AN ACT to amend and re-enact sections one, one-*g*, one-*h*, one-*i*, one-*j* and one-*k* of chapter one hundred and twelve of Barnes' code of West Virginia for one thousand nine hundred and twenty-three, relating to judicial circuits.

[Passed April 25, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>SEC. 1. Judicial circuits of the State; of what counties composed; two judges provided for first circuit.</p>	<p>SEC. 1-<i>g</i> to 1-<i>l</i>. Time for holding terms in certain circuits in the several counties.</p>
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Be it enacted by the Legislature of West Virginia:

That sections one, one-*g*, one-*h*, one-*i*, one-*j* and one-*k* of chapter one hundred and twelve of Barnes' code of one thousand nine hundred and twenty-three, relating to the judicial circuits of the state, be amended and re-enacted so as to read as follows:

Section 1. On and after the first day of January in the year 2 one thousand nine hundred and twenty-nine the several judicial 3 circuits of this state shall be composed as follows: The coun- 4 ties of Brooke, Hancock and Ohio shall constitute the first 5 circuit ;the counties of Marshall, Tyler and Wetzel shall con- 6 stitute the second circuit; the counties of Doddridge, Pleasants 7 and Ritchie shall constitute the third circuit; the counties of 8 Wood and Wirt shall constitute the fourth circuit; the counties 9 of Calhoun, Jackson, Mason and Roane shall constitute the fifth 10 circuit; the counties of Cabell, Lincoln and Putnam shall con- 11 stitute the sixth circuit; the county of Logan shall constitute 12 the seventh circuit; the counties of Mingo and McDowell 13 shall constitute the eighth circuit; the counties of Mercer and 14 Wyoming shall constitute the ninth circuit; the counties 15 of Boone, Raleigh and Summers shall constitute the tenth cir- 16 cuit; the counties of Greenbrier, Monroe and Pocahontas shall 17 constitute the eleventh circuit; the counties of Fayette and Nich- 18 olas shall constitute the twelfth circuit; the county of Kana- 19 wha shall constitute the thirteenth circuit; the counties of Brax- 20 ton, Clay, Gilmer and Webster shall constitute the fourteenth 21 circuit; the counties of Harrison and Lewis shall constitute the 22 fifteenth circuit; the county of Marion shall constitute the six-

23 teenth circuit; the county of Monongalia shall constitute the sev-
24 enteenth circuit; the county of Preston shall constitute the
25 eighteenth circuit; the counties of Barbour and Taylor shall
26 constitute the nineteenth circuit; the counties of Randolph and
27 Upshur shall constitute the twentieth circuit; the counties of
28 Grant, Mineral and Tucker shall constitute the twenty-first
29 circuit; the counties of Hampshire, Hardy and Pendleton shall
30 constitute the twenty-second circuit; the counties of Berke-
31 ley, Jefferson and Morgan shall constitute the twenty-third
32 circuit, and the county of Wayne shall constitute the twenty-
33 fourth circuit.

34 There shall be elected on the Tuesday next after the first
35 Monday in November, one thousand nine hundred and twenty-
36 eight, one judge in each of the circuits herein constituted, ex-
37 cept for the first circuit there shall be two judges elected.

Sec. 1-g. *Seventh Circuit.* For the county of Logan on the
2 second Monday in January, the second Monday in April, the
3 second Monday in July and the second Monday in October.

Sec. 1-h. *Eighth Circuit.* For the county of Mingo on the
2 first Monday in January, the first Monday in May and the first
3 Monday in October.

4 For the county of McDowell on the second Monday in Feb-
5 ruary, the second Monday in June and the second Monday in
6 September.

7 *Twenty-fourth Circuit.* For the county of Wayne on the
8 first Monday in April, the first Monday in August and the
9 second Monday in November.

Sec. 1-i. *Ninth Circuit.* For the county of Mercer on the
2 second Monday in March, the second Monday in May, the sec-
3 ond Monday in August and the fourth Monday in November.

4 For the county of Wyoming on the second Monday in Feb-
5 ruary, the second Monday in April, the second Monday in July
6 and the second Monday in October.

Sec. 1-j. *Tenth Circuit.* For the county of Raleigh on the
2 third Monday in February, the third Monday in May, the fourth
3 Monday in August and the first Monday in December.

4 For the county of Summers on the third Monday in January,
5 the third Monday in April, the third Monday in July and the
6 third Monday in October; for the county of Boone, the first
7 Monday in February, first Monday in May, first Monday in
8 August and second Monday in November.

Sec. 1-k. *Eleventh Circuit.* For the county of Greenbrier 2 on the third Tuesday in January, fourth Tuesday in April, 3 fourth Tuesday in July, and the fourth Tuesday in November 4 of each year.

5 For the county of Monroe on the first Tuesday in April, sec-
6 ond Tuesday in July and the second Tuesday in November of
7 each year.

8 For the county of Pocahontas on the second Tuesday in
9 March, first Tuesday in June, and the first Tuesday in October
10 of each year.

Sec. 1-l. *Eighteenth Circuit.* For the county of Preston on
2 the first Tuesday in January, the first Tuesday in April, the
3 first Tuesday in July, and the first Tuesday in October.

CHAPTER 52

(House Bill No. 335—Mr. Johnson)

AN ACT to amend and re-enact section fourteen of chapter ten of Barnes' code, one thousand nine hundred and twenty-three, and to amend and re-enact chapter one hundred and four of the Acts of one thousand nine hundred and twenty-one.

[Passed April 20, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

14. Enlarges the list of officers who are required to give bond.

Be it enacted by the Legislature of West Virginia:

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

Section 14. Every commissioner of a county court, or every 2 member of a tribunal created for the transaction of the business 3 required to be performed by the county court, created by 4 article eight of the constitution of West Virginia; and every 5 clerk of a circuit court shall give bond, with good security, to 6 be approved by the circuit court, or the judge thereof, in vaca- 7 tion; and every sheriff, surveyor of lands, clerk of a county 8 court, or other tribunal established in lieu thereof; every as- 9 sessor, notary public, justice of the peace and constable shall

10 give bond, with good security, to be approved by the county
11 court or other tribunal established as aforesaid, of the county
12 in which the officer is to act. The penalty of the bond of each
13 commissioner of the county court or of the tribunal established
14 in lieu thereof, shall be ten thousand dollars; of the clerk of
15 the circuit court not less than three thousand dollars nor more
16 than ten thousand dollars; of the sheriff not less than twenty
17 thousand dollars nor more than one hundred and fifty thou-
18 sand dollars; of the surveyor of lands not less than one thou-
19 sand dollars nor more than three thousand dollars; of the clerk
20 of the county court or other tribunal established as aforesaid,
21 not less than three thousand dollars nor more than ten thou-
22 sand dollars; of assessor not less than two thousand dollars nor
23 more than five thousand dollars; of a notary public not less
24 than two hundred and fifty dollars nor more than one thousand
25 dollars; of a justice of the peace not less than two thousand
26 dollars nor more than five thousand dollars; and of a constable
27 not less than two thousand dollars nor more than ten thousand
28 dollars; *provided, however*, that the bond herein required to be
29 given by a notary public may be given before the clerk of the
30 county court in vacation of said court and approved by it at
31 its next regular session; *provided, further*, that the re-enact-
32 ment of this section shall not be construed as changing the
33 amount of bond required of any officer named herein where
34 the same has been changed by special statute dealing with any
35 of said officers. Whenever a bond shall be given by a commis-
36 sioner of the county court, or a member of a tribunal estab-
37 lished in lieu thereof, a clerk of a circuit court, a clerk of a
38 county court, a sheriff, a surveyor of lands, or an assessor, with
39 fidelity and indemnity company as surety, the county court
40 shall pay the premium thereon out of the county treasury.

41 This act shall not apply to a member of the county court now
42 in office and during the term for which he shall have been
43 elected.

CHAPTER 53

(Senate Bill No. 384—Mr. Henshaw)

AN ACT to authorize the state road commission of West Virginia to appropriate and expend state road funds apportioned to the counties of Berkeley, Jefferson and Morgan in the erection and completion of a bridge across the Potomac river and the boundary line between the state of West Virginia and the state of Maryland, at or near Paw Paw, West Virginia.

[Passed April 20, 1927. In effect from passage. Approved by the Governor.]

SEC.	1. State road commission authorized to use certain road funds;		amount of; purpose of; where bridge is to be located.
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Be it enacted by the Legislature of West Virginia:

That the state road commission be empowered to use certain state road funds for special bridge purposes, as follows:

Section 1. The state road commission of West Virginia is hereby authorized to set aside and appropriate from the state road funds which are now or may hereafter be apportioned to the counties of Berkeley, Jefferson and Morgan for the construction and re-construction of state roads and highways therein, a sum of money not exceeding ten thousand dollars for each of said counties, and expend the same, or so much thereof as may be necessary, to supplement the funds of the state road commission of West Virginia and the proper authorities of the state of Maryland, or any political subdivision thereof, which are now or may hereafter become available for that purpose, in the construction and completion of a bridge across the Potomac river and the boundary line between the state of West Virginia and the state of Maryland, at or near Paw Paw, West Virginia.

CHAPTER 54

(House Bill No. 477—Mr. Hall, by request)

AN ACT authorizing the appointment of a commission to erect a monument to Union soldiers, sailors and marines and making appropriation for the erection of the monument or memorial.

[Passed April 14, 1927. In effect from passage. Approved by the Governor.]

SEC.

1. Soldiers and sailors memorial
commission created.

2. Monument to be erected, where.

SEC.

3. Appropriation for same.

4. Majority of commission may act.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a commission, which shall be known as the Union soldiers and sailors memorial commission, which shall consist of the governor and four members, all of said members to be veterans of the Civil war and to compose the memorial committee of the Grand Army of the Republic. The appointment of the members of the memorial committee shall be made by the governor. The members of the commission provided for shall serve without pay except as to necessary traveling expenses.

Sec. 2. The Union soldiers and sailors commission shall cause to be erected on the grounds of the state capitol a monument or memorial to the Union soldiers, sailors and marines of West Virginia, in commemoration of their service and valor, and the said commission shall have authority to enter into a contract for the erection of the proposed monument or memorial. The location on the capitol grounds and the design of the monument or memorial shall be subject to the approval of the architect in charge of the construction of the capitol.

Sec. 3. There is hereby appropriated and set apart for the purpose of construction of this monument the sum of fifteen thousand dollars payable out of the treasury for the fiscal year ending June thirtieth, one thousand nine hundred and twenty-eight.

Sec. 4. A majority of the commission herein provided for shall have the right to act, and upon the death or disability of any member thereof the governor shall fill the vacancy by appointment of a member of the Grand Army of the Republic.

CHAPTER 55

(House Bill No. 38—Mr. Mathews)

AN ACT to provide for the establishment of a probation system in the circuit courts and inferior courts of West Virginia, except justices of the peace.

[Passed April 22, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Suspending sentence and probating convicts; conditions which may be imposed.
2. Reports by probation officers.

SEC.

- Proceedings on breach of probation.
3. Sheriff as probation officer.
4. Duties of probation officer.

Be it enacted by the Legislature of West Virginia:

Section 1. The courts of this state having original jurisdiction of criminal action, except justices of the peace, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as the defendant, will be subserved thereby, shall have power, after conviction or after plea of guilty, for any misdemeanor, to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as they deem best; or the court may impose a fine and may also place the defendant upon probation in the manner aforesaid. The court may revoke or modify any condition of probation, or may change the period of probation; *Provided*, that the period of probation, together with any extension thereof, shall not exceed five years.

Whenever any person stands convicted, before a justice of the peace or the mayor of any incorporated city or town, acting as *ex-officio* justice of the peace as provided by statute, either upon his own plea of guilty or after trial, and upon whom either a fine or jail sentence has been imposed, such person may file in any court to which an appeal would lie in such case or the judge thereof in vacation his petition in writing seeking to be placed upon probation and accompanying such petition with a transcript of the docket of such justice or mayor. Whereupon the court shall have power to act upon said petition and suspend the execution of said sentence, and otherwise deal with the petitioner in accordance with the provisions of this act as fully and completely as if conviction had been had in any court of said county having general criminal jurisdiction.

While on probation the defendant may be required to pay, in one or several sums, a fine imposed at the time of being placed on probation and may also be required to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which conviction was had, and may also be required to provide for the support

35 of any person or persons for whose support he is legally re-
36 sponsible.

Sec. 2. On January first and July first of each and every
2 year, and at such other times as the court may direct, the pro-
3 bation officer shall make a written report to the court giving the
4 names of all persons placed on probation during the previous
5 year, together with a brief statement of the conduct of each per-
6 son while so on probation. A copy of all such reports to the
7 court shall also be filed with the pardon attorney of the state of
8 West Virginia not later than ten days after the said report shall
9 have been filed with the court as shall seem advisable.

10 At any time within the probation period the probation
11 officer may arrest the probationer without warrant, or the court
12 may issue a warrant for his arrest. Thereupon such proba-
13 tioner shall forthwith be taken before the court. At any time
14 after the probation period, but within the maximum period for
15 which the defendant might originally have been sentenced, the
16 court may issue a warrant and cause the defendant to be
17 arrested and brought before the court. Thereupon the court
18 may revoke the probation or the suspension of sentence, and
19 may impose any sentence which might originally have been
20 imposed.

Sec. 3. The sheriff of each county shall be and is hereby
2 made the probation officer for such county.

Sec. 4. It shall be the duty of a probation officer to inves-
2 tigate any case referred to him for investigation by the court
3 in which he is serving and to report thereon to the court. The
4 probation officer shall furnish to each person released on pro-
5 bation under his supervision a written statement of the con-
6 ditions of probation and shall instruct him regarding the same.
7 Such officer shall keep informed concerning the conduct and
8 condition of each person on probation under his supervision
9 and shall report thereon to the court placing such person on
10 probation. Such officer shall use all suitable methods, not
11 inconsistent with the conditions imposed by the court, to aid
12 persons on probation and to bring about improvements in their
13 conduct and condition. Each officer shall keep records of
14 his work; shall keep accurate and complete accounts of all
15 moneys collected from persons under his supervision; shall
16 give receipts therefor, and shall make at least monthly returns

17 thereof; shall make such reports to the prosecuting attorney
18 as he may at any time require; and shall perform such other
19 duties as the court may direct.

20 All acts and parts of acts in conflict or inconsistent herewith
21 are hereby repealed, *provided, however*, that nothing herein
22 contained shall be construed as amending or affecting chapter
23 one hundred and eleven of the acts of the legislature of one
24 thousand nine hundred and nineteen, as amended by chapter
25 one hundred and thirty-two and one hundred and thirty-four
26 of the acts of the legislature of one thousand nine hundred and
27 twenty-one.

CHAPTER 56

(House Bill No. 41—Mr. Long, by request)

AN ACT authorizing the filing of notices of liens for taxes payable to the United States of America, and certificates discharging such liens, and to make uniform the law relating thereto.

[Passed April 27, 1927; in effect from passage. Became a law without the Approval of the Governor.]

Sec.

1. Filing federal tax liens.
2. Purchasers and creditors without notice. When lien shall be valid against mortgagee, purchaser or judgment creditor.

Sec.

3. Notice of lien filed with federal court, effect; refiled with county clerk.
4. Indexing.
5. Filing fee.

Be it enacted by the Legislature of West Virginia:

That a uniform law relating to the filing of notices of liens for federal taxes and certificates for discharging such liens be enacted, so as to read as follows:

Section 1. Pursuant to the authority of paragraph three thousand one hundred and eighty-six of the United States Revised Statutes, notices of federal tax liens and certificates discharging such liens may be filed in the offices of the clerk of the county court of one or more counties of the state.

Sec. 2. As provided in said paragraph three thousand one hundred and eighty-six, no such tax shall be a valid lien as against any mortgagee, purchaser, or judgment creditor, until

4 such notice shall be filed in the office of the clerk of the county
5 court of the county or counties within which the property sub-
6 ject to the lien is situated.

Sec. 3. Notices of federal tax liens heretofore filed with the
2 clerk of a federal district court or certified transcripts thereof
3 may be filed by the collector of internal revenue of the district
4 in the office of the clerk of the county court of one or more coun-
5 ties in this state; *provided*, that such liens heretofore filed with
6 a clerk of a federal district court shall not continue valid liens
7 for more than four months after the taking effect of this act, as
8 against any mortgagee, purchaser, or judgment creditor becom-
9 ing such after the expiration of such four months, unless such
10 notice or transcript shall be filed as above provided. After the
11 filing of such notice or a certified transcript thereof with the
12 clerk of the county court, following the expiration of such four
13 months period, the federal tax lien shall be valid as against
14 mortgagees, purchasers, or judgment creditors becoming such
15 subsequent to such filing. If this section shall be held not au-
16 thorized by federal law, it shall not affect the validity of the
17 other sections of this act.

Sec. 4. The procedure with respect to filing and indexing
2 shall be the same as that respecting other similar liens so far as
3 applicable.

Sec. 5. The fee for filing each notice of lien shall be twenty-
2 five cents and for each discharge thereof twenty-five cents.

CHAPTER 57

(House Bill No. 53—Mr. Kendall)

AN ACT authorizing the board of public works to include in its
annual budget the sum of one thousand dollars for appropriate
Memorial Day exercises at the National Cemetery at Grafton,
West Virginia, and providing for the same.

[Passed April 29, 1927. In effect from passage. Became a law without the
approval of the Governor.]

<p>Sec. 1. Authorizing annual expenditure for memorial services at na- tional cemetery at Grafton,</p>	<p>West Virginia. 2. Board of public works to control expenditure of funds.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. Hereafter the board of public works shall include 2 in its annual budget to the legislature the sum of one thousand 3 dollars to be used for the maintenance, decoration, improvement 4 and other necessary expenses, in the preparation of the grounds 5 and graves appropriate for Memorial Day exercises at the Na- 6 tional Cemetery at Grafton.

Sec. 2. The said sum shall be expended under such rules 2 and regulations as may be prescribed by the board of public 3 works.

CHAPTER 58

(House Bill No. 70—Mr. Hull)

AN ACT to amend and re-enact section three of chapter fourteen of the Acts of one thousand nine hundred and twenty-three, as amended by section three of chapter forty-two of the Acts of the Legislature of West Virginia, for the year one thousand, nine hundred and twenty-five, relating to limitations on bond issues.

[Passed April 12, 1927; in effect from passage. Became a law without the approval of the Governor.]

Sec. 3. Limit of general bonded debt; | further limit for specified purposes.

Be it enacted by the Legislature of West Virginia:

That section three of chapter fourteen of the Acts of one thousand, nine hundred and twenty-three, as amended and re-enacted by section three of chapter forty-two of the Acts of one thousand nine hundred and twenty-five, relating to limitations of bonds, be amended and re-enacted so as to read as follows:

Section 3. No political division herein authorized to issue 2 bonds shall by any bond issue become indebteded to an amount, 3 including all other indebtedness, exceeding two and one-half 4 *per centum* of the value of the taxable property therein, as 5 shown by the last assessment thereof for state and county 6 purposes next prior to the issuing of said bonds; *provided,* 7 *however,* that any county, magisterial district or group of

8 magisterial districts for the construction, reconstruction, locat-
9 ing, relocating, draining or grading of any county-district road
10 or bridges thereon, and any municipal corporation of three hun-
11 dred inhabitants or more, for the purpose of grading, paving,
12 sewerage, and otherwise improving its streets and alleys, and for
13 municipally owned water and light plants and other municipal-
14 owned utilities may become indebted and issue bonds in an addi-
15 tional sum not exceeding two and one-half *per centum* of the
16 value of the taxable property therein, ascertained as aforesaid.
17 The term "sewerage" as used herein shall be treated in a
18 comprehensive sense so as to include all mains, laterals, con-
19 nections, traps, incinerating and disposal plants, and other
20 necessary and convenient accessories to a modern, sanitary and
21 efficient sewerage system; and shall include all storm sewers.
22 And the term "municipally-owned water plants" as used
23 herein shall be treated also in a comprehensive sense so as
24 to include all reservoirs, mains, laterals, connections and other
25 necessary and convenient accessories to a modern and efficient
26 municipal water system.

CHAPTER 59

(House Bill No. 135—Mr. Rairden, by request)

AN ACT amending Barnes' one thousand nine hundred and twenty-
three West Virginia code, chapter fifteen-g, section one, Acts
of the Legislature of one thousand nine hundred and eleven,
chapter forty, relating to legal holidays.

[Passed April 22, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

Sec.

1. Legal holidays designated.

Be it enacted by the Legislature of West Virginia:

That section one of chapter fifteen of Barnes' code, the Acts of
one thousand nine hundred and eleven, chapter forty, relating to
legal holidays, be amended and re-enacted so as to read as follows:

Section 1. *Designation; School Exercises; Court Proceedings
2 and Official Acts.* That the following days be regarded, treated

3 and observed as legal holidays, viz: The first day of January,
4 commonly called "New Year's Day"; the twenty-second day of
5 February, commonly called "George Washington's Birthday";
6 the Fourth of July, commonly called "Independence Day";
7 the thirtieth day of May, commonly called "Memorial Day";
8 the twenty-fifth day of December, commonly called "Christmas
9 Day"; the first Monday in September, commonly called "Labor
10 Day"; the twelfth day of February, commonly called "Lin-
11 coln's Birthday"; the twelfth day of October, commonly called
12 "Columbus Day"; the eleventh day of November, commonly
13 called "Armistice Day"; the twentieth day of June, commonly
13-a called "West Virginia Day"; *provided, however*, that the com-
14 mon and graded schools of this state, the terms of which shall
15 have begun, and not having expired upon "Lincoln's Birthday"
16 and "Columbus Day," shall remain in session and hold appro-
17 priate ceremonies in honor of Abraham Lincoln and Christopher
18 Columbus, respectively, unless the said days shall fall upon Sat-
19 urday or Sunday, any national or state election day, and all
20 days that may be appointed or recommended by the governor
21 of this state, or the president of the United States, as days of
22 thanksgiving, or for the general cessation of business; and when
23 either of said days or dates fall on Sunday, then it shall be
24 lawful to observe the succeeding Monday as such holiday; *pro-*
25 *vided*, that when the return day of any summons or other court
26 proceedings or any notice or time fixed for holding any court
27 or doing any official act shall fall on either of said holidays, the
28 ensuing secular day shall be taken as meant and intended.
29 All acts and parts of acts inconsistent herewith are hereby
30 repealed.

CHAPTER 60

(House Bill No. 166—Mr. Marcum)

AN ACT relating to the soliciting of employment of attorneys at law for the purpose of presenting, making, collecting, enforcing or prosecuting claims, suits or actions for damages for personal injury or death; and to prescribe penalties for the violation of the provisions thereof.

[Passed April 20, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. Soliciting employment of attorneys in personal injury cases.

Sec.

2. Limitation on construction of the act.

3. Penalties.

Be it enacted by the Legislature of West Virginia:

That the laws of this state relating to the soliciting by attorneys at law of professional business, and providing penalties for the violation thereof, be amended and re-enacted so as to read as follows:

Section 1. It shall be unlawful for any attorney at law, 2 either himself or by or through an agent, employee or other person acting on his behalf, to solicit in this state another person 3 son acting on his behalf, to solicit in this state another person 4 to employ, or procure or bring about the employment of, said 5 attorney at law or any other attorney at law for the purpose 6 of presenting, making, collecting, enforcing or prosecuting a 7 claim, suit or action for damages for personal injury or death. 8 It shall be unlawful for any person, as agent or employee or 9 otherwise acting on behalf of an attorney at law, to solicit in 10 this state another person to employ, or procure or bring about 11 the employment of, said attorney at law or any other attorney 12 at law for the purpose of presenting, making, collecting, en- 13 forcing or prosecuting such a claim, suit or action for damages. 14 The solicitation by any person of another person to employ, or 15 procure or bring about the employment of, any attorney at law 16 for the purpose of presenting, making, collecting, enforcing or 17 prosecuting such a claim, suit or action for damages, if followed 18 by the employment of said attorney for said purpose, shall, in 19 any prosecution of said person so soliciting, be *prima facie* 20 evidence that said person so soliciting was an agent, employee 21 or acting on behalf of said attorney at law.

Sec. 2. Nothing in this act shall be construed to prohibit any 2 person from employing or furnishing any attorney at law for 3 the purpose of presenting, making, collecting, enforcing prose- 4 cutting or defending against a claim, suit or action to which such 5 person is or may be a party, or on, in or by reason of which 6 such person is or may be directly or indirectly liable to pay or 7 respond in money, or to prohibit any attorney at law so em- 8 ployed or furnished from presenting, making, collecting, en- 9 forcing, prosecuting or defending against said claim, suit or 10 action. Nothing in this act shall be construed to prohibit any

11 benevolent or charitable organization from assisting persons
 12 without means in the pursuit of any civil remedy. Nothing in
 13 this act shall impair or affect the disciplinary powers of the
 14 courts over attorneys at law and counsel appearing or practicing
 15 therein. In the construction of this act the words "attorney at
 16 law" shall be applied to and include any attorney at law,
 17 whether admitted or licensed to practice, or practicing, law in
 18 this state or in any other place or in any court thereof.

Sec. 3. Any person violating any provision of this act shall
 2 be guilty of a misdemeanor, and shall be fined not more than
 3 one thousand dollars or confined in the county jail not more
 4 than six months or both.

CHAPTER 61

(House Bill No. 182—Mr. Easton)

AN ACT creating a community egg marketing, packing and grad-
 ing and poultry feeding and fattening demonstration.

[Passed April 23, 1927. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

<p>Sec. 1. Establishes poultry demonstration plant.</p>		<p>Sec. 2. Committee on location. Board of control to equip.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby established a community egg
 2 marketing, packing, grading and poultry feeding and fattening
 3 demonstration, to be located in the poultry section of the state
 4 for the purpose of demonstrating the most approved methods of
 5 marketing, handling, and storing of poultry and poultry prod-
 6 ucts, and for the purpose of teaching any citizen of West
 7 Virginia approved methods of marketing, grading, candling and
 8 packing eggs and the feeding, killing and dressing of poultry.

Sec. 2. For carrying out the provisions and purposes of this
 2 act a committee is hereby created consisting of the dean of the
 3 college of agriculture of West Virginia university, the director
 4 of agricultural extension, the commissioner of agriculture and
 5 the secretary of the West Virginia farm bureau federation, with
 6 power to select a location and sites for the aforesaid demonstra-

7 tion plant. It shall be the duty of the state board of control to
 8 provide necessary buildings and equipment on the location and
 9 site selected by the committee for conducting the aforesaid dem-
 10 onstration. It shall be the duty of the state board of control
 11 when said buildings and school are provided and equipped as
 12 above stated, to turn it over to the college of agriculture of the
 13 West Virginia university for operation and carrying out of the
 14 purposes and intents herein set forth. Any appropriations
 15 hereafter made to carry out the provisions and purposes of this
 16 act shall be expended through the state board of control.

CHAPTER 62

(House Bill No. 345—Mr. Cummins)

AN ACT to amend and re-enact sections one and three of chapter one hundred and sixteen of Barnes' code of one thousand nine hundred and twenty-three, relating to juries.

[Passed April 21, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.
 1. Jury service; who liable to.

SEC.
 3. Jury commissioners; appointment and duties.

Be it enacted by the Legislature of West Virginia:

That sections one and three of chapter one hundred and sixteen of Barnes' code of one thousand nine hundred and twenty-three, relating to juries be amended and re-enacted so as to read as follows:

Section 1. All male persons who are twenty-one years of 2 age, and not over sixty-five and who are citizens of this state, 3 shall be liable to serve as jurors, except as hereinafter provided.

Sec. 3. There shall be two jury commissioners of the cir- 2 cuit court of each county. They shall be of opposite politics, 3 citizens of good standing, residents in the county for which 4 they are appointed and well known members of the principal 5 political parties thereof. They shall be appointed by the circuit 6 court, or the judge thereof in vacation, of their respective 7 counties. Their term of office shall be for four years, and shall 8 commence on the first day of June next after their appointment,

9 but the two shall be appointed, one for two years and the other
10 for four years. They may be removed from office by the court
11 or judge having the power of appointment, for official mis-
12 conduct, incompetency, habitual drunkenness, neglect of duty or
13 gross immorality. Vacancies caused by death, resignation or
14 otherwise, shall be filled for the unexpired term in the same
15 manner as the original appointments. The jury commissioners
16 shall keep in a well bound book a record of the proceedings
17 to be preserved by the clerk of the circuit court in his office.
18 They shall receive five dollars per day for each day necessarily
19 employed as such jury commissioners, payable out of the county
20 treasury, upon the order of the circuit court. The first appoint-
21 ment of said commissioners shall be made within thirty days
22 after this act takes effect. The jury commissioners of each
23 county shall, annually, at the levy term of the county court
24 thereof, and at any other time when required by the circuit
25 court of such county, without reference to party affiliations,
26 prepare a list of such inhabitants of the county, not exempted
27 as aforesaid, as they shall think well qualified to serve as jurors,
28 being persons of sound judgment and free from legal exception,
29 which list shall include not less than two hundred nor more
30 than one thousand persons; *provided, however*, that in counties
30-a having a population of fifty thousand or more, the jury com-
30-b missioners shall be required to have at least eight hundred
30-c names in such list. But the name of no person shall be
31 put on such list who shall have been drawn and actually served
32 as a petit juror within a period of two years, or who may have
33 requested the jury commissioners or either of them, by himself
34 or another person, to have his name placed on such list; *pro-*
35 *vided*, that in any county wherein there is a criminal or inter-
36 mediate court or court of common pleas, service on a petit jury
37 in any such court shall not exempt a juror from jury service
38 in the circuit court, nor *vice versa*. Before entering upon the
39 discharge of their duties the jury commissioners shall take and
40 subscribe an oath to the following effect:

41 "State of West Virginia,

42 County of....., to-wit:

43 I, A..... B....., do solemnly swear that I
44 will support the Constitution of the United States and the con-
45 stitution of this state and will faithfully discharge the duties

46 of jury commissioner to the best of my skill and judgment, and
47 that I will not place any person upon the jury list in violation
48 of law, or out of fear, favor or affection.”

49 The said oath shall be taken before the clerk of the circuit
50 court, who is hereby authorized to administer the same, and
51 filed and preserved by him in his office. There shall be two
52 jury commissioners for every court of limited jurisdiction, who
53 shall be appointed by said courts or judges thereof in vacation,
54 respectively, and whose terms of office and compensation shall
55 be the same as jury commissioners for the circuit courts. The
56 same powers conferred and duties imposed by this chapter upon
57 the circuit courts, or the judges thereof in vacation, and upon
58 the clerks and jury commissioners of the circuit courts, are
59 hereby conferred and imposed upon every court of limited juris-
60 diction and the judges thereof respectively, and upon the clerks
61 and jury commissioners of said courts of limited jurisdiction.

CHAPTER 63

(House Bill No. 505—Mr. Arnold)

AN ACT to amend and re-enact section ten of chapter one hundred and sixteen of the Acts of the Legislature of one thousand nine hundred and twenty-one, and being section ten of chapter sixty-two, Barnes' code, one thousand nine hundred and twenty-three.

[Passed April 29, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.
10. Bounties for killing non-game animals and birds.

Be it enacted by the Legislature of West Virginia:

That section ten of chapter one hundred and sixteen of the Acts of the Legislature of one thousand nine hundred and twenty-one, being section ten of chapter sixty-two of Barnes' code, one thousand nine hundred and twenty-three, relating to game and fish, be amended and re-enacted to read as follows:

Section 10. The commission may in its discretion offer and pay, from time to time, under such regulations as it may pre-

3 scribe, such bounties for the killing and destruction of wild
 4 non-game animals and wild non-game birds which prey upon
 5 and destroy game animals, and game, song and insectivorous
 6 wild birds and fowl of this state, as said commission shall deem
 7 necessary. And the county court of any county, may in its
 8 discretion, upon petition of not less than one hundred citizens
 9 and voters of such county offer and pay, from time to time,
 10 under such regulations as it may prescribe such additional
 11 bounties as such court may deem necessary for the killing and
 12 destruction of wild non-game animals and fowls as it may by
 13 order entered of record designate.

CHAPTER 64

(House Bill No. 567—Mr. Gay, by request)

AN ACT to amend and re-enact section eight-b, (eleven) of chapter five of Barnes' code of West Virginia, one thousand nine hundred and twenty-three.

[Passed April 12, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. candidates at primary and
 8-b (11). Limit of expenditures by general elections.

Be it enacted by the Legislature of West Virginia:

That section eight-b, (eleven) of chapter five of Barnes' code of West Virginia, one thousand nine hundred and twenty-three, be amended and re-enacted to read as follows:

Section 8-b. (11) No payment shall be made and no liability
 2 shall be incurred by or on behalf of any candidate for office in
 3 this state to aid in securing his nomination or election, or both,
 4 which shall in the aggregate exceed the amounts herein provided
 5 for; that is to say, candidates for United States senate or any
 6 state office, the sum of one hundred dollars for each county in
 7 the state for the primary election, and a like amount for the
 8 general election; candidates for members of the legislature, the
 9 amount of one hundred and twenty-five dollars in each county
 10 in which said candidate is voted for, for the primary election, and
 11 a like amount for the general election; for members of the United
 12 States house of representatives, the sum of two thousand five

13 hundred dollars at the primary election, and a like amount for
14 the general election; for any county office a sum not to exceed
15 three hundred dollars in each county at the primary election, and
16 a like amount for the general election; and any other office, not
17 hereinbefore mentioned, a sum not to exceed fifty dollars in the
18 political division in which such person is a candidate in the pri-
19 mary election, and a like amount for the general election. *Pro-*
20 *vided, however,* that money expended by a candidate for his nec-
21 essary personal, traveling, or subsistence expenses, or for station-
22 ery, postage, writing or printing (other than for use on bill
23 boards or in newspapers), for distributing letters, circulars, or
24 posters, or for telegraph or telephone service, shall not be in-
25 cluded in determining whether his expenditures have exceeded
26 the amounts hereinbefore provided. Any candidate may dele-
27 gate to a financial agent or a political committee, in writing duly
28 subscribed by him, the expenditure of any portion of the total
29 expenses authorized to be incurred by him or on his behalf; but
30 the aggregate of all expenses made and incurred by such candi-
31 date, by any political agent on his behalf and by any political
32 committee on his behalf, shall not exceed the amounts hereinbe-
33 fore provided. No payments shall be made and no liability shall
34 be incurred by any financial agent or political committee on be-
35 half of such candidate, which shall exceed in the aggregate the
36 sum of the amounts theretofore delegated to such committee
37 by the candidate in writing as herein provided.

CHAPTER 65

(House Bill No. 518—Mr. Robinson)

AN ACT to provide for the bringing of actions at law or suits in equity, against certain non-resident corporations.

[Passed April 23, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.
1. Extending jurisdiction over non-resident corporations.

Be it enacted by the Legislature of West Virginia:

Section 1. The circuit court of the county in which the plain-
2 tiff resides or the circuit court of the county in which the seat

2-a of state government is located shall have jurisdiction of
3 all actions at law or suits in equity where the cause of action
4 arose in this state, or grows out of the rights of stockholders
5 with respect to corporate management against any corporation
6 organized under the laws of West Virginia, which has its prin-
7 cipal office located outside of this state, and which has no office
8 or place of business within this state.

9 In any such suit or action, process or other notice against
10 such corporation may be served upon the auditor of this state
11 with like effect as if the defendant were a foreign corporation.

12 All acts or parts of acts in conflict with this act are here-
13 by repealed.

CHAPTER 66

(House Bill No. 90—Mr. Street)

AN ACT to amend and re-enact section one-s of chapter one hun-
dred and twelve, of Barnes' West Virginia code of nineteen
hundred and twenty-three, fixing the time for holding court
in the nineteenth judicial circuit.

[Passed April 6, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

SEC.

1-s. Terms of court, nineteenth judicial circuit.

Be it enacted by the Legislature of West Virginia:

That section *one-s* of chapter one hundred and twelve of Barnes' code of West Virginia of nineteen hundred and twenty-three, be amended and re-enacted so as to read as follows:

Section 1-s. For the county of Barbour, on the second Mon-
2 day in January, the second Monday in April, and the first
3 Monday in September.

4 For the county of Taylor, on the third Monday in February,
5 the third Monday in May, and the second Monday in October.

6 All acts inconsistent with this act are hereby repealed.

CHAPTER 67

(House Bill No. 327—Mr. Dean)

AN ACT to amend and re-enact section one-*u* of chapter eighty-four of the acts of one thousand nine hundred and twenty-one, fixing the time of holding the circuit courts in the twenty-first judicial circuit.

[Passed April 6, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1-*u*. Terms of court, twenty-first judicial circuit.

Be it enacted by the Legislature of West Virginia:

That section one-*u* of chapter eighty-four of the acts of one thousand nine hundred and twenty-one be amended and re-enacted so as to read as follows: On and after the first day of September, one thousand nine hundred and twenty-seven, the terms of the circuit courts of Tucker, Mineral and Grant counties, shall convene and be held as follows:

Section 1-*u*. For the county of Tucker, the first Monday in 2 March, the first Monday in June, the third Monday in September and the third Monday in December.

4 For the county of Mineral, the third Tuesday in January, 5 the third Tuesday in April, the fourth Tuesday in July and 6 the third Tuesday in October.

7 For the county of Grant, the first Tuesday in April, the 8 second Tuesday in July, and the third Tuesday in November.

CHAPTER 68

(House Bill No. 360—Mr. Brewster)

AN ACT to amend and re-enact section one-*o* of chapter eighty-four of the acts of the legislature of the year one thousand nine hundred and twenty-one, fixing the time for holding circuit courts in the fifteenth judicial circuit.

[Passed April 13, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1-*o*. Times for holding regular terms | of circuit court in the fifteenth circuit.

Be it enacted by the Legislature of West Virginia:

That section one-o of chapter eighty-four of the acts of the legislature of the year one thousand nine hundred and twenty-one, be amended and re-enacted to read as follows:

Section 1-o. For the county of Lewis, on the first Monday 2 in March, the third Monday in June, and the first Monday in 3 November.

4 For the county of Harrison on the first Monday in January, 5 the first Monday in May, and the first Monday in September.

CHAPTER 69

(House Bill No. 339—Mr. Dickson)

AN ACT to transfer the county of Monroe from the ninth judicial circuit to the eleventh judicial circuit and fixing the times of holding the circuit courts therein.

[Passed April 25, 1927. In effect from passage. Became a law without the approval of the Governor.]

<p>SEC. 1. Monroe county included in the eleventh judicial circuit.</p>		<p>SEC. 2. Terms of court in said circuit.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the county of Monroe which is now a part 2 of the ninth judicial circuit, composed of the counties of Mc- 3 Dowell, Mercer and Monroe, be and the same is hereby trans- 4 ferred to and shall, on and after the first day of July, one 5 thousand nine hundred and twenty-seven, or as soon thereafter 6 as this act shall take effect, become a part of the eleventh ju- 7 dicial circuit then to be composed of the counties of Greenbrier, 8 Monroe and Pocahontas, and the judge of the eleventh judicial 9 circuit now serving shall continue as judge thereof, including 10 the county of Monroe, for his unexpired term with the au- 11 thority, powers, duties, compensation and emoluments of said 12 office as provided by the constitution and laws relating to cir- 13 cuit judges.

Sec. 2. The times for holding court shall be as follows:

2 *For the County of Pocahontas:*

3 Second Tuesday in March, first Tuesday in June, and the
4 first Tuesday in October of each year.

5 *For the County of Greenbrier:*

6 Third Tuesday in January, fourth Tuesday in April, fourth
7 Tuesday in July, and the fourth Tuesday in November of each
8 year.

9 *For the County of Monroe:*

10 First Tuesday in April, second Tuesday in July and the sec-
11 ond Tuesday in November of each year.

CHAPTER 70

(House Bill No. 208—Mr. Johnson)

AN ACT making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the "Budget Amendment."

[Passed May 2, 1927. In effect from passage. No action by Governor required.]

SEC.	SEC.	
1. The appropriating clause.	24. Capitol building; janitors and other labor.	
2. Double column of figures used, explained.	25. Militia.	
3. What payable from general revenue.	26. State sinking fund commission.	
SUB-SECTION "A"		
4. Salaries of state officers.	27. Bureau of Negro welfare.	
EXECUTIVE DEPARTMENT.		
<i>Salaries and Expenses</i>		
5. Attorney general's office.	28. Capitol, equipment for.	
6. Auditor's office.	29. General school fund.	
7. Governor's office.	30. World war veterans, relief fund.	
8. Pardon attorney's office.	31. Publishing delinquent lists.	
9. Civil contingent fund for the Governor.	32. Aid to agricultural fairs.	
10. Treasurer's office.	33. Law and order emergencies.	
11. Secretary of state's office.	34. Office rents.	
12. Department of agriculture.	JUDICIARY DEPARTMENT.	
13. State law library.	35. Supreme court of appeals, other than salaries of judges.	
14. Criminal charges.	36. Circuit courts, other than salaries of judges.	
15. State tax commissioner's office.	36-a. Monument to Union soldiers, sailors and marines.	
16. State commissioner of prohibition.	36-b. Poet laureate.	
17. Department of mines.	36-c. National cemetery at Grafton.	
18. Commissioner of banking.	SUB-SECTION "B"	
19. Bureau of labor and department of weights and measures.	(Payable on order of board of control)	
20. Department of archives and history.	37. State board of control employees.	
21. State health department.	38. Huntington state hospital.	
22. Capitol building and grounds.	39. Spencer state hospital.	
23. Governor's mansion and grounds.	40. Weston state hospital.	
	41. State hospital for the colored insane.	
	42. McKendree hospital, No. 2.	
	43. Fairmont hospital, No. 3.	
	44. Tuberculosis sanitarium.	

<p>Sec. 45. Sanitarium for colored folk. 46. Industrial school for boys. 47. Industrial school for colored boys. 48. Industrial home for girls. 49. Industrial home for colored girls. 50. Children's home. 51. Colored orphan's home. 52. Home for aged and infirm colored men and women. 53. Printing, binding and stationery. 54. Geological survey. 55. Board of children's guardians. 56. Tu-Endie Wel park. 57. Berkeley Springs park. 58. Rumseyan society. 59. Board of pharmacy. 60. Hotel inspection. Cut out. 61. Florence Crittenden home. 62. Hospital service for indigent. 63. Treatment of tubercular subjects. 64. Infectious diseases, treatment for at girls' industrial home. 65. Penitentiary, repairs. 66. Department of public safety. 67. Insurance on public buildings. 68. The University. 69. Extension work: mining, agricultural, 4-H camp. 70. Agricultural experiment station. 71. Marshall college. 72. Potomac state school. 73. New River state school. 74. Fairmont state normal school. 75. Concord state normal school. 76. Glenville state normal. 77. Shepherd college state normal. 78. West Liberty state normal school. 79. School for deaf and blind. 80. School for colored deaf and blind. 81. Collegiate Institute. 82. Bluefield colored institute. 83. Storer college.</p> <p style="text-align: center;">SUB-SECTION "C"</p> <p>84. Items in subsection "C" payable from general revenue. 85. State senate: Officers and appointees; investigating committees; contingent fund; sundry expenses. 86. House of delegates: Officers and appointees; sundry expenses. 87. Legislative printing. 88. Salaries of members of legislature.</p>	<p style="text-align: center;">SUB-SECTION "D"</p> <p>Sec. 89. Items from sub-section "D" payable from general revenue. 90. Miscellaneous appropriations.</p> <p style="text-align: center;">SUB-SECTION "E"</p> <p>91. Items from sub-section "E" payable from general school fund. 92. Salaries of state superintendent, assistants, general expenses; state board of education; county superintendents; institute instructors; printing and general expenses.</p> <p style="text-align: center;">SUB-SECTION "F"</p> <p>93. Items under sub-section "F" payable from state road funds. 94. Automobile bureau; license tags, clerks, registration, general expenses; replacing burned records; salaries of commissioners and employees, and general administration expense.</p> <p style="text-align: center;">SUB-SECTION "G"</p> <p>95. Items under sub-section "G" payable out of special license fees. 96. Public service commission salaries.</p> <p style="text-align: center;">SUB-SECTION "H"</p> <p>97. Items under sub-section "H" payable out of workmen's compensation fund. 98. Current general expenses.</p> <p style="text-align: center;">SUB-SECTION "I"</p> <p>99. Items under subsection "I" payable out of special revenue. Additional lands for the penitentiary; additional tuberculosis sanitarium; other special funds.</p> <p style="text-align: center;">SUB-SECTION "J"</p> <p>100. Refunds on taxes, licenses, fines and commissions. 101. Requisitions on treasury, how made and paid; expense accounts required. 102. Stationery, printing and binding, how and from what funds paid. 103. Expenditures limited to the appropriation. 104. Certified copy of all acts carrying appropriations to be furnished auditor and treasurer. 105. Certain appropriations by the legislature of 1925 continued.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of the treasury for the fiscal year ending June thirty, one thousand nine hundred and twenty-eight, and for the fiscal year ending June thirty, one thousand nine hundred and twenty-nine and for the remainder of the fiscal year ending June thirty, one thousand nine hundred and twenty-seven, the following sums of money for the following named purposes:

Sec. 2. The amounts appearing in the column headed "1928" are for the fiscal year ending June thirty, one thousand nine hundred and twenty-eight and the amounts appearing

4 in the column headed "1929" are for the fiscal year ending
5 June thirty, one thousand nine hundred and twenty-nine.

Sec. 3. All appropriations appearing under sub-sections
2 "A" and "B" are payable out of the general revenue of the
3 state unless otherwise provided herein.

SUB-SECTION "A"

Salaries.

	1928	1929
Sec. 4. Salary of the governor..\$	10,000.00	\$ 10,000.00
2 Salary of the auditor.....	5,000.00	5,000.00
3 Salary of the treasurer.....	5,000.00	5,000.00
4 Salary of the attorney general....	5,000.00	5,000.00
5 Salary of the commissioner of agri-		
6 culture	5,000.00	5,000.00
7 Salary of the secretary of state....	5,000.00	5,000.00
8 Salary of the state law librarian..	3,000.00	3,000.00
9 Salary of adjutant general.....	4,000.00	4,000.00
10 Salary of the state tax commis-		
11 sioner	6,000.00	6,000.00
12 Salaries of the members of the		
13 public service commission.....	18,000.00	18,000.00
14 Salary of the state compensation		
15 commissioner	6,000.00	6,000.00
16 Salary of the chief of the depart-		
17 ment of mines.....	6,000.00	6,000.00
18 Salary of the commissioner of bank-		
19 ing	5,000.00	5,000.00
20 Salary of the commissioner of		
21 labor	4,000.00	4,000.00
22 Salary of the state historian and		
23 archivist	3,000.00	3,000.00
24 Salary of the state commissioner		
25 of health	4,800.00	4,800.00
26 Salary of the janitor and custodian	2,100.00	2,100.00
27 Salary of the keeper of the rolls..	300.00	300.00
28 Salaries of the three members of		
29 the board of control	18,000.00	18,000.00
30 Salary of the state commissioner		
31 of prohibition	5,000.00	5,000.00

32	Salary of the director of the bureau		
33	of negro welfare and statistics....	3,600.00	3,600.00

JUDICIARY

34	Salaries of the judges of the		
35	supreme court of appeals.....	50,000.00	50,000.00
36	Salaries of the judges of the circuit		
37	courts	130,500.00	130,500.00

EXECUTIVE DEPARTMENT

Attorney General's Office.

Sec. 5. Salaries of three assistant

2	attorneys general	12,900.00	12,900.00
3	Salary of printing clerk.....	3,000.00	3,000.00
4	Salary of reading clerk.....	1,800.00	1,800.00
5	Salaries of chief clerk and steno-		
6	graphers	5,520.00	5,520.00
7	Current general and traveling ex-		
8	penses	3,000.00	3,000.00

Auditor's Office.

Sec. 6. Salary of chief clerk...

	Salary of chief clerk...	3,600.00	3,600.00
2	Salary of auditor of claims	4,000.00	4,000.00
3	Salary of corporation clerk	3,000.00	3,000.00
4	Salary of chief tax clerk.....	3,000.00	3,000.00
5	Salary of cashier.....	2,400.00	2,400.00
6	Salaries of other clerks, book-		
7	keepers, stenographers and as-		
8	sistants	28,750.00	28,750.00
9	Current general expenses.....	5,000.00	5,000.00
10	Salary of deputy insurance com-		
11	missioner	4,000.00	4,000.00
12	Salaries and current general ex-		
13	penses of insurance department.	13,600.00	13,600.00
14	Salary of deputy securities com-		
15	missioner	4,000.00	4,000.00
16	Salaries, traveling and current gen-		
17	eral expenses of securities depart-		
18	ment	10,000.00	10,000.00
19	For refunding moneys erroneously		

20 paid in to the treasury such
 21 sums are hereby appropriated
 22 as may be erroneously so paid,
 23 payable out of the same fund
 24 into which paid.

25 For pay of state agents, such
 26 amounts are hereby appropriat-
 27 ed as may be necessary to pay
 28 commissions of state agents,
 29 payable out of the fund collect-
 30 ed; *provided*, that in no case
 31 shall the amount so paid exceed
 32 ten *per centum* of the funds col-
 33 lected and paid into the treas-
 34 ury by any such agents.

35 For refunding to counties, dis-
 36 tricts and municipal corpora-
 37 tions, county, district and mu-
 38 nicipal taxes paid into the treas-
 39 ury for the redemption of lands,
 40 such amount is hereby appro-
 41 priated as will be necessary
 42 to refund to the counties, dis-
 43 tricts and municipal corpora-
 44 tions entitled thereto the taxes
 45 so paid into the treasury.

46 For refunding county, district and
 47 municipal taxes paid into the
 48 treasury by railroads and other
 49 companies, such sum is hereby
 50 appropriated as will be neces-
 51 sary to refund to each county,
 52 district and municipal corpora-
 53 tion the amount of such taxes
 54 as may be paid into the treas-
 55 ury to the credit of such county,
 56 district and municipal corpora-
 57 tion.

Governor's Office.

Sec. 7. Salary of private sec- 2 retary to the governor.....	5,000.00-	5,000.00
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Pardon Attorney's Office.

Sec. 8. Salary of the pardon		
2 attorney	4,500.00	4,500.00
3 Salary of the stenographer.....	1,200.00	1,200.00
4 Current general expenses.....	600.00	600.00

Civil Contingent Fund.

Sec. 9. For civil contingent		
2 fund, to be expended upon the		
3 order of the governor, no part of		
4 which, however, is to be used for		
5 clerk hire in any of the state offices		
6 or institutions other than the gov-		
7 ernor's office.....	25,000.00	25,000.00

Treasurer's Office.

Sec. 10. Salary of assistant		
2 treasurer	4,000.00	4,000.00
3 Salary of chief accountant.....	3,600.00	3,600.00
4 Salary of bookkeeper.....	3,000.00	3,000.00
5 Salary of chief clerk, bond de-		
6 partment	3,000.00	3,000.00
7 Salaries of other clerks, bookkeep-		
8 ers, stenographers and assistants..	13,820.00	13,820.00
9 Current general and traveling ex-		
10 penses	2,500.00	2,500.00
11 Replacement of bookkeeping ma-		
12 chines and typewriters.....	1,000.00	1,000.00
13 Salary of assistant clerk, bond de-		
14 partment	3,000.00	3,000.00

Secretary of State's Office.

Sec. 11. Expenses of secretary		
2 of state's office, including compen-		
3 sation of clerks, stenographers and		
4 other expenses.....	17,640.00	17,640.00
5 Salary clerk board of public		
6 works	3,000.00	3,000.00

Department of Agriculture.

Sec. 12. Salaries of clerks and		
2 stenographers	9,000.00	9,000.00
3 Current general and traveling		
4 expenses	7,000.00	7,000.00
5 For carrying out the provisions		
6 of chapter thirteen, acts of one		
7 thousand nine hundred and fifteen,		
8 as amended and re-enacted by the		
9 acts of one thousand nine hundred		
10 and nineteen, relating to diseased		
11 animals	10,000.00	10,000.00
12 For carrying out the provisions		
13 of law relating to control of plant		
14-15 diseases	15,000.00	15,000.00
16 For carrying out the provisions		
17 of law relating to pure seeds, com-		
18 mercial fertilizer and commercial		
19 feeding stuffs	15,000.00	15,000.00
20 For carrying out the provisions		
21 of law relating to the eradication of		
22 bovine tuberculosis	35,000.00	35,000.00
23 Bureau of markets and publica-		
24 tion of bulletins	20,000.00	20,000.00
25 For advertising the resources		
26 and natural advantages of West		
27 Virginia	7,000.00	7,000.00
28 To be expended under the direc-		
29 tions of the commissioner of agri-		
30 culture, with the approval of the		
31 governor.		
32 To carry out the provisions of		
33 House Bill No. 146, relating to con-		
34 trol of corn borer.....	3,000.00	3,000.00

State Law Library.

Sec. 13. Current general ex-		
2 penses and clerk hire	2,400.00	2,400.00
3 Purchase and binding books for		
4 state law library (Charleston)....	4,000.00	4,000.00

5 To carry out the provisions of		
6 chapter 3, acts 1925, relating to dis-		
7 tribution of supreme court opinions	4,200.00	4,200.00

Criminal Charges.

Sec. 14. To pay criminal		
2 charges, including transportation		
3 of prisoners and extradition of		
4 criminals and fugitives	125,000.00	120,000.00

State Tax Commissioner's Office.

General Office.

Sec. 15. Salary of law assistant		
2 to commissioner.....	5,000.00	5,000.00
3 Salary of chief assistant.....	3,000.00	3,000.00
4 Salary of assistant, inheritance		
5 tax and tax forfeitures.....	3,600.00	3,600.00
6 Salary of assistant, assessment		
7 and levies.....	3,600.00	3,600.00
8 Salaries of other clerks, stenog-		
9 raphers and assistants.....	13,020.00	13,020.00
10 To pay all expenses in connection		
11 with carrying out the provisions of		
12 chapter one hundred and fifty-two,		
13 acts one thousand nine hundred		
14 and twenty-one, relating to secur-		
15 ing a proper assessment of prop-		
16 erty	5,000.00	5,000.00
17 Current general and traveling		
18 expenses	6,000.00	6,000.00
19 All forfeitures collected by the		
20 tax commissioner or his agents un-		
21 der or by virtue of the authority		
22 granted by section seventy-three		
23 of chapter twenty-nine of Barnes'		
24 code, one thousand nine hundred		
25 and twenty-three, shall be promptly		
26 paid into the treasury as pro-		
27 vided in chapter eight, acts of one		
28 thousand nine hundred and twenty-		

29 five legislature.

30 All necessary commissions and
31 attorney fees authorized by law
32 for the collection of forfeitures
33 shall be paid by the tax commis-
34 sioner through the state treasury
35 out of the forfeitures collected.

36 Any part of such forfeitures
37 that may from time to time be due
38 the state or any county, district,
39 or municipality shall be distributed
40 through the state treasury by the
41 tax commissioner upon the basis
42 provided by said section seventy-
43 three, by securing state checks for
44 this purpose issued in the regular
45 manner.

46 For the above named purposes
47 all of the forfeiture moneys col-
48 lected in pursuance of the foregoing
49 authority are hereby appropriated
50 and it shall be the duty of the
51 auditor and treasurer to keep a
52 separate account of the receipts and
53 disbursements of such forfeiture
54 funds.

Gross Sales Department

55 Salary of assistant, gross sales		
56 tax	4,800.00	4,800.00
57 Salary of chief clerk.....	3,600.00	3,600.00
58 Salaries of bookkeepers, other		
59 clerks and stenographers.....	16,500.00	16,500.00
60 Salaries of auditors and field		
61 agents	13,080.00	13,080.00
62 Current general and traveling		
63 expenses	7,000.00	7,000.00

Accounting Department

64 Salary of chief accountant.....	6,000.00	6,000.00
65 Expenses of uniform system of		

66	accounting, including compensation		
67	of assistants, stenographers and		
68	other expenses	10,000.00	10,000.00
69	Expenses of auditing state de-		
70	partments and compiling financial		
71	reports	13,500.00	13,500.00

State Commissioner of Prohibition.

	Sec. 16. Salary of secretary...	3,600.00	3,600.00
2	Salary of permit and file clerk....	2,100.00	2,100.00
3	Salary of bookkeeper	1,800.00	1,800.00
4	Salary of two stenographers and		
5	clerk	3,000.00	3,000.00
6	Salaries of field officers and other		
7	field assistants, traveling and other		
8	expenses of commissioner, field of-		
9	ficers and assistants.....	45,000.00	45,000.00
10	Current general expenses.....	3,000.00	3,000.00

Department of Mines.

	Sec. 17. Salary of chief clerk..	3,000.00	3,000.00
2	Salaries of twenty-five district in-		
3	spectors	82,500.00	82,500.00
4	Salaries of clerks and stenog-		
5	raphers	6,740.00	6,740.00
6	Traveling expenses of chief and		
7	district inspectors	25,000.00	25,000.00
8	Salary of inspector of sand and		
9	limestone mines	2,400.00	2,400.00
10	Traveling expense of inspector of		
11	sand and limestone mines.....	1,200.00	1,200.00
12	Salaries of five directors of mine		
13	safety and rescue work.....	12,000.00	12,000.00
14	Traveling expenses of directors		
15	of mine safety and rescue work...	7,500.00	7,500.00
16	Current general expenses main-		
17	taining rescue stations and trucks		
18	and for safety day demonstrations		
19	and instruction	14,500.00	14,500.00
20	Current general expenses.....	2,800.00	2,800.00

21	To carry out the provisions of		
22	House Bill 125, relating to mine		
23	rescue work	11,000.00	11,000.00

Commissioner of Banking

	Sec. 18. Salaries of examiners		
2	and assistant examiners to com-		
3	missioner of banking	31,900.00	31,900.00
4	Traveling expenses of commis-		
5	sioners, examiners and assistants...	22,500.00	22,500.00
6	Current general expenses	3,500.00	3,500.00
7	Salaries of secretary, steno-		
8	grapher and clerk	6,000.00	6,000.00

Bureau of Labor and Department of Weights and Measures.

	Sec. 19. Salaries of six factory		
2	inspectors	14,400.00	14,400.00
3	Salary of chief clerk.....	3,000.00	3,000.00
4	Salaries of assistants and steno-		
5	graphers bureau of labor and de-		
6	partment of weights and measures	4,200.00	4,200.00
7	Current general expenses of the		
8	department of weights and		
9	measures	1,500.00	1,500.00
10	Current general expenses of the		
11	bureau of labor.....	1,500.00	1,500.00
12	Traveling expenses of the com-		
13	missioner of labor and factory		
14	inspectors	12,000.00	12,000.00
15	Salaries of two inspectors of		
16	weights and measures	4,200.00	4,200.00
17	Traveling expenses of two inspec-		
18	tors of weights and measures.....	3,600.00	3,600.00

Department of Archives and History.

	Sec. 20. Salary of the librarian	2,100.00	2,100.00
2	Salary of the stenographer.....	1,500.00	1,500.00
3	Salary of the cataloguer.....	1,800.00	1,800.00
4	Salary of the messenger and		
5	janitor	1,200.00	1,200.00

6	Current general expenses.....	1,500.00	1,500.00
7	Purchase of books, periodicals,		
8	magazines and newspapers.....	1,500.00	1,500.00

State Health Department.

Sec. 21. Salaries and current			
2	general expenses	110,000.00	110,000.00
3	Expenses of co-operative work		
4	with the federal government—		
5	Sheppard-Towner act relating to		
6	maternal and infant hygiene.....	5,000.00	5,000.00

Capitol Building and Grounds.

Sec. 22. For water, light, heat,			
2	current expenses, other than re-		
3	pairs and improvements.....	30,000.00	30,000.00
4	Repairs and improvements.....	5,000.00	5,000.00
5	For completion of the second unit		
6	of the capitol, including grading		
7	of grounds, interior construction		
8	for law library and supreme court		
9	rooms	90,000.00	
10	To be expended by and under the		
11	direction of the Governor and the		
12	Capitol Building Commission.		

Governor's Mansion and Grounds.

Sec. 23. Current general ex-			
2	penses	7,000.00	7,000.00
3	Repairs and improvements.....	7,000.00	7,000.00
4	Household furnishings and to		
5	complete mansion	12,000.00	10,000.00

Labor Fund Capitol Building.

Sec. 24. Salaries of engineers,			
2	watchmen, janitors, charwomen,		
3	elevator and telephone operators..	40,000.00	40,000.00

Militia.

Sec. 25. To carry into effect the			
2	provisions of chapter eighteen,		

3 Barnes' code as amended, relating		
4 to the militia		
5 Armory rentals, light, heat, water,		
6 caretaker and janitor service.....	60,000.00	60,000.00
7 All other expenditures for militia	60,000.00	60,000.00

State Sinking Fund Commission.

2 Sec. 26. Expenses of state sink-		
3 ing fund commission, including		
4 compensation of assistants, steno-		
5 graphers and all other expenses....	14,280.00	14,280.00
6 Purchase of bookkeeping machine		
7 and equipment	1,500.00	

Bureau of Negro Welfare and Statistics.

2 Sec. 27. To pay for clerk hire..	2,100.00	2,100.00
3 Current general and traveling		
4 expenses	2,000.00	2,000.00

Equipment for New Capitol

2 Sec. 28. To purchase vault		
3 equipment, files, office furniture		
4 and equipment and other furnish-		
5 ings for new capitol building.....	45,000.00	25,000.00

General School Fund.

2 Sec. 29. To supplement the gen-		
3 eral school fund to meet the re-		
4 quirements of section seven, chap-		
5 ter one hundred and twenty-six,		
6 Acts of the Legislature of one		
7 thousand nine hundred and twenty-		
8 one	1,250,000.00	1,250,000.00
9 The foregoing appropriation shall be distributed by the state		
10 auditor, upon the order of the state board of public works		
11 designating the amount to which each district is entitled under		
12 existing law.		
13 Said order shall designate the district and fix the amount		
14 allowed to said district and said board of public works shall file		
15 a certified copy thereof with the state auditor within the time		
provided in said section referred to herein.		

World War—Soldiers, Sailors and Marines.

2	abled or indigent soldiers, sailors		
3	and marines residing in West Vir-		
4	ginia, who served in the World war,		
5	including cost of administration, to		
6	be expended under such rules and		
7	regulations as may be prescribed		
8	by the board of public works.....	42,000.00	42,000.00
9	<i>Provided, however,</i> this appropriation shall be available for		
10	the relief of those who served in the Spanish American war,		
11	who are not receiving pensions from the federal government.		
12	Salary of state veteran's service		
13	officer	3,000.00	3,000.00
14	Current general, clerical and		
15	traveling expense	5,000.00	5,000.00

Publication of Delinquent Lists.

2	ing list of delinquent corporations		
3	as provided by sections one hun-		
4	dred and thirty-four and one hun-		
5	dred and thirty-six, chapter thirty-		
6	two of the code, payable on re-		
7	quisition of governor or auditor...	800.00	800.00

State Aid for Agricultural Fairs or Associations.

2	ions of chapter one hundred and		
3	twenty-two, acts one thousand nine		
4	hundred and twenty-one, providing		
5	for state aid for the encouragement		
6	of agricultural fairs to be paid on		
7	approval of governor and commis-		
8	sioner of agriculture.....	15,000.00	15,000.00
9	<i>Provided, however,</i> that not more than fifteen hundred dollars		
10	each year shall be paid to any one agricultural fair or associa-		
11	tion.		

Emergency and Law and Order Appropriations

Sec. 33. To meet emergencies that
 2 arise during the time that the legis-
 3 lature is not in session and for the
 4 preservation of law and order to be
 5 disbursed on the approval of the
 6 governor and board of public works 50,000.00 50,000.00
 7 *Provided*, that upon the necessity of the use of the fund in
 8 case the appropriation for the first year becomes exhausted, the
 9 governor shall have the right to draw upon the appropriation
 10 herein made for the second year, and in case the appropria-
 11 tion for the first year be not expended, it shall automatically
 12 become accessible during the second year.

12-a *Provided, however*, that no part of this appropriation shall
 12-b be used to supplement appropriations for state departments
 12-c or state institutions other than eleemosynary state institutions.

13 It shall be unlawful for any state board, commission, officer
 14 or employee to incur any liability during any fiscal year,
 15 which cannot be paid out of the then current year appropria-
 16 tion or out of funds received from the emergency appropriation.

17 It shall be unlawful for any state board, commission, officer,
 18 or employee to authorize or to pay any account or bill incurred
 19 out of the appropriation for the following year, unless a suffi-
 20 cient amount of the appropriation for the fiscal year, during
 21 which the liability was incurred, was cancelled by expiration or
 22 a sufficient amount of the appropriation remained unexpended
 23 at the end of the year.

24 Any member of a state board or commission, or any officer
 25 or employee violating the provisions of this section shall be
 26 personally liable for any debt unlawfully incurred or for any
 27 payment unlawfully made.

Rent of Capitol Annex and Other Property.

Sec. 34. To pay rent of Capitol
 2 Annex and other property 25,000.00 10,000.00

JUDICIARY DEPARTMENT

Supreme Court of Appeals.

Sec. 35. Salary of the clerk 1,500.00 1,500.00
 2 Salaries of five law clerks 18,000.00 18,000.00

3	<i>Per diem</i> of the crier.....	950.00	950.00
4	Mileage of the supreme court		
5	judges	650.00	650.00
6	Current general expenses of the		
7	supreme court	2,500.00	2,500.00
8	Printing and binding supreme		
9	court reports	7,000.00	7,000.00
10	Reprinting, binding, proof-read-		
11	ing one thousand volumes each, one		
12	and forty-eight supreme court re-		
13	ports	4,000.00	
14	For expenses of conducting exam-		
15	ination of applicants to practice law,		
16	including traveling expenses and		
17	<i>per diem</i> of the members of the ex-		
18	amining board, to be paid on the		
19	order of the president of the exam-		
20	ining board	1,200.00	1,200.00
21	Compensation of stenographers		
22	for the judges of the supreme		
23	court of appeals	3,600.00	3,600.00

Circuit Courts.

2	Sec. 36. Compensation of special		
2	judges of the circuit courts.....	5,000.00	5,000.00
3	Mileage of the judges of the cir-		
4	cuit courts	2,500.00	2,500.00
5	Allowance for office rent, steno-		
6	graphic services, lighting and heat-		
7	ing office as provided by chapter		
8	eighty-six, Acts one thousand nine		
9	hundred and twenty-one.....	10,000.00	10,000.00

Monument.

2	Sec. 36-a. To carry out the pro-		
2	visions of House Bill 477, Senate		
3	Bill 124, relating to erection of		
4	monument to Union soldiers, sailors		
5	and marines	7,500.00	7,500.00

Poet Laureate

Sec. 36-b. To pay the salary of		
2 poet laureate in accordance with		
3 Senate Bill No. 191, House Bill No.		
4 507	900.00	900 00

National Cemetery.

Sec. 36-c. To carry out the pro-		
2 visions of House Bill No. 53, relat-		
3 ing to National Cemetery at Grafton	1,000.00	1,000.00

SUB-SECTION "B."

All appropriations appearing under "sub-section 'B'" are payable only on the requisition and approval of the state board of control.

EXECUTIVE DEPARTMENT

State Board of Control.

Sec. 37. Salary of secretary...	3,600.00	3,600.00
2 Salary of buyer.....	2,400.00	2,400.00
3 Salary of director of building		
4 construction	3,000.00	3,000.00
5 Salary of chief clerk, printing		
6 department	3,000.00	3,000.00
7 Salaries of bookkeepers, stenog-		
8 raphers and other assistants.....	33,390.00	33,390.00
9 Current general expenses.....	6,000.00	6,000.00
10 Traveling expenses	2,000.00	2,000.00

Huntington State Hospital.

Sec. 38. Current general ex-		
2 penses	45,000.00	45,000 00
3 Repairs and improvements.....	12,500.00	12,500.00

Spencer State Hospital.

Sec. 39. Current general ex-		
2 penses	110,000.00	110,000.00
3 Repairs and improvements.....	12,500.00	12,500.00

Weston State Hospital.

Sec. 40. Current general ex-			
2	penses	225,000.00	225,000.00
3	Repairs and improvements	32,500.00	32,500.00
4	Buildings and land	15,000.00	15,000.00
5	Remodeling building to make additional room for men.		

State Colored Hospital for the Insane.

Sec. 41. Current general ex-			
2	penses	50,000.00	60,000.00
3	Repairs and improvements	25,000.00	25,000.00
4	Buildings and land	75,000.00	75,000.00
5	The state board of control is hereby authorized to contract		
6	for the construction of a building for men, having an aggregate		
7	cost of one-half more than the above aggregate. The building		
8	to be constructed on a three year plan and the additional		
9	cost or appropriation to be provided for out of revenues for		
10	year ending June thirty, one thousand nine hundred and thirty.		

McKendree Hospital No. 2.

Sec. 42. Current general ex-			
2	penses	22,000.00	22,000.00
3	Repairs and improvements.....	4,500.00	4,500.00

Fairmont Hospital No. 3.

Sec. 43. Current general ex-			
2	penses	5,000.00	5,000.00
3	Repairs and improvements....	5,000.00	5,000.00

State Tuberculosis Sanitarium.

Sec. 44. Current general ex-			
2	penses	170,000.00	170,000.00
3	Repairs and improvements.....	25,000.00	25,000.00
4	Buildings and land	50,000.00	50,000.00
5	The state board of control is hereby authorized to contract		
6	for the construction of a unit for treatment of children, having		
7	an aggregate cost of one-half more than the above aggregate		
8	cost. The building to be constructed on a three year plan and		

9 the additional cost or appropriation to be provided for out of
10 revenues for year ending June thirty, one thousand nine hun-
11 dred and thirty.

State Colored Tuberculosis Sanitarium.

Sec. 45. Current general ex-		
2 penses	25,000.00	25,000.00
3 Repairs and improvements.....	7,500.00	7,500.00

West Virginia Industrial School for Boys.

Sec. 46. Current general ex-		
2 penses	100,000.00	100,000.00
3 Repairs and improvements.....	25,000.00	25,000.00
4 To pay George A. Barnard, em-		
5 ployee, permanently, totally disab-		
6 led, struck on head by inmate....	1,200.00	1,200.00

State Industrial School for Colored Boys.

Sec. 47. Current general ex-		
2 penses	25,000.00	25,000.00
3 Repairs and improvements.....	7,500.00	7,500.00

West Virginia Industrial Home for Girls.

Sec. 48. Current general ex-		
2 penses	45,000.00	45,000.00
3 Repairs and improvements.....	12,000.00	12,000.00

State Industrial Home for Colored Girls.

Sec. 49. Current general ex-		
2 penses	13,000.00	13,000.00
3 Repairs and improvements.....	5,000.00	5,000.00

West Virginia Children's Home.

Sec. 50. Current general ex-		
2 penses	18,000.00	18,000.00
3 Repairs and improvements.....	3,000.00	3,000.00
4 For joining City of Elkins in		
5 building sewer from the Home to		
6 Leading Creek.....	2,000.00	2,000.00

West Virginia Colored Orphans' Home.

Sec. 51. Current general ex-		
2 penses	11,000.00	11,000.00
3 Repairs and improvements.....	1,500.00	1,500.00

State Home for Aged and Infirm Colored Men and Women.

Sec. 52. Current general ex-		
2 penses	7,500.00	7,500.00

Printing, Binding and Stationery.

Sec. 53. For printing, binding,		
2 stationery and storage.....	70,000.00	70,000.00

West Virginia Geological Survey.

Sec. 54. Salaries	20,040.00	20,040.00
2 Current general expenses	20,000.00	20,000.00

State Board of Children's Guardians.

Sec. 55. Salaries, traveling and		
2 current general expenses.....	45,000.00	45,000.00

Point Pleasant Battle Monument Commission.

Sec. 56. Maintenance, Tu-Endie		
2 Wei Park	1,500.00	1,500.00
3 Repairs and improvements.....	4,400.00	4,400.00

Berkeley Springs Park.

Sec. 57. Repairs and improve-		
2 ments	15,000.00	15,000.00

Rumseyan Society.

Sec. 58. For maintenance of		
2 grounds at Shepherdstown.....	500.00	500.00

State Board of Pharmacy.

Sec. 59. Salaries and current		
2 general expenses	3,000.00	3,000.00

Florence Crittenden Home (Wheeling).

Sec. 61. For the care and treat-		
2 ment of wayward girls and their		
3 children, residents of West Virginia,		
4 who may become public charges, ad-		

5	mited under regulations prescribed		
6	by the state board of control.....	5,000.00	5,000.00

Hospital Service.

Sec. 62. For the treatment of
 2 crippled or deformed children, lab-
 3 orers and others who may become
 4 public charges, to be paid upon ap-
 5 proval of the state board of control
 6 in manner hereafter set forth..... 50,000.00 50,000.00
 7 October one, one thousand nine
 8 hundred and twenty-seven, and
 9 every three months thereafter any
 10 hospital other than state hospitals,
 11 within the state and doing charity
 12 work, may file with the state board
 13 of control itemized bills for all
 14 charity cases treated during the pre-
 15 ceding three months, said bills to
 16 be made out in the form prescribed
 17 by and at the rates fixed by said
 18 board. Sixty days shall be allowed
 19 for filing said bills after which time
 20 the board of control shall audit the
 21 same and pay all proper claims.
 22 If, however, the aggregate of all
 23 claims filed exceeds one-fourth of
 24 the amount appropriated for the
 25 year then said board shall appor-
 26 tion the said one-fourth appropri-
 27 ated so that each claim will receive
 28 its *pro rata* share. (This appro-
 29 priation to be expended on order
 30 of the state board of control, un-
 31 der rules and regulations prescrib-
 32 ed by said board.)

Treatment of Tuberculosis

Sec. 63. For the care and treat-
 2 ment of persons afflicted with

3 tuberculosis, residents of West Vir-		
4 ginia, who may become public		
5 charges admitted to a sanitarium		
6 under regulations prescribed by the		
7 state board of control.....	15,000.00	15,000.00

To Carry Out Section 175, Chapter 144, Acts 1921.

2 Sec. 64. Treatment of girls com-		
3 mitted to the West Virginia indus-		
4 trial home for girls who are af-		
5 flicted with infectious diseases	5,000.00	5,000.00
6 To be administered in co-operation		
7 with the state department of health.		

West Virginia Penitentiary.

2 Sec. 65. Repairs and improve-		
3 ments	25,000.00	25,000.00
4 To pay Roy Estep, injured in		
5 mine accident at penitentiary.....	300.00	300.00

Department of Public Safety.

2 Sec. 66. To pay the expenses of		
3 the department of public safety,		
4 including the compensation of the		
5 officers, employees and members,		
6 and all other expenses thereof, ac-		
7 cording to the provisions of chapter		
8 twelve, Acts of the extra session of		
9 the Legislature of one thousand		
10 nine hundred and nineteen and		
11 amendments thereto	412,500.00	412,500.00
12 Any member of the department		
13 of public safety who has been or		
14 may hereafter be injured while in		
15 the line of duty in the services of		
16 the state shall be entitled to receive		
17 such compensation for such period		
18 of time as determined and fixed by		
19 the state board of control; <i>pro-</i>		
20 <i>vided, however,</i> such compensation		

20 shall not exceed the rate of compen-
 21 sation received at the time of in-
 22 jury, payable out of the foregoing
 23 appropriation.

Insurance on Public Buildings.

Sec. 67. To pay for insurance
 2 on public buildings 60,000.00 125,000.00

West Virginia University.

Sec. 68. Salaries of officers,
 2 teachers and employees 575,000.00 600,000.00
 3 Current general expenses..... 200,000.00 205,000.00
 4 Athletic expense 10,000.00 10,000.00
 5 To pay salary and expenses of
 6 alumni secretary and field agent.. 5,000.00 5,000.00
 7 Repairs and improvements..... 125,000.00 125,000.00
 8 Buildings and land 25,000.00
 9 For completion of Elizabeth
 10 Moore Hall. Authority to contract
 11 authorized by one thousand nine
 12 hundred twenty-five legislature.
 13 Buildings and land..... 85,000.00 85,000.00
 14 The state board of control is
 15 hereby authorized to contract for
 16 the construction of men's field build-
 17 ing for physical education, having
 18 an aggregate cost of one-half more
 19 than the above aggregate. The
 20 building to be constructed on a three
 21 year plan and the additional cost
 22 or appropriation to be provided for
 23 out of revenues for the year ending
 24 June thirty, one thousand nine hun-
 25 dred and thirty.
 26 Buildings and land 31,250.00 31,250.00
 27 The state board of control is
 28 hereby authorized to contract for
 29 the purchase of additional land for
 30 the purpose of extending campus,
 31 the aggregate cost not to exceed

32 one hundred and twenty-five thou-
33 sand dollars.

Extension Work.

Sec. 69. Mining and Indus-		
2	trial extension	20,000.00 20,000.00
3	Agricultural, horticultural and	
4	home economics extension.....	85,000.00 85,000.00
5	4-H Camp for boys and girls	
6	club work at Jackson's Mills.....	25,000.00 25,000.00
7	For the construction of a sewage	
8	disposal plant for the treatment of	
9	the Jackson's Mills sewage.....	5,000.00 5,000.00
10	Repairs and improvements, Jack-	
11	son's Mills	7,500.00 7,500.00
12	For water system, Jackson's	
13	Mills	6,000.00 6,000.00
14	For dining hall and kitchen	
15	equipment	1,500.00 1,500.00
16	Community packing plant, cur-	
17	rent expense	8,000.00 8,000.00

Agricultural Experiment Station.

Sec. 70. Salaries of officers,		
2	technical staff and labor	40,000.00 40,000.00
3	Current general expense	25,000.00 25,000.00
4	Repairs and improvements.....	20,000.00. 20,000.00
5	Live stock	5,000.00 5,000.00
6	Current general expenses, Rey-	
7	mann memorial farms.....	1,500.00 1,500.00
8	Repairs and improvements, Rey-	
9	mann memorial farms	2,000.00 2,000.00

Marshall College.

Sec. 71. Salaries of officers,		
2	teachers and employees	200,000.00 200,000.00
3	Current general expenses.....	45,000.00 45,000.00
4	Repairs and improvements.....	15,000.00 20,000.00
5	Buildings and land	65,000.00
6	To purchase additional land.	
7	Authority to contract authorized by	

8 one thousand nine hundred and
9 twenty-five legislature.

Potomac State School, Keyser.

Sec. 72. Salaries of officers,		
2 teachers and employees	57,000.00	59,000.00
3 Current general expenses.....	19,000.00	19,000.00
4 Repairs and improvements.....	15,000.00	15,000.00
5 The one thousand nine hundred		
6 and twenty-five appropriation for		
7 building is hereby extended and the		
8 board of control is authorized and		
9 directed to use the unexpended		
10 balance of said one thousand nine		
11 hundred and twenty-five appropri-		
12 ation for land and the construction		
13 of a gymnasium at Keyser, and		
14 have the same available for use at		
15 the beginning of the fall term, one		
16 thousand nine hundred and twenty-		
17 seven.		

New River State School, Montgomery.

Sec. 73. Salaries of officers,		
2 teachers and employees.....	63,000.00	68,000.00
3 Current general expenses.....	17,500.00	17,500.00
4 Repairs and improvements.....	12,500.00	12,500.00

Fairmont State Normal School.

Sec. 74. Salaries of officers,		
2 teachers and employees.....	95,000.00	105,000.00
3 Current general expenses.....	22,000.00	22,000.00
4 Repairs and improvements.....	25,000.00	25,000.00
5 Buildings and land	21,700.00	
6 To purchase additional land.		
7 Authority to contract authorized by		
8 one thousand nine hundred and		
9 twenty-five legislature.		

Concord State Normal School.

Sec. 75. Salaries of officers,		
2 teachers and employees.....	67,000.00	69,000.00

3	Current general expenses.....	18,000.00	18,000.00
4	Repairs and improvements.....	20,000.00	15,000.00

Glenville State Normal School.

Sec. 76. Salaries of officers,			
2	teachers and employees.....	57,000.00	60,000.00
3	Current general expenses.....	15,000.00	15,000.00
4	Repairs and improvements.....	20,000.00	20,000.00

Shepherd College State Normal School.

Sec. 77. Salaries of officers,			
2	teachers and employees.....	50,000.00	52,000.00
3	Current general expenses.....	12,500.00	12,500.00
4	Repairs and Improvements.....	15,000.00	15,000.00

West Liberty State Normal School.

Sec. 78. Salaries of officers,			
2	teachers and employees.....	38,000.00	43,000.00
3	Current general expenses.....	11,000.00	11,000.00
4	Repairs and improvements.....	11,000.00	11,000.00
5	The one thousand nine hundred		
6	and twenty-five appropriation for		
7	administration building is hereby		
8	extended and the board of control		
9	is authorized and directed to use		
10	the unexpended balance of said one		
11	thousand nine hundred and twenty-		
12	five appropriation for the con-		
13	struction of the said administration		
14	building at West Liberty and have		
15	the same available for use at the be-		
16	ginning of the fall term, one thou-		
17	sand nine hundred and twenty-		
18	seven.		

West Virginia School for the Deaf and Blind.

Sec. 79. Salaries of officers,			
2	teachers and employees.....	80,000.00	80,000.00
3	Current general expenses.....	70,000.00	70,000.00
4	Repairs and improvements.....	22,500.00	22,500.00
5	For remodeling and furnishing		

6 three story shop building into dor-		
7 mitory for deaf boys	7,500.00	7,500.00

West Virginia School for Colored Deaf and Blind.

Sec. 80. Salaries of officers,		
2 teachers and employees.....	12,500.00	12,500.00
3 Current general expenses.....	17,000.00	17,000.00
4 Repairs and improvements....	15,000.00	15,000.00

West Virginia Collegiate Institute.

Sec. 81. Salaries of officers,		
2 teachers and employees.....	110,000.00	120,000.00
3 Current general expense.....	52,500.00	52,500.00
4 Repairs and improvements.....	37,500.00	37,500.00
5 For grading and sewerage campus	5,000.00	5,000.00

Bluefield Colored Institute.

Sec. 82. Salaries of officers,		
2 teachers and employees.....	45,000.00	48,000.00
3 Current general expense.....	11,000.00	11,000.00
4 Repairs and improvements....	13,500.00	13,500.00

Storer College.

Sec. 83. Salaries of officers,		
2 teachers and employees.....	10,000.00	10,000.00
3 Expense of summer school....	2,000.00	2,000.00

SUB-SECTION "C"

Sec. 84. All appropriations appearing under sub-section "C" are payable out of the general revenue of the state fund for the fiscal year ending June thirty, one thousand nine hundred and twenty-seven. Except appropriations in section eighty-eight which are payable for the year one thousand nine hundred and twenty-eight and one thousand nine hundred and twenty-nine.

LEGISLATIVE DEPARTMENT

Senate

Sec. 85. Mileage of the members of the Senate		
2 for the initial and adjourned sessions of one thou-		
3 sand nine hundred and twenty-seven.....\$		2,202.40

4	President of the Senate, two dollars per day	
5	extra for presiding sixty-three days.....	126.00

Compensation and Per Diem of Other Elective Officers

6	Compensation of the Clerk of the Senate for	
7	services prior to, and during the initial and ad-	
8	joined and extended sessions.....	1,825.00
9	Sergeant-at-Arms of the Senate, sixty-three	
10	days at ten dollars per day.....	630.00
11	Doorkeeper of the Senate, sixty-three days, at	
12	ten dollars per day.....	630.00
13	John Hallanan, Sergeant-at-Arms, session of	
14	one thousand nine hundred and twenty-five, as-	
15	sembling office furniture and preparing the Senate	
16	chamber for the opening of the session of the	
17	Senate	150.00

Presidential Appointees

18	Private secretary to the President, sixty-three	
19	days at ten dollars per day.....	630.00
20	Stenographer to the President, sixty-three days	
21	at ten dollars per day.....	630.00
22	Chaplain of the Senate, sixty-three days at three	
23	dollars per day.....	189.00
24	Assistant Sergeant-at-Arms, sixty-three days at	
25	eight dollars per day.....	504.00
26	Assistant doorkeeper, sixty-three days at eight	
27	dollars per day.....	504.00
28	Secretary to the Committee on Finance, sixty-	
29	three days at ten dollars per day.....	630.00
30	Stenographer to the Committee on Finance,	
31	sixty-three days at ten dollars per day.....	630.00
32	Clerk to the Committee on the Judiciary, sixty-	
33	three days at ten dollars per day.....	630.00
34	Stenographer to the Committee on the Judici-	
35	ary, sixty-three days at ten dollars per day.....	630.00
36	Twelve additional committee clerks, sixty-three	
37	days each, at eight dollars per day.....	6,048.00
38	Supervisor of floor stenographers, sixty-three	
39	days at ten dollars per day.....	630.00

40	Six floor stenographers, sixty-three days each,	
41	at eight dollars per day.....	3,024.00
42	Four mailing clerks in the document room,	
43	sixty-three days each, at eight dollars per day....	2,016.00
44	One mailing and banking page, sixty-three days,	
45	at five dollars per day.....	315.00
46	Two journal pages, sixty-three days each, at	
47	five dollars per day.....	630.00
48	Six floor pages, sixty-three days each, at four dol-	
49	lars per day.....	1,512.00
50	Two cloak room attendants, sixty days each at	
51	five dollars per day.....	600.00

Services During Interim

52	To pay the Clerk of the Senate, assistant clerk,	
53	private secretary to the President, sergeant-at-	
54	arms, committee clerks, official reporter, mailing	
55	and banking page, supervisor of printing, assist-	
56	ant supervisor of printing, abstract clerks, senate	
57	and house bill record clerks, duplicate bill clerks,	
58	roll clerk, bill editor and assistant bill editor, copy	
59	holder to the bill editors, superintendent and as-	
60	sistant superintendent of the document room,	
61	office stenographers, journal printing clerks, copy	
62	holders, four general assistants and messenger to	
63	the clerk	13,575.00

Clerk's Appointees

64	Compensation of the chief assistant clerk for	
65	services rendered during the initial and adjourned	
66	sessions, at fifteen dollars per day.....	945.00
67	Compensation of the official stenographer for	
68	services rendered during the initial and adjourned	
69	sessions, at fifteen dollars per day.....	945.00
70	Compensation of the roll clerk, two abstract	
71	clerks, senate bill record clerk, bill editor and	
72	assistant, and superintendent of document room	
73	and assistant, 63 days at ten dollars per day.....	5,040.00
74	Senate's proportion of the supervisor of print-	
75	ing, sixty-three days at seven dollars and fifty	
76	cents per day	472.50

77	Compensation of the assistant supervisor of	
78	printing, duplicate bill clerk, house bill record	
79	clerk, copy holder to bill editors, clerk to the com-	
80	mittee on enrolled bills, two office stenographers,	
81	three journal printing clerks and three copy hold-	
82	ers, sixty-three days each at ten dollars per day....	8,190.00
83	Compensation of eight general assistants and	
84	one messenger, sixty-three days each at eight dol-	
85	lars per day.....	4,536.00
86	To pay B. G. Carter for janitor services in car-	
87	ing for the three rooms occupied by the Clerk in	
88	the basement of the Capitol Annex, during the	
89	initial session, interim period and adjourned ses-	
90	sion	540.00
91	To pay H. C. Williamson, journal page at	
92	Capitol Building, forty-five days.....	150.00
93	To pay Leroy Clemans for services in connection	
94	with the removal of furniture and equipment and	
95	getting the Senate furniture and the furniture for	
96	the clerks and assistant clerks and committee	
97	rooms, also the document room installed for the	
98	opening of the initial session.....	120.00

Senate Sub-Committee on Roads

99	To pay the per diem and expenses of the mem-	
100	bers of the Senate sub-committee on roads, ap-	
101	pointed under Resolution No. 4, to investigate	
102	the road department; also, stenographic, clerical	
103	and legal services.....	3,670.50

Joint Committee on Workmen's Compensation Department

104	To pay the per diem and expenses of the members	
105	of the Joint Committee appointed under Reso-	
106	lution No. 2 to investigate the Workmen's Com-	
107	pensation Department; also, stenographic and	
108	clerical services, one-half to be chargeable to the	
109	Senate and one-half to the House of Delegates....	1,827.87

Water Power Commission

110	To pay the expenses incurred by members of	
111	the Senate water power commission in attendance	

112 at meetings held at the State Capitol in the years	
113 of 1925 and 1926, \$100.00 each.....	300.00
114 To pay D. O. Pauley, City building supervisor,	
115 for services of extra janitors, watchmen, elevator	
116 operators maid, and charwomen employed dur-	
117 ing the legislative session of 1927, for a total of	
118 1,042 days at a rate of \$5.00 per day, in accord-	
119 ance with bill herewith attached. This bill in-	
120 cludes necessary extra men used in moving fur-	
121 niture and preparing offices and Senate chamber	
122 for legislative session and for services in restor-	
123 ing offices to normal condition.....	5,660.00
124 Contingent fund of the Senate.....	30,000.00
125 To pay the following named persons and firms	
126 for supplies furnished and services rendered, one	
127 thousand nine hundred and twenty-seven session	
128 Senate:	
129 Brawley Brothers, glasswear.....	.80
130 F. A. Bare, drayage.....	2.00
131 D. C. Bennett, to reimburse for taxi fare.....	5.50
132 Mason Burke, drayage.....	30.00
133 Ches. & Pot. Tel. Co. of W. Va., telephone	
134 service	390.91
135 Callahan's Garage, storage, supplies and gaso-	
136 line	74.55
137 Cutter Typewriter Exchange, typewriter	
138 rental	24.00
139 Charleston School Supply Co., addressograph	
140 supplies	135.00
141 Dana Barnes Co., towels and supplies.....	13.00
142 Federal Publishing Co., Barnes Codes.....	390.00
143 A. E. Harmon, resolution engraved.....	15.00
144 Hokes Display Service, committee room cards..	8.00
145 H. R. Judy, keys and repairs.....	5.50
146 Kanawha Ice Co.....	97.50
147 Kanawha Furniture Co., costumer.....	5.50
148 S. Spencer Moore Co., desks, file cases and sup-	
149 plies	1,892.06
150 Remington Typewriter Co., typewriter rental	34.00
151 Smith-Brooks Co., soap.....	10.50
152 C. B. Stewart, scales.....	15.00

153	Superior Laundry Co., laundry.....	1.23
154	W. F. Thompson electrical work.....	10.00
155	Talleys Complete Office Outfitter; supplies.....	35.60
156	Thomas Field & Co., shoe laces.....	8.00
157	Tribune Printing Co., supplements to code.....	40.00
158	Union Mortgage Co., use of addressograph.....	40.00
159	Underwood Typewriter Co., machines and rental	258.00
160	Western Union Telegraph Co., service.....	22.95
161	Woodrum Home Outfitting Co., linoleum.....	34.00
162	Walnut Hill Water Co.....	138.80
163	H. G. Somerville, to reimburse for telegraph fees	2.22
164	Postage for mailing journals and bills.....	1,100.00
164a	C. W. Myers for services rendered.....	64.00
165	To pay John T. Harris for editing, compiling	
166	and publishing the "West Virginia Legislative	
167	Hand Book and Manual and Official Register"	
168	under the same provisions as to distribution as	
169	were adopted in the session of one thousand nine	
170	hundred and twenty-one, including all expenses	
171	incurred in the employment of contributors, the	
172	preparation of matter, clerical hire, stenographic	
173	services and proof reading, and for shipping	
174	charges in connection with the distribution of	
175	the book:	
176	For the year ending June thirty, one thousand	
177	nine hundred and twenty-eight.....	12,000.00
178	For the year ending June thirty, one thousand	
179	nine hundred and twenty-nine.....	12,000.00
180	One-half of the above amounts to be paid by	
181	the auditor to the editor and compiler, upon a	
182	certificate from the superintendent of public	
183	printing that the "copy" for the "Hand Book"	
184	has been turned over to the public printer, and	
185	the other half upon a similar certificate that the	
186	complete editions have been delivered.	
187	After the distribution provided for in the acts	
188	of one thousand nine hundred and twenty-one	
189	above referred to, or by further resolution by	
190	either house of the legislature, the remainder of	
191	the edition shall be sold by the Secretary of State	
192	to persons desiring to purchase the same, at the	
193	price of two dollars and fifty cents per volume.	

House of Delegates

Sec. 86. Mileage of members of the House of	
2 Delegates	\$ 6,353.90
3 <i>Per diem</i> of the speaker of the house at two	
4 dollars	126.00
5 Contingent fund of the House of Delegates.....	30,000.00

Compensation of Other Elective Officers

6 Compensation of the clerk of the house for serv-	
7 ices prior to and during initial, adjourned and ex-	
7-a tended sessions	1,825.00
8 Compensation of the sergeant-at-arms, initial,	
9 adjourned and extended sessions	756.00
10 Compensation of the doorkeeper of the house	
11 for the initial, adjourned and extended sessions	630.00

Clerk's Appointees

12 Six assistant clerks, including extended session	4,536.00
13 Fourteen assistant clerks, including eleven for	
14 extended session	8,730.00
15 Two assistant clerks for the adjourned session	
16 only	810.00
17 One joint supervisor of printing on part of	
18 house	472.50
19 One assistant clerk, fifteen days	120.00
20 One assistant clerk, forty-five days	450.00
21 One messenger	315.00

Speaker's Appointees

22 Clerk to the judiciary committee, at ten dol-	
23 lars per day	600.00
24 Stenographer to the judiciary committee, at	
25 ten dollars per day	600.00
26 Clerk to the finance committee, at ten dollars	
27 per day	630.00
28 Stenographer to the finance committee, at ten	
29 dollars per day	630.00
30 Clerk to the sergeant-at-arms, at eight dollars	
31 per day	504.00
31-a Assistant sergeant-at-arms, at eight dollars	
31-b per day	504.00

32	Secretary to the speaker, at twelve dollars	
33	per day	756.00
34	Stenographer to the speaker, at eight dollars	
35	per day	504.00
36	Eleven committee clerks, at eight dollars per	
37	day	3,960.00
38	Six mailing clerks, at eight dollars per day	2,520.00
39	Nine floor pages, at five dollars per day	705.00
40	Eleven floor stenographers, at eight dollars per	
41	day	3,884.00
42	Seven janitors	1,645.00
43	Two janitors for extended session	30.00
44	Two toilet room keepers, at five dollars per day	600.00
45	One ladies' maid, at five dollars per day.....	300.00
46	One supervisor of mailing and banking, at	
47	eight dollars per day	504.00
48	Two cloak room attendants, at five dollars per	
49	day	600.00
50	Three watchmen, at five dollars per day	900.00
51	Three assistant door keepers, at eight dollars	
52	per day	1,440.00
53	Five journal room pages, at six dollars per day	1,398.00
54	One chief floor page, at eight dollars per day	480.00
55	One supervisor of journal room, at eight dol-	
56	lars per day	504.00
57	One supervisor of stenographers, at ten dol-	
58	lars per day	630.00
59	One messenger to speaker, at five dollars per	
60	day	315.00
61	Drayage, hauling trash, at one dollar per day	63.00

For Services During the Interim and Extension

62	<i>Per diem</i> of clerk, stenographer to clerk, proof-	
63	reader, copy holder, supervisor of mailing and	
64	banking, assistant clerks, sergeant-at-arms, mail-	
65	ing clerks, assistant sergeant-at-arms, secretary	
66	and messenger to speaker, stenographers, clerk	
67	and stenographer to finance committee, for in-	
68	terim and completion of work, joint supervisor	
69	of printing on the part of the house, supervisor	
70	of journal room, committee clerks, ladies' maid	

71 and janitors, in connection with editing, proof-	
72 reading, abstracting, printing and mailing of	
73 bills, joint resolutions and journals and work in	
74 care of the house chamber during the interim,	
75 including J. J. Johnson, assistant sergeant-at-	
76 arms, forty-eight days at eight dollars per day,	
77 and Frances Zimmerman, thirty-eight days, at	
78 ten dollars per day	13,959.55

Miscellaneous Appropriations

79 J. J. Johnson, ex-sergeant-at-arms, work at	
80 opening of session	84.00
81 H. J. Smith Typewriter Exchange	100.00
82 S. Spencer Moore and Company.....	1,077.00
83 Morgan Plumbing and Heating Company	17.25
84 Mock Orange Mineral Water Company	109.10
85 Peoples Store	14.32
86 Clutter Typewriter Exchange	72.25
87 Remington Typewriter Company	17.30
88 F. A. Bare, hauling	23.00
89 Smith and Brooke, merchandise	17.25
90 T. B. Stalnaker, merchandise	3.60
91 Mason Burke, hauling.....	12.00
92 Woodrum Home Outfitting Company	82.10
93 Yellow Pine Lumber Company, merchandise	81.73
94 H. R. Judy, locksmith service	69.60
95 Burlew Hardware Company, merchandise	138.23
96 L. S. Echols, postmaster, postage	1,625.00
97 Goshorn Hardware Company, merchandise	6.00
98 Diamond Ice and Coal Company, ice	20.00
99 Hubbard Grocery Company	11.25
100 Morgan Lumber and Manufacturing Company,	
101 merchandise	7.75
102 Hokes Display Service, merchandise	8.00
103 Laird Office Equipment Company, merchandise	52.50
104 J. W. Dudley Sons Company, merchandise	12.00
105 Talley's, merchandise	20.00
106 West Virginia Heating and Plumbing Com-	
107 pany, merchandise	14.95
108 Loewenstein and Sons, merchandise75
109 Central Glass Company, merchandise	8.20

110	Tom Scott, work on plans	10.00
111	P. A. Donovan, merchandise	2.55
112	Charleston School Supply Company, merchan-	
113	dise	35.00
114	Kanawha Novelty Works, merchandise	8.00
115	W. H. Hutchinson, expenses for committee	
116	from house, attending funeral at Ravenswood....	40.00
117	Walter W. Armstrong, work on assembly room	1,950.00
118	Charleston Cut Flower Company	10.00
119	To reimburse sergeant-at-arms for car fare and	
120	taxi to and from capitol	25.00
121	Kanawha county, heat, light and water	975.00
122	Chesapeake and Potomac Telephone Company,	
123	service	310.40
124	Callahan's Garage, for oil and gasoline for car	
125	for printing department	47.72
126	Keller's Photoprint Service, photostatic copies	
127	for use of finance committee	65.70
128	I. A. Cohen, for damages done to plumbing	
129	in building formerly occupied by state board of	
130	health	93.00
131	Federal Publishing Company, eight copies	
132	Barnes' one thousand nine hundred and twenty-	
133	three code of West Virginia, for use of House of	
134	Delegates, session one thousand nine hundred and	
135	twenty-seven, at fifteen dollars per copy	120.00
136	Marie F. Ford, rent, typewriter	24.00
137	Clair N. Parrish, Clyde Spaulding and Henry	
138	Williams, mailing clerks, nine days each, at	
139	eight dollars per day.....	216.00
140	J. C. Coff, carpenter work, fifteen days, at	
141	eight dollars per day	120.00
142	Mathews Storage Company, drayage and stor-	
143	age, legislative furniture and equipment	875.00
144	Miles Carr, laundry on towels	17.25
145	The auditor, upon the certification of the clerk	
146	of the House of Delegates, or sergeant-at-arms	
147	of the house, is hereby authorized to pay out of	
148	the contingent fund of the House of Delegates	
149	any bills for supplies and services that may have	
150	been incurred by the House of Delegates, and	

151 not included in the appropriation bill, and bills
 152 for supplies and services incurred after adjourn-
 153 ment.

154. A. E. Harmon, engrossing resolution..... 7.50

Legislative Printing and Stationery.

Sec. 87. To pay the cost of legislative printing
 2 and stationery, the appropriation to be available
 3 for the year ending June thirty, one thousand nine
 4 hundred and twenty-seven. If the work is not com-
 5 pleted prior to June thirty, one thousand nine hun-
 6 dred and twenty-seven, then the appropriation
 7 shall continue in effect until completed..... 75,000.00

Salaries of Members of the Legislature

	1928	1929
Sec. 88. Salaries of members		
2 of the Senate	15,000.00	15,000.00
3 Salaries of members of the		
4 House of Delegates	47,000.00	47,000.00

SUB-SECTION "D"

Sec. 89. All appropriations appearing under sub-section
 2 "D" are payable out of the general revenue of the state fund
 3 for the fiscal year ending June thirty, one thousand nine hun-
 4 dred and twenty-seven.

MISCELLANEOUS APPROPRIATIONS

Sec. 90. To pay attorneys' fees, court costs
 2 printing briefs and records (in state and federal
 3 courts) and other necessary expenses incident
 4 thereto in connection with defending the suits
 5 brought by a number of gas and oil companies
 6 against the state tax commissioner and attor-
 7 ney general, including costs and expenses in the
 8 supreme court of the United States..... 35,000.00
 8-a To be paid on the approval of the governor, and
 8-b the appropriation to continue in effect until the
 8-c purposes have been carried out.
 9 To pay rent for use of old capitol site, now occu-
 10 pied by temporary capitol, old board of control

11 buildings and vaults in old capitol site for remain-	
12 der of year ending June thirty, one thousand nine	
13 hundred and twenty-seven.....	11,200.00
14 Appropriation to pay for additional insurance	
15 on public buildings	7,500.00
16 To pay the cost of type, printing, binding and	
17 proofreading the report of code of the re-codifica-	
18 tion commission	16,000.00
19 To pay criminal charges, including transportation	
20 of prisoners and extradition of criminals and	
21 fugitives	50,000.00
22 To pay Charleston General hospital bills which	
23 were not filed within the time prescribed by law	464.64
24 To pay salaries of teachers, Marshall college, for	
25 remainder of year ending June thirty, one thou-	
26 sand nine hundred and twenty-seven	10,000.00
27 To pay salaries of assistants, stenographers, proof-	
28 readers and current general expenses of the re-	
29 vision and codification commission from January	
30 one to June thirty, one thousand nine hundred and	
31 twenty-seven	7,000.00
32 To pay current general expenses, salaries of field	
33 officers and other assistants and traveling expenses	
34 of the department of prohibition for remainder of	
35 year ending June thirty, one thousand nine hun-	
36 dred and twenty-seven	13,800.00
37 To pay appraisers' fees for appraisal of property,	
38 considered by the capitol building commission in	
39 the location of the state capitol.....	1,250.00

SUB-SECTION "E"

Sec. 91. All appropriations appearing under sub-section
2 "E" are payable out of the general school fund of the state.

Department of Education

	1928	1929
Sec. 92. Salary of superinten-		
2 dent of free schools	5,000.00	\$ 5,000.00
3 Salary of assistant superinten-		

4	dent	4,000.00	4,000.00
5	Salary of chief clerk.....	3,000.00	3,000.00
6	Salary of supply clerk and		
7	state aid clerk and statistical		
8	clerk	4,500.00	4,500.00
9-11	Salary of high school supervisor	3,300.00	3,300.00
12	Salaries of two assistant super-		
13	visors of rural schools.....	5,900.00	7,200.00
14	Salary of supervisor of teacher-		
15	training	3,600.00	3,600.00
16	Salary of director of physical		
17	education	3,300.00	3,300.00
18	Salary of supervisor of Negro		
19	schools	3,000.00	3,000.00
20	Stenographers and other clerks...	10,000.00	10,000.00
21	Expenses for conducting uniform		
22	examinations	8,500.00	8,500.00
23	Printing, binding and stationery	20,000.00	20,000.00
24	Expenses of state superintendent	500.00	500.00
25	Current general expenses	6,000.00	6,000.00
26	Traveling and other necessary ex-		
27	penses of inspectors and supervisors		
28	of colored schools, rural schools,		
29	high schools, conferences and other		
30	general expenses	6,000.00	6,000.00
31	For a survey in co-operation with		
32	the state board of education of the		
33	administration of elementary and		
34	high schools and of institutions of		
35	higher learning in the state, with a		
36	view to determining the scope and		
37	purpose of the various units and		
38	institutions; for the preparation		
39	and distribution of courses of		
40	study; and for the preparation and		
41	distribution of plans and specifica-		
42	tions for one, two, three, and four		
43	room schools; and for the neces-		
44	sary printing and travel in connec-		
45	tion therewith	10,000.00	10,000.00

State Board of Education

46	Salaries of six members of state		
47	board of education	6,000.00	6,000.00
48	Salaries of two advisory members		
49	state board of education.....	2,000.00	2,000.00
50	Expenses of members of state		
51	board of education	2,500.00	2,500.00
52	Expenses of advisory members	600.00	600.00
53	Salary and expenses of secretary	5,000.00	5,000.00
54	Salaries of stenographer to secre-		
55	tary	1,800.00	1,800.00
56	To assist in rehabilitation work in		
57	co-operation with the federal gov-		
58	ernment, payable on order of the		
59	state board of education and the		
60	state board of control.....	17,500.00	17,500.00
61	Not over twenty per cent of which		
62	shall be used in the payment of sal-		
63	aries in administration of this fund.		
64	Vocational education, payable on		
65	order of the state board of educa-		
66	tion and state board of control	30,000.00	30,000.00

State Aid—House Bill Number Ten

67	To carry out the provisions of		
68	House Bill number ten, relating to		
69	state aid to students to be disbursed		
70	by the state board of control upon		
71	requisition of the state superin-		
72	tendent of free schools	5,000.00	5,000.00

General Expenses

73	Salaries of county superinten-		
74	dents	95,000.00	95,000.00
75	Compensation and expenses of		
76	institute instructors	15,000.00	15,000.00
77	The auditor shall credit all de-		
78	linquent taxes due the state to the		
79	fund to which they belong, and the		
80	cost of certification of sale shall be		

81 paid out of the fund to which they
 82 are credited, and there is hereby
 83 appropriated so much as may be
 84 necessary for the payment. The
 85 following (payable on requisition
 86 of the auditor).

87 To pay salaries and current gen-		
88 eral expenses of land department..	15,000.00	15,000.00

89 For the publication of the above
 90 delinquent taxes, there is hereby
 91 appropriated so much as may be
 92 necessary at the rate fixed by gen-
 93 eral law, payable on requisition of
 94 the auditor.

95 In addition to the foregoing ap-
 96 propriations the balance of the re-
 97 ceipts for each year of said fund
 98 is hereby appropriated for supple-
 99 mental aid to schools in accordance
 100 with the provision of general law.

Current Year Appropriations.

To pay for printing, binding and stationery	5,000.00	
To pay current general expenses	1,500.00	
To pay traveling expenses.....	1,000.00	

The last three named appropriations to be available for payment upon the passage of this act.

SUB-SECTION "F"

Sec. 93. All appropriations appearing under sub-section 2 "F" are payable out of the state road fund of the state.

STATE ROAD COMMISSION

Automobile Bureau.

2 ing license tags for sale to automo-		
3 bile owners, including cost of stor-		
4 age, envelopes for mailing, post-		
4-a age, freight, express and cartage..	110,000.00	110,000.00
5 Salaries of clerks, stenographers		

6 and field agent, and other neces-		
7 sary assistants	95,000.00	95,000.00
8 To pay all expenses, including		
9 postage, printing, and clerical ex-		
10 penses necessary to carry out the		
11 provisions of House Bill two hun-		
12 dred and eighty-one, regular session		
13 one thousand nine hundred and		
14 twenty-five, relating to the registra-		
15 tion of motor vehicles.....	20,000.00	20,000.00
16 Current general expenses.....	50,000.00	50,000.00
16-a For replacement of various rec-		
16-b ords, forms, specifications and		
16-c supplies lost in recent fire includ-		
16-d ing administration department....	25,000.00	
16-e For replacement of blue print		
16-f machines, electric devices and		
16-g other equipment, including admin-		
16-h istration department	10,000.00	5,000.00

Administration Expenses.

17 Salaries of commissioners.....	22,500.00	22,500.00
18 Salaries of engineers, clerks,		
19 stenographers, property account-		
20 ing, recording and other assistants..	150,000.00	150,000.00
21 Traveling expenses, including au-		
22 tomobile bureau	25,000.00	25,000.00
23 Office rent, including heat, light,		
24 water and janitor service, includ-		
25 ing automobile bureau	17,000.00	15,000.00
26 Furniture and equipment, includ-		
27 ing automobile bureau	12,000.00	12,000.00
28 . Current general expenses.....	25,000.00	25,000.00
29 Federal aid supervision	5,000.00	5,000.00

Gasoline Tax.

30 To pay all expenses in connection		
31 with carrying out the provisions of		
32 chapter thirty-four, acts one thou-		
33 sand nine hundred and twenty-		

<p>34 three, as amended, relating to tax 35 on gasoline; payable on requisition 36 of state tax commissioner.....</p>	<p>12,500.00</p>	<p>12,500.00</p>
<p>37 For complying with and carrying 38 out the provisions of section eighty- 39 three, good roads act, one thousand 40 nine hundred and twenty-five relat- 41 ing to refunds and for refunding 42 moneys erroneously paid through 43 the commission into the treasury 44 such sums are hereby appropriated 45 as may be erroneously paid.</p>		
<p>46 In addition to the foregoing ap- 47 propriations the balance or residue 48 of the annual receipts of the state 49 road fund are hereby appropriated 50 for the payment of interest on and 51 principal of outstanding road bonds, 52 for the maintenance and construc- 53 tion and reconstruction of state 54 roads, in accordance with the pro- 55 visions of the good roads act of one 56 thousand nine hundred and twen- 57 ty-one and amendments thereto sec- 58 tions fifteen, twenty-three and sev- 59 enty-two.</p>		
<p>60 To purchase sites, storage and 61 repair houses for use in mainte- 62 nance and construction of roads, 63 this appropriation to be payable 64 during the year ending June thirty, 65 one thousand nine hundred and 66 twenty-seven and to continue in 67 effect until the purpose of the ap- 68 propriation has been carried out, 69 not to exceed</p>	<p>150,000.00</p>	
<p>70 To pay claims against the state 71 road commission resulting from in- 72 jury or damages. This amount ap- 73 propriated for remainder of year 74 ending June thirty, one thousand</p>		

75	nine hundred and twenty-seven, to	
76	remain in effect until the claims	
77	are paid	10,000.00
78	Out of the above amount, \$605.00	
79	is hereby appropriated for and	
80	directed to be paid to W. P. Sim-	
81	mons, Ruddle, West Virginia, for	
82	damages sustained to his truck.	
83	To reimburse 15 employees of the	
84	state road department for loss in	
85	Temporary Capitol fire of private	
86	owned drawing instruments, equip-	
87	ment and tools which were in the	
88	use of the state.....	195.46
89	To pay court costs—Draper Bros.	
90	vs. State Road Commission.....	192.50

SUB-SECTION "G"

Sec. 95. All appropriations appearing under sub-section 2 "G" are payable out of the special license fees authorized by 3 section fifteen, chapter eight, acts of one thousand nine hun- 4 dred and fifteen (regular session) and amendments thereto.

Public Service Commission.

Sec. 96. To pay salaries and cur-		
2 rent general expenses	80,000.00	80,000.00

SUB-SECTION "H"

Sec. 97. All appropriations appearing under sub-section 2 "H" are payable out of the fund created by chapter nine 3 acts of one thousand nine hundred and fifteen (extraordinary 4 session) and amendments thereto.

Workmen's Compensation.

Sec. 98. Current general ex-		
2 penses	240,000.00	240,000.00
3 Supplemental appropriation to pay		
4 expenses of state workmen's com-		
5 pensation department for the re-		
6 mainder of the year ending June		

7 thirty, one thousand nine hundred
8 and twenty-seven 40,000.00

SUB-SECTION "I"

Sec. 99. All appropriations made by general law payable
2 out of "special revenue" are hereby authorized payable out of
3 the special revenue collection for the specific purposes.

4 The game and fish commission are hereby authorized to pay
5 to the widow of John Lavender, who was killed while in the
6 employ of said commission, not to exceed six hundred and
7 twenty-five dollars as a reimbursement for hospital, medical
8 and funeral expenses.

9 The amount received by the state account loss of furniture,
10 office supplies and equipment in recent fire which destroyed
11 temporary capitol building and building occupied by attorney
12 general shall be paid into a special fund in the state treasury,
13 and is hereby appropriated for replacement purposes to be dis-
14 bursed under the supervision of the board of public works on the
15 requisition of the state board of control.

16 The state board of control is hereby authorized to expend for
17 additional land and buildings for the West Virginia peniten-
18 tiary \$75,000.00 said amount to be paid out of the earnings and
19 collections of said institution in the event that the earnings and
20 collections are in excess of the amount needed for current main-
21 tenance purposes.

22 The state board of control is hereby authorized to expend for
23 the purchase of land and erection of buildings for new state
24 tuberculosis sanitarium to be located in the southern part of the
25 state, not to exceed \$200,000.00, payment to be made out of the
26 pay patient fund of Welch Hospital No. 1, which fund has been
27 created largely by the personal services of the superintendent
28 and chief surgeon, Dr. A. G. Rutherford.

SUB-SECTION "J"

Sec. 100. For refunding overpayments made into the treas-
2 ury on account of taxes, licenses, fines and commissions, to be
3 paid out of the fund into which they were paid, such an amount
4 as may be necessary for such purpose is hereby appropriated.

Sec. 101. The appropriations herein made to or for any
2 state board or institution shall be drawn from the treasury upon
3 the requisition of the proper officers thereof made upon the

4 auditor at such times and in such amounts as may be necessary
5 for the purposes for which such appropriations are made; and
6 the auditor shall pay the amount named in any such requisition
7 at such time and in such installments as shall be necessary
8 for the purposes for which any such appropriation is made.
9 But all requisitions for appropriations for new buildings and
10 substantial betterments, except such as are under control of the
11 board of control, shall be accompanied by the architect's estimate
12 that the amount named in such requisition is needed for
13 immediate use. The auditor shall not issue his warrants to pay
14 any money out of the state treasury unless the same is needed
15 for present use.

16 The members of all state boards or commissions, unless a
17 different rate of compensation is provided by law, shall be
18 allowed four dollars per day for each day necessarily employed
19 as such (including the time spent in going to and returning
20 from the place of meeting) and the actual and necessary expenses
21 incurred by them in the discharge of their duties, and
22 no mileage shall be paid. But before payment of any such member
23 of any such compensation or expenses, he shall make up in
24 duplicate and certify to its correctness an itemized statement
25 of the number of days spent (giving dates) and of the expenses,
26 which statement shall be filed with the secretary or clerk of the
27 institution, the original whereof the secretary or clerk shall file
28 or preserve in his office, and the duplicate he shall at once forward
29 to the auditor. If any such member shall wilfully make
30 a greater charge for such services or expenses than truth justifies,
31 he shall be guilty of embezzlement and punished accordingly.
32

Sec. 102. All printing, binding, printing paper and stationery
2 for the state superintendent of free schools shall be paid
3 for out of the general school fund. All of said printing, binding,
4 printing paper and stationery shall be purchased on requisition
5 through the superintendent of public printing. No printing,
6 binding or printing paper or stationery for the following named
7 boards, officers or institutions shall be paid for out of the appropriation
8 for public printing, public binding, or for supplying
9 paper or stationery, but shall be paid for out of the appropriations
9-a therefor herein made, or out of the expense fund or current
9-b general expense fund thereof, namely:

10 The public service commission, the state road commission, the
11 workmen's compensation department, the game and fish com-
12 mission, the board of dental examiners, state vaccine agents, com-
13 missioners of pharmacy, state board of optometry, state board
14 of embalmers, Welch hospital number one, McKendree hospital
15 number two, Fairmont hospital number three, state fire mar-
16 shal, normal schools, schools for the deaf and blind, the universi-
17 ty and all its branches, including the experiment station, Hunt-
18 ington, Weston and Spencer state hospitals, industrial school for
19 boys, the West Virginia collegiate institute and the industrial
20 home for girls, the geological survey, Berkeley Springs board,
21 state colored hospital for insane, state tuberculosis sanitarium,
22 state colored tuberculosis sanitarium, children's home, the Poto-
23 mac state school, the New River state school, Bluefield colored
24 institute, and all private schools or hospitals receiving state
25 appropriations.

26 Such boards, officers and institutions, except the state super-
27 intendent of free schools, that are herein required to pay for
28 their own printing, stationery and printing paper and binding,
29 have authority to procure the same, or have the same done on
30 requisition of the superintendent of public printing, or may
31 buy such printing and stationery, or have such printing and
32 binding done on competitive bids, under such rules as may be
33 made by the commissioners of public printing.

34 When stationery or printing is procured from the superin-
35 tendent of public printing or printing and binding are done on
36 requisition of his office, by such board, officers or institutions,
37 the superintendent of public printing as to such printing bind-
38 ing, stationery and printing paper, shall certify the cost there-
39 of to the auditor, stating to what officer, board or institution
40 the same was furnished, and the auditor shall charge against
41 the proper fund or appropriation of such officers, institution
42 or board the amount thereof, and credit such amount to the
43 proper appropriations made by this act for public printing,
44 binding, stationery and printing paper. *Provided*, that the
45 annual or biennial reports required by law to be made to the
46 governor by such boards, officers and institutions shall be
47 printed and paid for out of the appropriation for public print-
48 ing, public binding and for supplying printing paper and sta-
49 tionery, but all such reports shall be typewritten, or prepared

50 in such a manner that the same shall be legible and suitable
51 for printer's copy, and only so much of any such report shall
52 be printed as may be ordered by the governor; and no such
53 reports shall be printed by the public printer except on requisition
54 therefor, signed by the governor, which requisition shall
55 state the number to be printed and how the same are to be
56 bound. Such officers, boards and institutions as are required by
57 law to make a report to the governor shall place the same in
58 his hands as soon as the same are completed, and within ninety
59 days after the close of the period which they are to cover.

Sec. 103. No sum of money shall be paid out of the treasury
2 for the years ending June thirtieth, one thousand nine hundred
3 and twenty-eight, and one thousand nine hundred and twenty-
4 nine, beyond the amounts hereby appropriated, unless the same
5 be provided for by constitution or some general law, and no
6 money shall be hereafter drawn from the treasury to pay the
7 salary of any officers or employees before their services have
8 been rendered.

Sec. 104. Upon the adjournment of this session of the legis-
2 lature, the clerk of the House and the clerk of the Senate, shall
3 jointly make up and furnish the auditor and treasurer, without
4 delay, a certified copy of this and all other acts carrying appro-
5 priations.

Sec. 105. Appropriations made by the one thousand nine
2 hundred and twenty-five legislature for buildings and land for
3 Potomac State School, and West Liberty State Normal School,
4 are hereby continued in effect and made available for expendi-
5 ture during such time as would be authorized by law, had said
6 appropriations been originally made by this appropriation bill.
7 The appropriation for Potomac State School shall be used for
8 the construction of a physical education building.

CHAPTER 71

(Senate Bill No. 77—Mr. Willis)

AN ACT to enable Cass, Grant and Union districts, Monongalia county, to assist in the erection and equipment of a high school building on the lands of the West Virginia university in Mor-

gantown, by laying a levy of twenty-five cents during each of the two years immediately following the approval by the voters of said districts, to assist in the erection and equipment of such high school.

[Passed April 20, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. Cass, Grant and Union magisterial districts empowered to lay a levy for high school purposes; amount of; effective when ratified by voters of the said districts; where school is to be located.
2. General control and supervision of the high school.
3. Advisory board of education created; who constitutes; powers and duties.
4. Instructors and instruction must be superior to the average high school.
5. Rights and privileges of enrolling as student.
6. Maintenance; tuition fees; by whom paid.
7. Other students permitted to enter; when and how.

Sec.

8. Name shall be "University Rural High School" and dedicated to the memory of Alexander L. Wade.
9. Curricula and courses of study.
10. Special election to authorize levy; how called; how held; a majority of the vote cast necessary to authorize levy; how subsequent elections can be held.
11. Effect of failure to ratify levy in one or more districts; authority of approving district.
12. Boards of education duty to levy when authorized; immediate erection and equipment of high school required; awarding the contract; building plans; supervision under state board of control; payments for construction and equipment; how and by whom paid.

Be it enacted by the Legislature of West Virginia:

Section 1. Cass, Grant and Union magisterial districts, 2 Monongalia county, are hereby enabled and directed to lay a 3 levy of twenty-five cents during each of the two years immedi- 4 ately following the approval by the voters of said districts, to 5 assist in the erection and the equipment of a high school in 6 Morgantown, on the lands of the West Virginia university at 7 Morgantown. The boards of education of the districts partici- 8 pating in the construction and equipment of this high school, 9 shall have the right to levy and erect such additions and build- 10 ings as they may deem necessary to provide adequate facilities 11 for future increased enrollment at such high school.

Sec. 2: The department of education of West Virginia uni- 2 versity under the direction of the state board of education and 3 the state board of control of West Virginia is hereby empowered 4 and directed to have general control and supervision of such 5 high school.

Sec. 3. An advisory board of education composed of the 2 county superintendent of schools of Monongalia county and the 3 presidents of the boards of education of the districts partici- 4 pating in the building of such high school is hereby created.

5 Said board shall represent the interests of the various dis-
6 tricts participating; shall advise concerning the budget for each
7 current year, or proposed budgets for ensuing years; shall ad-
8 vise concerning courses of study, graduation requirements, and
9 participate in deciding questions affecting changes in the policy
10 of the school.

Sec. 4. The instructors and instruction of such high school
2 must be superior to that of the average high school. The school
3 shall be used for the directed teaching and observation work of
4 the department of education of the West Virginia university,
5 but at least fifty per cent of each high school student's class
6 work must be done under the personal direction of regular high
7 school teachers. The remaining fifty per cent of instruction
8 may be under the direction of regular high school teachers, or
9 regular members of the department of education in the uni-
10 versity.

Sec. 5. All elementary school graduates and a limited num-
2 ber of seventh and eighth grade pupils who are actual residents
3 of any one of the school districts participating in the building
4 of this high school shall have the right and privilege of enrolling
5 in this high school; *provided*, the boards of the respective dis-
6 tricts approve of the enrollment of the seventh and eighth grade
7 pupils and the school can provide for the seventh and eighth
8 grade pupils.

Sec. 6. The boards of education of the residents' districts
2 of such pupils shall pay for maintenance and instruction of said
3 high school a tuition fee of one-half of the average per capita
4 cost for instruction and maintenance of the high schools of West
5 Virginia as ascertained by the last preceding report of the state
6 superintendent of schools of West Virginia. The state board
7 of education and the state board of control of West Virginia,
8 shall provide the remainder of the maintenance and instruction.

Sec. 7. Other students may be permitted to enter this high
2 school at the discretion of the advisory board of education of
3 this high school, but such students shall pay the tuition fees
4 charged by such advisory board of education; *provided*, no
5 student in a district maintaining a high school may be admitted
6 except on the approval of the advisory board and of the de-
7 partment of education in the university.

Sec. 8. The name of this high school shall be "University
2 Rural High School." The university rural high school shall be
3 dedicated to the memory of Alexander L. Wade.

Sec. 9. The curricula and courses of study of said high school
2 shall conform in general to the requirements of the state board
3 of education and be suitable to the pupils of the districts rep-
4 resented.

Sec. 10. The board of education of each of the aforesaid
2 districts shall call a special election on petition of ten per cent
3 of the voters of said districts after this act becomes a law to
4 determine whether or not the voters of such district will approve
5 the laying of a special levy of twenty-five cents for each of the
6 two years immediately following the approval of the voters of
7 said districts. The board shall call other elections on petition
8 of ten per cent of the voters to decide, in the event of a failure
9 on the part of a majority of those voting in any one district to
10 approve of the laying of said levy. In the event of a second
11 failure to authorize the laying of said levy the board shall call
12 subsequent elections upon the petition of ten per cent of the
13 voters of the district. A majority of the voters participating
14 at the special election shall be necessary to authorize such board
15 of education to lay such levy and proceed to carry into effect
16 the provisions of this act. The election shall be conducted in
17 accordance to the general law regarding special elections called
18 by the boards of education.

Sec. 11. If any of the following school districts, Cass, Grant
2 or Union, fail to approve the levy authorized by this act, the
3 boards of education of the district or districts approving such
4 levy shall be authorized to lay said levy, if in the judgment of
5 the boards of the district or districts approving such levy the
6 building and equipment can be provided.

Sec. 12. If the voters of any or all of the aforesaid school
2 districts authorize such levy, the boards of education of their
3 respective districts are hereby directed to lay such levies and
4 in conjunction with the state board of control and the state
5 board of education to proceed immediately to erect and equip
6 such high school. The state board of control shall award the
7 contract for erecting the building and properly supervise the
8 construction. The state board of control shall have plans pre-

9 pared for such building in consultation with the department
 10 of education of the West Virginia university. The advisory
 11 board of education shall approve the plans of such building and
 12 the contract for the construction of such building. Upon the
 13 direction of the state board of control, in order to meet the
 14 various payments required by the construction contract, the
 15 advisory board of education will issue orders on the sheriff of
 16 Monongalia county for the payment of the various estimates
 17 and bills required in building and equipping this high school
 18 building.

CHAPTER 72

(Senate Bill No. 349—Mr. Hallanan)

AN ACT to amend and re-enact section one of chapter seventy-four of the Acts of the Legislature of West Virginia of one thousand nine hundred and eleven, as amended by chapter one hundred and ten of the Acts of the Legislature of one thousand nine hundred and fifteen, relating to the boundaries of Charleston independent school district.

[Passed April 1, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Boundaries enlarged and defined; provisions for referendum.

SEC.

2. Form of ballot; special election; how conducted; canvassing board.

Be it enacted by the Legislature of West Virginia:

That section one of chapter seventy-four of the Acts of the Legislature of West Virginia of one thousand nine hundred and eleven, as amended by chapter one hundred and ten of the Acts of the Legislature of West Virginia of one thousand nine hundred and fifteen, relating to the boundaries of Charleston independent school district, be amended and re-enacted so as to read as follows:

Section 1. That the boundaries of the Charleston independent school district, as defined in section one, of an Act of the Legislature of West Virginia, passed on the fifteenth day of February, one thousand nine hundred and eleven, (being chapter seventy-four of the Acts of one thousand nine hundred and

6 eleven of said Legislature) as amended by an act of the legis-
7 lature of West Virginia, passed on the sixteenth day of Feb-
8 ruary, one thousand nine hundred and fifteen, (being chapter
9 one hundred and ten of the Acts of one thousand nine hun-
10 dred and fifteen of said Legislature) be, and the same are
11 hereby enlarged so as to include all the following described
12 territory, lying within the Charleston independent school dis-
13 trict and the school districts of Charleston and Loudon in the
14 county of Kanawha, state of West Virginia, namely:

15 Beginning at the upper or east property line of Patrick
16 street at its intersection of the Kanawha river at low water
17 mark, in Charleston district; thence following the property
18 lines on the east side of Patrick street north thirty-two de-
19 grees forty-one minutes east to a point one hundred and forty-
20 seven and five-tenths feet northeast of the north property line
21 of Second avenue; thence north fifty-seven degrees nineteen
22 minutes west five hundred and fifty feet to an iron pipe;
23 thence north thirty-two degrees forty-one minutes east five
24 hundred and eighteen feet to the north right-of-way line of the
25 New York Central Railroad Company; thence following the
26 north right-of-way line of said railroad westerly to Two Mile
27 creek; thence following Two Mile creek north to the north-
28 west corner of lot five, block thirty-eight, of West Charleston;
29 thence in a northeast direction in a straight line to the south-
30 west corner of the Littlepage Hill addition at the intersection
31 of Charleston street and the Sissonsville road; thence north
32 seventy degrees thirty-five minutes east three hundred feet;
33 thence north sixty-six degrees fifteen minutes east two hun-
34 dred and one feet; thence north six degrees fifteen minutes
35 east ninety-nine feet; thence north forty-two degrees east one
36 hundred and seventy-one feet; thence north seventy-eight
37 degrees thirty minutes east two hundred and ten feet; thence
38 south fifty-four degrees east sixty-two feet to the northeast
39 corner of the Littlepage Hill addition; thence south fifty-six
40 degrees east one hundred and seventy feet to the northeast cor-
41 ner of the Sunset View addition; thence in a northeast direc-
42 tion following the north line of the Bellevue addition to the
43 west line of the Parsons-Poling addition; thence in a north-
44 east direction following the west line of the Parsons-Poling
45 addition to the northwest corner of said addition; thence east

46 following the northeast line to the northeast corner of said
47 addition; thence east following the north line of the Valley
48 View addition to the west line of the Fairview addition;
49 thence southwest following the west line of Fairview addition
50 to the north line of Crestmont avenue in the Fairview addi-
51 tion; thence following the north line of Crestmont avenue
52 extended to its intersection with the west side of Edgewood
53 drive; thence following the west side of Edgewood drive to
54 the northeast corner of lot three hundred and three, Edge-
55 wood Heights addition; thence with a straight line in an east-
56 erly direction to a stake at the extreme northern end of Carr
57 street; thence with a straight line to the northwest corner of
58 lot sixteen of block D of the Sunkist Heights' addition; thence
59 with the north line of the Sunkist Heights' addition to Mag-
60 azine road; thence with Rockway road to a point two hun-
61 dred feet from Magazine road; thence with a line parallel to
62 and two hundred feet from Magazine road to the south line
63 of the Hope property; thence with a straight line to the west
64 corner of lot thirty-one, block F of the Allen addition; thence
65 following the back line of the Allen addition to the Hillsdale
66 addition; thence with the north line of the Hillsdale addition
67 to the northeast corner of lot eighty of the Hillsdale addition;
68 thence east by a straight line to the center of the branch in
69 Gill hollow; thence with the center of the branch in Gill hol-
70 low extended to the low water mark on the south side of Elk
71 river; thence down said Elk river at low water mark to a point
72 in the center of Coal branch; thence in a line up the hill to the
73 rear of the Capitol hill property, as shown on the map of same
74 and recorded in the office of the clerk of the county court of
75 Kanawha county; thence with a line so as to include that part
76 of Spring Hill cemetery now under fence and with the old
77 Scruggs' line to the line of the Wall's property; thence by a
78 line to a point in Ruffner hollow two hundred feet from Pied-
79 mont road; thence in an easterly direction parallel with the
80 Piedmont road and two hundred feet northeast of same to a
81 point in the west line extended of lot forty-four of the Floyd
82 addition to the City of Charleston; thence in a northeasterly
83 direction to the southwest corner of lot two of the Floyd ad-
84 dition; thence in a northerly direction following the back line
85 of lots two to thirty-six inclusive of the Floyd addition to the
86 northwest corner of lot thirty-six of the Floyd addition; thence

87 in a southeasterly direction following the northeast line of
88 Floyd's addition to the northwest corner of lot thirty-seven of
89 the Floyd addition also corner to a lot owned by L. E. Mc-
90 Whorter; thence in a northeast direction to a pine tree at the
91 north corner of the northeast corner of lot three hundred and
92 ninety-four of the Riverview addition; thence following the
93 westerly line of Lower way to Wilson way; thence following
94 the westerly line of Wilson way to the southeast corner of lot
95 fifty of the Riverview addition; thence in a southeasterly direc-
96 tion to the northwest corner of lot sixty-five of the Riverview
97 addition; thence following the south line of Midway easterly,
98 to the northeast corner of lot seventy; thence following the east
99 line of lot seventy extended to low water mark of the Kanawha
100 river; thence with low water mark of Kanawha river to a point
101 opposite Porter's hollow; thence across said river to the mouth
102 of said hollow in Loudon district; thence up Porter's hollow
103 south fifty-three degrees thirty minutes west four hundred and
104 twenty-seven and six-tenths feet; south forty-seven degrees west
105 two hundred feet; north seventy-three degrees west two hun-
106 dred and fifteen feet; south eighty-four degrees thirty minutes
107 west four hundred and ninety feet; south forty-seven degrees
108 west four hundred and seventy-five feet; south twenty-three de-
109 grees thirty minutes west five hundred feet; south forty-nine
110 degrees nine minutes west one hundred and eighty-five feet;
111 south twenty-three degrees thirty minutes west one hundred
112 and sixty-five feet; south fifty-six degrees west two hundred
113 feet; south seventy-five degrees thirty minutes west two hun-
114 dred and thirty feet; north fifty-nine degrees thirty minutes
115 west three hundred and twenty-two feet; north seventy-eight
116 degrees nine minutes west one hundred and fifty-one feet;
117 north eighty-nine degrees thirty minutes west one hundred
118 and seventy-four and nine-tenths feet; north sixty-nine de-
119 grees forty-five minutes west four hundred and sixteen feet;
120 north seventy-four degrees west one thousand and five feet;
121 north eighty-five degrees west three hundred and forty feet;
122 south eighty-eight degrees west five hundred and ten feet;
123 south forty-four degrees thirty minutes west two hundred
124 and seventy-nine feet; south fifty degrees west two hundred
125 and sixty feet; thence leaving Porter's hollow north seventy
126 degrees west three hundred and seven and one-half feet;
127 north forty-seven degrees west ninety-four and one-half feet;

128 thence with the line of lands of South Side Improvement
129 company and James Pauline north thirty-three degrees thirty
130 minutes west one hundred and eighty feet to the corner of
131 said James Pauline's fence; thence north thirty-five degrees
132 thirty minutes east five hundred and sixty-five feet; north
133 thirty-six degrees west four hundred and ninety-five feet;
134 north four degrees west two hundred and twenty-five feet;
135 north seventy-five degrees west two hundred and seventy-five
136 feet; thence with the meanders of the eastern side of the main
137 county road north eighteen degrees east one hundred and
138 seventy-five feet; thence leaving said road north seventy-one
139 degrees thirty minutes west six hundred and forty-nine feet;
140 south seventy-one degrees thirty minutes west one hundred
141 and thirty-eight feet; south sixty-four degrees thirty minutes
142 west two hundred feet to the line on the properties of the
143 South Side Improvement company and Augustus Pauline, to
144 the corner of said Pauline's fence; north sixty-eight degrees
145 thirty minutes west two hundred and thirty-four feet; north
146 thirty-four degrees twenty minutes west one hundred and
147 eighty feet; north eighty-one degrees west one hundred and
148 thirty feet; north twenty-nine degrees thirty minutes west
149 one hundred and ninety-five feet; north twenty-one degrees
150 west one hundred and thirty feet; north eight degrees fifteen
151 minutes east six hundred and sixty feet; north seven degrees
152 west two hundred and sixty-four and two-fifths feet; north
153 one degree thirty minutes west two hundred and fifteen feet;
154 north fifteen degrees west one hundred and forty feet; north
155 seven degrees thirty minutes east one hundred and ninety-
156 four and one-tenth feet; north twenty-nine degrees east three
157 hundred and seventy feet; north thirty-one degrees east three
158 hundred and forty-nine and seven-tenths feet; north eighteen
159 degrees west three hundred and ninety feet; north thirty-
160 seven degrees thirty minutes west two hundred and eighty
161 feet; north forty degrees thirty minutes west two hundred
162 feet; north thirty degrees thirty minutes east three hundred
163 and fifteen feet; north one degree thirty minutes east two
164 hundred and ninety-four feet; north fifty degrees thirty-four
165 minutes east two hundred feet; north forty-one degrees east
166 seven hundred and eighty-one feet; north seventy-nine degrees
167 east four hundred feet; north one degree thirty minutes west
168 eight hundred and ten feet to low water mark on the said

169 Kanawha river, at the mouth of Ferry branch; thence down
170 the Kanawha river at low water mark on the south side of said
171 river to a point opposite the upper or east line of said Pat-
172 rick street; thence across the Kanawha river to a point oppo-
173 site said line of Patrick street at low water mark on the north
174 side of said river, to the place of beginning.

175 *Provided, however,* that before this act shall take effect it
176 shall be submitted to the voters of the several school districts
177 out of which said Charleston independent school district is to
178 be formed, that is to say, to the voters of Charleston district
179 and of the said Charleston independent school district, at a
180 special election to be held in said several districts under the
181 direction and control of the county court of Kanawha county,
182 on such date between the fifteenth day of April, one thou-
183 sand nine hundred and twenty-seven, and the first day of
184 January, one thousand nine hundred and twenty-nine, as the
185 said county court may fix and determine.

Sec. 2. The tickets for said special election shall have written
2 and printed thereon "For independent school district" and
3 "Against independent school district." Such election shall be
4 held at such of the voting places established for general elec-
5 tions in said district of Charleston and Charleston independ-
6 ent school district as said court may prescribe. Said election
7 shall be conducted and the result thereof ascertained by of-
8 ficers to be appointed by said county court for the purpose,
9 who shall certify the result thereof at each voting place to said
10 county court and said county court shall canvass said returns
11 of said election and determine and declare the result thereof.

12 Notice of said election shall be given by the said county court
13 by publication once a week for two successive weeks prior
14 thereto in two newspapers of opposite politics, published in the
15 City of Charleston, Kanawha county, West Virginia, and hav-
16 ing general circulation in said district of Charleston and
17 Charleston independent school districts.

18 If the majority of the votes cast upon said question at said
19 election shall be for said independent school district, then said
20 territory hereinbefore described, shall thereafter be included
21 in and constitute the said Charleston independent school district.

22 If the majority of the votes cast on said question in said elec-
23 tion shall be against said Charleston independent school dis-

24 trict then the boundaries of the territory embraced in the
 25 Charleston independent school district, shall remain as at pres-
 26 ent, that is to say, as provided by section one of chapter seventy-
 27 four of the Acts of the Legislature of West Virginia of one
 28 thousand nine hundred and eleven, as amended by chapter one
 29 hundred and ten of the Acts of the Legislature of one thousand
 30 nine hundred and fifteen.

CHAPTER 73

(Senate Bill No. 373—Mr. Lilly)

AN ACT to amend and re-enact sections one and two of chapter forty-three of the Acts of the Legislature of West Virginia, regular session, one thousand nine hundred and twenty-one, and add section two-*a* thereto, changing the boundary of the independent school district of Hinton so as to include additional territory of Greenbrier district in the county of Summers in said independent school district and providing for submitting the question to a vote of the people of Greenbrier district of Summers county.

[Passed April 22, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

- | | |
|--|---|
| <p>SEC.
 1. Independent school district of Hinton, election concerning.
 2. Territorial limits; proposed boundaries defined.
 2-<i>a</i>. This act not effective until</p> | <p>ratified by the voters; when election to be held; supervision of; general election laws to apply; publication of notice; form of ballot.</p> |
|--|---|

Be it enacted by the Legislature of West Virginia:

That section one and section two of chapter forty-three, Acts of one thousand nine hundred and twenty-one, relating to the independent school district of Hinton, be amended and re-enacted, and that section two-*a* be added thereto, so as to read as follows:

Section 1. That in event of a majority of votes cast at an election which shall be held as hereinafter provided on the second Tuesday of November, one thousand nine hundred and twenty-eight, in the district of Greenbrier, in the county of Summers, be in favor thereof, the territory included within the boundaries which are described in section two of this act, shall

7 constitute the territory of the independent school district of
8 Hinton as herein provided.

Sec. 2. The territorial limits of the independent school dis-
2 trict of Hinton shall be as follows, to-wit: Beginning at a stone
3 post, a corner of the former corporate lines of the cities of
4 Hinton and Avis, said stone post marked "C. & O."; thence
5 leaving said stone post running in a straight line in a north-
6 easterly direction, approximately four thousand and seven hun-
7 dred feet to a point in Grimmitt's or Briers' branch, which
8 point is two thousand and seven hundred feet from the mouth
9 of said branch; thence in a straight line in a north-easterly direc-
10 tion crossing Tug creek at a point one thousand feet from the
11 mouth of said creek, and extending beyond Tug creek in the
12 same direction up the hill to a ledge of Brownstone cliffs; thence
13 with the face of said cliffs in a northerly direction to a point on
14 the crest of the first ridge below said Tug creek; thence down
15 said crest of said ridge in a northwesterly direction crossing the
16 county road and Chesapeake and Ohio railroad to New River at
17 a point three hundred feet below the mouth of Tug creek;
18 thence crossing New River the same course to a point in the
19 Raleigh county line in said river; thence up New River with
20 the Raleigh county line to the corner of Raleigh county at the
21 mouth of Madam's creek; thence continuing up said New River
22 with the normal low water mark on the westerly bank and the
23 meanders of said river to a point opposite the south line of L.
24 L. Pack; thence at right angles in an easterly direction, crossing
25 New River, to the southwesterly corner of the L. L. Pack prop-
26 erty on an island; thence with the southerly line of the said L.
27 L. Pack property, being the division line between L. L. Pack
28 and the Virginian Power company land, in an easterly direc-
29 tion, including the L. L. Pack property to a common corner of
30 L. L. Pack, Bertie Myers' heirs, and George W. Wiseman on
31 the hill; thence in a northerly direction with the division line
32 between Geo. W. Wiseman and the Bertie Myers' heirs, to the
33 county road; thence in a straight line to the Bellepoint Water
34 Works company's reservoir, including said reservoir; thence in
35 a straight line to a point on the Big branch, known as the John
36 West hollow, one thousand feet from Greenbrier river; thence
37 running with said branch in a northerly direction to Green-
38 brier river; thence down Greenbrier river with the southerly
39 bank thereof, to the southwesterly corner of the upper bridge

40 across said river, about one mile from the mouth of said river;
41 thence northerly to the center of Greenbrier river; thence west-
42 erly along the center of Greenbrier river to the easterly side of
43 the Bellepoint bridge across Greenbrier river; thence from the
44 said easterly side of said bridge in a northeasterly direction to
45 the intersection with the Hinton independent school district
46 line; thence with said school district line to the point of be-
47 ginning at a stone post marked "C. & O.," and includes all of
48 the territory embraced within the corporate limits of the City
49 of Hinton, all of the territory embraced within the former cor-
50 porate limits of the City of Avis, all of the village formerly
51 known as Bellepoint, including the L. L. Pack property, Green-
52 brier Terrace addition, Greenbrier Front Extension numbers one
53 and two, the Jack Sims addition, and additional outlying terri-
54 tory adjoining the said Town of Bellepoint and additions thereto,
55 and including the Quesenberry addition to the City of Hinton,
56 Flat Rock section and Tug creek, and the waters and islands of
57 New river between the mouth of Tug creek and the southerly
58 line of the said Town of Bellepoint, and the waters and islands of
59 Greenbrier river to the easterly line of said city at the upper
60 Greenbrier river bridge, and including all of the railroad right
61 of way, tracks, yards and other improvements of the Chesa-
62 peake and Ohio Railway company embraced within the above
63 described territory.

Sec. 2-a. *Providing*, that this act shall not take effect until
2 ratified by the voters of Greenbrier district of Summers county,
3 at the general election to be held on the second Tuesday in No-
4 vember, one thousand nine hundred and twenty-eight. The
5 general election to be held by section one of this act relating
6 to the independent school district of Hinton, shall be held under
7 the supervision of the board of education of the district of
8 Greenbrier in the county of Summers. The said board of edu-
9 cation shall prepare or cause to be prepared a notice, stating
10 the question of ratifying the act of the legislature of the state
11 of West Virginia amending the boundaries of the independent
12 school district of Hinton in the county of Summers and in-
13 cluding a part of the territory embraced in the district of
14 Greenbrier in the said county will be submitted to the voters
15 of said Greenbrier district at the general election on the second
16 Tuesday in November, one thousand nine hundred and twenty-
17 eight, at not less than three voting places in said district (to

18 be specified in said notice), which notice shall be signed by the
19 president and secretary of the said board and be posted at
20 least ten days before said election at the voting places desig-
21 nated by said board for the purposes of said election. Said
22 notice shall be published once a week for two weeks prior to said
23 election in two newspapers of opposite politics in Summers
24 county. The board of education of Greenbrier district shall
25 designate the regular voting precincts for said election, appoint
26 commissioners and poll clerks to conduct the same, ascertain
27 the results thereof and pay the expenses thereof out of the
28 building fund of the said district.

29 The ballot to be voted at the said election shall be on plain
30 white paper and in the following form:

31 SCHOOL DISTRICT ELECTION

32 (Indicate how you desire to vote by cross in the square.)

33 For ratification of the proposed amendment to change the
34 boundary line of the independent school district of
35 Hinton.

36 Against ratification of the proposed amendment to change
37 the boundary line of the independent school district of
38 Hinton.

39 If the majority of the votes cast be for ratification, then this
40 act shall be in force on and after the first day of July, one
41 thousand nine hundred and twenty-nine, otherwise this act shall
42 be void.

CHAPTER 74

(Senate Bill No. 380—Mr. Wilkin)

AN ACT to amend and re-enact section eight of chapter fifty-seven of the Acts of the Legislature of one thousand eight hundred and ninety-five, relating to the Wellsburg independent school district, permitting said independent school district to borrow money and issue bonds therefor to the extent of three and one-half *per centum* of the taxable property in said district for

the purpose of buying land and property, and for the building, completing and furnishing of a high school in said district.

[Passed April 4, 1927. In effect from passage. Approved by the Governor.]

Sec.

8. Board of education authorized to borrow money and issue bonds;

purpose; amount of; provisions for referendum; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section eight of chapter fifty-seven of the Acts of the Legislature of one thousand eight hundred and ninety-five, relating to the Wellsburg independent school district, be amended and re-enacted so to read as follows:

Section 8. The board of education of the independent school district of Wellsburg, be and is authorized and is hereby empowered to borrow money and issue bonds therefor, or raise money by the issue and sale of the bonds of said district for the purpose of building, completing, enlarging, repairing and furnishing a high school or high schools, or buying land, equipment or property for said high school purposes in said district. Said bonds shall be payable in annual installments beginning not more than two years from date of issue, and the rate of interest thereon shall not exceed six *per centum per annum*; *provided*, that no debt shall be contracted under this section which shall, including existing indebtedness, in the aggregate, exceed three and one-half *per centum* of the taxable property in said district to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, nor without or at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on said debt and the principal thereof within and not exceeding thirty-four years; and, *provided, further*, that no debt shall be contracted under this section unless all questions connected with the same shall have been first submitted to the vote of the people of said district at any general election or at any special election that may be called by the said board for that purpose, and shall have received at said election three-fifths of all the votes cast for and against the same, and in all like respects the issue of said bonds shall conform to the general school law. Such election shall be held and conducted in the same manner as any election provided for by law on some day to be designated by the board of education of said district, of which election notice shall be

30 given in the manner prescribed for giving notice by publication
31 for four weeks in one or more newspapers published in the
32 City of Wellsburg, West Virginia.

33 All acts or parts of acts in conflict herewith are hereby re-
34 pealed.

CHAPTER 75

(Senate Bill No. 381—Mr. Herold)

AN ACT to amend and re-enact section two of chapter forty-three of the Acts of the Legislature, session of one thousand eight hundred and seventy-two, relating to the independent school district of the Town of Sutton, by the abolition of the board of education of the Town of Sutton, elected under provisions of said section, and providing for the election of a new board, and fixing the terms of office thereof.

[Passed April 7, 1927. In effect from passage. Approved by the Governor.]

SEC.

2. Board of education consisting of three commissioners; terms of office; elections; time, place and manner of holding; canvass

of result; board empowered to employ teachers; term of present board expires May thirty-first; inconsistent acts and parts of acts repealed.

Be it enacted by the Legislature of West Virginia:

That section two of chapter forty-three of the Acts of the Legislature, session of one thousand eight hundred and seventy-two, relating to the independent school district of the Town of Sutton, be amended and re-enacted so as to read as follows:

Section 2. The qualified voters of the said school district
2 shall on the second Tuesday in May, one thousand nine hundred
3 and twenty-seven, elect three commissioners, who shall hold
4 their offices for the terms of two, four and six years, and their
5 respective terms of office shall be determined by lot, and their
6 term of office shall begin on the first day of June following the
7 date of said election. On the second Tuesday in May in every
8 second year thereafter, there shall be elected one member of
9 said board for the term of six years, whose term of office shall
10 begin on the first day of June following such election, and con-
11 tinue for the term aforesaid, and until his successor is elected

12 and qualified. Any and all elections held under this act shall
 13 be conducted by three commissioners and two poll clerks, to be
 14 appointed by the common council of the Town of Sutton, (not
 15 more than two of said commissioners, nor more than one of said
 16 poll clerks shall belong to the same political party) and shall
 17 be held at the court house of Braxton county, in said district.
 18 The returns of such election shall be made to and canvassed by
 19 and the result thereof declared and certified by the common
 20 council of the Town of Sutton, and such canvass and certifica-
 21 tion shall be made within five days after the date thereof. The
 22 board of education, the election of which is provided for in this
 23 act, and no other board, shall have the power to employ teach-
 24 ers to conduct the schools in said district for the school year
 25 beginning the first day of July, one thousand nine hundred and
 26 twenty-seven, and thereafter. The term of office of the mem-
 27 bers of the board of education of said district, now in office,
 28 shall cease and determine on the thirty-first day of May, one
 29 thousand nine hundred and twenty-seven.

30 All acts and parts of acts inconsistent with this act are hereby
 31 repealed.

CHAPTER 76

(House Bill No. 122—Mr. Wolfard)

AN ACT to create and establish a district high school in the dis-
 trict of Sheridan, in the county of Lincoln, and State of West
 Virginia, and to provide revenues for the establishment and
 maintenance thereof, and authorizing the board of education
 of the said district of Sheridan to make contracts for the pur-
 chase of site and erection of buildings thereon for high school
 purposes.

[Passed March 30, 1927. In effect from passage. Became a law without the approval of the Governor.]

<p>SEC.</p> <p>1. Creates "Guyan Valley High School."</p> <p>2. Special levy in Sheridan district</p>	<p>SEC.</p> <p>for site and building; construction authorized.</p> <p>3. Teachers and employees.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby
2 created and established in the district of Sheridan in the coun-
3 ty of Lincoln and state of West Virginia at the site of the
4 present Guyan valley junior high school, which shall hereafter
5 be known as the "Guyan Valley High School." Said Guyan
6 valley high school shall be the property, and under the con-
7 trol of the board of education of the district of Sheridan in
8 the county of Lincoln and state of West Virginia, and, as such,
9 except as hereinafter provided, shall be subject to, and be
10 maintained and governed by the general laws of the state of
11 West Virginia, so far as they do not conflict with this act.

Sec. 2. The board of education of the said district of Sheri-
2 dan is hereby authorized, empowered and directed to lay and
3 collect annually a special levy not to exceed forty cents on
4 each one hundred dollars of the assessed valuation of all tax-
5 able property in said district of Sheridan in the county of
6 Lincoln and state of West Virginia, for the period of three
7 successive years, beginning with the year one thousand nine
8 hundred and twenty-seven, for the purpose of providing funds
9 for acquiring necessary lands for high school site, and for
10 the erection and completion of a high school building for the
11 use of the said Guyan valley high school. The board of edu-
12 cation of said district is hereby authorized, empowered and
13 directed to proceed as soon as practicable, after the passage of
14 this act, to contract for and purchase necessary lands and to
15 contract for the erection and completion of the said Guyan
16 valley high school building, and to cause the same to be erected
17 and completed with all reasonable speed, said high school build-
18 ing and the necessary lands in connection therewith, to be
19 paid for from the levies when available; *provided, however,*
20 that if it be found impracticable to contract for the completion
21 of said building, with a reliable contractor, in accordance with
22 the provisions of this act, and without unreasonable additional
23 expense, then said board of education is hereby authorized,
24 empowered and directed to contract for the erection and com-
25 pletion of one or more units of said building, and to pay for
26 the same from the aforesaid levies, when available, and the
27 board is further authorized to contract for the completion of
28 the entire building, as soon as practicable, after the passage
29 of this act.

Sec. 3. The said board of education of Sheridan district is hereby authorized, empowered and directed to employ a principal, teachers, janitors, and other employees for said high school, and to fix their salaries and to do any other thing, which in the opinion and discretion of the principal and state high school inspector may be necessary to maintain and conduct said high school as a high school of the first class, said high school to be open to junior and senior high school students of said Sheridan district, and to such other students as, in the opinion of the principal, may not be detrimental to the welfare of the school.

All acts, or parts of acts, inconsistent herewith are hereby repealed.

CHAPTER 77

(House Bill No. 134—Mr. Tracy, by request)

AN ACT to amend chapter eighty-four of the Acts of the Legislature of one thousand nine hundred and twenty-three, relating to the independent school district of Sistersville, West Virginia, by amending and re-enacting sections one, two and three thereof, and by adding thereto, section one-a.

[Passed April 6, 1927. In effect from passage. Became a law without the approval of the Governor.]

<p>SEC. 1. Territory included in Sistersville independent district; existing obligations; referendum.</p>		<p>SEC. 2. Board of education, present and succeeding; transportation of pupils. 3. Elections.</p>
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Be it enacted by the Legislature of West Virginia:

That chapter eighty-four of the Acts of the Legislature of one thousand nine hundred and twenty-three, relating to the independent school district of Sistersville, West Virginia, be amended by amending and re-enacting sections one, two and three thereof, and by adding thereto section one-a after section one thereof, as follows:

Section 1. The independent school district of Sistersville shall include the City of Sistersville and all territory known as Lincoln district, Tyler county, West Virginia, with all the

4 rights and privileges and subject to the obligations thereof, when
5 and after the results of the election herein provided for is as-
6 certained and declared in favor thereof; *provided, however,*
7 that no financial obligation nor bonded indebtedness incurred
8 by the independent school district of Sistersville, prior to the
9 ratification of this act shall be borne by the taxpayers of that
10 part of Lincoln district voting to come into the independent
11 school district of Sistersville.

12 That these amendments and provisions of said chapter eighty-
13 four of the acts of one thousand nine hundred and twenty-three
14 shall not apply to said territory of Lincoln district proposed to
15 be annexed, until the qualified voters residing therein, by a
16 majority of the votes cast at a special election held on the first
17 Tuesday of June, one thousand nine hundred and twenty-seven,
18 declare in favor thereof.

Sec. 1-a. On the said first Tuesday in June, one thousand
2 nine hundred and twenty-seven, it shall be the duty of the
3 county court of Tyler county to submit to the legal voters of
4 the territory in Lincoln district proposed to be annexed to the
5 independent school district of Sistersville, the question of the
6 adoption or rejection of the provisions of this act. Notices
7 thereof shall be published once a week for two successive weeks
8 in two newspapers published in Tyler county, and the pro-
9 vision of the election law of this state, so far as applicable shall
10 be in force and govern said election. *Provided, however,* that
11 the registration of voters taken for the last general election shall
12 be accepted as proper registration of voters entitled to vote,
13 after the same has been corrected in the manner provided by
14 law. The county court shall designate voting places and ap-
15 point single election boards to have charge of the polls. Neces-
16 sary booths, ballot boxes, poll books and other appliances re-
17 quired by law and necessary for the holding of such election,
18 shall be furnished by the said county court, which shall also
19 perform all duties and be subject to all penalties prescribed by
20 law for the ballot commissioners. The expense of said election
21 shall be paid jointly by the respective boards of education men-
22 tioned herein out of the maintenance funds or building funds
23 of the two districts. The ballot to be voted at said election shall
24 be on plain white paper and in the following form:

25 SCHOOL DISTRICT ELECTION:

26 (Indicate how you desire to vote by cross in square)

27 For Independent School District.28 Against Independent School District.

29 If a majority of votes cast at said election be for independent
 30 school district, then this act shall be binding and in full force
 31 as of July first, one thousand nine hundred and twenty-seven,
 32 otherwise this act shall be void.

1 Sec. 2. There shall be a board of education of the independ-
 2 ent school district of Sistersville consisting of three commis-
 3 sioners, residents thereof, to be elected by the qualified voters
 4 of said district, the term of office of each of whom shall be four
 5 years; *excepting, however,* the present members of the boards
 6 of education of the independent school district of Sistersville,
 7 and of Lincoln district, or their successors, shall constitute the
 8 board of education of the independent district of Sistersville
 9 and be governed by said independent district law until July
 10 first, one thousand nine hundred and twenty-nine.

11 In addition to the powers enumerated elsewhere in said chap-
 12 ter eighty-four the board of education shall have authority to
 13 provide safe and adequate transportation to and from school
 14 for any or all pupils living in the district and shall provide for
 15 the personal care of said pupils when under the charge of
 16 school officials.

Sec. 3. On the first Tuesday in May, one thousand nine hun-
 2 dred and twenty-nine, and every two years thereafter, there
 3 shall be an election held for the independent school district of
 4 Sistersville, for the purpose of electing one or more commis-
 5 sioners respectively, of the board of education of the inde-
 6 pendent school district of Sistersville. The said commissioners
 7 shall be elected for, and hold their office four years, unless
 8 sooner removed from office for cause; *provided, however,* at the
 9 first election held under this section, the term of office of one
 10 commissioner shall expire on the first day of July, one thou-
 11 sand nine hundred and thirty-one, and two commissioners in
 12 two years thereafter, the ballot designating the term of office
 13 of each member. For the purpose of said election there shall
 14 be an adequate number of voting places in the said district,
 15 which voting places shall be fixed by the said board, and the

16 place shall be designated by the president of board in his proc-
 17 lamation for an election as provided for in the next section, and
 18 said election shall be held and conducted and the results thereof
 19 ascertained and declared in all respects as now provided by law
 20 for general elections in this state and as provided for in section
 21 five; *excepting, however*, the registration of voters at the last
 22 general election shall be accepted as proper registration of those
 23 entitled to vote, when amended and corrected by the board of
 24 education of said independent district, sitting five days before
 25 said election for that purpose; and that the said board shall be
 26 vested with authority to appoint election officers and to perform
 27 all duties and functions relative to said election.

CHAPTER 78

(House Bill No. 149—Mr. Cole, by request)

AN ACT to validate the high school at McComas, in Rock district
 Mercer county, West Virginia, and to authorize its maintenance
 and support.

[Passed March 24, 1927. In effect from passage. Became a law without the
 approval of the Governor.]

<p>Sec. 1. McComas high school validated.</p>		<p>Sec. 2. Rock district board of education to maintain and control same.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The high school at McComas in Rock district of
 2 Mercer county, West Virginia, is hereby in all respects, vali-
 3 dated and confirmed.

Sec. 2. The board of education of said Rock district is hereby
 2 authorized to maintain and control said high school in the same
 3 manner, and under the same limitations as are provided for
 4 high schools established under section seventy-eight of chapter
 5 forty-five of Barnes code of West Virginia of one thousand
 6 nine hundred and twenty-three.

CHAPTER 79

(House Bill No. 159—Mr. Allison)

AN ACT to authorize and empower the board of education of the magisterial Chester independent district, in the county of Hancock to pay to the Finley Brothers Company for a high school building heretofore erected by them for said district, and said board to be authorized to lay such levies necessary in payment thereof.

[Passed March 21, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC. 1. Building debt; authority to pay. | SEC. 2. Special levy authorized.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the magisterial Chester independent district, in the county of Hancock, shall have full power and authority to issue an order or orders to and to pay to the Finley Brothers Company the sum of six thousand four hundred sixty-nine dollars and forty-eight cents, as the balance of money due the said Finley Brothers Company for the erection and construction of a high school building in said district, and used for school purposes by the said board of education, the board of education not having sufficient funds under the bond issue to pay for the balance thereof.

Sec. 2. The said board shall have power, if the need be, to provide by levy sufficient funds to pay off the said indebtedness mentioned herein, and may, in addition to all other levies now provided by law, lay a special levy not exceeding twenty cents on each hundred dollars valuation on all the taxable property within the said independent school district for the payment of said indebtedness; and the said board shall have power to pay such sums notwithstanding any provisions of any other law of the state of West Virginia and to the extent necessary to give full effect of this act; any conflicting provision of any other law of the state is hereby repealed.

CHAPTER 80

(House Bill No. 211—Mr. Brewster)

AN ACT to amend and re-enact section one of chapter fifty-five of the Acts of one thousand eight hundred and ninety-five, as amended and re-enacted by section one of chapter one hundred and eighteen of the Acts of one thousand nine hundred and fifteen.

[Passed April 23, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. Boundaries of Weston district.

Be it enacted by the Legislature of West Virginia:

That section one of chapter fifty-five of the Acts of one thousand eight hundred and ninety-five, as amended and re-enacted by section one of chapter one hundred and eighteen of the Acts of one thousand nine hundred and fifteen, be amended and re-enacted to read as follows:

Section 1. The territory in and adjoining the City of Weston, in Lewis county, within the following specified boundaries shall constitute an independent school district, to be known as "Weston District," to-wit:

Beginning at the center of the Gee lick road on top of the hill between Polk creek and Gee lick, and running thence south fifty-one degrees west one hundred and seventy-four poles; thence south fourteen degrees forty-five minutes west two hundred and three and five tenth poles crossing Polk creek to the top of the hill near the old Tunstill house; thence with the ridge south fifty-one degrees forty-five minutes east seventy-two poles; thence south twenty-three degrees twenty-five minutes east eighty-eight and six tenths poles; thence south seventy-six degrees thirty minutes east fifty-eight and one tenth poles; thence south eleven degrees west twenty-two poles; thence south eight degrees fifty-five minutes east fifty-eight and four-tenths poles; thence south sixty-six degrees fifty-five minutes east ninety and six-tenths poles; thence south thirty-eight degrees west seventy and two tenths poles to a point in the field of Matthews, on Murphy's creek, about four hundred feet in a westerly direction from the house; thence south nine-

22 teen degrees west one hundred and two poles to a stake above
23 the Middle run road; thence with the general direction of said
24 road, south seventy-one degrees thirty minutes east seventy-
25-26 three poles to the bank of the West Fork river opposite the
27 forks of the Middle run and river roads; thence down the
28 west bank of said river, north six degrees ten minutes east
29 seventy-two poles to the north bank of Murphy's creek and
30 west bank of the river below the road; thence north twenty-
31-32 eight degrees east fifteen and two-tenths poles; thence north
33 eighty-six degrees thirty minutes east twenty-two and eight-
34 tenths poles to a point near said river; thence crossing said
35 river, south fifty-five degrees east forty and two-tenths poles;
36 thence south sixty-four degrees, thirty minutes east ninety-
37 two poles passing between the two glass factory buildings to
38 the head of Panther run; thence north forty-two degrees,
39 thirty minutes east, three hundred and sixty poles to the rail-
40 road bridge across Stone Coal creek; thence up said creek north
41 forty-three degrees east twenty-two poles; thence north
42 thirty-two degrees forty minutes east, twenty-five poles; thence
43 north eighty-seven degrees, thirty minutes east, twenty-six poles;
44 thence north fifty-six degrees east twelve and eight-tenths
45 poles to a sycamore on the bank of said creek; thence north
46 thirty-one degrees, thirty minutes west two hundred and eight
47 poles to the top of Harrison knob; thence with the ridge north
48 forty-four degrees east, twenty-nine and two-tenths poles;
49 thence north twenty degrees, thirty-five minutes east fifty-six
50 and eight-tenths poles; thence north six degrees thirty min-
51 utes west twenty-five and eight-tenths poles; thence north
52 forty-four degrees west twenty-two and eight-tenths poles;
53 thence north sixty-six degrees thirty minutes west eighteen
54 and seven-tenths poles; thence north fifty-nine degrees west,
55 twenty-four and three-tenths poles; thence north thirty-one
56 degrees, forty-five minutes west sixteen and seven tenths poles
57 to a stake on the point overlooking Deanville; thence south
58 seventy-eight degrees, thirty minutes west eighty poles to the
59 center of the West Fork river, just opposite the southern end
60 of the street car barn; thence down the river north one degree,
61 fifteen minutes east nineteen poles; thence north sixteen de-
62 grees, thirty minutes west ten poles; thence north twenty
63 degrees west twenty-six poles; thence north twenty-nine degrees
64 fifty minutes west eighteen and eight-tenths poles; thence north

65 fifty-five degrees west thirty-six and seven-tenths poles to a point
 66 just opposite a lane, and thence south eighty-nine degrees west
 67 two hundred and thirty-two poles to the place of beginning.

CHAPTER 81

(House Bill No. 259—Mr. Dorsey)

AN ACT to amend and re-enact section one of chapter seventy-three of the Acts of the Legislature of West Virginia, regular session of one thousand nine hundred and three, establishing the independent school district of Richwood in Nicholas county as amended by chapter one hundred and six of the Acts of the Legislature of West Virginia regular session of one thousand nine hundred and twenty-five, and to add thereto sections thirty-one and thirty-two.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. "The Independent District of Richwood" created; boundaries; rights and obligations of former district assumed.

SEC.

31. Referendum on changing boundaries of district.
 32. Conducting referendum.

Be it enacted by the Legislature of West Virginia:

That section one of chapter seventy-three of the Acts of the Legislature of West Virginia, regular session of one thousand nine hundred and three, as amended by chapter one hundred and six of the Acts of the Legislature of West Virginia regular session of one thousand nine hundred and twenty-five be amended and re-enacted, and that there be added to said chapter sections thirty-one and thirty-two so as to read as follows:

Section 1. That the territory of Beaver district included
 2 within the corporate limits of the city of Richwood in Nicholas
 3 county bounded as follows, to-wit: Beginning at a stake on the
 4 east side of the North fork of Cherry river in the bottom above
 5 the handle factory, corner to the city of Richwood; thence with
 6 lines of said city limits south fifty-eight degrees west cross-
 7 ing the North fork of Cherry river six thousand one hundred
 8 and forty-five feet to a stake; thence south eighty-four de-

9 grees and thirty minutes west five thousand five hundré and
10 eighty-five feet to the center of the "fishing rock" on the north
11 bank of Cherry river below drain; thence south twenty degrees
12 east crossing Cherry river two thousand six hundred and forty
13 feet to a stake; thence north eighty-four degrees and thirty min-
14 utes east five thousand three hundred feet to a stake; thence
15 south thirty degrees east one thousand one hundred and thirty-
16 nine feet to the upper end of a large long rock; thence north
17 eighty-four degrees and thirty minutes east five thousand two
18 hundred and eighty-four feet to a stake; thence north twenty-
19 one degrees east crossing the South fork of Cherry river two
20 thousand six hundred and eighty-nine feet to a stake; thence
21 north twenty-three degrees west one thousand eight hundred
22 and fifty feet to a stake; thence north thirty-seven degrees west
23 two thousand five hundred and eighteen feet to the beginning,
24 containing one thousand and ninety acres, more or less, shall
25 constitute an independent district to be known as "The Inde-
26 pendent District of Richwood." And all the orders, resolu-
27 tions, rules and regulations of the board of education of Rich-
28 wood independent school district in force on the day preceding
29 the passage of this act, which are not inconsistent therewith,
30 shall be and remain in full force and effect over the entire ter-
31 ritory of the independent district of Richwood as established
32 and bounded by this act until changed in the manner pro-
33 vided by law, and the officers in office in said independent dis-
34 trict at the time this act takes effect shall remain in office
35 until their successors are elected and qualified, and after this
36 act takes effect shall have jurisdiction over all the territory
37 embraced in the boundary specified in this act; and nothing
38 in this act shall be construed or held in any manner to effect
39 or impair any of the bonds, obligations or indebtedness of said
40 independent district issued or contracted prior to the time
41 this act takes effect, but on the contrary the said independent
42 district of Richwood as hereby bounded and established shall
43 be liable for all the bonds, obligations and indebtedness of the
44 independent district of Richwood as though the same had been
45 created after this act takes effect.

Sec. 31. Section one of this act as hereby amended shall not
2 be effective to change the boundary lines of the independent

3 district of Richwood so as to conform to the corporate boun-
4 daries of the city of Richwood as herein provided unless the
5 people of said Beaver district by a majority of the votes cast
6 on said question at the general election to be held on the Tues-
7 day next after the first Monday in November in the year one
8 thousand nine hundred and twenty-eight at the usual voting
9 places in said Beaver district shall declare in favor thereof.
10 And unless a majority of the votes of said Beaver district cast
11 on said question in said election shall declare in favor of chang-
12 ing the boundaries of said independent district as provided in
13 section one of this act the boundaries of said independent dis-
14 trict shall be and remain as at present.

Sec. 32. The election provided for in section thirty-one of
2 this act shall be by ballot and those voting in favor of the
3 said change of boundaries of said independent district shall
4 have written or printed on their tickets the words "For
5 Change in Boundaries of the Independent District of Rich-
6 wood," and those voting against the said change of boundaries
7 thereof shall have written or printed on their tickets the words
8 "Against Change in Boundaries of the Independent District
9 of Richwood." The said election shall be conducted and the
10 result thereof ascertained and declared by the same officers
11 who shall conduct and ascertain and declare the result of the
12 vote as to district officers in said general election in said dis-
13 trict of Beaver; and the clerk of the county court of said
14 Nicholas county shall cause notice of said election on said
15 question to be published once a week for two successive weeks
16 prior to the time of holding said election in two weekly news-
17 papers published in said Nicholas county; and the provisions
18 of the general election law of this state so far as applicable
19 shall be in force and govern said election. The expense of
20 publishing said notice and all extra expense of holding said
21 election on said question and ascertaining and declaring the
22 result thereof shall be paid out of the building fund of said
23 independent district of Richwood.

CHAPTER 82

(House Bill No. 261—Mr. Street)

AN ACT to re-establish the independent school district of Belington, Barbour county, and to repeal chapter twenty, Acts of the Legislature of West Virginia, of one thousand eight hundred and ninety-three, and all conflicting acts relating thereto.

[Passed April 8, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.	SEC.
1. Independent school district of Belington conditionally created; boundaries.	4. rights, powers and duties. Meetings of board of education.
2. Referendum upon adoption of this act.	5. Tax levies.
3. Board of education; election,	6. Vacancies in board of education.
	7. Inconsistent acts repealed.
	8. This act in effect, when.

Be it enacted by the Legislature of West Virginia:

Section 1. That in case a majority of the votes cast at the election hereafter provided for be in favor thereof, all the following described territory in Barker and Valley districts, including the City of Belington, shall be an independent school district, to be known as "the independent school district of Belington," to-wit: All the territory that is now within the incorporated portion of the City of Belington described as follows:

"Beginning at a red oak on the west bank of the Tygarts Valley river, a corner to the lands of Joseph Teter's heirs and Valley Coal and Coke company, and running south twenty-five degrees thirty minutes east fifty-seven and seventy-five hundredths perches to a stake on the Buckhannon road, corner to Valley Coal and Coke company, thence with the said road south thirty-five degree thirty minutes west fifty-one and fifteen hundredths perches to a white oak, thence south sixty-six degrees west twenty-one perches to a stake, thence south fifty-six degrees west twenty-eight and twenty-five hundredths perches to three chestnuts corner to Laura Hathaway and the Tygarts Valley Mineral and Oil company, thence south forty-five degrees thirty minutes east eighteen perches with said line; thence south fifty-six degrees thirty minutes east four and fifty hundredths perches with said line, thence north forty-four degrees thirty minutes east nine and twenty-five hundredths poles

25 with said line, thence south thirty-seven degrees east twenty-five
26 and twenty-five hundredths perches with said line, thence south
27 thirty degrees forty-five minutes east twelve perches with said
28 line to a white oak, thence south five degrees east ten and
29 fifty hundredths perches with said line to a beech, thence
30 south fourteen degrees thirty minutes west twenty-five and
31 seventy-five perches with said line to a sassafras; thence south
32 forty degrees west seven and fifty hundredths perches with
33 said line to a stake with locust pointers, corner to heirs of
34 Jesse Teter, thence with their line south eighty-two degrees
35 fifteen minutes east ten perches to a beech and birch, corner
36 to Charles Keiser, thence with his lines south seven degrees west
37 forty-eight perches to a white oak stump on the bank of Big
38 run, corner to the heirs of Jesse Teter and said Keiser, thence
39 with their line south seventy-six degrees fifteen minutes east
40 one hundred and fifty perches to a stone on the east side of the
41 county road, corner to the heirs of Jesse Teter, thence with
42 their line south twenty-three degrees west fifty-eight perches to
43 stone in the river opposite the old Rosenberger mill site, corner
44 to the heirs of Jesse Teter and H. A. Monahan, thence up the
45 Valley river with its meanderings at the water's edge, south
46 fifty-two degrees thirty-one minutes west twenty-nine and sixty
47 hundredths perches, thence south five degrees thirty minutes east
48 two hundred and sixty-one and seventy-six hundredths perches,
49 thence south thirty-two degrees east thirty-six and sixty hun-
50 dredths perches, thence south forty-seven degrees thirty min-
51 utes east thirteen and eighty hundredths perches, thence south
51-a eighty-one degrees east twenty-one and eighty-one hundredths
51-b perches, thence north eighty degrees east twenty-eight and
51-c thirty-two one hundredths perches, passing the south
52 bend of the Roaring creek and Belington railroad bridge,
53 thence south eighty degrees thirty minutes east nine and thirty-
54 two hundredths perches, thence south thirty-three degrees thirty
55 minutes east nine and sixty-eight hundredths perches, thence
56 crossing the said river, north eighty-seven degrees fifteen min-
57 utes east thirteen perches to a stake at the culvert on the
58 east side of the said river on the West Virginia Central and
59 Pittsburgh railway; thence south forty-nine degrees fifteen
60 minutes east thirty-eight and seventy-four hundredths perches
61 to a stake at Hillyard's field near a line of the Belington Indus-

62 trial company, thence south eighty-eight degrees thirty minutes
63 east forty-seven and eighty-eight hundredths perches to a stake,
64 thence south eighty-nine degrees forty minutes east twenty-four
65 and twenty-four hundredths perches to a stake, thence north
66 seventy-nine degrees thirty minutes east one hundred and ten
67 perches to a stake at the old road, corner to Luther and John
68 Hillyard on the old road crossing the mountain, thence with said
69 road north eighteen degrees forty-five minutes west twenty-eight
70 and eighteen hundredths perches to a stake, corner to G. J.
71 Stalnaker and W. S. Phares' place, thence with the said Stal-
72 naker and Phares' line north fifty-five degrees thirty minutes
73 east seventy-one perches to a stake at the Fairmont and Beverly
74 pike, corner to the said Phares and Stalnaker and W. S. Shurt-
75 leff, thence with said pike north seventeen degrees thirty min-
76 utes west seventy-five perches, thence north forty-four degrees
77 thirty minutes west seventeen perches, thence north twenty-five
78 degrees thirty minutes west twenty perches to corner of J. W.
79 Ward and J. W. Shurtleff, thence leaving the pike and running
80 with said Ward's line north fourteen degrees thirty minutes
81 east thirty-nine and fourteen hundredths perches to a stake,
82 corner of Shurtleff and Ward, thence with said Shurtleff's line
83 north seventy-two degrees east thirty-nine perches to a locust,
84 corner to Shurtleff, thence north forty-two degrees east ninety-
85 seven perches to a stake, corner to Shurtleff and T. T. Elliott,
86 thence south ten degrees west six perches to a stone, corner to
87 Shurtleff and T. T. Elliott thence north fifty-two degrees east
88 sixty-seven perches to a white oak, corner to Serpell and Elliott,
89 thence forty-three degrees thirty minutes west eighteen and
90 eighty hundredths perches to a gum, corner to Dunham and
91 Elliott, thence with Dunham and Elliott's line north fifty-six
92 degrees thirty minutes west one hundred and twenty perches
93 to a white oak corner to Dunham, north sixty-six degrees west
94 fourteen and twenty-eight hundredths perches to a stake, north
95 six degrees east five perches to a stake at the Morgantown pike,
96 thence north forty-seven degrees west seventy-one and forty-five
97 perches to two black walnuts in Martha Davis' field, thence
98 north sixty-three degrees west ninety-nine and sixty hundredths
99 perches to a chestnut in J. W. Thornhill's field thence south
100 eighty-three degrees west eight-four and thirty-six hundredths
101 perches to a walnut in J. W. Thornhill's field, south eleven

102 degrees west twenty-four and twenty-four hundredths perches
103 to a stake at the Fairmont pike, thence north eighty degrees
104 and thirty minutes west.....perches to a large
105 maple on the south side of the pike, thence south eighty-six
106 degrees and thirty minutes west fifty-two and twelve hundredths
107 perches to a stake in the Rohrbough's field, thence south sev-
108 enty-seven degrees west one hundred and twenty-eight and
109 eighty-four hundredths perches, to a large maple on the south
110 side of the Baltimore and Ohio railroad, thence south seventy-
111 two degrees west thirty perches, crossing the Tygarts Valley
112 river to the beginning, containing one thousand three hun-
113 dred acres."

Sec. 2. At the general election in the year one thousand nine
2 hundred and twenty-eight, to be held in pursuance of law,
3 it shall be the duty of the boards of education of said Bar-
4 ker and Valley districts, and the independent school district
5 of Belington to submit to the voters residing in said Barker,
6 Valley and Belington independent school districts, the ques-
7 tion of the adoption or rejection of the provision of this act.
8 Those voting in favor of the re-establishment thereof shall
9 have written or printed on their ballots: "For the re-estab-
10 lishment of Belington Independent School District," those vot-
11 ing against the re-establishment thereof shall have written or
12 printed on their ballots the words, "Against the re-estab-
13 lishment of Belington Independent School district." The elec-
14 tion shall be conducted and the results ascertained and de-
15 cleared by the said officers conducting the election on that day.

Sec. 3. At the general election in one thousand nine hun-
2 dred and twenty-eight there shall be elected by the legal vot-
3 ers residing in the boundaries of said territory of said pro-
4 posed independent school district, a board of education for
5 said independent school district consisting of three members
6 who shall be a corporation by the name of the board of educa-
7 tion of the independent school district of Belington, and by
8 that name may sue and be sued, plead and be impleaded, con-
9 tract, purchase and hold so much real and personal property
10 as may be necessary for the purpose of this act; and without
11 any transfer or conveyance they shall be deemed the owners
12 of all real and personal property within the territory afore-
13 said, now held or owned for free school purposes; and they
14 shall have the powers, perform all the duties, and at the said

15 election, one commissioner who shall be elected for the term of
 16 six years, and one commissioner for the term of four years;
 17 and one commissioner who shall be elected for a term of two
 18 years; in the election of one thousand nine hundred and thirty,
 19 one member shall be elected whose term of office shall be six
 20 years, thereafter at each general election there shall be elected
 21 one commissioner for a term of six years. Th oldest member
 22 shall automatically become president of the board each year.

Sec. 4. It shall be the duty of the board of education of
 2 the said independent district to hold their annual meeting and
 3 other meetings in accordance with the general law.

Sec. 5. In levying taxes for school purposes, said board
 2 of education shall be governed in every respect by the pro-
 3 visions of the general law.

Sec. 6. Vacancies in the board shall be filled by the county
 2 superintendent for the unexpired term.

Sec. 7. Chapter twenty of the acts of one thousand eight
 2 hundred and ninety-three, or other acts or parts of acts in-
 3 consistent with this act are hereby repealed when this becomes
 4 effective upon the election and qualification of the new board
 5 to be elected as provided herein.

Sec. 8. This act shall be submitted to the qualified voters
 2 for ratification at the general election of one thousand nine
 3 hundred and twenty-eight, and, if approved by a majority vote,
 4 shall at once be in full force.

CHAPTER 83

(House Bill No. 475—Mr. Hall, by request)

AN ACT providing for the creation, operation and maintenance of
 the Mingo independent school district in Mingo county.

[Passed April 14, 1927. In effect from passage. Became a law without the
 approval of the Governor.]

SEC.		SEC.	
1.	Mingo independent school district created.	12.	Estimates and levies.
2.	Boundaries.	13.	Grounds, buildings and equipment.
3.	Board of education for same.	14.	Management and control.
4.	First members of board.	15.	Superintendent, teachers and employes.
5.	Election of members of board.	16.	Appointment of superintendent; his duties.
6.	Nominations for same.	17.	Admission of pupils, courses of study, promotions.
7.	Vacancies.	18.	Damaging school property, how punished.
8.	A corporate body; powers designated.	19.	Conflicting laws void in the district.
9.	Organization of board.		
10.	Salaries of same.		
11.	Meetings.		

Be it enacted by the Legislature of West Virginia:

That the Mingo independent school district, in Mingo county, be created, and providing for the operation and maintenance and defining its purpose, as follows:

Section 1. That the territory included within the boundaries described in section two hereof shall constitute, and is hereby created and made an independent school district, which shall be known as the "Mingo independent school district."

Sec. 2. The territorial limits of the Mingo independent district, in the county of Mingo, West Virginia, shall be as follows: Beginning at the edge of Tug river, a straight line to the top of the dividing ridge between Lower and Middle Burning creek, to the head of Middle Burning creek to two chestnut oaks, a corner of the lands of Jacob Baach, deceased, estate, on top of the ridge at the head of Middle Burning creek; thence with the line of said Jacob Baach through the head of Lower Burning creek to two chestnut oaks on a knoll between the Vinson branch and Lower Burning creek, a corner to the said Baach's estate; thence with the dividing ridge between the waters of the branches of Marrowbone creek and the smaller branches of Tug river, to the Wayne county line, thence with the Wayne county line to Tug river; and up Tug river to the point of beginning, near the mouth of Upper Burning creek, and leaving all the lands of the said Jacob Baach's estate in what is now known as Kermit district.

Sec. 3. There shall be a board of education of said district to consist of three commissioners, who shall be chosen as hereinafter provided, and who shall be citizens and taxpayers entitled to vote at elections to be held in the said Mingo independent school district at the time they are elected.

Sec. 4. Immediately after this act is effective, the first three commissioners, or members of the board of education of Mingo independent school district shall be E. P. Stepp, T. A. Shewey and R. M. Akers, not more than two of whom shall be members of the same political party, and all of whom shall be otherwise qualified as herein provided, whose term of office shall begin with the date this act is effective, and who shall hold their respective offices until June thirtieth, one thousand nine hundred and twenty-nine, when their successors shall be elected and qualified, as hereinafter provided.

Sec. 5. At the general election to be held in said county of 2 Mingo and district November, one thousand nine hundred and 3 twenty-eight, three commissioners shall be elected; one of them 4 for a term of two years, one for a term of four years and one 5 for a term of six years, and the ballots to be used at said election 6 shall designate the term for which each of the persons voted for 7 is a candidate. Thereafter at each general election, each two 8 years, in said county and district, one commissioner of the board 9 of education shall be elected for the full term of six years. The 10 term of office of the elected commissioners of the board of educa- 11 tion shall begin on the first day of July, immediately following 12 the election of such commissioners, and each shall hold for the 13 full term and until his successor has been elected and qualified; 14 *provided*, that at no time shall more than two commissioners of 15 the board be members of the same political party, it being the 16 intention of this act to make and keep the said board of educa- 17 tion bi-partisan.

Sec. 6. Candidates to be voted for at any election for mem- 2 bers or commissioners of the board of education may be nomi- 3 nated by primary in the manner and under the provisions now 4 or hereafter prescribed by the state laws relating thereto; 5 *provided, however*, that no political party shall nominate more 6 than the number to which it is entitled.

Sec. 7. If a vacancy occurs on the board of education, it 2 shall be filled by the remaining members of the board by ap- 3 pointment thereto of some eligible person from the independent 4 district, and the person so appointed shall be of the same 5 political party as the member whose vacancy is being filled, 6 and shall hold office for the unexpired term and until his or 7 her successor is elected and qualified.

Sec. 8. The board of education of said district shall be a 2 corporation by the name of "the board of education of Mingo 3 independent district," and as such may sue and be sued, plead 4 and be impleaded, contract and be contracted with; may pur- 5 chase and hold such real estate and personal property as it may 6 be necessary for the purpose of education in said district, and 7 may receive and hold any gift, grant or donation, devise and 8 bequest for the benefit of the schools in said district, and shall 9 succeed and be substituted to the rights of the former board of 10 education of the school district of Kermit, in the county of

11 Mingo, insofar as it relates to or in any way affects the schools
12 or school property located within the boundaries of said inde-
13 pendent district, and the first board of education, or commis-
14 sioners named in this act, shall have sole power in employing
15 teachers, principals, superintendent and all other employees for
16 the school year one thousand nine hundred and twenty-seven-
17 one thousand nine hundred and twenty-eight within the boun-
18 daries included in the Mingo independent school district. The
19 title to all school property, both real and personal, located within
20 the boundaries of said independent district, is hereby vested in
21 said board of education, in said independent district, and its
22 successors.

Sec. 9. Annually, at the first meeting of the said board of
2 education, which is hereby required to be held on the first
3 Monday in July of each year, or as soon thereafter as practicable,
4 the said board shall organize by electing one of its members
5 president and by electing a secretary, who shall perform the
6 duties as required by the general school law of their respective
7 offices and such additional duties as are herein required or as
8 may be prescribed by the board of education. Each member
9 of said board of education shall have one vote, and only one
10 vote, upon any question or motion before said board.

Sec. 10. The salary of commissioners or members of said
2 board of education shall be twenty-five dollars per year, and
3 the salary of the secretary of said board of education shall be
4 fixed at the time of the appointment or election as secretary;
5 *provided*, the salary shall not exceed one hundred dollars per
6 year. *Provided*, that each member of said board of education
7 shall have deducted from his salary, as herein provided, the sum
8 of two dollars for each regular meeting of said board that he
9 fails to attend. The salaries shall be payable out of the building
10 fund of said district.

Sec. 11. The board of education of said district shall hold
2 regular or stated meetings at such time and place as the board
3 may appoint, and special meetings of the board may be called
4 by the president, or at the request of any two members by the
5 secretary. No business may be transacted at a special meeting
6 except that mentioned in the call for such special meeting,
7 which call shall be in writing and shall be recorded by the
8 secretary in the record of the proceedings of the meeting, and

9 shall be given at least one day before the meeting is held,
10 to each member of the board of education. Two members of
11 the board of education shall constitute a quorum for the trans-
12 action of business at any meeting of the board; *provided*, that
13 all members shall have had notice of the time, place and purpose
14 of any special meeting called as herein provided for.

Sec. 12. It shall be the duty of the board of education of this
2 district, annually, at the same time and in the same manner now
3 provided, or as may be hereafter provided by the general school
4 laws of this state for the ascertaining and making of estimates
5 and the fixing and laying of school levies by the school boards
6 of education of the various school districts within the state for
7 the support of the free schools therein, to ascertain and to
8 make such estimates of the amounts necessary for the support
9 of the schools within the said independent district, to determine,
10 fix and lay such levies on the property located within said
11 independent district for the support of the schools therein. It
12 shall be the duty of the board of education of the said indepen-
13 dent district, annually, at such meetings to levy as many cents
14 on each one hundred dollars of valuation of the taxable prop-
15 erty of the district, according to the last assessment thereof,
16 as will produce the amounts shown by the estimate of said
17 board to be necessary to be levied for the building fund pur-
18 poses, and levy in like manner the amount necessary, after de-
19 ducting the sum receivable from the general school fund of the
20 state for teachers' purposes, to continue the schools in session
21 in said independent district for a term of nine months in the
22 graded or elementary schools, and for a term of nine months in
23 the junior and senior high schools; and to levy and to provide
24 sufficient funds for all purposes to keep said schools in session
25 for the term of nine months, as herein provided; and the board
26 of education of said independent district is hereby authorized
27 and empowered to lay a levy in addition to the levies authorized
28 by the general school law of the state, if the same shall be
29 required, sufficient for all purposes to conduct the schools of
30 the independent district for the term fixed.

Sec. 13. It shall be the duty of the board of education to
2 provide by purchase, leasing, building or otherwise, all necessary
3 school buildings, grounds, furniture, fixtures, apparatus and
4 appliances, and all other necessary supplies which it deems nee-

5 essary to maintain the schools, and for the education of the
6 children of school age within said independent district, and
7 keep the school property in said district in good repair, and
8 supply the school buildings therein with proper fuel or heat
9 and light and other things necessary for the comfort and con-
10 venience of the school and to pay the cost of the same out of
11 the building fund of the district.

Sec. 14. It shall be the duty of the board of education to
2 establish and cause to be taught in said independent school
3 district, including any high school or high schools as may be
4 necessary for the proper education of all children of school age
5 residing therein. Said board of education shall have exclusive
6 control of all the schools within said district; shall, with the
7 approval of the superintendent of said schools, prescribe the
8 subjects to be taught in the high school, graded or elementary
9 schools of the district; shall have power to make all necessary
10 rules and regulations for the government of said schools, for
11 the admission of pupils therein, and for the exclusion of any
12 and all pupils whose attendance would be dangerous to the
13 health or detrimental to the morals of said schools. The said
14 board may, with the superintendent of said schools, prescribe
15 and adopt a uniform line of text books for the use of the schools
16 of said district; may furnish such books and stationery and other
17 supplies to make the system efficient, and pay for the same out
18 of the building fund.

Sec. 15. The board of education shall appoint, as hereinafter
2 provided, a superintendent, principal and teachers and provide
3 for such substitute teachers, when necessary, for all the public
4 schools within the said district; and fix their compensation.
5 The teachers and principals shall be subject in all respects, to
6 the rules and regulations adopted by the board of education
7 and promulgated by the superintendent of schools of said dis-
8 trict; they may be removed by said board of education for in-
9 competency, neglect of duty or gross immorality, or whenever,
10 from any cause, it shall appear to said board that their removal
11 is for the best interest of the schools of the district. The board
12 shall also employ janitors and custodians of the school buildings
13 and fix their compensation, and may remove such employees
14 whenever it shall appear to said board from any cause their
15 removal is to the best interest of the schools of the district.

Sec. 16. The board shall employ, as aforesaid, a superintendent of schools of the district, who, in addition to the duties prescribed by this act shall have such powers and perform such duties as the board of education shall elect. The superintendent of schools may be removed from office at any time for incompetency, neglect of duty, immorality or for any violation of the law; but he shall not be removed except on charges preferred in writing by a school commissioner and a copy of such charges and of notice of time and place set for hearing shall be delivered to him at least ten days time before the day set for hearing. He shall be allowed to present any evidence he may desire and to be heard in his own defense. If a vacancy occurs in the office of superintendent of schools it shall be filled by appointment by the board of education. It shall be the duty of the superintendent of schools, annually, on or before the first meeting in July at a meeting of the board of education, or as soon thereafter as circumstances will allow, to recommend and suggest to the board of education a sufficient number of teachers and principals to fill the schools of the district.

The board may refuse to appoint any or all the persons so recommended and may require the superintendent of schools to recommend others.

Sec. 17. It shall be the duty of the superintendent of schools, with the approval of the board of education, to prescribe the branches to be taught in all the schools, including the high school of the district, and to carry out the provisions of the course of study prescribed by the said board of education and to supplement the high school course thus prescribed and adapt it to the high school of the district; prescribe regulations for the examination for graduation of pupils; prescribe the conditions for the admission of pupils to the high school; to have prepared questions for the examination of such pupils; to issue certificates to such pupils as are deemed worthy to be admitted to the high school; to keep a register of all certificates so issued; to select courses of reading to be pursued by the teachers of the district; to select books for the school libraries, and to acquaint himself with the best methods in the schools of other districts.

The salary of the superintendent of schools shall be fixed by the board of education and paid out of the teachers' fund. No pupil shall be entitled to enter the high school of the district

19 until the superintendent of schools shall have satisfied himself
20 that the pupil has made due proficiency in the grades of the
21 grammar schools. Pupils who are non-residents of the district
22 may be allowed to attend the schools of the independent district
23 upon payment of such tuition as is prescribed by the general
24 law of the state, or as the board of education may prescribe
25 except pupils from Kermit district who shall be admitted with-
26 out pay.

Sec. 18. If any person shall mar, deface or injure any school
2 house, outbuilding, fence, furniture, or other property of the
3 district the person so offending shall be liable to prosecution
4 before any justice of the peace of the district and upon con-
5 viction, shall be subject to a fine of not less than five dollars
6 nor more than one hundred dollars, and the cost of prosecution
7 and the person convicted shall also be liable for the full amount
8 of the damage.

9 If the injury be done by a minor, the parent or guardian of
10 the minor, shall be liable for the damages as aforesaid. It
11 shall be the duty of the board of education to ascertain, if
12 possible, by whom such offense was committed, and when satisfied
13 thereof to cause the party or parties to be arrested, tried for the
14 offense, in the name of, and on behalf of, the board of education
15 of the district and all fines and damages collected by virtue of
16 this section shall be paid into the building fund of said district.

Sec. 19. All the provisions of the school law of the state,
2 and all acts heretofore existing which are in any manner in-
3 consistent with the provisions of this act, shall be void within
4 the said independent district; otherwise the said general school
5 law shall remain in full force and effect in the said independent
6 district, as elsewhere in the state.

CHAPTER 84

(House Bill No. 489—Mr. Andrews, by request)

AN ACT to authorize the board of education of Sherman district,
Boone county, to lay a special levy for high school building
purposes.

[Passed April 6, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC. 1. Special levy for high school building, Sherman district, Boone county.

Be it enacted by the Legislature of West Virginia:

Section 1. That the board of education of Sherman district, Boone county, be and is hereby authorized to lay a special levy for high school building purposes for the year one thousand nine hundred and twenty-seven not to exceed twenty-five cents on the one hundred dollars valuation of taxable property within said district.

CHAPTER 85

(House Bill No. 593—Mr. Prather)

AN ACT to establish a county high school for the county of Wirt, upon site of the Elizabeth joint district high school, or some other site in or near the town of Elizabeth, and to provide for the erection of a building for said high school, and the maintenance thereof.

[Passed April 6, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.	SEC.
1. Wirt county high school established; board of directors.	5. Admissions to said school.
2. Authority of board of directors.	6. Sheriff financial officer.
3. Board of directors to be corporate body. Its rights and liabilities.	7. Per diem for board of directors.
4. Levies for grounds, buildings and teachers.	8. Referendum.
	9. Limit for cost of building.
	10. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That a high school be and the same is hereby established in and for the county of Wirt, state of West Virginia, in or near the town of Elizabeth, which shall be known as the Wirt county high school, the site of which shall be the site now occupied by the Elizabeth joint district high school or some other site in or near the town of Elizabeth, to be selected by the board of directors of said school, which said board of directors shall consist of three members, composed of the county

9 superintendent of schools of said county of Wirt, who shall be
10 *ex-officio* a member and president thereof, and two members
11 who shall be elected at the special election provided for herein,
12 to take office at time of election and qualification and serve
13 until the first day of July, one thousand nine hundred and
14 thirty-one, or until their successors are elected and qualified.
15 Their successors shall be elected at the general election to be
16 held on Tuesday after the first Monday in November, in the
17 year one thousand nine hundred and thirty and serve four
18 years, or until their successors are elected and qualified. No
19 two members of the board shall be residents of the same magis-
20 terial district.

Sec. 2. The said board of directors, as heretofore consti-
2 tuted, shall have power and authority to make such rules, and
3 regulations as it may deem proper and necessary for the man-
4 agement and control of said high school; employ necessary
5 teachers and fix the salaries of the same; establish a course of
6 study, grant diplomas, and perform such other duties as are
7 necessary and essential to the welfare and maintenance of said
8 high school; and shall elect a secretary and prescribe the duties
9 and compensation of the same.

Sec. 3. Said board of directors shall be a body corporate
2 and as such may sue and be sued, contract and be contracted
3 with, shall hold and dispose of, according to the usual form of
4 law and the instrument conferring title, all gifts, grants or
5 devises made for the use of such high school, and shall be
6 deemed the owner of all property belonging to said high school,
7 and shall be liable for all claims which may legally exist against
8 it.

Sec. 4. For the purpose of securing proper grounds and for
2 erecting and equipping suitable buildings thereon for said high
3 school, said board of directors may lay a levy of not exceeding
4 twenty cents on the one hundred dollars valuation of property
5 for taxable purposes for the year following the adoption of
6 this act as hereinafter provided and for the next three years
7 following; and not to exceed five cents on the one hundred
8 dollars for building fund purposes for each subsequent year
9 thereafter; and as a teachers fund of said school the said board
10 of directors shall lay a levy not to exceed fifteen cents on the
11 one hundred dollars valuation each year thereafter.

Sec. 5. The qualification for admission to said county high school shall be subject to such regulations as may be prescribed by the said board of directors.

Sec. 6. All revenue from taxation as provided herein shall be collected and disbursed by the sheriff of said county in the manner provided by law.

Sec. 7. The members of said board of directors shall be allowed a compensation of four dollars per day for their services for the time they are actually employed in transacting the business of said high school, not to exceed fifty dollars in any one year, and the compensation of the secretary of said board shall not exceed seventy-five dollars per year.

Sec. 8. But before this act shall take effect, it shall be submitted to the voters of Wirt county at a special election ordered by the county court of said county of Wirt and general notice of said election shall be published in two newspapers of opposite politics and general circulation in said county, for four successive weeks preceding said election, if there be two such newspapers that will publish the same at the legal rate for such publications; but if there be no such newspapers that will publish such notice at such rate, then such notice may be posted at three of the most public places in each magisterial district in said county for a like period of time.

Said county court shall provide a ballot bearing the names of at least two candidates for said members of said board of directors and also bearing thereon the words "For county high school" and "Against county high school" and if a majority of the votes cast at said election be in favor of said county high school, then this act shall be of binding force and effect from the time of the official announcement of said vote. Said election shall be conducted in the manner provided by law for the conducting of general elections. If this act should fail to carry at such special election it may be re-submitted at the next general election or any subsequent general election.

Sec. 9. In case this measure becomes a law as above the said board of directors shall in no instance expend a greater sum than fifty thousand dollars in securing the site and erecting and equipping said school building. In case a contract is let for the erection and equipment of said building the contract price shall not be for a greater amount than fifty thousand

7 dollars and said board shall on the completion of said con-
8 tracts pay the said contract price for same and no more.

Sec. 10. All acts and parts of acts inconsistent with this
2 act are hereby repealed.

CHAPTER 86

(House Bill No. 632—Mr. Knabenshue)

AN ACT to amend section one of chapter eighty-six of the Acts of
the Legislature of one thousand nine hundred and twenty-three,
relating to the Upshur county high school.

[Passed April 13, 1927. In effect from passage. Approved by the Governor.]

SEC. 1. Members of board of education | Upshur county high school;
election and term.

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of the Upshur county high
2 school shall consist of three members. The county superintend-
3 ent of schools shall be a member *ex-officio* and the two other
4 members shall be appointed by the state superintendent of free
5 schools, one for a term of two years, and the other for a term of
6 four years, as designated by said superintendent of free schools.

7 At the general elections to be held in one thousand nine hun-
8 dred and twenty-eight, one thousand nine hundred and thirty,
9 and each fourth year thereafter, the voters of Upshur county,
10 outside the independent district of Buckhannon, shall elect suc-
11 cessors to the respective members appointed by the state sup-
12 erintendent of schools, whose term of office shall be four years,
13 and shall begin at the expiration of the terms of the members
14 appointed by the state superintendent of free schools.

15 The said board of education shall annually hold a meeting on
16 the first Saturday in July, at which time one of its members
17 shall be chosen as president and some person other than one of
18 its members as secretary, for the ensuing year.

CHAPTER 87

(House Bill No. 636—Mr. Woodyard)

AN ACT to amend and re-enact section eight of chapter seventy-one of the acts of one thousand nine hundred and seventeen, relating to Spencer independent school district, as amended and re-enacted by chapter twenty-one of the Acts of one thousand nine hundred and twenty-one.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec. 8. Annual estimates and levies Spencer independent district; referendum.

Be it enacted by the Legislature of West Virginia:

That section eight of chapter seventy-one of the acts of one thousand nine hundred and seventeen, relating to the Spencer independent school district, as amended and re-enacted by chapter twenty-one of the Acts of one thousand nine hundred and twenty-one be amended and re-enacted so as to read as follows:

Section 8. The board of education of Spencer independent school district shall also meet at the times and perform the duties required of boards of education, (other than those for independent school districts), except as herein otherwise provided, for the purpose of making, and shall make, estimates of the amount of money required to maintain the schools in said independent school district for the ensuing year, both as to the teachers' and various maintenance and building funds, and of providing for a sinking fund to pay off any bonded indebtedness; and said board of education shall determine the number of months of school to be taught in said district for said year, both in the high and graded schools and any department thereof, which shall not be fewer than nine months for any one year; and shall levy upon the taxable property in said independent school district a sufficient sum for said purposes, which, however, shall not exceed eighty-five cents on each one hundred dollars valuation of the taxable property therein for teachers' funds, and such sum, not to exceed forty cents on each one hundred dollars valuation for maintenance and building funds; and also such sum as may be necessary to pay off any bonded

21 indebtedness within the time provided by the proceedings had
22 and the orders entered in respect to said bonded indebtedness
23 and the obligation in respect thereto given.

24 The said levy of eighty-five cents on each one hundred dol-
25 lars valuation shall not be laid after the year one thousand nine
26 hundred and twenty-seven, unless the question of said proposed
27 levy of eighty-five cents shall be authorized by a majority of the
28 qualified voters of said Spencer independent school district at
28 the regular school election for said district, provided by law to be
30 held in the month of March, in the year one thousand nine hun-
31 dred and twenty-eight. In the submission of the question of the
32 said levy of eighty-five cents, separate ballots shall be prepared
33 by the proper officers charged with the preparation of the regu-
34 lar election ballot, and said ballots shall be indorsed by the elec-
35 tion officers as now provided by law, and be in substantially the
36 following form:

37 For eighty-five cent levy for teachers' fund.

38 Against eighty-five cent levy for teachers' fund.

39 The result of said election, so far as the vote on said levy is
40 concerned, shall be ascertained and declared in the same manner
41 as the general results of said election.

42 In case a majority of said votes be in favor of said eighty-five
43 cent levy, then the said board of education is authorized annu-
44 ally to levy an amount not to exceed eighty-five cents valuation
45 on each one hundred dollars valuation for a teachers' fund,
46 which authority for said maximum levy shall remain in force
47 until otherwise provided by law.

48 All acts and parts of acts inconsistent herewith, are hereby
49 repealed.

CHAPTER 88

(Senate Bill No. 55—Mr. Hugus)

AN ACT to amend and re-enact sections eight and nine of chapter one hundred and twenty of the Acts of the Legislature of one thousand nine hundred and twenty-five, relating to the intermediate court of Ohio county.

[Passed March 23, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>SEC. 8. Circuit clerk made <i>ex-officio</i> clerk of the intermediate court; his</p>	<p>SEC. 9. Judge; his salary; when effective.</p>
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Be it enacted by the Legislature of West Virginia:

That sections eight and nine of chapter one hundred and twenty of the Acts of the Legislature of one thousand nine hundred and twenty-five, relating to the intermediate court of Ohio county, be amended and re-enacted so as to read as follows:

Section 8. The clerk of the circuit court of Ohio county shall 2 be *ex-officio* clerk of said intermediate court and perform the 3 duties thereof; and in the discharge of his duties as clerk of 4 the intermediate court, he shall be subject to all statutes re- 5 lating to the clerk of the circuit court. All process, rules and 6 orders of said court in the exercise of its jurisdiction shall be 7 signed by the clerk thereof, and be directed to the sheriffs of 8 the proper counties wherein the same are to be executed, and 9 they shall be executed in like manner and with the same effect 10 as process issuing from the circuit court of said county. The 11 said clerk shall, from and after January first, one thousand nine 12 hundred and twenty-eight, for his services as clerk of said in- 13 termediate court receive fifteen hundred dollars per annum to 14 be paid out of the county treasury of the said county of Ohio.

Sec. 9. The said judge shall, from and after January first, 2 one thousand nine hundred and twenty-eight, for his services 3 receive six thousand dollars per annum, to be paid out of the 4 county treasury of the said county of Ohio.

CHAPTER 89

(Senate Bill No. 56—Mr. Hugus)

AN ACT to amend and re-enact section one of chapter one hundred and twenty-two of the Acts of the Legislature of one thousand nine hundred and twenty-five, relating to the compensation of judges of the first judicial circuit and of the prosecuting attorney of Ohio county.

[Passed March 23, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Authorizing additional compensation paid, judge of first judicial

circuit; not to exceed certain amount; when effective.

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and twenty-two of the Acts of the Legislature of one thousand nine hundred and twenty-five, relating to the pay of the judges of the first judicial circuit and of the prosecuting attorney of Ohio county, be amended and re-enacted so as to read as follows:

Section 1. That from and after January first, one thousand two hundred and twenty-eight, the board of county commissioners of Ohio county is hereby authorized to pay additional compensation to the judges of the first judicial district, but the amount of such additional compensation shall not exceed twenty-five hundred dollars per annum to each of said judges. Said board of county commissioners may arrange with the county courts of Brooke and Hancock counties or either or both of said counties whereby either or both of said county courts may contribute towards the payment of any such additional compensation so paid to said judges.

CHAPTER 90

(Senate Bill No. 75—Mr. Taylor)

AN ACT to amend and re-enact section four of chapter one hundred and sixty-eight of the Acts of the Legislature of one thousand nine hundred and twenty-one, relating to the salary of the judge of the domestic relations court of Cabell county.

[Passed March 23, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

4. Salary, judge of domestic rela-

tions court; amount; how and by whom paid; when effective.

Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred and sixty-eight of the Acts of the Legislature of one thousand nine hundred and twenty-

one, relating to the salary of the judge of the domestic relations court, be amended and re-enacted to read as follows:

Section 4. The said judge of the domestic relations court 2 of Cabell county shall, for his services, receive the sum of five 3 thousand dollars per annum in monthly installments, to be paid 4 out of the county treasury of the said county of Cabell.

5 This act shall take effect as to the said salary from March 6 first, one thousand nine hundred and twenty-seven.

7 All acts or parts of acts in conflict herewith are hereby re- 8 pealed.

CHAPTER 91

(Senate Bill No. 202—Mr. Willis)

AN ACT to authorize the county court of Monongalia county, constituting the seventeenth judicial circuit, to pay the judge thereof, in addition to the amount paid out of the state treasury, the sum of two thousand two hundred dollars *per annum*.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. County court authorized to pay additional salary to circuit

court judge; amount; payable monthly; when effective; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That authority be given the county court of Monongalia county, beginning the first day of January, one thousand nine hundred and twenty-nine, to pay, in twelve equal monthly installments, the sum of two thousand two hundred dollars annually to the circuit judge of the seventeenth judicial circuit in addition to the salary now prescribed by law for circuit judges, as follows:

Section 1. That the county court of Monongalia county, 2 constituting the seventeenth judicial circuit, is hereby author- 3 ized to pay to the judge of said judicial circuit, in addition to 4 the amount allowed to said judge out of the state treasury, the 5 sum of two thousand two hundred dollars *per annum*, payable 6 in monthly installments of one hundred and eighty-three dol- 7 lars and thirty-three and one-third cents, on the last day of

8 each calendar month, which allowance shall commence on the
9 first day of January, one thousand nine hundred and twenty-
10 nine.

Sec. 2. All acts or parts of acts coming within the purview
2 of this act, and inconsistent herewith, are hereby repealed, inso-
3 far as the same apply to the salary of the judge of the seven-
4 tenth judicial circuit.

CHAPTER 92

(Senate Bill No. 204—Mr. Willis)

AN ACT to amend and re-enact sections four and thirteen, of chap-
ter one hundred and thirty-four of the Acts of the Legislature
of West Virginia, of one thousand nine hundred and twenty-
three, relating to the domestic relations court in Monongalia
county, and repealing parts of said act, effective on and after
the first day of January, one thousand nine hundred and
twenty-nine.

[Passed April 15, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

SEC.
4. Salary of judge; amount; how
and by whom paid; duties and
limitations; court reporter or
stenographer; by whom ap-
pointed; duties of; salary, how
paid.

SEC.
13. Appeals, writs of error and
supersedeas; application for;
when, how and to whom made;
conflicting acts repealed; this
act effective, when.

Be it enacted by the Legislature of West Virginia:

That sections four and thirteen, of chapter one hundred and
thirty-four of the Acts of the Legislature of West Virginia, of one
thousand nine hundred and twenty-three, relating to the court of
domestic relations of Monongalia county, be amended and re-
enacted so as to read as follows:

Section 4. The judge of said domestic relations court shall
2 receive for his services the sum of one thousand eight hundred
3 dollars *per annum*, payable in monthly installments out of the
4 county treasury of said county. It shall be lawful for the
5 judge of said domestic relations court to engage in the general
6 practice of law or other business not affecting the duties re-

7 quired by this act; but he shall not act as attorney or counsel
8 in relation to any causes or matters within the jurisdiction of
9 said court; nor shall he act as attorney or counsel in any divorce
10 case in the circuit court of Monongalia county. The judge of
11 the said domestic relations court shall appoint a reporter or
12 stenographer, who shall serve during the pleasure of the court
13 and shall perform the same duties as those usually performed
14 by court reporters in the several circuit courts of the state,
15 who shall receive a salary not to exceed the sum of twelve
16 hundred dollars per annum, which shall be paid out of the
17 treasury of the said county.

Sec. 13. Appeals may be allowed and writs of error and
2 supersedeas awarded to the judgments, rulings, and orders of
3 the said domestic relations court or the judge thereof, by the
4 circuit court of said county or the judge thereof, or the judge
5 of any other circuit court in this state, in cases involving the
6 freedom of the person or the constitutionality of the law, and
7 in case of the refusal of the circuit court of said county or the
8 judge thereof, application for such writ of error and super-
9 sedeas or appeal may be made direct to the supreme court of
10 appeals of the state or any judge thereof; *provided, however,*
11 that in all cases such application shall be made within sixty
12 days next following date of the entry of final order of judg-
13 ment.

14 All acts or parts of acts in conflict herewith are hereby re-
15 pealed.

16 Said chapter one hundred and thirty-four of said acts of one
17 thousand nine hundred and twenty-three, as hereby amended,
18 is hereby repealed, effective on and after the first day of Janu-
19 ary, one thousand nine hundred and twenty-nine.

CHAPTER 93

(House Bill No. 20—Mr. Hundley)

AN ACT to amend and re-enact section one of chapter one hundred
and twenty-four, of the Acts of the Legislature of West Vir-
ginia, of one thousand nine hundred and twenty-three, relating

to the salaries of officers of the juvenile court of Kanawha county.

[Passed April 6, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Salaries judge juvenile court and probation officers.

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and twenty-four of the Acts of the Legislature of one thousand nine hundred and twenty-three, be and the same is hereby amended and re-enacted to read as follows:

Section 1. The judge of the juvenile court of Kanawha county shall receive for his services as such the sum of two thousand dollars per year, payable monthly, to be paid out of the treasury of said county from the first day of July, one thousand nine hundred and twenty-seven. The chief probation officer shall receive such salary as the juvenile judge may prescribe, not exceeding three thousand five hundred dollars per annum. The other deputy probation officers shall receive such salaries as may be prescribed by the juvenile judge, not exceeding one thousand eight hundred dollars *per annum*. The salaries shall be paid out of the county treasury of said county of Kanawha.

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

CHAPTER 94

(House Bill No. 102—Mr. Hundley)

AN ACT to amend and re-enact section nine of chapter one hundred and seventy of the Acts of the Legislature of one thousand nine hundred and twenty-one, relating to the intermediate court of Kanawha county.

[Passed April 6, 1927. In effect ninety days from passage. Approved by the Governor.]

SEC.

9. Salary of judge of the intermediate court, Kanawha county.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter one hundred and seventy of the Acts of the Legislature of one thousand nine hundred and twenty-one be amended and re-enacted so as to read as follows:

Section 9. The said judge of the intermediate court of 2 Kanawha county shall, for his services, receive a salary of 3 seven thousand five hundred dollars *per annum*, to be paid 4 out of the treasury of said county from the first day of July, 5 one thousand nine hundred and twenty-seven.

CHAPTER 95

(House Bill No. 138—Mr. Gay)

AN ACT authorizing the county court of Logan county to pay additional compensation to the judge of the seventh judicial circuit of West Virginia, and providing for limitations and regulations under which such payments shall be made.

[Passed March 29, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Additional compensation to judge of seventh judicial circuit court.

Be it enacted by the Legislature of West Virginia:

That the county court of Logan county be authorized to pay additional compensation to the judge of the seventh judicial circuit of West Virginia and to limit and regulate such payment as follows:

Section 1. The county court of Logan county is hereby au-
2 thorized to pay additional compensation to the judge of the
3 seventh judicial circuit of West Virginia, but the amount of
4 such compensation shall not exceed twenty-five hundred dollars
5 *per annum*. Said county court may arrange with the county
6 court of the other county or counties of said circuit, whereby
7 such other county or counties may contribute towards the pay-
8 ment of such additional compensation so paid to said judge.

9 All acts or parts of acts inconsistent herewith are hereby
10 repealed.

CHAPTER 96

(House Bill No. 194—Mr. Mathews)

AN ACT fixing the salary of the clerk of the juvenile court of Kanawha county and providing for the payment thereof out of the county treasury.

[Passed April 6, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. Clerk of juvenile court, Kanawha county; duties and salary.

Be it enacted by the Legislature of West Virginia:

Section 1. The clerk of the circuit court of Kanawha county, 2 West Virginia, shall be *ex-officio* clerk of the juvenile court 3 of said county and shall discharge the duties of such clerk as 4 now or hereafter provided by law. He shall receive for his 5 services the sum of one thousand dollars annually, payable 6 monthly out of the county treasury as the salary of other 7 county officers are paid. Such compensation shall begin July 8 one, one thousand nine hundred and twenty-seven.

CHAPTER 97

(House Bill No. 474—Mr. Hall)

AN ACT authorizing the county courts of Wyoming and Mingo counties to pay the judge of the eighth judicial circuit additional compensation, and repealing all acts in conflict therewith.

[Passed April 27, 1927. In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Salary of circuit judge, eighth circuit.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of the county of Wyoming, 2 and the county court of the county of Mingo, be, and they are, 3 each hereby authorized to pay to the judge of the eighth judicial 4 circuit of West Virginia, composed of said counties, an addi-

5 tional compensation, or salary, in an amount not to exceed twelve
6 hundred dollars per year payable out of the county treasury,
7 in equal monthly installments. All acts and parts of acts in
8 conflict herewith are hereby repealed.

CHAPTER 98

(Senate Bill No. 200—Mr. Willis)

AN ACT fixing the salary of the prosecuting attorney of Monongalia county, and that of the assistant prosecuting attorney and the clerk of the circuit court of said county, from and after January first, one thousand nine hundred and twenty-nine, and repealing all acts and parts of acts inconsistent therewith.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Salaries; prosecuting attorney;
assistant prosecuting attorney;

clerk of the circuit court;
amounts; when effective; how
paid; inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That section forty-four of chapter one hundred and thirty-seven of Barnes' code of one thousand nine hundred and twenty-three, relating to the salary of the prosecuting attorney, and section seven of chapter one hundred and twenty of said code, relating to the salary of the assistant prosecuting attorney of Monongalia county and section forty-four of chapter one hundred and thirty-seven, relating to the salary of the clerk of the circuit court of Monongalia county, be amended and re-enacted so as to read as follows:

Section 1. Beginning January first, one thousand nine hundred and twenty-nine, the annual salary of the prosecuting attorney of Monongalia county shall be four thousand dollars, and the annual salary of the assistant prosecuting attorney of Monongalia county shall be two thousand dollars, which salaries shall be paid monthly in the same manner that salaries of other county officers are paid, and which salaries shall include all services, required by law, of the prosecuting attorney and his assistant, both civil and criminal, except in cases or

10 matters in which the prosecuting attorney and his assistant are
11 disqualified by law from acting, and beginning January one,
12 one thousand nine hundred and twenty-nine, the annual salary
13 of the clerk of the circuit court of Monongalia county shall be
14 thirty-five hundred dollars, which salary shall be paid monthly
15 in the same manner that salaries of other county officers are
16 paid.

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

CHAPTER 99

(Senate Bill No. 280—Mr. Kidd)

AN ACT to provide a stenographer for the prosecuting attorney
of Gilmer county.

[Passed March 23, 1927. In effect from passage. Became a law without the
approval of the Governor.]

Sec.

1. County Court to employ a stenographer for the prosecuting		attorney; when effective; salary; when and by whom paid.
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Be it enacted by the Legislature of West Virginia:

That the county court of Gilmer county be required to employ a stenographer for the prosecuting attorney of said county, as follows:

Section 1. The county court of Gilmer county shall employ
2 one stenographer for the official work of the prosecuting attor-
3 ney of the county for the years one thousand nine hundred
4 and twenty-seven and one thousand nine hundred and twenty-
5 eight, at a compensation not less than sixty dollars a month,
6 payable out of the county treasury upon the order of the court
7 and as other salaries are paid.

CHAPTER 100

(Senate Bill No. 284—Mr. Kidd)

AN ACT fixing the salary of the prosecuting attorney of Gilmer county, from and after January first, one thousand nine hundred and twenty-nine, and repealing all acts and parts of acts inconsistent therewith.

[Passed March 23, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.	1. Salary of prosecuting attorney; amount; how and by whom	SEC.	paid; when effective. 2. Inconsistent acts repealed.
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Be it enacted by the Legislature of West Virginia:

That section forty-four of chapter one hundred and thirty-seven, Barnes' code, of one thousand nine hundred and twenty-three, relating to the salary of the prosecuting attorney of Gilmer county, be amended and re-enacted, so as to read as follows:

Section 1. Beginning January first, one thousand nine hundred and twenty-nine, the annual salary of the prosecuting attorney of Gilmer county shall be fifteen hundred dollars, which salary shall be paid monthly in the same manner that salaries of other county officers are paid, and which salary shall include all services, required by law, of the prosecuting attorney, both civil and criminal, except in cases or matters in which the prosecuting attorney is disqualified by law from acting.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 101

(House Bill No. 30—Mr. Cusack)

AN ACT to fix the salary of the prosecuting attorney of Wetzel county and providing for the employment of a stenographer or clerical help for the said prosecuting attorney and fixing the compensation therefor; also to repeal chapter one hundred and thirty-six, sections one and two of the Acts of one thousand

nine hundred and twenty-three of the Legislature of West Virginia.

[Passed April 6, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. Acts repealed.
2. Salary of prosecuting attorney, Wetzel county.

Sec.

3. Stenographer to prosecuting attorney; salary.

Be it enacted by the Legislature of West Virginia:

Section 1. Chapter one hundred and thirty-six, sections 2 number one and two of the Acts of one thousand nine hundred 3 and twenty-three of the Legislature of West Virginia are hereby 4 repealed.

Sec. 2. The salary of the prosecuting attorney of Wetzel 2 county, West Virginia, is hereby fixed at the sum of two thou- 3 sand dollars *per annum* to take effect on January first, nineteen 4 hundred and twenty-nine.

Sec. 3. The prosecuting attorney of Wetzel county may 2 employ a stenographer or clerk at a salary of not more than 3 fifty dollars per month, said compensation, to be fixed by the 4 county court of said county, and the said prosecuting attorney 5 shall have the right to appeal to the circuit court of said Wetzel 6 county from the decision of said county court fixing the com- 7 pensation of said stenographer or clerk.

8 All acts and parts of acts inconsistent herewith are hereby 9 repealed.

CHAPTER 102

(House Bill No. 76—Mr. Withers)

AN ACT fixing the annual compensation of the clerk of the circuit court and assessor of Jefferson county and providing for the payment of same.

[Passed April 23, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. Salary of circuit clerk.
2. Salary of assessor.

Sec.

3. Not effective as to present incumbents.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Jefferson county shall
2 allow and pay to the clerk of the circuit court an annual com-
3 pensation of two thousand dollars payable monthly as salaries
4 of other county officers are paid.

Sec. 2. That the county court of Jefferson county shall
2 allow and pay to the assessor an annual compensation of two
3 thousand dollars payable monthly as salaries of other county
4 officers are paid.

Sec. 3. This act shall not take effect until the beginning of
2 the terms of office of the successors of the present incumbents,
3 and shall not affect the salaries of the present clerk of the cir-
4 cuit court and assessor of Jefferson county.

CHAPTER 103

(House Bill No. 84—Mr. Basham)

AN ACT to fix the salaries of the county clerk and circuit clerk
of Wyoming county, and providing for the payment of the
same.

[Passed April 23, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

SEC.
1. Salaries of county and circuit clerks; how paid.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Wyoming county, shall allow
2 and pay to the clerk of the county court and the clerk of the
3 circuit court of said county an annual salary of three thousand
4 dollars, each, which salaries shall be paid monthly in the same
5 manner that the salaries of other county officers are paid; *pro-*
6 *vided, however,* that such increases in salaries shall not become
7 effective until the beginning of the term of office of the suc-
8 cessors of the present incumbents.

CHAPTER 104

(House Bill No. 96—Mr. Beard)

AN ACT to provide for clerical and stenographic assistance for the prosecuting attorney of Berkeley county.

[Passed April 8, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Stenographer for prosecuting attorney.—salary.

Be it enacted by the Legislature of West Virginia:

Section 1. That the prosecuting attorney of Berkeley county, by and with the consent of the county court, may employ a stenographer or other clerical assistance for his office, but shall not expend for said purpose more than six hundred dollars per year.

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

CHAPTER 105

(House Bill No. 112—Mr. Guiher)

AN ACT to empower the judge of the circuit court of the Fifteenth Judicial Circuit to employ a competent stenographer, defining duties, and providing for the manner of payment.

[Passed April 7, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Stenographer for fifteenth circuit. | SEC.
2. Stenographer's salary.

Be it enacted by the Legislature of West Virginia:

Section 1. The circuit court of the Fifteenth Judicial Circuit, or the judge thereof in vacation, is hereby empowered and authorized to employ and appoint a competent stenographer to aid said judge in the performance of all his official duties. Said appointment and employment of such stenographer may be made by the judge of said court by an order entered of record in said court, and the said stenographer so appointed shall hold office during the pleasure of the court.

Sec. 2. The compensation of such stenographer shall be fixed
 2 by said judge at such sum as he shall deem proper, not to exceed
 3 one hundred and fifty dollars per month, of which said com-
 4 pensation an amount not to exceed fifty dollars per month shall
 5 be paid out of the state treasury as provided by section one-d
 6 of chapter eleven of the code, an amount not to exceed sixty
 7 dollars per month by the county court of Harrison county, and
 8 an amount not to exceed forty dollars per month by the county
 9 court of Lewis county.

CHAPTER 106

(House Bill No. 193—Mr. Prather)

AN ACT to fix the salary of the prosecuting attorney of Wirt
 county.

[Passed April 26, 1927. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

SEC.

1. Salary of prosecuting attorney, Wirt county.

Be it enacted by the Legislature of West Virginia:

Section 1. That on and after the first day of January, one
 2 thousand nine hundred and twenty-nine, the annual salary of the
 3 prosecuting attorney of Wirt county shall be six hundred dollars.
 4 All parts of acts inconsistent with this act are hereby repealed.

CHAPTER 107

(House Bill No. 199—Mr. Smith)

AN ACT fixing the salary of the prosecuting attorney of Preston
 county, West Virginia, from and after the first day of January,
 one thousand nine hundred and twenty-nine, and repealing all
 acts and parts of acts inconsistent therewith.

[Passed March 29, 1927. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

SEC.

1. Salary of prosecuting attorney, Preston county.

Be it enacted by the Legislature of West Virginia:

Section 1. Beginning with the first day of January, one thousand nine hundred and twenty-nine, the annual salary of the prosecuting attorney of Preston county, West Virginia, shall be two thousand five hundred dollars, payable out of the county treasury in equal monthly installments in the same manner that the salaries of other county officers are paid.

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

CHAPTER 108

(House Bill No. 210—Mr. Long)

AN ACT to fix the salary of the prosecuting attorney of Cabell county.

[Passed April 14, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. Salary of prosecuting attorney, Cabell county

Be it enacted by the Legislature of West Virginia:

Section 1. That the salary of the prosecuting attorney of Cabell county, be, and the same is hereby fixed at the sum of four thousand eight hundred dollars per year, which salary shall be allowed and paid monthly out of the treasury of Cabell county, by the county court of said county, in the same manner that the salaries of other county officers are paid.

This act shall take effect on the first day of January, one thousand nine hundred and twenty-nine.

All acts or parts of acts inconsistent herewith, are hereby repealed.

CHAPTER 109

(House Bill No. 282—Mr. Deuley)

AN ACT to fix the compensation of the assessor of Hancock county.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Salary of assessor, Hancock county.

Be it enacted by the Legislature of West Virginia:

Section 1. Beginning on the first day of January, one thousand sand nine hundred twenty-nine, the compensation of assessor of Hancock county shall be two thousand two hundred dollars *per annum* payable out of the county treasury in equal monthly installments.

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

CHAPTER 110

(House Bill No. 331—Mr. DeLawder)

AN ACT relating to the salary of the prosecuting attorney of Hardy county, West Virginia.

Passed April 13, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Salary of prosecuting attorney, Hardy county.

Be it enacted by the Legislature of West Virginia:

Section 1. The salary of the prosecuting attorney of Hardy county shall be not less than six hundred dollars and not over twelve hundred dollars, and it shall be left to the option of the county court of Hardy county the amount of salary they shall pay, but they shall not pay a greater nor less sum than the sum named in this section.

7 This act shall become effective January first, one thousand
8 nine hundred and twenty-nine.

9 All acts or parts of acts in conflict herewith are hereby re-
10 pealed.

CHAPTER 111

(House Bill No. 409—Mr. Morgan, by request)

AN ACT providing for the salary and compensation of the prosecuting attorney and assistant prosecuting attorney of Marion county, West Virginia.

[Passed April 6, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Salary of prosecuting attorney,
Marion county.

SEC.

2. Salary of assistant prosecuting
attorney.

3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Commencing on the first day of January, nineteen hundred twenty-nine, the salary of the prosecuting attorney of Marion county, shall be forty-four hundred dollars *per annum*, payable in equal monthly installments as other county officers are paid.

Sec. 2. Commencing on the first day of April, nineteen hundred twenty-seven, the assistant prosecuting attorney of Marion county, if one be appointed pursuant to section seven of chapter one hundred and twenty of Barnes' code of West Virginia, shall be allowed and paid out of the county treasury, by the county court of Marion county, such compensation as is deemed reasonable by the said county court, such compensation, however, to be not less than two thousand dollars *per annum*, and not more than three thousand dollars *per annum*.

Sec. 3. All acts and parts of acts inconsistent herewith are hereby repealed..

CHAPTER 112

(House Bill No. 415—Mr. Stevens)

AN ACT providing for the compensation to be paid to certain officers of Greenbrier county.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Salary of assessor, Greenbrier.
2. Salary of prosecuting attorney.

SEC.

3. Salary of circuit clerk.

Be it enacted by the Legislature of West Virginia:

Section 1. That the compensation of the assessor of Greenbrier county be and the same is hereby fixed at eighteen hundred

3 dollars per year and that said sum of eighteen hundred dollars
4 per year shall be paid to the assessor of Greenbrier county.

Sec. 2. The annual compensation of the prosecuting attorney
2 of Greenbrier county shall be eighteen hundred dollars.

Sec. 3. The annual compensation of the clerk of the circuit
2 court of Greenbrier county shall be eighteen hundred dollars.

3 This act is not to take effect until the successors to the present
4 incumbent, in each instance, is elected.

5 All acts and parts of acts inconsistent herewith are hereby re-
6 pealed.

CHAPTER 113

(House Bill No. 429—Mr. Hundley, by request)

AN ACT relating to and fixing the salary of the prosecuting attor-
ney of Kanawha county and the assistant prosecuting attorney
of Kanawha county.

[Passed April 29, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

Sec.

1. Salary of prosecuting attorney, Kanawha county, as counsel	for boards of education.
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Be it enacted by the Legislature of West Virginia:

Section 1. The prosecuting attorney of Kanawha county shall
2 receive for his services as attorney for the boards of education of
3 Kanawha county, as now or hereafter provided by law, the sum
4 of one thousand two hundred dollars annually, payable monthly
5 out of the county treasury.

6 The assistant prosecuting attorney of Kanawha county shall
7 receive for his services as attorney for the said boards of
8 education of Kanawha county, as now or hereafter provided by
9 law, the sum of one thousand dollars annually, payable monthly
10 out of the county treasury.

CHAPTER 114

(House Bill No. 473—Mr. Hall)

AN ACT to fix the salary of the prosecuting attorney of Mingo county.

[Passed April 23, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Salary of prosecuting attorney, Mingo county.

Be it enacted by the Legislature of West Virginia:

Section 1. That the salary of the office of prosecuting attorney of Mingo county be and the same is hereby fixed at the sum of forty-eight hundred dollars per year, which salary shall be paid monthly out of the treasury of Mingo county by the county court of said county, in the same manner that the salaries of other county officers are paid. This act shall take effect on the first day of January, one thousand nine hundred and twenty-nine.

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

CHAPTER 115

(House Bill No. 488—Mr. Andrews, by request)

AN ACT to fix the salaries of the sheriff, county clerk, circuit clerk, prosecuting attorney, and stenographer to prosecuting attorney of Boone county.

[Passed April 6, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. Salaries of Boone county officers.

Be it enacted by the Legislature of West Virginia:

Section 1. Beginning with the term of office of the successor of the various officers named of Boone county, now in office,

3 annual salaries shall be as follows: Sheriff, two thousand five
4 hundred dollars; county clerk, two thousand four hundred
5 dollars; circuit clerk, one thousand eight hundred dollars;
6 prosecuting attorney, two thousand four hundred dollars and
7 stenographer to prosecuting attorney, one thousand two hun-
8 dred dollars.

9 All acts inconsistent with this act are hereby repealed.

CHAPTER 116

(House Bill No. 639—Mr. Mathews)

AN ACT authorizing the county court of Kanawha county to em-
ploy a competent stenographer for its legal counsel employed
under the provisions of chapter one hundred and fifty-six of
the Acts of the Legislature of West Virginia, regular session one
thousand nine hundred and twenty-one, at a compensation not
exceeding one thousand dollars *per annum*.

[Passed April 29, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

SEC.

1. Stenographer for legal counsel to county court, Kanawha county.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Kanawha county, may, in its
2 discretion, by an order duly entered of record each year, employ
3 a competent stenographer for the legal counsel employed by said
4 court under the provisions of chapter one hundred and fifty-six
5 of the Acts of the Legislature of West Virginia, regular session
6 of the year one thousand nine hundred and twenty-one. The
7 compensation of said stenographer shall be a sum not to exceed
8 one thousand dollars *per annum*, payable monthly out of the
9 county treasury of said county, as other county salaries are
10 paid.

CHAPTER 117

(Senate Bill No. 11—Mr. Helmick)

AN ACT authorizing the county court of Tucker county to lay a
special levy on the taxable property in the districts of Fairfax

and Davis in said county to be known as "Special Bridge Levy," for the purposes of aiding in the construction of a bridge across the North Fork of Blackwater river in Fairfax district in said county.

[Passed April 12, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County court authorized to lay a special bridge levy in Fairfax and Davis districts; when effective; amount of; purpose of; construction under control of state road commission.

SEC.

2. Aggregate amount limited to twenty-five thousand dollars.
3. Application of proceeds; exclusive use specified; how and by whom expended; county clerk shall keep separate account of receipts and disbursements.

Be it enacted by the Legislature of West Virginia:

That the county court of Tucker county be authorized to lay a special levy for bridge purposes, and to disburse the funds derived therefrom as follows:

Section 1. The county court of Tucker county is hereby authorized to lay a special levy, the same to be known as a "Special Bridge Levy," beginning with the year one thousand nine hundred and twenty-seven and for the next ensuing year of one thousand nine hundred and twenty-eight not to exceed fifteen cents on the one hundred dollars valuation, in addition to all other levies authorized by law, on all the taxable property in the districts of Fairfax and Davis, in said county of Tucker, for the purpose of aiding in the construction of a bridge across the North Fork of the Blackwater river in Fairfax district of said county at a place to be designated by the state road commission of West Virginia.

Sec. 2. The total net amount to be raised by said special levy shall not in any event exceed the sum of twenty-five thousand dollars.

Sec. 3. The funds arising from such levy shall be used exclusively for the purpose of aiding in the construction of said bridge and shall be under the control of and be expended in such manner as the state road commission of West Virginia may designate and determine from time to time, and a separate and special account shall be kept by the clerk of the county court of Tucker county of the receipts arising from and disbursements made of all moneys levied and collected under the provisions of this act.

CHAPTER 118

(Senate Bill No. 130—Mr. Willis)

AN ACT to authorize the county court of Monongalia county to lay a special road levy for the years one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six, for the purpose of securing a right of way and constructing roads in Clay district, Monongalia county, West Virginia.

[Passed April 22, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

1. County court authorized to lay special road levy in Clay district; purpose; seven road improvement projects contemplated; amount and number of

years to continue; how and by whom expended; money raised to be kept in separate fund; special account to be kept of receipts and disbursements.

Be it enacted by the Legislature of West Virginia:

That authority be given the county court of Monongalia county to lay a special levy for road purposes in Clay district of said county, as follows:

Section 1. For the purpose of securing rights of way, grading, draining and hard surfacing and to cover the expenditures on the following proposed road improvement projects, to-wit:

(1). On Pedlar run in said Clay district, beginning at the Town of Core and running up this stream a distance of two miles.

(2). Intersecting with the Pedlar run road, and running over the A. I. Tennant hill to Mooresville.

(3). On the right branch of Jake's run, at the intersection of roads near the residence of Perry W. Moore, and running up this stream and intersecting with the Daybrook-Marion county road.

(4). On the middle branch of Day's run, intersecting with the said Daybrook-Marion county road, and running up this stream to a point near the Connor church.

16 (5). On the main branch of Day's run, intersecting with the
17 said Daybrook road, and running down this stream and inter-
18 secting with the Blacksville-Pentrees road.

19 (6). On the right branch of Day's run, intersecting with the
20 said Daybrook road, and running up this stream a distance of
21 about one mile, to the forks of the road.

22 (7). On Indian creek, beginning at the Grant district line,
23 and running up this stream to a point near the residence of
24 J. C. Eddy.

25 The county court of Monongalia county is hereby authorized
26 to lay a special levy on all taxable property within Clay district
27 of said county of Monongalia of twenty cents on the one hun-
28 dred dollars valuation of said property as assessed for regular
29 state, county and district taxation for each of the years one
30 thousand nine hundred and twenty-seven, one thousand nine
31 hundred and twenty-eight, one thousand nine hundred and
32 twenty-nine, one thousand nine hundred and thirty, one thou-
33 sand nine hundred and thirty-one, one thousand nine hundred
34 and thirty-two, one thousand nine hundred and thirty-three, one
35 thousand nine hundred and thirty-four, one thousand nine hun-
36 dred and thirty-five and one thousand nine hundred and thirty-
37 six, which said levy shall be in addition to all county levies for
38 said purposes in said district.

39 The funds to be raised by the said levy shall be expended at
40 the discretion of the county court on the said seven projects as
41 in their judgment and in accordance with the advice of the
42 representative advisory committee selected by the citizens served
43 by said projects, as in their judgment they deem wise and
44 proper.

45 Said road shall be constructed according to such plans and
46 specifications as the county court and said advisory committee
47 may decide upon and all moneys realized from said special levy
48 shall be kept in a separate fund and a special account kept of
49 the receipts and disbursements of the same. The citizens served
50 by each of the said projects may select a representative to ad-
51 vise with the county court in the expenditure of the moneys
52 raised by the said levy and all expenditures to be made out of
53 said funds by the county court of Monongalia county on the
54 seven different and distinct projects.

CHAPTER 119

(Senate Bill No. 145—Mr. White of Mingo)

AN ACT authorizing the City of Williamson to lay special levy of thirty cents on each one hundred dollars valuation of all real estate and personal property therein for a period of two years and providing for the expenditures thereof.

[Passed March 18, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Special levy authorized for two years; amount of; purpose of.

Be it enacted by the Legislature of West Virginia:

That authority be hereby given to the City of Williamson to lay a special levy for street improvements, as follows:

Section 1. That the City of Williamson, a municipal corporation of the county of Mingo and state of West Virginia, be, and it is hereby empowered and authorized, through its city commissioners, to lay a special levy of not exceeding thirty cents on each one hundred dollars valuation of all real estate and personal property therein for a period of two years, beginning on the first day of July, one thousand nine hundred and twenty-seven, for the purpose of grading, paving, repaving and improving generally the streets of said city. The funds from such levy may be applied by said city commissioners in payment for the work of improvement of said streets done during the year one thousand nine hundred and twenty-seven. *Provided, however,* that no commissions shall be paid for the collection of the levies herein authorized.

CHAPTER 120

(Senate Bill No. 194—Mr. Kidd)

AN ACT to provide for the grading, draining and paving of certain streets in the town of Glenville, West Virginia.

[Passed March 24, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.

- | | |
|---|---|
| 1. Authorized to lay levy for three years; amount of; purpose of; | costs of improvements; how apportioned. |
|---|---|

Be it enacted by the Legislature of West Virginia:

That the town council of Glenville be empowered to lay a levy for street improvements as follows:

Section 1. The council of the Town of Glenville, a municipal corporation of said state, in the county of Gilmer, be and said council is hereby authorized to levy a sum not to exceed thirty cents on the one hundred dollars' valuation of all the property, real and personal, within said town for the years one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, and one thousand nine hundred and twenty-nine for the purpose of grading, draining and paving the residue of Court street not now under contract, to its intersection with College street, and College street from Court street to the point now under contract; and also Main street from the crossing of Lewis street to Sycamore run, and Church street from Court street to its intersection with Route Five, *provided*, that each of the property owners on said streets shall be required to pay one-third of such costs in front of his property, unless such property is unfit for useful purposes.

CHAPTER 121

(House Bill No. 50—Mr. Kendall)

AN ACT to authorize and empower the commission of the City of Grafton in the county of Taylor to lay a special levy for the purpose of purchasing or acquiring necessary sites and rights-of-way and constructing a filtration plant, a water reservoir, and extending, improving and amplifying the water system and plant of the City of Grafton and to use any funds available for such purposes and lay said special levy in the year one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty and one thousand nine hundred and thirty-one.

[Passed April 6, 1927. In effect from passage. Became a law without the approval of the Governor.]

<p>Sec.</p> <ol style="list-style-type: none"> 1. Special levy for filtration plant. 2. Sites and rights-of-way. 3. Contracts, anticipating funds. 	<p>SEC.</p> <ol style="list-style-type: none"> 4. Advisory commission. 5. Authority of city commission and advisory commission.
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Be it enacted by the Legislature of West Virginia:

Section 1. The commission of the City of Grafton, in the county of Taylor, is hereby authorized to lay a special levy, in addition to all other levies authorized by the charter of the City of Grafton and by law, of not to exceed twenty cents on the one hundred dollars valuation on all the taxable property within the said City of Grafton for the years one thousand nine hundred twenty-seven, one thousand nine hundred twenty-eight, one thousand nine hundred twenty-nine, one thousand nine hundred thirty, and one thousand nine hundred thirty-one, for the purpose of constructing a filtration plant and system, obtaining sites and rights-of-way and for laying the necessary pipes and sewers and extending, improving and amplifying the water system of and owned by the City of Grafton.

Sec. 2. The said commission of the City of Grafton is authorized to proceed with said work and to proceed with the construction of the filtration plant and system, and reservoir, purchase or obtain the necessary sites and rights-of-way, and for the purpose of acquiring the necessary sites and rights-of-way within and without the corporate limits of said city the said commission shall have the power to acquire the same by purchase, or by lease, or by eminent domain, install pipe lines and sewers and to further extend, improve and amplify the water system of the City of Grafton, and for said work may use and expend the funds derived from special levy authorized by section one of this act, and all other funds available for such purposes.

Sec. 3. The commission of the City of Grafton, upon this act becoming effective, shall have authority to and may anticipate the money to be derived and collected from the special levies authorized by section one of this act and may proceed with said work or parts thereof, and may have said work done progressively using the funds from any one or more year's levies in doing such parts of said work as the commission of the City of Grafton may from time to time determine until such work is completed, or the commission may perform the

10 work herein contemplated as a single undertaking. And for the
11 purpose of raising the necessary funds, if said commission shall
12 decide to perform said work as a single undertaking, said com-
13 mission is authorized to borrow and negotiate loans to be repaid
14 out of such levies or funds when available. In case the filtra-
15 tion plant and work herein set forth is approved and started,
16 the five annual levies, or such part of them as is necessary,
17 shall be laid by the city commission to complete the same. In
18 the event the levies set out in section one is not sufficient to com-
19 plete the work started by the city commission no extra levy of
20 any kind shall be laid for completing it under this act.

Sec. 4. There shall be an advisory commission created by
2 this act consisting of the local superintendent of the Hazel
3 Atlas Glass company, the local Baltimore and Ohio Railroad
4 superintendent, the superintendent of the Tygarts Valley Trac-
5 tion company, the local superintendent of the Pittsburgh and
6 West Virginia Gas company, the local superintendent of the
7 West Penn Public Service company, the local manager of the
8 Chesapeake and Potomac Telephone company, the president of
9 the board of education of Grafton, the president of the Taylor
10 county bar association, the cashier of The First National Bank,
11 the cashier of the Merchants and Mechanics Saving Bank,
12 the cashier of the Grafton Banking and Trust company, and
13 a member of the board of directors of The Taylor County Bank,
14 all of Grafton, West Virginia. In case of a vacancy in this
15 advisory commission it shall be filled by the remaining members.
16 This advisory commission's term of office shall terminate when
17 the work set forth in this act is completed.

Sec. 5. The city commission of Grafton and the advisory
2 commission provided for in section four shall have full charge
3 of carrying out the work set forth in this act and expending the
4 money for the same. No contract for the work set out in this
5 act shall be legal unless approved and signed by a combined
6 majority of the city commission and advisory commission. All
7 work shall be approved in like manner by a majority of the
8 combined commissions before any money shall be paid out on
9 the same. The combined majority of the two commissions
10 shall have power to carry out the provisions of this act after
11 it becomes effective. The mayor of the City of Grafton shall

12 be chairman of the combined commission. In his absence a
13 temporary chairman may be chosen by the members of the
14 commission present.

CHAPTER 122

(House Bill No. 52—Mr. Kendall, by request)

AN ACT to provide for the construction of bridges in Taylor county, West Virginia.

[Passed April 23, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 1. Special bridge levy authorized. | SEC. 2. Adoption by referendum.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Taylor county shall have
2 the power to lay a special levy for a period of six years, be-
3 ginning with the year one thousand nine hundred twenty-seven
4 and ending with the year one thousand nine hundred and
5 thirty-two of not more than ten cents on every one hundred
6 dollars of the assessed valuation of the property in said county
7 for said respective years, to be used exclusively for the con-
8 struction of bridges in said county.

Sec. 2. This law shall not become effective until fifty-five
2 per cent, or more of the registered voters of said county,
3 based on the last registration, shall have presented the county
4 court of said county, a petition requesting this act to become
5 effective.

CHAPTER 123

(House Bill No. 130—Mr. Mathews)

AN ACT to amend and re-enact section six of chapter ninety-nine of the Acts of the Legislature of West Virginia, regular session, one thousand nine hundred and twenty-three, entitled "an Act

to amend and re-enact section six of chapter seventy-four of the Acts of the Legislature of West Virginia of one thousand nine hundred and eleven, relating to Charleston independent school district, as amended by chapter seventy-three of the Acts of the Legislature of one thousand nine hundred and seventeen."

[Passed April 25, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

6. Library: board of education au- | levy to obtain fund.
thorized to provide, and may

Be it enacted by the Legislature of West Virginia:

That section six of chapter ninety-nine of the Acts of the Legislature of one thousand nine hundred and twenty-three, relating to the Charleston independent school district, as heretofore amended by chapter seventy-three of the Acts of one thousand nine hundred and seventeen, and as amended by chapter ninety-nine of the Acts of one thousand nine hundred and twenty-three be, and the same is hereby amended and re-enacted so as to read as follows:

Section 6. That the said board of education is authorized
2 to establish, support and maintain in said district a public
3 library and branches thereof; to purchase, acquire by condemna-
4 tion in the manner prescribed in chapter forty-two of the code
5 of West Virginia or otherwise acquire such real estate as may
6 be necessary or proper in connection therewith; and to con-
7 struct, purchase, lease, or otherwise acquire one or more library
8 buildings, and to furnish, equip and maintain the same.
9 For the purposes aforesaid it may levy annually for the years
10 one thousand nine hundred and twenty-three, one thousand nine
11 hundred and twenty-four, one thousand nine hundred and
12 twenty-five, one thousand nine hundred and twenty-six, one
13 thousand nine hundred and twenty-seven and one thousand nine
14 hundred and twenty-eight a tax not to exceed five cents for
15 each one hundred dollars valuation of property, and for the
16 year one thousand nine hundred and twenty-nine, and each
17 year thereafter, it may levy a tax not to exceed three cents
18 for each one hundred dollars valuation for the support, main-
19 tenance and enlargement of said library building or buildings.
20 And the said board of education is further authorized to

21 accept, receive, and use gifts, devises and bequests for any or
 22 all the purposes aforesaid.

CHAPTER 124

(House Bill No. 235—Mr. Lawton)

AN ACT to extend the levy for the completion of Stone Cliff bridge in Fayette county, provided for in chapter one hundred and seventeen, Acts of the Legislature of one thousand nine hundred and twenty-three.

[Passed April 15, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 1. Bridge levy authorized. 2. Separate account to be kept.	SEC. 3. Disposition of any remainder of the fund.
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Be it enacted by the Legislature of West Virginia:

Section 1. For the purpose of completing a public bridge 2 across New river at Stone Cliff, in the county of Fayette, the 3 county court of said county is hereby authorized to lay a special 4 levy on all taxable property within the said county for the 5 year one thousand nine hundred and twenty-eight, and if neces- 6 sary, for the year one thousand nine hundred and twenty-nine, 7 not to exceed in either year five cents on the one hundred dollars 8 valuation of said property as assessed for regular state, county 9 and district taxation. Said levy shall be called a "Special Bridge 10 Levy," and the funds derived therefrom shall be used for the 11 construction of said bridge and approaches and for no other 12 purpose.

Sec. 2. And all moneys realized from said special levy shall 2 be kept in a separate fund and a separate account kept of the 3 receipts and disbursements of the same.

Sec. 3. All funds left over after the completion of the afore- 2 said bridge shall go to the hard surfacing of the road beginning 3 at Stone Cliff toward Quinimont as far as such funds will 4 carry.

CHAPTER 125

(House Bill No. 271—Mr. Dye)

AN ACT authorizing the county court of Wood county to construct a bridge across the Little Kanawha river at Parkersburg, West Virginia, to lay a special levy on the magisterial districts of Parkersburg, Tygart and Lubeck within said county to meet the costs of such construction, and to repair or rebuild the present bridge at Juliana street.

[Passed April 12, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Authority to bridge Little Kanawha river.
2. Special bridge levy authorized.

SEC.

3. Plans and specifications.
4. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Wood county is hereby authorized to construct a bridge at Parkersburg, West Virginia, across a navigable stream lying wholly within the State and known as the Little Kanawha river.

Sec. 2. For the purpose of constructing such bridge and for the purpose of repairing or rebuilding the present bridge across said river now located at the foot of Juliana street in the City of Parkersburg, the county court of said county is hereby authorized to and may lay a special levy on all taxable property within the magisterial districts of Parkersburg, Tygart and Lubeck, in said county, for the year one thousand nine hundred and twenty-seven, and if necessary for eight calendar years thereafter, not to exceed in any year fifteen cents on the one hundred dollars valuation of property in said districts assessed for regular, state, county and district taxes, in addition to all other funds which may be appropriated for such purposes. Said levy shall be called "Special Bridge Levy" and the funds derived therefrom shall be used for said purposes and for no other.

But the aggregate of the funds to be derived from the levies hereby authorized shall not exceed six hundred thousand dollars.

Sec. 3. Said new bridge shall be constructed and said old bridge repaired or rebuilt according to such plans and specifications as the said county court may direct. And the funds derived from said special levies shall be kept separate from all

5 other funds and a separate account shall be kept of all receipts
6 and disbursements involving the same.

Sec. 4. All acts and parts of acts inconsistent herewith are
2 hereby repealed.

CHAPTER 126

(House Bill No. 301—Mr. Goode)

AN ACT to amend and re-enact chapter one hundred and thirty-
one, Acts of the Legislature of one thousand nine hundred and
twenty-five.

[Passed March 22, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

<p>Sec. 1. Special bridge levy, Lincoln county.</p>	<p>Sec. 2. Separate account of same. 3. Disposition of any balance.</p>
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Be it enacted by the Legislature of West Virginia:

That the county court of Lincoln county be authorized to lay a
special levy for the purpose of constructing bridges in said county,
and providing for the collection and disbursement of the funds
accruing from such special levy.

Section 1. For the purpose of constructing a public bridge
2 across the Fuquays creek near Priestly, and a public bridge
3 across the Middle fork of Mud river near the mouth of Trace
4 fork, and other bridges in Lincoln county, West Virginia, the
5 county court of said county is hereby authorized to lay a special
6 levy on all taxable property within the said county for the year
7 one thousand nine hundred and twenty-seven, for the year one
8 thousand nine hundred and twenty-eight, for the year one thou-
9 sand nine hundred and twenty-nine and for the year one thou-
10 sand nine hundred and thirty not to exceed in either year ten
11 cents on the one hundred dollars valuation of said property, as
12 assessed for regular state, county and district taxation. Said
13 levy shall be called the "Special Bridge Levy," and the funds
14 derived therefrom shall be used for said purpose and for no
15 other.

Sec. 2. Said bridges shall be constructed according to such
2 plans and specifications as said county court may decide upon

5 and all moneys realized from said special levy shall be collected
 4 by the sheriff of said county and shall be kept in a separate fund
 5 and a separate account kept of the receipts and disbursements
 6 of the same.

Sec. 3. After said bridges at Fuquays creek and Middle fork
 2 of Mud river at the mouth of Trace fork creek are completed,
 3 the county court of Lincoln county is hereby authorized to use
 4 the remainder of the funds from said levies to build other
 5 bridges in said county, as in its judgment they are needed.

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

CHAPTER 127

(House Bill No. 302—Mr. Doak)

AN ACT authorizing and empowering the county court of Dod-
 dridge county, West Virginia, to lay a special levy for the
 building of roads and bridges in South West magisterial dis-
 trict of said county.

[Passed April 23, 1927. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

SEC.

1. Providing for levy for special
 road and bridge fund, Dodd-
 ridge county.

SEC.

2. Petition required.
 3. Time for levy.

Be it enacted by the Legislature of West Virginia:

Section 1. Subject to the limitations of the constitution of
 2 West Virginia, the county court of Doddridge county is hereby
 3 authorized and empowered, upon the filing with the clerk there-
 4 of of a petition signed by not less than thirty-five *per centum*
 5 of the legal voters of South West magisterial district of said
 6 county, (such percentage to be based on the total vote for gov-
 7 ernor at the last preceding general election) praying for the
 8 grading or hard-surfacing of any road or roads, or the building
 9 of any bridge or bridges in said district, to lay a special levy
 10 each year for a period of years not exceeding six, and not to ex-
 11 ceed thirty cents on each one hundred dollars valuation of all
 12 the assessed property in said district.

Sec. 2. Said petition shall contain a statement specifying the road or roads to be graded or hard surfaced, or the bridge or bridges to be built, and shall specify the route or routes of such road or roads.

Sec. 3. Levies authorized under this act shall be laid at the same time and in the same manner as other levies provided for by the general laws of this state. The powers and authority granted and conferred by this act are in addition to all general provisions of law, relating to the laying of levies.

CHAPTER 128

(House Bill No. 304—Mr. Doak)

AN ACT to authorize and empower the county court of Doddridge county, West Virginia, to lay special levies for grading, draining and hard surfacing the Robinson Fork-McElroy creek road in the magisterial district of McClellan, of said county, according to plans and specifications adopted by the said court therefor.

[Passed March 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.	1. Special road levy county authorized.	Doddridge		SEC.	2. Application of fund.
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Be it enacted by the Legislature of West Virginia:

Section 1. Subject to the limitations of sections seven and eight of article ten of the constitution of West Virginia, the county court of Doddridge county, West Virginia, is hereby authorized and empowered to lay a special road levy in the district of McClellan, said county, each year, beginning with the year one thousand nine hundred and twenty-seven and continuing until said road is completed, on all taxable property in the said district; but not exceeding for any year fifty cents on each one hundred dollars assessed valuation of the taxable property in said district, which said levy shall be in addition to all other levies for road purposes in said district.

Sec. 2. The funds raised by such levy shall be used to complete the grading, draining and hard surfacing of the Robin-

3 son Fork-McElroy creek road through said district, beginning
4 at the end of the hard surfaced part thereof, above the village
5 of Sedalia, thence by way of Sedalia, Center Point and Ashley
6 to the Tyler county line, and shall be used for no other purpose.

7 The levies authorized by this act shall be laid annually at the
8 same time and in the same manner as other levies provided
9 for by the general laws of the state. Said road shall be con-
10 structed according to such plans and specifications as the said
11 county court may from time to time adopt therefor. All moneys
12 realized from such special levies shall be kept in a separate
13 fund, and a separate account kept of the receipts and disburse-
14 ments of the same.

CHAPTER 129

(House Bill No. 337—Mr. Kendall)

AN ACT authorizing the Taylor county hospital in Taylor county,
West Virginia, and the county court of said county to levy
moneys and receive gifts, to acquire, build and maintain the
said Taylor county hospital.

[Passed April 6, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor.]

<p>SEC. 1. Levy for county hospital author- ized. 2. Gifts for same; name may be changed. 3. Management and control.</p>	<p>SEC. 4. Municipal hospital of Grafton. 5. County court may anticipate levies and contract. 6. Act effective on petition. 7. Inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The Taylor county court of Taylor county, West
2 Virginia, is hereby authorized to levy a sum not to exceed ten
3 cents on the one hundred dollars valuation of all taxable prop-
4 erty within said county for a period of four years beginning
5 with the fiscal year one thousand nine hundred and twenty-
6 seven and ending with the fiscal year one thousand nine hun-
7 dred and thirty for the purpose of acquiring, building, equip-
8 ping and maintaining a county hospital to be known as the Tay-
9 lor county hospital.

Sec. 2. The Taylor county court is authorized to receive 2 gifts for said hospital. The said court is further authorized to 3 change the name of the hospital for memorial purposes, if an 4 individual, or individuals, or an organization, or organiza- 5 tions shall contribute one third or more toward the construc- 6 tion and equipping of the hospital.

Sec. 3. The management and control of said hospital shall be 2 vested in the county court and one member, or person, from 3 each magisterial district in the said county, the district mem- 4 bers to be nominated and elected every two years at the general 5 election, under the laws governing nominations and elections at 6 these elections for other county officers.

7 The county court and elected members from each magisterial 8 district shall constitute "The Hospital Board of Governors for 9 Taylor County." The president of the county court shall be 10 president of the said board and shall vote only in case of a 11 tie vote on any measure coming before the board. All vacancies 12 shall be filled by the board until the following general elec- 13 tion, except the county court members.

Sec. 4. The city commission of the City of Grafton, 2 West Virginia, is hereby authorized to dispose of their municipi- 3 pal hospital, or unite on agreeable terms with the county hos- 4 pital board of governors.

Sec. 5. The county court of Taylor county, upon this act 2 becoming effective, shall have authority to and may anticipate 3 the money to be derived and collected from the special levies 4 authorized by this act and may proceed with said work of con- 5 structing the hospital, and may have said work done progres- 6 sively using the funds from any one or more years' levies in 7 doing such parts of said work as the county court of Taylor 8 county may from time to time determine until such work is 9 completed, or the county court may perform the work herein 10 contemplated as a single undertaking. In the event work is 11 started on said hospital the county court shall lay the levies 12 provided herein to complete same.

Sec. 6. This law shall become effective when fifty *per centum* 2 or more of the registered voters of the county, based on the last

3 registration of the county, petition the county court of said
4 county to make it effective.

Sec. 7. All acts or parts of acts inconsistent with this act
2 are hereby repealed.

CHAPTER 130

(House Bill No. 405—Mr. Kyle)

AN ACT to authorize the county court of Harrison county, West Virginia to raise money for the purpose of constructing and equipping a court house for said county, by the issuance and sale of bonds of said county, or by laying a special levy on the taxable property of the county for the period of three consecutive years prior to the year one thousand, nine hundred and thirty-three.

[Passed April 13, 1927. In effect from passage. Approved by the Governor.]

SEC.

1. Bonds authorized.
2. Referendum required.
3. What law to govern issue of bonds.
4. Bonds not taxable.
5. Consulting committee required.
6. Same; its selection.

SEC.

7. Special levy for court house fund; restriction of levy.
8. Consulting committee as to such levy.
9. No pay for committee.
10. This act prevails over general laws.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Harrison county, in the
2 state of West Virginia, is authorized to issue and sell the
3 bonds of said county of the aggregate par value of not more
4 than one million dollars, and to appropriate and use the
5 moneys derived from the sale of such bonds for the construc-
6 tion and equipment of a court house in the City of Clarks-
7 burg, for said county. Such bonds shall mature at such dates,
8 not exceeding thirty-four years from the date of issue, and
9 shall bear such rate of interest, not exceeding four and one-
10 half *per centum per annum*, payable semi-annually, and both
11 principal and interest shall be payable at such place or places,
12 as now provided by law. Said county court shall
13 at the time of authorizing the issue of such bonds provide for
14 levying and collecting a direct, annual tax sufficient to pay

15 annually the interest thereon and to pay the principal thereof
16 within the time fixed for the maturity of the bonds.

Sec. 2. No bonds shall be issued hereunder unless and until
2 all questions with respect to issuing such bonds and authorizing
3 the levy and the collection of the direct annual tax referred
4 to in the preceding section shall have been submitted to a vote
5 of the people of Harrison county, at an election held through-
6 out said county, which election may be called and held at any
7 time designated by the county court, and shall have been ap-
8 proved by three-fifths of all the votes cast for and against the
9 same.

Sec. 3. In issuing such bonds said county court shall com-
2 ply with the requirements of chapter fourteen of the acts of
3 the legislature, regular session, one thousand nine hundred and
4 twenty-three, except wherein the provisions of said chapter
5 conflict with the provisions of this act.

Sec. 4. Such bonds shall be exempt from taxation by the
2 state of West Virginia and all political sub-divisions thereof.

Sec. 5. No bonds shall be issued hereunder unless the said
2 county court shall, in and by resolution or order authorizing
3 the issuance thereof, create a committee of six residents and
4 taxpayers of Harrison county whose names shall be inserted
5 therein, the members of such committee to be selected in the
6 manner provided in the section next following, and said county
7 court shall not authorize the construction and equipment of
8 any court house until the plans, designs, and material enter-
9 ing into the construction thereof, and the kind of equipment
10 to be installed, shall have been approved by a majority of the
11 members of such committee; and it shall not let or award any
12 contract for the construction of a court house or the purchase
13 of material, or any part thereof, entering into such construc-
14 tion or equipment, until the same shall have been approved by
15 a majority of the members of such committee. During the
16 progress of the construction of said court house the county
17 court shall consult and advise with such committee with re-
18 spect to all of the details of such work.

Sec. 6. The persons making up the committee provided for
2 in the preceding section shall be selected by the county court

3 of Harrison county with the approval of the judge of the cir-
4 cuit court of said county; and any vacancy occurring in said
5 committee shall be filled by a person selected in the same man-
6 ner. At no time shall more than three of the persons making
7 up such committee be members of the same political party.

Sec. 7. As an alternative method for constructing and
2 equipping a suitable court house for Harrison county, the
3 county court of said county, at any regular levy term thereof,
4 is authorized each year for any three consecutive years prior to
5 the year one thousand nine hundred and thirty-three, to levy
6 a tax on all the taxable property in said county, at a rate not
7 exceeding thirty cents on each one hundred dollars' value
8 thereof, and to appropriate and use the funds raised by such
9 tax for the construction and equipment of such court house.
10 Such tax may be in excess of the rate prescribed in chapter
11 ninety-two, acts of the legislature, regular session, one thousand
12 nine hundred and fifteen. But the tax herein authorized, to-
13 gether with all levies for county purposes, except for the sup-
14 port of free schools, shall not exceed the rate prescribed by
15 section seven, article ten, of the Constitution of the state.

Sec. 8. No levy herein authorized may be made for the
2 purposes herein specified unless the resolution or order of the
3 county court laying and authorizing the same shall provide for
4 a committee to be made up in the manner prescribed in this
5 act, and to exercise the same duties with respect to the con-
6 struction and equipment of a court house: as are imposed upon
7 the committee in the event such court house shall be con-
8 structed and paid for by moneys raised by the issuance and
9 sale of bonds hereunder.

Sec. 9. The members of the committee, the creation of
2 which is herein authorized, shall serve without charge or com-
3 pensation.

Sec. 10. This act shall not operate as a repeal of any gen-
2 eral statute, but in all cases wherein it conflicts with any gen-
3 eral statute, the provisions of this act, for the objects and pur-
4 poses thereof, shall prevail.

CHAPTER 131

(House Bill No. 416—Mr. Harrison, by request)

AN ACT authorizing the county court of Putnam county, to lay a special levy for the purpose of completing a jail building and jailer's residence, and repairing and improving the court house of said county.

[Passed April 20, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.
1. Special levy authorized for jail and jailer's residence, Putnam county.

Be it enacted by the Legislature of West Virginia:

That the county court of Putnam county be and the same is hereby authorized to lay a special levy to be assessed in the year one thousand nine hundred and twenty-seven for certain purposes as follows:

Section 1. That the county court of Putnam county, West Virginia, is hereby authorized to lay a special levy on all taxable property within said county of Putnam in the year one thousand nine hundred and twenty-seven for the purpose of completing a jail building and jailer's residence, and for the purpose of repairing and improving the court house of said county, not to exceed ten cents on the hundred dollars valuation of said taxable property within said county, the fund to be derived from the laying of the special levy hereinbefore provided for to be applied, first: to the completion of the said jail building and jailer's residence; and, second, any residue thereof insofar as the same may be required to be applied to the repairing and improvement of the court house of said county.

It is *further provided* that should the said county court fail or refuse to lay the levy herein authorized sufficient for the completion of the said jail building and jailer's residence according to the adopted plans and specifications therefor, and for the purpose of repairing the said court house and the improvement thereof, as herein provided for, then and in that event any resident or taxpayer of said county may proceed by mandamus or other appropriate remedy in the circuit court of said county, or in the supreme court of appeals of the state of West

23 Virginia to compel the laying of such levy and the ordering of
24 the repairs and improvements as herein provided for.

CHAPTER 132

(House Bill No. 628—Mr. Roberts)

AN ACT authorizing and empowering the county court of Marshall county to lay special levies for the purpose of building roads and bridges in said county, or any magisterial district thereof, upon the petition of the legal voters of said county or districts.

[Passed April 27, 1927. In effect from passage. Became a law without the approval of the Governor.]

Sec. 1. Road and bridge levy, Marshall | county, petition for; action thereon.

Be it enacted by the Legislature of West Virginia:

Section 1. Legal voters of the county of Marshall, or of 2 any magisterial district within said county, numbering not 3 less than twenty-five *per centum* of the legal voters of said 4 county, or of said magisterial district, as the case may be, 5 (such percentage to be based on the total vote cast for gov- 6 ernor at the last preceding general election) may sign a peti- 7 tion praying for the building of a road or roads, or bridge 8 or bridges, or both road and bridge, in any of the territory of 9 the county of Marshall, or any magisterial district in said 10 county, including the territory embraced within the corporate 11 limits of any incorporated municipality within said county of 12 Marshall, or within any magisterial district therein, and pray- 13 ing that the board of commissioners of the said county of 14 Marshall lay a special levy in addition to all other levies 15 allowed by law on all the taxable property in the county of 16 Marshall, or in any magisterial district thereof, of not to 17 exceed fifteen cents on each one hundred dollars assessed 18 valuation for the year the levy is laid, for a period of years 19 not to exceed five, for the purpose of building any such road 20 or roads, bridge or bridges, or road and bridge, as are desig- 21 nated in such petition, and file such petition with the clerk 22 of the board of commissioners of the county of Marshall.

23 Such petition shall contain a statement specifying the road
24 or roads, bridge or bridges, or road or bridge, as the case
25 may be, to be built or improved, and shall contain a statement
26 specifying the general character and construction of any pro-
27 posed bridge and the material or materials of which the same
28 shall be constructed, and shall specify the route or routes of
29 any such proposed road or roads and the general construction
30 and materials to be used in building same, and a prayer for
31 the laying of a special levy in addition to all other levies
32 allowed by law, on all the taxable property in the county
33 of Marshall, or in any magisterial district thereof, of not to
34 exceed fifteen cents on each one hundred dollars assessed valu-
35 ation for the year the levy is laid, for a period not to exceed
36 five years, for the purpose of building any such bridge or
37 bridges, road or roads, or bridge or road, as the case may be.
38 Upon the filing of such petition with the clerk of the said
39 board of commissioners, the said board of commissioners shall
40 determine whether the improvements prayed for shall be made
41 or constructed, all of which shall be in the discretion of
41-a the said board, and should the board elect to make the im-
42 provements prayed for in said petition, then the said board
43 shall without delay instruct the county engineer, or some other
44 engineer specially employed by it, to make an investigation
45 and to report to said board a plan of construction and an
46 estimate of the probable cost of the proposed road or roads,
47 bridge or bridges, or both bridge and road, as the case may
48 be, and upon approval of such proposed plan and estimate
49 by the said board of commissioners, the said board shall enter
50 an order setting forth a summary of the engineer's report
51 herein provided for, and also setting forth the probable cost
52 of the proposed improvement, the kind and class of work
53 and materials to be used, and the valuation of all the taxable
54 property of the said county of Marshall, or of the magisterial
55 district within said county from which said petition is filed,
56 as shown by the last assessment thereof for purposes of tax-
57 tion; such order shall specify the work for which the money
58 to be raised by the laying of a special levy is to be appro-
59 priated, and shall provide that no part of the proceeds of
60 such special levy shall be used for any other purposes than
61 the improvement specified in the order. The clerk of the said

62 board of commissioners shall cause as many copies of such
63 order to be made or printed as may be necessary, and shall
64 sign the same; he shall forthwith post one in a conspicuous
65 place in his office, and one at the front door of the court
66 house of said county, and if the petition is filed by the voters
67 of a magisterial district, then a copy of said order shall be
68 posted at each regular voting place in said magisterial dis-
69 trict. At the time of laying county and district levies next
70 following the entering of the aforesaid order by the board of
71 commissioners, the said board shall lay a special levy on all
72 the taxable property in Marshall county, in addition to all
73 other levies allowed by law, or if said petition is filed by the
74 voters of a magisterial district, then said special levy shall
75 be upon all the taxable property in said magisterial district,
76 of not to exceed fifteen cents on each one hundred dollars
77 assessed valuation, to provide funds for the building and con-
78 struction of the road or roads, bridge or bridges, or both
79 bridge and road, described in the aforesaid petition and order,
80 and, if the amount of money provided by such special levy
81 be not sufficient to carry out and complete such proposed
82 improvements as are mentioned in the aforesaid petition and
83 order, then the said board of commissioners shall, at the time
84 of laying county and district levies, lay a similar special levy
85 in addition to all other levies allowed by law, each consecutive
86 year thereafter for so many years as may be necessary to
87 provide sufficient funds for the building and completion of
88 any such proposed improvement; *provided*, that the total num-
89 ber of such annual special levies shall not exceed five for any
90 one proposed improvement. The rights conferred and the
91 powers granted by this section are continuing, and shall not be
92 exhausted by reason of having been once exercised; *provided*,
93 *however*, that not more than one special levy may be made
94 in any one year under the authority and by virtue of the
95 provisions of this section of this act.

96 All of the provisions of this section shall be applicable alike
97 to all the territory in said Marshall county, or to all the
98 territory in any magisterial district thereof.

CHAPTER 133

(House Bill No. 635—Mr. Mathews)

AN ACT to provide for payment by the City of Charleston of that portion of the existing bonded indebtedness of Charleston district which the value of the real estate annexed to the City of Charleston by an Act of the Legislature of West Virginia of one thousand nine hundred and twenty-seven bears to the value of the real estate within said Charleston district as of January first, one thousand nine hundred and twenty-seven, said values to be based upon the assessed valuation of said property for taxation for the year one thousand nine hundred and twenty-seven, and providing for a special levy to pay the same

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

<p>Sec. 1. Charleston to assume portion of debt of district. Special levy</p>		<p>Sec. therefor. 2. How apportioned, and paid.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the City of Charleston in the state of West Virginia shall pay that proportion of the existing bonded indebtedness, principal and interest, for school and road purposes of Charleston district, in the county of Kanawha, said state, which the value of the real estate annexed to said city by an Act of the Legislature of West Virginia of one thousand nine hundred and twenty-seven bears to the value of all real estate within said Charleston district as of January first, one thousand nine hundred and twenty-seven, said values to be based upon the assessed valuation of said property for taxation for the year one thousand nine hundred and twenty-seven, and for the purpose of raising funds for the payment of the proportionate part of said indebtedness to be borne by the city of Charleston, said city shall annually lay a special levy not exceeding one-half cent on the one hundred dollars of assessed valuation of taxable property in said city, until said existing bonded indebtedness shall have been discharged in full.

Sec. 2. That the sinking fund commission of West Virginia shall annually, not later than the first day of May of each year, notify the mayor and common council of said City of Charleston

4 the amount of principal and interest that will be required in
 5 such year to discharge the proportionate part of said bonded in-
 6 debtedness, principal and interest to be borne by said City as
 7 herein above provided; and said city shall, not later than the
 8 first day of June next thereafter, forward to said sinking fund
 9 commission the amount of money required in such year as afore-
 10 said.

CHAPTER 134

(House Bill No. 637—Mr. Gay)

AN ACT to authorize the county court of Logan county, West Vir-
 ginia, to lay a special levy of not exceeding ten cents on each
 one hundred dollars of the assessed valuation of the taxable
 property in said county for each of the years one thousand
 nine hundred and twenty-seven and one thousand nine hun-
 dred and twenty-eight to supplement the funds derived from
 the levy of thirty cents for county purposes, other than roads
 and bridges, as now authorized by section two of chapter
 twenty-eight-a of Barnes' code of one thousand nine hundred
 and twenty-three, and providing for the disbursement of the
 funds derived from said special levy.

[Passed April 26, 1927. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

<p>SEC. 1. Special levy authorized, Logan county. 2. How laid; limits.</p>		<p>SEC. 3. County court may anticipate and issue orders. 4. Inconsistent acts repealed.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Logan county, West
 2 Virginia, at the levy terms thereof held on the fourth Tues-
 3 day in August, one thousand nine hundred and twenty-seven,
 4 and on the fourth Tuesday in August, one thousand nine hun-
 5 dred and twenty-eight, shall be, and it hereby is, authorized to
 6 lay a special levy, for each of said two years only, of not ex-
 7 ceeding ten cents on each one hundred dollars of the assessed
 8 valuation of the taxable property in said county, the funds de-
 9 rived from which special levy shall be used for county pur-

10 poses other than roads and bridges, and shall be in addition
11 to and supplemental of the fund derived from the levy of
12 thirty cents now authorized to be levied under the provisions of
13 paragraph "(a)" of the third sub-section of section two of
14 chapter twenty-eight-a of Barnes' code of one thousand nine
15 hundred and twenty-three.

Sec. 2. Said special levy shall be laid and collected in the
2 same manner as other levies authorized by law, and shall not be
3 laid after the year one thousand nine hundred and twenty-
4 eight.

Sec. 3. Said county court, insofar as shall be necessary to
2 meet the current expenses required by law to be paid for the
3 fiscal years aforesaid, is hereby authorized and empowered to
4 anticipate the payment of said special levies, and at any time
5 during the year one thousand nine hundred and twenty-seven to
6 issue its warrants payable on the first day of December, one thou-
7 sand nine hundred and twenty-seven, out of said special levy au-
8 thorized for that year, and, at any time during the year one
9 thousand nine hundred and twenty-eight, to issue its warrants
10 payable on the first day of December, one thousand nine hundred
11 and twenty-eight, out of said special levy authorized for that
12 year; and the warrants thus issued shall, from the time they are
13 presented to the sheriff and endorsed by him, thereafter, until
14 the first day of December next after their issuance, bear interest
15 at the rate of six *per centum per annum*.

Sec. 4. All acts or parts of acts inconsistent herewith are
2 hereby repealed, insofar as they apply to the said county of
3 Logan.

CHAPTER 135

(House Bill No. 640—Mr. Stevens, by request)

AN ACT authorizing the county court of Greenbrier county to lay
a special levy in the years one thousand nine hundred and
twenty-seven and one thousand nine hundred and twenty-eight,
and, if necessary, for the two years following, for purchasing
additional ground and for building thereon an addition and
remodeling and making permanent repairs to the present court

house and for building a jail and jailer's residence, and to furnish and equip the same.

[Passed April 29, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Sec.

1. Special court house and jail levy authorized, Greenbrier county.

Sec.

2. As to contracts for same.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of Greenbrier county, West Virginia, is hereby authorized to lay a special levy on all the taxable property within said county in the year one thousand nine hundred and twenty-seven and the year one thousand nine hundred and twenty-eight not to exceed in any one year twenty-five cents on each one hundred dollars valuation of taxable property in said county, for the purposes of purchasing by condemnation or otherwise additional ground adjacent to its present court house property and for building thereon an addition to its present court house and a jail and jailer's residence in said county and for remodeling and making permanent repairs to said present court house and for furnishing and equipping said court house and jail and jailer's residence in said county; and if the amount raised by said special levy in the years one thousand nine hundred and twenty-seven and one thousand nine hundred and twenty-eight is not sufficient for the purposes herein specified and it is necessary in order to raise additional funds for such purposes, the county court of said county is authorized to lay such levy in the two succeeding years of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty. Such levy shall be called a special court house and jail levy and the funds derived therefrom shall be used for the purposes herein specified and no other, and a separate account shall be kept of all receipts to and disbursements from said fund.

Sec. 2. The said county court of Greenbrier county is hereby authorized and empowered to proceed as soon as practicable, after the passage of this act, to acquire by purchase or condemnation the ground for the purpose hereinbefore specified and to contract for the building of the addition to and the remodeling of and the making of permanent repairs to the present court house in said county, and for the building adjacent there-

8 to of a suitable jail and jailer's residence, and to cause the same
 9 to be built, completed, furnished and equipped with all reason-
 10 able speed, the expense whereof to be paid from the funds
 11 derived from the levies herein specified, when available; *provided*,
 12 *however*, that if it be found impracticable to contract for the
 13 completion of said work in its entirety with a responsible and
 14 reliable contractor, in accordance with the provisions of this
 15 act, without unreasonable expense, because of part of the pay-
 16 ments for said work having to be deferred until the annual
 17 levies herein authorized become available, then the said county
 18 court is hereby authorized and empowered at its discretion to
 19 contract in units for the addition to the said court house and the
 20 remodeling and permanent repairing thereof separately from
 21 the building of the jail and jailer's residence, and pay for the
 22 same respectively from the said levies as they become available,
 23 or to borrow the necessary funds in order to make earlier pay-
 24 ments to the contractor, if the same may be borrowed upon ad-
 25 vantageous terms and rate of interest, and to repay such sums
 26 so borrowed out of said levies as they become available under
 27 this act.

28 *Provided, however*, that this act shall become effective when
 29 a petition containing fifty *per centum* or more of the registered
 30 voters of Greenbrier county, based on the last registration in
 31 said county, is presented to the county court of said county.

CHAPTER 136

(Senate Bill No. 326—Mr. Robinson)

AN ACT to empower the municipal authority of the City of Mar-
 tinsburg to establish, equip and maintain a public library in
 said city, or to take over, maintain and support any public
 library now established therein, to levy and collect a tax
 sufficient for said purpose and providing for a referendum
 thereon.

[Passed April 28, 1927. In effect ninety days from passage. Became a law
 without the approval of the Governor.]

Sec.
 1. City of Martinsburg empowered
 to lay a levy to establish a
 public library; amount of; not

effective until ratified by voters
 at election; conflicting acts re-
 pealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The municipal authority of the City of Martins-
2 burg shall have the power to establish, equip and maintain a
3 public library, or take over and maintain and support any
4 public library now established therein, for the use and benefit
5 of the inhabitants of said city, and may levy and collect an
6 annual tax for the purpose of not more than three cents on the
7 one hundred dollars, on all the taxable property in said mu-
8 nicipality, such tax to be levied and collected in like manner as
9 the general taxes of the municipality, which shall be kept sep-
10 erate in a fund to be known as the "Library funds"; *provided*,
11 that before establishing such public library, or levying and
12 collecting any tax therefor, the municipal authority of said
13 City of Martinsburg shall first submit the question to the quali-
14 fied voters of such municipality, and the majority of the quali-
15 fied voters voting thereon shall authorize the establishment of
16 such library, and the levy and collection of such tax. The
17 question shall be submitted at a general election, upon the
18 order of said municipal authority or upon the petition, in case
19 said municipal authority fail or refuse to do so, in writing, of
20 twenty per cent of the qualified voters residents of the munici-
21 pality; and the election when ordered, shall be conducted, held
22 and returned in all respects as other municipal elections; and
23 ballot used shall have written or printed thereon under the
24 heading "public library question" the words, in plain letters,
25 "For public library," "Against public library." And the
26 municipal authority of said municipality shall give at least two
27 weeks' notice of said election by publishing notice thereof in one
28 or more newspapers published in said municipality; or, if none
29 are therein published, by like notice posted for a like period at
30 each of the voting places in said municipality, and at five other
31 places for a like period before said election, giving the date and
32 object of the election.

33 All acts or parts of acts in conflict herewith are hereby re-
34 pealed.

CHAPTER 137

(Senate Bill No. 260—Mr. Alderson)

AN ACT to authorize the county court of Nicholas county to issue and sell bonds for and on behalf of Beaver district and expend the proceeds thereof in Kentucky district in said county.

[Passed January 25, 1927. In effect from passage. Approved by the Governor.]

<p>Sec. ----- County court of Nicholas county is authorized, subject to certain conditions and limitations, to</p>	<p>issue and sell bonds for road improvement in Kentucky dis- trict.</p>
--	--

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Nicholas county, when authorized by the voters of Beaver district, Nicholas county, in the manner and subject to the limitations and conditions contained in chapter fourteen of the Acts of the Legislature of one thousand nine hundred and twenty-three, may issue and sell bonds for and on behalf of said Beaver district, and expend such of the proceeds thereof as may be directed in the order submitting the proposition of incurring the indebtedness and issuing such bonds to the vote of the electors of said Beaver district, upon such of the road or roads in Kentucky district as may be designated for improvement in said order.

CHAPTER 138

(Senate Bill No. 272—Mr. Highland)

AN ACT to validate the proceedings authorizing the issuance of road bonds of Grant district in the county of Wetzel, state of West Virginia in the sum of four hundred and ninety thousand dollars authorized at an election held in the district on the second day of November, one thousand nine hundred and twenty-six, by a vote of three-fifths of the voters voting at said election upon the question of issuing said bonds, for the purpose of building and improving certain roads in said Grant district; and to authorize the execution and sale of said bonds, and to provide a tax to pay the same and the interest thereon.

[Passed March 16, 1927. In effect from passage. Approved by the Governor.]

<p>SEC. 1. Proceedings authorizing road bonds confirmed. 2. County court authorized to issue and sell said bonds; date of; rate of interest; interest payments; denomination of bonds;</p>	<p>SEC. how numbered. 3. Form of bonds; series; form of interest coupons; how signed and numbered; where payable. 4. Special levy annually to pay interest and bonds at maturity.</p>
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Be it enacted by the Legislature of West Virginia:

That certain proceedings authorizing the issuance of road bonds of Grant district in Wetzel county be validated, and the execution and sale of said bonds be authorized; and that provision be made for a tax to pay the said bonds and the interest thereon.

Section 1. All proceedings authorizing the issuance of road bonds of Grant district in the county of Wetzel, state of West Virginia, in the sum of four hundred and ninety thousand dollars authorized at an election held on the second day of November, one thousand nine hundred and twenty-six, by a vote of three-fifths of the voters of said district voting upon the question of issuing said bonds for the purpose of building and constructing certain roads as set out in the order of the county court on the twenty-first day of September, one thousand nine hundred and twenty-six, submitting the proposition of issuing said bonds to the voters of said district are hereby in all respects validated and confirmed.

Sec. 2. The county court of the county of Wetzel, state of West Virginia, is hereby authorized to execute, make sale of and deliver the bonds described in section one of this act pursuant to the proceedings mentioned therein, which said bonds shall bear date as of the first day of January, one thousand nine hundred and twenty-seven, and interest at the rate of five *per centum per annum*, payable semi-annually, and be of the denomination of one thousand dollars each, and numbered from one to four hundred and ninety, both inclusive, and payable as provided in said order of the county court made on the second day of November, one thousand nine hundred and twenty-six.

Sec. 3. Each of said bonds herein authorized and the coupons to be attached thereto, shall be substantially in words and figures as follows, to-wit:

4 UNITED STATES OF AMERICA
5 STATE OF WEST VIRGINIA
6 GRANT DISTRICT

7 WETZEL COUNTY

8 Permanent Road Improvement Bond.

9 *Know all men by these presents:* That the county court of
10 Wetzel county, State of West Virginia, a corporation created
11 and existing under and by virtue of the laws of the State of
12 West Virginia, for and on behalf of the magisterial district of
13 Grant for value received, acknowledges itself to be indebted and
14 promises to pay the bearer the sum of

15 ONE THOUSAND DOLLARS

16 in lawful money of the United States of America, on the first
17 day of January, one thousand nine hundred and.....,
18 together with interest thereon at the rate of five *per centum per*
19 *annum*, payable semi-annually, on the first day of June and the
20 first day of January of each year; both the principal and in-
21 terest thereof being payable to the bearer at the office of the
22 Treasurer of the State of West Virginia, or at the National City
23 Bank in New York city, State of New York, at the option of the
24 holder of each of said bonds; said interest being payable only
25 upon presentation and surrender of the annexed coupons as
26 they severally become due and payable.

27 This bond is one of a series of four hundred and ninety bonds,
28 aggregating four hundred and ninety thousand dollars num-
29 bered from one to four hundred and ninety inclusive, of like
30 date, tenor and effect except as to number and maturity, issued
31 for the purpose of providing funds for the cost of improving
32 certain roads in Grant district, Wetzel county, West Virginia.

33 The holder of this bond shall present the same for payment
34 upon the date and at the place, or any of the places fixed for
35 payment thereof, and failure to so present such bond shall cause
36 the interest thereon to cease, and no interest thereon shall be
37 paid after this bond becomes due, unless the same be presented,
38 and no interest coupon shall bear interest after the date fixed
39 for presentation thereof, unless presented.

40 This bond and all of said bonds described herein are issued
41 pursuant to and in conformity with the constitution and laws of
42 the State of West Virginia, including an act passed by the legis-
43 lature on the.....day of....., one
44 thousand nine hundred and twenty-seven.

45 IN TESTIMONY WHEREOF, the county court of Wetzel
46 county, State of West Virginia, has caused this bond to be

47 signed by its president, and countersigned by its clerk, with the
48 seal of the said court hereto affixed, and has caused the annexed
49 interest coupons to be executed with the engraved *fac-simile*
50 signatures of the said president and clerk, and this bond is
51 dated the first day of January, one thousand nine hundred and
52 twenty-seven.

53 COUNTY COURT OF WETZEL COUNTY, WEST VIRGINIA

54 By....., President.

55 (SEAL)

56 Countersigned,

57Clerk.

58 COUPON

59 No..... \$.....

60 On the first day of....., one thousand nine
61 hundred and....., the county court of Wetzel
62 county, West Virginia, will pay to the bearer.....
63 dollars, at the office of the Treasurer of the State of West Vir-
64 ginia, or at the National City Bank in the City of New York at
65 the option of the holder, it being six months' interest on its
66 road bond number.....for one thousand dollars,
67 dated the first day of January, one thousand nine hundred and
68 twenty-seven.

69 COUNTY COURT OF WETZEL COUNTY, WEST VIRGINIA

70 By....., President.

71 Countersigned,

72 Clerk.

Sec. 4. The county court of Wetzel county, West Virginia,
2 shall annually impose and collect a tax in excess of all other
3 taxes, on all property, subject to taxation in said Grant district,
4 sufficient in amount to pay annually the interest on the bonds
5 herein authorized, and the principal thereof at maturity.

CHAPTER 139

(Senate Bill No. 325—Mr. Robinson)

AN ACT authorizing the City of Martinsburg to issue bonds for
the purpose of reconstructing or improving its water works
system situate within said city.

[Passed April 14, 1927. In effect from passage. Became a law without the approval of the Governor.]

Sec.

- | | |
|--|---|
| <p>1. City of Martinsburg authorized to issue bonds; purpose of; amount of; when payable; rate</p> | <p>of interest; interest payments; bonds not to be issued until authorized by voters at election; how and by whom sold.</p> |
|--|---|

Be it enacted by the Legislature of West Virginia:

That authority be granted to the City of Martinsburg to issue municipal bonds, the proceeds from which to be used for improvement of the water works of said city, to read as follows:

Section 1. That the City of Martinsburg, through its council, under such terms and regulations as it may by ordinance direct, be authorized to issue bonds of said city for the purpose of reconstructing or repairing the water works and mains thereof. Said bonds to be in the amount of not exceeding one hundred thousand dollars.

Said bonds shall be payable within three to twenty-five years and shall bear interest not exceeding five per cent *per annum*, payable semi-annually.

Before said bonds are issued the council of said city shall call an election and bonds shall not be issued under the provisions of this bill until more than three-fifths of the voters participating in said election vote in favor of issuing the bonds.

Bonds shall be sold in such manner as council may direct.

CHAPTER 140

(Senate Bill No. 382—Mr. Willis)

AN ACT to validate all the proceedings authorizing the issuance of bonds by the county court of Monongalia county, West Virginia, for and on behalf of and in the name of the magisterial district of Grant, Monongalia county, West Virginia, in the sum of four hundred sixty-five thousand dollars authorized at an election held in said district on the twenty-fourth day of April, one thousand nine hundred and twenty-six by a vote of three-fifths of the voters voting at said election upon the question of issuing said bonds, for the purpose of the permanent improvement of certain main county and district public roads located and situated in said Grant district; and to au-

thorize the execution and sale of said bonds, and to provide a tax to pay the same and the interest thereon.

[Passed April 29, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.	SEC.
1. Proceedings authorizing road bonds confirmed.	ments; denomination of bonds; how numbered.
2. County court authorized to issue and sell said bonds; date of; rate of interest; interest pay-	3. Forms of bonds; series; interest coupon; how signed; when payable.

Be it enacted by the Legislature of West Virginia:

Section 1. All proceedings authorizing the issuance of bonds of the county court of Monongalia county, West Virginia, for and on behalf of and in the name of the magisterial district of Grant, Monongalia county, West Virginia, in the amount of four hundred sixty-five thousand dollars authorized at an election held in said Grant district on the twenty-fourth day of April, one thousand nine hundred and twenty-six, by a vote of three-fifths of the voters of said district voting upon the question of issuing said bonds, for the purpose of the construction and the permanent improvement of certain main county and district roads located and situated in said Grant district, namely: 1. Morgantown and Flickersville road, upon which the sum of one hundred forty thousand dollars will be spent; 2. Brady Station to Flickersville road, upon which the sum of ninety-two thousand dollars will be spent; 3. Little Indian Creek and Lynch Chapel road, upon which the sum of forty thousand dollars will be spent; and, 4. Arnettsville-Hagans road, upon which the sum of thirty thousand dollars will be spent; and providing for the payment of same and the interest thereon, are hereby in all respects validated and confirmed.

Sec. 2. The county court of Monongalia county, state of West Virginia, is hereby authorized to execute, make sale of and deliver the bonds described in section one of this act for and on behalf of and in the name of the magisterial district of Grant, Monongalia county, West Virginia, pursuant to the proceedings validated and confirmed by section one of this act, which said bonds shall bear date as of the first day of July one thousand nine hundred and twenty-six, and interest at the rate of five and one-half *per centum per annum*, payable semi-annually, and be of the denomination of one thousand dollars

- 11 each and numbered from one to four hundred sixty-five, both
 12 inclusive, and payable as follows:
- 13 Bonds Numbers 1 to 5, both inclusive, January 1, 1927
 - 14 Bonds Numbers 6 to 10, both inclusive, January 1, 1928
 - 15 Bonds Numbers 11 to 16, both inclusive, January 1, 1929
 - 16 Bonds Numbers 17 to 23, both inclusive, January 1, 1930
 - 17 Bonds Numbers 24 to 31, both inclusive, January 1, 1931
 - 18 Bonds Numbers 32 to 41, both inclusive, January 1, 1932
 - 19 Bonds Numbers 42 to 51, both inclusive, January 1, 1933
 - 20 Bonds Numbers, 52 to 62, both inclusive, January 1, 1934
 - 21 Bonds Numbers 63 to 74, both inclusive, January 1, 1935
 - 22 Bonds Numbers 75 to 86, both inclusive, January 1, 1936
 - 23 Bonds Numbers 87 to 99, both inclusive, January 1, 1937
 - 24 Bonds Numbers 100 to 113, both inclusive, January 1, 1938
 - 25 Bonds Numbers 114 to 127, both inclusive, January 1, 1939
 - 26 Bonds Numbers 128 to 143, both inclusive, January 1, 1940
 - 27 Bonds Numbers 144 to 160, both inclusive, January 1, 1941
 - 28 Bonds Numbers 161 to 187, both inclusive, January 1, 1942
 - 29 Bonds Numbers 188 to 205, both inclusive, January 1, 1943
 - 30 Bonds Numbers 206 to 224, both inclusive, January 1, 1944
 - 31 Bonds Numbers 225 to 244, both inclusive, January 1, 1945
 - 32 Bonds Numbers 245 to 264, both inclusive, January 1, 1946
 - 33 Bonds Numbers 265 to 284, both inclusive, January 1, 1947
 - 34 Bonds Numbers 285 to 304, both inclusive, January 1, 1948
 - 35 Bonds Numbers 305 to 324, both inclusive, January 1, 1949
 - 36 Bonds Numbers 325 to 344, both inclusive, January 1, 1950
 - 37 Bonds Numbers 345 to 364, both inclusive, January 1, 1951
 - 38 Bonds Numbers 365 to 385, both inclusive, January 1, 1952
 - 39 Bonds Numbers 386 to 407, both inclusive, January 1, 1953
 - 40 Bonds Numbers 408 to 429, both inclusive, January 1, 1954
 - 41 Bonds Numbers 430 to 452, both inclusive, January 1, 1955
 - 42 Bonds Numbers 453 to 465, both inclusive, January 1, 1956

Sec. 3. Each of the bonds herein authorized and the coupons
 2 to be attached therein, shall be substantially in words and figures
 3 as follows, to-wit:

4 UNITED STATES OF AMERICA
 5 STATE OF WEST VIRGINIA
 6 GRANT DISTRICT
 6-a MONONGALIA COUNTY

7 Nos. 1 to 465.

\$1000.

8 PERMANENT ROAD IMPROVEMENT BOND

9 KNOW ALL MEN BY THESE PRESENTS: That the
10 county court of Monongalia county, State of West Virginia, a
11 corporation created and existing under and by virtue of the
12 laws of the State of West Virginia, for and on behalf of and
13 in the name of the magisterial district of Grant, for value re-
14 ceived, acknowledges itself to be indebted and promises to pay
15 the bearer the sum of one thousand dollars in gold coin of the
16 United States of America, of the present standard of weight and
17 fineness, on the first day of January, 19..... (see schedule of
18 payments attached) together with interest thereon at the rate
19 of five and one-half *per centum per annum*, payable semi-
20 annually, on the first day of January and July of each year,
21 both the principal and interest thereon being payable to the
22 bearer at the office of the treasurer of the State of West Vir-
23 ginia, or at the National City Bank of New York, in the State
24 of New York, at the option of the holder hereof, said interest
25 being payable only upon presentation and surrender of the
26 annexed coupons as they severally become due and payable.

27 This bond is one of a series of four hundred and sixty-five
28 bonds, aggregating the sum of four hundred and sixty-five thou-
29 sand dollars, numbered from one to four hundred and sixty-
30 five inclusive of like date, tenor and effect except as to number
31 and maturity issued for the purpose of providing funds for the
32 cost of improving certain roads in Grant district, Monongalia
33 county, West Virginia.

34 The holder of this bond shall present the same for payment
35 upon the date and at the place, or any of the places fixed for
36 payment thereof, and failure to so present such bond shall
37 cause the interest thereon to cease, and no interest thereon shall
38 be paid after this bond becomes due, unless the same be pre-
39 sented and no interest coupon shall bear interest after the date
40 fixed for presentation thereof, unless presented.

41 This bond and all of said bonds set out in the above schedule
42 are issued pursuant to and in conformity with the constitution
43 and laws of the State of West Virginia.

44 In testimony whereof, the county court of Monongalia county,
45 State of West Virginia, has caused this bond to be signed by
46 its president and countersigned by its clerk with the seal of the
47 said court thereto affixed, and has caused the annexed interest
48 coupons to be executed with the engraved *fac-simile* signatures
49 of the said president and clerk and this bond is dated the first

50 day of July, in the year one thousand nine hundred and twenty-
51 six.

52 COUNTY COURT OF MONONGALIA
53 COUNTY, WEST VIRGINIA,

54 (SEAL) By.....President

55 Countersigned

56Clerk

57 COUPON

58 Nos. 1 to 465 \$27.50

59 On the first day of January (July) one thousand nine hun-
60 dred and twenty-seven (to one thousand nine hundred and fifty-
61 six) the county court of Monongalia county, West Virginia,
62 will pay to the bearer twenty-seven dollars and fifty cents at the
63 office of the treasurer of the State of West Virginia, or at the
64 National City Bank of New York, in the State of New York,
65 at the option of the holder hereof, it being six months' interest
66 on its road bond of Grant district, of said county, number one
67 to four hundred and sixty-five for one thousand dollars dated
68 July one, one thousand nine hundred and twenty-six.

69 COUNTY COURT OF MONONGALIA
70 COUNTY, WEST VIRGINIA,

71 By.....President

72 Countersigned:

73Clerk.

CHAPTER 141

(Senate Bill No. 386—Mr. Highland)

AN ACT authorizing and directing the common council of the Town of Paden City, a municipal corporation of the state of West Virginia, to issue bonds for the purpose of providing funds for the paving of Fourth avenue therein, and a part of state route number two, and to provide for the payment of that portion of the paving not to be done by the state road commission, for the remainder of the full width of said street and route in Paden City, and to provide funds for the payment of the cost of the remainder of the improvement which is to be

assessed against the abutting property owners, except the cross streets and alleys.

[Passed April 29, 1927. In effect from passage. Became a law without the approval of the Governor.]

<p>Sec.</p> <p>1. Special election to authorize bond issue; amount of bonds; purpose; how issued; when payable.</p> <p>2. Proceeds for street improvements; assessments against property owners for improvements; how laid.</p>	<p>Sec.</p> <p>3. Levy authorized, amount, when not to be made.</p> <p>4. Annual levy, how determined.</p> <p>5. Council authorized to make improvements; how and when.</p> <p>7. Sale of bonds.</p> <p>8. Sinking fund created.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the common council of the Town of Paden 2 City, West Virginia, for and on behalf of the Town of Paden 3 City, be authorized and directed to call a special election of the 4 voters of the said town within thirty days after this act becomes 5 effective or as soon thereafter as is practicable, for the purpose 6 of authorizing, with the consent of three-fifths of all the votes 7 cast for and against the same, the issuance of thirty thousand 8 dollars of special bonds for the purpose of: (1) Providing funds 9 to pave and improve to full width, the cross streets and alleys, 10 other than the portion of the same to be paved by the state road 11 commission, on Fourth avenue or state route two, within the 12 limits of said municipal corporation, and; (2) To provide funds 13 for the city to advance against assessments against the property 14 of abutting property owners on said Fourth avenue and state 15 route number two, in said town, after such assessments are duly 16 made; said common council of the Town of Paden City, with the 17 consent of and at the direction of three-fifths of all the votes cast 18 for and against the same in said municipal corporation, as shown 19 by the said special election herein authorized to be called, is 20 hereby authorized and required to issue bonds for and on behalf 21 of the said Town of Paden City, in amount not exceeding thirty 22 thousand dollars, in addition to any and all other bonds hereto- 23 fore authorized by and outstanding against said town. Said 24 bonds, except as to amount, shall be authorized and issued in ac- 25 cordance with chapter fourteen of the acts of the legislature of 26 one thousand nine hundred and twenty-three, with the further 27 exception that the bonds shall be issued serially and due and pay- 28 able in equal amounts from one to ten years.

Sec. 2. In the event of the issuance and sale of said bonds, 2 the common council of the Town of Paden City is hereby author-

3 ized to build and construct said street and road paving and im-
4 provement as in its judgment seems best, and shall assess the
5 costs thereof, save as to intersections at cross streets and alleys,
6 against the abutting property owners, respectively, in propor-
7 tion to their frontage upon said improvement, the same to be
8 paid in ten annual installments, the notice for said assessment
9 and the procedure on said assessment after notice to be as pro-
10 vided for in section two of chapter eight of the acts of the legis-
11 lature of one thousand nine hundred and eight.

Sec. 3. In the event it be the judgment of the common coun-
2 cil of the Town of Paden City and in the event there be a suffi-
3 cient amount collected in assessments to pay the amounts due
4 for interest and sinking fund requirements to retire said bonds,
5 heretofore authorized and issued under the provisions of this
6 act, then the said council shall not be compelled, although hereby
7 authorized, to lay a levy not exceeding three cents on the one
8 hundred dollars valuation on all property within said town, to
9 provide for interest and sinking fund purposes, as authorized
10 by this act.

Sec. 4. In the event there be a sufficient amount collected by
2 the said town from the assessments to be laid and levied against
3 the property of the abutting property owners, to pay the semi-
4 annual interest and to provide for the payment of any bonds
5 issued under the provisions of this act, then the common council
6 of the Town of Paden City shall not lay a levy for sinking fund
7 purposes as heretofore authorized under this act, and chapter
8 fourteen of the acts of the legislature of one thousand nine hun-
9 dred and twenty-three. And in no event shall any more of such
10 authorized levy be laid in any year, than will produce sufficient
11 money, which, added to the money received from assessments,
12 will meet such interest and sinking fund requirements.

Sec. 5. In the event that it seems advisable and expedient,
2 the said council of the Town of Paden City is authorized to un-
3 dertake the improvements without letting the same out by con-
4 tract, or it may authorize any contractor doing the portion of
5 the improvement being done by the state road commission to
6 construct the portion of the improvement to be done by the
7 town, to do the town's portion at the same rate per unit as for
8 the state road commission, or the said council may enter into a
9 joint contract with the said state road commission with any con-

10 tractor, and may permit the said commission to advertise and
 11 let such contract under its sole name; *provided, however,* the
 12 total cost of the said work shall be equitably divided, according
 13 to the portion of the work undertaken by the said town and
 14 the said commission.

Sec. 6. The manner of conducting the said special election
 2 herein authorized, the registration of the voters and all other
 3 regulations regarding the said special election shall be conducted
 4 and carried out according to chapter fourteen of the acts of one
 5 thousand nine hundred and twenty-three, in so far as the pro-
 6 visions of said chapter do not conflict with any specific pro-
 7 vision of this act.

Sec. 7. If such bonds, as are provided for in this act, are
 2 authorized, it shall be the duty of the said common council of
 3 the said Town of Paden City to sell the same according to law,
 4 and at not less than par and accrued interest, and then only in
 5 such amounts as may be necessary to pay for the cost of the im-
 6 provements authorized.

Sec. 8. All moneys, levies, dues and proceeds from assess-
 2 ments made and levied in pursuance of this act, shall be used by
 3 the Town of Paden City to pay the interest and to create a
 4 sinking fund to retire the bonds, which are authorized under
 5 and by virtue of this act.

CHAPTER 142

(Senate Bill No. 387—Mr. Willis)

AN ACT authorizing the Town of Blacksville, Monongalia county,
 West Virginia, by and through its council or other governing
 body in lieu thereof, to issue and sell bonds for such purposes
 as are now or as may be provided by general law relating to
 bonds and to lay a special levy to create a sinking fund to pay
 said bonds and the interest thereon.

[Passed April 29, 1927. In effect from passage. Became a law without the
 approval of the Governor.]

SEC. 1. Council authorized to issue and sell bonds; amount; purpose.	SEC. 2. Not effective until ratified by voters at election.
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Be it enacted by the Legislature of West Virginia:

Section 1. The Town of Blacksville, Monongalia county, West Virginia, by and through its council or other governing body in lieu thereof, is hereby authorized to issue and sell its bonds in an amount not to exceed five *per centum* of the value of all the taxable property of said town, as shown by the last assessment thereof for state and county purposes next prior to the issuing of said bonds, for such general purposes as are now or as may be provided by general law relating to bonds. Said bonds shall be payable, shall bear interest and shall be paid and retired as is now or as may be provided by general law relating to bonds.

Sec. 2. The Town of Blacksville, Monongalia county, West Virginia, by and through its council or other governing body in lieu thereof, shall, if it is desired that bonds as provided in section one of this act be issued and sold, submit the matter of the issuance and sale of said bonds to the voters of the said Town of Blacksville in the manner as now provided or as may be provided by general law relating to bonds, and if the issuing of said bonds receive the majority required by the Constitution, then said Town of Blacksville, by and through its council or other governing body in lieu thereof, shall proceed to issue and sell the bonds as provided in section one of this act and shall proceed to lay a levy sufficient to provide a sinking fund to pay off the principal of said bonds at maturity as provided in section one of this act, and to likewise pay the interest on same when due, laying the first of said levies in the year one thousand nine hundred and twenty-seven.

CHAPTER 143

(Senate Bill No. 388—Mr. Alderson)

AN ACT authorizing the county court of Nicholas county to issue bonds for and on behalf of Beaver district, Kentucky district, Summersville district, Hamilton district, Jefferson district or

Grant district and expend the proceeds thereof on state roads in said districts.

[Passed April 29, 1927. In effect from passage. Became a law without the approval of the Governor.]

Sec.
1. County court authorized to issue | bonds on behalf of certain districts for road purposes.

Be it enacted by the Legislature of West Virginia:

Section 1. That it shall be lawful for the county court of
2 Nicholas county to issue bonds for and on behalf of the district
3 of Beaver, the district of Kentucky, the district of Summers-
4 ville, the district of Hamilton, the district of Jefferson or the
5 district of Grant therein, when such bonds are authorized in
6 accordance with the general law relating to issuing bonds, and
7 expend the proceeds thereof on any state road or roads within
8 said districts as shall be designed in the order submitting the
9 proposition of issuing such bonds to the voters of said districts
10 or either of them.

11 All acts and parts of acts inconsistent with the provisions of
12 this act are hereby repealed.

CHAPTER 144

(House Bill No. 624—Mr. Rairden)

AN ACT authorizing the county court of Mason county to apply the unexpended balance of the proceeds of the Cooper district road bond fund.

[Passed March 18, 1927. In effect from passage. Became a law without the approval of the Governor.]

Sec.
1. Road bond fund; disposition of unexpended balance.

Be it enacted by the Legislature of West Virginia:

Section 1. Whenever the road improvement on any project
2 contemplated and provided for in the terms of the bond issue,
3 ratified by the voters of Cooper district, Mason county, West
4 Virginia, on the seventeenth day of April, one thousand nine
5 hundred and twenty, shall have been completed and there

6 remains unexpended any sum, the county court of Mason coun-
 7 ty, by and with the consent of the Cooper district advisory
 8 committee, is hereby authorized to use such unexpended bal-
 9 ance to supplement any other fund available or contemplated
 10 under the terms of said bond issue.

CHAPTER 145

(Senate Bill No. 252—Mr. Reitz)

AN ACT to establish a county court and board of commissioners for the county of Tyler, under the twenty-ninth section of the eighth article of the constitution of West Virginia.

[Passed April 25, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. County districts; number of; county commissioners; when elected; terms of office; compensation; vacancies, how filled.
2. Jurisdiction and powers of the county court and the county clerk.
3. This act to be ratified by the voters; notice of election; form

SEC.

4. of ballot. County court of Tyler county established; of whom to consist.
5. President of the court; when elected.
6. Election, how held.
7. Effective when ratified by majority vote.

Be it enacted by the Legislature of West Virginia:

That the county court of Tyler county be established under the provisions of section twenty-nine of article eight of the constitution of West Virginia, as follows:

Section 1. The county of Tyler shall be laid off in not less than six districts, as nearly equal as may be in territory and population. The present division of the said county into districts shall constitute such districts until changed by the county court hereafter mentioned. At the general election in one thousand nine hundred and thirty and every second year thereafter, there shall be elected in each district, by the voters thereof, a commissioner, who shall reside in his district, and hold his office for the term of two years, and until his successor is elected and qualified. The office of commissioner and justice of the peace shall be deemed incompatible; each commissioner shall receive for his service, two dollars per day for every day he shall attend court, to be paid out of the county

14 treasury. A vacancy in the office of commissioner shall be filled
15 by the county court hereinafter mentioned.

Sec. 2. So far as they are not inconsistent herewith, all the
2 provisions of chapter thirty-nine of the code of West Virginia,
3 concerning county courts, their jurisdiction and powers, and
4 all provisions of law respecting county courts generally, shall
5 be applicable to the county court herein provided for, and to
6 the commissioners composing the same; and the clerk of the
7 county court of Tyler county, now in office and his successors,
8 shall be the clerk of the county court herein provided. A
9 majority of such commissioners shall be a quorum for the trans-
10 action of business.

Sec. 3. At the next general election to be held at the several
2 voting places of the said county of Tyler on Tuesday next after
3 the first Monday in November, one thousand nine hundred and
4 twenty-eight after the passage of this act, the question of the
5 adoption of the system provided by this act, shall be submitted
6 to the voters of the county of Tyler, voting at such election.
7 Notice of such election shall be given by the publication of this
8 act in any newspaper that may be published at the county seat
9 of said county, and by posting the same at the different places
10 of voting in said county at least ten days before said election;
11 and further notice shall be given in such manner as required by
12 law, but the failure to give such notice shall not invalidate the
13 election held hereunder. The form of ballot to be voted at
14 said election, shall be as follows:

15 For modification of county court.

16 Against modification of county court.

Sec. 4. The commissioners of the several districts shall con-
2 stitute a tribunal to be known as the county court of Tyler
3 county, by which name it shall sue and be sued, plead and be
4 impleaded, and contract and be contracted with. Such tri-
5 bunal shall be in lieu of the county court established by article
6 eight of the constitution of West Virginia, as amended, for the
7 transaction of business required to be performed in the county
8 court created by the said article.

Sec. 5. The first meeting of the county court, herein pro-
2 vided, shall be held on the first Monday in January, in the year
3 one thousand nine hundred and thirty-one, or as soon there-
4 after as a majority of them may assemble for the purpose, at

5 which time, and annually thereafter, at the first meeting in
6 each year, or as soon thereafter as practicable, they shall elect
7 one of their number president of the court.

Sec. 6. Such election, as herein provided for, at each place
2 of voting in said county shall be superintended, conducted and
3 returned by the same officers, and in the same manner, as the
4 election of the members of the legislature is superintended, con-
5 ducted and returned, and the result at each place of voting
6 shall be certified and returned to the county court now in ex-
7 istence in Tyler county; and said court shall ascertain and de-
8 clare the result of said election the same as the result of the
9 election for other officers is ascertained and declared under
10 the laws of this state as far as they are applicable thereto.

Sec. 7. If a majority of the votes cast upon the question be
2 "For modification of county court," this act shall be and re-
3 main in full force and effect, but if a majority of such votes be
4 "Against modification of county court," this act shall be of no
5 further effect.

CHAPTER 146

(Senate Bill No. 318—Mr. Alderson)

AN ACT providing for and appointing the commissioners and each
of them of the county court of Nicholas county road super-
visors, and also authorizing the county court of Mineral
county to appoint one of its members supervisor of the roads of
Mineral county; and providing compensation therefor.

[Passed April 29, 1927. In effect ninety days from passage. Became a law
without the approval of the Governor]

<p>SEC. 1. Commissioners of Nicholas coun- ty appointed road supervisors; salaries; how and when pay- able.</p>	<p>SEC. 2. County court of Mineral county authorized to appoint one of its members road supervisor; salary; when payable.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. That the commissioners of the county court of
2 Nicholas county be and they are hereby appointed road super-
3 visors of the roads of Nicholas county, West Virginia, and that
4 for such service they shall each receive a salary of two hundred

5 dollars *per annum* payable on the first day of each calendar month, beginning July one, one thousand nine hundred and twenty-seven. *Provided*, that the county court of Nicholas county shall on July first, one thousand nine hundred and twenty-seven, and thereafter on the first day of each following year enter an order providing for the payment of such salary. And, *provided, further*, that in event such order shall not be entered as above provided that the commissioners of the county court of Nicholas county shall be paid no salary as road supervisors for such year.

Sec. 2. The county court of Mineral county, and their successors in office may appoint one of its members as a road supervisor of all of the roads of the county of Mineral, and of the operation of any and all stone crushers operated by the county of Mineral, and of any and all operations of the county of Mineral in connection with the road work. For such service such member of the county court of Mineral county shall receive a salary of not to exceed six hundred dollars *per annum*, payable on the first day of each calendar month, beginning July first, one thousand nine hundred and twenty-seven.

CHAPTER 147

(House Bill No. 631—Mr. Rexroad)

AN ACT to establish a county court and board of commissioners for the county of Grant, under the twenty-ninth section of the eighth article of the constitution of West Virginia.

[Passed April 27, 1927. In effect ninety days from passage. Became a law without the approval of the Governor]

<p>SEC.</p> <p>1. Providing member of county court from each magisterial district; salary.</p> <p>2. General laws governing such court.</p> <p>3. Referendum on adoption of this act.</p>	<p>SEC.</p> <p>4. To be body corporate.</p> <p>5. Meetings.</p> <p>6. Holding and certifying referendum.</p> <p>7. Majority vote controls in referendum.</p>
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Be it enacted by the Legislature of West Virginia:

Section 1. The county of Grant shall be laid off into not less than three districts, as nearly equal as may be in territory and

3 population. The present divisions of the said county into
4 districts shall constitute such districts until changed by the
5 county court herein established as provided by law. Should
6 the provisions of this act be adopted by the voters of said
7 county as herein provided then at the general election to be
8 held in the year one thousand nine hundred and thirty there
9 shall be elected one commissioner from the district, by the voters
10 of the said district in which resides the present member of the
11 court whose term of office expires on December thirty-one, one
12 thousand nine hundred and thirty, said commissioner so elected
13 to hold his office for the term of two years. At the general elec-
14 tion to be held in the year one thousand nine hundred and
15 thirty-two there shall be elected two commissioners, by the
16 voters of the respective districts, one from the district above
17 set out and one from the district in which resides the present
18 member of the court whose term expires on December thirty-
19 one, one thousand nine hundred and thirty-two, said last men-
20 tioned commissioner to hold his office for the term of two years.
21 At the general election to be held in one thousand nine hun-
22 dred and thirty-four, there shall be elected three commission-
23 ers, one each from the two districts above set out and one from
24 the district in which resides the present member of the court,
25 whose term expires on December thirty-one, one thousand nine
26 hundred and thirty-four, each of said three commissioners to
27 reside in the district from which elected and to be elected by
28 the voters of his district: At the general election to be held
29 every two years thereafter, there shall be elected from each
30 district, by the voters thereof, a commissioner who shall re-
31 side in his district and hold his office for the term of two years.
32 Vacancies in said office shall be filled as provided by law. The
33 office of commissioner and justice of the peace shall be deemed
34 incompatible. Each commissioner shall receive for his services
35 two dollars per day for each day he shall attend court, to be
36 paid out of the county treasury.

Sec. 2. So far as they are not inconsistent herewith, all the
2 provisions of chapter thirty-nine of the code of West Virginia
3 and all provisions of law respecting county courts generally,
4 shall be applicable to the county court herein provided for
5 and to the commissioners composing same; the clerk of the
6 county court of Grant county now in office, and his succes-

7 sors, shall be the clerk of the county court herein provided.
8 A majority of said commissioners shall constitute a quorum
9 for the transaction of business.

Sec. 3. At the general election to be held at the several
2 voting places in the said county of Grant on Tuesday next
3 after the first Monday in November, one thousand nine hun-
4 dred and twenty-eight, the question of the adoption of the
5 system provided by this act, shall be, by the present county
6 court of said county, submitted to the voters of the county of
7 Grant voting at such election. Notice of such election shall
8 be given by the publication of this act in any newspaper that
9 may be published in the county seat of said county, and by
10 posting the same at each of the places of voting in said county
11 at least ten days before said election; any further notice, if
12 required by law, shall be given in the manner required by law,
13 but the failure to give any such notice shall not invalidate the
14 election held hereunder. The form of ballot to be voted at
15 said election shall be as follows:

16 For modification of county court.

17 Against modification of county court.

Sec. 4. The commissioners of the several districts shall
2 constitute a tribunal to be known as the county court of Grant
3 county, by which name it shall sue and be sued, plead and be
4 impleaded, and contract and be contracted with. Such tribu-
5 nal shall be in lieu of the county court established by article
6 eight of the constitution of West Virginia, for the transaction
7 of business required to be performed in said county court
8 created by said article.

Sec. 5. The meetings of the said court, as herein modified,
2 shall be held as provided by the present law until changed by
3 law. At their first meeting in each year, or as soon there-
4 after as practicable, they shall elect one of their number presi-
5 dent of the court.

Sec. 6. Such election, herein provided for, at each place of
2 voting in said county, shall be superintended, conducted and
3 returned by the same officers and in the same manner as the
4 election of the members of the legislature is superintended,
5 conducted and returned, and the result of each place of vot-

6 ing shall be certified and returned to the county court as now
7 constituted in said county; and said court shall ascertain and
8 declare the result of said election as the result of the election
9 for other officers is ascertained and declared under the laws
10 of this state so far as they are applicable thereto.

Sec. 7. If a majority of the votes cast upon the question be
2 "For modification of county court," this act shall be and
3 remain in full force and effect, but if a majority of such votes
4 be "Against modification of county court," this act shall be
5 of no further effect.

CHAPTER 148

(Senate Bill No. 136—Mr. Hugus)

AN ACT to authorize the board of commissioners of Ohio county to pay such sums to the City of Wheeling as have been or will be assessed against the owners of property abutting on McCulloch street in the City of Wheeling between Sixteenth and Baker streets, on account of paving done by the said City of Wheeling during the year one thousand nine hundred and twenty-four and one thousand nine hundred and twenty-five, and to authorize said board from time to time to join with the City of Wheeling in the maintenance, repair and paving of said street between said points.

[Passed March 23, 1927. In effect ninety days from passage. Became a law without the approval of the Governor]

Sec.

1. Commissioners of Ohio county authorized to pay certain assessments laid against certain property owners for street improvements in the City of Wheeling.
2. Commissioners may contract with

City of Wheeling for resurfacing, maintenance, etc., of McCulloch street between certain designated points; County to assume costs, and pay the same out of the general road fund; Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

That the board of commissioners of Ohio county be authorized to pay for certain street improvements in the City of Wheeling, as follows:

Section 1. That the board of commissioners of Ohio county 2 be, and hereby is, authorized to assume and take over and to pay

3 as they become due, the amounts of the assessments laid against
4 the owners of property abutting on McColloch street in the City
5 of Wheeling between Sixteenth and Baker streets on account of
6 the paving of said street between said points during the year
7 one thousand nine hundred and twenty-four and one thousand
8 nine hundred and twenty-five. Said board, as said assessments
9 become due may, out of the general county road funds, pay to
10 the City of Wheeling each year, a part or all of such assessment
11 and said property owners shall be credited with the amounts
12 so paid by the said board.

Sec. 2. That the board of commissioners of Ohio county may,
2 from time to time, contract with the said City of Wheeling
3 whereby said board may contribute to the City of Wheeling for
4 the upkeep, maintenance, repair, resurfacing or repaving of
5 McColloch street between Sixteenth and Baker streets in the
6 City of Wheeling, and said board may assume all or part of the
7 assessments which ordinarily would be laid against the property
8 owners along said street, and said board may pay out of the
9 general county road fund, such sum or sums as may be neces-
10 sary to pay such part of the cost of the maintenance, repair, re-
11 surfacing or repaving of McColloch street between Sixteenth
12 and Baker streets in the City of Wheeling, including that part
13 of the assessments against the abutting property owners, as said
14 board may agree with said city to pay; *provided, however*, that
15 nothing herein contained shall relieve the City of Wheeling or
16 the abutting property owners of its or their obligations except,
17 if, as, when, and to such extent as the said board of commis-
18 sioners may agree to assume and pay.

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

CHAPTER 149

(Senate Bill No. 385—Mr. Hallanan)

AN ACT authorizing the Henderson Bridge Company to construct
a toll bridge across the Kanawha river, at or near its mouth,
from a point in or near the Town of Henderson, West Virginia,
to a point opposite thereto.

[Passed April 27, 1927. In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Henderson Bridge Company authorized to build and operate a

toll bridge across the Kanawha river near Henderson.

Be it enacted by the Legislature of West Virginia:

Section 1. That authority is hereby granted to the Henderson Bridge Company, its successors and assigns, to construct, purchase or lease, maintain and operate, a bridge and approaches thereto across the Great Kanawha river, at a point suitable to the interests of navigation, at or near the Town of Henderson, West Virginia, in accordance with the rules and regulations of the War Department of the United States Government.

CHAPTER 150

(House Bill No. 11—Mr. Weiss, by request)

AN ACT to relieve William M. Clemans from a certain obligation incurred honestly and in good faith by the said William M. Clemans, as sheriff of Ohio county from January first, one thousand nine hundred and nine, to December thirty-first, one thousand nine hundred and twelve.

WHEREAS, William M. Clemans was duly elected and qualified and thereafter discharged the duties of sheriff of Ohio county from January first, one thousand nine hundred and nine, to and including the thirty-first day of December, one thousand nine hundred and twelve; and

WHEREAS, By reason of the failure of the assessor of the county of Ohio during part of the said period of time to make the proper extensions upon the land and personal property books of the county of Ohio, the said sheriff was compelled to and did actually expend during the said term the sum of four hundred and fifty-five dollars in making such extensions, and was not reimbursed therefor; now, therefore,

[Passed April 26, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

Directing Ohio county to pay William M. Clemans' account.

Be it enacted by the Legislature of West Virginia:

That the said William M. Clemans, as sheriff of Ohio county, be allowed out of the general county fund of Ohio county and given credit in the sum of four hundred and fifty-five dollars, made up of the following item: Extending land and personal property books, four hundred and fifty-five dollars.

CHAPTER 151

(House Bill No. 28—Mr. Allison)

AN ACT requiring the county court of Hancock county to mark by suitable monuments or markers the frontier forts and block houses occupied by the early settlers during Indian wars, also graves of pioneers and soldiers; and care and upkeep of public cemeteries or burying grounds, where no charge was or is made for burying therein, wherein are buried the remains of pioneers, early settlers, soldiers and sailors, and authorizing said court to lay a levy to carry out the purposes of this act.

[Passed April 15, 1927. In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Hancock county to provide funds from general fund for certain monuments.
2. Marking of certain graves required.
3. Provision for a caretaker and his

Sec.

- remuneration.
4. Bequests and endowments, how applied. Levy not to exceed two cents.
5. Committee to have charge; of whom composed.

Be it enacted by the Legislature of West Virginia:

Section 1. In order to perpetuate the memory of the pioneers, soldiers and sailors, and historical places of this state within Hancock county, and that the place of their burial may be kept in an orderly, respectable manner befitting their memory, the county court of Hancock county each year shall provide by levy or appropriate from the general fund not to exceed two cents on each one hundred dollars valuation of the taxable property of the county sufficient funds to mark with a monument or tablet the sites of the frontier forts and block houses

10 constructed and occupied by the early settlers and to mark all
11 other historical localities in Hancock county.

Sec. 2. The county court shall erect where there is none, a
2 monument or marker at the grave of each pioneer, person and
3 soldier engaged in the Indian wars or other wars of this country
4 within Hancock county. The monuments to be used in marking
5 the graves of soldiers shall, when they can be obtained, be
6 monuments or markers furnished by the federal government,
7 and when these cannot be obtained similar monuments or bronze
8 markers shall be used as the county court may elect.

Sec. 3. The county court each year shall appoint some suit-
2 able person or persons to care for, keep well mowed and in
3 good order, properly fenced and beautified by the planting of
4 trees, shrubbery and flowers, all public cemeteries or burying
5 grounds where no charge was or is made for burying therein,
6 wherein are buried the remains of the pioneers, early settlers,
7 soldiers and sailors. Such person or persons so appointed shall
8 be paid for their services and expenses by the court (from the
9 levy or general fund as heretofore provided) such sum as may
10 have been previously agreed upon or such sum as the court may
11 think just, or the court may have the care and work done under
12 the direction of the county road engineer or supervisor.

Sec. 4. All earnings from bequests, endowments or other
2 funds held in trust for the care and upkeep of public ceme-
3 teries as contemplated by this act, shall be paid into the county
4 treasury on or before the first day of August in each year, the
5 sheriff receipting for such payment and crediting the amount
6 to the general fund of the county and reporting such payment
7 to the court at the levy term; *provided*, that in no year shall
8 there be expended in carrying out the provisions of this act
9 more than two cents on each one hundred dollars valuation of
10 the taxable property of the county for that year.

Sec. 5. To assist the court in carrying out the provisions and
2 enforcements of this act the following county officers shall be a
3 committee: the sheriff, clerk of the county court and super-
4 intendent of schools. The committee shall on or before the first
5 day of August each year visit all the public cemeteries and his-
6 torical places within their county and make a written report
7 of the condition of the cemeteries and whether or not the his-
8 torical places are properly marked. The committee in making

9 this visit shall be allowed their traveling expenses. The com-
10 mittee shall recommend what action shall be taken that all the
11 provisions of this act may be complied with; and if the court
12 or other person whose duty it is to enforce this act fails or re-
13 fuses to do so, the committee shall report such failure or refusal
14 to the prosecuting attorney who shall immediately take the
15 necessary legal steps to compel the enforcement of this act.

CHAPTER 152

(House Bill No. 51—Mr. Kendall)

AN ACT authorizing and empowering the county court of Taylor county, West Virginia, to reimburse certain taxpayers for funds expended by such taxpayers in improving a certain county road in Taylor county.

[Passed April 7, 1927. In effect ninety days from passage. Became a law without the approval of the Governor]

SEC.

1. Taylor county court authorized to reimburse certain taxpayers.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county court of Taylor county be au-
2 thorized and empowered to pay out of the general county road
3 fund of Taylor county the sum of eleven thousand dollars to
4 reimburse certain taxpayers of Taylor county who borrowed
5 such amount from the First National Bank of Grafton and
6 expended the same to grade and drain and otherwise improve
7 a certain public road between the villages of Thornton and
8 Hardman in Taylor county during the summer of one thousand
9 nine hundred and twenty-six, when the county court of Taylor
10 county was without funds for the doing of such work.

CHAPTER 153

(House Bill No. 123—Mr. Weiss)

AN ACT to authorize the board of pharmacy to grant an examination to M. M. Murray.

[Passed April 6, 1927. In effect ninety days from passage. Became a law without the approval of the Governor]

SEC.

1. M. M. Murray to be admitted to pharmacy examination.

Be it enacted by the Legislature of West Virginia:

That M. M. Murray of Wheeling, Ohio county, West Virginia, forty-three years of age, who has been practicing the profession of pharmacy under competent and registered pharmacists for a period of twenty-six years, be permitted to take an examination for a license as a registered pharmacist, and the board of pharmacy of this state is hereby authorized to allow him to appear for examination at the next regular meeting of the state board of pharmacy.

CHAPTER 154

(House Bill No. 141—Mr. Hundley)

AN ACT to provide for the payment to the county superintendent of free schools of Kanawha county for clerical assistants and other expenses.

[Passed March 30, 1927. In effect ninety days from passage. Became a law without the approval of the Governor]

SEC.

1. County superintendent of schools, | Kanawha county; pay for assistants and office expenses.

Be it enacted by the Legislature of West Virginia:

That the county superintendent of free schools of Kanawha county be allowed certain additional compensation for the employment of assistants and other expenses in connection with his office.

Section 1. That there be paid out of the county treasury of
 2 Kanawha county, by and with the consent of the county court
 3 of said county to the county superintendent of free schools
 4 of such county, in addition to the other provisions made by law
 5 for the support of such office, a sum not to exceed one hundred
 6 dollars per month, for the employment of assistants and other
 7 expenses connected with the conduct of such office.

CHAPTER 155

(House Bill No. 147—Mr. Peters)

AN ACT to authorize the board of dental examiners to issue a license to Frank M. O'Brien to practice dentistry, (whenever he shall have passed a practical examination.)

[Passed April 20, 1927. In effect from passage. Became a law without the approval of the Governor.]

Authority to license Frank M. O'Brien as dentist.

Be it enacted by the Legislature of West Virginia:

THAT, WHEREAS, Frank M. O'Brien of Bluefield, West Virginia, who, by inadvertance and oversight failed to make the application to the state board of dental examiners to obtain the certificate provided for by chapter sixty-nine of the acts of one thousand nine hundred and seven, and chapter thirty-two of the acts of one thousand nine hundred and fifteen, as amended, within the time provided by aforesaid acts to make application to said board, and furnish satisfactory proof that he was engaged in such practice of dentistry in this state, before the passage of said law regulating the practice of dentistry, and that he has been continuously engaged in the practice thereof, under a regular licensed dentist.

Therefore, the state board of dental examiners hereby are authorized and directed to issue a license to practice dentistry to Frank M. O'Brien, (whenever he shall have passed a practical examination.)

CHAPTER 156

(House Bill No. 160—Mr. Keatley)

AN ACT to attach to Kanawha county a small area of Jackson county near the mouth of Allen Fork of the Left Fork of the Pocatalico river, and to change the boundary line between said counties in conformity therewith

[Passed April 26, 1927. In effect ninety days from passage. Became a law without the approval of the Governor]

Kanawha-Jackson county line changed.

Be it enacted by the Legislature of West Virginia:

That the following hondded and described area of land now a part of the county of Jackson and adjoining the county of Kanawha shall be and is hereby severed from said county of Jackson and attached to the county of Kanawha, state of West Virginia, to-wit:

Beginning at the point in the centerline of the Charleston
2 Ripley state highway (State Route No. 2), where the boundary
3 line between Kanawha county and Jackson county intersects
4 said state highway, thence with the present boundary line
5 between said counties north thirty-four degrees, thirty-eight
6 minutes, west five thousand three hundred ninety and sixty-one
7 hundredths feet to a stake on said line on the dividing ridge
8 between Allen's fork and the Left fork of Pocatalico river,
9 thence leaving said boundary line south sixty-four degrees, forty-
10 eight minutes, east two thousand eight hundred ninety-three
11 and twenty-two hundredths feet to a point in the centerline of
12 the above mentioned state highway; thence with a curve to the
13 right in a southwesterly direction, radius nine hundred and
14 fifty-five feet, length two hundred forty and eight-tenths feet
15 to a point on the centerline of said state highway; thence south
16 twenty degrees, forty-two minutes, west three hundred and six
17 and two-tenths feet to a point in the centerline of said highway;
18 thence with a curve to the right in a southwesterly direction,
19 radius nine hundred fifty-five feet, length two hundred forty
20 and eight-tenths feet to a point in the centerline of said state
21 highway; thence south twenty degrees forty-two minutes west
22 three hundred six and two-tenths feet to a point in the center-
23 line of said highway; thence with a curve to the right in a
24 southwesterly direction, radius five hundred and seventy-three
25 feet, length one hundred and ninety feet, to a point in the
26 centerline of said highway; thence south thirty-nine degrees,
27 thirty-four minutes, west two hundred and sixty-six and sixty-
28 six hundredths feet to a point in the centerline of said high-
29 way; thence with a curve to the left in a southeasterly direc-
30 tion, radius two hundred and eighty-six and five-tenths feet,
31 length two hundred and sixty-nine and two-tenths feet, to a

32 point in the centerline of said highway; thence south fourteen
33 degrees and eight minutes, east fifty-one and ninety-three hun-
34 dredths feet to a point in the centerline of said highway;
35 thence with a curve to the left in a southeasterly direction,
36 radius four hundred and seventy-seven and five-tenths feet,
37 length three hundred forty-seven and two-tenths feet to a
38 point in the centerline of said highway; thence fifty-six degrees
39 two minutes east four hundred and eighty-five to a point in the
40 centerline of said highway; thence with a curve to the right in a
41 southeasterly direction, radius four hundred and seventy-five
41-a and five tenths feet, length four hundred and eleven
42 feet to a point in the centerline of said highway, thence south
43 six degrees, forty-two minutes, east one thousand fifty-one and
44 eleven hundredths feet to the place of beginning, containing
45 one hundred and fifteen thousandths square miles, more or less.

46 And that the boundary line between said county of Jackson
47 and said county of Kanawha is hereby changed from the afore-
48 said line five thousand three hundred and ninety and sixty-one
49 hundredths feet in length to the following:

50 Commencing at the northern end of said five thousand three
51 hundred and ninety and sixty-one hundredths foot-line, thence
52 south sixty degrees, forty-eight minutes, east two thousand eight
53 hundred and ninety-three and twenty-two hundredths feet to a
54 point in the centerline of the above mentioned state highway;
55 thence with a curve to the right in a southwesterly direction,
56 radius nine hundred and fifty-five feet, length two hundred and
57 forty and eighth-tenths feet to a point on the centerline of said
58 state highway; thence south twenty degrees, forty-two minutes
59 west three hundred and six and two-tenths feet to a point in the
60 centerline of said highway; thence with a curve to the right
61 in a southwesterly direction, radius nine hundred and fifty-five
62 feet, length two hundred and forty and eight-tenths feet to a
63 point in the centerline of said state highway; thence south
64 twenty degrees, forty-two minutes, west three hundred and six
65 and two-tenths feet to a point in the centerline of said high-
66 way; thence with a curve to the right in a southwesterly direc-
67 tion, radius five hundred and seventy-three feet, length one
68 hundred and ninety feet, to a point in the centerline of said
69 highway; thence south thirty-nine degrees, thirty-four minutes,
70 west two hundred and sixty-six and sixty-six hundredths feet

71 to a point in the centerline of said highway; thence with a
 72 curve to the left in a southeasterly direction, radius two hun-
 73 dred and eighty-six and five-tenths feet, length two hundred
 74 and sixty-nine and two-tenths feet, to a point in the centerline
 75 of said highway; thence south fourteen degrees and eight min-
 76 utes, east fifty-one and ninety-three hundredths feet to a point
 77 in the centerline of said highway; thence with a curve to the
 78 left in a southeasterly direction, radius four hundred and seven-
 79 ty-seven and five-tenths feet, length three hundred forty-seven
 80 and two-tenths feet to a point in the centerline of said highway;
 81 thence fifty-six degrees, two minutes, east four hundred eighty-
 82 five feet to a point in the centerline of said highway; thence
 83 with a curve to the right in a southeasterly direction radius
 84 four hundred seventy-seven and five-tenths feet, length four
 85 hundred and eleven feet to a point in the center line of said
 86 highway, thence south six degrees, forty-two minutes, east one
 87 thousand and fifty-one and eleven hundredths feet, to the south-
 88 ern end of said five thousand three hundred and ninety and
 89 sixty-one hundredths foot line.

90 All acts or parts of acts inconsistent with this act are hereby
 91 repealed.

CHAPTER 157

(House Bill No. 177—Mr. Knabenshue)

AN ACT to permit the commissioner of agriculture to distribute
 a portion of the state aid to fair fund direct to the exhibitors
 of the Upshur county fair.

[Passed April 23, 1927. In effect from passage. Became a law without the
 approval of the Governor.]

Sec.

1. Commissioner of agriculture au-

thorized to make certain pay-
 ments.

Be it enacted by the Legislature of West Virginia:

Section 1. The commissioner of agriculture by and with the
 2 consent of the governor is hereby authorized to pay the ex-
 3 hibitors of the Upshur county fair from the state aid to fair
 4 fund for the fiscal year ending June thirtieth, one thousand

5 nine hundred and twenty-seven, such sums as may be due them
6 the total of which shall not exceed seven hundred and three
7 dollars and twenty cents.

CHAPTER 158

(House Bill No. 183—Mr. Dean)

AN ACT authorizing the board of education of Keyser independent school district to establish a retirement pension for Sue Sheetz.

[Passed March 30, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Pension for Sue Sheetz authorized.

Be it enacted by the Legislature of West Virginia:

That a retirement pension for an aged teacher be established by the board of education of the independent school district of Keyser.

Section 1. In recognition of her faithful service as a teacher 2 in the schools of the district continuously for the past fifty 3 years, the board of education of Keyser independent school 4 district is hereby authorized to establish a retirement pension 5 for Sue Sheetz, in such sum and on such terms as the said board 6 may from time to time fix and determine, the said pension to 7 be paid out of the teachers' fund of the district.

CHAPTER 159

(House Bill No. 296—Mr. Brewster)

AN ACT to authorize the City of Weston to sell real estate.

WHEREAS, due to the growth and development of the city of Weston, its municipal building has become inadequate for the needs of said city, and the ground on which it is located being too small to render further building thereon practicable, the citizens

of Weston have become greatly interested in re-locating said city building; and,

WHEREAS, the state board of control has offered to the said city certain real estate for the use of the said city for the erection of a modern municipal building in consideration of fire protection to the Weston state hospital that would be afforded by the erection of such building on said real estate, therefore,

[Passed April 26, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 1. Weston authorized to sell its city building.		SEC. 2. Proceeds of sale, how expended.
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Be it enacted by the Legislature of West Virginia:

Section 1. The City of Weston, in the county of Lewis, is hereby authorized and empowered to sell the ground and municipal building, known as "city building", and other buildings, if any on said ground, situate on Main avenue, in said City of Weston, and being the same property that was conveyed to the City of Weston, in the name of the Town of Weston, by Buckhannon White, by deed dated the twelfth day of May, one thousand eight hundred and ninety-nine, of record in the office of the clerk of the county court of said Lewis county, in deed book number thirty-six, at page four hundred and twelve.

Sec. 2. The proceeds arising from the sale authorized in section one of this act, shall be expended by the city of Weston towards the construction of such city building as may hereafter be authorized by proper action of the council of said city.

CHAPTER 160

(House Bill No. 308—Mr. Lockhart)

AN ACT providing for change of the corporate name of the Town of Henry, in the county of Clay.

[Passed April 5, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC. 1. Town of Henry renamed "Clay."

Be it enacted by the Legislature of West Virginia:

Section 1. That the corporate name of the Town of Henry, 2 in the county of Clay, be and the same is hereby changed to 3 the name of Clay, and that said corporation shall hereafter be 4 known as, and called Clay, and that said corporation here- 5 after to be known as the Town of Clay shall succeed to all the 6 rights and privileges, and be subject to all the duties and lia- 7 bilities of the said corporation heretofore known as the Town of 8 Henry.

CHAPTER 161

(House Bill No. 341—Mr. Roberts)

AN ACT providing for the establishment in Marshall county of endowment funds for cemeteries or plats of ground being sold for proposed cemeteries, operated by corporations, associations, partnerships or individuals and for the appointment of trustees to manage said funds.

[Passed April 13, 1927. In effect ninety days from passage. Became a law without the approval of the Governor.]

SEC.		SEC.
1.	Cemeteries; endowment fund, trustee, penalties.	2. Referendum on adoption.

Be it enacted by the Legislature of West Virginia:

Section 1. Every corporation, mutual association and partnership now existing or hereafter formed, and every individual, 2 which, or who, is, or shall be, engaged in operating a cemetery 3 or selling lots of ground for cemetery purposes in Marshall 4 county shall, after the payment of the cost of purchasing the 5 ground and laying out the same as a cemetery, set aside a fund 6 for the perpetual maintenance and care of such cemetery, which 7 shall be equal to at least forty *per centum* of the sale of each 8 lot sold hereafter. Such corporation, association, partnership 9 or individual shall, within three months after the passage of 10 this act, designate a trustee or trustees for such perpetual 11 maintenance fund, who shall, within three months after ap- 12 pointment, invest such funds, and the income only from said 13

14 fund shall be applied to the maintenance and care of said
15 cemetery by the party or parties owning or operating the same.
16 Said trustee shall file annually for record with the clerk of
17 the county court of Marshall county a report of all moneys re-
18 ceived from the sale of lots, what amount of same was placed
19 with him as such trustee, how he has invested same and in what
20 manner income from said fund has been expended. Said trustee
21 shall include in his report a statement of all special contribu-
22 tions for said fund received from other sources, giving the
23 name of the donor and amount, and purpose to which the
24 income from said special contribution was applied. He shall
25 give and file with the clerk of the county court a bond, con-
26 ditioned for the faithful performance of his duties as such
27 trustee, in the discretion of the county court, in an amount
28 equal to at least twenty *per centum* of the amount of the
29 fund received by him. Should the party or parties herein
30 required to designate a trustee or to establish such perpetual
31 maintenance fund, fail to do so within the time required by
32 this act, any person or persons owning a lot or lots in such ceme-
33 tery may institute proceedings in the circuit court of Marshall
34 county to compel the appointment of such trustee and the
35 creation and application of such perpetual maintenance fund
36 as herein set out, and said court in said proceedings is hereby
37 empowered to appoint said trustee upon the failure of the
38 proper parties to do so. The cost of filing said bond and said
39 annual report shall be paid by the party or parties appointing
40 said trustee. The failure of any person, partnership, mutual
41 association or trustee to comply with the proceedings of this
42 act shall be a misdemeanor punishable by a fine of not more
43 than one hundred dollars or imprisonment of not more than
44 sixty days in jail, or both such fine and imprisonment at the
45 discretion of the court. Each day's failure to observe the
46 provisions of this act shall be a separate offense.

47 The provisions of this act shall not apply to such associations
48 or persons owning or operating cemeteries, or selling lots of
49 ground for same, who, or which, have heretofore established
50 a sufficient perpetual maintenance fund mentioned in this act
51 and have or are expending the same for the maintenance and
52 care of cemeteries under their control, but such association or
53 person shall have the right to designate a trustee or trustees

54 as herein set out and upon such designation all the other pro-
 55 visions of this act shall apply to such associations or person.
 56 The county court of Marshall county shall determine the suffi-
 57 ciency of any such maintenance fund.

Sec. 2. Upon the petition of not less than five *per centum*
 2 of the voters of any county in the state, the county court of
 3 said county shall at the next general election following the filing
 4 of said petition with said court provide for an election to be
 5 held upon the question of making this act effective in said
 6 county. The ballots shall have printed thereon:

7 For endowment fund.

8 Against endowment fund.

9 Said election shall be conducted and the result thereof ascer-
 10 tained and declared as other elections are, conducted and the
 11 result declared:

12 If a majority of the votes cast at said election are for endow-
 13 ment fund then the provisions of this act shall, ninety days
 14 after said election, be in full force and effect in said county.

15 All acts or part of acts inconsistent herewith are hereby
 16 repealed.

CHAPTER 162

(House Bill No. 361—Mr. Crow, by request)

AN ACT to amend and re-enact section one of chapter one hun-
 dred and sixty-five of the code, relating to criminal proceed-
 ings against convicts, and providing for compensation to the
 prosecuting attorney of Marshall county for services in con-
 nection therewith.

[Passed April 20, 1927. In effect from passage. Became a law without the
 approval of the Governor.]

Sec.
 1. Inmates of penitentiary; where | prosecuted; compensation of
 prosecuting attorney.

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and sixty-five of
 Barnes' code of West Virginia, one thousand nine hundred and

twenty-three, be amended and re-enacted to read as follows:

Section 1. All criminal proceedings against convicts in the 2 penitentiary shall be in the circuit court of the county of 3 Marshall, and the prosecuting attorney of said county shall be 4 paid an annual salary of twelve hundred dollars by the state, 5 as compensation for his services in connection with such crim- 6 inal proceedings, said salary to be paid out of the annual state 7 appropriation for "criminal charges."

CHAPTER 163

(House Bill No. 395—Mr. Woodyard)

AN ACT to authorize the Spencer Water and Ice Company to construct and maintain a dam or dams across Spring creek, in Roane county, West Virginia, and to condemn real estate necessary for such purpose.

[Passed March 30, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC.	1. Dams on Spring creek, Roane county, authorized.	SEC.	2. Condemnation for site.
		SEC.	3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The Spencer Water and Ice Company, a public 2 service corporation, its successors or assigns, shall have the 3 right to construct and maintain a dam or dams across Spring 4 creek, in or near the City of Spencer, in Roane county, West 5 Virginia, for the purpose of impounding or storing water for 6 domestic use or prevention of fire by the inhabitants of said 7 city, which said dam or dams so to be constructed shall not 8 exceed seven feet in height from the bed of said creek; *provided,* 9 *however,* that said company shall acquire title to the lands on 10 which such dam or dams shall be constructed, and shall likewise 11 acquire title to or an easement over the lands to be overflowed 12 by the impounding or storing such water; and, *provided, fur-* 13 *ther,* that such dam or dams shall be so constructed as not to 14 obstruct the passage of fish over the same.

Sec. 2. The said Spencer Water and Ice Company shall have the right to apply to the circuit court of said Roane county for the condemnation of all land necessary or convenient for the construction of such dam or dams and the land to be overflowed by the impounding or storage of water thereby. And the proceedings for such condemnation shall be in all respects as are authorized by chapter forty-two of Barnes' West Virginia code, one thousand nine hundred and twenty-three.

Sec. 3. All acts or parts of acts inconsistent herewith are hereby repealed.

CHAPTER 164

(House Bill No. 627—Mr. Hundley)

AN ACT authorizing the construction, maintenance and operation of bridges from Blaine Island in the Great Kanawha river to the mainland at South Charleston.

[Passed April 5, 1927. In effect from passage. Became a law without the approval of the Governor.]

SEC. 1. Blaine Island bridge authorized; provisos.

Be it enacted by the Legislature of West Virginia:

Section 1. That Carbide and Carbon Chemicals Corporation be and hereby is authorized to construct, maintain and operate bridges for private use from Blaine Island in the Great Kanawha river to the mainland in the town of South Charleston, said bridges not to cross the channel usually run by descending or ascending coal fleets; *provided, however, that such bridges shall be constructed and maintained subject only to such channel span and height and terms and conditions as the United States government acting through its authorized officers may prescribe; provided, further, that nothing herein contained shall be construed to grant the right of eminent domain for the construction of such bridges for private use.*

CHAPTER 165

(House Bill No. 630—Mr. Downs)

AN ACT to provide for the establishment and maintenance of a detention home for the care of delinquent, dependent, truant and neglected children in McDowell county.

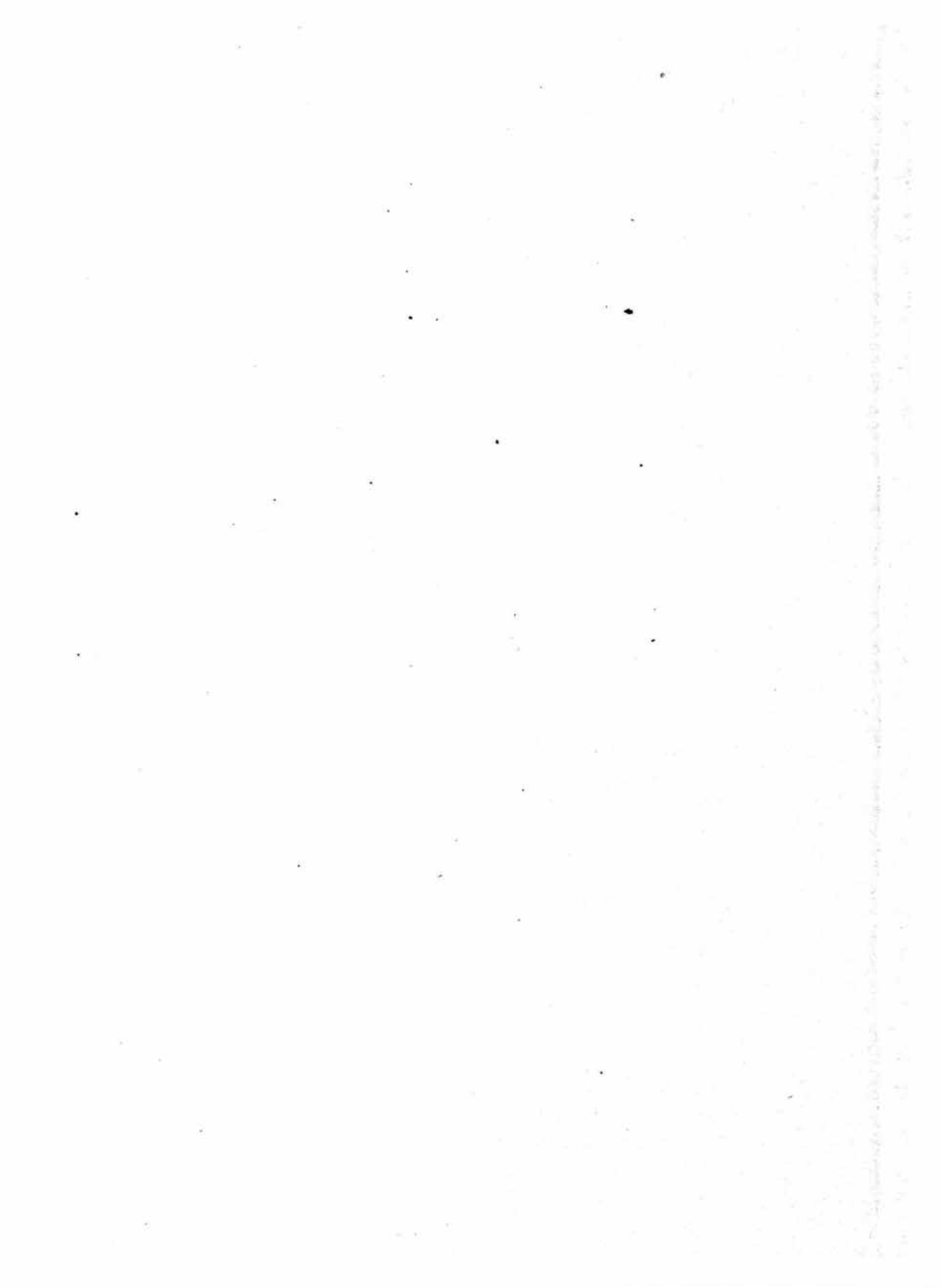
[Passed April 21, 1927. In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Providing home in McDowell county for delinquent and dependent children.

Be it enacted by the Legislature of West Virginia:

Section 1. When it shall appear to the county court of
2 McDowell county that a necessity exists for the establishment
3 of a detention home for the temporary care and custody of
4 delinquent, dependent, truant and neglected children, the
5 county court of such county may, in its discretion, locate, pur-
6 chase, erect, lease or otherwise provide for and establish such
7 detention home and support and maintain the same and may
8 levy and collect sufficient tax to cover the cost of such estab-
9 lishment and support of said home.



Resolutions

SENATE JOINT RESOLUTION NO. 1

(Adopted January 24, 1927)

“Memorializing the Congress of the United States to repeal the federal estate tax provisions of the revenue law effective February 26, 1926.”

Resolved by the Senate of West Virginia, the House of Delegates concurring therein:

WHEREAS, The federal estate tax law, as amended February 26, 1926, provides that any estate liable thereunder shall be credited with any inheritance tax paid by its beneficiaries to the state, or states, the credit not to exceed eighty per cent; and

WHEREAS, This amendment is in derogation of the rights of the states because its object is to persuade them to abandon their state inheritance tax laws in favor of statutes based on the federal law, giving effect to a joint levy upon estates by the nation and the state; and

WHEREAS, The tax is not required for revenue and is useful only as a means of coercing the states; and

WHEREAS, The policy of joint levies is contrary to the theory of this government and an aggression upon the authority, jurisdiction and independence of the legislatures of the sovereign states; therefore, be it

Resolved, That we hereby memorialize the present Congress to repeal immediately the federal estate tax provisions of the revenue law effective February 26, 1926, and vacate this field of taxation in time of peace.

SENATE JOINT RESOLUTION NO. 2

(Adopted January 24, 1927)

“Providing for the appointment of a select legislative committee to make inquiry into the condition of the Workmen’s Compensation Fund, and the administration thereof.”

WHEREAS, The State of West Virginia was one of the pioneer states of the Union to adopt through statutory enactment the humanitarian principles of Workmen's Compensation; and

WHEREAS, Tens of millions of dollars have been paid into the Workmen's Compensation fund by the industry owners of the state for the protection of the unfortunate, injured, maimed and killed, and for the protection of their dependents; and

WHEREAS, The stability and solvency of this trust fund is of vital importance to the masses of the people of West Virginia and those industries which have elected to participate in its privileges, and especially to the beneficiaries who are dependent upon it; and

WHEREAS, Reports have been circulated and general statements made and published that the said Workmen's Compensation fund is not solvent, and said reports have caused serious concern to the subscribers to the fund and to the thousands whose sole financial support comes from said fund; and

WHEREAS, The audit of the state's finances shows that within the past two years the Governor of the state has expended the sum of approximately ten thousand dollars in making an actuarial audit of the Compensation Fund; and

WHEREAS, The people of the state through their legislative representatives are entitled to full and complete information on this subject; therefore, be it

Resolved by the Legislature of West Virginia:

That a select legislative committee of six members, composed of three members from the Senate Committee on Insurance, to be appointed by the President of the Senate, and a like number from the Committee on Insurance of the House of Delegates, to be appointed by the Speaker of the House, no more than two of the members from each committee being of the same political party, be and the same is hereby created, with authority and direction to make inquiry into the condition of the Workmen's Compensation Fund and the administration thereof. The said committee shall have power and authority to summon witnesses, compel the production of documents of all kinds, and the right to call upon the State Compensation Commissioner and any of his subordinates and employees for such assistance and information as they may be

able to furnish, and said committee shall have access to all the books and records of said department. It shall have the power to employ such stenographic and other assistants as it may require, and to call upon and require the attaches of the Senate and House of Delegates to render such service and assistance as may be necessary for the committee to properly perform its duties. The Governor is hereby requested to make available to said select committee the report of the actuary who conducted the audit of said Workman's Compensation Fund, together with any other information in his possession relative to said fund. Said committee shall make its report to the adjourned session of this legislature, with its conclusions and recommendations, to the end that such steps as are necessary to preserve the integrity of said fund may be taken intelligently and promptly.

SENATE JOINT RESOLUTION NO. 9

(Adopted April 27, 1927)

“Providing for the submission to the voters of the State of an amendment to the Constitution of the State, amending section twenty-two of Article six.”

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

That the following amendment to section twenty-two of article six of the Constitution of the State of West Virginia be amended so as to read as follows:

Sec. 22. All sessions of the legislature, other than extraordinary sessions, shall continue for a period of sixty days from the date of beginning. But all regular sessions may be extended by the concurrence of two-thirds of the members elected to each house.

SENATE JOINT RESOLUTION NO. 14

(Adopted March 30, 1927)

“Relating to the time when members elected to Congress shall take their seats.”

WHEREAS, Under the existing conditions, newly elected members of Congress do not take their seats, unless at a special session, until the lapse of more than a year after their election; and,

WHEREAS, Members of Congress who are not re-elected continue to serve and vote for their constituents for the duration of the short session of Congress after the election although their successors have been elected; and,

WHEREAS, Such conditions are not productive of the best interests of the people of the United States; therefore, be it

Resolved, By the Senate and the House of Delegates of the State of West Virginia, jointly, that the legislature of the State of West Virginia earnestly petitions Congress to submit a constitutional amendment to the several states which would provide that members of Congress should take their seats within a short time after their election; and be it further

Resolved, That the Clerk of the Senate is hereby directed to send copies of this resolution to the President and Vice-President of the United States, to each member of the Senate and House of Representatives of the United States, and to the Governors of each of the several states.

SENATE JOINT RESOLUTION NO. 15

(Adopted April 19, 1927)

“Providing for a joint committee by the Senate and House of Delegates to meet and confer with a like committee or commission authorized by the Legislature of the State of Maryland for the purpose of considering plans for the prevention of floods in the City of Cumberland, Allegany county, Maryland, and the Town of Ridgeley in Mineral county, West Virginia, as well as certain other parts of the said county of Mineral, and to report its proceedings under this resolution to the next session of the legislature.”

WHEREAS, That section of Mineral county, West Virginia, within and without the corporate limits of the Town of Ridgeley as well as the City of Cumberland in Allegany county, Maryland, lying opposite to the said Town of Ridgeley, and bordering on the north

branch of the Potomac River, was visited in the months of March and May in the year one thousand nine hundred and twenty-four by the worst and most destructive floods in their history, and

WHEREAS, Since said floods the City of Cumberland, Maryland, has undertaken by the employment of engineers for that purpose a study of flood prevention plans and it appears from the report made by the engineers who investigated this matter that the said communities are in danger of a repetition of such floods, and

WHEREAS, The said special engineers have proposed plans for the avoidance of similar floods in the future, which said plans contemplate certain changes in natural boundaries between the State of West Virginia, at and near the Town of Ridgeley in the said county of Mineral, and the State of Maryland, at and near the City of Cumberland, in the said county of Allegany, and

WHEREAS, The rights of the State of West Virginia as well as the rights of the State of Maryland are necessarily involved in the proposed plan and it will be necessary to secure the sanction of each of said states before said plans can be put into effect, and for this purpose it is deemed advisable that a complete study of the said proposed plans as made by said engineers be made by committees or commissions to be appointed by the legislatures of each of said states; now, therefore, be it

Resolved, That a joint committee consisting of the Hon. E. Bunker Reynolds, of Mineral county, Senator from the Fourteenth Senatorial district; the Hon. A. L. Helmick, of Tucker county, Senator from the Fourteenth Senatorial district, and the Hon. R. Marsh Dean, member of the House of Delegates from Mineral county, be and is, hereby created, and the said members are hereby appointed and authorized to investigate and consider said flood prevention plans and to meet and confer with the authorities of the State of Maryland, or a committee or commission to be appointed for this purpose by the General Assembly of Maryland, in respect to said plans, and to report back to the next regular session of the Legislature of West Virginia, the recommendations of the said committee, together with a report of its proceedings under this resolution.

SENATE JOINT RESOLUTION NO. 16

(Adopted April 25, 1927)

Providing for the appointment of a joint committee of the Legislature to examine and report upon the "Report of the Revisers of the Code of West Virginia."

Resolved by the Legislature of West Virginia:

That a joint committee of the Legislature, consisting of the President of the Senate and three members thereof, to be appointed by the President of the Senate, the Speaker of the House of Delegates and three members thereof, to be appointed by the Speaker of the House, is hereby created for the purpose of making an examination of the "Report of the Revisers of the Code of West Virginia," submitted to the Legislature under the provisions of chapter 102 of the Acts of the Legislature of April 13, 1921, said special committee to report to the next regular session of the Legislature or to any special or extraordinary session of the Legislature to be called by the Governor for that purpose. Said special committee is authorized, empowered and directed to act in conjunction with any committee or committees of the State Bar Association, local bar associations or others, in making examination of the "Report of the Revisers of the Code of West Virginia," and is authorized to sit at any place or places in this State.

For the purpose of carrying out this resolution the said special committee is authorized to employ such clerical and stenographic help as may be necessary and to fix compensation for such services. Each of the members of said special committee shall be allowed the sum of six hundred dollars for his expenses and the amount of said expense allowance to each member together with the compensation and expense of clerical and stenographic help shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Delegates, upon the warrant of the presiding officers of each house respectively.

SENATE CONCURRENT RESOLUTION NO. 2

(Adopted January 21, 1927)

"Providing for the appointment of a joint supervisor of printing for the two houses."

Resolved, That the clerks of the Senate and House of Delegates appoint a supervisor of printing who shall have general oversight and direction of the printing of the two houses under the direction and supervision of the clerks, one-half of his compensation to be paid by the Senate and one-half by the House of Delegates, at a per diem of fifteen dollars per day.

SENATE CONCURRENT RESOLUTION NO. 3

(Adopted March 16, 1927)

“Raising a joint committee to wait upon the Governor.”

Resolved by the Senate, the House of Delegates concurring therein:

That a joint committee of five, consisting of two on the part of the Senate, to be appointed by the President, and three on the part of the House of Delegates, to be appointed by the Speaker thereof, be appointed for the purpose of notifying the Governor that the legislature has reconvened at the expiration of the constitutional recess, with a quorum of each house present, and is ready to receive any communication he may be pleased to present.

SENATE CONCURRENT RESOLUTION NO. 4

(Adopted March 22, 1927)

“Providing for the introduction of a bill.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

“A Bill to create, locate and maintain ‘The School of Journalism of West Virginia University,’ and to provide for the education of practitioners of journalism within the state.”

SENATE CONCURRENT RESOLUTION NO. 5

(Adopted March 29, 1927)

“Providing for the introduction of a bill.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

“A Bill to amend and re-enact Section eight of Chapter fifty-seven of the Acts of the Legislature of one thousand eight hundred and ninety-five, relating to the Wellsburg Independent School District, permitting said independent school district to borrow money and issue bonds therefor to the extent of three and one-half *per centum* of the taxable property in said district for the purpose of buying land and property, and for the building, completing and furnishing of a high school in said district.”

SENATE CONCURRENT RESOLUTION NO. 6

(Adopted April 6, 1927)

“Providing for the introduction of a bill relating to the Independent School District of Sutton.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

“A Bill to amend and re-enact Section two of Chapter forty-three of the Acts of the Legislature, session of eighteen hundred seventy-two, relating to the Independent School District of the Town of Sutton, by the abolition of the Board of Education of the Town of Sutton, elected under provisions of said section, and providing for the election of a new board, and fixing the terms of office thereof.”

SENATE CONCURRENT RESOLUTION NO. 7

(Adopted April 8, 1927)

“Providing for the introduction of a bill validating proceedings authorizing the issuance of certain bonds by the county court of Monongalia county.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

“A Bill to validate all the proceedings authorizing the issuance of bonds of the county court of Monongalia county, West Virginia, for and on behalf of and in the name of the Magisterial district of Grant, Monongalia county, West Virginia, in the sum of four hundred and sixty-five thousand dollars (\$465,000), authorized at an election held in said district on the twenty-fourth day of April, one thousand nine hundred and twenty-six, by a vote of three-fifths of the voters voting at said election upon the question of issuing said bonds, for the purpose of the permanent improvement of certain main county and district public roads located and situated in said Grant district; and to authorize the execution and sale of said bonds, and to provide a tax to pay the same and the interest thereon.”

SENATE CONCURRENT RESOLUTION NO. 9

(Adopted April 13, 1927)

“Providing for the introduction of a bill relating to the charter of the City of Cameron.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

“A Bill to amend and re-enact chapter three of the Acts of the Legislature of the year one thousand nine hundred and twenty-one, and so designated in the bound volume of municipal charters, relating to the charter of the City of Cameron in the County of Marshall and State of West Virginia, fixing its corporate limits, prescribing and defining the authority, powers and duties of said city and its officers, and repealing chapter sixty-eight of the Acts of the Legislature of the year one thousand nine hundred and twenty-three, and all other acts or parts of acts inconsistent with this act.”

SENATE CONCURRENT RESOLUTION NO. 10

(Adopted April 19, 1927)

“Providing for the introduction of a bill authorizing the State Road Commission to expend certain state road funds in the County of Berkeley.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

“A Bill to authorize the State Road Commission of West Virginia to appropriate and expend state road funds apportioned to the counties of Berkeley, Jefferson and Morgan in the erection and completion of a bridge across the Potomac River and the boundary line between the State of West Virginia and the State of Maryland, at or near Paw Paw, West Virginia.”

SENATE CONCURRENT RESOLUTION NO. 12

(Adopted April 22, 1927)

“Providing for the introduction of a bill.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

“A Bill authorizing the Henderson Bridge Company to construct, purchase, maintain and operate a toll bridge across the Great Kanawha River, at or near its mouth, from a point in or near the Town of Henderson, West Virginia, to a point opposite thereto.”

SENATE CONCURRENT RESOLUTION NO. 13

(Adopted April 25, 1927)

“Providing for the introduction of a bill authorizing the council of Paden City to issue bonds for paving.

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the legislature to introduce a bill with the following title:

“A Bill authorizing and directing the common council of the town of Paden City, a municipal corporation of the State of West Virginia, to issue bonds for the purpose of providing funds for the paving of Fourth Avenue therein, a connecting link of State Route Number 2, and to provide for the payment of that portion of the paving not to be done by the State Road Commission, for the remainder of the full width of said street and route, and to provide funds for the payment of the cost of the remainder of the improvement which is to be assessed against the abutting property owners, except the cross streets and alleys.”

SENATE CONCURRENT RESOLUTION NO. 14

(Adopted April 28, 1927)

“Providing for the introduction of a bill, authorizing the Town of Blacksville, Monongalia county, to issue and sell certain bonds.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

“A Bill authorizing the Town of Blacksville, Monongalia county, West Virginia, by and through its council or other governing body in lieu thereof, to issue and sell bonds for such purposes as are now or as may be provided by general law relating to bonds and to lay a special levy to create a sinking fund to pay said bonds and the interest thereon.”

HOUSE JOINT RESOLUTION NO. 8

(Adopted January 25, 1927)

“Providing for the appointment of a commission for the battlefield on Droop Mountain.”

Resolved by the Legislature of West Virginia:

WHEREAS, one of the hard fought battles of the Civil War occurred at Droop Mountain, on November 6, 1863, a battle in which West Virginia soldiers, both Union and Confederate, participated; and,

WHEREAS, the intervening years have obliterated many of the scars of that battle, yet there are still living old soldiers and citizens who can mark out the various positions of the different regiments, battalions and companies that were engaged in the battle; and,

WHEREAS, Droop Mountain is a very high elevation overlooking the valley of the Greenbrier River, the little levels of Pocahontas county, and the far off peaks of the Allegheny Mountains, making it one of the most beautiful scenic spots in West Virginia; therefore, be it

Resolved, That the Governor be requested to appoint a committee of five, three from the House and two from the Senate, whose duty it will be to look over the battlefield, temporarily mark the battle lines, and secure all necessary information from the old

soldiers and citizens yet living in the community, that everything authentic may be preserved for future generations. The committee shall ascertain the owners of the land upon which the battle was fought and take a conditional option on some part of such land, of not less than fifty acres, at a price that seems reasonable to the committee. The members of the committee shall be paid their actual expenses incurred in carrying out this resolution.

HOUSE JOINT RESOLUTION NO. 14

(Adopted April 27, 1927)

“Providing for the acceptance from the Secretary of War of the United States of such ‘Other Funds’ remaining to the credit of the National Guard of this state.”

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

WHEREAS, It has been duly made known to the proper authorities of this State that the Secretary of War of the United States has in his possession, as trustee, certain moneys known as “Other Funds” which had been collected for their own use and benefit by certain National Guard organizations that were broken up as units for or as the result of service in the World War, and have not been reconstituted; and

WHEREAS, It further appears that the Secretary of War, as trustee, desires to turn over to a substitute trustee, duly authorized by this state, such portion of the said funds as equitably belongs to the National Guard of this state; now, therefore,

Be it Resolved by the Legislature of West Virginia, That the Governor is hereby authorized to receive such funds as trustee, and to distribute them for the benefit of the National Guard of this state, in such manner as his judgment shall dictate.”

HOUSE JOINT RESOLUTION NO. 15

(Adopted March 30, 1927)

“Authorizing the Governor to appoint a commission to consider the advisability of placing a memorial on the battlefield at Philippi, West Virginia.”

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

That the Governor is hereby authorized to appoint a commission of three members of the House and two members of the Senate to consider the advisability of the State placing a memorial on the battlefield of the first land engagement of the Civil War, which occurred at Philippi, in Barbour county, June 3, 1861.

HOUSE JOINT RESOLUTION NO. 17

(Adopted April 29, 1927)

“Proposing an amendment to the Constitution of this State.”

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

That the following amendment to the Constitution of this State be, and the same is hereby, agreed to, to-wit:

The legislature shall have power to authorize the issuing and selling of state bonds not exceeding in the aggregate thirty-five million dollars in addition to the state bonds which were authorized to be issued and sold by the amendment to the Constitution proposed by Senate Joint Resolution No. 15, adopted February 15, 1919, and afterwards ratified by a vote of the people. The proceeds of said additional bonds hereby authorized to be issued and sold shall be used and appropriated solely for the building and constructing, or for assisting in building and constructing, the system of state roads and highways provided for by the amendment to the Constitution above mentioned.

When a bond issue as aforesaid is authorized, the legislature shall at the same time provide for the collection of an annual state

tax sufficient to pay annually the interest on such debt and to pay the principal thereof within and not exceeding thirty years.

HOUSE JOINT RESOLUTION NO. 22

(Adopted April 27, 1927)

“Concerning the Mississippi Valley flood sufferers.”

Be it Resolved by the Legislature of West Virginia:

WHEREAS, the unprecedented rains of the Mississippi valley have caused floods greater than any hitherto known; and,

WHEREAS, hundreds have been dashed beneath the raging floods to a watery grave, and thousands are destitute, homeless and starving,

Resolved, therefore, that West Virginia in security amid the mountains from floods and storms, in her abundance should contribute to the stricken inhabitants of the Mississippi valley, such sum or assistance, as the governor of West Virginia might deem proper to suggest, the same to be appropriated out of any land or funds, which may be available.

HOUSE CONCURRENT RESOLUTION NO. 1

(Adopted January 12, 1927)

“Raising a joint committee to wait upon the Governor.”

Resolved. That a joint committee be appointed, three by the Speaker of the House and two by the President of the Senate, to wait upon the Governor and to inform him that the Legislature is organized with a quorum of each house present, and is prepared to receive any communication he is pleased to make, and to proceed with the business of the session.

HOUSE CONCURRENT RESOLUTION NO. 2

(Adopted January 12, 1927)

“Raising a joint assembly.”

Resolved, That the Senate and House meet in joint assembly at 2:30 P. M., today in the chamber of the House of Delegates, to receive any communication His Excellency, the Governor, may care to present.

HOUSE CONCURRENT RESOLUTION NO. 3

(Adopted January 17, 1927)

“Concerning the appointment of Cyrus E. Woods, as a member of the Interstate Commerce Commission.”

Resolved by the Legislature of West Virginia:

That the thanks of the Legislature of West Virginia are hereby extended to our United States Senators, Honorable M. M. Neely and Honorable Guy D. Goff, for their untiring and effective efforts to prevent the confirmation, in the United States Senate, of the nomination of Cyrus E. Woods as a member of the Interstate Commerce Commission of the United States, their actions having the hearty approval of the entire citizenry of West Virginia.

Resolved, further, that the Clerk of the House of Delegates be directed to send certified copies of this resolution to our United States Senators.

HOUSE CONCURRENT RESOLUTION NO. 4

(Adopted January 20, 1927)

“Authorizing the Auditor to draw his warrants for the mileage of members and for the *per diem* of officers and attaches of the House and Senate.”

Resolved by the House of Delegates, the Senate concurring therein:

That the Auditor is authorized to draw his warrants upon the Treasury, in advance of the appropriation for the purpose, for the mileage of the members of the House and Senate, and for the *per diem* of the officers and attaches of the House and Senate.

HOUSE CONCURRENT RESOLUTION NO. 6

(Adopted January 26, 1927)

“Raising a joint committee to wait upon the Governor.”

Resolved, by the House of Delegates, the Senate concurring therein:

That a joint committee of five, consisting of three on the part of the House of Delegates, to be appointed by the Speaker, and two on the part of the Senate, to be appointed by the President, be appointed for the purpose of notifying the Governor that the Legislature is ready to recess until March 16, next, at 12 m., and ask him if he has any further communications to make.

HOUSE CONCURRENT RESOLUTION NO. 7

(Adopted March 17, 1927)

“Providing for the introduction of a bill.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature, to introduce a bill with the following title:

“A Bill to amend and re-enact section nine of chapter thirteen of the Acts of the Legislature of one thousand nine hundred and twenty-one, incorporating the City of Mannington, in the county of Marion, in relation to qualification of voters, registration of

voters, form of election ballots, and the manner of election when there is only one candidate for the office of commissioner."

HOUSE CONCURRENT RESOLUTION NO. 8

(Adopted March 17, 1927)

Resolved by the Legislature of West Virginia, three-fourths of all of the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

"A Bill authorizing the County Court of Mason County to apply the unexpended balance of the proceeds of the Cooper District Road Bond Fund."

HOUSE CONCURRENT RESOLUTION NO. 11

(Adopted March 21, 1927)

"Providing for the introduction of a bill."

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

A Bill amending and re-enacting section twenty-two of chapter seven of the Acts of the Legislature of one thousand nine hundred and nineteen and bound in a volume of municipal charters of such acts and known as the "Charter of the City of McMechen."

HOUSE CONCURRENT RESOLUTION NO. 13

(Adopted March 29, 1927)

"Providing for the introduction of a bill."

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

“A Bill authorizing the construction, maintenance and operation of a bridge from Blaine Island in the Great Kanawha River to the mainland at South Charleston.”

HOUSE CONCURRENT RESOLUTION NO. 14

(Adopted March 30, 1927)

“Providing for the introduction of a bill.”

Resolved by the Legislature of West Virginia, three-fourths of all the members of each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title: “A Bill authorizing and empowering the county court of Marshall county to lay special levies for the purpose of building roads and bridges in said county, or any magisterial district thereof, upon the petition of the legal voters of said county or districts.”

HOUSE CONCURRENT RESOLUTION NO. 15

(Adopted March 31, 1927)

“Providing for the introduction of a bill.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title: “A Bill to amend and re-enact sections two, four, seven and eighteen of chapter seventy-one of the Acts of the Legislature of one thousand nine hundred and twenty-three, and adding thereto an additional section to be known as section thirty-eight-a, relating to the charter of the City of Philippi.”

HOUSE CONCURRENT RESOLUTION NO. 16

(Adopted April 8, 1927)

“Providing for the introduction of a bill, relating to delinquent children.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

“A Bill to amend and re-enact section thirty-seven of chapter forty-six-a of Barnes' code of West Virginia, one thousand nine hundred and twenty-three, relating to delinquent, dependent, truant and neglected children, and to repeal sections forty-two and forty-three of said chapter forty-six-a of Barnes' code of West Virginia, one thousand nine hundred and twenty-three.”

HOUSE CONCURRENT RESOLUTION NO. 17

(Adopted April 11, 1927)

“Providing for the introduction of a bill, altering and modifying the county court of Grant county.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

Consent of the Legislature is hereby given to introduce a bill with the following title:

“A Bill to establish a county court and board of commissioners for the county of Grant, under the twenty-ninth section of the eighth article of the Constitution of West Virginia.”

HOUSE CONCURRENT RESOLUTION NO. 18

(Adopted April 20, 1927)

“Providing for the introduction of a bill relating to stenographer for legal counsel for county court of Kanawha county.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

Consent of the Legislature is hereby given to introduce a bill with the following title:

“A Bill authorizing legal counsel employed by the county court of Kanawha county under the provisions of chapter one hundred and fifty-six of the Acts of the Legislature of West Virginia, regular session, one thousand nine hundred and twenty-one, to employ a competent stenographer at a compensation not exceeding one thousand dollars *per annum*.”

HOUSE CONCURRENT RESOLUTION NO. 19

(Adopted April 12, 1927)

“Providing for the introduction of a bill, relating to the Upshur county high school.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

“A Bill to amend section one of chapter eighty-six of the Acts of the Legislature of one thousand nine hundred and twenty-three, relating to the Upshur county high school.”

HOUSE CONCURRENT RESOLUTION NO. 20

(Adopted April 15, 1927)

“Providing for the introduction of a bill, relating to special juries.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

“A Bill to amend and re-enact section 21 of chapter 116, of the code of West Virginia, relating to special juries, and the selection, summoning and empaneling thereof.”

HOUSE CONCURRENT RESOLUTION NO. 21

(Adopted April 18, 1927)

“Providing for the introduction of a bill.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

“A Bill to amend and re-enact section eight of chapter seventy-one of the Acts of one thousand nine hundred and seventeen, relating to Spencer independent school district, as amended and re-enacted by chapter twenty-one of the Acts of one thousand nine hundred and twenty-one.”

HOUSE CONCURRENT RESOLUTION NO. 22

(Adopted April 14, 1927)

“Providing for the introduction of a bill, relating to the charter of Moundsville.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given to introduce a bill with the following title:

“A Bill to amend and re-enact section forty-eight of chapter eighty-two of the Acts of the Legislature of West Virginia for the year one thousand nine hundred and eleven, regular session, relating to the charter of the City of Moundsville, in the county of Marshall, granting authority to the council of said city to provide for the macadamizing, paving, repaving or resurfacing of any of the streets, avenues or alleys thereof and providing the manner of payment thereof.”

HOUSE CONCURRENT RESOLUTION NO. 23

(Adopted April 14, 1927)

“Providing for the introduction of a bill, relating to municipal charter granted by circuit court order.”

Resolved by the Legislature of West Virginia, three-fourths of all the members of each house agreeing thereto:

That consent is hereby given to introduce a bill with the following title:

“A Bill to amend and re-enact section forty-four-a of chapter forty-seven, Barnes' code of one thousand nine hundred and twenty-three, relating to municipal charters granted by circuit court order.”

HOUSE CONCURRENT RESOLUTION NO. 24

(Adopted April 18, 1927)

“Providing for the introduction of a bill.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

“A Bill to authorize the County Court of Logan County, West Virginia, to lay a special levy of not exceeding ten cents on each one hundred dollars of the assessed valuation of the taxable property in said county for each of the years 1927 and 1928 to supplement the funds derived from the levy of thirty cents for county purposes, other than roads and bridges, as now authorized by Section 2 of Chapter 28-a of Barnes' Code of one thousand nine hundred and twenty-three, and providing for the disbursement of the funds derived from said special levy.”

HOUSE CONCURRENT RESOLUTION NO. 25

(Adopted April 18, 1927)

“Providing for the introduction of a bill.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given by the Legislature to introduce a bill with the following title:

“A Bill to provide for the payment by the City of Charleston of that proportion of the existing bonded indebtedness of Charleston district which the value of the real estate annexed to the City of Charleston by an Act of the Legislature of West Virginia of one thousand nine hundred and twenty-seven bears to the value of the real estate within said Charleston district as of January first, one thousand nine hundred and twenty-seven, said values to be based upon the assessed valuation of said property for taxation for the year one thousand nine hundred and twenty-seven, and providing for a special levy to pay the same.”

HOUSE CONCURRENT RESOLUTION NO. 26

(Adopted April 18, 1927)

“Providing for the introduction of a bill, relating to the City of Pennsboro.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given to introduce a bill with the following title:

“A Bill to amend and re-enact section nineteen-w of chapter twenty-four of the Acts of the Legislature of one thousand nine hundred and twenty-five, regular and first extraordinary sessions, municipal charters.”

HOUSE CONCURRENT RESOLUTION NO. 27

(Adopted April 20, 1927)

“Providing for the introduction of a bill, authorizing the county court of Greenbrier county to lay a special levy.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given to introduce a bill with the following title:

“A Bill authorizing the county court of Greenbrier county to lay a special levy in the years one thousand nine hundred and twenty-seven and one thousand nine hundred and twenty-eight, and, if necessary, for the two years following, for purchasing additional ground and for building thereon an addition and remodeling and making permanent repairs to the present court house and for building a jail and jailer's residence, and to furnish and equip the same.”

HOUSE CONCURRENT RESOLUTION NO. 33

(Adopted April 29, 1927)

“Providing for the introduction of a bill, relating to bond issues in Nicholas county.”

Resolved by the Legislature of West Virginia, three-fourths of all the members elected to each house agreeing thereto:

That consent is hereby given to introduce a bill with the following title:

“A Bill authorizing the county court of Nicholas county to issue bonds for and on behalf of Beaver district, Kentucky district, Summersville district, Hamilton district, Jefferson district or Grant district and expend the proceeds thereof on state roads in said districts.”

HOUSE CONCURRENT RESOLUTION NO. 34

(Adopted April 29, 1927)

“Providing for the printing and distributing of advance copies of the acts of the regular session of one thousand nine hundred and twenty-seven.”

Resolved by the House of Delegates, the Senate concurring therein:

That the clerks of the two houses are hereby directed to have printed by the public printer, two thousand five hundred advance copies of the acts of this session exclusive of municipal charters, properly head noted, and with a full table of contents, and in paper binding, for distribution among the members of the Legislature, judges of the supreme court of appeals, and of the circuit, criminal and intermediate courts, circuit and county clerks, sheriffs and prosecuting attorneys.

Said public printer shall print and deliver said advance copies to the clerks of the two houses as soon as possible after the adjournment of this session. Upon receipt of the same, the clerks shall, without delay, forward by mail or express to each member of the Senate and House of Delegates at least ten of said advance copies, and one copy to each of the officials hereinbefore enumerated, and ten copies to each of the state officials, and the remainder, if any, they shall deliver to the secretary of state for general distribution. The said clerks are also authorized and directed to have printed in signature form or advance sheets, any general law which they may deem of sufficient importance to be issued and distributed in that form. The sum of two hundred dollars out of the contingent fund of the House and one hundred dollars out of the contingent fund

of the Senate is hereby directed to be paid by the auditor upon proper warrants, respectively, to pay the postage or expressage on said advance copies.

For the extra work provided for in this resolution, the time of said clerks, the supervisor of printing of the two houses, and two assistant clerks from each house is extended for sixty days, the compensation to be paid out of the contingent funds of the Senate and House, respectively, upon proper warrants being drawn therefor by the clerk of the Senate and sergeant-at-arms of the House, and the auditor is hereby authorized and directed to pay the same.

HOUSE CONCURRENT RESOLUTION NO. 35

(Adopted May 2, 1927)

“Raising a joint committee to wait upon the Governor.”

Resolved by the Legislature of West Virginia:

That a joint committee consisting of three on the part of the House, to be appointed by the Speaker, and two on the part of the Senate, to be appointed by the President, be appointed to wait upon the Governor and advise him that the Legislature has completed its labors and is ready to adjourn *sine die* and ask him if he has any further communications to make.

ACTS
OF
THE LEGISLATURE
OF
WEST VIRGINIA
FIRST EXTRAORDINARY SESSION

1927

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ACTS OF 1927

FIRST EXTRAORDINARY SESSION

CHAPTER 1

(Senate Bill No. 6—Mr. Hallanan)

AN ACT creating a capitol commission, and authorizing the construction of the main unit of the capitol building, at a cost not exceeding five million dollars, and appropriating money for the preparation of plans.

[Passed June 15, 1927. In effect from passage. Approved by the Governor.]

SEC.

1. Construction main unit capitol authorized. Commission created. How same constituted. Duties. Cost main unit limited. Appropriation for plans and specifica-

SEC.

tions.

2. Commission authorized to reimburse proper funds for sums paid out under this act.
3. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. The construction of the main unit of the capitol building is hereby authorized. A commission is hereby created which shall be composed of the governor and ten additional members to be appointed by the governor, who shall constitute the capitol commission.

The said commission is hereby directed to proceed with all reasonable dispatch, through its architect, Cass Gilbert, with the necessary plans and specifications for the construction of the main unit of the capitol building, at a cost not to exceed five million dollars, and the sum of one hundred and fifty thousand dollars is hereby appropriated, or so much thereof as is necessary, out of the general revenues of the state not otherwise appropriated, for the purpose of preparing the necessary plans and specifications of said building. All sums paid out under this act shall be upon the recommendation of said commission.

Sec. 2. The capitol commission is hereby authorized to reimburse the proper funds, out of any special funds which may hereafter be authorized for the purpose of constructing the

4 capitol, any and all sums of money paid out under the pro-
5 visions of this act.

Sec. 3. All acts and parts of acts inconsistent with the pro-
2 visions of this act are hereby repealed.

CHAPTER 2

(House Bill No. 9—Originating in the Committee on Taxation and
Finance.)

AN ACT making appropriations of public moneys to pay the
mileage of the members of the Legislature for the first extra-
ordinary session of one thousand nine hundred and twenty-
seven, and for the salaries of the officers and attaches and
other expenses thereof.

[Passed June 15, 1927. In effect from passage. Approved by the Governor.]

SEC.	SEC.
1. Appropriations to pay expenses first extraordinary session of the legislature.	4. House miscellaneous appropriations.
2. House of Delegates.	5. Senate, mileage of members.
3. Compensation elective officers; compensation speaker's appointees; compensation clerk's appointees.	6. Compensation elective officers; compensation president's appointees; compensation clerk's appointees.
	7. Senate miscellaneous appropriations.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out
2 of the treasury for the fiscal year ending June thirty, one
3 thousand nine hundred and twenty-seven, the following sums
4 of money for the following named purposes:

HOUSE OF DELEGATES

Section 2. Mileage of members of house of delegates.....	\$6461.87
2 Per diem of speaker of the house, at \$2.00 per day....	24.00
3 Contingent fund of the house of delegates.....	2000.00

Compensation of Other Elective Officers

Section 3. Compensation of Clerk for services 2 rendered during the first extraordinary session and 3 recess period, and for the time necessary to complete 4 the work of this session, indexing and printing the 5 corrected journals, and preparing and printing the 6 acts of this session.....	\$ 1,300.00
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7 Compensation of the sergeant at arms, including	
8 the time necessary to close up the work of his office	264.00
9 Compensation of the doorkeeper.....	120.00

Speaker's Appointees

10 Private secretary to the speaker, including the recess	
11 period	528.00
12 Messenger to speaker.....	60.00
13 Clerk to the sergeant at arms.....	96.00
14 Assistant sergeant at arms.....	16.00
15 Clerk to committee on taxation and finance.....	200.00
16 Stenographer to committee on taxation and finance	100.00
17 Two floor stenographers, one for fifteen days and	
18 one for twelve days.....	216.00
19 Supervisor of journal room.....	120.00
20 Supervisor of mailing and banking.....	120.00
21 Chief floor page.....	80.00
22 Three floor pages.....	170.00
23 Assistant doorkeeper.....	80.00
24 Two cloak room attendants.....	120.00
25 Three mailing clerks.....	260.00
26 Janitors, including chief janitor and assistants.....	690.00

Clerk's Appointees

27 Secretary to clerk.....	528.00
28 Messenger to clerk.....	60.00
29 Four assistant clerks.....	1,296.00
30 Joint supervisor of printing (one-half for House)....	240.00
31 Other assistant clerks, including supervisor of print-	
32 ing, printing clerks, proof readers, copy holders,	
33 enrolling clerk, bill record clerks and journal	
34 clerks	1,800.00

Miscellaneous Appropriations

Section 4. Clutter Typewriter Exchange—rent	
2 on typewriters	\$ 18.00
3 L. J. Coyle—rent on typewriter.....	4.00
4 Smith and Brooks—merchandise.....	3.50
5 S. Spencer Moore & Co.—merchandise.....	86.65
6 Mock Orange Mineral Water Co.....	34.20

7	To reimburse sergeant at arms for taxi and car fare	
8	to and from the capitol.....	15.00
9	Kanawha county court, light, heat and water for	
10	extraordinary session and recess period.....	250.00
11	Callahan's Garage, oil, gas, etc.....	14.00

SENATE

	Sec. 5. Mileage of the members of the senate.....	\$ 2,110.00
2	President of the senate, two dollars per day extra	
3	for presiding	24.00
	<i>Compensation and Per Diem of Other Elective Officers</i>	
	Sec. 6. Clerk of the senate, for services rendered	
2	during the extraordinary session and the recess period	
3	and for time necessary to complete the work of the	
4	session in printing and indexing the corrected jour-	
5	nal, and in the preparation of the executive session	
6	journal	\$ 1,300.00
7	Sergeant-at-arms of the senate, for work of the	
8	extra session and time to complete the same.....	180.00
9	Doorkeeper of the senate, extra session.....	120.00

President's Appointees

10	Chaplain of the senate.....	50.00
11	Secretary to the president.....	300.00
12	Stenographer to the president.....	150.00
13	Clerk to the committee on judiciary.....	150.00
13-a	Stenographer to the committee on judiciary.....	150.00
13-b	Clerk to the committee on finance.....	150.00
14	Stenographer to the committee on finance.....	300.00
15	Supervisor of stenographers.....	150.00
16	Assistant sergeant-at-arms, for session and time to	
17	assist in completion of work.....	120.00
18	Assistant doorkeeper	120.00
19	Mailing and banking page.....	215.00
20	Two Journal pages.....	120.00
21	Cloak-room attendant	60.00
22	Two toilet-room attendants.....	140.00
23	Two stenographers	480.00
24	One chief janitor and two assistant janitors.....	120.00
25	One janitor for clerk's offices, capitol annex.....	60.00
26	To pay D. O. Pauley, supervisor of the City Build-	

27	ing, Charleston, for extra janitor services rendered	
28	during the extra session.....	500.00

Clerk's Appointees

29	Chief assistant clerk.....	660.00
30	Official stenographer, session and time to complete	
31	work of same.....	460.00
32	One stenographer, session and time to complete work	
33	of same, including assistance on executive session	
34	journal	445.00
35	Senate's one-half of compensation of supervisor of	
36	printing of the two houses, session and time to	
37	complete work of same.....	330.00
38	Assistant supervisor of printing.....	120.00
39	Two abstract clerks.....	300.00
40	House bill record clerk.....	120.00
41	Bill editor and assistant.....	300.00
42	Superintendent of document room and assistant sup-	
43	erintendent	300.00
44	One office stenographer.....	300.00
45	Two journal clerks and two copy holders.....	480.00
46	Messenger to the clerk.....	120.00
47	To pay expenses of code committee upon requisition	
48	of president	5,000.00
49	Contingent fund of senate.....	2,000.00

Miscellaneous Appropriations

Sec. 7. To pay the following named persons and firms for
 2 supplies furnished and services rendered, one thousand nine
 3 hundred and twenty-seven extraordinary session senate:

4	Mason Burke, drayage.....\$	46.50
5	Coyle & Richardson, labor and felt covering for table	22.38
6	Clarksburg Telegram, letter heads and envelopes.....	40.35
7	Kanawha Ice Co., ice.....	33.30
8	Laird Office Equipment Co., mimeographing.....	4.35
9	Mock Orange Water Co., drinking water.....	40.80
10	S. Spencer Moore Co., supplies.....	197.11
11	Schoolfield-Harvey Electric Co., electrical supplies	2.50
12	Tribune Printing Co., codes and supplements.....	54.90

13 Underwood Typewriter Co., typewriter rentals.....	12.50
14 Wilson & Davis, mimeographing and mailing letters	87.24
15 Talleys, for office supplies.....	35.60
16 Callahan's Garage, for supplies.....	20.20
17 Charleston Engraving Co., for signature cuts.....	15.10

FIRST EXTRAORDINARY SESSION

SENATE JOINT RESOLUTION NO. 2

(Adopted June 14, 1927)

“Recognizing the distinguished service of Captain Charles A. Lindbergh to the cause of aviation and expressing the deep appreciation of the State of West Virginia of his contribution to history.”

WHEREAS, Captain Charles A. Lindbergh, an intrepid and valorous young American, has set a new record and inaugurated a new era in world achievement in bringing the old world and the new world closer together; and

WHEREAS, His genius, persistence and courage have awakened the admiration and wonder of mankind throughout the civilized earth, while working mightily in the cause of amity and good will between all the nations of the earth; and

WHEREAS, The said Captain Charles A. Lindbergh has earned a place in air history and achievement comparable to the immortal deeds of John Paul Jones, Decatur, Farragut and Dewey on the sea; therefore, be it

Resolved by the Legislature of West Virginia:

That in recognition of his distinguished service to the cause of aviation and the glory he has reflected upon his native land by his undaunted courage and skill, this body do formally express upon behalf of the State of West Virginia its deep appreciation of Captain Lindbergh's contribution to history, and that the Governor extend an invitation to Captain Lindbergh to honor the State of West Virginia by visiting its Capital at some future time convenient to his many engagements.

SENATE JOINT RESOLUTION NO. 3

“Memorializing the Congress of the United States to inquire into the activities of the Interstate Commerce Commission in seeking to

establish control of industry, its interference with the freedom of commerce between the States and its usurpation of power to stifle and suppress competition in the coal-consuming markets of the northwest.”

WHEREAS, The Congress of the United States created the Interstate Commerce Commission and vested in this agency or tribunal regulatory control of transportation for the protection of shippers, the carriers and the consumers of the nation; and,

WHEREAS, The Interstate Commerce Commission has sought to establish control of industry, its interference with the freedom of in at least six of the coal-producing States of the Appalachian area, through the snurpation and exercise of power and authority never vested in said commission by the Congress, and has failed and refused to do justice to shippers, carriers and consumers; and,

WHEREAS, The said Interstate Commerce Commission, arbitrarily and unlawfully, has interfered with the commerce between the States, and has sought, unlawfully, to stifle and suppress competition in consuming markets; and,

WHEREAS, In an order published May 28, 1927, the said Interstate Commerce Commission has sought to exclude the coal produced in West Virginia, Kentucky, Virginia and Tennessee from the consuming markets of the northwest by the extension of additional and unfair freight rate advantages to the Pittsburgh and eastern Ohio mines, located in rival and competing districts; and,

WHEREAS, The said commission two years before had denied the petition of the operators of the northern districts for greater freight rate advantages and the recent order of the Commission was made after political influence had been diligently expended and the commission had been threatened with a congressional investigation if it failed to yield the advantages sought; therefore, be it

Resolved by the Legislature of West Virginia:

That the memorial below, summarizing the facts in the Lake Cargo freight rate case, be transmitted with this resolution to the President and the Congress of the United States and the Interstate Commerce Commission; and that the Congress be respectfully requested and urged to make a full and complete inquiry into the activities of the said Interstate Commerce Commission:

First. To ascertain if the said commission has been endowed with authority by law to establish economic dictatorship and control over industry by the arbitrary and illegal use of its rate-making power.

Second. To ascertain if the said commission has been empowered by law to interfere with and interrupt the freedom of commerce between the States and by the usurpation of power stifle and suppress competition between competing producing districts in the consuming markets of the several States.

Third. To ascertain if the Commission was swayed or influenced by threats of investigation or the exercise of political influence to reverse its original order in the Lake Cargo case.

Fourth. To ascertain if there were any advance information concerning the effect of the order of the commission given to any party or parties prior to the publication of the order, that might have been responsible for the sharp upward movement of the stock of the Pittsburgh Coal Company for several days prior to the publication of the order.

Fifth. To ascertain if the said commission in its final order took into consideration the preponderance of evidence that the shippers of the northern districts were suffering from local, self-inflicted economic handicaps, and that their loss of tonnage had been due to these causes rather than freight rates, and whether the commission gave consideration to the demands of consumers in the northwestern States that competitive conditions between the northern and southern districts be maintained through the retention of established differentials.

Sixth. To ascertain if the said commission in the Lake Cargo case departed from the usual basis for rate-making, including consideration of the revenues of the carriers, the cost of service and the ability of producers and consumers to pay the rates so that commodities may move freely in competition from all sections, and substituted therefor the mileage theory of rate-making.

Seventh. To ascertain if additional legislation is necessary to curb the Interstate Commerce Commission from the exercise of arbitrary and unlawful powers for the purpose of favoring one group of shippers to the injury of another group of shippers competing in the markets for the sale of competitive commodities.

A MEMORIAL

To the Congress of the United States:

The Legislature of West Virginia, acting for and in behalf of the people of West Virginia, would respectfully represent that it is aggrieved by a recent order of the Interstate Commerce Commission, published May 28, 1927, establishing increased freight differentials favoring shippers of coal in the Pittsburgh and eastern Ohio districts over rival and competing districts in West Virginia, Kentucky, Virginia and Tennessee on shipments of coal from these districts to ports on Lake Erie, from whence it is transported by vessels in lake cargo shipments to ports on the Upper Lakes and thence distributed to consuming markets in Michigan, Minnesota, Wisconsin and the two Dakotas, generally known as the **northwestern** markets.

Statement of Case

Shipments of lake cargo coal from Lake Erie ports to the northwest approximate 30,000,000 tons annually. These shipments are made in the period between April and November while navigation is open. Consumers in the northwest are required to purchase their fuel supply during these months when there is an uninterrupted and adequate supply. In those States to stock coal for the wintry months is an imperative necessity.

The lake cargo shipments in 1900 amounted to 6,000,000 tons annually. For many years these markets were dominated by the Pittsburgh and Ohio producers. In the early years of the century the Pittsburgh district shipped about 65 per cent of the coal in the lake cargo trade. In the year 1913, when more than 26,000,000 tons of coal were shipped in the lake cargo trade, Pittsburgh shipped 12,000,000 tons or 45 per cent of the total, while the Ohio districts shipped 21 per cent of the total tonnage.

When the world war came in 1914, coal prices soared as the demand for fuel was echoed throughout the land. Great industrial plants were operating twenty four hours a day to supply the demands of the Allied Nations and when the United States entered the conflict enlarged their production. In the Pittsburgh and other northern districts, densely populated and the home of many of the greatest industries of the Nation, there was an unceasing demand for coal. The northwestern markets were ignored and the

production of the northern districts diverted to consumption in nearby markets. Following the war came strikes and serious labor troubles which closed many of the mines in the northern districts.

It was natural then that the consumers of the northwestern states should turn for their supply of coal to districts where they could purchase an adequate supply at reasonable prices. They came to the West Virginia and other districts south of the Ohio River. Impressed with the quality of the fuel they were buying and its availability at all times the lake cargo tonnage from West Virginia and adjacent southern districts grew steadily, while the northern districts when the lean years came in the coal trade were never able to regain the markets they had voluntarily abandoned to serve their markets at home.

Freight Rates and Differentials

Prior to 1912 the differential on coal shipped to lake ports from the high volatile fields of southern West Virginia, embracing the Kanawha, Logan and Thacker districts, and the Pittsburgh district was 9 cents on each ton favoring the Pittsburgh district. In this period the differential or freight rate advantage of Pittsburgh over the low volatile fields of West Virginia—New River and Pocahontas—was 24 cents on each ton. While this comparatively low differential was maintained the Pittsburgh district shipped in excess of 50 per cent of the lake cargo tonnage.

In 1912 the Interstate Commerce Commission, in the Boileau or first lake cargo freight rate case, increased the differential or freight rate advantage of the Pittsburgh district over the West Virginia districts ten cents on each ton, giving to Pittsburgh a rate advantage of nineteen cents a ton over the high volatile fields and thirty-four cents over the low volatile fields of West Virginia.

In 1917 the Interstate Commerce Commission again increased the freight rate advantage of the Pittsburgh district over the competing districts in West Virginia, increasing the differentials to a minimum of twenty-five cents and a maximum of forty cents on each ton in favor of Pittsburgh.

These differentials or freight rate advantages favoring Pittsburgh and the northern districts were maintained without change since 1917 until the recent order of the commission of which we now complain.

The northern districts which shipped from sixty to ninety per cent of the total tonnage in the lake cargo trade with a freight rate

advantage of nine cents on each ton, and from fifty-two to sixty-six per cent of the total tonnage with a rate advantage of nineteen cents on each ton, fell to fourteen per cent of the total lake cargo tonnage in one thousand nine hundred and twenty-six, when their freight rate advantages ranged from twenty-five to forty cents on each ton.

It becomes apparent, therefore, that any losses in tonnage or markets sustained by the northern districts were due to causes other than freight rates, which have been adjusted by the commission three times in fifteen years to give the Pittsburgh and eastern Ohio districts additional rate advantages over the rival and competing districts of West Virginia and adjacent States. In fifteen years these freight rate advantages have been increased three hundred and seventy-seven per cent in favor of Pittsburgh.

The Present Lake Cargo Case

The original complaints in the present lake cargo freight rate case were filed with the Interstate Commerce Commission November 21, 1923. The northern districts charged that their rates were unjust and unreasonable, relatively unreasonable and unduly prejudicial as compared with rates from other northern and southern districts.

The commission on July sixteenth, one thousand nine hundred and twenty-five, rendered an opinion reciting that the rates complained of did not exceed the maximum of reasonableness, were just and reasonable rates and denied the petition of the operators of the northern districts. The commission, its original opinion, said:

“These cases have been prepared with care and presented upon a comprehensive record. The contentions of the various parties—complaints, interveners and defendants—have all been considered and weighed, although all of them have not been recited or discussed in this report.”

On December 21, 1925, complainants filed a petition for re-argument and re-consideration. The railroads, shippers in the southern districts and consumers in the northwestern markets filed protests in opposition thereto, but subsequently the case was re-opened for further hearings.

The State railroad or public service commission of the consuming States were vigorously opposed to the re-opening of this case.

The attitude of the consumers in the northwest is reflected in the following excerpt from the letter of the Railroad Commission of Wisconsin to Hon. Howard M. Gore, Governor of West Virginia:

“We quite agree that it is desirable to maintain as many competitive sources of coal supply as possible. During the post-war period, the writer (chairman of the commission) was a member of the Governor’s Coal Committee when Wisconsin suffered severely from a coal famine. The Wisconsin Lake Michigan docks were wholly depleted of their usual reserve coal supply, strikes prevailed in the Pittsburgh and Illinois districts and the only source of coal to keep out utilities going was the West Virginia territory.”

This letter epitomizes the situation between the competing districts. It reveals the demand of consumers for competitive rates and explains the shift of tonnage from the northern to the southern districts.

After the hearing of additional testimony the Commission made another report on May twenty-eighth, one thousand nine hundred and twenty-seven, reversing its former order and holding that the rates from the northern districts to lake ports were relatively unreasonable entered an order reducing the rates from the northern districts twenty cents on each ton of coal. This order increases the minimum differential favoring Pittsburgh from twenty-five cents to forty-five cents and the maximum differential from forty to sixty cents on each ton.

Pending the final order in this case the Lake Cargo freight rate case became a target of political attack. Threats were made, apparently with the sanction of the northern shippers, to the effect that a congressional inquiry would be instituted if the commission failed to yield the greater advantages sought by the Pittsburgh district. A member of the United States Senate from Pennsylvania repeatedly denounced the commission for its one thousand nine hundred and twenty-five decision and he was commended for his aid in procuring a rehearing of the case. This same Senator in a private address to coal operators of Western Pennsylvania, made the following statement:

“Of course we are going to demand our rights, but we are not going to stop there. We are not only going to demand them, but we are going to fight for them and fighting for them means that we are going to keep at it until we

have fair representation and until that fair representation has yielded a correction of these conditions of which we complain.”

Under these strange series of circumstances which have for a purpose the common aim of exclusion of coal mined in West Virginia, Virginia, Kentucky and Tennessee from the consuming markets, through the extension of governmental favors to competing districts in the form of more advantageous freight rates, the Legislature of West Virginia urges upon the Congress a full and complete investigation of inquiry into the activities of the commission.

The Legislature respectfully makes the following representations to the Congress:

(1.) The differentials established by the order of the commission of May twenty-eighth, one thousand nine hundred and twenty-seven, will result in the suspension of many mines in West Virginia, with consequent unemployment to thousands of miners and entail grave economic disturbances in many communities of the State dependent on the coal industry.

(2.) These higher differentials will result in higher costs of production as a result of the interrupted operation of the mines and increase the cost of coal to the consumer.

(3.) The commission in establishing these higher freight differentials sought to equalize costs of production between competing districts to the injury of the southern districts by extending increased freight rate advantages to the northern districts.

(4.) The commission ignored the preponderance of evidence presented to show that the loss of tonnage in the northern districts was due to idleness of mines caused by strikes, wage scales, labor disturbances, oppressive land values, higher taxation, excessive overhead expenses, old mines, antiquated machinery, absence of modern mechanical equipment for the preparation of coal for the markets and other local self-inflicted handicaps which the commission, under the law, was not authorized to consider.

(5.) The commission has sought to make mileage or distance the measure of freight rates, ignoring the recognized principle of rate making that the longer the haul the less the rate per ton-mile, and which, if adhered to, would mean the localization of markets

for all commodities and entail grave consequences to shippers of agricultural and industrial products throughout all the States of the Union.

(6.) The commission declined to consider the demands of consumers in the several States of the northwest that competition between these rival producing districts should be continued and that the spread of differentials should be narrowed rather than widened.

(7.) The commission in its reversal of the order of July, 1925, after bitter and prolonged political attack was, consciously or unconsciously, influenced to a degree where the order of May twenty-seventh, one thousand nine hundred and twenty-seven, does not represent its free, unbiased and unfettered opinion.

(8.) The commission usurped powers with which it was not invested by the Congress when it sought to extend governmental subsidies in the form of freight rates to the northern districts to overcome any natural advantages possessed by the competing southern districts.

(9.) The commission's order of May twenty-eighth, one thousand nine hundred and twenty-seven, was a "trick" decision and ostensibly an effort to prevent West Virginia and other southern shippers from seeking redress in the courts of the land.

10.) The commission sought through suggestion and admonitions to warn and coerce carriers serving the southern districts from putting into effect reduced rates to offset the lower rates imposed by the commission on northern carriers, thereby prejudicing issues which may later come before the commission for determination.

(11.) The finding of the commission that the rates from the northern districts to lake ports was a subterfuge employed by the commission for the purpose of increasing the freight rate advantages of the northern districts through a further widening of differentials, admittedly the aim of northern producers to curtail if not destroy southern production.

(12.) The commission, with the single exception of the original lake cargo decision in one thousand nine hundred and twenty-five, which it has now reversed, has exhibited constant prejudice to the development of the coal industry in West Virginia and adjacent States south of the Ohio River, regardless of the fact that the evi-

dence clearly reveals the opening of these mines have decreased the cost of coal to the consumers, and has sought to retard and has retarded development of the industry in the aforesaid southern districts by the imposition of unjust, unreasonable, unwarranted and arbitrary freight rates.

SENATE JOINT RESOLUTION NO. 4

(Adopted June 15, 1927)

Providing for the appointment of a joint committee to prepare and submit revenue bills providing for the construction of the main capitol building."

Be it resolved by the Legislature of West Virginia, both Houses concurring therein:

That a committee of fourteen be appointed, composed of seven members from the Senate and seven from the House, including the President of the Senate, and Speaker of the House, by the respective presiding officers thereof, promptly after the adjournment of the Legislature, which committee, together with the Governor, shall proceed with all reasonable dispatch, to prepare and submit to an extraordinary session of the Legislature, to be convened as soon as practicable by the Governor, the necessary revenue bills to carry out the purposes of the act passed at this extraordinary session, providing for the construction of the main capitol building.

The necessary expenses of the committee shall be paid from the contingent funds, respectively, of the House and Senate.

SENATE CONCURRENT RESOLUTION NO. 1

(Adopted May 3, 1927)

"Providing for the appointment of a joint committee to wait upon the Governor."

Resolved by the Senate, the House of Delegates concurring therein:

That a committee of two on the part of the Senate, to be appointed by the President, and three on the part of the House of Delegates, to be appointed by the Speaker, be appointed to wait upon the Governor and notify him that the Legislature is now in extraor-

dinary session, pursuant to his proclamation, dated May three, one thousand nine hundred and twenty-seven, with a quorum of each house present, and awaits any communication he may desire to transmit.

SENATE CONCURRENT RESOLUTION NO. 2

(Adopted May 4, 1927)

“Providing for a recess of the extra session of the Legislature.”

WHEREAS, the Legislature was convened in extraordinary session by the Governor on May third, one thousand nine hundred and twenty-seven, for the purpose of considering certain legislation recommended by him; and,

WHEREAS, the members of the Legislature have been in continuous session since the sixteenth of March, one thousand nine hundred and twenty-seven, and it is necessary that they return to their homes in order to give attention to their personal affairs at this time; therefore, be it

Resolved, That upon the adoption of this resolution the members may return to their homes to reassemble at the end of the recess herein provided for, and the Legislature shall stand recessed until Monday, June sixth, one thousand nine hundred and twenty-seven, at two o'clock, P. M. Be it further

Resolved, That the members of the Legislature shall be paid mileage for their attendance at the recessed meeting of this session, to be paid in the manner provided by law.

SENATE CONCURRENT RESOLUTION NO. 6

(Adopted June 15, 1927)

“Providing for the appointment of a joint committee from the Senate and House of Delegates to confer with the Governor for the purpose of considering and working out a plan looking to the construction of the main capitol building.”

Be it resolved by the Senate, the House of Delegates concurring therein:

That a committee of five be appointed by the President of the Senate and five by the Speaker of the House of Delegates to confer immediately with the Governor, for the purpose of considering and working out a plan for the construction of the main capitol building and to report back their finding to their respective bodies by ten o'clock, this P. M.

HOUSE CONCURRENT RESOLUTION NO. 2

(Adopted May 3, 1927)

“Providing for a joint assembly.”

Resolved by the Legislature of West Virginia:

That the two Houses of the Legislature meet in joint assembly in the hall of the Houses of Delegates, at 3:30 o'clock, P. M., on Tuesday, May 3, to hear any message His Excellency, the Governor, may wish to deliver to the Legislature.

HOUSE CONCURRENT RESOLUTION NO. 3

(Adopted June 15, 1927)

“Raising a joint committee to wait upon the Governor.”

Resolved by the House of Delegates, the Senate concurring therein:

That a joint committee of five, consisting of three on the part of the House of Delegates, to be appointed by the Speaker, and two on the part of the Senate, to be appointed by the President, be appointed for the purpose of notifying the Governor that the Legislature has completed the work of this extraordinary session and is ready to adjourn, *sine die*, and ask him if he has any further communication to make.

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